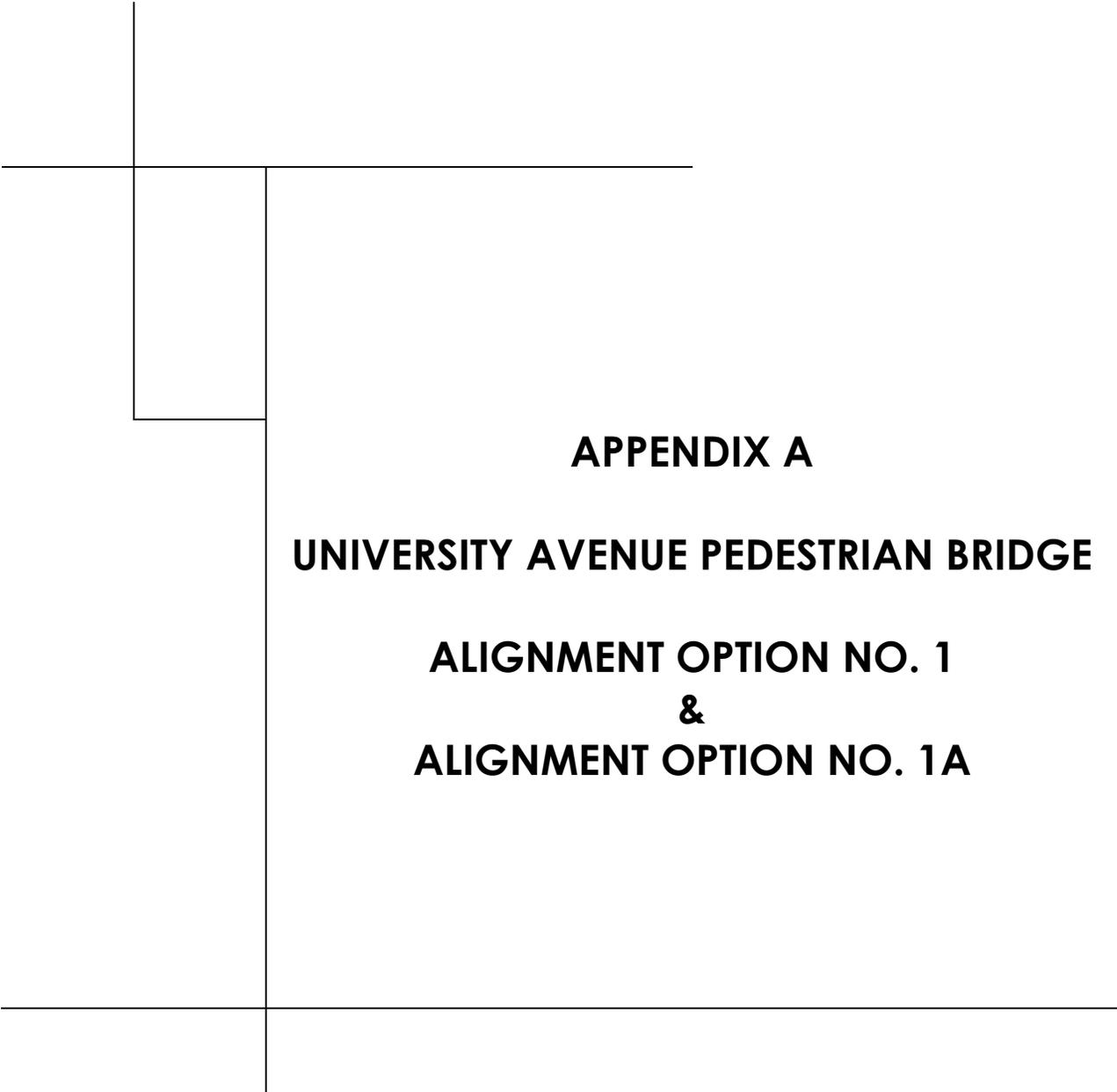


<b>OPINION OF PROBABLE PROJECT COST OPTION NO. 2A (Alternate Alignment)</b>				
<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Extended Cost</b>
Mobilization/Traffic Control	1	LS	\$50,000	\$50,000
Pedestrian Bridge Superstructure & Foundation	1	LS	\$175,000	\$175,000
Elevator Buildings <sup>(1)</sup>	484	SF	\$200	\$193,600
Elevator	1	EA	\$150,000	\$300,000
Utility Relocation <sup>(2)</sup>	460	LF	\$250	\$115,000
<b>Subtotal</b>				<b>\$736,800</b>
Contingency	30%			\$221,040
Legal, Engineering, & Administration	25%			\$184,200
<b>Probable Total Project Cost</b>				<b>\$1,142,040</b>
1. Assumes one building that is 22 foot square to house an elevator and stairwell. 2. Assumed length of relocation equal to distance along Wall Street between University Avenue and Chestnut Street and the intersection of Wall and Chestnut Streets to Walnut Street.				

MJA  
 R002099.0432

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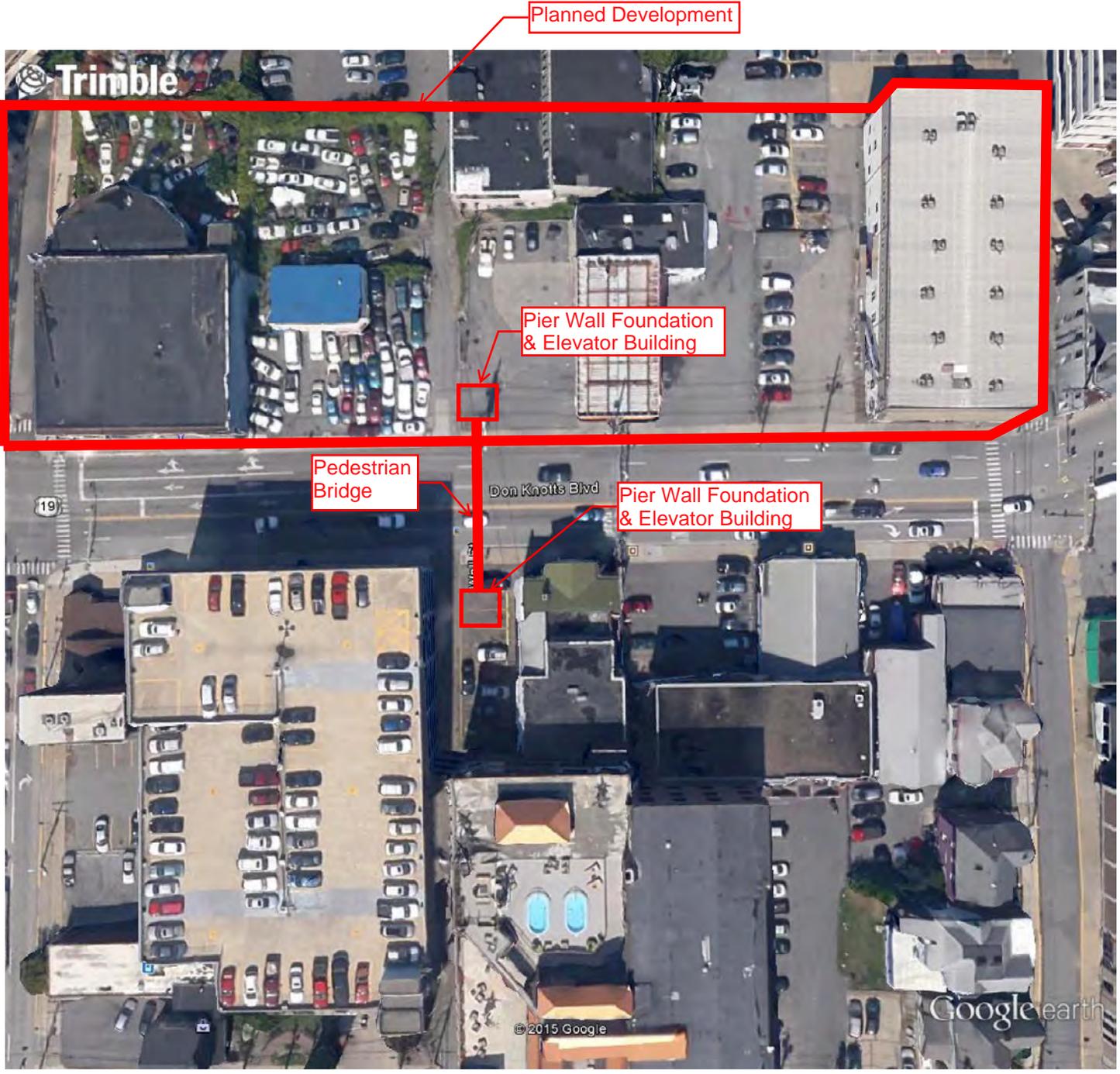
c:



**APPENDIX A**

**UNIVERSITY AVENUE PEDESTRIAN BRIDGE**

**ALIGNMENT OPTION NO. 1**  
**&**  
**ALIGNMENT OPTION NO. 1A**

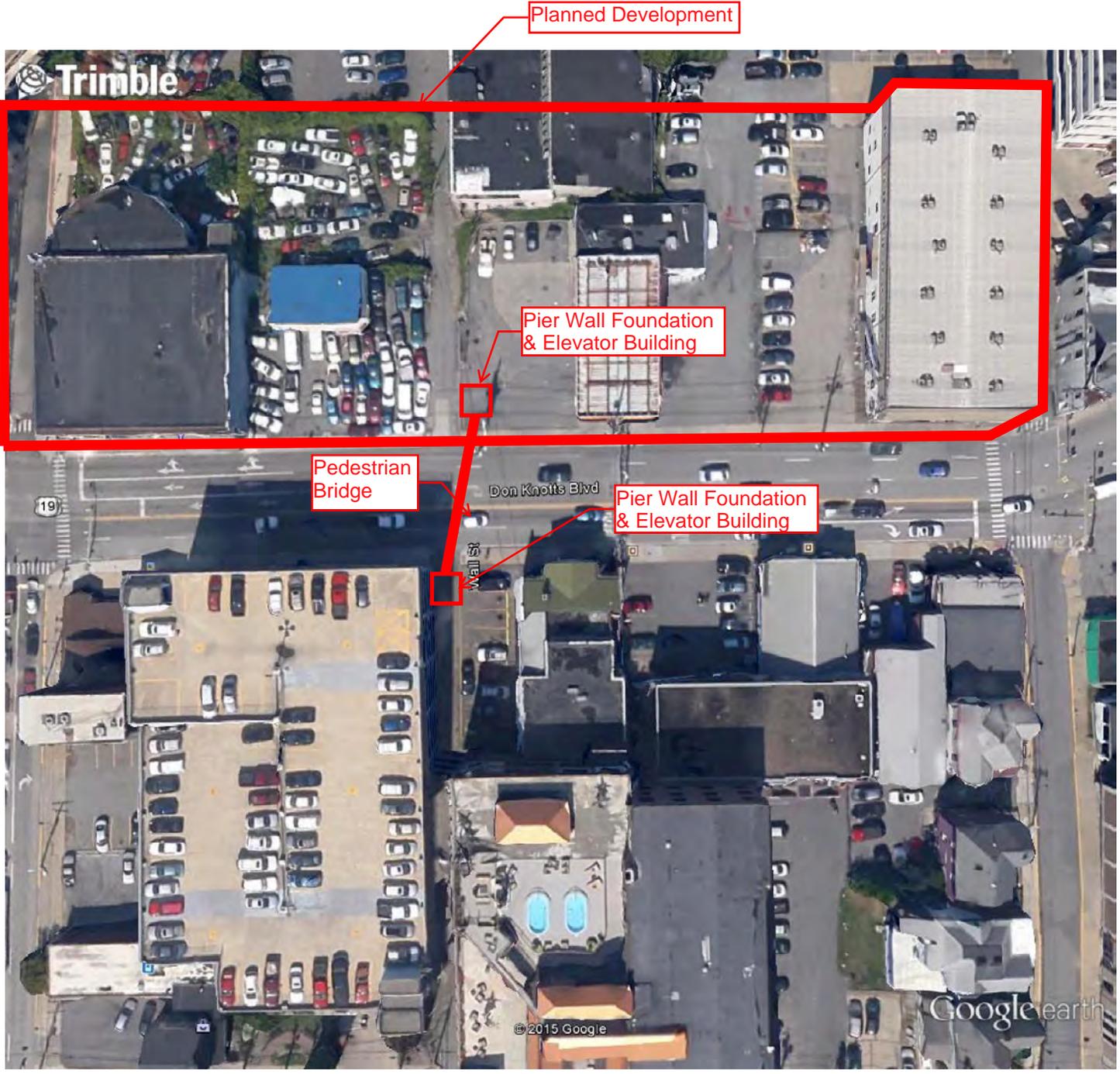


Google earth



University Avenue Pedestrian Bridge  
