

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

December 12, 2013

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Carol Pyles, Bill Kawecki, Sam Loretta, Ken Martis, Bill Petros, Tim Stranko, and William Wyant

MEMBERS ABSENT: Michael Shuman

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 November 14, 2013 meeting minutes:** Martis moved to approve the minutes as presented; seconded by Wyant. Motion carried unanimously with DeMasters abstaining due to his absence.

B. **Nomination of Planning Commission's representative on Traffic Commission:** DeMasters noted that Wyant's term on the Planning Commission was ending December 31, 2013 and that the Planning Commission needed a new representative to serve on the Traffic Commission. Martis noted that he would not be able to serve as the Planning Commission's representative on the Traffic Commission as he had served for many years in the past. Wyant noted that the Traffic Commission is very interested in pedestrian safety issues. Stranko suggested that Planning Commissioners could take turns. Fletcher noted that the Traffic Commission appointment was that of City Council and that the Planning Commissioner's representative was a voting member of the Traffic Commission. DeMasters asked for a nomination. There being none, Stranko moved to table the matter to the Commission's January 2014 hearing; seconded by Martis. Motion carried unanimously.

IV. **OLD BUSINESS:** None.

V. **NEW BUSINESS:**

A. **MNS13-23 / Lucas F. Tatham / 344 Jackson Avenue:** Request by Lucas F. Tatham for minor subdivision approval of property located at 344 Jackson Avenue; Tax Map 36, Parcel 546; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide Parcel 546 of Tax Map 36 into two (2) new parcels for the purpose of created a buildable lot fronting Woodland Drive. Addendum A of this report illustrates the location of the subject site.

Parcel 546 is approximately 20,244 square feet in area and has approximately 130 feet of frontage along Jackson Avenue. Parcel A, as shown on the preliminary plat, currently contains a single-family dwelling and will have an approximate area of 9,763 square feet and approximately 130 feet of frontage along Jackson Avenue. Parcel B will have an approximate area of 10,481 square feet and have approximately 131.1 feet of frontage along Woodland Drive.

Each of the proposed parcels will exceed the minimum lot area standard of 3,500 square feet and the minimum lot frontage standard of 30 feet in the R-1A District. It should be noted that consultation with the Morgantown Utility Board is necessary to determine the final location and geometry of the sewer right-of-way and drainage easement that may be necessary for the development of related underground utility service lines to Parcel B from Jackson Avenue.

Fletcher noted the petitioner requested Staff to represent the petition and then asked if the Commission had any questions.

Wyant asked if the petitioner resided at the 344 Jackson Avenue. Fletcher stated that he believes so but did not know for sure.

Kawecki asked for clarification on the location of the sewer right-of-way and drainage easement . Fletcher explained that a letter of service availability is required in the subdivision regulations and that he understood the petitioner was unable to schedule a request for estimate with the MUB to determine the final location of the easement in time for the Commission's hearing. Kawecki expressed concern with approving a subdivision that creates a new parcel where utilities could not be extended to the property.

Stranko and DeMasters noted that Staff's recommended conditions address the petitioner's obligation to work with MUB. Fletcher confirmed that Staff would not bring an incomplete final plat to the Commission's President for signing.

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 recommends approval with the following conditions:

1. That the parcel boundary separating proposed Parcel A and Parcel B must be at least 20 feet from the principal structure situated on Parcel A;
2. That a service availability letter must be obtained by the petitioner from the Morgantown Utility Board and submitted to the Planning Division;
3. That the final plat must include, if necessary, a sewer right-of-way and drainage easement to the satisfaction of the Morgantown Utility Board;
4. That the final plat must illustrate the R-1A District minimum building envelope setbacks for proposed Parcel B;

5. 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;
6. 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 minor subdivision petition MNS13-23 as requested with Staff recommended conditions; seconded by Loretta. Motion carried unanimously.

B. MNS13-24 / Wava R. Clark / 1173 Lions Avenue: Request by Billy Atkins, on behalf of Wava R. Clark, for minor subdivision approval of property located at 1173 Lions Avenue; Tax Map 7, Parcel 78; R-1, Single-Family Residential District.

