

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

August 8, 2013

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Sam Loretta, Michael Shuman, Bill Petros, Ken Martis, William Wyant

MEMBERS ABSENT: Carol Pyles, Tim Stranko, and Bill Kawecki

STAFF: 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:** None

III. **MATTERS OF BUSINESS:**

A. Approval of the April 25, 2013 meeting minutes: Petros moved to table the minutes from the April 25, 2013 meeting due to the lack of a quorum of members in attendance that were present at the April 25th hearing; seconded by Martis. Motion carried unanimously.

B. Approval of the June 13, 2013 meeting minutes: Loretta moved to table the minutes from the June 13, 2013 meeting due to the lack of a quorum of members in attendance that were present at the June 13th hearing; seconded by Shuman. Motion carried unanimously.

C. Approval of the July 11, 2013 meeting minutes: Martis moved to approve the minutes from the July 11, 2013 hearing as presented; seconded by Loretta. Motion carried unanimously.

IV. **OLD BUSINESS:** None.

V. **NEW BUSINESS:**

A. MNS13-19 / Joseph M. Pompura / 900 Monongalia Avenue: Request by Joseph M. Pompura, for minor subdivision approval of property located at 900 Monongalia Avenue; Tax Map 25, Parcels 170 and 171; R-1A, Single Family Residential District.

Fletcher read the Staff Report stating the petitioner seeks to combine Parcels 170 and 171 of Tax Map 25 into one (1) parcel. Addendum A of this report illustrates the location of the subject site.

Parcel 170 is approximately 10,970 and 171 is approximately 5,470 square feet in area. The proposed subdivision will result in one (1) parcel having an approximate area of 16,440 square feet, which will exceed the minimum lot area standard of 3,500 square feet in the R-1A District. The combined frontage of the parcels along Monongalia Avenue will be approximately 195 feet, which will exceed the minimum lot frontage standard of 30 feet in the R-1A District.

Fletcher stated the petitioner had requested Staff to represent the minor subdivision request.

Fletcher explained that the petitioner owns both properties and resides in a house on Parcel 170. Fletcher noted a house was razed and removed from Parcel 171 a few years ago. The petitioner has applied for a building permit to construct an above ground pool on Parcel 171, which has been approved on the condition of the a minor subdivision approval.

There being no comments or questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, DeMasters declared the public hearing 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, 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;
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Martis asked why the petitioner could not build the pool if they owned the property. Fletcher explained that all principal and accessory structures must be located on the same parcel.

Martis moved to approve minor subdivision petition MNS13-19 as requested with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

- B. RZ13-03 / Administrative / Mileground Armory:** Administratively requested Zoning Map Amendment to incorporate the Mileground Armory property, which was recently annexed into the City, by classifying same as a B-2, Service Business District.

Fletcher read the Staff Report stating the West Virginia Army National Guard is presently constructing a state-of-the-art Readiness Center on the east side of the Morgantown Municipal Airport. The Mileground Armory facility will be closed as a part of the Guard's relocation and transition to the new facility.

As a part of the Readiness Center project and future development on the east side of the Airport, the City of Morgantown acquired the Mileground Armory facility property. On 05-Jun-2013, the City of Morgantown completed the process of annexing the Armory property into the city, the location of which is illustrated in Addendum A of this report.

West Virginia State Code 8A-7-1 provides that:

“A zoning ordinance shall cover a municipality's entire jurisdiction.”

As such, municipalities must amend their respective zoning district maps to include realty that is annexed into their corporate limits.

Zoning map amendment requests should be evaluated on their land-use merits alone. The Commission should consider the request on its merits as a land-use decision. In conducting such an analysis, the Commission should determine if the B-2, Service Business District 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; particularly, Article 1347 "B-2, Service Business District" and Table 1331.05.01 "Permitted Land Uses".

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 services, particularly large space users such as department stores. Typically, B-2 Districts are located along major thoroughfares.

Addendum B of this report contains Staff's analysis identifying how the proposed zoning map amendment is aligned and concurs with the land management intent, location, and pattern and character principles of the current Comprehensive Plan.

Martis asked if the current building will be torn down. Fletcher stated that he was not aware of the building's future other than the City has an obligation to sell or transfer the property to offset debt that has incurred relating to the development on the airport property and our partnership with the Monongalia County Commission and the Monongalia County Economic Development Authority.

DeMasters noted the property touches the O-I District and asked why the proposed zoning classification is a B-2 District. Fletcher explained in 2006 the City modernized the zoning ordinance and incorporated all property that had been annexed including WVU property. The O-I district located on both sides of the Armory is owned by the University. The University exempt from complying with municipal zoning regulations, but the City is required under State Code to provide a zoning classification for the University's property.

There being no further comments or questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that staff advises the Commission to forward a recommendation to City Council to amend the Official Zoning District Map by classifying the Mileground Armory property that was recently annexed by the City of Morgantown as a B-2, Service Business District.

Martis moved to forward map amendment RZ13-03 to Council as recommended by Staff; seconded by Shuman. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

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

B. Staff Comments:

Fletcher noted final copies of the Comprehensive Plan were distributed. A workshop will be scheduled in September to discuss prioritization of the Plan's implementation strategies.

VII. FOR THE GOOD OF THE COMMISSION:

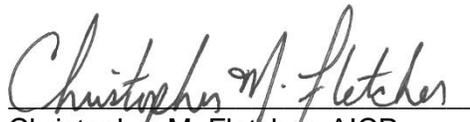
Martis stated the County Commission is considering subdivision regulations and noted that the lack of regulations has contributed to poorly planned development in the County. Martis identified the abandoned and unfinished multi-family development at the top of Willey Street as an example of the County's lack of regulations. He commended the Dominion Post for its editorial on August 7, 2013, which supported the County Commission's interest in subdivision regulation and looking out for the broader community of Morgantown.

VIII. ADJOURNMENT: 6:46 PM

MINUTES APPROVED:

September 12, 2013

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP