



MORGANTOWN PLANNING COMMISSION

September 10, 2015
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.

Bill Kawecki, City Council

STAFF REPORT

CASE NO: RZ15-07 / Administrative / Annexation by City of Morgantown

REQUEST and LOCATION:

Administratively requested Zoning Map Amendment to establish the zoning classification of I-1, Industrial District for realty included in a petition for annexation by the City of Morgantown under Ordinance No. 2015-48.

TAX MAP NUMBER(s):

Parcels 1.2, 1.3, 3, 4.5, 4.6, and 52 of Tax Map 22 in Union District; Parcels 78.16, 78.17, 78.18, and 101.6 of Tax Map 20 in Union District; and, Parcels 4.1, 6.1, and 7.4 of Tax Map 7 in Morgan District.

SURROUNDING ZONING:

South: I-1, Industrial District

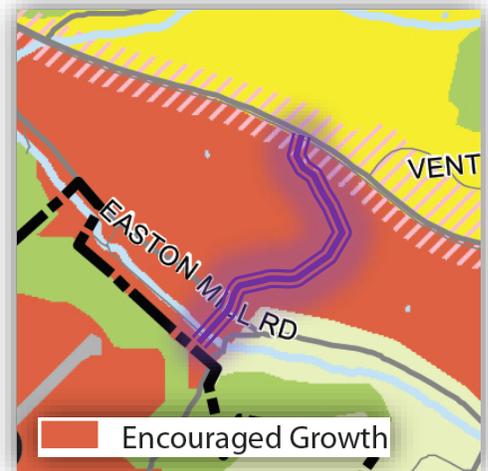
BACKGROUND and ANALYSIS:

On 04 AUG 2015, City Council enacted Ordinance No. 2015-48 approving the City of Morgantown’s annexation by petition for realty on the northeast side of the Morgantown Municipal Airport (see attached ordinance). The subject realty was assembled by the County and then transferred to the City of Morgantown for the purpose of constructing the to-be-named road connecting County Route 857 to the West Virginia National Guard’s Morgantown Readiness Center and the planned Airport Business Park.

West Virginia State Code 8A-7-1 provides that, “A zoning ordinance shall cover a municipality’s entire jurisdiction.” As such, municipalities must amend their respective zoning district maps to include realty that is annexed into their corporate limits.

The graphic to the right is clipped from the 2013 Comprehensive Plan Update, Land Management Map (Page 39). The purple shape generally depicts the approximate alignment of the new roadway, which traverses through an “Encouraged Growth” area identified in the Plan.

Additionally, the “Airport Technology Park” is identified on Page 47 of the Plan as “Area of Opportunity No. 9” and notes that, “Construction of the new West Virginia National Guard Readiness Center will open access to approximately 90 additional acres for the development of light industry, manufacturing, office uses.”



Development Services Department

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The zoning classification for the entire airport property is I-1, Industrial District. The area around the subject annexation is within the unincorporated portion of Monongalia County that is not included in the West Run Planning District where zoning regulations have been enacted by the County.

It appears prudent and proper to establish the I-1, Industrial District zoning classification for the realty included in the subject annexation based on the following findings:

1. The subject access road was reflected in the 2013 Comprehensive Plan Update as an essential public facility to, "...diversify the community's employment and industry base." [2013 Comprehensive Plan Update, Page 47]
2. The business / industrial park on the east side of the Morgantown Municipal Airport is, "...well-situated near the Interstate 68 / Pierpont Road exit and the Morgantown Municipal Airport and properties adjoining the airport along Hartman Run Road." [2013 Comprehensive Plan Update, Page 47]
3. The Plan notes that, "Continued growth of the commercial and corporate traffic at the airport and efforts to extend the runway will contribute to related market opportunities." [Page 48]
4. The zoning classification for the entire Morgantown Municipal Airport is I-1, Industrial District.
5. The following Plan Implementation Strategies support furthering the I-1 District classification for realty directly related to the Airport and the planned business / industrial / technology park: [See Plan Chapter 9]
 - a. TR 8.1 – Implementation of the 2012 Morgantown Municipal Airport Master Plan.
 - b. ED 5.3 – Target marketing recommendations for the planned airport business / industrial / technology park.
 - c. ED 5.4 – Expand infrastructure development for the West Virginia National Guard Readiness Center for airport park economic development.
 - d. ED 5.5 – Support construction of a light manufacturing business incubator building in the airport business / industrial / technology park.