Fletcher read the Staff Report stating that Mr. Atkins, representing Ms. Wava Clark, seeks to adjust the rear boundary line separating Parcels 78 and 80 of Tax Map 7 to complete a deed and boundary line agreement between the owners of the subject tracts of land. Addendum A of this report illustrates the location of the subject site.

Staff understands that a property boundary dispute relating to location and/or adverse possession has delayed the transfer in ownership of Parcel 78. Specifically, Candice Ogle, owner of Parcel 80 is purported to claim that approximately 138.97 square feet of Parcel 78, which is owned by Ms. Clark, should be a part of Parcel 80.

The parties have agreed to subdivide the approximately 138.97 square feet from Parcel 78 and add same to Parcel 80 thereby resolving the dispute.

The proposed subdivision does not appear to conflict with or create nonconformity relative to minimum lot area, minimum lot width, maximum lot coverage, or minimum setback standards for the R-1 District.

Fletcher noted the petitioner requested Staff to represent the petition and then asked if the Commission had any questions.

Martis asked if a judge could order the boundary adjustment without the involvement of the Commission.

DeMasters noted that the approach the petitioner and parties are taking in seeking a minor subdivision approval is the preferred approach and avoids seeking a judgment from the Court.

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 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; 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 minor subdivision petition MNS13-24 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

- C. S13-13-III / Stancorp Properties / 612 Protzman Street:** Request by David Robertson, on behalf of Stancorp Properties, for a Development of Significant Impact site plan approval of a “Multi-Family Dwelling” development at 612 Protzman Street; Tax Map 20, Parcel 451; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to construct a multi-family development along Protzman Street next to a similarly designed project constructed within the past year. Addendum A of this report illustrates the location of the subject site. The following summarizes the proposed development program details include:

- The dimensions for Parcel 451 illustrated on Tax Map 20 are 179.23’ x 120’ or approximately 21,508 sq. ft.
- The zoning classification for the subject property is R-2, Single- and Two-family Residential District. “Multi-family Dwellings” are permitted as a conditional use within the R-2 District.
- The proposed “Multi-family Dwelling” use will consist of four (4) occupied levels; 35 one-bedroom units and one unit space used for a workout gym/facility.
- The proposed building footprint illustrated on the petitioner’s revised plans, dated 03 DEC 2013 and prepared by Cheat Road Engineering, Inc., is approximately 6,048 square feet. The resultant lot coverage is approximately 28.1%.
- The proposed building footprint meets the R-2 District minimum front (10’), side (5’), and rear (20’) setback standards along with the ten-foot bufferyard setback standard provided in Article 1367.07(A).
- Although final grading designs have not been completed, the petitioner intends to meet maximum R-2 District building height standards for the principal structure, which may not exceed two and one-half (2.5) stores or thirty-five (35) whichever is less.

As provided in Article 1329.02 of the Planning and Zoning Code, building height in stories is measured vertically at the front elevation (Protzman Street). Building height in feet is measured as the halfway point between the highest and lowest elevations of the building footprint.

- Proposed on-site parking includes 35 spaces, three (3) of which are designated as compact spaces and two (2) are designated as accessible spaces. The minimum on-site parking requirement for the proposed development is 35 spaces.

Access to the parking area is proposed from an 18-foot unopened public right-of-way to the rear of the property that runs approximately parallel with Protzman Street and connects to Glenn Street. Ten (10) of the proposed spaces will be accessed directly from the subject 18-foot right-of-way. It should be noted that a house has been constructed within said right-of-way just to the north of the petitioner’s development site.

- Solid waste storage will be shared with existing facilities located on the adjoining multi-family development site (Parcel 452 of Tax Map 20).
- The existing driveway entrance along Protzman Street will be removed and sidewalk installed to match the existing sidewalk recently constructed by the City. No vehicular access from the subject site will connect directly to Protzman Street.
- The petitioner participated in a pre-application meeting with the City's Technical Review Team on 12 NOV 2013 at 10:00 AM and has made a number of site plan modifications since said meeting to increase conformity with related Planning and Zoning Code related provisions.

Fletcher stated that the following Planning and Zoning Code related approvals were required for the development program as proposed. Each case number is followed with a related description.

Planning Commission

Case No. S13-013-IIIDevelopment of Significant Impact Site Plan

Article 1329.02 and Article 1385 provide that developments with 12 to 99 dwelling units are considered "Developments of Significant Impact" (DSI) which are those that have a neighborhood or citywide impact and involve the transportation network, environmental features such as parks or corridor streams, and local schools. DSI Site Plans are reviewed and approved by the Planning Commission.

Board of Zoning Appeals Case

No. CU13-22....."Multi-family Dwelling" use.

"Multi-family dwelling" uses are permitted by conditional use in the R-2 District.

Case No. V13-69Variance relief as it relates to maximum driveway width standards.

Article 1365.09(B)(2) provides a maximum driveway width of 22 feet at the right-of-way line, unless a greater width is specifically approved by the City Engineer. The proposed site plan illustrates two driveway entrances into the parking lot. The southern entrance is approximately 26 feet wide [see Graphic 1 in Staff Report] and the northern entrance is approximately 38 feet wide [see Graphic 2 in Staff Report]. As illustrated in the fire truck path model, the subject entrances must exceed 22 feet to ensure safe entrance and maneuvering for emergency response vehicles. As such, the City Engineer has approved the proposed location and design of said driveway entrances. There are two additional entrances that will be used to directly access 10 parking spaces. The widths of these entrances are approximately 61 feet and 24.5 feet, which require variance approval by the Board of Zoning Appeals. It should be noted that the petitioner reduced the extent of requisite variance relief approximately 30.5 feet from previously reviewed plans by incorporating terminal landscape islands.

Case No. V13-70Variance relief as it relates to parking lot landscaping standards.

The petitioner has planned 5.7% reservation for interior landscaping within the parking lot as required (min. 5%) under Article 1367.08(B)(2). However, the proposed parking lot interior landscaping plan requires variance relief from:

- Article 1367.08(B)(1) relating to the minimum perimeter buffer standard of four (4) feet along the side and rear of the property (see Graphic 3).
- Article 1367.08(D)(2) relating to the minimum area of 130 square feet for terminal islands (see Graphic 4).
- Article 1367.08(D)(3) relating to the minimum area of 130 square feet and minimum width of five (5) feet for planting islands within rows of ten or more parking spaces for multi-family development sites (see Graphics 4 and 5).

Fletcher noted that, as recommended in the Chapter 9 “Implementation” of the 2013 Comprehensive Plan Update, Addendum B of the Staff Report identifies how the proposed development program relates to the land management intent, location, and pattern and character principles of the current Comprehensive Plan.

DeMasters recognized the petitioner’s representative Lisa Mardis of Project Management Services. Mardis stated that the Staff Report was thorough and that the proposed density is similar to that located within the immediate area.

Petros asked why the development was not accessed directly from Protzman Street. Mardis noted that the existing rear service alley would be used instead. Fletcher noted that using the existing platted alley rather than the heavier traveled Protzman Street should be considered a best access management practice. Wyant agreed that alleys should be better utilized city-wide.

Loretta asked if anyone else uses shared alleyways. Fletcher confirmed.

Stranko stated that he remains concerned with the Planning and Zoning Code’s parking requirement and that it promotes too much parking development.

Kawecki asked for clarification on who owns the platted alley. Fletcher stated that the alley was most likely platted decades ago. Fletcher confirmed that a house was built in the middle of the platted alley. Fletcher explained that the City does not own the alley but holds it in public trust and clarified the difference owning and selling and tract of realty and annulling a right-of-way. Fletcher noted that the developer does not seek the City to annul the alley.

Loretta asked for clarification on who would be responsible for maintaining the public alley. Fletcher stated that the developer will be responsible for improving the alley to City specifications. The development will be responsible for perpetual maintenance until such time as the City accepts the alley into its City street system.

Stranko asked what material the siding would be. Mardis confirmed vinyl siding like the other neighboring buildings the petitioner has developed.

There being no comments or questions by the Commission, DeMasters opened the public hearing asking if there was anyone present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher stated that it is the opinion of the Planning Division that the proposed development represents a unique opportunity to increase residential density at a site that is strategically

situated between West Virginia University's campuses. Because the site is well served by public transit and is within walking and biking distance of primary destinations, the development appears to link residents to alternate modes of transportation thereby reducing auto dependency of residents and mitigating increased traffic congestion created by commuting traffic from outside the City of Morgantown. As such, Staff recommends that the following conditions be included should the Commission approve the site plan for Case No. S13-13-III:

1. That all required conditional use and variance petitions be approved by the Board of Zoning Appeals and all related conditions therein observed and/or addressed accordingly.
2. That the Landscape Plan, Erosion Control Plan, and Lighting Plan be submitted with the building permit application for review and approval. Variance approval must be obtained should said plans not conform to the related performance standards set forth in the City Planning and Zoning Code. Additionally,
 - a. Landscape Plan. A vertical barrier, to the satisfaction of the City Engineer, must be constructed along the Protzman Street sidewalk to mitigate stone, mulch, or other inert landscape materials, if used, from migrating out of landscaped areas onto the public sidewalk and roadway.
 - b. Lighting Plan. The Lighting Plan must include details, heights, and cut-off (shielding) characteristics along with photometric plans illustrating footcandle intensities and distribution for all parking areas and exterior site lighting fixtures.
3. That parking spaces 28 and 35 must be designed as standard-sized stalls and that parking spaces 20, 21, and 22 must meet the minimum width requirements of 8.5 feet for standard stalls and/or 8 feet for compact stalls.
4. That wheel stops must be provided for each of the proposed parking stalls to define parking stalls and protect pedestrian ways and landscaping.
5. That concrete curbs must be provided for all parking lot interior terminal and landscape islands and along parking lot edges that abut landscape buffers.
6. That concrete bollards at least three (3) feet in height above grade must be constructed, to the satisfaction of the Planning Division, along the two (2) stair tower facilities to physically separate said facilities from the adjoining parking spaces as generally illustrated below [see Staff Report for illustration].
7. That all exterior stairs, steps, landings, elevated walkways, railings, and support members may not be comprised of exposed wood or treated lumber.
8. 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.
9. That the perpetual right of access, use, and maintenance of the proposed shared off-premise solid waste management facility must be secured, to the satisfaction of the Planning Division, by appropriate easements, rights-of-way, and/or covenants that are recorded with the deeds of the affected tracts of realty and that a certified recorded copy of said instrument placed on file with the Planning Division prior to the issuance of a Certificate of Occupancy.

Stranko moved to approve site plan Case No. S13-13-III with Staff recommended conditions; seconded by Wyant. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports – No report.

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

B. Staff Comments: Fletcher stated that Staff is developing alternative site plan authority thresholds based on the Commission's discussion last month and will be asking the Commission to schedule a workshop following the January hearing to study the issue further. Fletcher also noted that Staff has been working with Dr. Trevor Harris in West Virginia University's Geography Department to develop three-dimensional scenarios illustrating the setbacks for developments of full city-blocks in the B-4 District. Fletcher advised the Commission that Dr. Harris invited the Commission, in a workshop format, to visit the 3D CAVE (Computer Assisted Virtual Environment) in Brooks Hall in January to assist the Commission's study of the issue. Staff will work with the Commission and Dr. Harris to identify an appropriate date and evening time.

VII. FOR THE GOOD OF THE COMMISSION:

Kawecki stated that he wants to provoke a discussion concerning how the University is developing its property and newly acquired property outside the City's comprehensive plan and land development regulations and what repercussions this may have on the community. He would like to see much better planning and development review cooperation between the City and the University. He noted that State Legislators are hearing public concerns with this issue as well. Stranko noted that this is also an issue with Boards of Education across the State.

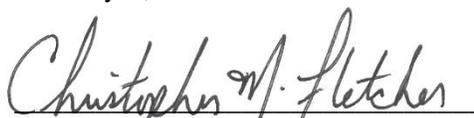
Kawecki stated that he thought an improvement to traffic flow could be realized with the redevelopments of the BB&T branch bank and VFW sites at the Spruce Street and Willey Street intersection. Specifically, he stated that there should be two left turn lanes from Spruce Street onto Willey Street but the existing roadway will not allow that due to what he understands are emergency vehicle access and maneuvering challenges within the existing roadway. Fletcher noted that there are legal precedents on how communities can and cannot work with developers through conditional approval processes to resolve issues but cautioned that compensation of additional right-of-way would most likely be necessary. Kawecki stated he was concerned that areas like this would be built-out and drive the cost of public improvements up significantly in later years.

VIII. ADJOURNMENT: 8:15 PM

MINUTES APPROVED:

January 9, 2014

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP