

MORGANTOWN PLANNING COMMISSION

Minutes

6:30 PM

July 14, 2011

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Sam Loretta, Ken Martis, Bill Petros, Carol Pyles, Jennifer Selin, Michael 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:

Approval of the April 14, 2011 meeting minutes – Stranko made a motion to approve Minutes from the April 14, 2011 meeting; seconded by Shuman. Motion carried unanimously.

Approval of the June 9, 2011 meeting minutes – Martis made a motion to approve Minutes from the June 9, 2011 meeting; seconded by Selin. Motion carried unanimously.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

A. RZ11-02 / Vintner Reserve, LLC / Burroughs Street: Request by Vintner Reserve, LLC for a Zoning Map Amendment for property located on Burroughs Street from PRO, Professional, Residential, and Office District to B-2, Service Business District; Tax Map 55 part of former Parcel 37.

Fletcher read the Staff Report stating that the petitioner seeks to reclassify a portion of former Parcel 37 of Tax Map 55 from PRO, Professional, Residential, and Office District to B-2, Service Business District. The area for which the zoning map amendment has been requested is the remnant portion of the "Vintner Reserve" major subdivision approved by the Planning Commission in April 2008. The area was reserved for later development due to its topographical isolation from the "Vintner Reserve" subdivision. Addendum A of this report illustrates the location of the subject realty and surrounding zoning.

On January 14, 2010, the Planning Commission submitted a recommendation to City Council to approve the petitioner's request under Case No. RZ10-01 to reclassify the subject tract of realty from R-1, Single-Family Residential District to PRO, Professional, Residential, and Office District. City Council concurred by enacting the requested zoning map amendment on March 2,

2010. Attached herewith are the January 14, 2010 Staff Report and City Council's Ordinance 10-08.

The petitioner now seeks to reclassify the same tract from PRO District to B-2 District. Because the subject area adjoins a B-2 District to the north, the proposed zoning map amendment is considered a zoning district boundary adjustment.

West Virginia State Code §8A-7-8 provides that if a zoning amendment is inconsistent with the adopted comprehensive plan, then City Council, with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and that those changes have substantially altered the basic characteristics of the area.

It is the opinion of the Planning Division that the Planning Commission and City Council fulfilled this statutory obligation when the zoning classification for the subject realty was changed from the R-1 District to the PRO District in March 2010.

Consideration of the petitioner's present request to reclassify said realty from the PRO District to the B-2 District is therefore simply a determination of whether or not the B-2 District is the appropriate zoning classification for the subject realty.

According to Article 1347.01 of the Planning and Zoning Code, the purpose of the B-2 District is to:

“...provide areas that are appropriate for most kinds of businesses and service, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares.”

It is the opinion of the Planning Division that the area of the subject realty, which is approximately 15,884 sq. ft.; its existing slopes along the side property boundaries; and, present traffic congestion along Burroughs Street leave little opportunity to accommodate the type and scale of development customarily permitted in the B-2 District.

The petitioner's desired development objective is to construct a 1 ½ story mixed-use building that will include approximately 2,100 sq. ft. of professional office space on the first floor and two one-bedroom mixed-use dwellings in the upper portion of the building. However, “mixed-use dwellings” are not permitted in the PRO District but are permitted in the B-2 District.

The developer has advised Staff that they are prepared and willing to construct three professional office suites as permitted by-right in the PRO District. However, traffic generation by the subject site during peak periods along Burroughs Street is a concern of the developer and the Planning Division. Specifically, the type and volume of traffic generated by a non-residential development program would be higher than that of the petitioner's desired mixed-use development program.

To accommodate the petitioner's desired development objectives, one of two Planning and Zoning Code amendment options appears necessary.

Option 1 would be to request a zoning text amendment to Table 1331.05.01 “Permitted Land Uses” so that “mixed-use dwellings” could be permitted in the PRO District either by-right or by conditional use approval granted by the Board of Zoning Appeals.

Staff is concerned that amending Table 1331.05.01 may create instances when “mixed-use dwellings” would not be appropriate and/or compatible in certain PRO District areas of the community.

Option 2 would be to request a zoning map amendment to reclassify the subject property from the PRO District to the B-2 District so that “mixed-use dwellings” could be permitted at the subject site.

Staff advised the petitioner that Option 2 appeared to be more suitable as it would maintain existing permitted dwelling unit types within the PRO District throughout the community while creating an opportunity to construct the type of mixed-use development desired by the petitioner. Additionally, mixed-use dwellings currently exist within the adjacent “Burroughs Place” development.

Lisa Mardis, from Project Management Services, 1165 Hampton Avenue, spoke as representative for Vintner Reserve, LLC. She stated that the owner wishes to reclassify the zoning status because the best use of the subject site is inconsistent with PRO zoning. She went on to say that residents were concerned when the zoning was made PRO that more traffic would be generated. The proposed use of the building should generate less traffic. The owner has also elected to use totes rather than a dumpster at the location for noise control. The owner/applicant resides in the Vintner Place development, which is adjacent to this property. The building will look similar to the building that Mr. Bossio built where the old Wagon Wheel trailer park previously existed at the corner of Burroughs Street and Van Voorhis Road.

