



MORGANTOWN PLANNING COMMISSION

June 13, 2013
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 Council

STAFF REPORT

CASE NO: RZ13-01 / Double G Properties, LLC / Stewart Street

REQUEST and LOCATION:

Request by Lisa Mardis, on behalf of Double G Properties, LLC, for a Zoning Map Amendment from R-1A, Single-Family Residential District to R-2, Single- and Two-Family Residential District for vacant property on Stewart Street; Tax Map 14, Parcel 447.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 14, Parcel 447; R-1A, Single-Family Residential District

SURROUNDING ZONING:

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

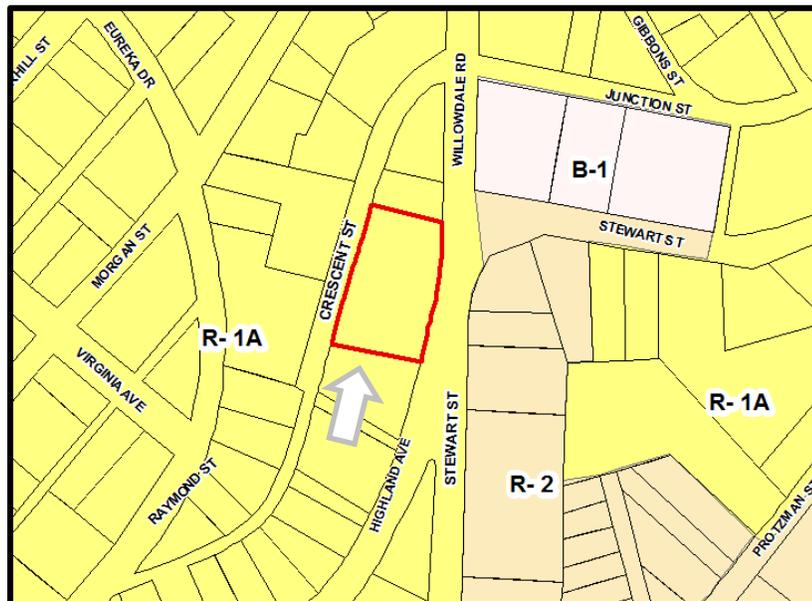
East: R-2, Single- and Two- Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify the subject property from R-1A to R-2. Addendum A of this report illustrates the location of the subject property.

ANALYSIS:

Because the subject area adjoins the R-2 District at the site's eastern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning" as the following image illustrates.



**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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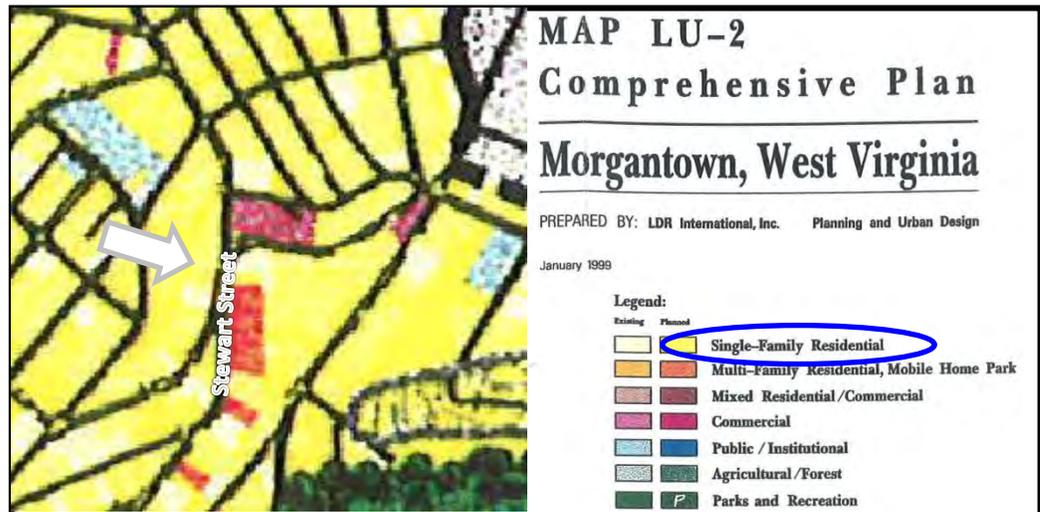
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The following figure is a portion of Map LU-2 of the 1999 Comprehensive Plan and illustrates that the planned use for the subject properties was “Single-Family Residential.”



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 scale, intensity, and density of development along the eastern side of Stewart Street have increased over the past few years as permitted in the adjoining R-2 District. However, it is the opinion of the Planning Division that maintaining the R-1A District classification on the east side of Stewart Street and Willowdale Road, particularly north of the Highland Avenue / Stewart Street intersection, is paramount to maintaining present community-wide single-family neighborhood goals and objectives.

Specifically, Morgantown has taken several legislative and administrative policy steps since the early 1990s to preserve and protect traditional owner-occupied neighborhoods like Wiles Hill – Highland Park. These land use strategies are intended to sustain the desirability, quality of life, and economic vitality of each traditional single-family neighborhood and the community as a whole.

According to Article 1335.01 of the Planning and Zoning Code, the purpose of the R-1A District is to:

- (A) Provide for single-family neighborhoods on smaller lots, located within convenient walking distances 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.

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According to Article 1337.01 of the Planning and Zoning Code, the purpose of the R-2 District is to:

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

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".

STAFF RECOMMENDATION:

Staff advises the Commission to forward a recommendation to City Council to deny the requested zoning map amendment so that Parcel 447 of Tax Map 14 remains, at this time, R-1A, Single-Family Residential District.

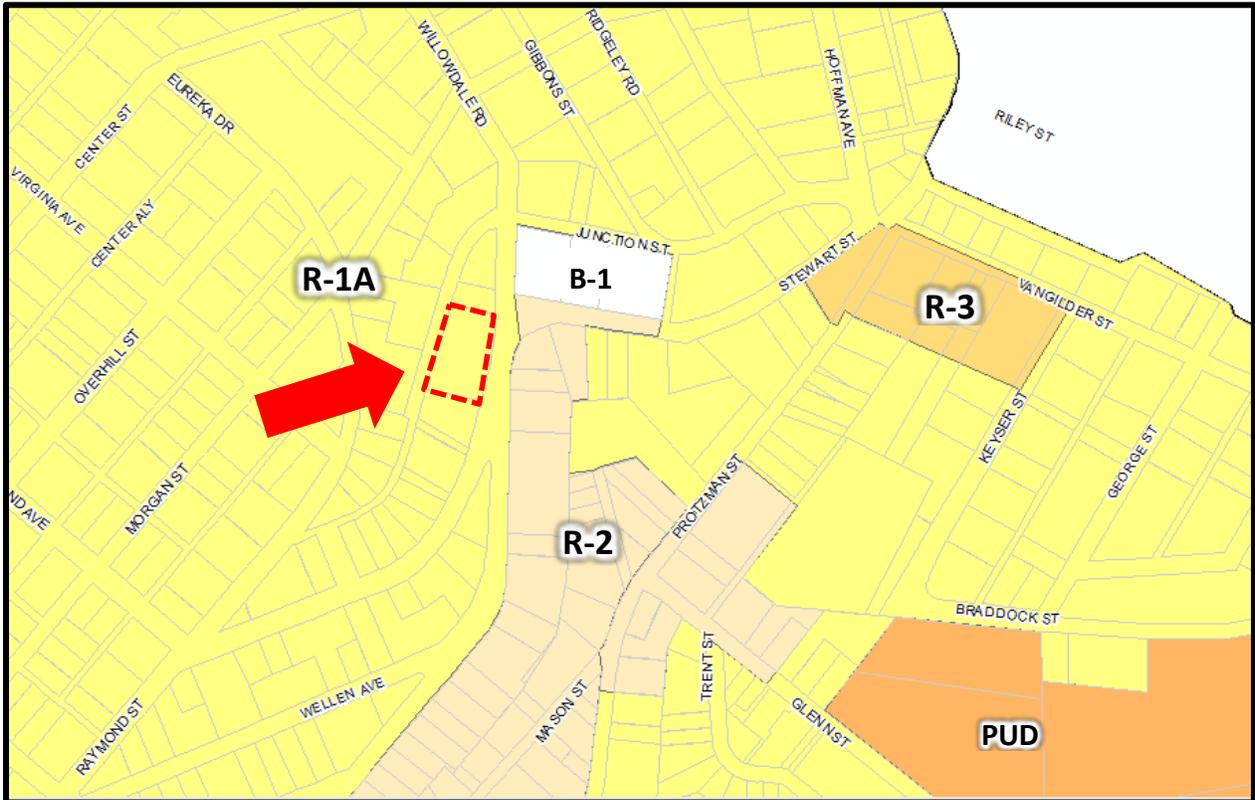
**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
RZ13-01 / Double G Properties, LLC / Stewart Street





**APPLICATION FOR
FOR ZONING MAP AMENDMENT**

OFFICE USE	
CASE NO.	RZ13-0
RECEIVED:	4/5/13
COMPLETE:	

RECEIVED

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	Double G, LLC.		Phone:
Mailing Address:	P.O. Box 4147		Mobile: 304 685 3243
	Street	Morgantown WV 26505	Email: dssshep1000@hotmail.com
	City	State Zip	
II. AGENT / CONTACT INFORMATION			
Name:	Project Management Services		Phone: 304 212 5256
Mailing Address:	160 Fayette Street, Suite 101		Mobile: 304 692 7116
	Street	Morgantown WV 26505	Email: pms160@comcast.net
	City	State Zip	
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):	469, 471, 473, 475 Stewart Street		
Tax Map(s) #:	14	Parcel(s) #:	447
		Size (sq. ft. or acres):	16,289 sq. ft.
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2
Current Land Use:	Vacant	Proposed Land Use*:	
*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.			
 Type/Print Name of Applicant/Agent		 Type/Print Name of Applicant/Agent	
		Date: 4/5/13	

Zoning Map Amendment Fee - \$75

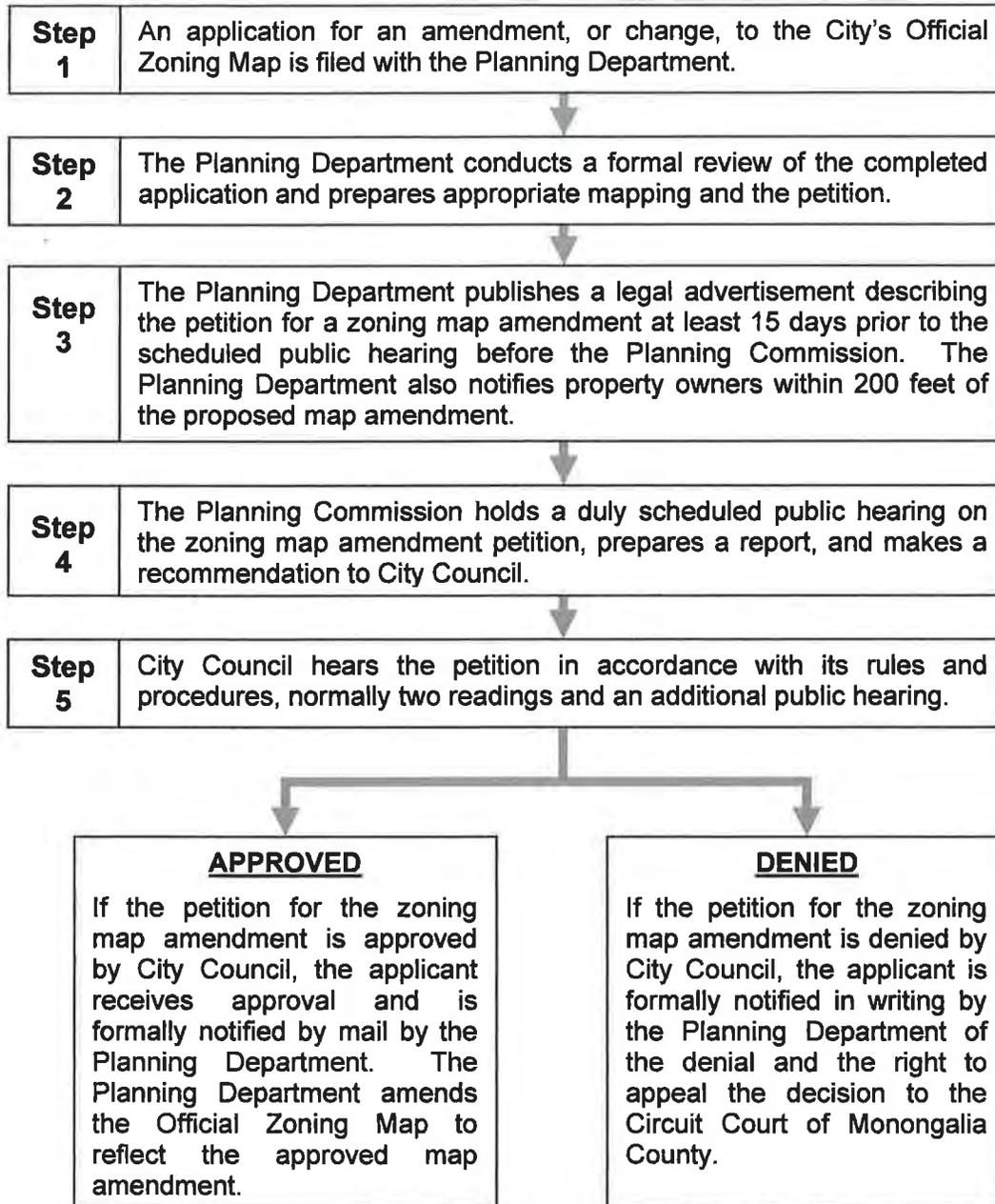
Finance Office
Morgantown, WV 26505
(304) 284-7488



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

OFFICE USE	
CASE NO.	RZ13-01
RECEIVED:	4/5/13
COMPLETE:	

ADDENDUM A - Zoning Map Amendment Process



Double G, LLC | 469, 471, 473, 475 Stewart Street
Supplemental Information

Reasoning for Request

- To provide increased housing diversity to the vicinity
- To offer single-family or two-family residential along a highly traveled corridor on the fringes of an established neighborhood
- Subject realty is located on four (4) Mountainline bus routes that runs every ten (10) minutes to hourly encourage the use of public transportation
- The proposed area is situated close to urban centers such as shopping centers, West Virginia University campuses, hospitals, etc.
- The ability to provide for a variety of different housing density and types
- The ability to preserve the desirable character of existing one and two family structures
- The ability to provide for adequate light, ventilation, quiet, and privacy for neighborhood residents

Zimbra

shollar@cityofmorgantown.org

Changing the zoning on Stewart street

From : Tom Gallegly <twgallegly@yahoo.com>

Tue, May 28, 2013 05:34 PM

Subject : Changing the zoning on Stewart street**To :** shollar@cityofmorgantown.org

I own 14 highland ave. and am strongly against anyone changing the zoning laws here.might I add I am especially against this particular person....it just wouldn't be right or fair to the surroundings...Tom Gallegly-owner

Sent from my iPad
