



MORGANTOWN PLANNING COMMISSION

February 12, 2015
6:30 PM
City Council Chambers

Planning Commissioners:

Sam Loretta, 1st Ward
Tim Stranko, 2nd Ward
William Wyant, 3rd Ward
Bill Petros, 4th Ward
Mike Shuman, 5th Ward
Peter DeMasters, 6th Ward
Carol Pyles, 7th Ward
Ken Martis, Admin.
Bill Kaweckki, City Council

STAFF REPORT

CASE NO: RZ15-02 / Scott Properties, LLC / First Street

REQUEST and LOCATION:

Request by Gregg Metheny, on behalf of Scott Properties, LLC, for a Zoning Map Amendment to reclassify property from R-2, Single- and Two-Family Residential District to R-3, Multi-Family Residential District

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 20, Parcels 229 thru and including 246

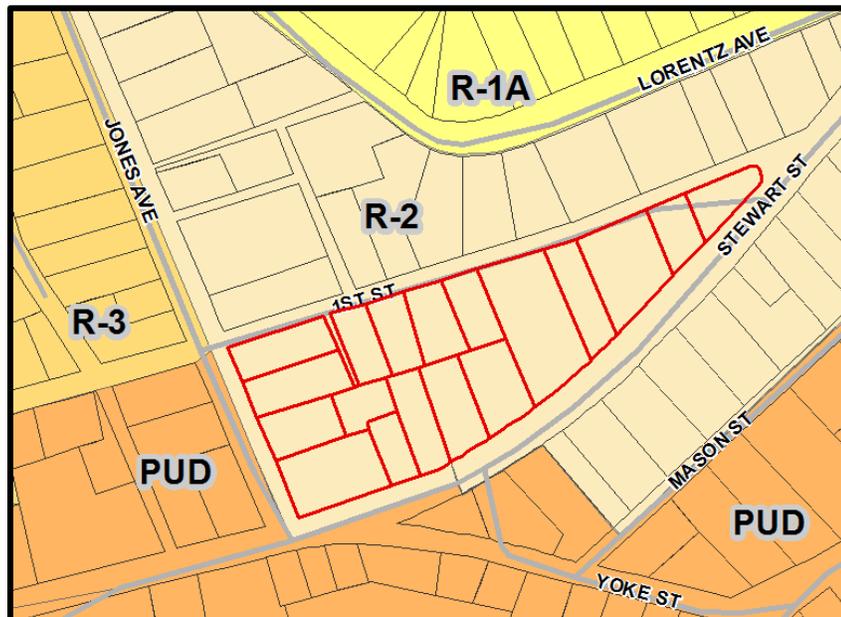
SURROUNDING ZONING:

North and East: R-2, Single- and Two-Family Residential District
South: PUD, Planned Unit Development District and R-2 District
West: PUD and R-3, Multi-Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify the subject parcels, the area of which is approximately 1.6 acres, from R-2 to R-3. Addendum A of this report illustrates the location of the subject property.

Because the subject area adjoins the R-3 District at the site's northwestern edge, 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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Ken Martis, Admin.
Bill Kaweckki, City Council

ANALYSIS:

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.

According to Article 1339.01, the purpose of the R-3 District is to:

- (A) Provide for a variety of housing density and types, and customary accessory uses at a density higher than in other city neighborhoods, and
- (B) Preserve the desirable character of existing high density residential neighborhoods, and
- (C) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

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.

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 appears that the proposed zoning classification change from R-2 to R-3 is in general concurrence with the Plan's principles for land management and encouraged growth objectives including:

- LM 2.1 Identify and prioritize sites for infill and redevelopment.
- LM 2.3 Develop incentives to encourage the consolidation of parcels for redevelopment.
- LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.
- 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.

Staff encourages the Planning Commission to review the Comprehensive Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

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Bill Kawecky, City Council

STAFF RECOMMENDATION:

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-3, Multi-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 1339 "R-3, Multi-Family Residential District" and Table 1331.05.01 "Permitted Land Uses".

The subject site represents a unique opportunity to strategically locate slightly higher residential density at the edge of WVU's downtown campus. Further, the site is in very close proximity to the University Avenue corridor and at the western end of the Stewart Street / Willowdale Road corridor.

Because the site is well served by public transit and is within walking and biking distance of primary educational and commercial destinations, residents can access alternate modes of transport thereby reducing auto dependency and mitigating increased traffic congestion created by commuting traffic from much higher density residential development outside the City of Morgantown.

