

# MORGANTOWN PLANNING COMMISSION

## Minutes

6:30 PM

September 8, 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:**

- A. Approval of August 11, 2011 meeting minutes: Martis moved to approve the minutes of the August 11, 2011 hearing, with a minor correction from July to August in the heading; seconded by Petros. Motion carried unanimously with Wyant abstaining due to his absence.

Fletcher announced that he received a request from the petitioner representing Item C under "New Business" [Benton Financiers, Inc.] that this item be postponed due to a scheduling conflict which made it impossible for the petitioner to attend the meeting.

IV. **OLD BUSINESS:** None

V. **NEW BUSINESS:**

- A. **S11-19-III / Goodwill of Southwestern PA / Hunter Way:** Request by Goodwill of Southwestern PA for Development of Significant Impact Site Plan approval for the construction of an approximate 16,000 square foot *Goodwill Store* on the former Sterling Faucet site in Sabraton along Hunter Way; Tax Map 44A, part of Parcel 7; B-2, Service Business District.

Fletcher read the Staff Report stating that the petitioner seeks to develop a *Goodwill Store* at the former Sterling Faucet site in Sabraton. Addendum A of this report illustrates the location subject site.

The petitioner's proposed development program details include:

- A one-story, approximately 15,700 square feet building.
- The proposed land use is a "Department Store" as defined in Article 1329.02 of the Planning and Zoning Code.

- The store will include retail, warehouse, drop-off, and office spaces customary to similar *Goodwill* retail and collection locations.
- The primary retail entrance will be located at the rear of the building closest to proposed parking.
- Construction is scheduled to begin in mid-October to early November with substantial completion by July 15, 2012.
- The estimated project development costs are \$2 million.

### Setbacks

With the exception of proposed awnings above the front windows along Hunter Way, all setback standards set forth in Article 1347.04 are observed. The developer is concurrently seeking variance relief from the Board of Zoning Appeals to encroach into the front setback standard of 15 feet so that awnings may be included on the front façade as an architectural feature.

### Building Height

The proposed structure is less than the maximum building height standard of 72 feet as set forth in Article 1347.05 for the B-2 District.

### Parking

The minimum parking standard for a “Department Store” use that is less than 25,000 square feet in area is 3.28 spaces per 1,000 square feet of gross floor area plus one (1) per employee. The developer has stated that there will be approximately eight (8) employees present during the largest shift.

Based on the proposed development program, the minimum parking requirement is:

$$[(15,700 / 1,000) \times 3.28] + 8 = \mathbf{59 \text{ spaces}}$$

The site plan illustrates 63 parking spaces, which meets the minimum and maximum parking standards set forth in Article 1365.

As the subject site is constrained by required encapsulation of contaminated soils, final parking design and layout, related landscape planning, and lighting planning are dependent upon stormwater management plan review and approval by the Morgantown Utility Board (MUB).

### Loading

Table 1365.10.01 “Required Loading Spaces” provides that at least one (1) loading space or loading berth. The proposed site plan illustrates two (2) loading berths at the west side of the structure.

There being no questions by the Commission, DeMasters recognized the petitioner’s design professionals Ray McCaughey of Strada and William Ernstes of Triad Engineering, who stated that they did not wish to add anything to the Staff Report.

Martis asked if this was part of the Tin Mill Crossings ownership. Fletcher stated that he understands the current owner of record to be Pres Mon Holding Company, LLC. Mr. Ernstes added that the property is a part of the Tin Mill Crossings subdivision.

Wyant asked if the 15 foot setback was close to a road, fire lane or anything that might interfere with an oversized emergency vehicle. Fletcher stated that the 15 foot setback is from the road [Hunter Way], which will include a six-foot sidewalk. The proposed awning encroachment will be three feet.

Stranko asked if the primary access would be Hunter Way. Fletcher stated that most of the customer access will come from Sterling Drive. There will be two driveways from Hunter Way, but one will be an exit only.

Stranko asked if a traffic study had been conducted. Fletcher stated that the City Engineer did not require a traffic impact study.

Stranko mentioned green space, to which Fletcher replied that the green space required by the Planning and Zoning Code is illustrated on the site plan, but the type of vegetation is currently unknown due to the environment encapsulation requirements of the site.

Selin asked if the parking spaces shown on the map will change. Fletcher reminded the Commission that the Staff Report noted that parking spaces layout design may change due to stormwater review and approval by MUB.

Stranko asked if the exterior would be brick. Mr. McCaughey stated that it would be masonry block.

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 asked if anyone was present to speak in opposition to the request. There being no comments in opposition, 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 shall incorporate, to the satisfaction of the Planning Division, all reasonable Technical Review Team recommendations in plans submitted with related building permit applications.
2. The development shall meet all applicable federal Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
3. That the final Landscaping Plan and Lighting Plan must be submitted and approved as a part of the building permit review process and comply with related standards in Article 1367 and Article 1371 respectively unless variance relief is granted by the Board of Zoning Appeals.
4. That regulated signage must comply with related standards provided in Article 1369 "Signs" unless variance relief is granted by the Board of Zoning Appeals.

Stranko asked if this was the last property [within the former Sterling Faucet site] to be developed. Fletcher stated that there are one or two more tracts that may be developed.

Stranko moved to approve S11-19-III with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

- B. MNS11-15 / Goodwill of Southwestern PA / Hunter Way:** Request by Goodwill of Southwestern PA for minor subdivision approval on the former Sterling Faucet site in Sabraton along Hunter Way; Tax Map 44A, part of Parcel 7; B-2 Service Business District.

Fletcher read the Staff Report, stating that the petitioner seeks to subdivide Parcel 7 of Tax Map 44A to create a development site for a proposed *Goodwill Store*. Addendum A of this report illustrates the location of the subject site.

Details of the proposed subdivision include:

- Parcel "I-A" illustrated on the submitted preliminary plat will contain 2.06 acres.
- Parcel "I-B" illustrated on the submitted preliminary plat will contain 1.76 acres.

The proposed subdivision exceeds the following B-2 District lot provision standards set forth in Article 1347.03 of the Planning and Zoning Code:

- Minimum Lot Size ..... 6,000 sq. ft.
- Minimum Lot Frontage..... 60 feet
- Minimum Lot Depth ..... 100 feet

DeMasters recognized Mr. Ernstes, who stated that he had nothing to add to the Staff Report.

There being no 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 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 condition set forth above.

Stranko moved to approve MNS11-15 with Staff recommended conditions; seconded by Martis. Motion carried unanimously.

- C. RZ11-03 / Benton Financiers, Inc. / 221 Willey Street:** Request by Scott Batt, on behalf of Benton Financiers, Inc., for a zoning map amendment for property located at 221 Willey Street from the B-1, Neighborhood District to the B-4, General Business District; Tax Map 26, Parcel 118.

DeMasters reminded the Commission that the petitioner for this agenda item requested this matter be postponed to a future meeting and that no action was required.

- D. TX11-03 / Larew / “Animal Grooming Service” in the PRO District:** Request by Nichole Larew for a zoning text amendment to Table 1331.05.01 “Permitted Lane Uses” of the Planning and Zoning Code so that “Animal Grooming Service” users may be permitted as a by-right use in the PRO, Professional, Residential, and Office District.

Fletcher read the Staff Report, stating that the petitioner seeks to amend Table 1331.05.01 “Permitted Land Uses” of the Planning and Zoning Code so that “Animal Grooming Service” uses may be permitted as a by-right use in the PRO District.

Article 1329.02 of the Planning and Zoning Code defines “Animal Grooming Service” as:

“Any place or establishment whose primary service offered is to be a place where animals are bathed, clipped or combed for the purposed of enhancing their aesthetic value and/or health, and for which a fee is charged.”

Table 1331.05.01 does not currently list “Animal Grooming Service” as a permitted by-right or conditional use within the PRO District.

Article 1341.01 states that the purpose of the PRO District is to:

“Provide for a mixed use of professional, office and appropriate residential uses in transition areas between more intensive commercial districts and less intensive residential neighborhood districts.”

