



MORGANTOWN PLANNING COMMISSION

June 11, 2015
6:30 PM
City Council Chambers

President:

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Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

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William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: RZ15-05 / Rice / 629 Protzman Street

REQUEST and LOCATION:

Request by John Rice for a Zoning Map Amendment from R-1A, Single-Family Residential District to R-2, Single- and Two-Family Residential District for property located at 629 Protzman Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 14, Parcel 475; R-1A, Single-Family Residential District

SURROUNDING ZONING:

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

South and West: 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 along with surrounding zoning classifications and land uses.

Because the subject area adjoins the R-2 District at the site's western and southern sides, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning."

ANALYSIS:

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 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

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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- (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.

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.

The 2013 Comprehensive Plan identifies the subject parcel as a part of the "Encouraged Growth" area and the "Neighborhood Revitalization" general concept area, which provides for the:

"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."

It appears that the proposed zoning classification change from R-1A to R-2 is in general concurrence with the Plan's principles for land management and encouraged growth objectives and furthers the following plan implementation strategies:

- 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.

Additionally, the petitioner's subject property is located within an area identified in Appendix A of the 2013 Comprehensive Plan Update as "Future Study Area 4." Recommended considerations for this area includes the permitting of higher residential densities to match surrounding development.

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-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."

Additionally, Chapter 3 "Land Management" of the 2013 Comprehensive Plan Update provides that it will be consulted for any development proposal based on the following steps (see Page 33 of the Comprehensive Plan).

1. Intent. Development proposal will reflect the spirit and values expressed in the principles (statements of intent) on Pages 34-37.
2. Location. Development proposals will be consistent with the Land Management Map (Page 39). 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 with Areas of Opportunity (Pages 44-48). 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.
3. Pattern and Character. Development proposal in growth areas will be consistent with the preferred development types described on Pages 39-41. Development in areas where growth is not intended should be compatible with the relevant Character Area description (Pages 26-32) and expectation for how those areas should evolve in the future.

It is the opinion of the Planning Division that the zoning reclassification of the subject realty from R-1A to R-2 is supported by the intent, location, pattern and character goals and land management objectives and strategies set forth in the 2013 Comprehensive Plan Update.

As such, Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that the zoning classification of Parcel 475 of Tax Map 14 is amended from the R-1A District to the R-2 District.

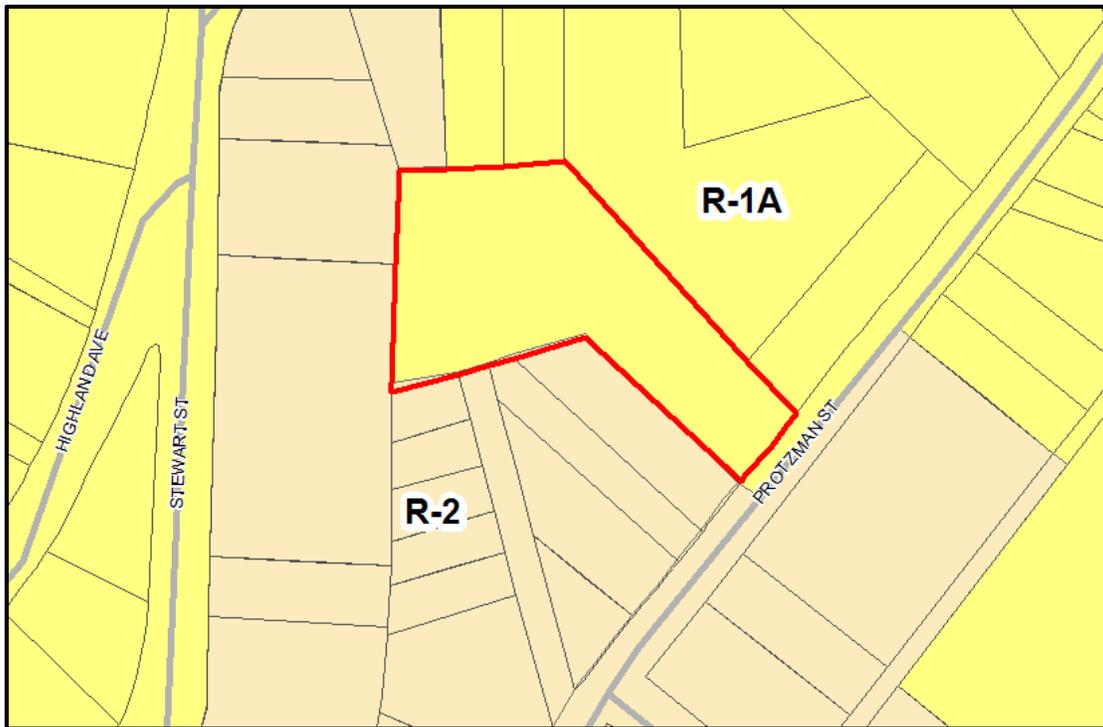
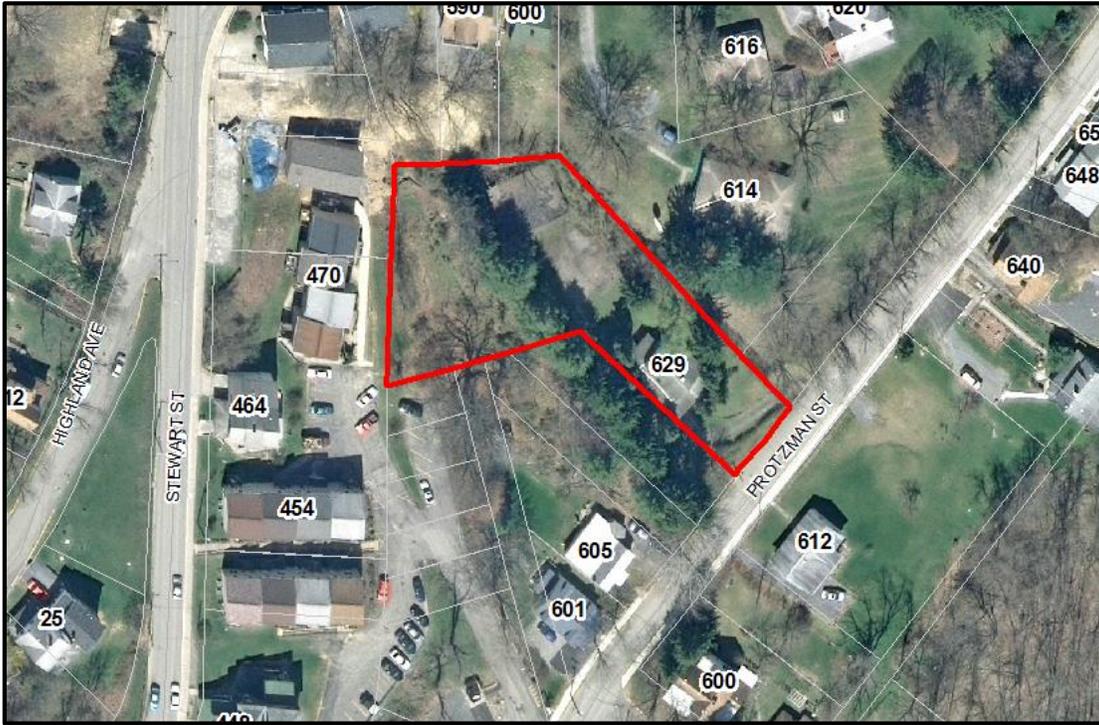
**Development Services
Department**

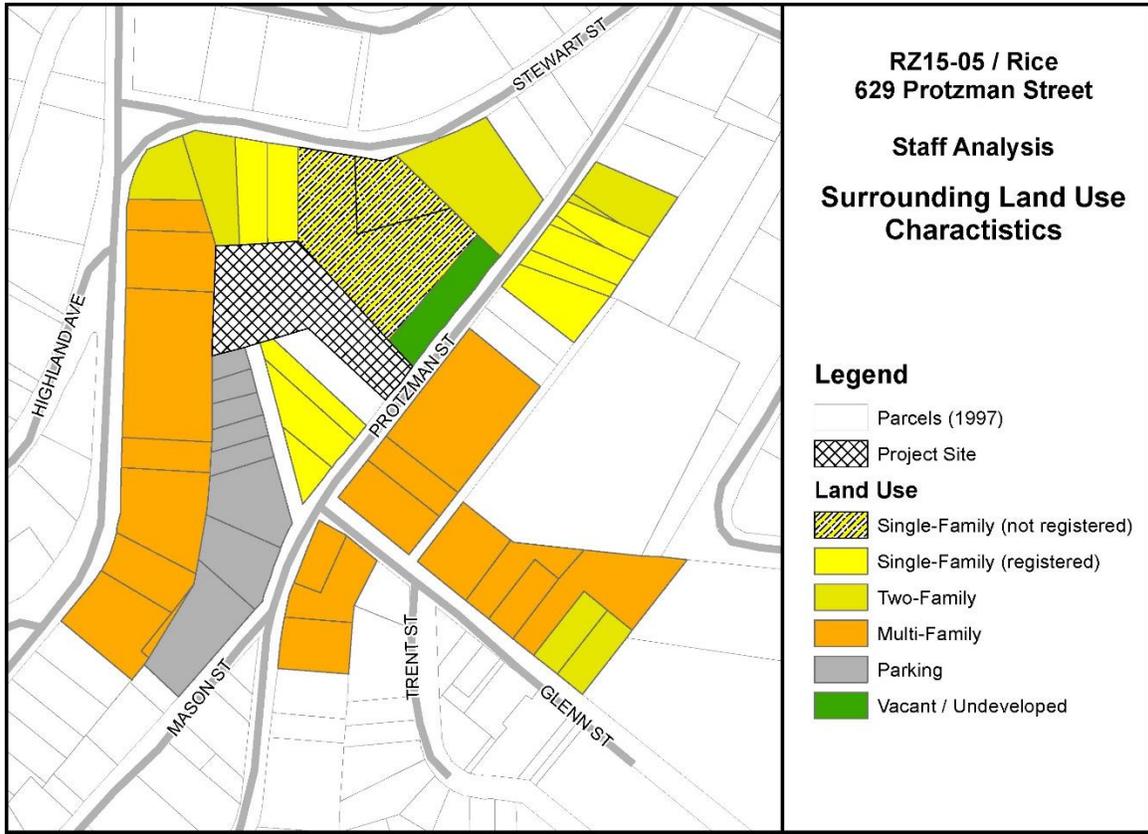
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STAFF REPORT ADDENDUM A
RZ15-05 / Rice / 629 Protzman Street





STAFF REPORT ADDENDUM B

RZ15-05 / Rice / 629 Protzman 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 proposed principal and accessory structures on the subject site appear to be functionally obsolete given age and surrounding uses and residential densities. The site is situated within "Encouraged Growth" and "Neighborhood Revitalization" areas.</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-2 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 – Highland Park Neighborhood resulting from terrain and surrounding higher residential densities.</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>Redevelopment of the subject site to R-2 permitted uses and densities will integrate into the surrounding R-2 built environment.</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"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>Mixed-use development patterns do not appear desirable at the subject site given parcel geometry, topography, and limited access required for nonresidential market absorption. However, R-2 permitted redevelopment of the subject site will integrate with surrounding uses and residential densities.</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"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The site is in close proximity to Mountain Line Transit's Purple line and well served by a recently constructed public sidewalk along Protzman Street.</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"/> Concurrency <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>Although the petitioner's development intentions are not known and are extraneous to zoning map amendment considerations, an R-2 zoning classification will serve to increase permitted land use types and diversify the housing stock within the immediate area.</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 scale of permitted R-2 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></p>		
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input type="checkbox"/> Concurrency <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<p><i>The planning and programming of passive and active open space requires development plan review that should not be a part of zoning map amendment request considerations.</i></p>		

- 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 are not known.

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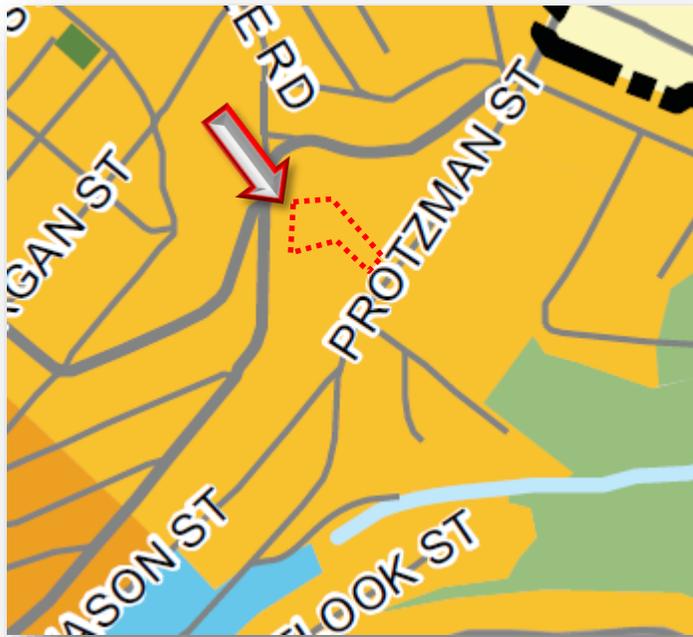
The following graphic is clipped from the **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within the **“Infill and Redevelopment”** area.



**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 “**Mountain / Valley Corridor**” pattern and character area.



Neighborhood 2. Neighborhood 2 is relatively lower density than neighborhood 1 with longer blocks and slightly larger lots. This district is primarily single-family residential but also includes some small-scale multi-family residential and commercial uses. The street pattern is generally a modified grid with more variety of block sizes, but still retaining a high degree of connectivity. The neighborhoods have multiple entry points with walkable access to transit, although many of these areas lack sidewalks. The multi-family buildings are either single-family structures that have been divided into multiple dwellings or small and isolated multi-unit buildings.



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 “Neighborhood Revitalization” concept area.

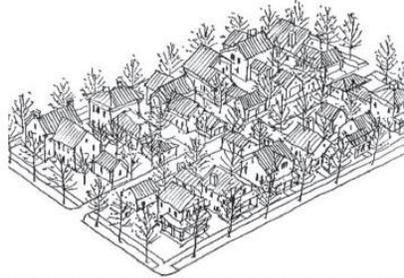
CONCEPT AREA	Appropriate Development Types										
	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
 Neighborhood Revitalization	●	●	●	●	●						●

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

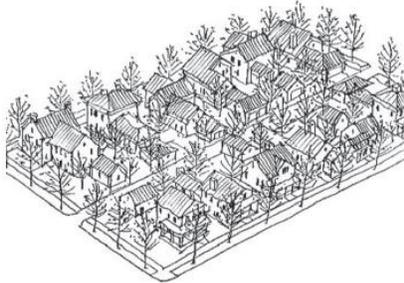
SF Single Family Residential

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.



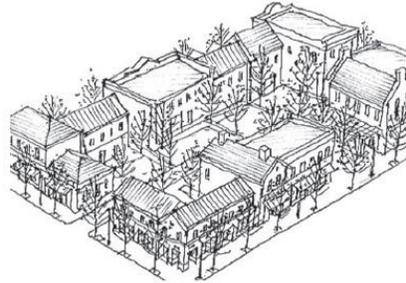
C Civic and Institutional

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.

MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
4	R-1A and R-2	Protzman, Glenn, and Van Gilder Streets; adjoins the Wiles Hill / Highland Park Neighborhoods	<p>Current single-family residential zoning does not reflect existing uses, existing development patterns, or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Permitting of higher densities to match surrounding development.






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

OFFICE USE	
CASE NO.	R215-05
RECEIVED:	4/21/15
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT

Name:	JOHN RICE	Phone:	304-598-7368
Mailing Address:	966 VALLEY VIEW AVE	Mobile:	304-288-6393
	MORGANTOWN, WV 26505	Email:	OURJR3322@YAHOO.COM
	City State Zip		

II. AGENT / CONTACT INFORMATION

Name:	SAME	Phone:	
Mailing Address:		Mobile:	
		Email:	
	City State Zip		

Mailings – Send all correspondence to (check one): Applicant OR Agent/Contact

IV. PROPERTY

Street Address (if assigned):	629 PROTZMAN ST		
Tax Map(s) #:	14	Parcel(s) #:	475
		Size (sq. ft. or acres):	0.556 ACRES
Current Zoning Classification:	R1A	Proposed Zoning Classification:	R2
Current Land Use:	RES	Proposed Land Use*:	BUILD DUPLEX

**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.

JOHN RICE		
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

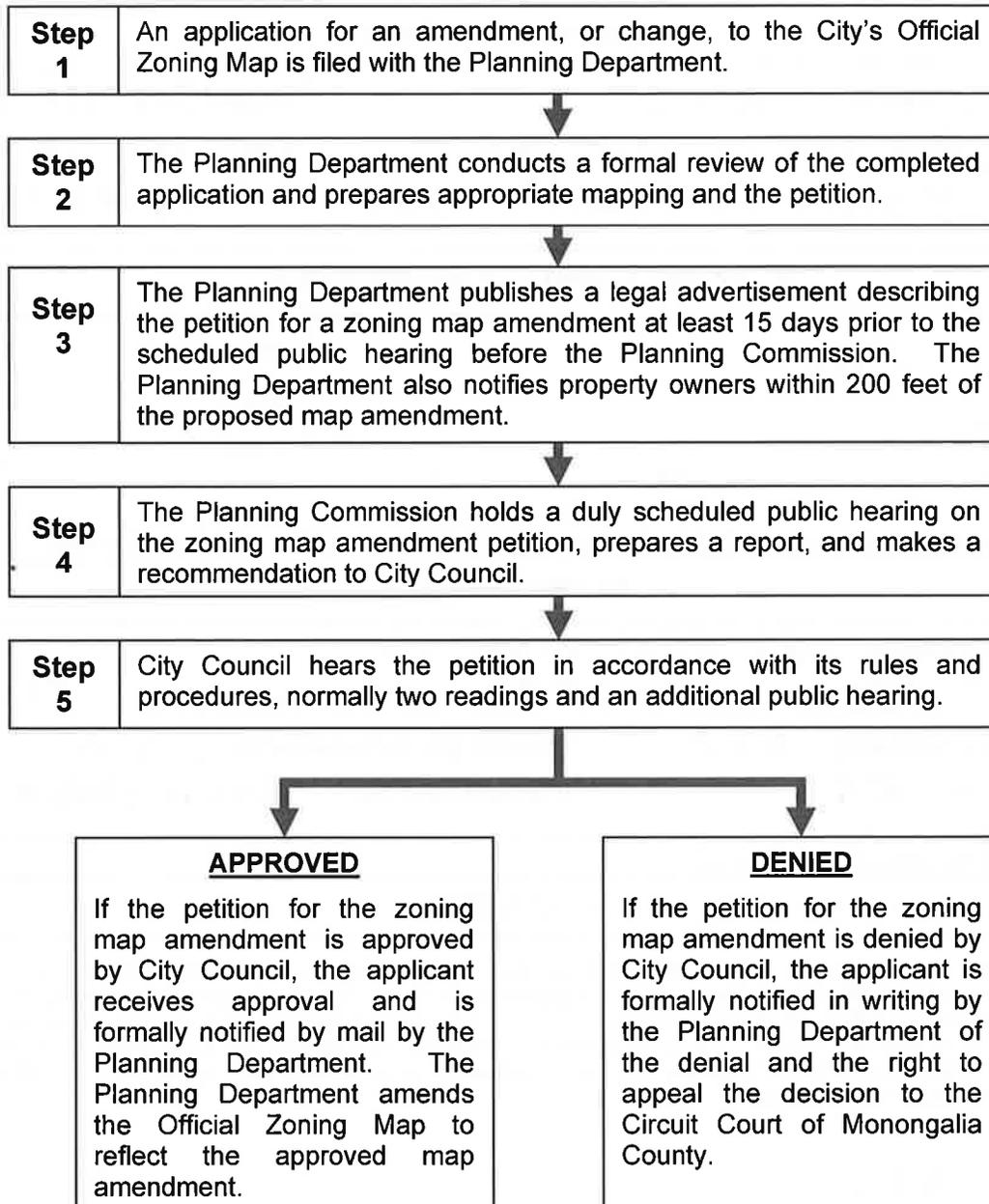
Zoning Map Amendment Fee - \$75 CK 2372

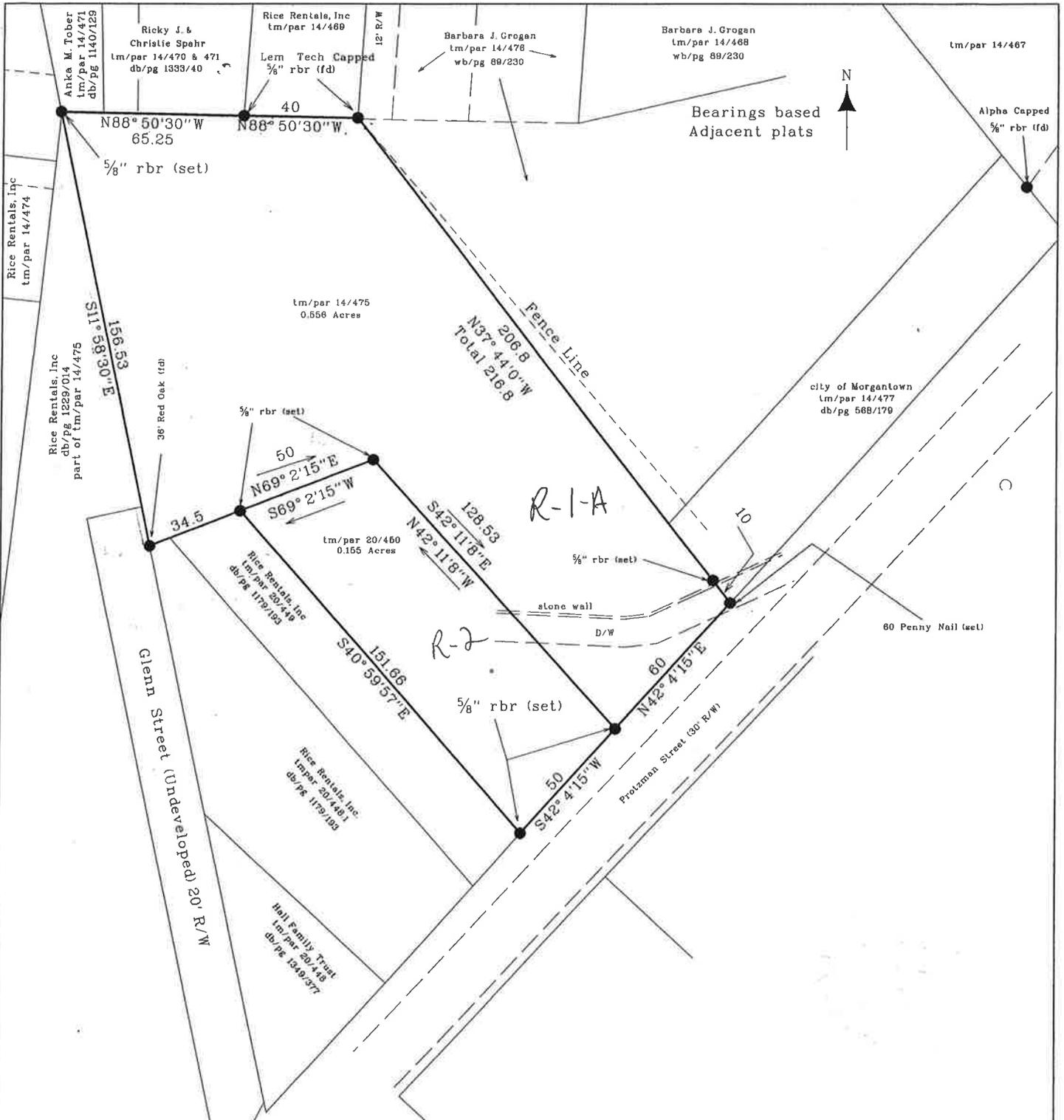


City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	R215-05
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process





PLAT OF TAX MAP 14, PARCEL 475 & TAX MAP 20, PARCEL 450
 MORGANTOWN CORP., MONONGALIA COUNTY
 WEST VIRGINIA
 DB/PG 484/284
 n/f Lillian J. & R. C. VERBOSKY
 TO BE CONVEYED TO JOHN RICE
 PLAT REFERENCES:
 DB/PG 205/208 1/2, 379/102a, 1140/131, & 1218/036,
 1405/753 & Map Cabinet 2, Env. 450A

Charles A. Lemley Jr.
 CHARLES A. LEMLEY JR.
 PS 1489

SCALE 1"=50'

304-680-2424	LEMLEY TECHNOLOGIES	Rev. 1	DATE ISSUED
LemTech	BOUNDARY SURVEY FOR JOHN RICE		DATE ISSUED 12-7-2014

Zimbra

shollar@cityofmorgantown.org

rz15-05 / rice/ 629 Protzman St.

From : doug Shephard <dsshep1000@hotmail.com>

Fri, May 29, 2015 08:49 PM

Subject : rz15-05 / rice/ 629 Protzman St.**To** : Stacy Hollar <shollar@cityofmorgantown.org>

Hi Stacy I will be unavailable to attend the public meeting, but I would like to voice my support and approval of this Zoning Map amendment. Please feel free to state publically at the meeting. Again this amendment has my full support and approval.

Sincerely,

Doug Shephard