STAFF RECOMMENDATION:

It is the opinion of the Planning Division that this report responds to Article 1331.04 "Annexation" of Planning and Zoning Code by giving careful consideration of the principles and directives of the 2013 Comprehensive Plan Update.

Staff advises the Commission to forward a recommendation to City Council to amend the Official Zoning District Map by classifying the property annexed into the City of Morgantown by Ordinance 2015-48 as I-1, Industrial District.

**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

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304.284.7431

**AN ORDINANCE ANNEXING PROPERTY IN UNION AND GRANT DISTRICTS
ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT INTO THE
CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN**

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders in the territory subject of the attached "Petition for Annexation," which is incorporated in this Ordinance by reference, have petitioned for annexation and no qualified voters, as defined by *W. Va. Code* § 8-6-4, are present in the territory; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners in each category and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, containing 14.50 acres, more or less, in Grant and Union Districts, Monongalia County, West Virginia, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

FIRST READING: July 7, 2015

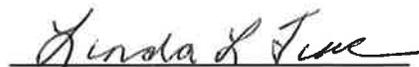
ADOPTED: July 21, 2015

FILED: July 22, 2015

RECORDED: July 22, 2015



Mayor



City Clerk

PETITION FOR ANNEXATION

The undersigned, being the freeholder of the property situated within the area of proposed annexation, and not being a qualified voter of the territory or a signator to a qualified voters' petition for annexation of the territory, hereby petitions the City Council of the City of Morgantown, West Virginia, to annex the territory described in this Petition, all of which territory was conveyed to the City of Morgantown by the Monongalia County Development Authority by a deed of record with the Clerk of the County Commission at Deed Book 1525, page 64 and to be assessed in the name of the City of Morgantown as the new parcel created in that deed, and shown and described on the attached exhibit, pursuant to West Virginia Code Chapter 8, Article 6, Section 4.

<u>Owner</u>	<u>District</u>	<u>Tax Map No.</u>	<u>Parcel No.</u>
City of Morgantown	Union	22	1.2 (2.11 ac.)
City of Morgantown	Union	22	1.3 (1.19 ac.)
City of Morgantown	Union	22	3 (1.13 ac.)
City of Morgantown	Union	22	4.5 (.37 ac.)
City of Morgantown	Union	22	4.6 (1 ac.)
City of Morgantown	Union	22	52 (.24 ac.)
City of Morgantown	Union	20	78.16 (.88 ac.)
City of Morgantown	Union	20	78.17 (.88 ac.)
City of Morgantown	Union	20	78.18 (.22 ac.)
City of Morgantown	Union	20	101.6 (2.06 ac.)
City of Morgantown	Morgan	7	4.1 (.33 ac.)
City of Morgantown	Morgan	7	6.1 (.43 ac.)
City of Morgantown	Morgan	7	7.4 (1.56 ac.)

Jeff Mikorski, City Manager of the City of Morgantown, West Virginia, the freeholder of the parcels identified in the foregoing "Petition for Annexation," hereby petitions the City of Morgantown for annexation of the parcels identified in the table and attached exhibit.

City of Morgantown

By: 

 Jeff Mikorski

Its: City Manager

EXHIBIT – Annexation Territory

The territory to be annexed by this Petition is the following tract or parcel of real estate, situate, lying and being in Morgan and Union Districts, Monongalia County, West Virginia, more particularly bounded and described as follows, to-wit:

BEGINNING at a point along the western proposed right of way line and 89.94 feet radially left of centerline at Station 41+00.00 of the Morgantown Municipal Airport Access Road, Monongalia County, West Virginia, whose Northing is 17315.50 and whose Easting is 1854488.37 and along said right of way;

thence along a bearing S 73°-25' E a distance of 59.92 feet to a point;
thence along a bearing N 43°-25' E a distance of 211.99 feet to a point;
thence along a bearing N 88°-51' E a distance of 53.74 feet to a point;
thence along a bearing N 16°-15' E a distance of 145.58 feet to a point;
thence along a bearing N 25°-48' E a distance of 323.20 feet to a point;
thence along a bearing N 4°-19' E a distance of 89.84 feet to a point;
thence along a bearing N 6°-18' E a distance of 259.69 feet to a point;
thence along a bearing N 12°-48' W a distance of 106.43 feet to a point;
thence along a bearing N 6°-37' E a distance of 93.27 feet to a point;
thence along a bearing N 11°-48' W a distance of 198.15 feet to a point;
thence along a bearing N 32°-18' W a distance of 169.59 feet to a point;
thence along a bearing N 77°-17' W a distance of 301.47 feet to a point;
thence along a bearing N 47°-13' W a distance of 98.96 feet to a point;
thence along a bearing N 18°-34' W a distance of 105.67 feet to a point;
said point being on the South Controlled Access Right of Way for US Route 857;

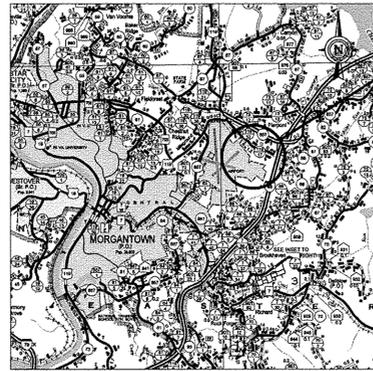
thence along said Controlled Access Right of Way at a bearing S 77°-47' E a distance of 246.34 feet to a point on the Controlled Access Right of Way;
thence along a bearing S 54°-18' E a distance of 336.14 to a point to a point on the Controlled Access Right of Way;
thence along a bearing S 71°-45' E a distance of 88.94 feet to a point to a point on the Controlled Access Right of Way;
thence departing the Controlled Access Right of Way along a bearing S 6°-16' W a distance of 36.06 feet to a point;
thence along a bearing S 34°-06' E a distance of 29.47 feet to a point;
thence along a bearing S 62°-36' E a distance of 40.70 feet to a point;
thence along a bearing S 14°-22' E a distance of 171.79 feet to a point;
thence along a bearing S 0°-18' E a distance of 86.27 feet to a point;

thence along a bearing S 25°-53' W a distance of 81.02 feet to a point;
thence along a bearing S 8°-10' E a distance of 207.42 feet to a point;
thence along a bearing S 18°-32' W a distance of 263.55 feet ;
thence along a bearing S 17°-01' E a distance of 101.84 feet to a point;
thence along a bearing S 1°-38' W a distance of 49.45 feet to a point;
thence along a bearing S 21°-28' W a distance of 172.01 feet to a point;
thence along a bearing S 41°-19' W a distance of 74.27 feet to a point;
thence along a bearing S 14°-45' W a distance of 200.64 feet to a point;
thence along a bearing S 54°-12' E a distance of 131.12 feet to a point;
thence along a bearing S 78°-16' E a distance of 201.36 feet to a point;
thence along a bearing S 13°-25' W a distance of 44.09 feet to a point;
thence along a bearing S 14°-34' W a distance of 36.49 feet to a point;
thence along a bearing S 2°-20' W a distance of 38.12 feet to a point;
thence along a bearing N 14°-34' E a distance of 173.56 feet to a point;
thence along a bearing N 75°-26' W a distance of 20.00 feet to a point;
thence along a bearing N 14°-34' E a distance of 169.66 feet to a point;
thence along a bearing N 86°-27' W a distance of 250.21 feet to a point;
thence along a bearing S 43°-07' W a distance of 93.29 feet to a point;
thence along a bearing S 73°-33' W a distance of 118.74 feet to a point;
thence along a bearing N 84°-54' W a distance of 212.05 feet to a point;
thence along a bearing N 78°-37' W a distance of 139.99 feet to a point;
thence along a bearing S 62°-19' W a distance of 191.52 feet to a point;
thence along a bearing S 47°-12' W a distance of 62.43 feet to a point;
thence along a bearing N 22°-09' E a distance of 36.54 feet to a point;
thence along a bearing N 47°-24' W a distance of 216.62 feet to a point;
thence along a bearing N 32°-46' E a distance of 54.28 feet to a point;
thence along a bearing N 56°-52' E a distance of 212.63 feet to a point;
thence along a bearing N 1°-54' E a distance of 57.33 feet to a point;
thence along a bearing N 1°-54' E a distance of 162.21 feet to a point;
thence along a bearing N 41°-54' W a distance of 194.88 feet to a point;
thence along a bearing N 48°-45' E a distance of 39.88 feet to a point;
thence along a bearing N 47°-46' E a distance of 30.79 feet to a point;
thence along a bearing S 81°-07' E a distance of 131.38 feet to a point;
thence along a bearing S 32°-13' E a distance of 242.52 feet to a point;
thence along a bearing S 55°-32' E a distance of 103.43 feet to the point of
beginning.

The said tract is shown on a Plat dated May 19, 2015 prepared by Alpha Associates, Incorporated containing 14.50 acres, more or less, which plat is recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Map Cabinet ____ at Envelope No. ____.

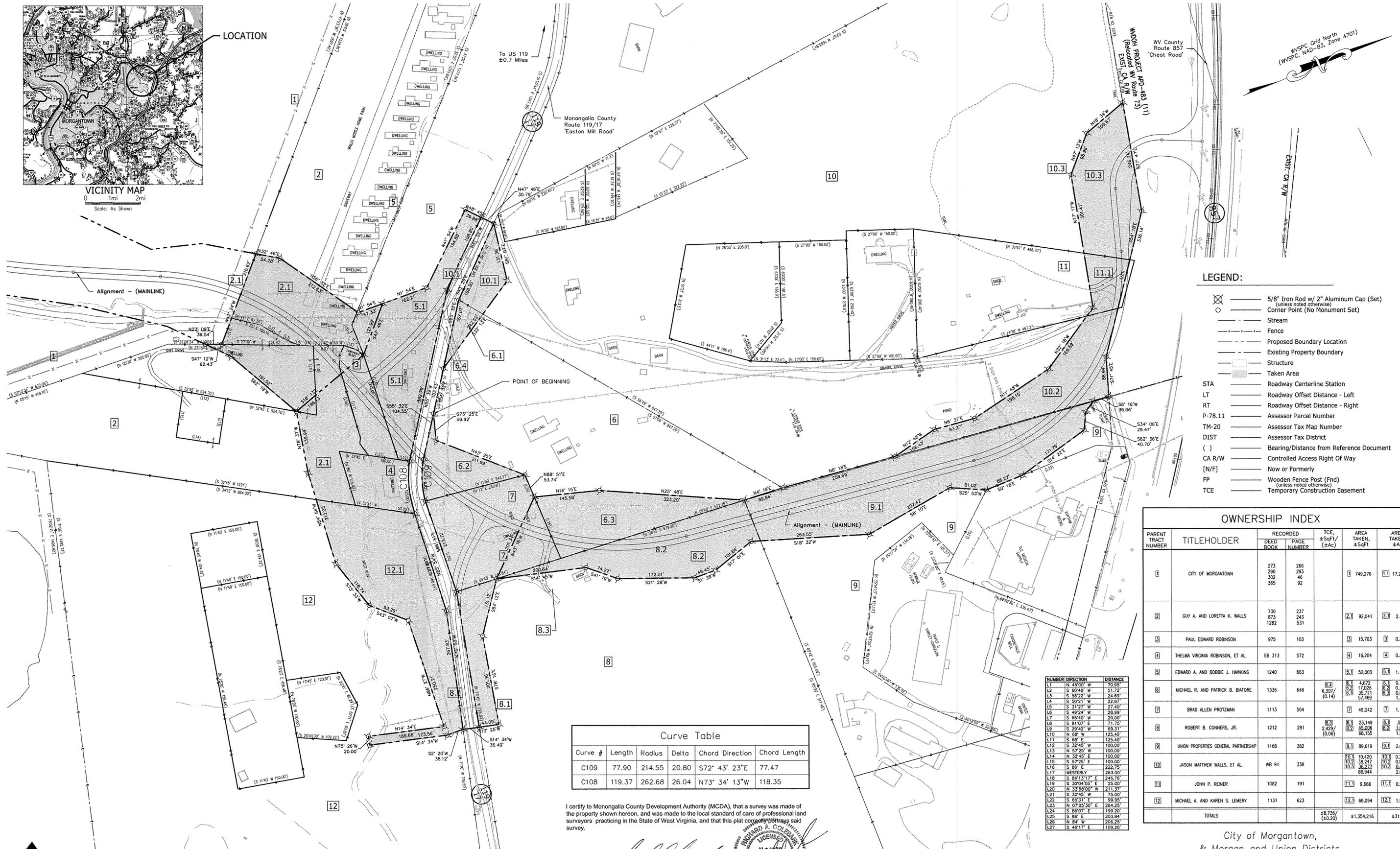
And being the same real estate conveyed to Monongalia County Development Authority, a public corporation, by the following:

- a. Deed from Randy Walls, Trustee, et al. dated November 10, 2011 and recorded in Deed Book 1453 at Page 669.
- b. Monongalia County Circuit Court Order Authorizing Condemnation of Land for Public Use, Vesting Defeasible Title in Petitioner, Granting Immediate Right of Entry...Case No. 12-P-226 Monongalia County Development Authority, Petitioner vs. Edward and Bobbie Hawkins, Respondents, recorded in Deed Book 1467 at Page 639.
- c. Deed from Brad Allen Protzman dated May 2, 2012 and recorded in Deed Book 1459 at Page 267.
- d. Deed from Robert B. Connors, Jr., dated May 2, 2012 and recorded in Deed Book 1459 at Page 262.
- e. Deed from Jana Michele Heybruck, aka Jana Michele Fusco, dated March 13, 2012 and recorded in Deed Book 1459 at Page 1.
- f. Deed from Paul Edward Robinson dated November 10, 2011 and recorded in Deed Book 1448 at Page 107.
- g. Deed from Thelma V. Robinson dated November 10, 2011 and recorded in Deed Book 1449 at Page 251.
- h. Deed from Michael A. Lemley and Karen S. Lemley dated February 2, 2012 and recorded in Deed Book 1453 at Page 314.
- i. Deed from Michael R. Biafore and Patrick B. Biafore dated November 28, 2011 and recorded in Deed Book 1449 at Page 255.
- j. Deed from Jason Matthew Walls dated February 28, 2012 and recorded in Deed Book 1458 at Page 889.
- k. Deed from Krista Lyn Heybruck dated March 16, 2012 and recorded in Deed Book 1458 at Page 895.
- l. Deed from Barbara Reiner, individually and as Executrix for the Estate of John Philip Reiner dated April 30, 2012 and recorded in Deed Book 1459 at Page 258.
- m. Deed from Union Properties General Partnership dated March 28, 2012 and recorded in Deed Book 1459 at Page 533.



VICINITY MAP
Scale: As Shown

LOCATION



- LEGEND:**
- ⊗ 5/8" Iron Rod w/ 2" Aluminum Cap (Set) (unless noted otherwise)
 - Corner Point (No Monument Set)
 - Stream
 - - - Fence
 - - - Proposed Boundary Location
 - - - Existing Property Boundary
 - ▭ Structure
 - ▨ Taken Area
 - STA Roadway Centerline Station
 - LT Roadway Offset Distance - Left
 - RT Roadway Offset Distance - Right
 - P-78.11 Assessor Parcel Number
 - TM-20 Assessor Tax Map Number
 - DIST Assessor Tax District
 - () Bearing/Distance from Reference Document
 - CA R/W Controlled Access Right of Way
 - [N/F] Now or Formerly
 - FP Wooden Fence Post (Fnd) (unless noted otherwise)
 - TCE Temporary Construction Easement

OWNERSHIP INDEX

PARENT TRACT NUMBER	TITLEHOLDER	RECORDED		TCE, ±SqFt/±Ac	AREA TAKEN, ±SqFt	AREA TAKEN, ±Ac	
		DEED BOOK	PAGE NUMBER				
1	CITY OF MORGANTOWN	273	266	1	749,276	11.7	
		290	293				
		302	46				
		365	92				
2	GUY A. AND LORETTA K. WALLS	730	237	2	92,041	2.1	
		873	243				
		1282	531				
3	PAUL EDWARD ROBINSON	975	103	3	15,703	0.36	
4	THELMA VIRGINIA ROBINSON, ET AL.	EB 313	572	4	16,204	0.37	
5	EDWARD A. AND BOBBIE J. HAWKINS	1240	663	5	52,003	1.19	
6	MICHAEL R. AND PATRICK B. BIAFORE	1336	646	6	4,672	0.11	
		6,307	17,026				
		36,721	36,721				
		57,469	57,469				
7	BRAD ALLEN PROTZMAN	1113	504	7	49,042	1.13	
8	ROBERT B. CONNERS, JR.	1212	291	8	2,429	0.06	
		8,2	23,149				
		8,2	45,006				
		8,2	68,155				
9	UNION PROPERTIES GENERAL PARTNERSHIP	1168	382	9	89,619	2.06	
10	JASON MATTHEW WALLS, ET AL.	WB 91	338	10	10,420	0.24	
		10,3	38,247				
		10,3	38,277				
		10,3	86,944				
11	JOHN P. REINER	1082	191	11	9,666	0.22	
12	MICHAEL A. AND KAREN S. LEMERY	1131	623	12	68,094	1.56	
TOTALS					88,736/ (±20.2)	±1,354,216	±31.09

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C109	77.90	214.55	20.80	S72° 43' 23"E	77.47
C108	119.37	262.68	26.04	N73° 34' 13"W	118.35

NUMBER DIRECTION DISTANCE

L1	N 45°00' W	70.95'
L2	S 80°48' W	51.72'
L3	S 58°22' W	24.69'
L4	S 50°21' W	22.87'
L5	S 31°27' W	27.40'
L6	S 49°24' W	28.99'
L7	S 65°40' W	20.00'
L8	S 81°07' E	71.75'
L9	S 22°42' W	68.31'
L10	N 68° W	125.40'
L11	S 68° E	125.40'
L12	S 32°45' W	100.00'
L13	N 57°25' W	100.00'
L14	N 32°45' E	100.00'
L15	S 57°25' E	100.00'
L16	S 86° E	222.75'
L17	WESTERLY	263.00'
L18	S 86°13'17" E	246.76'
L19	S 30°04'05" E	25.00'
L20	N 33°58'00" W	211.37'
L21	S 32°45' W	75.00'
L22	S 68°11' E	99.85'
L23	N 07°05'30" E	264.25'
L24	S 86°07' E	199.20'
L25	S 86° E	293.84'
L26	N 84° W	206.25'
L27	S 46°17' E	109.20'

I certify to Monongalia County Development Authority (MCDA), that a survey was made of the property shown hereon, and was made to the local standard of care of professional land surveyors practicing in the State of West Virginia, and that this plat correctly portrays said survey.

Signed: 
Richard Colebank, PS #1076
Date: May 19, 2015



SCALE: 0 100'



209 PRAIRIE AVENUE
MORGANTOWN, WV 26501
PHONE: 304-296-8216
FAX: 304-296-8216
TOLL FREE: 800-640-8216

Note: this survey was conducted without the benefit of a lawyer's title report and may not reflect all exceptions, rights-of-way, easements, and/or restrictions. Existing property line meets and bounds shown in parentheses are from the deeds of record.

REVISION NUMBER	SHEET NUMBER	REVISIONS	DATE	BY

City of Morgantown,
& Morgan and Union Districts,
Monongalia County, West Virginia

**PLAT OF SURVEY for
MONONGALIA COUNTY DEVELOPMENT AUTHORITY
MORGANTOWN MUNICIPAL AIRPORT
ACCESS ROADWAY [Sheet 1 of 2]**