The following list condenses Table 1331.05.01 “Permitted Land Uses” to those uses permitted either by-right, by accessory use, or by conditional use within the PRO District.

<b>Land Uses Permitted in the PRO District</b> (taken from Table 1331.05.01)		
<b>Uses</b>	<b>By-right</b>	<b>Conditional Use</b>
Artist Studio	P	
Barber Shop/ Beauty Salon	P	
Community Center	P	
Day Care Facility, Class 1	P	
Day Care Facility, Class 2	P	
Day Care Facility, Class 3	P	
Dwelling, Single family	P	
Dwelling, Townhouse	P	
Dwelling, Two-family	P	
Essential Services and Equipment	P	
Financial Services Establishment	P	
Home Occupation, Class 1	A	
Home Occupation, Class 2		C
Manufactured Homes	P	
Office Building	P	
Office, Medical	P	
Parking Lot, Private		C

<b>Land Uses Permitted in the PRO District</b> (taken from Table 1331.05.01)		
<b>Uses</b>	<b>By-right</b>	<b>Conditional Use</b>
Personal Services Establishment	P	
Professional Services Establishment	P	
Telecommunications Class I	P	
Wellness Center	P	

In reviewing the above table, it appears that service-type uses are permitted in the PRO District. Further, the following definitions are provided in Article 1329.02 of the Planning and Zoning Code for those uses highlighted above, which appear similar in commercial scope to that of an “Animal Grooming Service” use.

- **PERSONAL SERVICES ESTABLISHMENT** – A business which is associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, shoe repair shop, self-service laundry, but not a tattoo parlor. The definition shall apply whether or not the individual engage in the offering of said service is required to be licensed by the State of West Virginia.
- **BARBER SHOP / BEAUTY SALON** – An establishment where the practice of barbering and/or cosmetology is offered on a regular basis for compensation.
- **ARTIST STUDIO** – Workspace for artists or artisans, including individuals practicing one or more of the fine arts or skilled in crafts.
- **PROFESSIONAL SERVICES ESTABLISHMENT** – An establishment engaged in providing professional services such as physical and/or massage therapy, consulting, legal, engineering and the like, but not including personal services.

DeMasters recognized the petitioner, Nichole Larew, 13 Pioneer Villas, Morgantown, who stated that there are very few pet salons in the Morgantown area and she feels her establishment will be very much appreciated.

Wyant asked if there are any different requirements for wastewater when dealing with animals rather than people. Fletcher answered that, under the Planning and Zoning, there are no regulations.

Selin asked how long the animals would be staying at the grooming place and wondered about noise and barking. The Ms. Larew stated that the animals would only be there for a few hours and barking should not be a problem. If it becomes a problem, she has barking inhibitors that she can use.

Petros asked if this would mean changing the zoning on the site only. Fletcher stated that a Zoning Text Amendment is not site-specific, but within the entire PRO District. The Planning Commission could recommend that the use be permitted as a conditional use rather than a by-right use.

Stranko emphasized that a request for conditional use through the BZA would allow neighboring residents to voice their opinions or concerns. He also brought up the possibility of a dog grooming place having an outside run to store the animals until the owners retrieve them.

Ms. Larew stated that this will not be the case at her place of business. She stated that outdoor runs present other liability issues that she is not interested in pursuing.

After much discussion, it was the consensus that this request would best be revised as a conditional use rather than a by-right use.

There being no further comments or 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 of the request, 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 closed and asked for Staff's recommendation.

Fletcher stated that based on the Commission's concerns and discussion, Staff advises the Planning Commission to forward a recommendation to City Council to approve the zoning text amendment so that "Animal Grooming Service" uses are listed in Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code as a conditional use within the PRO District.

Stranko moved to approve TX11-03 as recommended by Staff; seconded by Petros. Motion carried unanimously.

- E. MNS11-16 / Petrucci / 207 Willowdale Road:** Request by Ryan Petrucci on behalf of Lynn and Nancy King, for minor subdivision approval for property located at 207 Willowdale Road; Tax Map 14, Parcel 112 and 113; R-1A, Single-Family Residential District.

Fletcher read the Staff Report, stating that the petitioner seeks to relocate and adjust the side property boundary shared by Parcels 112 and 113 of Tax Map 14. Addendum A of this report illustrates the location of the subject site.

The adjustment of said property boundary will be approximately four (4) feet easterly at the northeast corner and approximately fourteen (14) feet easterly at the southeast corner. The alignment of the proposed boundary will be closer to parallel with the orientation of the existing single-family structures and does not appear to create a setback encroachment by existing structures.

The proposed subdivision increases the extent of nonconforming area for Parcel 112 but observes the minimum lot frontage standard of 30 feet as provided in Article 1335.03 of the Planning and Zoning Code. It should be noted that several neighboring parcels along Willowdale Road do not appear to meet the minimum 3,500 square feet lot size standard in the R-1A District.

Fletcher stated that the petitioner asked Staff to represent him. Fletcher referred to a site plan included in the meeting packet, explaining the intent of the boundary adjustment. He stated that the new proposed boundary line is more parallel and that the new boundary would be more consistent with the orientation of the structures. There is a mutual agreement between property owners.

DeMasters opened the public hearing portion, 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 condition set forth above.

Stranko moved to approve MNS11-16 with Staff's recommended conditions; seconded by Martys. Motion carried unanimously.

- F. MNS11-17 / Stephen Hill / 606 Rose Street:** Request by Stephen Hill for minor subdivision approval for property located at 600 Rose Street; Tax Map 40, Parcel 355; R-1A, Single-Family Residential District.

Fletcher read the Staff report, stating that the petitioner seeks to move the parcel boundary between his existing single-family home on Parcel 355.1 and the existing duplex fronting Rose Street on Parcel 355 that he currently owns and wishes to sell. Addendum A of this report illustrates the location of the subject site.

The petitioner's mother Elsie Hill obtained minor subdivision approval to create the two (2) existing parcels in October 1996 (MNS96-13). The approximate lot depth of the Rose Street fronting tract (Parcel 355) created by the subject subdivision was approximately 100 feet along the western side boundary line leaving approximately 80 feet along the western side boundary line for the rear tract (Parcel 355.1).

The petitioner now seeks to reduce the western side boundary lot depth of Parcel 355 from approximately 100 feet to approximately 80 feet and increase the western side boundary lot depth of Parcel 355.1 from approximately 80 feet to approximately 100 feet.

Staff worked with the petitioner to ensure that sufficient area was provided on Parcel 355 to accommodate at least three (3) off-street parking spaces required for the existing duplex.

Fletcher noted that the petitioner requested Staff to represent the request. He referred to the site plan, stating that the petitioner is basically reversing the lot lines depths of the properties. He explained that Rose Street dead ends, and the property goes into White Park.

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 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 condition set forth above.

Fletcher stated that when the alley was annulled, the property owner on the adjacent side did not want their portion of the alley, so the petitioner's parents inherited the entire width of the alley right of way.

Selin moved to approve MNS11-17 with Staff recommended conditions; seconded by Stranko. Motion carried unanimously.

**VI. OTHER BUSINESS:**

**A. Committee Reports**

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

**B. Staff Comments:**

Fletcher stated that the timeline of the Comprehensive Plan should be finalized next week. The consulting team is Burgess & Niple and ACP Visioning and Planning. The intergovernmental agreement with the Town of Star City and the Morgantown-Monongalia Metropolitan Planning Organization will be on the City Council's September Committee of the Whole agenda. The first and second readings should be completed during City Council's regular meetings in October.

Fletcher noted that he is meeting with Frank Gmeindl and Chip Wamsley soon from the Bicycle Board to go over their research of ordinances requiring bicycle storage for new multi-family developments. Once recommendations are created, proposals will be brought to the Planning Commission. The timeline is unknown at this point.

**VII. FOR THE GOOD OF THE COMMISSION**

**VIII. ADJOURNMENT: 7:45 PM**

MINUTES APPROVED: October 13, 2011

COMMISSION SECRETARY:

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Christopher M. Fletcher, AICP