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# MORGANTOWN PLANNING COMMISSION

December 10, 2015  
6:30 PM  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

Bill Kawecky, City Councilor

## **STAFF REPORT**

**CASE NO:** S15-09-III / Standard at Morgantown, LLC / 1303 University Avenue

**REQUEST and LOCATION:**

Request by J. Wesley Rogers, on behalf of Standard at Morgantown, LLC, for a Type III Development of Significant Impact Site Plan approval at 1303 University Avenue.

**TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 26A, Parcels 6 thru 15; B-4, General Business District

**SURROUNDING ZONING:**

B-4, General Business District

**BACKGROUND:**

The petitioner seeks to redevelop the site that is currently occupied by “McClafferty’s Irish Pub”, “Vic’s Towing and Garage,” and the former “Gold’s Gym” building. Addendum A of this report illustrates the location of the subject site. Attached hereto is a detailed Planning and Zoning Code Conformity Report dated 06 NOV 2015.

*Proposed Development Program*

The following generally summarizes the proposed development program illustrated in the petitioner’s application and exhibits.

- The development site is currently occupied by “McClafferty’s Irish Pub,” “Vic’s Towing and Garage,” the former “Golds Gym” building that has been converted into apartments, and the “Shell” gas station mini-mart. The development site includes the public right-of-way of Wall Street, which requires annulment approval by City Council.
- The development site is identified by CTL Engineering as 1.95 acres (84,942 square feet), which includes 82,155 square feet (1.88 acres) for Parcels 6 thru and including 15 of Tax Map 26A and the Wall Street right-of-way.
- The development program includes 276 dwelling units with a total of 866 occupants.
- A total of 692 parking spaces are proposed in 12 parking deck levels that are wrapped by the nonresidential and residential portions of the building.
- The following restates the square footages of programmed spaces provided in submitted plans.
  - Commercial ..... 13,351 sf
  - Retail..... 8,486 sf
  - Parking ..... 225,554 sf (692 parking spaces)
  - Housing ..... 419,947 sf

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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- TOTAL ..... 667,338 sf
- Total less parking ..... 441,784 sf

- One (1) right-in-right-out-only driveway entrance is proposed on University Avenue between Wall Street and Fayette Street to access the parking decks. One (1) driveway entrance is proposed on Walnut Street to access the parking decks, dumpster area, and loading area.
- All above ground utilities will be relocated to below ground across the University Avenue frontage of the site to ensure fire department access.

*Required Planning and Zoning Code Approvals*

The following approvals are required for the development program as proposed.

1. Required City Council approval:
  - a. Right-of-way annulment of Wall Street between University Avenue and the CSX right-of-way.

*An annulment application has been submitted and the City Engineer is awaiting requisite letters from public/private utilities.*

2. Required Planning Commission approvals:
  - a. S15-09-III ..... Type III Site Plan – Development of Significant Impact (DSI).
  - b. Minor Subdivision to combine the ten (10) parcels and the Wall Street right-of-way that compose the development site.

*A minor subdivision application will be submitted for Planning Commission review following the annulment determination by City Council.*

3. Required BZA approvals:
  - a. V15-65 ..... Article 1349.04(A)(2) – variance relief to exceed the maximum front setback standard for the principal building.
  - b. V15-66 ..... Article 1349.04(A)(5) – variance relief to encroach into the minimum rear setback standard for the principal building.
  - c. V15-67 ..... Article 1351.01(I) – The BZA must either, 1.) Determine that the proposed building sufficiently incorporates design elements that preserve adequate light and airflow to public spaces including streets and sidewalks; or, 2.) Approve or deny variance relief from incorporating design elements that preserve adequate light and airflow to public spaces including streets and sidewalks.

- d. V15-68 ..... Article 1351.01(D) – variance relief to exceed the maximum driveway curb cut width at the curb line and at the right-of-way line for the proposed driveway entrance on University Avenue.

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e. V15-69.....Article 1351.01(D) – variance relief to exceed the maximum driveway curb cut width at the curb line and at the right-of-way line for the proposed driveway entrance on Walnut Street.

f. V15-70.....Article 1365.04 – variance relief to exceed the maximum number of parking spaces in the non-residential district.

g. V15-71.....Article 1351.01(K) – variance relief from minimum transparency requirement.

**ANALYSIS:**

*Comprehensive Plan Concurrence*

As recommended in Chapter 9 “Implementation” of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed development program relates to the land management intent, location, and pattern and character principles of the current Comprehensive Plan and the 2010 Downtown Strategic Plan Update. Staff encourages the Planning Commission to review the Comprehensive Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

It should be noted that “shall” statements within the Comprehensive Plan must be understood as desired objectives and strategies that do not have the force or effect of law unless incorporated into the City’s Planning and Zoning Code.

It is the opinion of the Planning Division, as explicated in Addendum B, that the proposed development program appears to be in concurrence with the Plan’s principles for land management and desired development pattern and character.

Given public safety concerns raised by Staff, the Downtown Design Review Committee, and West Virginia University’s Transportation and Parking directorate, Staff recommends the Commission explore the developer’s design intentions and planned safeguards for the exterior balconies and determine whether or not related conditions are merited.

**STAFF RECOMMENDATION:**

Staff recommends the following conditions be included in a Planning Commission approval of Case No. S15-09-III as requested by the petitioner:

1. That annulment of the Wall Street right-of-way must be approved by City Council.
2. That minor subdivision petition approval must be granted by the Planning Commission combining Parcels 6 thru 15 of Map 26A and the annulled portion of the Wall Street right-of-way and final plat recorded prior to building permit issuance.
3. That requisite variance approvals must be granted by the Board of Zoning Appeals and related conditions observed.

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4. That, as determined by the City Manager, right-of-entry, access, and/or easement agreements through the City controlled CSX right-of-way be executed and recorded prior to building permit issuance.
5. That, as determined by the City Manager, right-of-entry, access, license, and/or easement agreements securing the developer's proposed public rail-trail access be executed and recorded prior to building permit issuance.
6. That the developer shall continue to consult with the Downtown Design Review Committee and accordingly address the Committee's comments and concerns where practicable.
7. That, as proposed by the petitioner, all above ground utility facilities along the development site's University Avenue frontage must be relocated underground; provided, all affected utilities, the West Virginia Division of Highways, and the City Engineer approve development plans for same.
8. That all sidewalks along the development site's University Avenue and Walnut Street frontages shall be reconstructed to the satisfaction of the City Engineer and, where practicable, incorporate design elements utilized for the High Street Streetscape Improvement Projects.
9. That the developer shall consult with the City Engineer in providing public trash receptacle(s) and bench(es) near retail entrance(s) as well as streetscape lighting across the development site's University Avenue and Walnut Street frontages augmenting existing facilities within the downtown; provided, said street furnishings and lighting standards do not obstruct public sidewalks as determined by the City Engineer.
10. That, to the satisfaction of the City Engineer, a Transportation Route Plan and Transportation Route Protection Agreement shall be approved and executed respectively prior to the issuance of a building permit.
11. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards to the satisfaction of the City's Chief Building Code Official.

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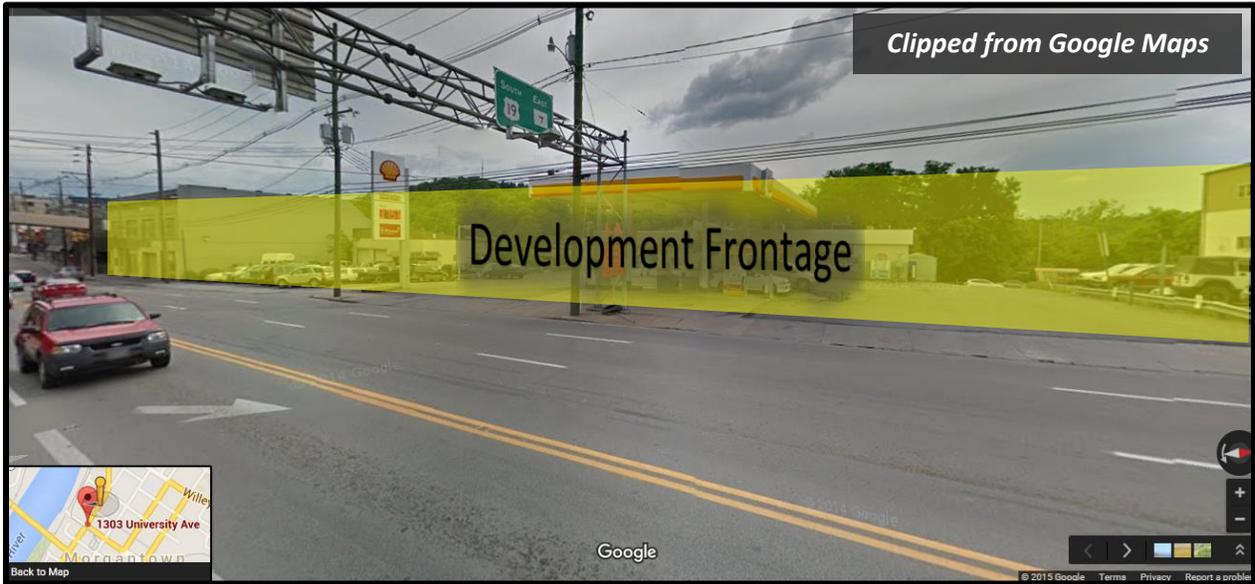
# STAFF REPORT ADDENDUM A

S15-09-III / Standard at Morgantown, LLC / 1303 University Avenue



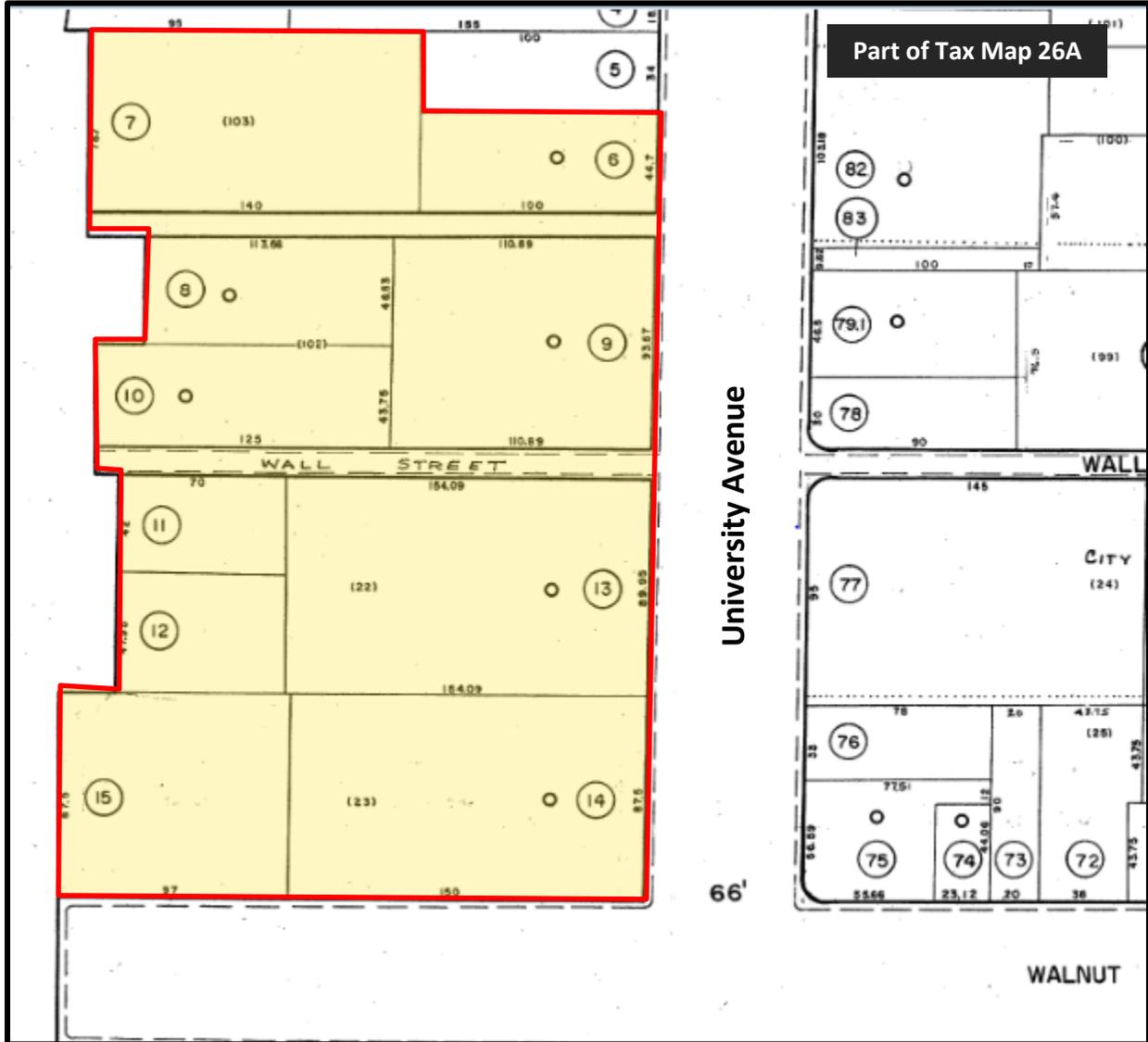
# STAFF REPORT ADDENDUM A

S15-09-III / Standard at Morgantown, LLC / 1303 University Avenue



# STAFF REPORT ADDENDUM A

S15-09-III / Standard at Morgantown, LLC / 1303 University Avenue



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## STAFF REPORT ADDENDUM B

### S15-09-III / Standards at Morgantown, LLC / 1303 University Avenue

#### Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject development of significant impact is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

<b>INTENT</b>	Development proposals will reflect the spirit and values expressed in the Plan's principals.
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#### Principles for Land Management

Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>The site is located within the "Encouraged Growth" area, the "Core" pattern and character area, and the "Downtown Enhancement" area and is not located within a green field location at the city's edge.</i>	
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>The site is located within the central urban core and appears to be supported by existing multi-modal transportation options and adequate utility infrastructure capacity.</i>	
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>The site is located within the B-4 District and appears to leverage its proximity with the University's downtown campus, which should further desired strengthening of the city's urban core in terms of walkability, customer-base, and proximity to residents' primary destinations.</i>	
Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>The site is not located within or adjacent to a "Neighborhood Conservation" area.</i>	

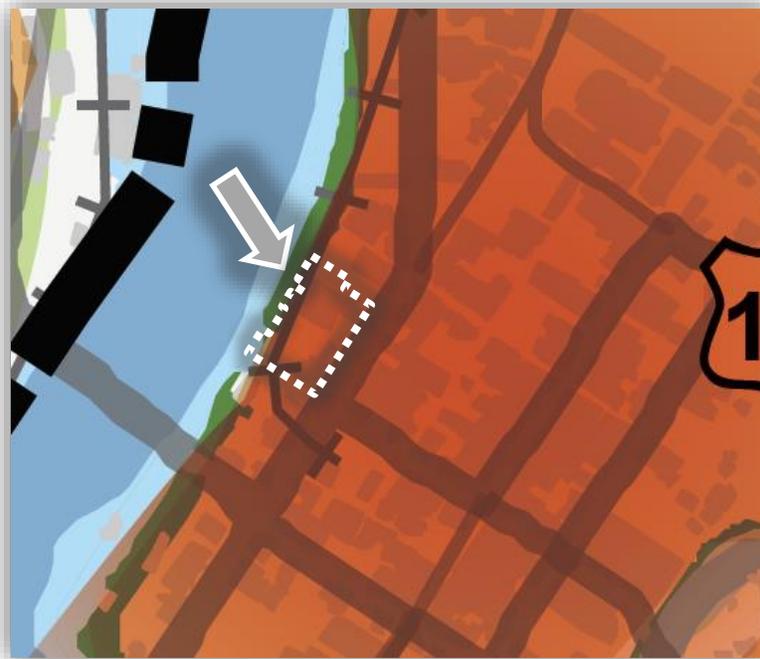
Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The developer's professional design team consulted with the Downtown Design Review Committee (DRC) and incorporated several modifications that appear to address the Committee's comments and concerns in terms of architectural style and articulation, cladding material and color, elimination of a majority of balconies, etc.</i></p>		
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The proposed development includes street-level nonresidential use components and residential components. The urban fabric within the immediate built environment is heterogeneous given the various development pattern and character types, scales and densities, forms and functions, land uses, and construction periods.</i></p>		
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The site is well served by public transit and within walking and biking distance of the University campus, downtown PRT station, the downtown central business district, and the Caperton Trail. Redevelopment of the site to a higher mixed-use density links residents and retail customers to alternate modes of transportation thereby reducing auto dependency within the City and mitigating increased traffic congestion created by commuting traffic from outside the City.</i></p>		
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The proposed development program increases housing choice and diversity in the context of the immediate residential area. Proposed bedroom composition ranges from efficient units to six-bedroom units. Zoning ordinance dictates and/or guidelines concerning desired affordability and workforce housing opportunities have not been developed or enacted.</i></p>		

Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The site is within the B-4, General Business District and located within a ¼ mile walking distance of basic retail goods and services, civic, institutional, and public spaces located within the central downtown business district and University's downtown campus.</i></p>		
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>Semi-public indoor and outdoor spaces have been incorporated to further quality of life, convenience, and enjoyment of the development's residents. The proposed at-grade setbacks appear to functionally widen adjoining public sidewalks. A new pedestrian way will be developed to significantly improve access to the Caperton Trail.</i></p>		
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input checked="" type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<p><i>Stormwater management best practices will be required for a large site currently lacking such measures. Environmental remediation work will be completed to remove and/or encapsulate contamination of current and previous uses. The developer's goals and objectives concerning sustainable construction techniques and industry accepted best practices have not been fully developed.</i></p>		

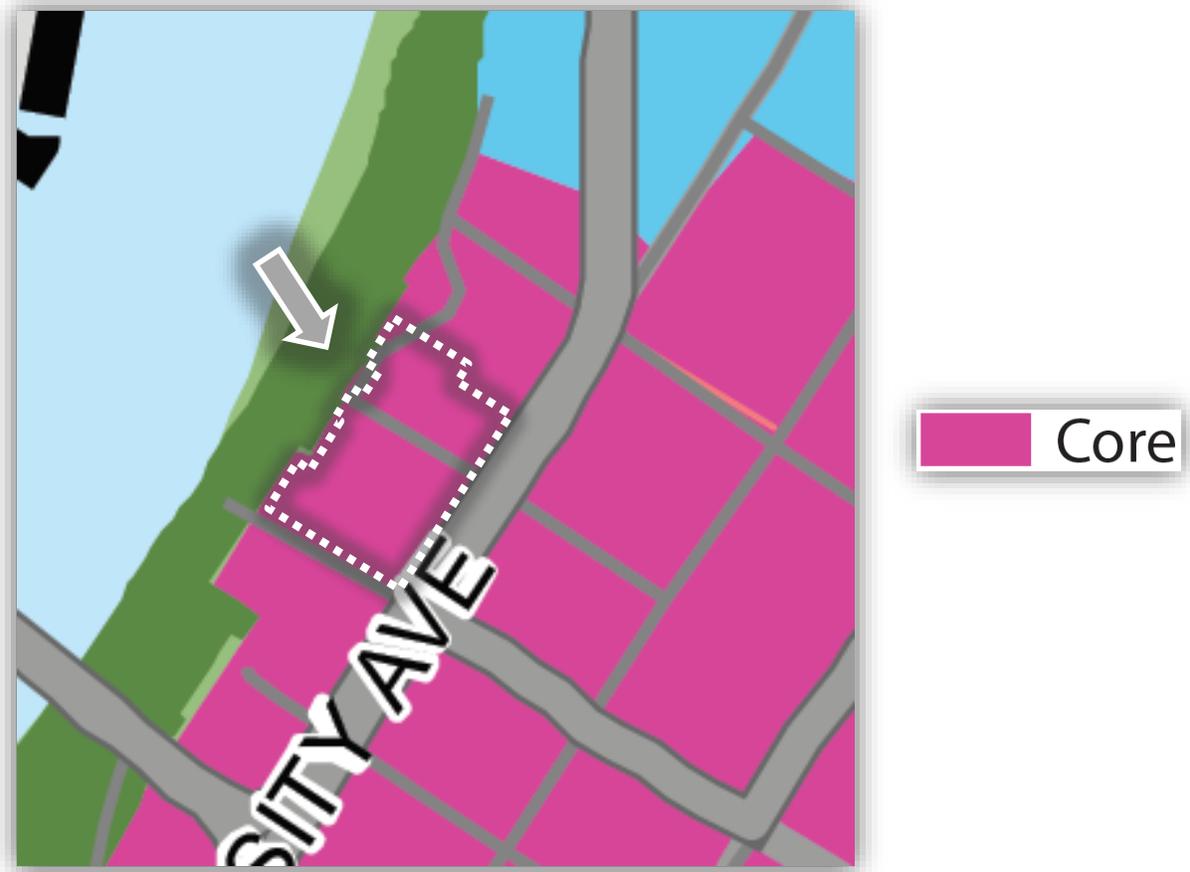
**LOCATION**

Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

The following graphic is clipped from the **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within the “**Encouraged Growth**” area.



The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “**Core**” pattern and character area.



The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the the 2013 Comprehensive Plan Update. The subject development site is located within the “**Downtown Enhancement**” concept area.



**Downtown Enhancement:** Continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010 Downtown Strategic Plan Update.

**Corridor Enhancement\*\*:** Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience.

**PATTERN AND CHARACTER**

Development proposals in growth areas will be consistent with preferred development types. Development in areas where growth is not intended should be compatible with the relevant Character Areas description and expectations for how those areas should evolve in the future.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Core Enhancement” concept area.

Appropriate Development Types

CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
Core Enhancement			●	●	●	●					●

**MF Multi-family Residential**

Includes various forms such as apartment buildings where three or more separate residential dwelling units are contained with a structure and townhouse dwelling types. They vary considerably in form and density depending on the context – from four-story or larger buildings set close to the street in and at the edge of the downtown core and along major corridors, to smaller two- to four-story buildings with greater street setbacks in areas between the downtown core and single-family neighborhoods.



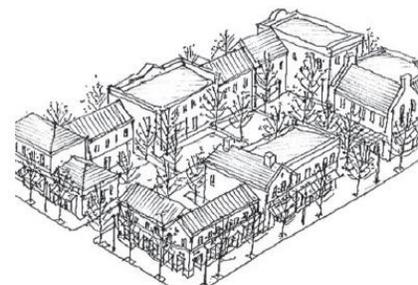
**C Civic and Institutional**

These sites include both public uses (government buildings, libraries, community recreation centers, police and fire stations, and schools) and semi-public or private uses (universities, churches, hospital campuses). Public uses should be strategically located and integrated with surrounding development. Civic and Institutional sites may be distinctive from surrounding buildings in their architecture or relationship to the street.



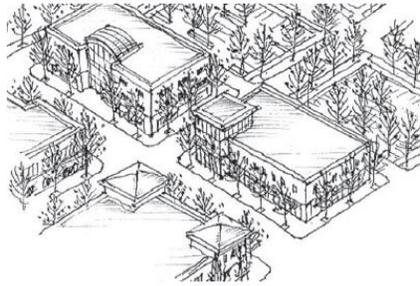
**NX Neighborhood Center Mixed-Use**

A mix of housing, office, commercial, and civic uses adjacent to one another or contained within the same structure (such as offices or apartments above ground-floor retail). Such uses should be compatible with and primarily serve nearby neighborhoods (within 1/2 mile). Parking should be located behind or to the side of buildings and may be shared between multiple uses.



**UC Urban Center Mixed-Use**

A mix of housing, office, commercial, and civic uses located adjacent to one another or sharing the same building. Buildings are generally larger in scale than neighborhood mixed-use and contain more employment and commercial uses that serve the broader community. Buildings should be located near the street with parking provided on-street or in shared parking configurations behind or between buildings.



**OS Greenspace**

Includes formal parks, recreation areas, trails, and natural open space.



**OBJECTIVES  
AND  
STRATEGIES**

**Land Management**

**A. Goal**

Efficient and attractive use of land resources that strengthens the quality, character, and upkeep of the built environment while balancing redevelopment and strategic expansion with open space preservation.

**Objective 1. Strengthen Downtown.**

➔ LM 1.5 Create incentives for developers to build residential units downtown that will serve a broad age and socioeconomic range.

**Objective 5. Encourage land use patterns that support improved transportation choice and efficiency.**

➔ LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.

**Objective 6. Improve community appearance, particularly at city gateways.**

➔ LM 6.5 Encourage major redevelopment projects to relocate utilities from view of primary corridors, arterials, and collectors with emphasis on underground placement.

**OBJECTIVES  
AND  
STRATEGIES**

**Neighborhoods and Housing**

**A. Goal**

Attractive, well-maintained neighborhoods that offer a broad mix of desirable housing options and convenient access to services and amenities.

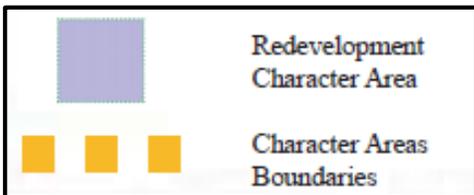
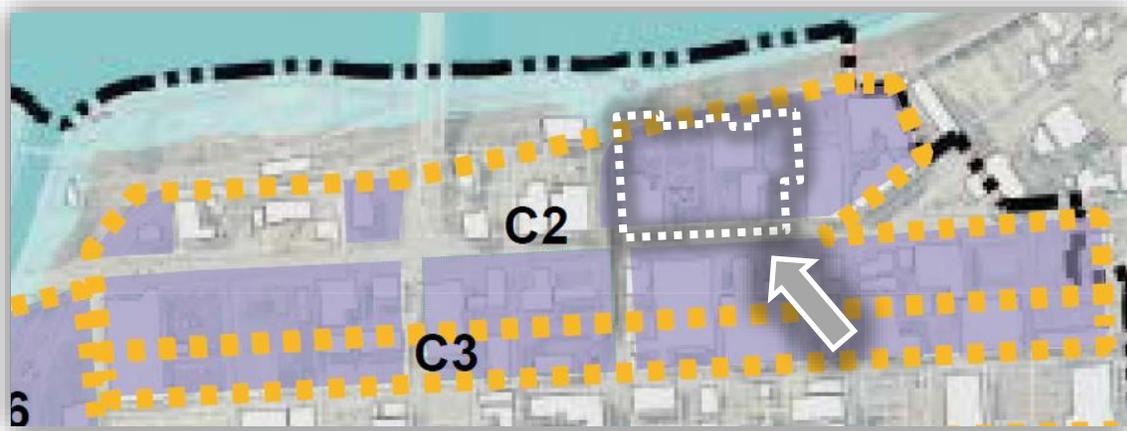
*Objective 4. Promote the development of a broad range of housing types and prices.*

➔ NH 4.1 Provide incentives to developers to encourage development of alternative housing types (i.e. higher density, live-work, mixed-use) in designated growth areas.

**2010 Downtown Strategic Plan**

**Concurrence with the 2010 Downtown Strategic Plan**

The following graphics have been clipped from the 2010 Downtown Strategic Plan [Page 69].



- ➔
- C1 : Waterfront
  - C2: University Avenue
  - C3: Chestnut Street
  - C4: Forest Avenue
  - C5: Pleasant Avenue
  - C6: Foundry Street
  - C7: South High Street
  - C8: Cobun Avenue
  - C9: Decker's Creek
  - C10: Downtown Core

The following graphics are clipped from Pages 76 through 80 of the 2010 Downtown Strategic Plan Update.

## 6.0 Downtown Strategies

### 6.3.1.2 Character Area 2 - University Avenue

<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>• Adjacent to the Monongahela River and its parks and amenities, West Virginia University, and the PRT.</li> <li>• Access to the River, Caperton Trail and Deckers Creek Trail.</li> <li>• On primary transportation routes into and out of downtown.</li> <li>• “Step down” in topography from downtown allows for taller buildings and for “tuck under” parking structures.</li> <li>• Urban street grid of downtown links across University Avenue in several locations.</li> <li>• Public transportation access and current investment in the Riverfront Park.</li> <li>• Some good redevelopment in repurposed buildings is currently occurring.</li> </ul>	<p><b>CHALLENGES</b></p> <ul style="list-style-type: none"> <li>• University Avenue is not pedestrian friendly because of the high volume and high speed of traffic moving through intersections.</li> <li>• Urban street grid interrupted in some areas by new development.</li> <li>• Existing uses are primarily single-use facilities and do not provide for a mixed-use line corridor.</li> <li>• No unification in the facade of existing buildings along University Avenue.</li> </ul>
<p><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>• Promote vibrant mixed-use development to create gateway to the downtown and to the River.</li> <li>• Create overhead and on-grade pedestrian connections across University Avenue.</li> <li>• Utilize topography to create structured parking below and uses above.</li> <li>• Create “eyes on the park” by promoting residential uses within the corridor.</li> <li>• Promote the redevelopment of large single-use, single-story lots into mixed-use structures.</li> </ul>	



## 6.0 Downtown Strategies

### VISION / DEVELOPMENT THEME

An attractive pedestrian friendly mixed-use corridor on both sides of University Avenue that balances pedestrian and automobile concerns, promotes a proper gateway image to the city, and includes a variety of uses including lodging, hospitality, institutional uses, green manufacturing, residences and office uses that take advantage of its location along the river, its adjacency to the PRT and its proximity to Western Virginia University.

### ACTIONS

- 6.3.1.2a Conduct a detailed traffic and urban design study of University Avenue to balance urban design quality, pedestrians, and cars.
- 6.3.1.2b Develop incentives to enable consolidation of parcels and consistency in development theme and pattern.
- 6.3.1.2c Adopt and enforce Main Street Morgantown Urban Design Guidelines and Design Guidelines for Public Projects.
- 6.3.1.2d Create specific design guidelines for the “University Avenue Character Area”.



*Inspirational imagery depicting well-crafted waterfront multi-family housing.*



The Downtown Morgantown Strategic Plan

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## 6.0 Downtown Strategies

### DESIGN GUIDELINE CONSIDERATIONS

#### General Intent / Goals

Dense pedestrian friendly mixed-use village with mixed-use buildings organized along University Avenue, existing streets and alleys and along the river.

#### Planning Requirements

- Reinforce the urban quality by increasing the mass, density, and mixed-use buildings that front on well-designed pedestrian streets.
- Create a north-south pedestrian and bicycle accesses to the River at regular intervals at the ends of the alleys that extend to downtown.
- Create balance and harmony in the vertical and horizontal massing of buildings.
- Create a consistent architectural style and palette of materials.
- Areas characterized as “New Mixed-Use Development” in Figure 15 will offer retail/commercial on the ground floor and either office or residential on the upper floors.

#### Building Height

Maximum height as described in the B-4 Zoning District (120'). All new buildings should be a minimum of three (3) stories or 36' in height to promote a mix of uses and a continuous urban edge.

#### Setbacks

- Buildings should front onto University Avenue along a consistent “build to line” that allows for the expansion of the sidewalk to a twelve-foot minimum width on both sides of the University Avenue.
- Encourage buildings to be placed close to each other as allowed by building and fire codes.

#### Parking and Access

- As described in the B-4 Zoning District, with the addition of the City offering an option for reduced required parking amounts for downtown residential developers as described under Transportation Section 6.4.2.
- Access to parcels of land should be from extensions of the urban street and alley grid and not directly from University Avenue.

#### Building Placement

- Buildings should be oriented along streets and open spaces along an established “build to line” so that an urban edge is created with the buildings.
- Buildings should exhibit continuity in the design of their facades.
- Buildings that front streets and open spaces should have a well-designed and scaled first floor with human scaled elements, doors, windows, awnings, and stoops.
- Buildings should consider pedestrian scaled rhythms along the street and open space networks and provide architectural breaks or interest every 30 - 50 feet of horizontal distance.



## 6.0 Downtown Strategies

### Materials

Materials should conform to existing B-4 standards and be consistent with the materials chosen for the existing historic buildings within the “University Avenue Character Area”. Materials, methods, treatment, and type for private projects should adhere to the Design Guidelines found under Section N of the Main Street Morgantown Urban Design Document. Materials, methods, treatments, and types for public projects should adhere to Main Street Morgantown’s Design Guidelines for Public Projects found in Sections II to V. Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in the surrounding buildings that contribute to the special character of the historic district in terms of composition, scale, module, pattern, detail, texture, finish, color, and sheen.

### Colors Palette

Warm and earth-toned colors will be encouraged predominantly. Brighter colors will be allowed but in limited accent areas.

### Architectural Style

Encourage an architectural reference for the “University Avenue Character Area” that draws inspiration from historic and industrial era brick buildings as described within the Main Street Morgantown Urban and Public Projects Design Guidelines. Existing building renovations, rehabilitations, and adaptive re-uses should follow the Main Street Morgantown Urban and Public Projects Design Guidelines.



*Inspirational imagery depicting pedestrian bridge over busy vehicular thoroughfare.*



## 6.0 Downtown Strategies



Figure 15: Character area diagram for University Avenue



# PLANNING AND ZONING CODE CONFORMITY REPORT FOR PLANS SUBMITTED FOR NOVEMBER PC AND BZA HEARINGS

Planning Division

## “The Standard at Morgantown” – University Ave

The following information identifies Planning and Zoning (P&Z) Code provisions related to the above referenced development. Plans reviewed herein were prepared by the BKV Group and CTL Engineering of West Virginia, Inc, on behalf of Landmark Properties, Inc. Also identified is whether or not the subject development meets P&Z requirements.

### PROPOSED DEVELOPMENT PROGRAM

- The development site is currently occupied by “McClafferty’s Irish Pub,” “Vic’s Towing and Garage,” the former “Golds Gym” building that has been converted into apartments, and the “Shell” gas station mini-mart. The development site includes the public right-of-way of Wall Street, which requires annulment approval by City Council.
- The zoning classification for the development site is B-4, General Business District.
- The development site is identified by CTL Engineering as 1.95 acres (84,942 square feet), which includes 82,155 square feet (1.88 acres) for Parcels 6 thru and including 15 of Tax Map 26A and the Wall Street right-of-way.
- The development program includes 276 dwelling units with a total of 866 occupants.
- A total of 692 parking spaces are proposed in 12 parking deck levels that are wrapped by the nonresidential and residential portions of the building.
- The following restates the square footages of programmed spaces provided in the plans reviewed herein.
  - Commercial ..... 13,351 sf
  - Retail ..... 8,486 sf
  - Parking ..... 225,554 sf (692 parking spaces)
  - Housing ..... 419,947 sf
  - TOTAL ..... 667,338 sf
  - Total less parking ..... 441,784 sf
- One (1) right-in-right-out-only driveway entrance is proposed on University Avenue between Wall Street and Fayette Street to access the parking decks. One (1) driveway entrance is proposed on Walnut Street to access the parking decks, dumpster area, and loading area.

### SUMMARY OF CONFORMITY OBSERVATIONS

Planning and Zoning Code Reference	
Conformity (Y, N, TBD)	Conformity review observations; required approvals noted in <b>bold highlighted (yellow) font.</b>



**PLANNING AND ZONING CODE CONFORMITY REPORT  
FOR PLANS SUBMITTED FOR NOVEMBER PC AND BZA HEARINGS**

**Planning Division**

<b>1349.02 Permitted and Conditional Uses</b>	
Y	"Mixed-Use Dwellings" are permitted in the B-4 District by-right. [see Addendum A for additional explanation]
<b>TBD</b>	The specific land uses for the commercial retail spaces at grade with University Avenue have not been determined. Land use determinations will be made once commercial retail occupants are identified.

<b>1349.03 Lot Provisions</b>	
Y	(A) Minimum lot size – 1,500 sf <i>The development site, which includes the Wall Street right-of-way is 1.95 acres (84,942 sf).</i>
Y	(B) Minimum lot frontage – 30 ft <i>The University Avenue frontage appears to be approximately 340 ft.</i>
Y	(C) Minimum lot depth – 50 ft <i>The lot depth varies from 152.7 ft to 248.2 ft</i>
Y	(D) Maximum lot coverage – 90%. <i>Sheet No. 3.01 identifies the proposed lot coverage as 78%.</i>

<b>1349.04 Setbacks and Encroachments</b>			
	Provision	Requirement	Proposed
Y	(A)(1) Minimum Front	0 ft.	4.62 ft
<b>N V15-65</b>	(A)(2) Maximum Front	Average depth of the nearest 2 lots on either side or 10 feet, whichever is less	<i>Sheet C-3.1 illustrates maximum front setbacks varying from 4.62 ft to 8.87 ft., which exceed the 0.26 ft setback for the Mode Roman Building.</i>
N/A	(A)(3) Exceptions to max. front	<i>Exceptions not requested.</i>	
Y	(A)(4) Minimum Side	0 ft.	5 ft (south) 13.61 ft (north)
<b>N V15-66</b>	(A)(5) Minimum Rear	10% of lot depth	<i>Sheet 3.01 illustrates an encroachment for a portion of the building.</i>
Y	(B) Minimum setback for accessory structures – LIFT STATION	5 ft from side & rear	5.01 ft from rear 4.25 ft from side