

# MORGANTOWN PLANNING COMMISSION

## MINUTES

6:30 PM

June 14, 2012

COUNCIL CHAMBERS

**MEMBERS PRESENT:** Peter DeMasters, Sam Loretta, Ken Martis, Bill Petros, Carol Pyles, Jennifer Selin, Mike Shuman, Tim Stranko, William Wyant

**MEMBERS ABSENT:** None

**STAFF:** 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 May 10, 2012 minutes. Shuman made a motion to approve the minutes from the May 10, 2012 hearing; seconded by Martis. Motion carried unanimously.

**IV. OLD BUSINESS:** None.

**V. NEW BUSINESS:**

**A. S12-03-III / C & E Development, Inc. / 701-715 McLane Avenue:** Request by Lisa Mardis, on behalf of C & E Development, for Type III Development of Significant Impact site plan approval of a "Multi-family Dwelling" use at 701-715 McLane Avenue; Tax Map 15, Parcels 165, 166, 167; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff report, stating that the petitioner seeks to raze three existing single-family structures to construct two multi-family structures on the subject property. Addendum A of this report illustrates the location of the subject site.

Details of the proposed development program include the following.

### North Building

- Two stories with an average building height of approximately 28' 8" feet
- Includes four dwelling units with a total of six bedrooms.
- Proposed setbacks:
  - Front ..... 10' 1"
  - North side ..... 29' 1"
  - South side ..... 9' 8"
  - Rear ..... 28' 8"

- Lot coverage will be approximately 29.0%
- Includes five parking spaces

South Building

- Two stories with an average building height of approximately 28' 8" feet
- Includes eight dwelling units with a total of twelve bedrooms.
- Proposed setbacks:
  - Front ..... 10' 1"
  - North side ..... 9' 8"
  - South side ..... 10' 1"
  - Rear ..... 28' 8"
- Lot coverage will be approximately 46.8%
- Includes nine parking spaces

The proposed development program meets the R-2 District building height, setback, and lot coverage standards set forth in Article 1337.04. The proposed parking plan meets the minimum number of parking stalls set forth in Article 1365.

The following approvals are necessary for the proposed development program:

- Site Plan for a "Development of Significant Impact" (Case No. S12-03-III)
- Minor Subdivision (Case No. MNS12-10)
- Conditional Use for "multi-family dwellings" in an R-2 District, which is scheduled for consideration by the Board of Zoning Appeals at its June 20, 2012 hearing (Case No. CU12-05).

DeMasters recognized the petitioner's representative, Lisa Mardis, Project Management Services, located at 160 Fayette Street, Morgantown. She stated that she is representing C & E Development, who wishes to raze and remove the three existing structures and replace them with two structures, for a total of 18 beds, plus required parking. The Mills Group took special consideration in designing these buildings in attempt to incorporate them into the area. The case was slated to come before the Commission last month; however due to neighboring property owner concerns, the item was tabled. This gave opportunity for the owner to meet with the adjoining property owners, and as a result, the building was re-designed. The new design decreased density, reduced the scale of the building, and incorporated all required parking, on site. In regards to the letter of concern from Fred Fiorini, she believes that his issue has more to do with the planning and zoning code rather than this particular development. She stressed that this development is within walking distance to the downtown. Mr. Jim Hunt endorsed the project as meeting the guidelines for Sunnyside Up redevelopment.

Stranko commented that it appeared the idea is to maintain a family quality of living, while increasing density. He inquired about porches, to which Mardis answered that the original plan included porches, but that was removed in the re-design. In order for the new design to contain porches, it would be necessary to obtain Variance approval, and that is certainly not out of the question at this time.

Selin asked Mardis to explain the parking situation in more detail. Mardis explained that required parking is on-site, but that the property owner has other parking options in mind that are outside this development, but on property that he owns. There is also room for tandem parking in the north building.

Petros asked about sidewalks. Fletcher answered that there is a sidewalk presently on McLane, but is in need of repair. What is being recommended with this approval is that sidewalks along the front of this property be reconstructed to a minimum width of 5 feet and that an additional sidewalk (new) along Seventh Street, which the property owner has agreed to.

Shuman asked how many units are currently there. Mardis answered that there are three single-family rentals there now. There are 20 registered rentals between 7<sup>th</sup> and 8<sup>th</sup> street.

DeMasters opened the public hearing portion, asking if anyone was present to speak in favor or opposition to the request.

David Kelly, 100 Seventh Street, Morgantown, stated that he owns quite a few buildings within a two block radius of this project. He said that he is not actually opposed to the project, but he is concerned about the conditional use being issued because it could set a precedent for other large developments. He feels the proposed project is a bit out of character for the area. He is also concerned that one-bedroom apartments, which are frequently occupied by two persons with two cars, will further congest the area. He feels there is room to add more parking and feels that needs to be part of the plan. He would also like to see porches on the buildings, as it would be more in character with the neighborhood. He complimented the developer and said he has done a good job.

Selin asked to see Mr. Kelly's handout, which he did hand out to Commission members.

There being no further comments in favor or opposition, DeMasters declared the public hearing closed and asked for Staff's recommendation.

Fletcher read two letters for the record. The first letter was submitted by Mr. Fred Fiorini, stating that he is opposed to any apartment construction with less than one on-site parking, per bedroom. He cited the top of Eighth Street as an example of what happens when there is not ample parking. Cars are pushed onto the street. The second letter was from Mr. David Kelly, which was given to Commission members, but not read publicly.

He stated that he received an email from Sunnyside Up, stating that their board had approved the project as fitting in with the goals of the revitalization of Sunnyside.

DeMasters recognized Ms. Mardis allowing for a five minute rebuttal. Mardis thanked Mr. Kelly for the suggestion of adding the porches and stated she will encourage the owner to add the porches back to the plan. She stated that the Building Code would allow him to build three duplexes with a minimum of nine parking spaces. She stated that he chose the route he did because he felt it would better fit the character of the neighborhood.

Selin asked for clarification about the porches. Mardis stated that the porches were in the original plan, but were removed because it would make it necessary to ask for a variance.

Stranko asked if the developer believes this design is consistent with the rest of the neighborhood. Mardis stated that he does believe that it will fit the character of the neighborhood.

There being no further discussion by the Commission, DeMasters asked for Staff recommendations.

Fletcher stated that it is the opinion of the Planning Division that the proposed redevelopment project represents a unique opportunity to modestly increase residential density within the R-2 District area of the Sunnyside neighborhood. It appears that careful consideration has been given to architectural design, scale, and scope in an effort to integrate the proposed structures into the built environment as well as site planning to provide adequate buffering for adjoining single- and two-family structures and minimum on-site parking.

As such, Staff recommends approval of Case No. S12-03-III with the following conditions:

1. That Minor Subdivision Petition MNS12-10 must be approved by the Planning Commission.
2. That Conditional Use Petition CU12-05 must be approved by the Board of Zoning Appeals prior to any building permit issuance.
3. That a Landscape Plan meeting related standards set forth in Article 1367 must be submitted with the building permit application and approved by the Planning Division prior to building permit issuance.
4. That a Lighting Plan meeting the related standards set forth in Article 1371 must be submitted with the building permit application and approved by the Planning Division prior to building permit issuance. That the development must be designed and constructed to meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
5. That the development must be designed and constructed to meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
6. That, to the satisfaction of the City Engineer, the existing sidewalk along the property's McLane Avenue frontage must be reconstructed to a minimum width of five feet.
7. That, to the satisfaction of the City Engineer, a new sidewalk with a minimum width of five feet must be constructed beginning at the McLane Avenue sidewalk noted in Condition 5. above thence along Seventh Street to the alley at the rear of the subject property.
8. That the shared solid waste containment enclosure must be constructed with masonry materials at least six feet in height and include opaque gates.

9. That, to the satisfaction of the Planning Division, a perpetual easement must be recorded with the deed(s) running with the subject property providing for access to common areas and facilities including private sidewalks, solid waste containment enclosure, parking, mail boxes, etc.
10. That the petitioner consider the merits of pursuing variance relief from the Board of Zoning Appeals from the front setback standard for the purpose of designing and constructing a roof element above the proposed front porches to enhance design integration efforts with the surrounding built environment.

Selin asked if there was any mechanism the Commission could use to require the addition of the porches. Fletcher stated that for single- and two-family dwellings, there is an incentive for the addition of the architectural design of porches by allowing the opportunity to encroach into the minimum setback requirement. That incentive is not afforded to multi-family development. He feels there is interest in pursuing the porches by the developer and architect.

Stranko stated that the Commission certainly does have the right to deny a project that is not congruent with the existing neighborhood. He stated that he would be inclined to table the request to give the developer and architect a chance to factor in the porch design, and then it could come back for reconsideration.

Stranko made a motion to TABLE request S12-03-III and ask the applicant to reconsider certain design features of the development; seconded by Selin, with a request for discussion.

Stranko pointed out that his colleagues know that he is not against density, particularly in that neighborhood, but he feels strongly that future development should be in keeping with what is currently there.

Martis called attention to one of the drawings in the packet and stated that there are decks or porches proposed, so there is an outside space that is alluring. He asked if Selin wanted covers or roofs to make it more porch-like. Selin stated that yes, that is what she'd like to see. Martis confirmed that in order to do this, they would have to go to the BZA to seek a variance. Fletcher stated yes, because as soon as you add the roof, it becomes an encroachment into the setback, requiring a variance.

Petros asked what the proposed size of the porches are. Stranko stated, according to the drawing, they are proposed at 12 ft., 4 in. long and 5 ft. wide. Petros asked if 5 ft. is wide enough for someone to actually sit on, or is it just decorative?

Stranko reiterated that he would be willing to support the request if it were consistent with the rest of the neighborhood.

Loretta commented that porches, in recent years, have become somewhat of a nuisance, attracting gatherings such as parties, etc. In recent years, there have been a number of accidents related to persons falling from or porches collapsing.

Stranko agreed with Loretta's concern, but feels that the consideration of keeping consistent with the looks of the rest of the neighborhood is more important.

Mardis asked if townhouses were being built, would porches be required?

Fletcher suggested, based on the Commission's discussion and concerns, the re-wording of Condition #10 to read as follows:

*"That the petitioner incorporate roof elements above the proposed front porches to enhance design integration efforts with the surrounding built environment unless variance relief is denied by the Board of Zoning Appeals."*

Stranko made a motion to withdraw his prior motion to TABLE the request. He then made a motion to approve request S12-03-III, subject to Staff amended conditions; seconded by Martis. Motion carried unanimously.

- B. MNS12-10 / C & E Development, Inc. / 701-715 McLane Avenue:** Request by Lisa Mardis, on behalf of C & E Development, Inc., for minor subdivision approval of property located 701-715 McLane Avenue; Tax Map 15, Parcels 165, 166, 167; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff Report, stating that the petitioner seeks to re-subdivide three existing parcels into two parcels necessary for a proposed redevelopment project (Case No. S12-03-III). Addendum A of this report illustrates the location of the subject property.

The petitioner's proposed subdivision details include:

- Proposed Lot "1" will be approximately 7,259 square feet in area and approximately 75 feet of frontage along McLane Avenue.
- Proposed Lot "2" will be approximately 7,741 square feet in area and approximately 75 feet of frontage along McLane Avenue.

The proposed parcels exceed the R-2 District minimum lot size standard of 5,000 square feet and minimum lot frontage standard of 40 feet.

DeMasters recognized the petitioner's representative, Lisa Mardis, Project Management Services, 160 Fayette Street. She stated that she concurred with the Staff Report.

DeMasters opened the public hearing portion of the meeting, asking if anyone was present to speak in favor of or in opposition to the request. There being none, DeMasters declared the public hearing portion closed and asked for Staff recommendations.

Fletcher 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;
2. That the final plat may not be recorded until the three (3) existing structures on the subject realty have been razed and removed; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Selin made a motion to approve with Staff's recommended conditions; seconded by Stranko. Motion carried unanimously.

**C. MJS12-01/ Monongalia County Habitat for Humanity / Jersey Avenue:**

Request by Monongalia County Habitat for Humanity for preliminary major subdivision plat approval for property located along Jersey Avenue at its intersection with Jerome Street; Tax Map 24, Parcel 41; R-1A, Single-Family Residential District.

Fletcher read the Staff Report, stating that the on January 14, 2010, the Planning Commission approved a preliminary major subdivision plat (Case No. MJS10-01) that was a part of the petitioner's "Jerome Park Planned Unit Development (PUD)". The petitioner was unable to initiate development as approved under the PUD Outline Plan. As provided in the City's Planning and Zoning Code, City Council rescinded the PUD zoning classification of the subject property on January 3, 2012 and reverted the zoning of same to its previous R-1A, Single-Family Residential District classification.

The petitioner now wishes to initiate the development of single-family dwellings consistent with R-1A District requirements by seeking preliminary plat approval for a major subdivision to create six (6) parcels. Addendum A of this report illustrates the location of the subject site.

Details of the proposed major subdivision include:

- The subject site is approximately 2.18 acres.
- Each of the six (6) proposed parcels will be approximately 3,999 square feet in area, which exceeds the minimum lot size standard of 3,500 square feet provided in Article 1335.03(A).
- Each of the six (6) proposed parcels will have forty (40) feet of frontage along Jersey Avenue, which exceeds the minimum lot frontage standard of thirty (30) feet provided in Article 1335.03(B).
- The petitioner intends to construct single-family dwelling units on each of the six (6) proposed parcels.
- The remaining approximate 1.63 acres is reserved for future, yet to be determined subdivision(s) for R-1A District permitted development.

DeMasters recognized the petitioner Shawnda Cook, Executive Director of Mon County Habitat for Humanity. She stated that she concurred with the Staff report.

Martis asked Cook to explain in greater detail the layout of the lots. Cook referred to Board member, Michael Biafore, who explained that all lots will face Jersey Avenue, with the intention of adding more houses in the future behind those, with another interior street added.

There being no further questions by the Commission, DeMasters opened the public hearing portion, asking if anyone was present to speak in favor of the request. There being known, he asked if anyone was present to speak in opposition to the request.

Andrea Soccorsi, President of the Jerome Park Neighborhood Association, stated that they have been working with Habitat for Humanity over the past several years to reconcile some differences as they have been developing the lots in Jerome Park. She would like to see some dedicated greenspace in this project. The area where these lots are being developed is what gave Jerome Park it's name in the first place. She is hopeful that Habitat will present plans at their next neighborhood meeting.

There being no further comments, DeMasters recognized Cook for a five minute rebuttal.

Cook stated that Habitat plans to continue dialogue with the Jerome Park neighborhood Association.

DeMasters asked for Staff recommendations.

Fletcher stated that Staff recommends conditional approval of the preliminary plat with the following conditions:

1. That the final plat illustrate a sidewalk with a minimum width of five (5) feet along Jersey Avenue beginning at the most western frontage point of Lot 6 shown on the preliminary plat to the most eastern frontage point of Lot 1 shown on the preliminary plat. The City Engineer may, as provided in Article 1335.07(F), reduce this minimum width standard to four (4) feet based on site constraints.
2. That, prior to submission of the final plat for Planning Commission approval, all engineering designs and associated bonding or similar acceptable security, where necessary, be approved by the City Engineer and/or Morgantown Utility Board for: 1.) The required sidewalk along Jersey Avenue; and, 2.) All water, sanitary sewer, and/or stormwater management systems.
3. That the conditional approval of this preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which must be submitted for approval by the Planning Commission and for recording upon fulfillment of the requirements of Chapter Three "Subdivision Regulations" of the City's Planning and Zoning Code and the conditions set forth above.
4. That said conditional approval shall be effective for a maximum period of twelve months unless, upon application of the developer, the Planning Commission grants an extension. If the final plat has not been submitted to the Planning Commission by the end of this effective period, than the preliminary plat must again be submitted to the Planning Commission for approval.

Selin asked about the condition pertaining to sidewalks and wondered if this particular piece of property has conditions in which four-foot sidewalks are anticipated. Fletcher read from the code stating that five-foot sidewalks are to be constructed; however the City Engineer shall have discretion to reduce the minimum standard to four feet due to site constraints and to conform to an existing, but incomplete, sidewalk along the same side of the street. The recommendation given reflects the flexibility given in the Code. If the Planning Commission wishes to strike that clause in the recommendation, they can; however, that is an administrative decision and would not require BZA approval.

Selin made a motion to approve request MJS12-01 with Staff recommended conditions; seconded by Stranko. Motion carried unanimously.

- D. **TX12-02 / Allen and Ruth Donaldson**: A text amendment petition by Allen and Ruth Donaldson to the following sections of the Planning and Zoning Code; Article 1329.02 “Definitions of Terms” and Article 1385.01 “Site Plan Review Required”. **WITHDRAWN**

DeMasters stated that the petitioner had withdrawn this text amendment application and no action was required by the Planning Commission.

## VI. OTHER BUSINESS:

### A. Committee Reports

- Traffic Commission: Wyant stated that the Traffic Commission had a lengthy discussion on the Bicycle Plan and the continuation of the discussion of heavy truck traffic. The truck survey yielded over 800 responses. A report will be made to City Council at the July 3<sup>rd</sup> regular City Council meeting.
- Green Team: Stranko stated that he had no report.

### B. Staff Comments:

Fletcher stated that Crossroads has continued to progress in a timely way. There have been a good number of participants so far. The next steering committee meetings will be Monday, July 30<sup>th</sup> and then Wednesday, August 1<sup>st</sup>. These are very important meetings, and although it is quite a time commitment in one week, he encouraged Commission members to attend. Location will be confirmed and a notification emailed out to all members. The next public meeting will be scheduled for either September or October. Project completion is still on schedule for the end of this year or first of next.

Stranko asked Fletcher where things stood in filling the City Planner vacancy. Fletcher answered that a decision has not been finalized as far as what direction to proceed – either to hire a planning professional or support staff - but that he hopes that the decision will be made in the next week so that advertising for the position can begin.

Selin asked Commission members to provide a moment of silence in honor of the recent passing of Dr. Stanley Weardon, WVU professor and former member of the Morgantown Planning Commission.

## VII. FOR THE GOOD OF THE COMMISSION

Stranko wanted to emphasize that the request concerning Habitat for Humanity involves a huge piece of green space in Morgantown, and that there are so few areas left like that. He feels the City needs to strive to preserve what green space it can.

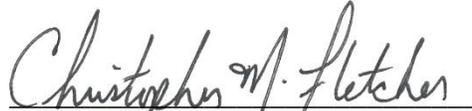
Selin mentioned the passing of a former WVU Statistics Professor, Stanley Weardon, and also stated that he served on the Planning Commission. She asked for a moment of silence in honor of his memory.

**VIII. ADJOURNMENT: 7:50 PM**

MINUTES APPROVED:

July 12, 2012

COMMISSION SECRETARY:

  
Christopher M. Fletcher, AICP