Alignment Option No. 1



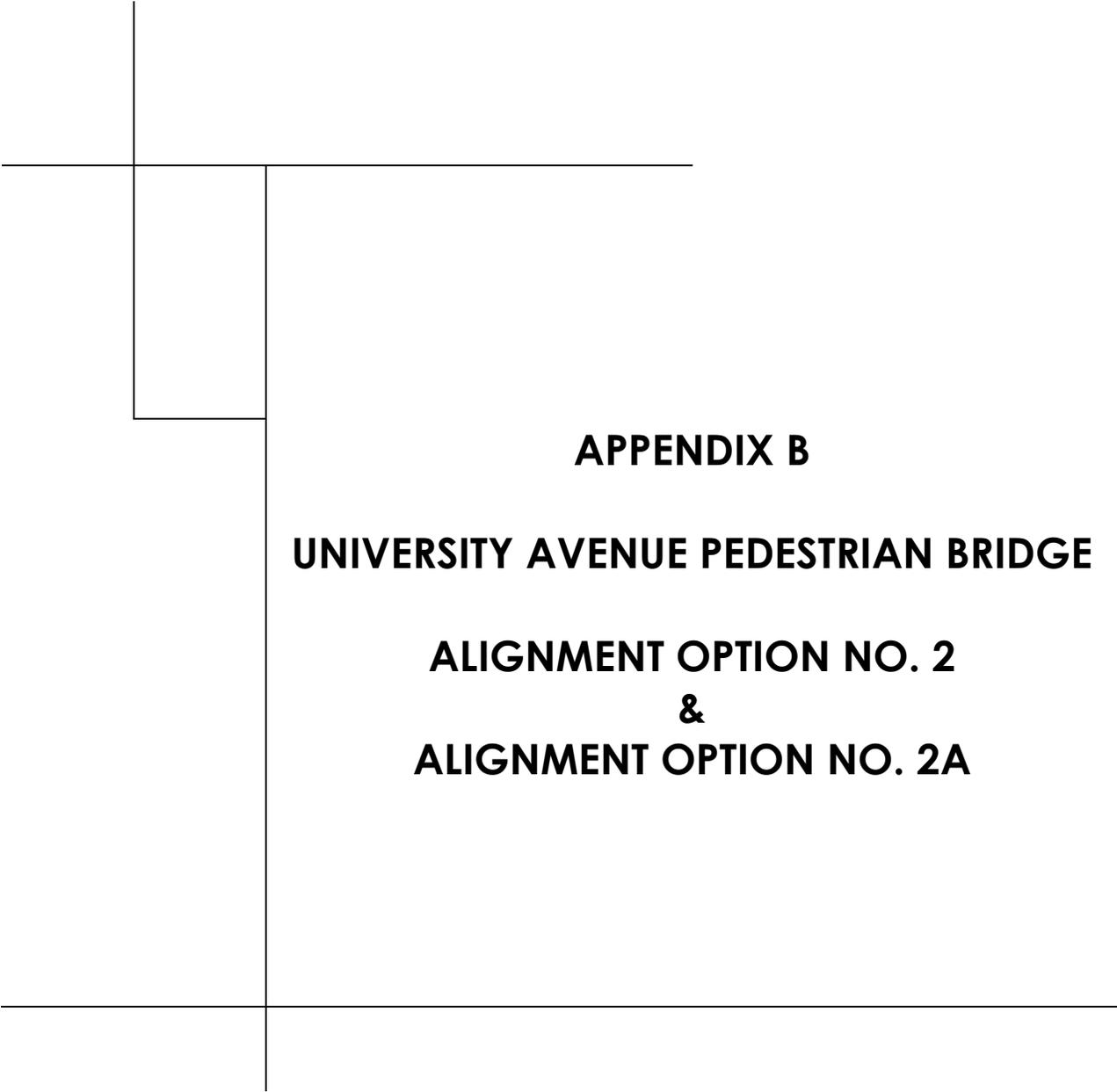


Google earth



University Avenue Pedestrian Bridge  
Alignment Option No. 1A





**APPENDIX B**

**UNIVERSITY AVENUE PEDESTRIAN BRIDGE**

**ALIGNMENT OPTION NO. 2**  
**&**  
**ALIGNMENT OPTION NO. 2A**

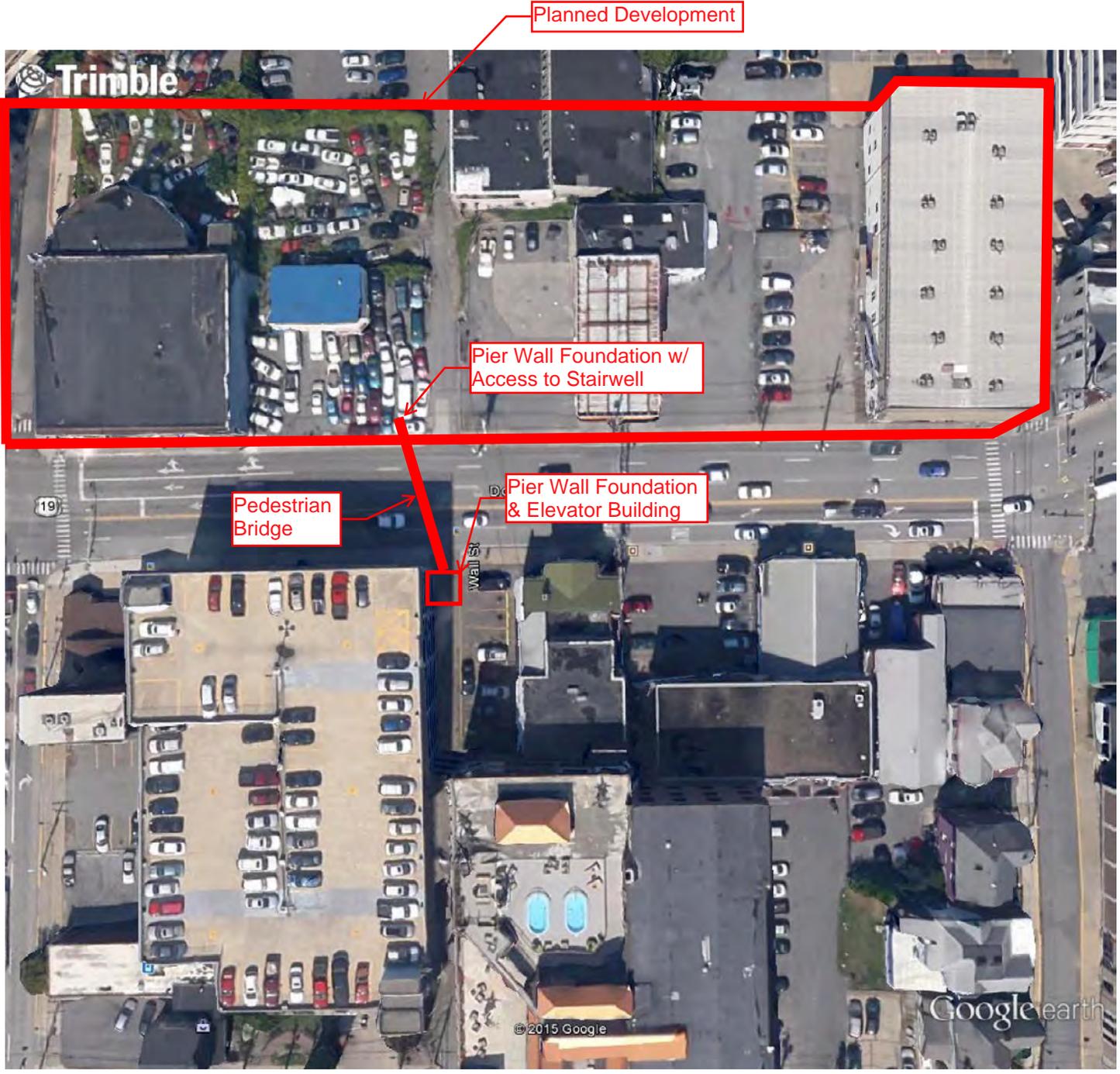


Google earth



University Avenue Pedestrian Bridge  
Alignment Option No. 2



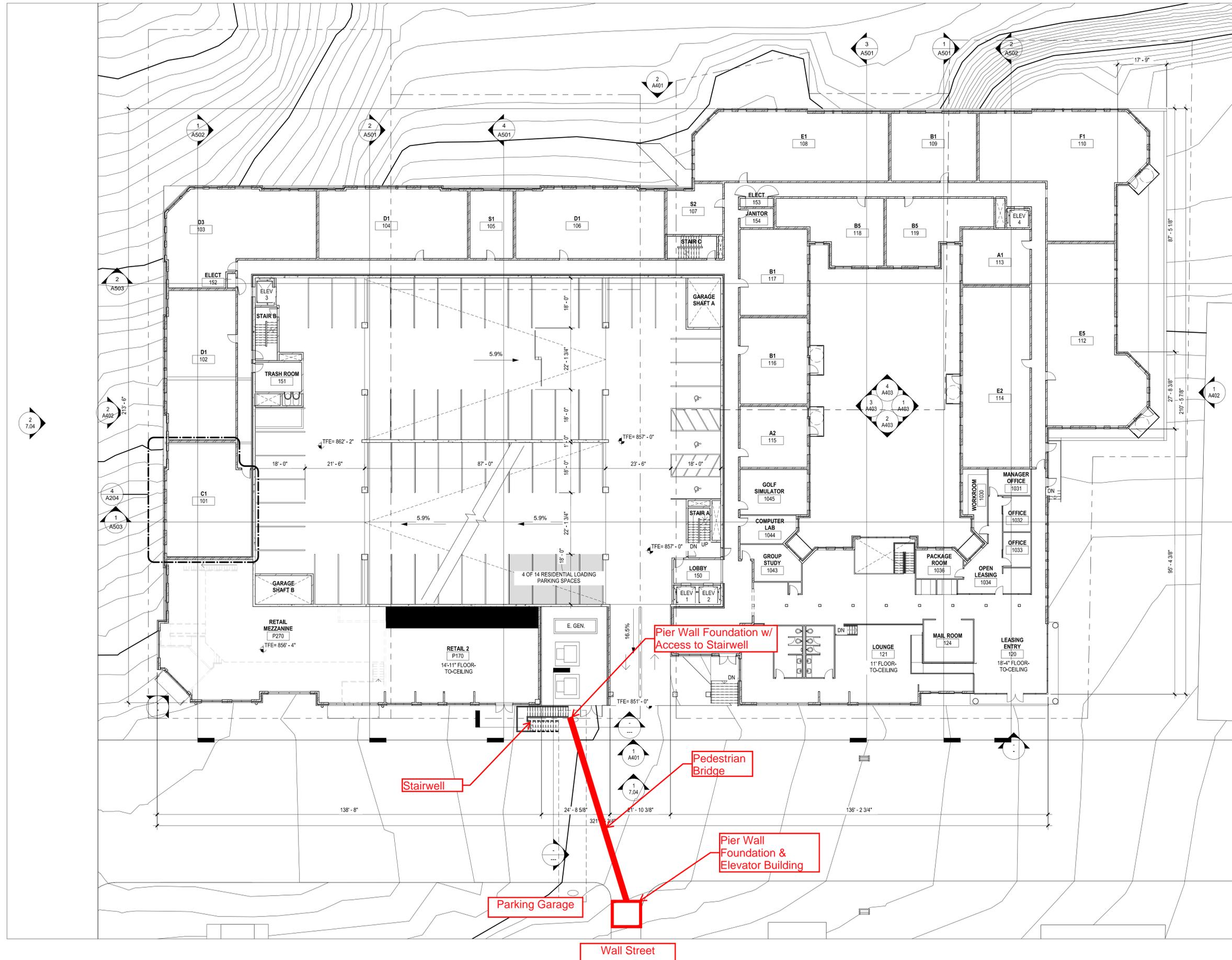


Google earth

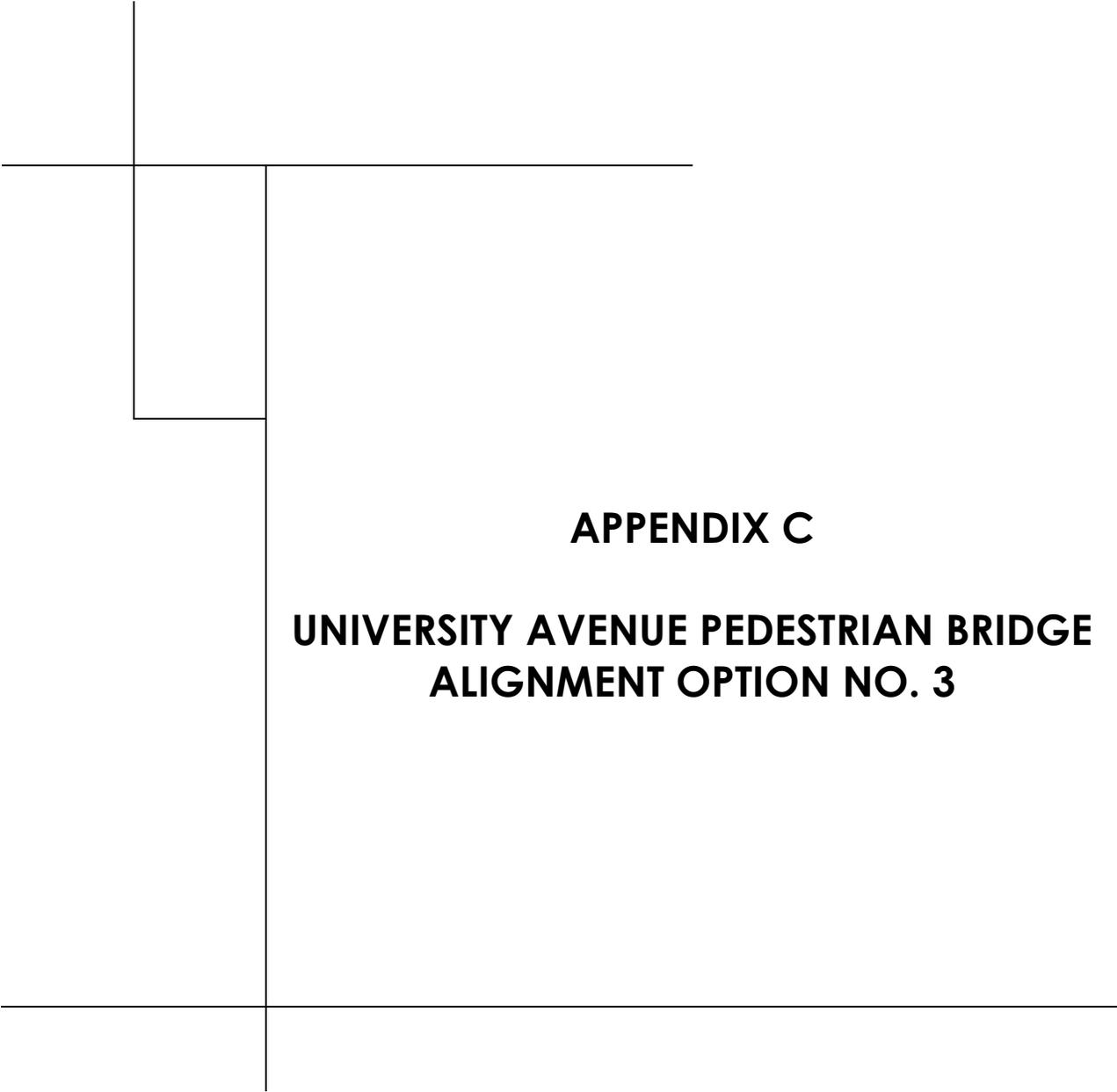


University Avenue Pedestrian Bridge  
Alignment Option No. 2A

# University Avenue Pedestrian Bridge Alignment Option No. 2A



Scale: 1/16"=1'



**APPENDIX C**

**UNIVERSITY AVENUE PEDESTRIAN BRIDGE  
ALIGNMENT OPTION NO. 3**

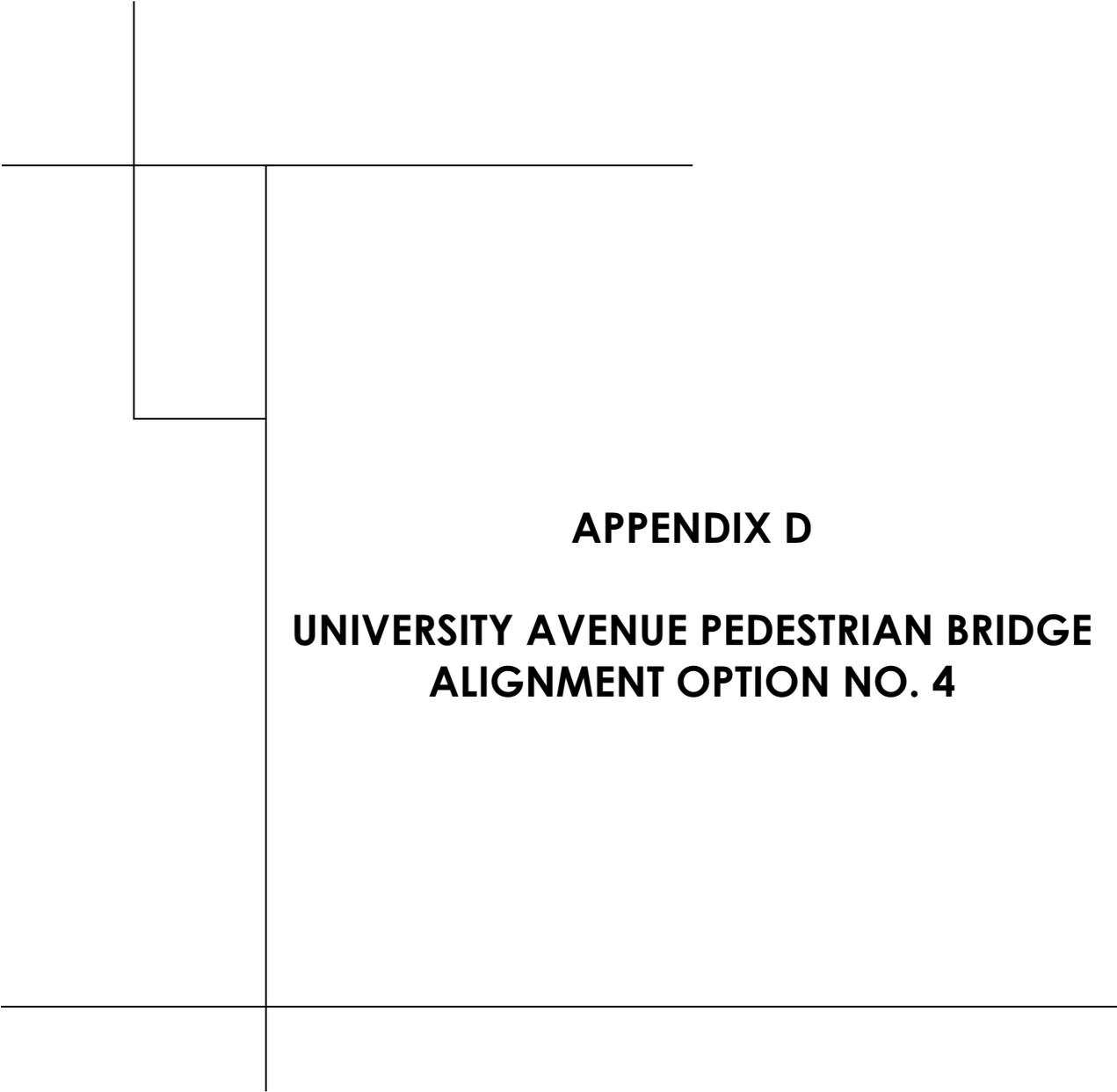


Google earth



University Avenue Pedestrian Bridge  
Alignment Option No. 3





**APPENDIX D**

**UNIVERSITY AVENUE PEDESTRIAN BRIDGE  
ALIGNMENT OPTION NO. 4**

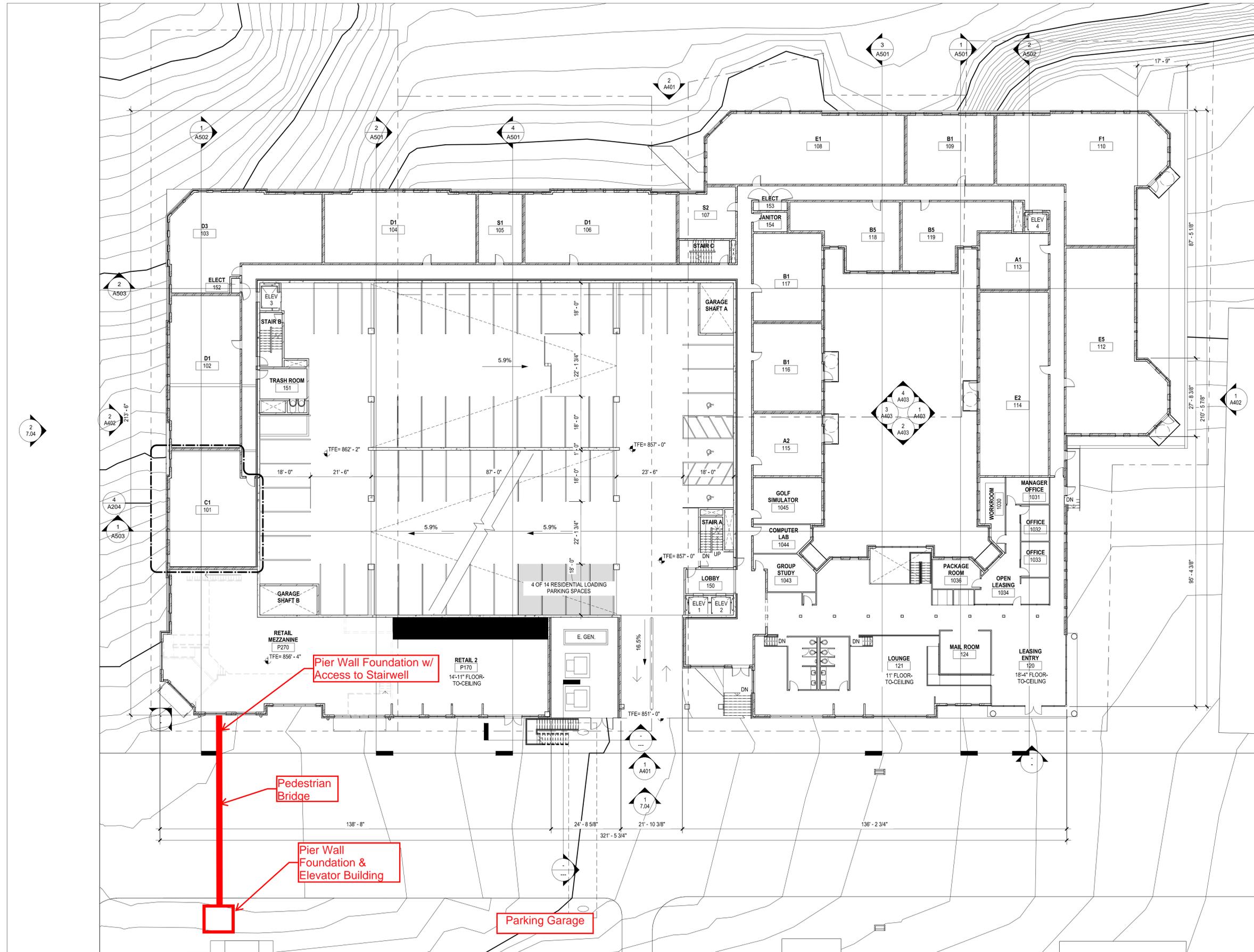


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University Avenue Pedestrian Bridge  
Alignment Option No. 4

# University Avenue Pedestrian Bridge Alignment Option No. 4



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# MAIN STREET morgantown

[downtownmorgantown.com](http://downtownmorgantown.com) ♦ [director@downtownmorgantown.com](mailto:director@downtownmorgantown.com)

Main Street Morgantown, Inc. ♦ 201 High St., Suite 2 ♦ Morgantown, WV 26505 ♦ (304) 292-0168

*Morgantown Planning Commission  
389 Spruce Street  
Morgantown, WV 26505*

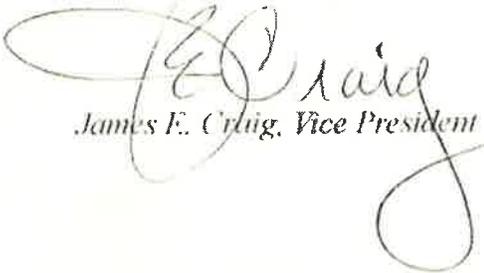
*February, 29th 2016*

*Commissioners:*

*By unanimous vote of our responding Board members to date, it is the recommendation of the Board of Directors of Main Street Morgantown that we strongly support the project concept known as The Standard, proposed at the corner of Walnut Street and University Avenue. We ask that all due consideration be given for such development. This development concept would contribute greatly towards maintaining the economic vitality of the downtown area.*

*We further recommend that this project be given full consideration for any requested reasonable variance(s), should any be needed to allow this project to proceed.*

*Respectfully submitted on behalf of the Board of Directors of Main Street Morgantown,*

  
*James E. Craig, Vice President*

**CITY OF MORGANTOWN  
PLANNING DEPARTMENT**

MAR - 2 2016

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**The following pages were  
included in the record for the  
Planning Commission's  
10 DEC 2015 hearing for  
Case No. S15-09-III**



## MEMORANDUM

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Date: 10 DEC 2015  
To: Planning Commission  
RE: James Giuliani Objections to Planning Commission's Consideration of Type III Site Plan Petition Case No. S15-09-III

At 11:11 a.m. on Thursday, December 10, 2015, the undersigned received an email from Ms. Catherine Loeffler, Esq. of Houston Harbaugh representing Mr. James Giuliani. Attached to said email was Mr. Giuliani's contention that any consideration and/or approval of the Standard at Morgantown Project by the Planning Commission is premature.

The purpose of this memorandum is, for the benefit of the Planning Commission, to address Mr. Giuliani's objections and to confirm that the Planning Commission can and should proceed in considering the subject Type III Site Plan petition.

**Objection A.1. "Consideration and approval of the Standard at Morgantown Project by the Planning Commission is premature due to the outstanding variance petitions that can only be decided by the Morgantown Board of Zoning Appeals."**

Response: A proper order or sequence of approvals is not established in the City's Planning & Zoning Code nor in West Virginia State Code for developments requiring approvals by both the Planning Commission and the BZA. When developments require approvals by both reviewing authorities, approvals by each authority are conditioned upon the granting of approval(s) by the other authority. Additionally, Planning Commission and/or BZA approvals for developments that also requires annulment(s) include condition(s) that their respective approval(s) are contingent upon City Council's approval of the related annulment(s).

One could attempt to make the same argument if cases were scheduled for decision by the BZA in advance of those related cases requiring decision by the Planning Commission.

The site plan must be approved or denied by the administrator (Planning Commission for Type III Site Plans) based upon the determination that the proposed plan/project [see 1385.12(B)]:

1. Complies with the general, design and performance standards; or,



## MEMORANDUM

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2. Does not meet the general, design and performance standards; or,
3. Approval of the site plan subject to any conditions, modifications and restrictions as required by the administrator (Planning Commission for Type III Site Plans) which will ensure that the project meets the general, design and performance standards.

Approval or rejection based on these specific standards ensure the uniform ability to use property in accord with the ordinances adopted by City Council. Any decision based on factors other than the ordinances/statutes could be reversed. [W. Va. Code 8A-9-1; *Rissler v. Jefferson County Bd. Of Zoning Appeals*, 225 W. Va. 346 (2010)].

**Objection A.1.a**      **“The variance petition requesting 692 parking spaces for 866 occupants on 1.95 acres in a B-4 zoning district violates Sections 1365.04 and 1349.06 of the Code and will likely be denied by the BZA.”**

**Response:**      The undersigned maintains the requisite loading space determination was correctly calculated. Specifically, Article 1349.08(D) provides that residential uses containing thirty (30) or more dwelling units shall conform to the loading requirements set forth in Section 1365.10 as a “Type II Use” (see Table 1365.10.01 below).

Use Description	Floor Area in Square Feet	Number of Loading Spaces Required
<u>Type I:</u> Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 - 100,000	3
	Each 50,000 above 100,000	1
<u>Type II:</u> Office Buildings, hotels and motels, retail sales, hospitals, institutions and similar uses	5,000 - 60,000	1
	60,001 - 100,000	2
	Each 20,000 above 100,000	1



## Development Services

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# MEMORANDUM

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The minimum number of loading spaces calculation was determined by correctly applying this table as follows:

334,092 sq. ft. (residential use component)  
- 100,000 sq. ft.  
234,092 sq. ft.

$234,092 \text{ sq. ft.} / 20,000 = 11.7$

2 loading spaces (for the first 100,000 sq. ft. of the residential use component)  
+ 12 loading spaces (for the remaining 234,092 sq. ft. of the residential use component)  
14 loading spaces (minimum requirement)

When variance relief is requested, the decision to grant or deny relief is made by the Board of Zoning Appeals based on proof of four (4) factors. West Virginia State Code 8A-7-11(b) provides:

“The board of zoning appeals shall grant a variance to the zoning ordinance if it finds that the variance: (1) Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; (2) Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance; (3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and (4) Will allow the intent of the zoning ordinance to be observed and substantial justice done.”

West Virginia State Code 8A-7-11(a) provides:

“A variance is a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.”

Exceeding the maximum parking standard does not involve permitting land uses that are otherwise prohibited in the zoning district. Exceeding the maximum parking standard does not involve changing the zoning classification of the subject realty. As such, the petitioner may seek variance relief accordingly. However, the merits of approving or denying the related variance petition are matters for the BZA to determine.