The Comprehensive Plan defines "redevelopment" as improving or utilizing sites that have been developed (are not vacant), but are not reaching their highest and best use. Given the ongoing state of deterioration of the functionally obsolete structures on and the small parcel configurations of the site, there does not appear to be an economic incentive or advantage to pursue redevelopment under the R-2 zoning classification.

Staff recommends that the Commission look to see the opportunity created through the petitioner's assembly of highly visible properties and the potential of realizing desired revitalization of an "Encouraged Growth" area located in the heart of a small blighted student housing enclave that is physically separated by terrain and distinct from the nearby R-1A District of the Wiles Hill neighborhood.

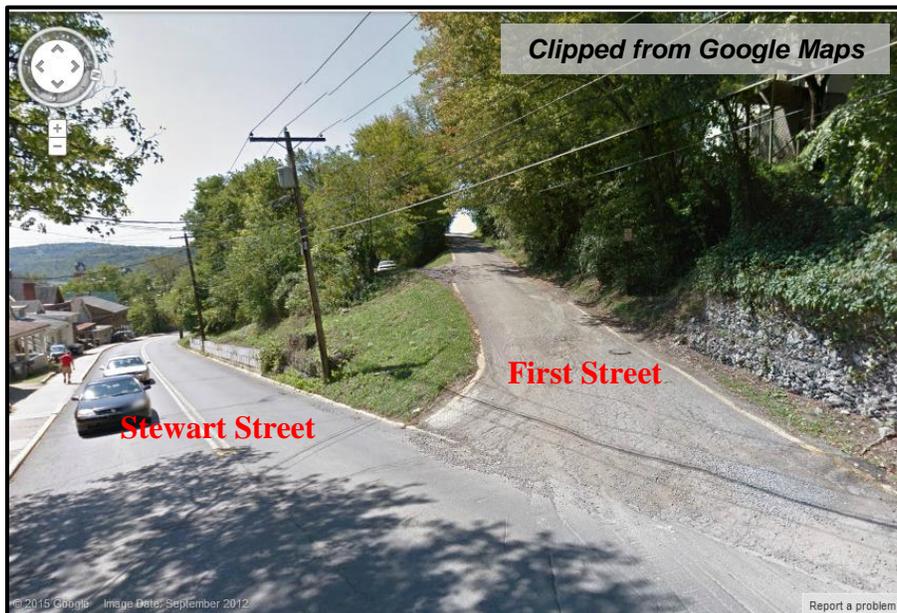
Development Services Department

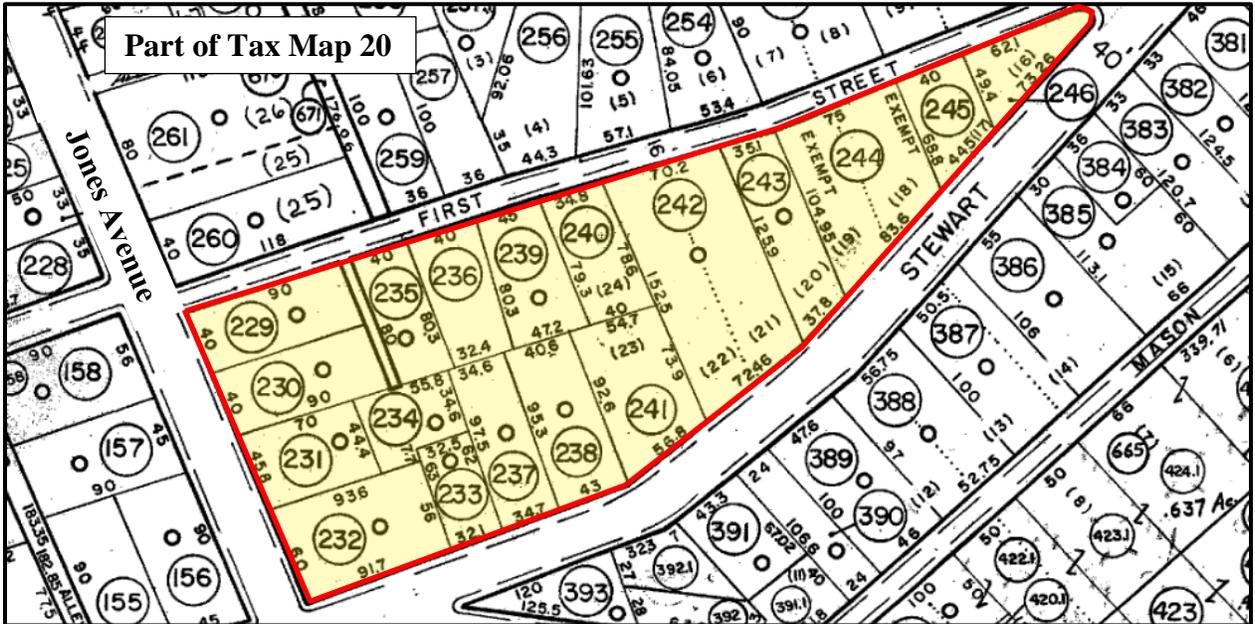
Christopher Fletcher, AICP
Director

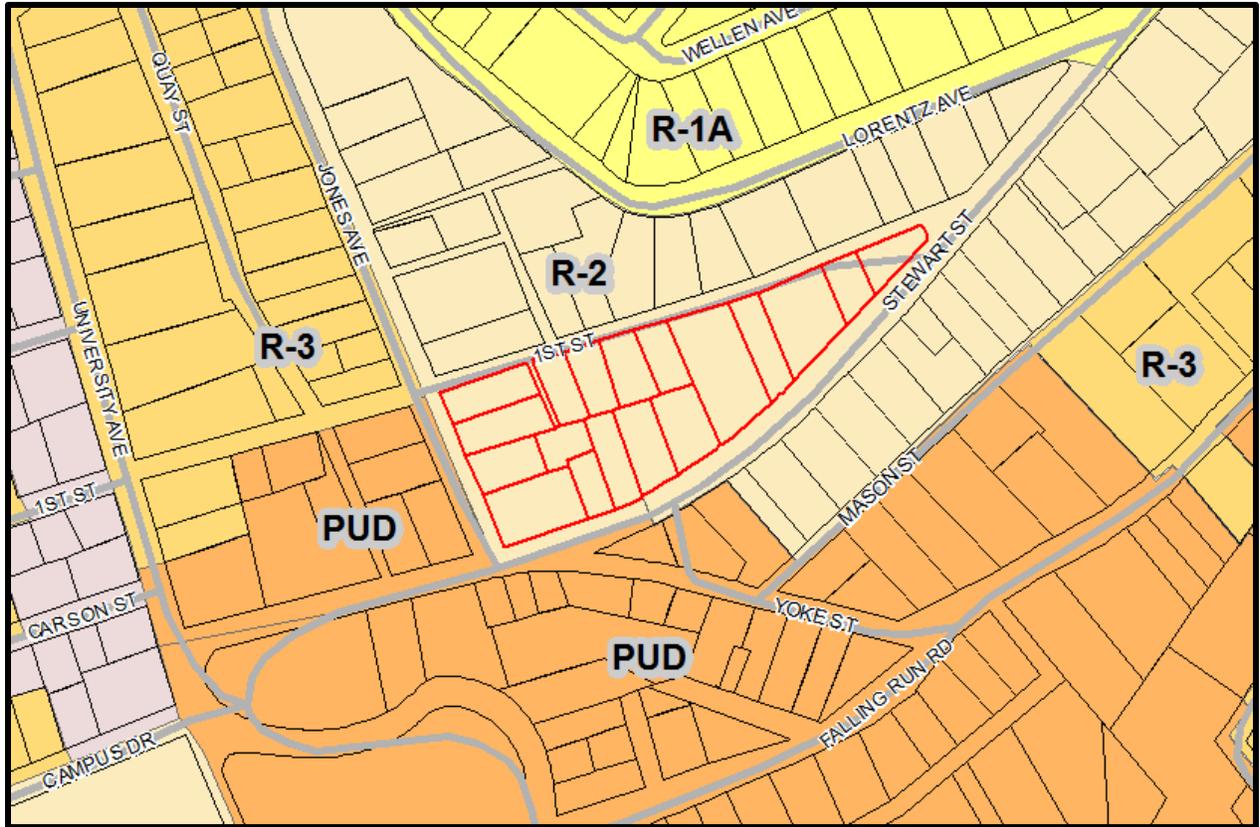
Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
RZ15-02 / Scott Properties, LLC / Jones Place







STAFF REPORT ADDENDUM B

RZ15-02 / Scott Properties, LLC / First Street

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.

INTENT	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 existing structures within the proposed zoning classification area are deteriorating and functionally obsolete and a few have been vacant for a few years. Several of the structures are single-family structures that were converted into multiple dwelling units.</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 development site is nearly surrounded by multi-family, student housing structures. New housing units within the immediate area represent residential densities that are more consistent with R-3 development patterns.</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 at the edge of WVU's downtown campus and is surrounded by both new and older student housing stock.</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>There is a physical buffer between the subject site and the Wiles Hill Neighborhood resulting from terrain – the site is approximately 70 feet lower than the intersection of Duquesne Avenue, Raymond Street, and Wellen Avenue – and the lack of roadway connection between the site and the neighborhood.</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
<i>The site is highly visible from the well-traveled Stewart Street corridor; the view of which is currently deteriorating and functionally obsolete converted single-family structures.</i>		
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
<i>Mixed-use residential and nonresidential uses and development patterns are more permissible in the R-3 District than the R-2 District.</i>		
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
<i>The site is located at the edge of WVU's downtown campus and easily accessible to well-served transit routes along Stewart Street and University Avenue. Connections from the site to sidewalks along Stewart Street and University Avenue can be significantly improved through R-3 District scaled development.</i>		
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
<i>The assembly of and redevelopment of dilapidating and functionally obsolete structures will serve to improve the quality, character, and age of the housing stock within the immediate area and at the edge of WVU's downtown campus.</i>		
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"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The scale of permitted R-3 development on the site will serve to significantly improve the quality, character, attractiveness, and livability of new student housing opportunities at the edge of campus and continue the pattern of redevelopment and rebirth of the student neighborhood within the immediate area at slightly higher residential densities. Redevelopment will revitalize a deteriorating area and will provide for public infrastructure improvements including roadway enhancements, construction of sidewalks and/or pedestrian ways, stormwater management, etc.</i>		

- Principal 10 Parks, open space, and recreational areas are incorporated as part of future development. Concurrence
 Inconsistent
 Other

The planning and programming of passive and active open space requires development plans that should not be a part of zoning map amendment request considerations.

- Principal 11 Environmentally sensitive and sustainable practices will be encouraged in future developments. Concurrence
 Inconsistent
 Other

The developer's goals and objectives concerning sustainable design and construction techniques and industry accepted best practices have not been fully developed.

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.



Encouraged Growth

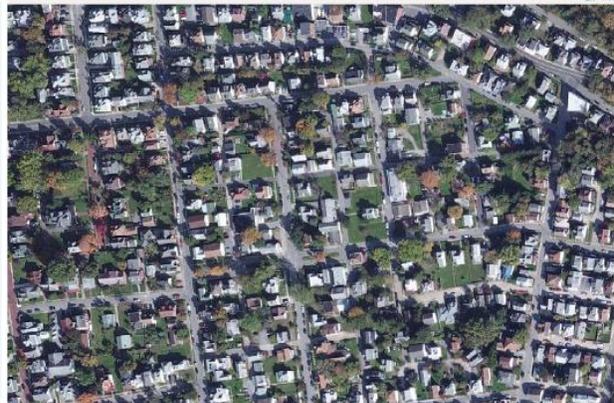
**PATTERN
AND
CHARACTER**

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 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 “**Neighborhood 1**” pattern and character area.



Neighborhood 1. Neighborhood 1 includes the oldest residential areas in the city surrounding Downtown and WVU's campus. It encompasses most of the city's historic neighborhoods as well as areas dominated by student renters. This neighborhood type has the highest density of buildings on the smallest lots. The district contains a mix of housing types ranging from older single family homes to four-six unit apartment buildings to newly constructed multi-story apartment buildings – often with multiple housing types in the same block. Small-scale commercial or civic uses are also integrated into the neighborhood fabric. The blocks are small and generally follow a grid street pattern. This is the most walkable neighborhood 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 “**Neighborhood Revitalization**” concept area.



- Neighborhood Revitalization:** Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses.

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

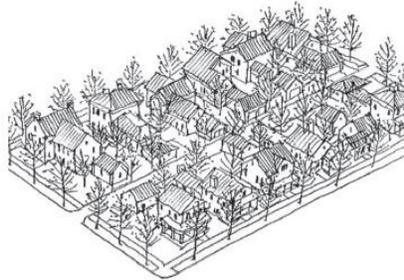
CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
 Neighborhood Revitalization	•	•	•	•	•						•

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

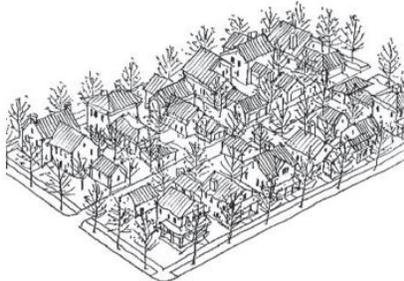
SF **Single Family Residential**

Detached 1-2.5 story residential structures each intended for one family. Densities range from six to twelve units per acre.



TF **Two Family Residential**

Detached structures that each contain two separate residential dwellings and townhouse dwelling types. May be built in a similar pattern as single-family structures and integrated in neighborhoods with other single-family structures and/or at the edge of single-family neighborhoods. Densities range from six to twenty units per acre.



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.



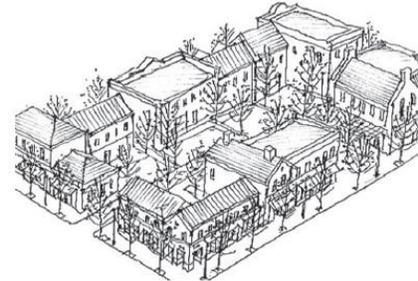
C Civic and Institutional

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.



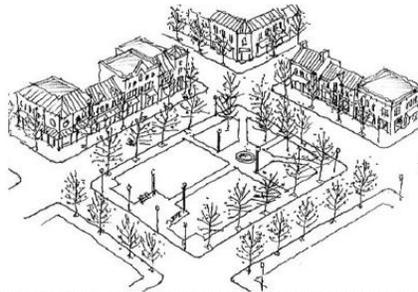
NX Neighborhood Center Mixed-Use

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.



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 2. Promote strategic infill and redevelopment of underutilized or functionally obsolete areas.

LM 2.1 Identify and prioritize sites for infill and redevelopment.

LM 2.3 Develop incentives to encourage the consolidation of parcels for redevelopment.

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

**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.

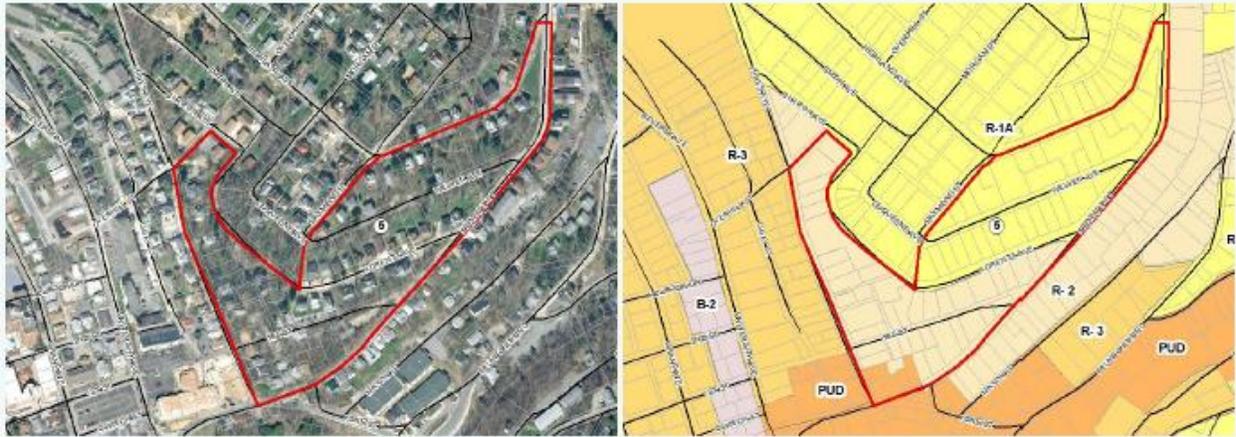
Appendix A

Resource Documents

1. Areas for Future Study

The following table and accompanying map identify areas for future study throughout the City of Morgantown. These areas are places where the existing zoning does not align with the existing land uses or the existing pattern of development. It may also be an area where the existing zoning is not compatible with, or does not fully support the desired future of the area as indicated in the Comprehensive Plan's Land Management Map. These areas require further land use and development study by the Planning Commission to enable zoning map amendment and/or zoning text amendment recommendations to City Council that will advance the goals, objectives, strategies, and consistency principles of this Comprehensive Plan Update.

5	R-1A, R-2 and PUD	Stewart Street and Highland Avenue; adjoins the Wiles Hill / Highland Park Neighborhoods	<p>Current single-family residential zoning does not reflect existing uses or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none">• Permitting of very modest increases in density of two-family and townhouse market-rate housing.• Provide incentives to assemble and consolidate realty.• Discouragement of continued added density of converted single-family dwellings.• Establish appropriate design standards.• Improved infrastructure supporting slightly higher densities; and increase supply of on-site parking.
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City of Morgantown, West Virginia
**APPLICATION FOR
 FOR ZONING MAP AMENDMENT**

OFFICE USE	
CASE NO.	R215-02
RECEIVED:	12/12/14
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	Scott Properties, LLC	Phone:	304-599-5011
Mailing Address:	P.O. Box 018	Mobile:	304-319-3574
	Street Morgantown, WV 26507	Email:	gmetheny@scottpropertiesllc.com
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Gregg Metheny	Phone:	304-599-5011
Mailing Address:	2419 Stewartstown Road	Mobile:	304-319-3574
	Street Morgantown WV 26508	Email:	gmetheny@scottpropertiesllc.com
	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):	First - Jones - Stewart		
Tax Map(s) #:	20	Parcel(s) #:	229-246
		Size (sq. ft. or acres):	1.6
Current Zoning Classification:	R2	Proposed Zoning Classification:	R3
Current Land Use:	Mix Residential	Proposed Land Use*:	Multi-family
*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.			
Gregg S. Metheny		12/12/14	
Type/Print Name of Applicant/Agent		Date	

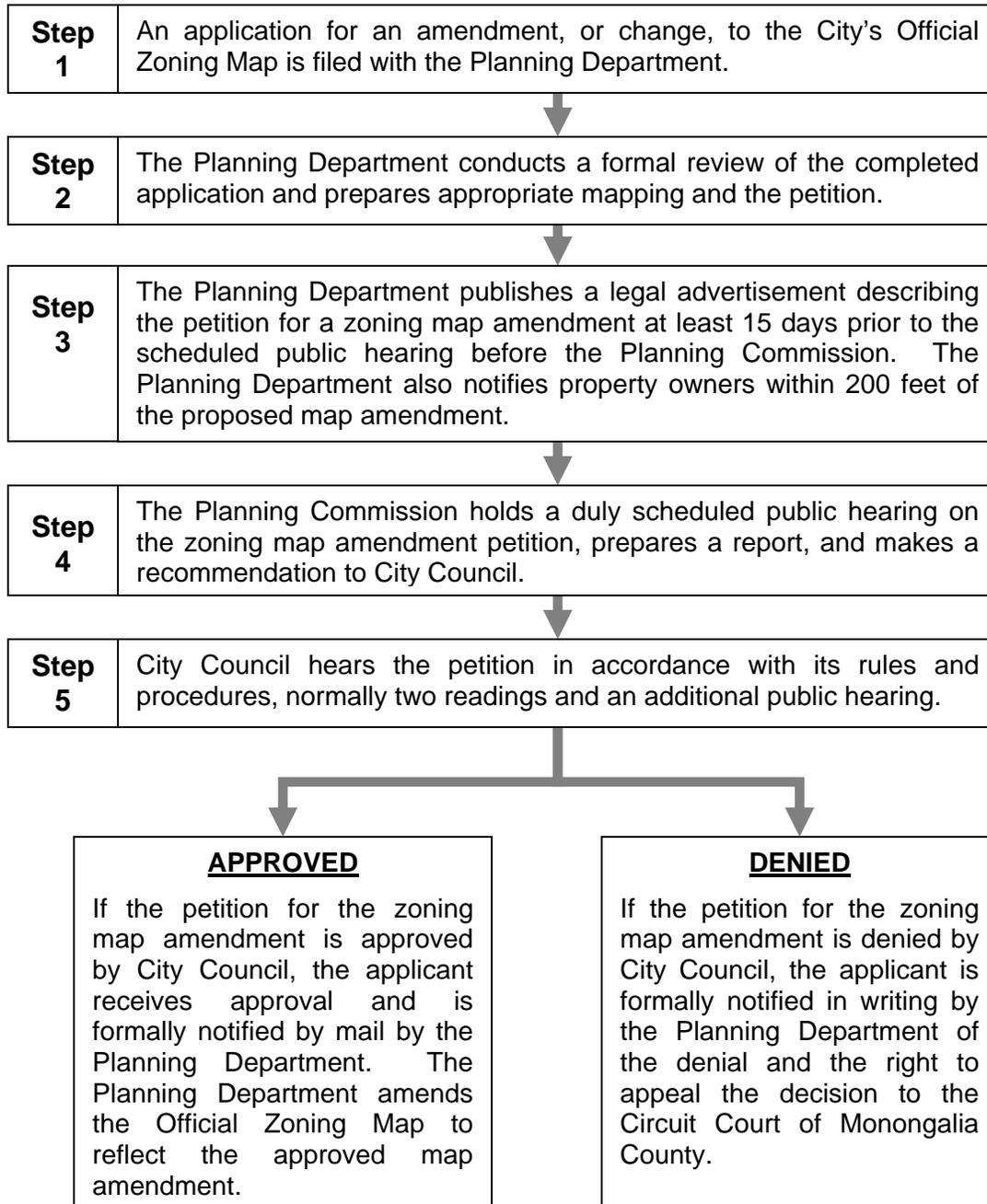
Zoning Map Amendment Fee - \$75 **CK**
 4240



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

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process



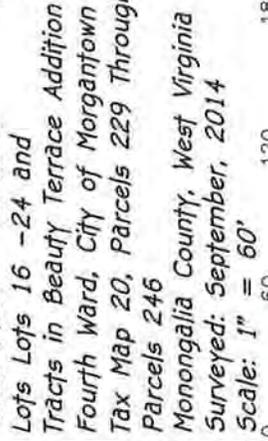
20-5177

NOTES:
 1. This survey is not valid without original raised seal and blue signature.
 2. Declarations made hereon on the date indicated are to the owner(s) or buyer(s) listed hereon and are not transferable to additional institutions or subsequent interested parties.
 3. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.

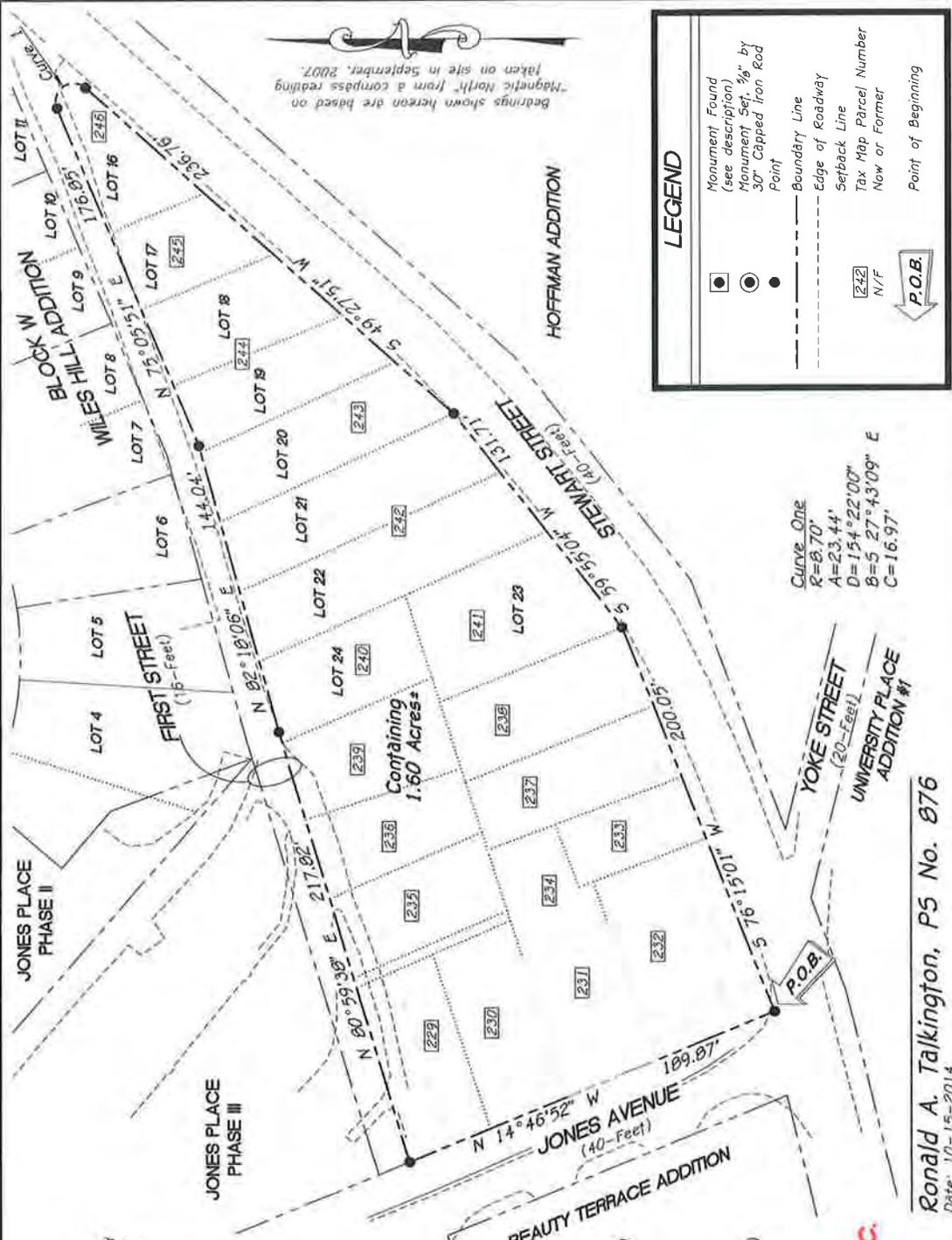
PLAT REFERENCE:
 Miles Hill Addition
 (Deed Book 195 /Page 90)
 Beauty Terrace Addition
 (Plat Cabinet 1, Envelope 6A)
 Anna Almonte Borror Estate
 (Deed Book 375 /Page 218A)

Plat of Survey
 For
JONES PLACE HOLDINGS
 Jones Place - Phase 5
 Lots 16 -24 and
 Tracts in Beauty Terrace Addition
 Fourth Ward, City of Morgantown
 Tax Map 20, Parcels 229 Through
 Parcels 246
 Monongalia County, West Virginia
 Surveyed: September, 2014
 Scale: 1" = 60'

Cheat Road Engineering, Inc.
 Morgantown, West Virginia
 (304) 212-5480
 Job No. 14-053



Ronald A. Talkington, PS No. 876
 Date: 10-15-2014



LEGEND

- Monument Found (see description)
- Monument Set, 1/8" by 30" Capped Iron Rod
- Point
- Boundary Line
- Edge of Roadway
- Setback Line
- Tax Map Parcel Number
- Now or Former
- Point of Beginning

R215-02

October 15, 2014

**DESCRIPTION OF SURVEY
FOR
JONES PLACE HOLDINGS
JONES PLACE – PHASE 5**

All that certain tract or parcel of real estate, situate, lying and being in Fourth Ward, City of Morgantown, Monongalia County, West Virginia, and more particularly described as follows:

Beginning at a point in the northern line of Stewart Street, a 40-foot street where it intersects with the eastern line of Jones Avenue, a 40-foot street; thence leaving said Stewart Street and with Jones Avenue

N 14°46'52" W 189.87 feet to a point in the southern line of First Street, a 16-foot street where it intersects with the eastern line of said Jones Avenue; thence leaving said Jones Avenue and with said First Street

N 80°59'38" E 217.82 feet to a point; thence

N 82°18'06" E 144.04 feet to a point; thence

N 75°05'51" E 176.85 feet to a point; thence with a curve turning to the right, having a radius of 8.70 feet

Southeasterly 23.44 feet along said curve through an angle of 154°22'00" to a point, standing in the northerly lines of said Stewart Street where it intersects with the southerly line of said First Street, said curve having a chord bearing and distance of S 27°43'09" E 16.97 feet; thence leaving said First Street and with said Stewart Street

S 49°27'51" W 236.76 feet to a point; thence

S 59°55'04" W 131.71 feet to a point; thence

S 76°15'01" W 200.05 feet to the place of beginning, **containing 1.60 acres**, more or less, as surveyed in September, 2014 by Cheat Road Engineering, Inc. of Morgantown, West Virginia and shown on a plat of survey for Jones Place Holdings, dated the 15th day of October, 2014 attached hereto and made a part of this description. The meridian for all bearings in this description is based on "MAGNETIC NORTH" from a compass reading taken on site in September, 2007.

Said tract or parcel of real estate is assessed on the land books for Fourth Ward, City of Morgantown, Monongalia County, West Virginia and is more specifically shown on Tax Map 20, as Parcels 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245 and 246.

Cheat Road Engineering, Inc.

Ronald A. Talkington, PS #876