

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

June 11, 2015

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Sam Loretta, Carol Pyles, Bill Kawecki, Bill Petros, William Blosser, Ken Martis, Michael Shuman and Tim Stranko

COMMISSIONERS ABSENT: None

STAFF PRESENT: Christopher Fletcher, AICP

I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. **GENERAL PUBLIC COMMENTS:**

III. **MATTERS OF BUSINESS:**

A. Approval of the March 12, 2015 meeting minutes: Stranko moved to approve the minutes as presented; seconded by Martis. Motion carried unanimously.

B. Approval of the May 14, 2015 meeting minutes: Kawecki moved to approve the minutes as presented; seconded by Stranko. Motion carried unanimously with Blosser, Martis, Pyles and Shuman abstaining due to their absence.

IV. **UNFINISHED BUSINESS:** None

V. **NEW BUSINESS:**

A. **RZ15-06 / Stan Corp / Glenn Ridge Apartments PUD:** Request by Marlin L. Stanczyk, Sr. of Stan Corp, on behalf of Rob Lynch, for a Zoning Map Amendment to reclassify approximately 2.12 acres of realty between Protzman Street and Keyser Street from R-1A, Single-Family Residential District to PUD, Planned Unit Development District; Tax Map 14, Parcels 478, 479 and 492 and Tax Map 20, Parcels 455 and 456; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized Stephanie Jano of Stan Corp who presented a PowerPoint presentation to illustrate the proposed Planned Unit Development.

Stranko asked for further explanation of the lighting plan on the site. Jano stated a lighting plan has not been completed at this time, however both the exterior and the entrance to the buildings will have sufficient lighting.

Petros asked if ingress and egress were considered off of Keyser Street. Jano confirmed and explained that Keyser Street is narrow and additional traffic was determined to potentially impact the adjoining single-family neighborhood.

Petros expressed concerns with additional traffic on Protzman and the materials for the exterior of the buildings. Petros asked if something other than vinyl siding could be used. Jano noted that vinyl siding blends into the neighborhood.

Stranko asked if Jano was present at the community meeting regarding the proposed project. Jano confirmed and noted that residents were concerned with traffic congestion and therefore they added information regarding the traffic study within the PowerPoint presentation to show that most students are projected to walk rather than drive to campus.

Stranko asked if an on-site manager would be living at the property. Jano stated that management would be available 24 hours a day but she is not aware if management would be living on site.

Stranko asked if non-students would be permitted to lease a room. Jano confirmed and explained the rooms would be bigger than dorm style type housing.

Stranko asked if the labor force would be contracted out. Jano stated the company uses their own crew and hires a lot of subs.

Stranko asked if the project included private outdoor space for the residents. Jano stated there would not be private outside decks but outdoor space community space will be provided.

Loretta asked if trash would be collected at the individual buildings. Jano explained that trash will be collected at a central dumpster up to three (3) times a week.

Petros asked if a walk-way could be provided to connect to Glenn Street. Jano referred to the PowerPoint presentation to explain the locations of the proposed sidewalks.

Fletcher noted the building along Glenn Street has a significant retaining wall opposite the parking lot that would be a barrier to a pedestrian connection to Glenn Street.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition.

DeMasters recognized Jenny Simmons of 127 Willowdale Road who expressed concerns with losing trees as they control stormwater and runoff. Simmons stated the area is R-1A and expressed that Morgantown needs to protect private property, ecology, psychology and livability.

There being no further comments, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko referred to the City Code and noted it requires a 10 percent reduction in stormwater capture and therefore the project would provide a reduction in downstream discharge as opposed to creating more problems with the impervious service being added to the property.

Stranko noted that the property is privately owned and the removal of trees would not be contrary to public health and safety.

Petros expressed concerns with using vinyl siding in this size of a project. Stranko agreed but stated the buildings are not located in a prominent space such as Beechurst Avenue.

Fletcher referred to the City Code and stated the Planning Commission has the right to add conditions related to design standards.

Stranko moved to forward a favorable recommendation to City Council for Case No. RZ15-06 to approve the "Glenn Ridge Apartments" PUD Outline Plan and the zoning reclassification of the subject realty from R-1A to PUD with Staff recommended conditions; seconded by Petros. Motion carried 7-2 with Pyles and Blosser voting nay.

NOTE: The following conditions were included in the motion:

- 1. That the "Glenn Ridge Apartments" PUD Outline Plan dated 30 APR 2015 be supplemented by the petitioner's presentation to the Planning Commission, this Staff Report, and the considerations and conditions recommended herein as the convention to be used in evaluating and approving the petitioner's Development Plan.*
- 2. That review and approval of the petitioner's Development Plan be waived by the Planning Commission and delegated to Staff. However, should the Development Plan substantially differ from the approved Outline Plan, then the applicant must submit an Outline Plan amendment to the Planning Commission for approval.*
- 3. That the petitioner must obtain minor subdivision approval to combine all parcels within the subject development site prior to the issuance of building permits relating to the subject Planned Unit Development.*
- 4. That the petitioner shall remove all improvements and facilities from the right-of-way and the site associated with existing structures situated within the development site (i.e. sidewalks, steps, retaining walls, driveway curb cuts, etc.). Further, should said removal affect existing improvements within the right-of-way (i.e., removal of driveway curb cut), right-of-way improvements must be made to the satisfaction of the City Engineer.*
- 5. The Development Plan shall include final grading, erosion and stormwater, landscaping, lighting, and signage plans.*
- 6. That pedestrian-scaled lighting shall, to the satisfaction of the Development Services Director, be developed along all internal and public right-of-way sidewalks fronting the development site.*
- 7. That footer, foundation, and related facilities for all retaining walls and buildings adjacent to a public right-of-way shall be designed and constructed, to the satisfaction of the City Engineer, so that any future right-of-way widening and/or improvements are safeguarded.*
- 8. That the proposed pedestrian walkways connecting the development to Protzman Street and also designated for internal circulation, be constructed by the petitioner to the satisfaction of the Development Services Director and the City Engineer prior to occupancy. Said pedestrian walkways must consist primarily of concrete sidewalks and steps along the edge of internal roads and parking spaces. Any crosswalks within the center surface parking area shall be designed and constructed by the petitioner to the satisfaction of the City Engineer as raised crosswalks to establish a pedestrian zone and slow vehicular traffic within the development. The petitioner shall be responsible, by agreement with the City, for the perpetual maintenance,*

repair, and replacement of said pedestrian walkways within both the development site and related frontage public rights-of-way.

9. That the petitioner, by restrictive covenants, shall describe and guarantee by perpetual dedication the improved and natural open space and landscaping illustrated in the PUD Outline Plan, running with the land for the benefit of residents and guests of the Planned Unit Development.
10. That the petitioner, by agreement with the City, shall assume the responsibility of perpetual maintenance, repair, and replacement of all existing and proposed retaining wall systems that are a part of the subject PUD project and situated at or near the property boundaries separating the project site and public rights-of-way.
11. That the petitioner shall advise any and all successors and future project development owners of conditions 8, 9, and 10 noted above and that said conditions shall run as restrictive covenants with the subject land. Further, specific explanation of these obligations shall be included by the petitioner in any future deed transferring ownership of the subject realty.
12. That the following schedule shall serve as the "Permitted Land Use Table" for the "Glenn Ridge Apartments PUD" where "P" is a use permitted by-right, "A" is a use permitted as an accessory use, "C" is a use allowed only as a conditional use, and uses not listed below are not permitted within the subject PUD District.
 - a. Agriculture, Home A
 - b. Administrative Office A
 - c. Community Garden P
 - d. Dwelling, Multi-Family P
 - e. Essential Services and Equipment P
 - f. Home Occupation, Class 1 P
 - g. Home Occupation, Class 2 C
 - h. Park and Recreational Services..... P
 - i. Parking Lot, Private..... P
 - j. Telecommunications, Class 1 A
 - k. Telecommunications, Class 2 P
13. That advertisement signage within the subject PUD shall be restricted to the project name, logo, and/or address only; may only be a ground monument type sign; may not exceed a maximum area of 24 square feet or exceed six (6) feet in height from adjoining grade; the sign face shall be opaque and may not be internally illuminated; and, shall be made of wood, sculpted "sign foam," ornamental metals, painted aluminum panels, and/or natural or veneer brick/stone.
14. That the PUD Development Plan shall be submitted to the City not more than eighteen (18) months following City Council approval of the Outline Plan; that phased development shall, to the greatest extent practicable, follow the proposed construction schedule provided on Page 15 of 35 of the subject Outline Plan; and, that all site improvements, building construction, and right-of-way improvements shall be determined complete by the City not later than 01 AUG 2018.
15. That all agreements and restrictive covenants referenced above shall be executed by the petitioner and the City as a part of the PUD Development Plan prior to the issuance of building permits relating to the subject Planned Unit Development.

16. *That the petitioner maintains adequate commercial garbage service with the City's contractor.*
17. *That the vinyl siding illustrated on the building elevations must be replaced with cementitious fiber board that includes raised wood grain to simulate natural wood siding.*

B. S15-07-III / Grant Avenue, LLC / 400 block of Grant Avenue: Request by Doug Warden, on behalf of Grant Avenue, LLC, for a Type III Development of Significant Impact Site Plan approval in the 400 block of Grant Avenue; Parcels 90 thru 95 of Tax Map 19 and Parcels 211 and 212 of Tax Map 15; R-3, Multi-Family Residential District.

Fletcher presented the Staff Report.

Fletcher recognized John Sausen who is the architect with Omni Associates. Sausen presented a PowerPoint presentation to the proposed development.

Martis referred to the PowerPoint presentation and noted the area is in need of improvement and development would be favorable.

Martis asked if the alley will be paved to the access point after construction. Sausen explained the alley would be paved and restored to the property boundaries after project is complete.

Martis asked if levels 1 and 2 would be below grade. Sausen explained the ground floor level will be partially below grade and referred to the PowerPoint for further explanation.

Martis asked for further explanation on the South elevation and materials to be used. Sausen referred to the presentation and explained that the same materials and windows will be used down to the grade. Sausen further explained the types of materials that will be used on the exterior of the building.

Stranko noted the building appears disassociated from the street and asked how the building would be integrated into the streetscape. Sausen noted the property is a challenge due to the steep grading and explained how the structure would be situated on the property. The structure will be located a block from the *University Place* development, which is a mixed-use development. There will be no retail space in the proposed project, and therefore open window space is not beneficial to a multi-family complex at street level. The only public space will be at the entry level as it is a small lot.

Stranko asked if this is too big of a building for the size of lot proposed. Sausen expressed he didn't feel it was out of place given the context of its neighborhood and the development is in the core of the Sunnyside neighborhood.

Fletcher noted the sidewalks, retaining walls, trees and street lights will be replaced and improved with the proposed project. Once a foundation system is established, then the canvas can be designed by landscape architect. Landscaping will be critical to how the building will be integrated into the neighborhood and streetscape.

Stranko noted that preserving Sunnyside as a walkable pedestrian-friendly neighborhood is critical to the objectives of Sunnyside Up and the City and to make a student and pedestrian friendly area.

DeMaster introduced Doug Warden who stated he is the property owner and is willing to work with Sunnyside Up to maintain the character of the neighborhood.

Martis asked if Sunnyside Up has an opinion on the proposed project. Warden stated a letter of recommendation was submitted in favor of the project.

Loretta asked if an illustration was available to show what the project would look like from Beechurst Avenue after completion. Sausen stated he did not have a picture but noted one would not feel the mass of the building from Beechurst as there are many structures in between the project.

Loretta asked if there would be on-street parking. Sausen stated that the front of the building has to be open to allow for fire truck access and therefore no on-street parking will exist.

Loretta asked if a parking space would be designated for delivery. Sausen confirmed and stated a delivery space will be located in the alley to the back of the building.

Petros noted the bottom of the building looks uneven and like it has a foundation. Sausen explained that more durable materials are being used on the lower portion of the building.

Petros asked if construction will take place from the alley or from Grant Avenue. Sausen stated that crane access will be needed from both sides but construction will be fairly quick after the steel frame is constructed.

Kawecki asked if parking would be on the same level as the alley way. Sausen confirmed and noted the alley would be paved afterward and explained how stormwater would be maintained by underground storage containment.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki asked what parts of the alley would be repaired. Fletcher explained that the City Engineer has not decided yet what the developer will be responsible for and noted the area adjacent to the property and to the next street must be paved. The direction of paving has not been decided.

Stranko noted a landscape plan which is required for a Development of Significant Impact is missing from the application. He noted a landscape plan is beneficial in learning how the development will integrate into the neighborhood. DeMasters agreed.

Martis asked if there is a height variance with the proposed project. Fletcher referred to the Staff Report and explained the height requirements and how a variance would be needed. Fletcher listed the variances required with further explanation for each petition.

Loretta asked if there was a height requirement to the Sunnyside Overlay District. Fletcher explained height requirements in the R-3 district and stated the Overlay District focuses more on the density of the building based on the base of the building allowances.

DeMasters expressed concerns with the size of the structure.

Fletcher noted the petitioner did submit preliminary landscape plans but Staff was not prepared to make a recommendation on those plans. Stranko noted he is still not in favor of approving the petition without a complete landscape plan.

Kawecki expressed concerns with the production schedule and possibly creating obstacles to the construction of the product given the amount of other construction within the immediate area.

Fletcher expressed that tabling the petition penalizes the applicant when a landscape plan has been submitted and offered to produce the plans that were submitted. Fletcher noted he understands a final landscape plan is on hold based on a decision from City Administration office on how the proposed foundation and temporary retaining wall systems will or will not affect the right-of-way.

Stranko stated the application is incomplete and the Commission can only vote on what is presented to them.

Stranko moved to table S15-07-III pending a complete landscape plan; seconded by Loretta. Motion carried 7- 1 with Kawecki voting nay.

Fletcher requested a special session be scheduled in order to not delay the applicant. DeMasters agreed and directed Staff accordingly.

- C. **RZ15-05 / Rice / 629 Protzman**: Request by John Rice for a Zoning Map Amendment to reclassify property from R-1A, Single-Family Residential District to R-2, Single- and Two-Family Residential District; Tax Map 14, Parcel 475.

Fletcher presented the Staff Report.

DeMasters recognized John Rice, property owner, who stated he purchased two lots with one being zoned R-2 and the other being zoned R-1A. He is exploring options of what he can construct on the R-1A property and noted the parcel abuts the R-2 District.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Martis moved to forward a favorable recommendation to City Council for Case No. RZ15-05 to approve the requested zoning map amendment so that the zoning classification of Parcel 475 of Tax Map 14 is amended from the R-1A District to the R-2 District; seconded by Petros. Motion carried 8-1 with Blosser voting nay.

- D. **MNS15-09 / Lytle / Hampton Avenue:** Request by Ron Lytle for minor subdivision approval of property located along Hampton Avenue; Tax Map 22, Parcels 14 and 15; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-09 as requested with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

- 1. That the petitioner submit three (3) original final plat documents, including all access/utility easements 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 conditions set forth above.*

- E. **MNS15-10 / Swengel / Hyatt Avenue:** Request by Timothy Dawson, on behalf of Mathew Swengel, for minor subdivision approval of property located along Hyatt Avenue; Tax Map 23, Parcels 25 and 27; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-10 as requested with Staff recommended conditions; seconded by Kaweck. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

- 1. That the petitioner submit three (3) original final plat documents, including all access/utility easements 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 conditions set forth above.*

- F. **MNS15-11 / Abbitt / 801 South Hills Drive**: Request by Wyatt Alexander Abbitt for minor subdivision approval of property located at 801 South Hills Drive; Tax Map 35, Parcels 176, 178, and 179; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Pyles expressed concerns with increased housing stock in neighborhoods. Fletcher explained there is nothing in the code that prevents increased housing and the Commission's decision on the this petition is considered ministerial.

Petros moved to approve Case No. MNS15-11 as requested with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. *That the petitioner submit three (3) original final plat documents, including all access/utility easements 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 conditions set forth above.*

VI. OTHER BUSINESS:

A. Committee Reports

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

B. Staff Comments:

- Fletcher noted that City Staff has initiated a small area study of Study Area 17, Hampton and Darst Streets. A public forum will be scheduled in July 2015.
- The next Downtown Design Standards Steering Committee meeting will be scheduled in July 2015.
- Both text amendments for DSI revision and On-Street parking have been approved by City Council.
- The text amendment for Urban Agriculture has passed the first reading. The second reading will be in July.

- Fletcher reminded Commissioners to respond to emails sent by Staff each month so a quorum can be established prior to a hearing.

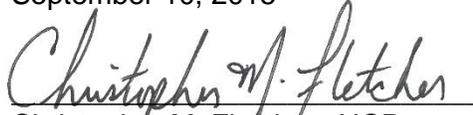
VII. FOR THE GOOD OF THE COMMISSION: None

VIII. ADJOURNMENT: 8:53 PM

MINUTES APPROVED:

September 10, 2015

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP