



MORGANTOWN PLANNING COMMISSION

September 13, 2012
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Jennifer Selin, City Councilor

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT

CASE NO: RZ12-05 / Wiley & Giuliani / 408, 460, 488, 491, 500 Forest Avenue

REQUEST and LOCATION:

Joint request by John F. Wiley and James Giuliani for a Zoning Map Amendment from the R-1A, Single-Family Residential District to R-2, Single- and Two-Family Residential at 408, 460, 488, 491, & 500 Forest Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 29, Parcels 121, 123, 124, 125, 125.1, 126

SURROUNDING ZONING:

North: B-1, Neighborhood Business District and R-1A, Single-Family Residential District

South and East: R-1A, Single-Family Residential District

West: R-2, Single and Two-Family Residential District

BACKGROUND:

The petitioners seek to reclassify six (6) tracts of realty that includes Parcels 121,123,124, 125, 125.1, and 126 of Tax Map 29 from the R-1A, Single Family Residential District to the R-2, Single and Two-Family Residential District. Addendum A of this report illustrates the location of the subject realty.

Staff understands that Mr. Wiley owns and/or controls Parcels 125, 125.1, and 126 and that Mr. Giuliani owns and/or controls Parcels 121, 123, and 124. Mr. Wiley inadvertently included Parcels 72.1 and 81 on his respective zoning map amendment application; the zoning classification for which is already R-2.

The following description summarizes the existing conditions of the petitioners' six (6) respective parcels included on the subject zoning map amendment petition:

- Parcels 121, 124, and 126 contain registered residential rental units.
- Parcels 123, 125, and 125.1 are vacant undeveloped tracts.
- Those parcels south of Forest Avenue have very steep slopes with an elevation change of approximately 80 feet downward from Forest Avenue to the general location of the respective rear parcel boundaries.
- The boundary between the R-1A and R-2 Districts splits Parcel 123. Staff has no working knowledge as to why the subject zoning district edge did not follow road centerlines or parcel boundaries as is customarily drawn.
- The total area of the six (6) parcels is approximately 70,725 square feet or 1.6 acres.



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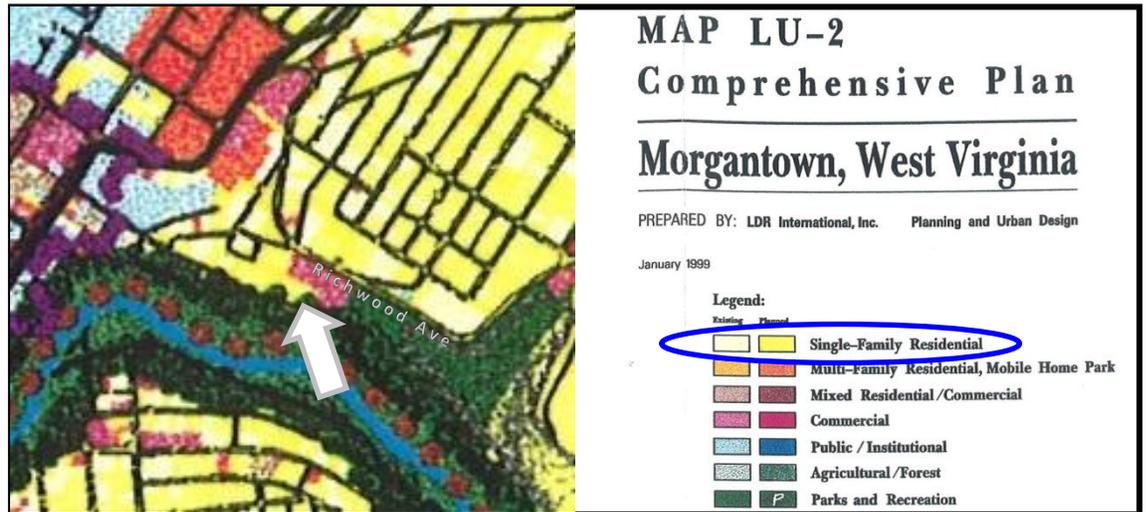
Ken Martis, Admin.

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ANALYSIS:

Because the R-2, Single- and Two-Family Residential District adjoins the petitioners' respective properties, the requested zoning map amendment is considered a zoning district boundary adjustment.

The following figure is a portion of Map LU-2 of the 1999 Comprehensive Plan and illustrates that the planned use for the subject properties was "Single-Family Residential."



According to Article 1335.01, the purpose of the R-1A District is to:

- (A) Provide for single family neighborhoods on smaller lots, located within convenient walking distance of other uses, and
- (B) Preserve the desirable character of existing single family neighborhoods, and
- (C) Protect the single family residential areas from change and intrusion that may cause deterioration, and
- (D) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

According to Article 1337.01, the purpose of the R-2 District is to:

- (A) Provide for two-family housing development and customary accessory uses at a density slightly higher than in single family neighborhoods, and
- (B) Preserve the desirable character of existing medium density family neighborhoods, and
- (C) Protect the medium density residential areas from change and intrusion that may cause deterioration, and
- (D) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

Development Services

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West Virginia State Code §8A-7-8 provides that if a zoning amendment is inconsistent with the adopted Comprehensive Plan, then City Council, with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and that those changes have substantially altered the basic characteristics of the area.

The following points are noted changes that appear to have significantly influenced the economic, physical, and social character of the petitioners' subject properties and the area along Forest Avenue since the adoption of the 1999 Comprehensive Plan Update.

- The tenancy of the dwelling units included in the petitioners' properties has changed from owner-occupancy to rental-occupancy.
- Once a residential dwelling is converted from ownership to investment property, particularly within areas of high rental concentrations, it is very difficult for that unit to become owner-occupied again due to how its value is viewed by the market and the lending community.
- Market interest in owner-tenancy and/or further development of single-family dwellings along Forest Avenue appears to have been significantly diminished due to:
 - The extent of tenancy conversion of dwelling units and recent construction and contemplated development along Forest Avenue beginning at Spruce Street to its terminus at the petitioners' respective properties.
 - The physical and social isolation of the petitioners' respective properties given its location at the end of a very narrow dead-end street accessed through and surrounded by a high concentration of college-aged residents and associated rental properties.
- Potential property assembly opportunities along Forest Avenue under the R-2 zoning classification may provide economic interest and opportunities to redevelop functionally obsolete existing and planned single-family residential uses.

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioners' development intentions are extraneous and the Commission should consider the request on its merits as a land-use decision. In conducting such an analysis, the Commission should determine if the R-2, Single- and Two-Family Residential District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code; particularly, Article 1337 "R-2, Single- and Two-Family Residential District" and Table 1331.05.01 "Permitted Land Uses".

Development Services

Christopher Fletcher, AICP
Director

Planning Division

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STAFF RECOMMENDATION:

The Planning Division advises the Planning Commission to determine that there have been economic, physical, and social changes, as described in this Staff Report, within the area involved that do not appear to have been anticipated when the 1999 Comprehensive Plan Update was adopted and that those changes have substantially altered the basic characteristics of the area.

The Planning Division advises the Planning Commission to forward a recommendation to City Council to approve zoning map amendment petition RZ12-05 so that Parcels 121,123,124, 125, 125.1, and 126 of Tax Map 29 are reclassified from the R-1A, Single Family Residential District to the R-2, Single and Two-Family Residential District.

Development Services

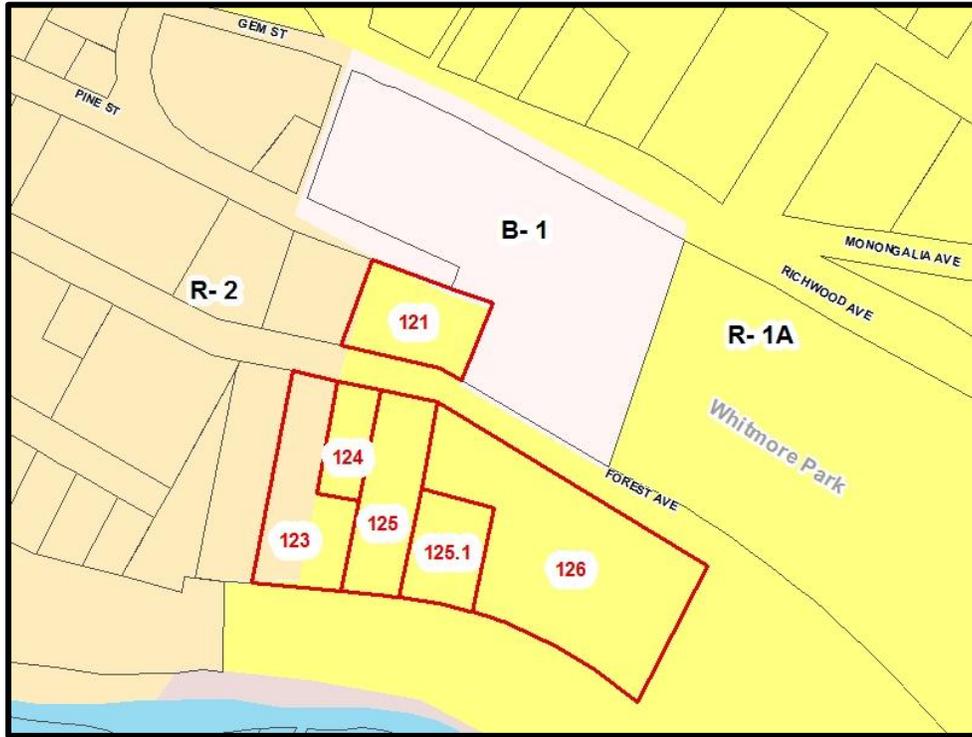
Christopher Fletcher, AICP
Director

Planning Division

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Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A

RZ12-05 / Wiley & Giuliani / 408, 460, 488, 491, 500 Forest Avenue





City of Morgantown, West Virginia
**APPLICATION FOR
 FOR ZONING MAP AMENDMENT**

Original:

OFFICE USE	
CASE NO.	R212-05
RECEIVED:	8/8/12
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	JOHN F. WILEY, MANAGER	Phone:	304.906.7929
Mailing Address:	Lieutenant D Limited Liab. Co.	Mobile:	" " "
	Street: 180 CHANCERY ROW	Email:	johnfwiley@zol.com
	City: MORGANTOWN WV	Zip:	26505
II. AGENT / CONTACT INFORMATION			
Name:	MANAGER, above address	Phone:	
Mailing Address:	& contact info	Mobile:	
	Street:	Email:	
	City:	State:	Zip:
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):	408, 460 and 500 Forest Street		
Tax Map(s) #:	29	Parcel(s) #:	84 → 72.1 → 125.1 → 125 → 32,700
Current Zoning Classification:	R-1-A	Proposed Zoning Classification:	R-2 → 32,700
Current Land Use:	Multi-family Rental	Proposed Land Use*:	(same as now)
*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.			
V. ATTEST			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.			
By:	JOHN WILEY, MANAGER	Type/Print Name of Applicant/Agent	
		Type/Print Name of Applicant/Agent	
		Date	18 Aug 2012

est. sq. ft - irregular lots = TOTAL = 62,000 sq ft

ALREADY R-2 COMF

Zoning Map Amendment Fee - \$75

408 Forest est. 3,700 sq ft
 460 Forest est. 25,600 sq ft
 500 Forest est. 32,700 sq ft

ALREADY BE R-2, CANNOT TELL!

R-1A COMF



City of Morgantown, West Virginia
**APPLICATION FOR
FOR ZONING MAP AMENDMENT**

OFFICE USE	
CASE NO.	P212-05
RECEIVED:	08/08/12
COMPLETE:	

ADDENDUM A - Zoning Map Amendment Process

Step 1 An application for an amendment, or change, to the City's Official Zoning Map is filed with the Planning Department.

Step 2 The Planning Department conducts a formal review of the completed application and prepares appropriate mapping and the petition.

Step 3 The Planning Department publishes a legal advertisement describing the petition for a zoning map amendment at least 15 days prior to the scheduled public hearing before the Planning Commission. The Planning Department also notifies property owners within 200 feet of the proposed map amendment.

Step 4 The Planning Commission holds a duly scheduled public hearing on the zoning map amendment petition, prepares a report, and makes a recommendation to City Council.

Step 5 City Council hears the petition in accordance with its rules and procedures, normally two readings and an additional public hearing.

APPROVED

If the petition for the zoning map amendment is approved by City Council, the applicant receives approval and is formally notified by mail by the Planning Department. The Planning Department amends the Official Zoning Map to reflect the approved map amendment.

DENIED

If the petition for the zoning map amendment is denied by City Council, the applicant is formally notified in writing by the Planning Department of the denial and the right to appeal the decision to the Circuit Court of Monongalia County.



City of Morgantown, West Virginia
**APPLICATION FOR
 FOR ZONING MAP AMENDMENT**

OFFICE USE	
CASE NO.	RZ12-05
RECEIVED:	08/09/12
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	JAMES GIULIANI	Phone:	304 282 8131
Mailing Address:	256 PRAIRIE AVE	Mobile:	304 288 1572
	Street	Email: alexjewel@comcast.net	
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	SAME AS ABOVE	Phone:	
Mailing Address:		Mobile:	
	Street	Email:	
	City State Zip		
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
IV. PROPERTY			
vacant Lot 1/2 122 Behind 123, 123 ? 12			
Street Address (if assigned):	488 FOREST AVE + 491 FOREST	488 Behind	40 x 90
Tax Map(s) #:	29	Parcel(s) #:	124 123 124 ?
		Size (sq. ft. or acres):	488 40 x 100 491 120 x 120
Current Zoning Classification:	RIA	Proposed Zoning Classification:	R-2
Current Land Use:	RENTALS	Proposed Land Use*:	RENTALS
<i>*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.</i>			
V. ATTEST			
MAP ATTACHED			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.			
JAMES GIULIANI		CRYSTAL	8/9/2012
Type/Print Name of Applicant/Agent	JAMES GIULIANI	10:17:37	9/12
		SITE PLAN	
		R A I D	Date

JAMES

alexjewel

75.00

Zoning Map Amendment Fee - \$75

Finance Office
 Morgantown, WV 26505
 (304) 284-7400

0107

RZ12-05

Submitted
w/ application
by Mr. Milioni

CMP
F.



PART OF PARCEL
ALREADY ZONED
R-2

- 1. 491 Forest
- 2. 488 Forest
- 3. Not Behind
488 part

RZ12-05

SHUMAN, INC.

PHILIP B. SHUMAN, VICE PRESIDENT
235 HIGH STREET, SUITE 414
MORGANTOWN WV 26505
304.296.5931

10 SEPTEMBER 2012

City Planning Office
389 Spruce Street
Morgantown WV 26505

RE: Wiley and Giuliani Requests for R-2 Status on Wednesday 13 September

To Whom It May Concern,

I am an officer and shareholder in Shuman, Inc., with property adjacent to and/or contiguous with Messr.s Wiley and Giuliani in the Forest Street area.

This area has for many years been a multi-unit student housing area, but for the houses of the Blues and Parkers and perhaps two others, all of whom have moved elsewhere.

Both Mr. Wiley, through Lieutenant D LLC, and Mr. Giuliani have been improving a once blighted area of our city, but a block from our downtown. This area, if further improved, backing as it does onto Whitmore Park, the Rail Trail on Deckers Creek, and the Richwood Avenue area, could become a vital area of which we could all be proud.

As a prelude to this, a rezoning of the area to permit this growth is needed.

Thank you,



Philip Shuman, V.P.

CITY OF MORGANTOWN
PLANNING DEPARTMENT

SEP 10 2012

RECEIVED

*Submitted by Mr. Wiley and
Mr. Giuliani (hand delivered)
C.M.F.*