

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

July 10, 2014

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, Bill Kawecki, Sam Loretta, Ken Martis, Bill Petros, Carol Pyles, 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 June 12, 2014 meeting minutes. Fletcher noted that Staff is still preparing minutes from the lengthy June hearing and that these minutes would be presented to the Planning Commission at a future hearing for approval.

IV. **UNFINISHED BUSINESS:**

A. **TX14-01 / Administrative / Sign Permits:** Administratively requested Zoning Text Amendment to Article 1369.15 as it relates to sign permits. **TABLED DURING JUNE 12, 2014 HEARING.**

Fletcher read the Staff report.

Kawecki asked for the areas that cover the B-4 District. Fletcher explained that the B-4 District consists of the downtown area. Sign regulations in the B-4 District are more restrictive than other business districts. The Downtown Design Review Committee is a standing committee of the Planning Commission and has reviewed signs proposed in the B-4 District for several years. Fletcher noted he hasn't been able to locate by-laws for this Committee but explained since it is a standing committee that new processes, policies and by-laws could be established with another annex to the Planning Commission's By-laws.

Stranko expressed concerns with subjective decision making by the Design Review Committee members and feels the Planning Commission should maintain reasonable subjective variety when it relates to reviewing signs for the B-4 District.

DeMasters expressed that if a sign meets all requirements then the petitioner is entitled to the sign and the request cannot be denied.

Stranko noted that aesthetics are critical to the downtown area as businesses are lined up next to each other.

DeMaster compared it to a minor subdivision and stated it is the person's regulatory right to maintain a sign that meets all codes and ordinances and if denied that right it would not stand up in Circuit Court.

Petros asked if the ordinance could be changed to prevent affecting neighbors in an adverse manner.

DeMasters stated that changes to the ordinance should be subjective.

Loretta asked if all decisions made by the Planning Commission are forwarded to City Council. Fletcher explained that only zoning text amendments, zoning amendments, and the Comprehensive Plan are forwarded to City Council for further approval.

DeMasters asked if they could delegate the Design Review Committee to approve signs rather than consultation.

Kawecki noted that it seems like the sign regulations are being taken from the Planning Commission and moved to the BZA for review and asked if that was appropriate.

DeMasters stated it would not be reviewed by the BZA unless it was nonconforming.

Fletcher noted proposed signs in the B-4 District are emailed to the members of the Design Review Committee or discussed during a meeting for review and consultation. The comments received from the committee members are then forwarded to the BZA when a nonconforming sign is proposed. Those comments and suggestions are taken into consideration when making a final decision.

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 policy consideration and alternative. There being none, DeMasters declared the public hearing closed.

Fletcher read Staff recommendation.

Stranko moved to forward TX14-01 to City Council as recommended by Staff; seconded by Loretta. Motion carried unanimously.

V. NEW BUSINESS:

- A. MJS14-01 / Mon County Habitat for Humanity / Deckers Court: Request by Evan Zuverink, on behalf of Mon County Habitat for Humanity, for preliminary plat approval of a major subdivision for property located along Jerome Street; Tax Map 24, Parcel 41; R-1A, Single-Family Residential District.**

Fletcher presented the Staff Report.

DeMasters recognized Evan Zuverink of 3511 University Avenue, who explained that Mon County Habitat for Humanity plans to develop ten single-family dwellings to provide affordable

housing to families in need in Monongalia County. They are working with Cheat Road Engineering on the stormwater area and plan to make a modification so that there will not be a landlocked standalone parcel.

Petros noted that no garages are planned and asked if parking would be directed towards the street. Zuverink explained they would be installing driveways that will accommodate two vehicles per unit.

Petros asked if the fire truck modeling included on street parking or if that would be prohibited.

Fletcher referred to the Staff recommendations which suggests the Planning Commission recommend against on-street parking as it would prevent fire trucks from maneuvering properly.

Zuverink explained most of the families that would be living in the homes only have one head-of-household, which would only provide a need for one car and noted there is on-street parking available on Jersey Avenue if additional parking is needed.

Fletcher referred to the site plan in the Staff Report and explained there is an area that could potentially be developed with additional parking. Zuverink noted the area referred to is planned for green space and there are no intentions of paving that area at this time.

Martis asked who would own the common space after housing is developed. Zuverink explained it is their hope and intention to have the City adopt the road. If the City is not willing to adopt the road, plans for a homeowners association are in place.

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 Jeff Davis of 272 Jerome Street, who stated he has concerns with the drainage that is above his property and asked if plans will change for the property in the future. He is not opposed to the project but is concerned with the consistency of the project in the future given development plan changes from the past.

DeMasters recognized Scott Copen with Cheat Road Engineering who stated that stormwater would be collected from the roofs and into a private system for each house. All stormwater would run from West to East and South to North. Current conditions will be improved with the proposed stormwater facilities.

DeMasters declared the public hearing closed.

Fletcher read the Staff recommendations.

Kawecki expressed that consideration should be given to provide visitor parking as it could be a problem in the future.

Martis noted that the space is limited but blends with the surrounding structures and is happy to see development in the future.

Petros asked who would handle the parking issues if not on a City street. Fletcher explained the fire department could move a vehicle if blocking access but would have to find out who

would be responsible for routinely enforcing parking restrictions if the street was not accepted as a City street.

Petros expressed concerns with the number and width of lots.

Stranko expressed concerns with consumption of green space but is in favor of the project.

Fletcher suggested tabling the petition so reconfigurations could be implemented if desired by the Planning Commission.

DeMasters noted that the Commission is simply agreeing to number of lots and if they meet total yield and a final plat would have to be presented.

Petros asked if the Commission would be granting variances for the lots as proposed.

DeMasters explained that variances would not be granted on lot size as they meet the minimum size requirements and the only variances would be related to the frontage and accesses to the road.

Petros asked if the lot that abuts Jerome Street could be opened up to connect with the cul-de-sac which would eliminate the access problem.

Stranko expressed that he understands the need for more parking but hopes it doesn't involve taking away more green space.

Loretta suggested widening the driveways to include 3-4 cars. DeMasters stated if the driveways are widened then it would encroach onto the owner's yards.

Stranko moved to approve preliminary major subdivision plat petition MJS14-01, with Staff recommended conditions concerning approval and subdivision variances; seconded by Martis. Motion carried 8-1 with Petros voting nay.

B. RZ14-03 / Lucy Chen / Cornell Avenue: Request by Lucy Chen for a Zoning Map Amendment to reclassify property at 113 and 115 Cornell Avenue from R-1A, Single-Family Residential District to R-2, Single and Two-Family Residential District; Tax Map 20, Parcels 613 and 614.

Fletcher presented the Staff Report.

DeMasters recognized Lucy Chen of Cornell Avenue who stated that the Deputy Fire Marshal Rick Sovastion suggested a zoning map amendment to allow for more occupants in the single-family dwellings.

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 Mark Bacilla of 831 Price Street, who stated he is opposed to the map amendment request.

DeMasters declared the public hearing closed.

Fletcher read two emails in objection that were submitted to the Planning Division from Bill Quigley and from Janet McIntosh.

DeMasters invited Chen to the podium for rebuttal. Chen explained the area is surrounded by the R-2 District and feels the whole area is quiet and wouldn't affect the neighbors negatively with the rezoning of 113 and 115 Cornell.

Shuman asked if there was adequate parking for additional tenants. Chen confirmed.

Fletcher read the Staff recommendation.

Shuman noted that most houses within that area are rental properties and expressed concerns with granting the request that surrounding landlords will start requesting zoning amendments.

DeMasters expressed concerns stating the area is a future study area. Zoning map amendments should be contiguous to the area and this would not be as the houses immediately surrounding the property are in the R-1A District.

Stranko moved to send a recommendation to the City Council to deny Case No. RZ14-03 as presented in the Staff Report; seconded by Shuman. Motion carried unanimously.

C. MNS14-07 / ALP Inc. / Haymaker Village: Request by Robert L. Shuman, on behalf of ALP Inc., for minor subdivision approval of property located off of Doris Road and Suzanne Road; Tax Map 41, Parcels 409-413, 415-417 & 435-437.

Shuman recused himself due to a personal relationship with the petitioner's representative, Robert L. Shuman.

Fletcher presented the Staff Report.

Fletcher stated the petitioner's representative requested Staff to represent the minor subdivision petition to the Board.

Martis asked if the property is still owned by the City after annulment of the road. Fletcher explained that the City does not own the right-of-way but holds it in public trust. Under State Code, the annulment process consists of splitting the property in half.

Martis asked if the undeveloped property is a part of the annulment. Fletcher confirmed and referred to the Staff Report to explain the proposed annulment and stated he has not seen the annulment application and is not aware if it has been submitted to the Engineering Department.

Fletcher explained that the subdivision regulations do not require new plats to be reviewed by the Planning Commission for rights-of-way annulments. City Council will have to approve the annulment.

Petros asked if there will be a discussion on annexation with the developers because the property is half in the City and half in the County. Fletcher said discussions may ensue once development plans are shared with the City. Fletcher stated that he understands that the

developer is awaiting annulment decisions by City Council before a final development plan is formalized.

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.

Stranko moved to approve minor subdivision petition MNS14-07 as requested with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: None.
- Green Team: None.

B. Staff Comments:

VII. FOR THE GOOD OF THE COMMISSION: Loretta asked if any progress had been made to develop a DSI Committee. Fletcher noted that lawsuits had been filed and Staff is waiting on decisions of those lawsuits to decide what direction to take with the Committee.

Loretta wanted to remind Staff of his request for an ordinance to restrict the expansion of the B-4 District into the adjoining neighborhood. Fletcher the matter would be addressed next month.

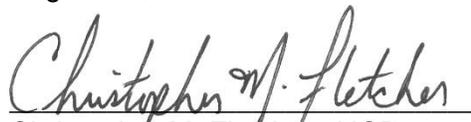
Kawecki asked that by-laws be developed for the Downtown Design Review Committee.

VIII. ADJOURNMENT: 8:45 PM

MINUTES APPROVED:

August 14, 2014

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP