

MORGANTOWN PLANNING COMMISSION

Minutes

6:30 PM

November 10, 2011

Council Chambers

MEMBERS PRESENT: Sam Loretta, William Wyant, Bill Petros, Michael Shuman, Ken Martis, Jennifer Selin

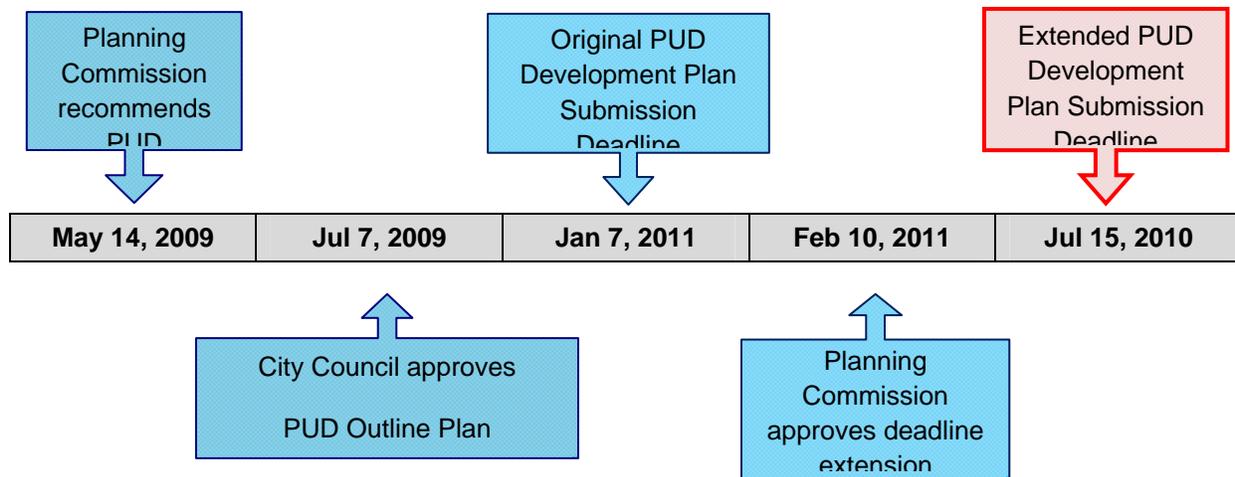
MEMBERS ABSENT: Tim Stranko, Carol Pyles

STAFF: Heather Dingman, AICP

- I. **CALL TO ORDER/ROLL CALL:** Pyles called the meeting to order at 6:30 PM
- II. **GENERAL PUBLIC COMMENTS:** None
- III. **MATTERS OF BUSINESS:** Approval of October 13, 2011 Minutes: Selin made a motion to approve minutes from the October 13, 2011 hearing; seconded by Petros. Motion carried unanimously, with Martis and DeMasters abstaining due to their absence.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**
 - A. **RZ09-02/Monongalia County Habitat for Humanity Planned Unit Development (PUD):** Public Hearing for and consideration of 1) An extension to the eighteen month PUD Development Plan submission deadline; or 2) Recommendation to City Council to initiate action to rescind the Planned Unit Development designation and reclassify the subject realty to its previous designation of R-1A, Single-family Residential District.

Dingman read from a Memorandum, stating that Article 1357.03 "Procedure for Approval of Planned Unit Development" of the Planning and Zoning Code provides that a PUD Development Plan must be submitted to the City no later than eighteen (18) months following City Council approval of the PUD Outline Plan.

The following timeline illustrates the related approvals and deadlines for the submission of the "Monongalia County Habitat for Humanity" PUD Development Plan.



Staff met with the Habitat for Humanity’s Executive Committee on Tuesday, May 17, 2011 at 2:00 PM at the “ReStore” location to discuss the status of submitting the Phase 1 Development Plan, which provided for the construction of five single-family dwellings along Jersey Avenue.

Issues discussed included fund raising efforts and challenges; development costs associated with extending water and sanitary sewer infrastructure to the site for Phase 1; and, the possible request of an additional deadline extension.

The Executive Committee concluded that if additional funding could be secured prior to the July 15, 2011 deadline, then the project would proceed. However, if additional funding could not be secured accordingly, a request for an additional deadline extension would not be pursued and the vested property right under the approved PUD Outline Plan would be abandoned.

Article 1357.03 (D) (4) (c) requires the Planning Division to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicants of same.

By the attached letter dated June 27, 2011, Staff notified the petitioner of the pending expiration. The petitioner was also advised that a written extension request, detailing the merits and just cause for same, could be submitted to the Planning Division by July 8, 2011, so that it could be included on the Planning Commission’s August 11, 2011 agenda.

Staff has not, to date, been contacted by the petitioner concerning the “Monongalia County Habitat for Humanity PUD” nor received a written extension request.

It is the opinion of the Planning Division that the Planning Commission must:

1. Determine whether to consider extending the deadline for good cause, consistent with the purposes of the Zoning Ordinance; OR,

2. Initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation and reclassify the subject realty to its previous designation R-1A Single-family Residential District.

Should the Planning Commission choose to extend the deadline, than it is obligated to state the basis for which it is to be granted and identify a specific period for same.

Should the Planning Commission choose to initiate action to rescind the PUD designation, than it must submit a recommendation to City Council to, by ordinance, reclassify the subject realty from a PUD District to R-1A Single-family Residential District.

Under either scenario, Staff recommends that the Planning Commission hear comments under its standard public hearing procedure before entertaining a motion.

No one was present to represent Habitat for Humanity.

DeMasters opened the Public Hearing portion, asking if anyone from the audience wished to comment.

Richard Dumas, 444 Overhill Street, stated that he feels this is a perfect opportunity for the Planning Commission to return some property back to its R-1A status and would hope that the Commission would vote in favor.

Judy Simmons, 127 Willowdale Road, stated that she agrees with Mr. Dumas that the property should be returned to R-1A status.

Martis stated that he would be prepared to make a motion to rescind the PUD designation and return the zoning back to its original R-1A designation.

Selin stated that she is surprised that there has been no opposition to this from Habitat for Humanity.

Martis made a motion to recommend to City Council to rescind the PUD designation and reclassify the subject realty to R-1A; seconded by Petros. Motion carried unanimously.

- B. S11-20-III/Tera, LLC/388-404 Stewart Street:** Request by Lisa Mardis, on behalf of Tera, LLC for a minor subdivision approval of property located at former 388, 400, and 404 Stewart Street; Tax Map 20, Parcels 372, 372.01, and 373; R-2, Single and Two-Family Residential District.

Dingman read the Staff report, stating that the petitioner seeks to raze three structures at 388-404 Stewart Street and construct a multi-family housing development with required parking. Addendum A of this report illustrates the location.

The petitioner's proposed development program details include:

- Four story apartment building with four habitable levels.

- Twenty, one-bedroom units.
- Twenty on-site parking spaces located to the rear of the building accessed by a shared private drive from Stewart Street, which will eliminate three to four existing curb cuts along the heavily traveled corridor.
- Access to the dwelling units fronting Stewart Street from the rear parking area will be provided by two stairwells along the northern and southern exterior walls of the building.
- The building will utilize a shared dumpster facility located in the rear yard if the development, adjacent to the resident parking lot.
- Residents will use a shared mailbox unit placed along Stewart Street. The petitioner has confirmed in writing that the United States Postal Service will deliver mail to accessible units as needed.

The following Planning and Zoning Code related approvals are required for the development program as proposed.

Planning Commission:

- Case No. S11-20-III..... Development of Significant Impact Site Plan.
- Case No. MNS11-21 Minor subdivision to combine three existing parcels.

Board of Zoning Appeals:

- Case No. CU11-13..... Conditional use approval for a “Multi-family Dwelling” use in the R-2 District.
- Case No. V11-41..... 2.5 foot variance relief from the minimum front setback standard of ten feet.
- Case No. V11-43..... 1.5 story and 7.5 foot variance relief from the maximum building height standard of 2.5 stories or 35 feet, whichever is less.

DeMasters introduced the Petitioner, Lisa Mardis, Project Management Services, 1165 Hampton Avenue, who stated that this is Phase II and that Phase I is currently under construction.

Selin asked if there is proposed parking. Mardis stated that it is on the site plan, but that you have to look closely.

Petros asked how tall this would be. Mardis answered that it will be 3 stories. This is an additional story because the bottom floor is less than 50% underground, which makes it 1 story.

Selin asked about the retaining wall. Mardis stated that it is approximately 40 ft. in the highest area.

Mardis says the developers have done a great job with the design and she feels it will be a great addition to the neighborhood.

Selin asked how far from the neighboring properties the retaining wall is. Mardis stated that retaining walls can be built on the property line, and it will be close. She further stated that they will be very careful not to disturb any neighboring property.

Selin asked about landscaping plans. DeMasters stated that the landscaping is addressed in #6 in the recommendations.

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.

Richard Dumas, 444 Overhill Street, stated that he had a concern with the gravel lot which is encroaching on the R-1A zoning. He did not see any place where that lot was addressed and would like to that before any approval. He also expressed concern about the height of the proposed retaining wall.

Judy Simmons, 127 Willowdale Road, stated that she is concerned about the height of the building, the increased capacity in regards to more traffic, and setback requirements due to storm water runoff.

John Lozier, 345 Virginia Avenue, stated that he has not reviewed the plan in close detail, but he is also concerned about the increased population (number of occupants) in regards to increased traffic congestion. He feels it is a bad idea for developers to think they can propose a development under one set of rules, then proceed to request a variance from those rules.

Richard Dumas, 444 Overhill Street, stated that the letter that went to residents said there seems to be a discrepancy between what the letter to residents stated and what the plan states as far as number of units.

Mardis stated that the development is for 20 1-bedroom units.

Mardis asked about the parking lot across the street. Mardis answered that she believed the condition was that it needed to be re-graded before a permanent Certificate of

Occupancy can be granted. That was part of the requirements of Phase 1, which is not yet completed. She further stated that she believes there are adequate provisions for storm water runoff.

The developer, Dave Robertson, Somerset, PA, stated that the staging area for construction will be behind 410 which is in between the 1st and 2nd Phase areas of the project. The parking will be put back and re-seeded after construction is completed. He stated that the retaining wall is primarily for the parking area.

There being no further comments, DeMasters declared the public hearing portion closed.

Dingman read Staff recommendation, stating that the proposed redevelopment is consistent with the character and street face of the Stewart Street corridor. The new building will complete a three-part, multi-family housing complex to create a consistent and interconnected development along this segment of Stewart Street. The building provides all necessary parking places and driveways, as well as loading and trash receptacle areas. Furthermore, the proposed building exceeds required aesthetic requirements in the R-2 district by incorporating a combination of masonry materials, which will provide visually appealing qualities to this area.

Staff recommends approval with the following conditions:

1. That conditional use petition CU11-13 and variance petitions V11-41 and V11-43 must be approved by the Board of Zoning Appeals prior to the issuance of any building permit.
2. That minor subdivision petition MNS11-20 must be approved by the Planning Commission and that the final plat, with related access easements, be recorded at the Monongalia County Courthouse prior to the issuance of a permanent Certificate of Occupancy.
3. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
4. 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.
5. That all exterior stairs, steps, landings, elevated walkways, railings, and support members may not be comprised of exposed wood or treated lumber.
6. That, to the satisfaction of the Planning Division, evergreen shrubs shall be planted along the entire front of the proposed structure to screen the partially exposed level from streetscape view.

7. That the shared dumpster shall be enclosed with masonry materials at least six (6) feet in height and include an opaque gate, standard concrete access apron, and concrete bollards at the rear of the enclosure to protect same from damage.
8. That any sidewalk or portion thereof along the project site's Stewart Street frontage damaged or destroyed during construction shall be replaced to the satisfaction of the City Engineer prior to the issuance of a permanent Certificate of Occupancy.
9. That a Lighting Plan be submitted with the building permit application for review and approval by the Planning Division. Variance approval must be obtained should the Lighting Plan not conform to the performance standards set forth in the City Planning and Zoning Code.

Wyant asked for clarification about the stairs being composed of exposed wood or treated lumber. Dingman answered that the steps are required to be weatherized.

Selin questioned whether recommendation #6 is satisfactory. Dingman said that recommendation #6 can be expanded upon, if necessary.

DeMasters suggested a condition #10 that a landscape plan be submitted for review and approval of the Planning Department, prior to being granted a Certificate of Occupancy.

Selin asked why there is a request for a 2.5 ft. variance. The applicant stated that the building needed to be moved forward a bit to have enough clearance for fire and emergency trucks.

Wyant made a motion to approve S11-21 with condition #10 being added; seconded by Loretta. Motion carried 7-1, with Petros voting NO.

Selin made a motion to approve S11-21, with an additional condition (#10) to Staff Recommendations; seconded by Loretta. Motion carried unanimously.

- C. MNS11-21/Tera, LLC/Stewart Street:** Request by Lisa Mardis, on behalf of Tera, LLC for a minor subdivision approval of property located at former 388, 400, and 404 Stewart Street; Tax Map 20, Parcels 372, 372.01, and 373; R-2, Single and Two-Family Residential District.

Dingman read the Staff report, stating that the petitioner seeks to combine three (3) existing parcels into one (1) parcel. The proposed subdivision will create one 16,466 square foot parcel. Addendum A of this report illustrates the location of the subject site.

The area of two of the existing parcels is less than the minimum lot size standard of 5,000 square feet in the R-2 District as set forth in Article 1337.03 of the Planning and Zoning Code. Once combined, the proposed parcel will exceed the required minimum lot area as well as the minimum lot frontage standard of forty feet.

DeMasters recognized the petitioner, Lisa Mardis, 1165 Hampton Avenue, who made the correction that she was representing Tera, LLC and not Dave Robertson.

DeMasters just confirmed that the request was to combine all parcels in order to build the building. Mardis answered yes.

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. There being no comments in opposition, DeMasters declared the public hearing portion closed.

Dingman read Staff recommendation, 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 condition set forth above.

Selin made a motion to approve MNS11-21; seconded by Loretta. Motion carried unanimously.

- D. MNS11-22/GCF2, LLC/Stewart Street:** Request by Lisa Mardis on behalf of GCF2, LLC for a minor subdivision approval of property located at 541 Stewart Street; Tax Map 14, Parcel 446; R-1A, Single-Family Residential District.

Dingman read the Staff report, stating that The petitioner seeks to subdivide the existing parcel into two parcels. The parent parcel, 541 Stewart Street, will retain a one-story, wood frame single-family dwelling with an area of approximately 4,469 square feet and 40 feet of street frontage. The new parcel will be approximately 3,612 square feet with 38.5 feet of street frontage. Both parcels appear to adhere to the minimum lot and minimum frontage requirements in an R-1A district. Addendum A of this report illustrates the location of the subject site.

Although the attached map appears to be to scale, the exact setback of the existing house from the newly created south parcel line of 541 Stewart Street cannot be determined.

DeMasters introduced the petitioner, Lisa Mardis, 1165 Hampton Avenue, who stated that she concurred with the Staff report and also stated there would be a 5 ft. setback, as required.

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.

Dingman read Staff recommendation, stating that Staff recommends approval with the following conditions:

1. That the location of the new boundary separating the two parcels may not be established closer than five feet from the side of the existing single-family structure; and, that both parcels must meet or exceed the minimum lot area standard of 3,500 square feet and minimum lot frontage standard of thirty (30) feet.
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.

Selin made a motion to approve MNS11-22; seconded by Loretta. Motion carried unanimously.

- E. MNS11-23/Burhyl Dunn/Powell Avenue:** Request by Burhyl Dunn for minor subdivision approval for property located on Powell Avenue; Tax Map 30, Parcels 104, 104.2, and 104.3. R-1A, Single-Family Residential District.

Dingman stated that the applicant, Mr. Dunn, has asked Staff to represent him for this meeting. Dingman read the Staff report, stating that The petitioner seeks to subdivide Parcel 104, which includes 8.02 acres, into two addition lots to be attached to the rear yards of Parcels 104.3 and 104.2. Addendum A of this report illustrates the location of the subject site.

As illustrated in the petitioner's application attachment, an approximate area of 100' x 250' (25,000 square feet) will be subdivided from Parcel 104 and be attached to Parcel 104.3 thereby extending its lot depth another 250 feet.

An approximate area of 100' x 255' (25,500 square feet) will be subdivided from Parcel 104 and be attached to Parcel 104.2 thereby extending its lot depth another 255 feet.

All parcels will continue to adhere to the R-1A District minimum lot area and minimum frontage requirements.

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.

Dingman read Staff recommendation, 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 condition set forth above.

Loretta made a motion to approve MNS 11-23; seconded by Petros. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports:

Traffic Commission: Ken Martis stated that in it's regular November meeting and discussed two WVU concerns: traffic & parking plan and the Evansdale renovation plans. He stated that the most important thing for the PC to know is that Evansdale Drive will be closed during the time of renovation. Arrangements will be made to accommodate bike and pedestrian traffic during this time.

Martis also announced his resignation on the Traffic Commission, as the Planning Commission representative. He feels that a two-year rotation of a PC member to the Traffic Commission would be beneficial. He stated that another Traffic Commission Planning Commission representative must be appointed.

Green Team: No report.

B. Staff Comments: None

VII. FOR THE GOOD OF THE COMMISSION

VIII. ADJOURNMENT: 7:45 PM

MINUTES APPROVED: December 8, 2011



BOARD SECRETARY:

Heather Whitmore Dingman, AICP