Petros asked how many parking spaces there were. Ms. Mardis responded that the amount of parking is still being determined, and Mr. Bossio would be requesting a Variance at the next BZA meeting to exceed the maximum 115% for parking.

Selin asked about the stormwater plan. Ms. Mardis stated that MUB is currently developing a stormwater plan.

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

Ward Harger, Manager of Unity House Apartments on Collins Ferry Rd., spoke in support of the request.

There being no further comments in support of the petition, DeMasters asked if anyone was present to speak in opposition to the request. There being no comments in opposition, DeMasters declared the public hearing portion of the meeting closed and asked for Staff’s recommendations.

Fletcher read Staff’s recommendations, stating that Zoning Map Amendment requests should be evaluated on their land-use merits alone. The petitioner’s development intentions are extraneous and the Commission should consider the request on its merits as a land-use decision. In conducting such an analysis, the Commission should determine if B-2 is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code (please refer to Table 1331.05.01 “Permitted Land Uses”).

Staff advises the Commission to forward a recommendation to City Council to approve a zoning map amendment extending the adjacent B-2 District boundary to include part of former Parcel 37 of Tax Map 55 from PRO to B-2 as illustrated in Addendum A of this report.

Stranko raised concerns about two issues: The first is present traffic congestion, in which he stated that the use of the work 'customarily' was interesting. He asked Fletcher if this B-2 area was smaller than most. Fletcher stated that most of Sabraton, along Rt. 7, is zoned B-2 as well as Pattleson and Van Voorhis, so this is a much smaller-scale area than is typical or customary. The second concern, volume of traffic, is a concern because typically B-2 generates more traffic than PRO. Fletcher stated that the nature of the development will require special traffic design precautions whether B-2 or PRO. The second scenario of one (1) office suite and two (2) one-bedroom apartments would generate less traffic during peak traffic times than three (3) office suites.

Petros asked what the height restrictions were in PRO, versus the B-2 district. Fletcher stated that in PRO, the maximum height is 2 ½ stories, or 35 feet, whichever is less. In the B-2 district, the maximum height is 75 feet, so there is a significant difference.

Petros expressed hesitation in going with option one (1) because it may mean that a precedent is started where all future requests will be expected to be approved.

Fletcher agreed and said that is something Staff struggled with in coming up with a recommendation. However, the property is so small that going vertical will require additional parking and there does not appear to be sufficient building area to accommodate the additional parking demand of more dense development.

DeMasters asked what the B-2 parking requirements were. Fletcher stated that they are the same, meaning that the minimum parking for three (3) office suites is ten (10) spaces. If the property were used as one (1) office suite and two (2) apartments, the parking requirement could be as little as eight (8), but as many as 12-13 spaces, depending on the number of employees in the office suite.

DeMasters clarified that, in order to build to 72 feet in height, there is not enough room on the property to accommodate the amount of parking. Fletcher agreed.

Wyant expressed concern about traffic impact with that size building. Fletcher stated that is a valid concern, considering the traffic congestion that already exists. If the owner were to build to a height of 72 feet, a site-plan review would be required, at which time the City Engineer or the Planning Commission could require a traffic impact analysis. Fletcher stated that he is confident that if a traffic impact analysis were performed for a project of this scale, it would not be permitted due to the large volume of traffic it would create within an already congested corridor.

DeMasters stated that he feels there is a built-in safety net with this, because first, if the development plans would change to the scale of a "Development of Significant Impact", it would automatically come back to the Planning Commission for consideration, and they would not be able to get the parking on the property, and second, if they proposed a development of significant impact, it would come back to the Commission for review again.

Stranko stated he disagreed with the first statement, because there are other options for parking for a larger scale development. He does, however, agree with the second part, in that if the project becomes a "Development of Significant Impact", that it would come back to the Planning

Commission. He reminded the members that this is a unique parcel, in that it is somewhat isolated from the other residential areas around it. He feels this parcel is extremely well shielded and the issue is more about the traffic.

Fletcher reminded the Commission that if the project were to go more vertical, it could easily exceed the 15,000 square feet requirement, thereby requiring a traffic impact study.

Stranko reminded Commission that just across the street are B-2 zoned areas and that this parcel will fit in, topographically.

Stranko made a motion to forward a recommendation to City Council to approve a zoning map amendment extending the adjacent B-2 District boundary to include part of former Parcel 37 of Tax Map 55 from PRO to B-2 as illustrated in the Staff Report; seconded by Selin. Motion carried unanimously.

B. MNS11-09 / Bernard Bossio / 1068 Koontz Avenue: Request by Bernard Bossio for minor subdivision approval for property located at 1068 Koontz Avenue. Tax Map 6, Parcel 5; R-1, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide an existing parcel into two (2) parcels for the purpose of creating an additional building lot. Addendum A of this report illustrates the location of the subject property.

The petitioner's preliminary plat illustrates the following information:

- Proposed Parcel "1" will be approximately 10,233 sq. ft. in area; has approximately 92.6 feet of frontage along Koontz Avenue; and, contains an existing single-family structure.
- Proposed Parcel "2" will be approximately 11,026 sq. ft. in area; and, will have approximately 91.9 feet of frontage along Douglas Street, which is an unopened twenty foot right-of-way.

The proposed parcels exceed the R-1 District minimum lot area standard of 7,200 sq. ft. and minimum lot frontage standard of 70 feet.

DeMasters recognized the Petitioner's representative, Lisa Mardis, 1165 Hampton Avenue. She stated that she had nothing to add to the Staff Report.

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

Fletcher stated that Staff recommends approval with the following conditions:

1. That the proposed parcel boundary dividing the two proposed parcels is established no less than twenty-five (25) feet from the rear of the existing house so that no setback encroachments are created by the subdivision.

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

Stranko said he thought he recalled a case on this same parcel prior to this in which there was a lot of public opposition. Fletcher clarified that it was a different parcel on Douglas Avenue, but the same petitioner.

Stranko asked if a subdivision could be approved fronting an unopened street. Fletcher said yes, that the Commission has done it many times before and that access to the new parcels must be developed within the right-of-way and to related City design and construction specifications.

Selin made a motion to approve MNS11-09 as requested; seconded by Stranko. Motion carried unanimously.

- C. MNS11-10 / Pre Mon Holding Company, LLC / Hunter Way:** Request by Pre Mon Holding Company, LLC for minor subdivision approval for property located along Hunter Way (former Sterling Faucet site in Sabraton). Tax Map 44A, Parcel 7; B-2, Service Business District.

Fletcher read the Staff Report stating that the petitioner seeks to take 15 feet by 150 feet (2,250 sq. ft.) from Parcel 34 of Tax Map 44 and add same to Parcel 7 (Lot J) of Tax Map 44A for the purpose of increasing the area desired for a contemplated development. Addendum A of this report illustrates the location of the subject property.

The modified subject Parcel 7 (Lot J) exceeds the B-2 District minimum lot area standard of 6,000 sq. ft.; minimum lot frontage standard of 60 feet; and, minimum lot depth of 100 feet.

Fletcher stated that Staff has been asked to represent this request. He referred to a map attached to the Staff Report stating that parcel 34 is a large parcel that extends all the way to Interstate 68.

There being no questions from the Commission, DeMasters opened the public hearing portion of the meeting, asking if anyone was present to speak in favor of the request. There being no comments in favor, he then asked if anyone was present to speak in opposition to the request. There being no comments in opposition, DeMasters declared the public hearing portion closed and asked for Staff's 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; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Selin moved to approve MNS11-10 as requested; seconded by Stranko. Motion carried unanimously.

- D. MNS11-12 / MJM Properties, LLC / Trent Street:** Request by Michael Evanoff, on behalf of MJM Properties, LLC for minor subdivision approval for property located along Trent Street.

Fletcher read the Staff Report, stating that the petitioner seeks to subdivide Parcel 477 of Tax Map 20 so that twenty (20) feet of the parcel's thirty (30) foot of frontage is added to Parcel 478 and the remaining ten (10) foot of frontage is added to Parcel 476. The purpose of the subdivision is to develop an off-street parking area for residents of the 9 Trent Street single-family structure.

The proposed subdivision exceeds the maximum area and minimum frontage standards in the R-1A District and will not create a setback encroachment for an existing structure.

Wyant asked what it means when a property is 'exempt'. Fletcher answered that the notation on the County tax map he is referring to means that the property was or is owned by a government agency, a church, or other entity exempt from paying property tax. Fletcher stated that he understands the subject property is privately-owned and most likely responsible for paying property taxes.

There being no further questions by the Commission, DeMasters opened the public hearing portion of the meeting, asking if anyone was present to speak in favor of the request. There being no comments in favor, he then asked if anyone was present to speak in opposition to the request. There being no comments in opposition, DeMasters declared the public hearing portion closed and asked for Staff's recommendations.

Fletcher read Staff recommendations, stating that Staff recommends approval with the following conditions:

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

Stranko moved to approve MNS11-12 as requested; seconded by Selin. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports:

- **Traffic Commission:** Martis reported that the Engineering Department is utilizing summer interns to inventory of each of the City streets and are compiling data that should be extremely useful in the future.
- **Green Team:** None.

B. Staff Comments

- **Update on Comprehensive Plan Consulting Team Selection:** Fletcher reported that negotiations on the Scope of Work for the Comprehensive Plan are moving along and they hope to have a selection made to present to the MPO during their August meeting.

VII. FOR THE GOOD OF THE COMMISSION: Jenny Selin mentioned the trail that was created between Krepps Park and the back of the women's soccer field and stated that a stairway has been built as a connector to the business areas past the soccer field, such as Shoney's, Texas Roadhouse, etc.

VIII. ADJOURNMENT: 7:13 PM

MINUTES APPROVED:

August 11, 2011

COMMISSION SECRETARY:

Christopher M. Fletcher, AICP