

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

May 10, 2012

COUNCIL CHAMBERS

MEMBERS PRESENT: Peter DeMasters, Sam Loretta, William Wyant, Mike Shuman, Ken Martis

MEMBERS ABSENT: Carol Pyles, Tim Stranko, Bill Petros, Jennifer Selin

STAFF: Heather Dingman, AICP, Christopher Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 PM.

II. GENERAL PUBLIC COMMENTS: None

III. MATTERS OF BUSINESS:

A. Approval of the April 12, 2012 minutes. Martis moved to approve the minutes of the April 12, 2012 meeting with an amendment to the adjourn time to reflect 9:30 PM; seconded by Wyant. Motion carried unanimously.

IV. OLD BUSINESS: Wyant made a motion to move the discussion of "Old Business" to the end of the agenda, since it is likely to take a considerable amount of time; seconded by Martis. Motion carried unanimously.

V. NEW BUSINESS:

A. MNS12-12 / Glenmark Holding, LLC / Earl Core Road and Sterling Drive: Request by Mark Nesselroad, Jr., on behalf of Glenmark Holding, LLC, for minor subdivision approval of property located along Earl Core Road at Sterling Drive; Tax Map 31, part of former Parcel 107; B-5, Shopping Center District.

Dingman read the Staff report, stating that the petitioner seeks to create two additional parcels from former Parcel 107 of Tax Map 31. Addendum A of this report illustrates the location of the subject site.

Proposed Parcel 1A will contain approximately 0.78 acres and have 126.84 feet of frontage on Earl Core Road. Proposed Parcel 1B will contain approximately 0.75 acres and have 126.68 feet of frontage on Earl Core Road.

Each of the proposed parcels exceeds the minimum lot area standard of 0.5 acres and minimum lot frontage standard of 60 feet in the B-5 District.

Additionally, there will be an access easement between the two proposed parcels for the benefit of Parcel 2 (J.D. Byrider) and Parcel 3 (hotel under construction). This easement was created under minor subdivision petition MNS10-09 approved by the Planning Commission on July 8, 2010.

DeMasters recognized the applicant, Mark Nesselroad, Jr., representing Glenmark Holding, LLC. Mr. Nesselroad stated that he felt this request was a natural one, from a planning standpoint, given the layout of the lots at this location.

DeMasters opened the public hearing portion, asking if anyone was present to speak in favor or opposition. There being no comments, DeMasters declared the public hearing closed and asked for Staff's recommendation.

Dingman stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including easement illustration and descriptions if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Martis stated that the requests under new business this evening are very perfunctory requests in which Planning staff has done a great job researching, providing maps, etc. to make the deliberations short.

Martis made a motion to approve request MNS12-12, with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

B. MNS12-06 / Crestone Properties / Grove Street: Request by Crestone Properties for minor subdivision approval of property located on Grove Street; Tax Map 14, Parcel 144; R-1A, Single-Family Residential District.

Dingman read the Staff Report, stating that the petitioner seeks to subdivide two single-family residential parcels into three parcels. Addendum A of this report illustrates the location of the subject site.

The applicant requests to divide an 8,000 square foot parcel with a single-family home into two parcels, and implement a minor boundary adjustment between an adjoining 4,000 square parcel in order to better distribute land among the three parcels. The minimum lot area in the R-1A District is 3,500 square feet, and the minimum frontage is 30 feet.

The plat of survey map submitted by the applicant proposes three parcels: lots four, five, and six as shown in Addendum B attached hereto. The parent parcel, 525 Grove Street, will retain the single-family dwelling.

As shown on the plat of survey map, lot four will have an area of 3,750 square feet with 37.5 feet of frontage on Grove Street, lot five will have an area of 3,750 square feet with 37.5 feet of frontage on Grove Street, and lot six will retain the single-family house and have an area of 4,500 square feet with 45 feet of frontage on Grove Street. All parcels appear to adhere to the minimum lot, frontage, and setback requirements for the R-1A District. No setback encroachments will be created as a result of this subdivision.

DeMasters recognized the applicant, Sarah Burchfield, from Albright, WV, who stated she has people interested in constructing single-family homes on these lots.

DeMasters opened the public hearing portion, asking if anyone was present to speak in favor or opposition to the request. There being no comments, he declared the public hearing portion closed and asked for Staff's recommendation.

Dingman stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Wyant asked if all three lots would retain the R-1A zoning classification. Dingman answered that they would.

Martis moved to approve request MNS12-06, with Staff recommended conditions; seconded by Loretta. Motion carried unanimously.

- C. MNS12-08 / Vintner Reserve / 510 Burroughs Street:** Request by Bernie Bossio, on behalf of Vintner Reserve, for a minor subdivision approval of property located at 510 Burroughs Street; Tax Map 55, Parcels 37 and 37.2; R-1, Single-Family Residential District.

Dingman read the Staff Report, stating that the petitioner seeks to subdivide approximately 825 square feet from Parcel 37.2 and add same to Parcel 37. Addendum A of this report illustrates the location of the subject site. Addendum B illustrates the proposed subdivision.

The purpose of the subdivision is to ensure that the retaining wall constructed as a part of the commercial development fronting Burroughs Street is completely contained within Parcel 37. Staff understands both property owners agreed to this minor boundary adjustment prior to the construction of the retaining wall. Minor subdivision approval is necessary prior to the City's issuance of a certificate of occupancy for the commercial development fronting Burroughs Street.

Dingman stated that the applicant asked for Staff to represent the request.

DeMasters asked if the wall had been built yet. Dingman answered that she believed it was under construction, but not completed yet.

DeMasters opened the public hearing portion, asking if anyone was present to speak in favor or opposition. There being no comments, DeMasters declared the public hearing portion closed and asked for Staff's recommendation.

Dingman stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including easement illustration and descriptions if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,

2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Martis moved to approve request MNS12-09 with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

- D. MNS12-09 / Bruceton Farm Service, Inc. / 1521 Earl Core Road:** Request by Howard Goodstein, on behalf of Bruceton Farm Service, Inc., for a minor subdivision approval of property located at 1521 Earl Core Road; Tax Map 31, Parcels 111, 111.1, 105.1, 149.2, and 108; B-2, Service Business District.

Dingman read the Staff report, stating that the petitioner seeks to resubdivide five existing parcels that contain a total area of approximately 91,946 square feet (2.1108 acres) into two parcels. Addendum A of this report illustrates the location of the subject site.

The proposed 1.2705 acre parcel will have approximately 260 feet of frontage along Earl Core Road and approximately 240 feet of frontage along Greenbag Road. This tract is the site of the future Walgreens store for which variance approvals were granted by the Board of Zoning Appeals in October 2011.

The proposed 0.8403 acre parcel will have approximately 170 feet of frontage along Earl Core Road. This tract is east of and adjoining the AutoZone development.

Both parcels exceed the minimum lot area standard of 6,000 square feet and minimum lot frontage standard of 60 feet in the B-2 District.

DeMasters recognized the applicant, Howard Goodstein, representing BFS, Inc.

Martis asked if the existing buildings would be torn down. Mr. Goodstein answered that they would.

DeMasters opened the public hearing portion of the meeting, asking if anyone was present to speak in favor or opposition to the request. There being no comments, DeMasters declared the public hearing portion closed and asked for Staff's recommendation.

Dingman stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including easement illustration and descriptions if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Martis made a motion to approve request MNS12-09 with Staff recommended conditions; seconded by Wyant. Motion carried unanimously.

IV. OLD BUSINESS:

- A. **TX12-01:** Administratively requested text amendments to the Planning and Zoning Code related to Extractive Industries. Affected Articles include 1329.02 “Definitions”, 1331.05 “Permitted Land Uses”, 1331.06 “Supplemental Regulations Pertaining to Permitted Uses Table”, 1355 “I-1 Industrial District”, 1365.04 “Determining the Number of Spaces Required”, and 1385 “Site Plan Review”.

Fletcher began the discussion at 7:00 p.m. He referred to the revised Staff Report Addendum that included changes to the text presented by Staff at the April 12, 2012 hearing, which were highlighted in red font. Fletcher noted that there were also some minor typos that had been corrected. Not all of the areas highlighted in red font were directly related to comments or questions that were raised last month.

Fletcher discussed all of the changes in red font. Fletcher then discussed Staff Report Addendum B that included Staff responses to questions, comments, and/or concerns offered during the April 12, 2012 Planning Commission hearing.

Loretta asked Fletcher for clarification on the Planning Divisions public notification efforts.

Martis complemented Staff’s work and wants this to be a model for other communities considering similar zoning regulations.

There was a discussion of the use of the terms “noxious” and “obnoxious” in Article 1355.08(A)(4) and (9) and Article 1355.08(B)(4) and (9). The Planning Commission directed Staff to include both terms were either is used.

DeMasters opened the public hearing asking if anyone was present to speak in support of the proposed text amendments.

DeMasters recognized James Kotzen, who stated that he is a member of the City’s Green Team and supports the changes. He would like to see additional monitoring of wells by more than State agencies and suggested citizen inspectors.

There being no further comments in support, DeMasters asked if anyone was present to speak in opposition of the proposed text amendments. There being none, DeMasters declared the public hearing closed and asked for Staff’s recommendation.

Fletcher stated that Staff recommends that the proposed text amendments provided in Addendum A of the Staff Report dated May 10, 2012 be submitted to City Council with an affirmative recommendation to amend the City’s Planning and Zoning Code accordingly.

Martis moved to send an affirmative recommendation to City Council as recommended with the minor revision concerning the use of the terms “noxious” and “obnoxious”; seconded by Wyant. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: No report
- Green Team: No report

B. Staff Comments:

Fletcher announced that the Morgantown Comprehensive Plan Steering Committee was scheduled to hold its second meeting on Monday, May 21, 2012 at the Morgantown Municipal Airport, Administration Building Conference Room at 6:00 PM.

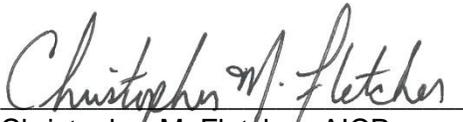
VII. FOR THE GOOD OF THE COMMISSION – None.

VIII. ADJOURNMENT: 7:50 PM

MINUTES APPROVED:

June 15, 2012

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP