

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

June 12, 2014

Council Chambers

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

COMMISSIONERS ABSENT: Bill Kawecki

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:

DeMasters recognized James Giuliani of 256 Prairie Avenue who referred to property at 200 Prairie Avenue and stated the proposed construction of a garage apartment is a nonconforming use and should be prohibited according to the Planning and Zoning Code. The house should not be zoned as B-4 as it is a single-family home and the City needs to work on rezoning areas especially in his area of town.

III. MATTERS OF BUSINESS:

A. Approval of the May 8, 2014 meeting minutes. Stranko moved to approve the minutes as presented; seconded by Martis. Motion carried unanimously with Blosser and Petros abstaining due to their absence.

IV. OLD BUSINESS:

A. **S14-01-III / CA Student Living / 494 Spruce Street**: Request by Lisa Mardis of Project Management Services, on behalf of CA Student Living, for Development of Significant Impact Type III Site Plan approval of a mixed-use development at 494 Spruce Street; Tax Map 26, Parcels 245 and 246; B-4, General Business District.

DeMasters noted that Petros and Blosser were absent from the May 8, 2014 hearing. Petros and Blosser both confirmed for the record that, in accordance with the Planning Commission's By-laws, each had viewed the video of the May 8, 2014 hearing, reviewed the draft minutes, read the Staff Report and accompanying documents, and is familiar with the case.

Fletcher read a letter from Steve Lacagnin of Jackson Kelly that requested Michael Shuman to recuse himself from the matters pertaining to the proposed CA Student Living development due to a conflict of interest with the proposed development.

Fletcher read an email correspondence from Steve Fanok, City Attorney, in response to the letter from Steve Lacagnin.

Fletcher read the by-laws for challenging a recusal request.

Shuman stated he would not recuse himself as he has owned rental properties in the City for the last 18 years, has sat on the Committee for the last 7 years and he has recused himself when necessary, and has voted against a development by Dave Biafora and other area developers.

DeMasters offered Steve Lacagnin chance for rebuttal. Lacagnin expressed that Shuman could be affected in a manner that may influence his vote or would clearly give the appearance of impropriety.

DeMasters offered Shuman a chance for rebuttal. Shuman expressed that his father and brother would not affect his personal interests as they work with oil and gas, including title research and he has no vested interest in their business. Shuman reiterated that he is a business owner and a landlord and doesn't feel there are conflicts of interest with the case.

DeMasters asked Shuman if he will be participating in considering the agenda items relating to the proposed CA Student Living development. Shuman confirmed that he would be participating.

Stranko moved for S14-01-III to be removed from the table; seconded by Loretta. The motion passed unanimously.

Stranko moved to reopen the public hearing. DeMasters explained that since the petitioner would be making a presentation with additional information concerning the existing application, he would allow a public hearing.

Fletcher read email correspondence from David Cramer concerning West Virginia Division of Highway's review of the Traffic Impact Study concerning the proposed CA Student Living development.

Steve Lacagnin, Stephen Bus, Scott Erdy, Dan Hrankowsky, and Lisa Mardis presented the proposed project via a PowerPoint presentation.

Lacagnin expressed that CA Living is doing the project the right way and they have made changes and accommodations for the requests and suggestions given. The proposed project would increase downtown spending and tax revenue.

Erdy referred to the PowerPoint slide and noted the location of the proposed project in relation to the surrounding environment.

Mardis explained the Development of Significant Impact Application and stated there is very little mixed-use development in the downtown area. Mardis referred to the Central Place development and the Westminster House as other mixed-use developments in the surrounding area. Mardis noted the benefits to the proposed project and stated it would be a high quality urban design.

Bus noted there is a significant demand for owner-occupied housing in the downtown area.

Erdy referred to the PowerPoint presentation to show the lay-out of the proposed project and explained the plans for each level of the proposed structure. Erdy noted the building is designed by taking advantage of the elevation and grade changes.

Mardis referred to the Downtown Strategic Plan and the Comprehensive Plan that calls for higher density in the downtown area in order to create more residential housing as well as increase business opportunities. The proposed project is located in the encouraged growth area of the Comprehensive Plan as well as the court area which is the zone with the densest development and will encourage walkability in the downtown community.

Mardis noted the developers held an informational meeting for property owners within two hundred feet of proposed development to allow for people to express concerns and ask questions. The developers want to be a good neighbor.

Erdy explained the building height is below the maximum allowed height of 120 feet.

Loretta noted that parts of the building are different heights.

Erdy confirmed and explained that parts of the building are measured at different heights, but as per the zoning regulations, the average height of the building totals 111 feet.

Fletcher read the Planning and Zoning Code to explain building height in feet and how to determine the average height when a building sits at different grades.

Mardis explained that a "Mixed-Use Dwelling Unit" is permitted within the B-4 District and each unit will have a cooking and bath facility. The proposed development meets or exceeds all percentages necessary for both residential and commercial uses.

DeMasters asked for the actual percentages mentioned.

Hrankowsky referred to the PowerPoint slide and explained how the bedrooms would be laid out and noted they have been working with Code Enforcement Division to ensure all code regulations are met.

Erdy explained the structure would meet the floor area ratio, the allowable square footage for construction and the maximum residential density allowed.

Bus noted there's more of a trend for students to leave their cars at home and utilize other forms of public transportation and walkability. The proposed building would sit within a close proximity to restaurants, retail and public transportation. There are public parking lots available that surround the site with over 2,000 spots.

DeMasters asked where the overflow parking would be located.

Bus explained they would be requesting a conditional use for parking in the B-4 District and explained the parking calculations and reductions to total 124 required parking if conditional use is granted. If overflow parking was a problem, the 24 hour lots would be available for use.

DeMasters expressed concerns with the limited number of parking spaces that would be available.

Bus noted that more people are using public transit.

DeMasters asked if they would be charging for parking. Bus confirmed.

DeMasters asked if they would lease spots from the City or would it be on a first come, first serve basis. Bus said it would be a first come, first serve basis but would provide a supplement for the lease on where to obtain parking if needed.

Shuman asked if the Wharf District would be provided as an option. Bus confirmed.

Stranko asked Fletcher how to define public parking within the allowable radius. Fletcher explained the only public parking that can be used would be property owned and managed by the City's Parking Authority and the zoning provision does not distinguish between short-term and long-term parking facilities.

Stranko asked if Staff agreed with parking reduction calculations. Fletcher confirmed the number is correct and noted the parking lot behind Daniel's is a high turn-over parking area and read a memorandum from Tom Arnold to explain the Parking Authority's view on parking in the downtown area and future development with parking management practices.

DeMasters asked for the occupancy percentage of the parking garages in close proximity of the proposed site, not to include the Wharf District. Mardis stated the information provided didn't specify individual garages.

Fletcher noted the memorandum does not specify individual occupancy rates for individual Parking Authority facilities but is a general number of all facilities within the City.

Bus explained they have implemented a "car share" program on previous projects which could potentially benefit 15-20 people. He reiterated that the location of the project and the close proximity to attractions would increase walkability and other modes of transportation.

Mardis stated she met with the bike board who is very excited to have a chance at West Virginia's first bike share program and a development to include bike storage.

Erdy stated that concerns were expressed regarding access to the side façade of the building closest to the First Presbyterian Church property. Therefore they have pulled the building back 30 inches from the property line to allow for maintenance access in addition to shifting the pool.

DeMasters asked for the height of the wall that separates the adjoining playground area. Erdy stated the wall is approximately 25 feet and is similar to the current VFW massing.

DeMasters asked for the height of the deck area and up. Erdy stated there is 5 a foot wall and an additional 4 feet of trellis that will hold planting of some sort.

Erdy stated some of the changes from the previous plan include a recessed property line, moved the building back, shifted the pool, installed security cameras, and screens will be placed on all windows that face South.

Hrankowski explained the life safety and security plan includes a sprinkler system and an interior and exterior security system.

Bus explained the traffic study and noted there will be no left hand turns onto Willey Street from the site.

Erdy referred to the canyon effects and noted they have reduced the number of floors to total 11 stories and thinned the building to allow additional light to come thru.

Erdy explained the sunlight distribution study to show how the shadowing will affect the areas surrounding the building at different times of the day and different times of the year.

Erdy explained the airflow analysis noted that wind would be reduced around the structure.

Petros noted the building is plainer than previous projects constructed by the developer and asked if that was due to wind effects. Erdy explained that the building was designed for pedestrians' at eye level with an exciting streetscape.

Bus noted they are willing to work with the Design Review on the exterior of the building to make it more visually appealing if desired.

DeMasters asked if the retail, bicycle storage and leasing office all count towards the non-residential space percentage. Fletcher confirmed that the different nonresidential spaces observed the different related requirements.

Erdy explained the proposed loading spaces and where they would be located.

Shuman noted that delivery trucks will come in big tractor trailers and the area will need to be big enough to allow large semi-trucks.

Bus asked the Commission for direction in the amount of spaces to provide for loading.

DeMasters asked what type of service would be provided in the commercial space area. Hrankowski stated they will look for a commercial tenant that supports the use above but would not want a liquor store or something that would bring unwanted activity to the tenants. Examples would be coffee shops or small quick serve restaurants.

Petros asked for explanation in how cars will unload/load and maneuver around the building. Bus explained the proposed areas designated for loading and how cars would access and exit the property.

Erdy explained that modifications were made to the site triangle based on the City Engineer's input.

Bus explained the community and economic benefits that would come with the construction of the proposed building.

Lacaglin explained the major points requiring review and approval for the project to go forward.

Blosser asked how they would handle severe winter weather conditions and the management of the pool area. Bus explained they will have full time property management and noted they have had past experiences with projects that are situated in areas with bad weather.

Shuman asked if they would allow summertime pool parties. Bus stated there would be no open invitation parties as they have a secure lobby and the pool would only be offered for tenants living in the building. Both glass and alcohol will not be permitted in the common area.

Loretta asked if the pool and fitness center will be an additional fee to the tenant. Bus stated those facilities will be included in the lease and rent monies.

Stranko asked for clarification on the description of “fee people” meaning the firm would not manage the construction.

Smith explained the company has sold projects in the past but they intend to retain their current projects with a long term goal of having 20,000 plus beds across the country.

Stranko referred to lot size and dimensions and noted that some feel the building is too big for the lot. Erdy explained how the building was configured into the size of the lot and noted they articulated the ground floor to widen the public realm. Glass was used on the lower levels to make the building look lighter and more visually appealing.

Bus and Erdy elaborated on how the design of the building was created and how it will fit into the lot.

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 Jeremy Ellio, the Post Commander of the former VFW at 494 Spruce Street, who stated that in 2010 they listed the property for sale and relocated to a larger facility to better suit the needs of the organization and the community. Ellio feels that the proposed development is appropriate for the B-4 District and sees any decision that would not allow the project to move forward as a direct infringement of their rights and will negatively impact the ability to sell the property. He noted that the Presbyterian Child Care Center made the decision to move their playground adjacent to their property after knowing the property was listed for sale with possible development and therefore they should have no impact on the ability to sell the property for purposes of development. Ellio asked the Commission to consider the facts of the proposed development and asks for approval for the project to move forward.

DeMasters recognized Chris Kniden, Student Body President for West Virginia University, who stated he is in favor of the project as students would like more choices for living downtown. There has not been a lot of economic change in that area and this project would increase the need for business growth along with increased tax revenue for the City. There seems to be a persistent objection to change and the status quo is not going to revitalize downtown Morgantown.

DeMasters recognized James Giuliani of 256 Prairie Avenue who stated that this hearing is a farce, mockery, and tragedy. The project is a “mixed use development” and should be looked at as a major development of significant impact. Main Street and Planning are calling this development residential. The development is trying to use three levels as ground levels. The City Engineer does not have discretion concerning clear line of site. He referenced the Fifth and Fourteenth Amendments of the United States Constitution concerning due process. There has to be a bedroom standard for dwelling units. All laws have to be void of vagueness and

there is vagueness in the zoning ordinance and the Staff Report and the Staff Report is incomplete.

DeMasters recognized Dave Biafora of 6200 Mid Atlantic Drive who stated the development is smoke and mirrors. The development doesn't fit. He has never failed in his developments. The building is too big. The developer is telling a good story. The building is a ridiculously sized building. The Beechview Place is a beautiful building. He talked to Tom Arnold, Director of Morgantown Parking Authority. He drove around with Mayor Selin today. Bicycle parking is a joke. Loading is a joke. City Attorney does not have a clue. He has done many developments within the City and has gone through the Planning Commission for approvals on previous projects, and not all were approved. The proposed development is too big and needs to be smaller. There is not adequate parking planned with the development and the developers will not stick around to manage the building.

Meredith Kiger of 312 Kenmore Street pleaded for the historical integrity of the corridor, specifically 261 Willey Street and the Rogers House which are both over 125 years old. The homes give a nice entrance to the City and it would completely change the neighborhood with setting precedence for density in the neighborhood if the project is approved. The City does not respect historic properties.

Sharron Portarro who is the Director of Presbyterian Child Development Center, explained the center has been in that location for the last 45 years. There Center is one of only two child development centers in Morgantown. Portarro stated she is concerned with having an eleven story building overlooking her playground, specifically the use of the swimming pool that could bring loud music, foul language and beer bottles thrown onto her property. She is concerned what the lack of sunlight will do for the learning garden at the Roger House site. She is also concerned with the safety of her children during construction and asks the Planning Commission to deny the petition.

Dr. Amy Rhu, of 804 Grand Street, stated she is parent of a child that attends the child care center and is concerned with the construction and how it will affect the outdoor space and play area.

Richard Biafora of 6200 Mid Atlantic Drive, stated the project would not bring new customers into downtown Morgantown, as the college students are already living here. The building would hurt the downtown businesses as it would tie up 24 hour parking lots and keep people from driving downtown. There is not sufficient parking planned as most tenants would have vehicles. If there is enough Parking Authority parking spaces downtown, then why is Tom Arnold looking to build two more garages downtown. These high price rent will bring BMWs and Land Rovers. Bicycle storage to reduce parking is a joke. Bikes are a recreational mode of transportation that won't be used during the winter months and should not be considered as an alternative to the parking plan. Delivery spaces can't be used to count as parking spaces.

Eric Rhymer of 460 Forest Avenue stated he is a native of Morgantown and is concerned with the size of the building that would forever change the look, feel and character of Morgantown and will negatively affect parking and increase traffic. It is too much at wrong location.

Vickie Adams, on behalf of the Alpha Phi Sorority house at 261 Willey Street, stated the building proposed is too large in size and space of occupants and will have a negative effect on the City with increased congestion. The developers have not factored in visitor parking spaces

and there is not enough overflow parking for a venture of this size. Adams expressed that units of this size usually brings crime and hopes the City has a plan in place to increase police protection and provide extra security.

Chet Parsons, on behalf of First Presbyterian Church at 456 Spruce Street, stating he is a licensed city planner. He expressed concerns with the scale and bulk of the building as most structures in the downtown area are 3-4 stories high. Parsons noted that most students are long distance students who will have a car on the campus and short term parking should not be considered a viable option for overflow parking. The original plan had a better mix of the number of bedrooms in each unit. Four-bedroom dwelling units are not leasing out. Concern for counting short-term parking lot behind Daniel's. The average human scale is three to four stories. It will change the way the area operates. He wants the Planning Commission to make an informed and wise decision.

Joe Nagy of 714 Venture Drive stated he owns downtown buildings. Arnold Hall is built into the hillside. Parking is vital and the building would dwarf Central Place. Traffic would increase tremendously on Willey and Spruce streets and asked how the Division of Highways would control the pedestrian and vehicular traffic at the intersection. There will be a lot of pedestrian traffic crossing Willey Street multiple times a day. Concern with weekend visitors. He has had problems with three and four bedroom units.

Raymond Yagle of 162 Chancery Road stated that we need to take a hard look at where we are going. He expressed concerns with the size of the building and lack of parking in downtown Morgantown. The project would discourage people from coming downtown with the parking and traffic issues and compared this project to the power plant along Beechurst. The level of concern for the development is similar to the community concern expressed with the Power Plant on Beechurst Avenue. He is not against development, but this building is too large and cumbersome. The community will never get the space back once it is built.

There being no further public comments, Fletcher read the following letters from persons listed below that were received by Staff concerning the development.

- Chris Haddox
- Tessa Garver
- Sandra Bradley-Mason
- Vickie Adams
- Paul and Susan Garvin
- Mavis Grant-Lilley
- Yolanda Lambert
- Mainstreet Morgantown (not read to its entirety)
- Debra Blum
- Dr. Shelly Barrick Parsons
- Margaret S. Bolt
- Maria Gaddis

- Presbyterian Childcare Center parents (34 names signed)
- Michael Bradley
- Kathleen Labys

DeMasters invited petitioner to podium for rebuttal.

Steve Lacagnin asked the Commission if it was best to table the petition to a later date given the lateness of the hour. Fletcher explained the request would be to postpone the petition and the Commission would have to vote to table.

Lacagnin requested to postpone the petition.

Fletcher noted if the Planning Commission voted to table the petition then it should be done so with good reasons. If the Commission would table the petition, then they need to state why and prepare for another lengthy presentation.

Stranko stated he was not in favor of tabling the petition.

Lacagnin stated they were prepared to move forward.

In rebuttal, Bus noted the conditional use reductions were intentional and deliberate and there is no relation between density and crime per Urban Land Institute. The property will be fully managed which will reduce and mitigate the fears expressed and note fear mongering.

Stranko noted the price point of the units leads most to believe the students will have cars. Bus expressed that parents and students should decide that if they want to live in the building then they don't need to bring their car, as it is in close proximity to campus. Bus explained they have similar developments located across the country that are heavily driver-oriented but have low parking ratios with their demographics. Their projects are urban-style projects that are designed for the downtown areas.

Stranko expressed concerns on visitor parking. Bus noted there is an abundance of 24 hour and metered parking around the project site.

Shuman asked Bus if he had worked with the site staff and tenants on prior projects rather than doing only financials. Bus confirmed and explained that additional staff are scheduled for move in day and people are staggered out so they do not all move in at one time.

Lacagnin stated that everything proposed is allowed for in the code and they have addressed all the concerns raised by the church. The complaints made have been personal with personal interests in mind rather than concerns with what the code states. The developer has demonstrated a track record of responsible development.

DeMasters asked for Staff recommendations.

Fletcher read the Staff recommendations.

Loretta asked if the developer had submitted a Transportation and Route Plan that would be used during construction. Fletcher referred to the code and noted the City Engineer did not

request a route plan at this time. Fletcher explained the difference between the Traffic Impact Plan and the Transportation and Route Plan.

Stranko asked if it is Staff's opinion that the application is complete and meets all the prerequisites in regards to submission to the City. Fletcher explained there is one item, which is the approved West Virginia of Highways Access Permit and referred to the Staff Report.

Stranko expressed that if the Commission decides to intervene on a person's property rights, there should be a solid reason or else they would be acting arbitrarily. Stranko noted that downtown is viable and successful but this is about what can be done in the constraints of the law.

Stranko referred to the Comprehensive Plan and noted there is a problem with vehicular transportation and this development would be a viable option to get cars off the road. The increase in mass and density and maximizing residential opportunities in the downtown area follow the mission of both the Downtown Strategic Plan and the Comprehensive Plan.

Stranko expressed he had concerns with the project but felt the project should be approved with a condition of 5 additional loading spaces that will meet all parking and necessary requirements.

Stranko asked what the difference is between the conditional uses and variances for the development. Fletcher explained the differences as they are related to the proposed building.

Petros stated that 26 additional parking spaces are being requested through a conditional use request. Fletcher confirmed and explained the conditional use petition will be presented to the Board of Zoning Appeals for approval, but the Planning Commission can base their decisions based on this as well.

Petros noted there is not a grocery store located in the downtown area and most tenants would require transportation to shop. Therefore, the incentive is not there to leave their cars at home.

Loretta referred to the Downtown Strategic Plan and feels that building height has been overlooked, as it states buildings should be no taller than six stories. Fletcher noted the height of the building and the Downtown Strategic Plan were mentioned in the Staff Report.

Stranko referred to the University Place, Central Place and the proposed project and stated that density will increase in the downtown area and big changes are coming whether or not the project is approved.

DeMasters referred to the Comprehensive Plan and stated something similar to this project would be allowed in the downtown district. However, he expressed concerns with the size and scale of the project and stated it does not fit the Downtown Strategic Plan.

DeMasters stated that most tenants will want to bring a car and the lack of parking is a concern that would not be feasible. There is not a grocery store located nearby and realistically most tenants would want a car to get around and shop. To say this project would increase traffic and business downtown is disingenuous because the shops are not located in the downtown area and students already come downtown to visit the bars.

Stranko expressed that all of downtown could change with the prospect of this project, such as getting a grocery and book store. DeMasters agreed.

DeMasters stated his biggest concerns with the project are parking and the size and scope.

Stranko explained that developers have to develop projects in the downtown area to be economically feasible by size and square footage.

Blosser expressed that Morgantown is going to develop in bits and pieces but the thrust has already started. The parking is a concern, however he wonders what will go into the space if the project is denied. If the parking requirements had been met then there would have been as many concerns on the project. He expressed this was a good idea but wished parking was developed according to specs.

Stranko stated there will be a significant increase in density in the coming years and traffic and green space will be concerns.

DeMasters expressed his biggest concern is lack of parking.

Stranko moved to approve Case No. S14-01-III with Staff recommendations and adding two additional points including:

1. That five loading spaces be provided onsite
2. The developer lease and dedicate onto its residence no less than 25 additional off-site parking spaces within a thousand feet of the building;

Motion seconded by Blosser. Motion failed on a 5-3 vote, with voting Loretta, Shuman, Martis, Pyles and DeMasters voting nay.

- B. MNS14-05 / CA Student Living / 494 Spruce Street:** Request by Lisa Mardis of Project Management Services, on behalf of CA Student Living, for minor subdivision approval of property located at 494 Spruce Street; Tax Map 26, Parcels 245 and 246; B-4, General Business District.

Due to the denial of Case No. S14-01-III, the petitioner elected to withdraw MNS14-05 until further notice.

- C. MNS14-06 / Panrell / 763 South Hills Drive:** Request by Guy Panrell for minor subdivision approval of property located at 763 South Hills Drive; Tax Map 35, Parcels 247, 248, and 249; R-1, Single-Family Residential District.

Fletcher read the Staff Report.

DeMasters recognized the petitioner's representative, Lisa Mardis of Project Management Services, who stated the petitioner intends to build a house next to their existing one and concurred with 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.

DeMasters recognized James Giuliani of 256 Prairie Avenue who stated he is in favor of the petition as the petitioner is a good taker to his current home.

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

Fletcher read the Staff recommendations.

Stranko moved to approve MNS14-06 with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

NOTE – Conditions included in the motion were:

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 condition set forth above.

D. S14-02-III / Saul Radman / 419 High Street: Request by Lisa Mardis of Project Management Services, on behalf of Saul Radman, for a Type III Site Plan Development of Significant Impact approval of a mixed-use development at 419 High Street; Tax Map 26, Parcel 80; B-4, General Business District.

Fletcher read the Staff Report.

DeMasters recognized the petitioner's representative, Lisa Mardis of Project Management Services, who stated the mixed-use development gives the opportunity to increase density and is in close proximity of the downtown campus and various retail services. There are a number of structural deficiencies in the existing building and therefore the petitioner would like to raise the existing building and replace with a four-story mixed-use building. The proposed apartments will be loft-style with an open floor plan and the commercial space is unplanned at the present time but would like to get a high-end retail business in the space.

Mardis asked if parking spaces would be affected during construction and demolition. Mardis explained they are working with the Parking Authority to secure an area.

Mardis expressed that bike storage needs to exist within the building. Mardis explained they will be high-end apartments with the intent of a bike storage rack inside each unit.

DeMasters noted that parking would not be required as it's under the 22-unit threshold. Mardis confirmed.

Mardis explained the original structure was a house and is now obsolete. It is not considered a historic structure.

Shuman asked why the trash area would exist inside the building when the public area is located next to the building. Mardis explained the petitioner wanted their own receptacle and did not want to rely on a pad that consistently overflows. Fletcher noted it is required for the petitioner to provide their own garbage receptacle.

Stranko noted there is only one entry to the lease space. Mardis confirmed and explained there could be another entrance along the side sidewalk when constructed.

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 James Giuliani of 256 Prairie Avenue, who stated he is in favor of the request as it is the type of infill he likes to see with retail on the first floor and residential above.

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

Fletcher read the Staff recommendations.

Stranko made a motion to approve S14-02-III with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

NOTE – Conditions included in the motion were:

1. That all required variance petitions be approved by the Board of Zoning Appeals and all related conditions therein observed and/or addressed accordingly.
2. That the developer shall continue to consult with the Downtown Design Review Committee and accordingly address the Committee's comments and concerns where practicable.
3. That the final Lighting Plan, Landscape Plan, and Erosion Control Plan be submitted with the building permit application for review and approval. Variance approval must be obtained should said plans not conform to the related performance standards set forth in the City's Planning and Zoning Code.
4. That the specific land use for the unspecified non-residential leasable space at-grade with High Street must conform to Table 1331.05.01 "Permitted Land Uses" and supplemental regulations thereto.
5. That a master Signage Plan must be submitted and reviewed under the standard building permit application process once nonresidential use(s) are identified. Variance approval must be obtained should the master Signage Plan not conform to related performance standards set forth in the City's Planning and Zoning Code.
6. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
7. That the public sidewalk along the development site's High Street frontage shall be reconstructed to the satisfaction of the City Engineer and incorporate design elements utilized in the High Street streetscape improvement projects.
8. That a sidewalk, at least five (5) feet in width, must be constructed within the adjoining public right-of-way along the north side of the subject development site to provide a safe and attractive pedestrian connection between the High Street sidewalk and the rear of the proposed building; provided the development of said sidewalk does not obstruct or hinder ingress, egress, and regress of vehicles accessing public metered parking as determined by the City Engineer and the Morgantown Parking Authority. Further, that sconce or similar type down-lighting affixed to the building be developed along said sidewalk to improve the safety appearance of the pedestrian way.
9. That permanently affixed bicycle storage amenities must be developed within each of the dwelling units.

- E. **TX14-01 / Administrative / Sign Permits:** Administratively requested Zoning Text Amendment to Article 1369.15 as it relates to sign permits.

Stranko moved to table TX14-01 to the July 10, 2014 hearing; seconded by Shuman. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: Blosser stated there will be a 2 new traffic lights installed on Patterson and University Drive, and one new traffic light on Oakland Avenue.
- Green Team: None.

B. Staff Comments: None.

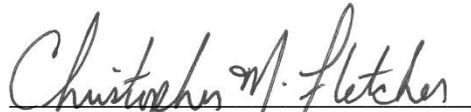
VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 11:45 PM

MINUTES APPROVED:

September 11, 2014

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP