



## MORGANTOWN PLANNING COMMISSION

October 8, 2015  
6:30 PM  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Wyant, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

Bill Kawecki, City Council

### **STAFF REPORT**

**CASE NO:** RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

**REQUEST and LOCATION:**

Request by Lisa Mardis of Project Management Services, on behalf of Suburban Lanes, Inc. and Otto Properties, LLC, for a Zoning Map Amendment from R-1, Single-Family Residential District to B-2, Service Business District for property located at 3166 Collins Ferry Road.

**TAX MAP NUMBER(s) and ZONING DESCRIPTION:**

Tax Map 55, Parcel 40; R-1, Single-Family Residential District

**SURROUNDING ZONING:**

North: B-2, Service Business District

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

West: PRO, Professional, Residential and Office District

**BACKGROUND:**

Otto Properties, LLC seeks to purchase Parcel 40 of Tax Map 55 from Suburban Lanes, Inc. for the purpose of expanding parking for the existing development situated on Parcel 37 of Tax Map 55. Addendum A of this report illustrates the location of the subject realty.

The zoning classification of Parcel 37 is B-2, Service Business District. The site includes a principal building containing *The Wine Bar at Vintner Valley* establishment on the first floor and two (2) apartments on the second floor (see graphic below) along with on-site parking. The land use classifications are "Private Wine Restaurant" and "Over-store Dwellings", which are permitted by-right in the B-2 District.



**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 Parcel 40 is R-1, Single-Family Residential District. "Commercial Parking Lot" uses, which are stand-alone parking lots, and "Private Parking Lot" uses, which are on-site parking accommodations, are not permitted uses in the R-1 District.

The Planning and Zoning Code prevents the petitioner from simply acquiring Parcel 40 and developing additional parking. Two (2) concurrent matters must be addressed before an opportunity to expand parking, as desired by the petitioner, would be permissible.

**Matter 1** – The zoning classification of Parcel 40 must be changed to a district where parking is a permitted use. However, the only present access to Parcel 40 is by a very narrow (ten to twelve-foot wide) private lane, which also provides sole access from Collins Ferry Road to Parcels 39 and 38.1, which are otherwise landlocked.

Staff is concerned that simply changing the zoning classification for Parcel 40 without combining it with Parcel 37 could result in the development of a B-2 District scaled principal building on Parcel 40 only accessible via the narrow private lane. Fortunately, this does not appear to be the intent of the petitioner. However, longer-view considerations and decisions are warranted.

**Matter 2** – Combining Parcels 40 and 37 would result in parking on the same parcel of the use to which it would be an accommodation. However, the new larger parcel would be bisected by the zoning district boundary separating the B-2 District and the R-1 District. Further, the R-1 District classification would prohibit parking to be expanded even though it would be situated on the same Parcel as the use to which the parking would be an accommodation (assuming subdivision approval is granted). The petitioner has submitted a Minor Subdivision petition to combine Parcels 37 and 40, which is included on the Commission's 08 OCT 2015 agenda under Case No. RZ15-19.

**ANALYSIS:**

According to Article 1333.01 of the Planning and Zoning Code, the purpose of the R-1 District is to:

- (A) Provide for attractive single family neighborhoods for residents who prefer larger lot sizes and do not generally desire to live in close proximity to other types of 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 provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

According to Article 1347.01, the purpose of the B-2 District is to:

"...provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares."

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Another potential consideration in evaluating and determining the most appropriate zoning classification for both Parcels 37 and 40 is B-1, Neighborhood Business District. The B-1 District provides a significantly smaller scale of permitted development patterns (i.e., maximum building height, etc.) and a limited number of nonresidential uses permitted than that of the B-2 District.

Additionally, the existing land use classifications on Parcel 37 of "Private Wine Restaurant" and "Over-store Dwellings" are permitted by-right in the B-1 District. As such, a zoning classification change for Parcel 37 from B-2 to B-1 would not create a nonconforming use. However, this zoning classification change would need to include Parcel 40 to permit the development of additional parking as desired by the petitioner.

According to Article 1345.01, the purpose of the B-1 District is to:

"...provide areas for convenient business uses, which tend to meet the daily shopping and service needs of the residents of an immediate neighborhood, and which contain pedestrian-oriented, human-scaled construction that is designed to be compatible with the surrounding neighborhood character. Because of the proximity to residential neighborhoods, high quality design is essential in order to preserve the integrity of those neighborhoods."

It is the opinion of the Planning Division that changing the zoning classification of Parcel 40 from R-1 to B-2 would be considered a minor zoning district boundary adjustment.

It is the opinion of the Planning Division that changing the zoning classification of Parcels 37 and 40 from B-2 to B-1 and from R-1 to B-1 respectively thereby creating a new B-1 District within the immediate area should not be considered "spot zoning." Creating a B-1 District, assuming the expansion of parking is acceptable, would arguably better reflect the existing development scale, pattern, and character and the existing land uses of Parcel 37 and allow the development of parking on Parcel 40, provided said parcels on combined.

### *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 "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.

How Parcel 40 is represented on the "Pattern and Character" and the "Land Management" maps is indistinct. The shapes of Parcels 37 and 40 were overlaid on these Comprehensive Plan maps in Addendum B for illustration purposes in as close to scale as reasonably attainable using parcel and zoning district boundaries from the City's Geographic Information System (GIS).

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Relating the Comprehensive Plan to the present petition and determining whether or not reclassifying Parcel 40 is in concurrence with the Plan are challenges given the heterogeneous context of the surrounding built environment, the confluence of several zoning districts, and the Plan's equivocal mapping and narrative within the immediate area of Parcel 40.

**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 petitioner's request to reclassify Parcel 40 from R-1, Single-Family Residential District to B-2, Service Business 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 1347 "B-2, Service Business District" and Table 1331.05.01 "Permitted Land Uses."

It is the opinion of the Planning Division, should the Commission consider submitting a recommendation to City Council to change the zoning classification for Parcel 40 of Tax Map 55, that the most appropriate classification for same is B-1, Neighborhood District; provided, the zoning designation for Parcel 37 of Tax Map 55 is also reclassified to B-1 and Parcels 37 and 40 are combined via minor subdivision approval.

**Development Services  
Department**

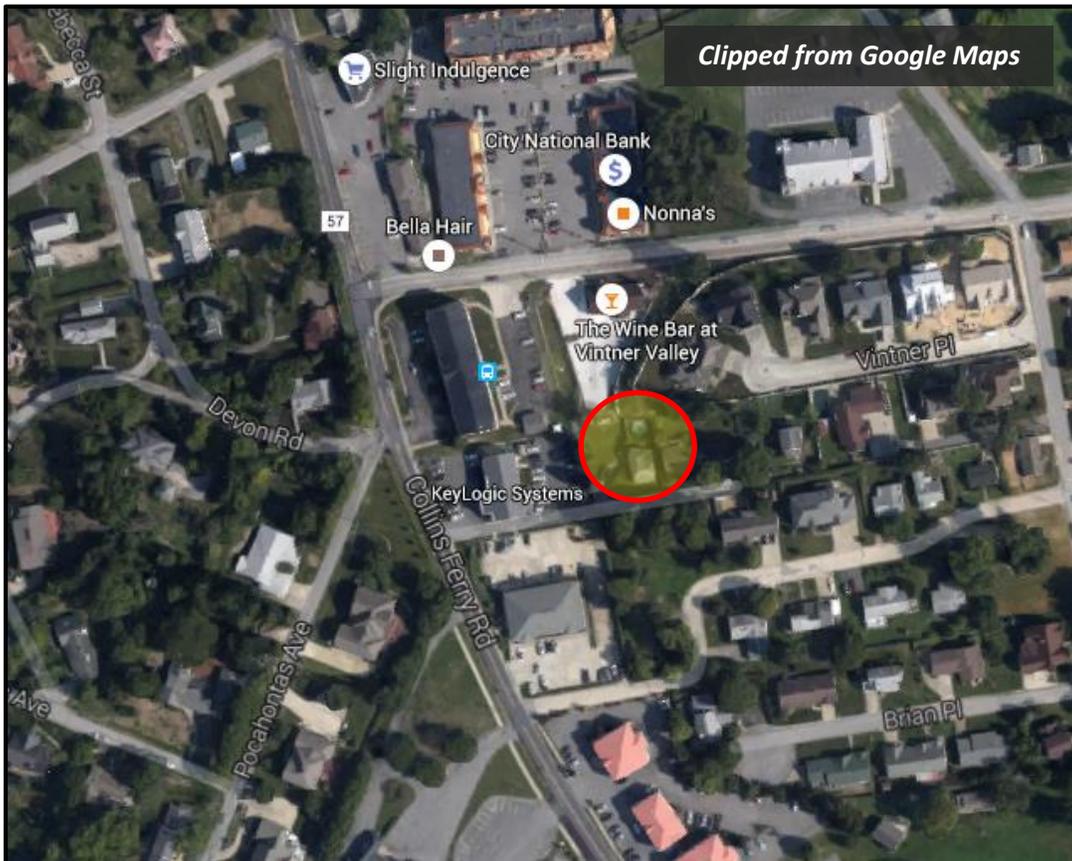
Christopher Fletcher, AICP  
Director

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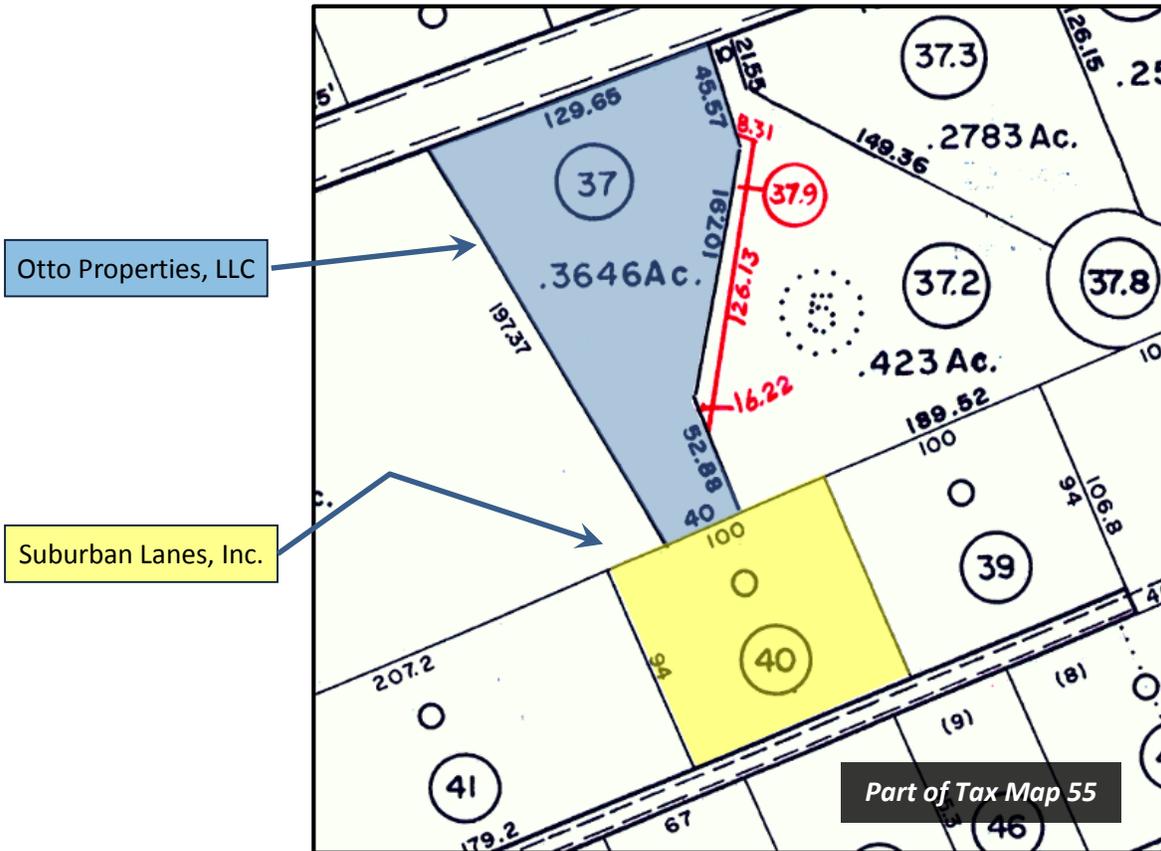
# STAFF REPORT ADDENDUM A

RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road



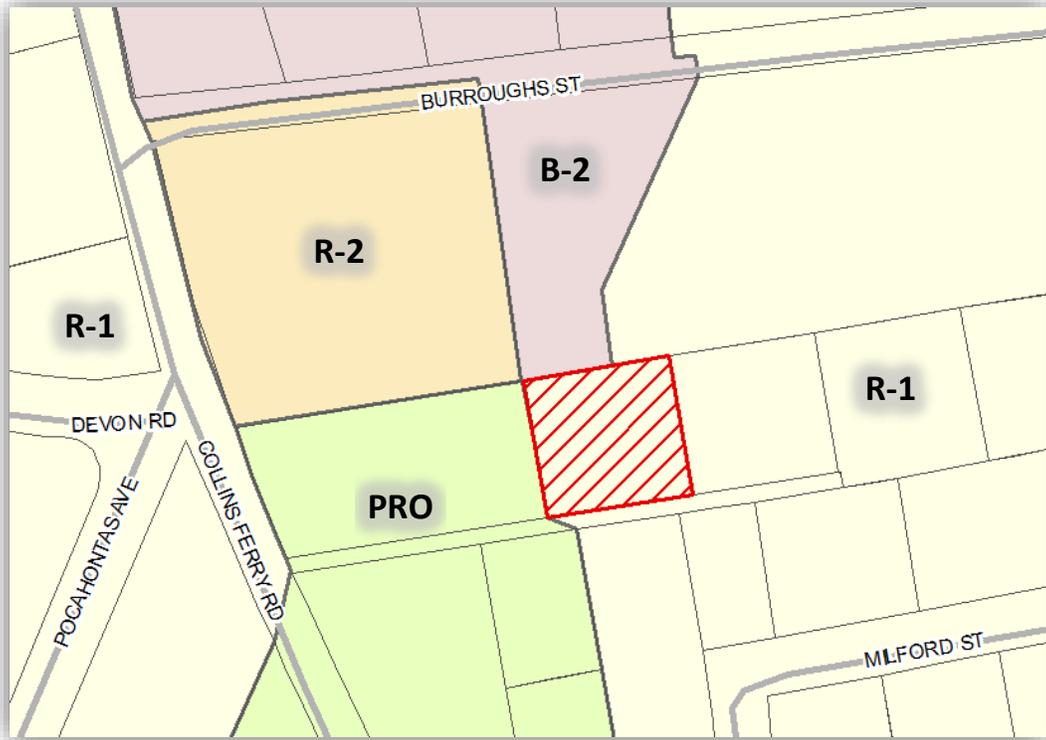
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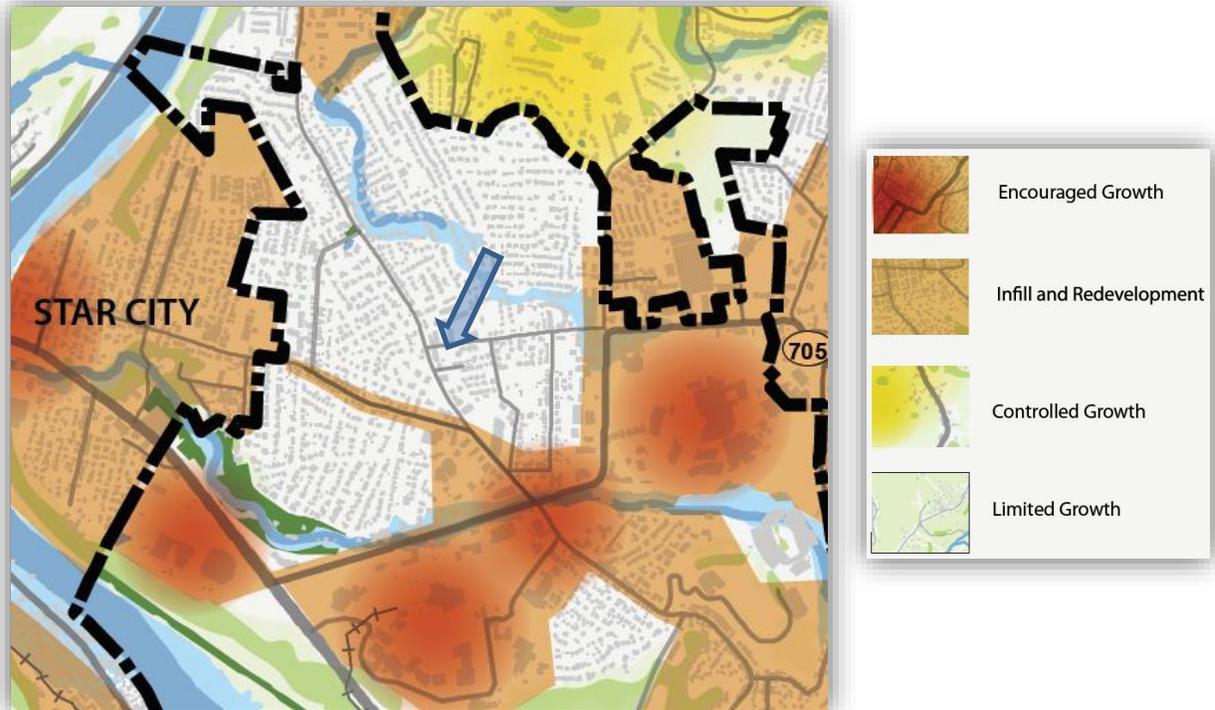


## STAFF REPORT ADDENDUM B

RZ15-09 / Suburban Lanes, LLC / 3166 Collins Ferry Road

### Concurrence with the 2013 Comprehensive Plan Update

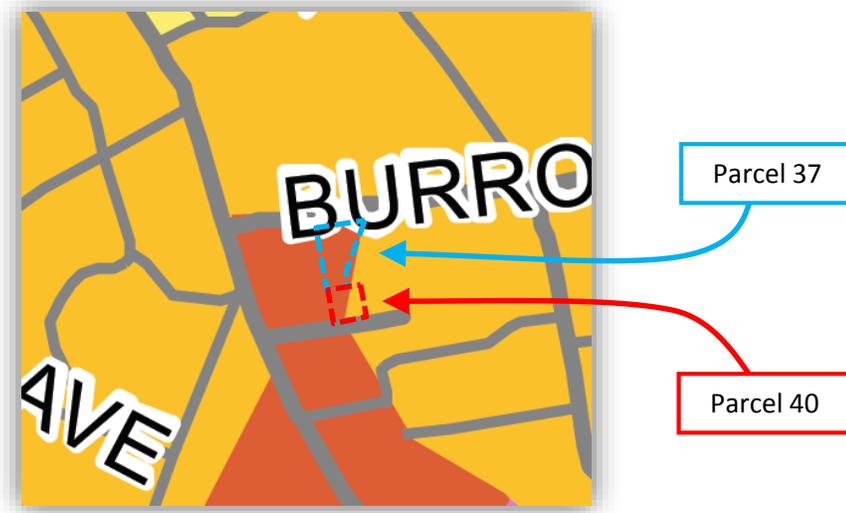
The following graphic is clipped from the **Conceptual Growth Framework** map included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within a “**Limited Growth**” area.



**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.

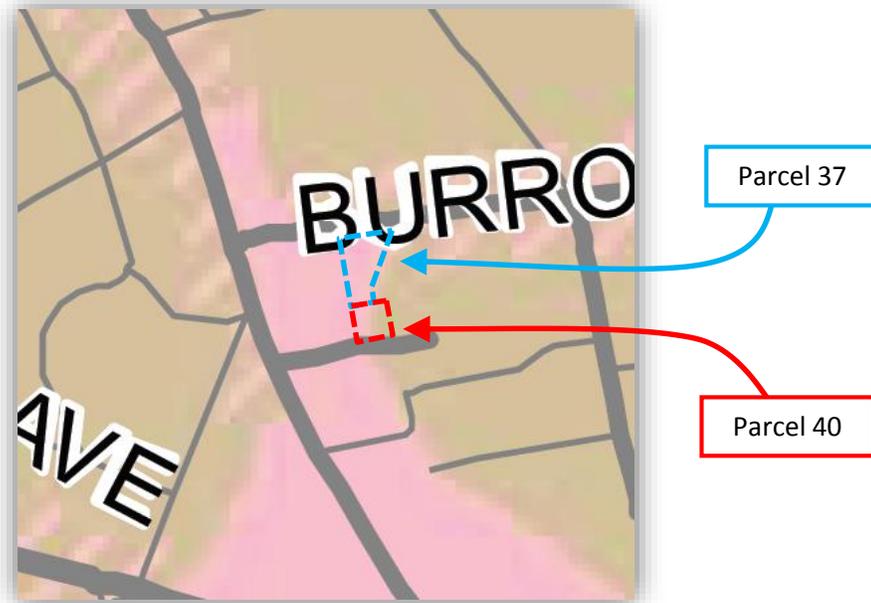
The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “**Neighborhood Corridor**” and “**Neighborhood 2**” pattern and character areas.



**Neighborhood Corridor.** Neighborhood Corridors are transitional areas between neighborhoods and more intensely developed commercial or urban corridors. The development pattern reflects the lot sizes and block structure of the surrounding neighborhood, but includes a mix of building types such as small residential buildings along the street and suburban-style buildings set back behind a surface parking lot. Uses also vary and include commercial, office, and multi-family residential. Since they share a neighborhood block structure, these corridors are more walkable than a Commercial Corridor. Due to the high levels of traffic, these areas will continue to face redevelopment pressure.

**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 “**Corridor Enhancement**” and “**Neighborhood Conservation**” concept areas.



 **Corridor Enhancement\*\*:** Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience.

 **Neighborhood Conservation\*:** Preservation of existing neighborhood character and continued maintenance of buildings and infrastructure.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Corridor Enhancement” and “Neighborhood Conservation” concept areas.

Appropriate Development Types

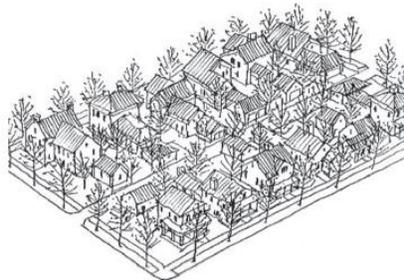
CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
Corridor Enhancement*			●	●	●		●	●			●
Neighborhood Conservation*	●	○	○	●							●

**DEVELOPMENT TYPE DESCRIPTIONS**

**PATTERN AND CHARACTER EXAMPLES**

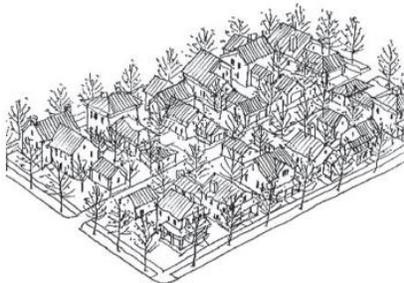
**SF Single Family Residential**

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 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.



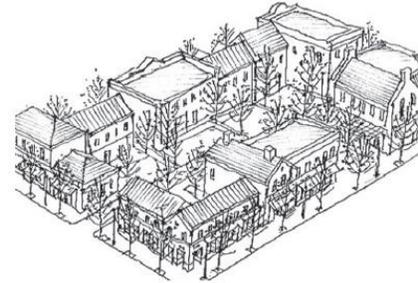
**C Civic and Institutional**

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.



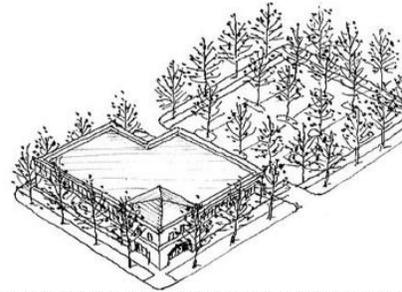
**NX Neighborhood Center Mixed-Use**

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.



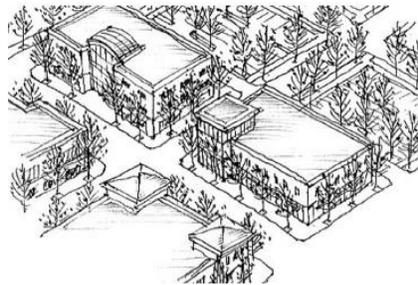
**CC Community Commercial**

Larger scale, primarily retail, restaurant and accommodation uses that serve the broader community. Buildings should be located close to the street with parking to the rear or side and should be well-connected to surrounding development and pedestrian infrastructure.



**O Office / Research**

Larger-scale 2-6 story buildings generally housing professional offices or research/development activities with single or multiple tenants. May involve multiple large-scale buildings in a campus setting, but buildings should be in a walkable configuration with shared parking typically behind or to the side. Supportive retail establishments may occupy the lower levels of a multistory building. Supportive retail uses include coffee shops, delicatessens, barbers, and bookstores among others.



**OS Greenspace**

Includes formal parks, recreation areas, trails, and natural open space.





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

<b>OFFICE USE</b>	
CASE NO.	R215-09
RECEIVED:	_____
COMPLETE:	_____

**Zoning Map Amendment Process – See Addendum A of this Application**

**(PLEASE TYPE OR PRINT IN BLACK INK)**

**BY: [Signature] PAID [Signature]**  
 AUG 07 2015

<b>I. OWNER / APPLICANT</b>			
Name:	Suburban Lanes, LLC	Phone:	
Mailing Address:	735 A Chestnut Ridge Rd	Mobile:	
	Street Morgantown WV 26505	Email:	
	City State Zip		
<b>II. AGENT / CONTACT INFORMATION</b>			
Name:	Project Management Services	Phone:	304-212-5256
Mailing Address:	160 Fayette Street	Mobile:	304-692-7116
	Street Morgantown WV 26505	Email:	pms160@comcast.net
	City State Zip		
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
<b>IV. PROPERTY</b>			
Street Address (if assigned):	-		
Tax Map(s) #:	55	Parcel(s) #:	40
		Size (sq. ft. or acres):	
Current Zoning Classification:	R-1	Proposed Zoning Classification:	B-2
Current Land Use:		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.			
<b>V. ATTEST</b>			
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.			
<u>Lisa Mardi's</u>	<u>Lisa Mardi's</u>	<u>8/7/15</u>	
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date	

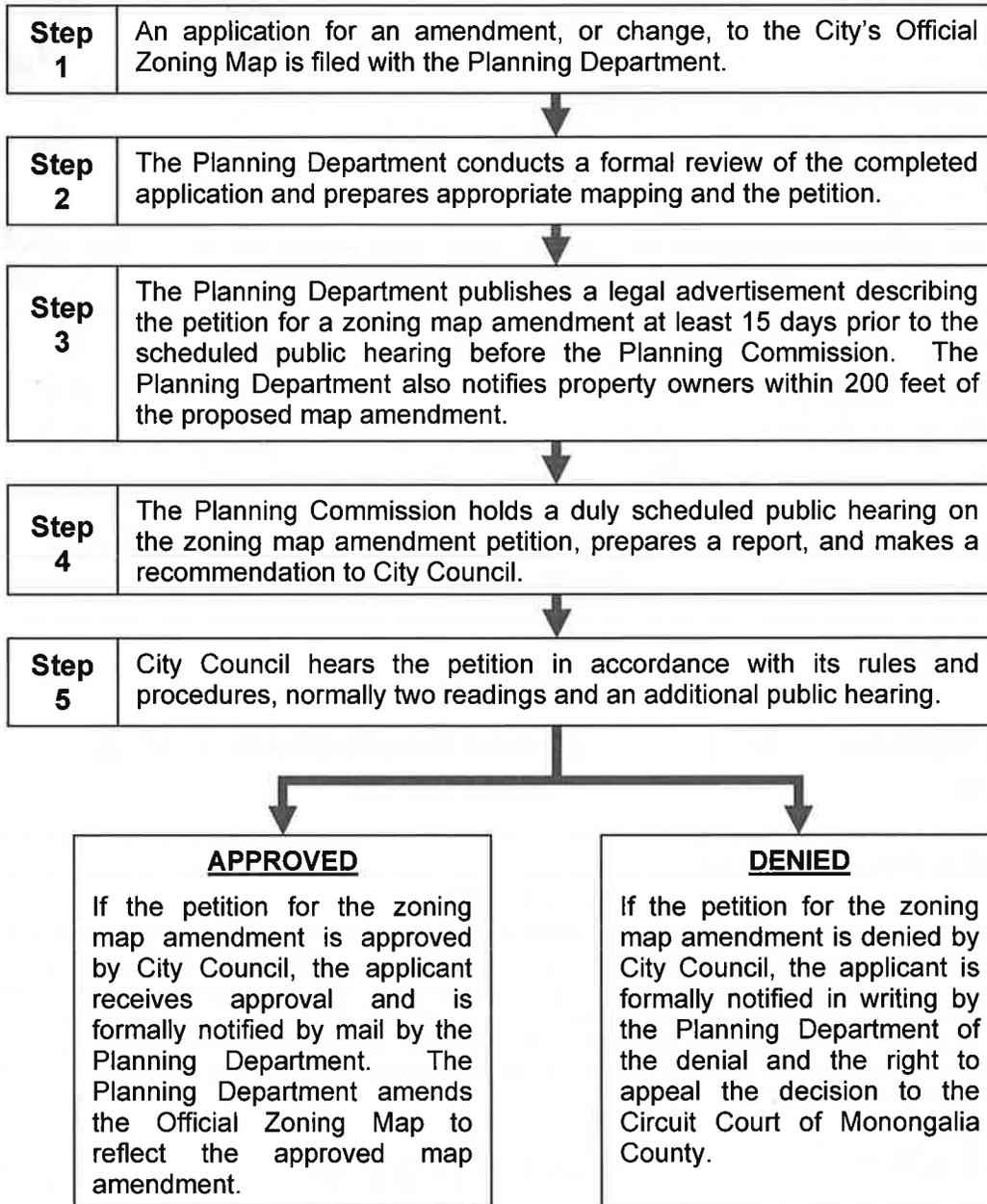
Zoning Map Amendment Fee - \$75 MC



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

<b>OFFICE USE</b>	
CASE NO.	<u>R25-09</u>
RECEIVED:	_____
COMPLETE:	_____

**ADDENDUM A - Zoning Map Amendment Process**





**PROJECT  
MANAGEMENT  
SERVICES**

Project Management Services submits a Map Amendment Request for Otto Properties, LLC, owner being Suburban Lanes, LLC. The submitted Map Amendment Request is to rezone realty located on Tax Map #55 Parcel #40 from R-1, Single-Family Residential to B-2, Service Business District.

The applicant will also complete a Minor Subdivision Request to combine Parcels #37 and #40 to extend the existing parking for the Vintner Wine Bar, located at 510 Burroughs Street. This will ensure that there cannot be an additional structure constructed on this realty.

As a neighborhood business and a destination, The Vintner Wine Bar relies on pedestrian and automobile traffic to help increase the City of Morgantown's tax base. To alleviate any spill-over parking issues, the adjacent parcel will provide adequate space for additional on-site parking and buffering/landscape.

Therefore, Project Management Services and Otto Properties, LLC, humbly requests that the Planning Commission approve the Map Amendment.

September 29th, 2015

David L Kelly  
100A Seventh Street  
Morgantown, WV 26505

City of Morgantown  
Office of the City Planner  
389 Spruce Street  
Morgantown, WV 26505

City Planner and Members of the Planning Commission:

I would like to express my objections to the proposed request to rezone a parcel of land owned by Suburban Lanes, Inc. which has an address of 3166 Collins Ferry Road from R-1 to B-2 which is Case Number RZ 15-09 on the agenda for October 8, 2015 review by the Planning Commission. I own two residential lots that front on Milford Street with rear alley access directly across from the subject property. I purchased this property to build a personal residence and the subject property would essentially be in my back yard. It should be noted that this property is not on Collins Ferry Road as its address suggests but is really about 400 feet off it along an alley size street that leads to a developed residential area.

The requested zoning change to B-2 would have a detrimental effect on the value of my property and other nearby residences. The street into this property can't handle any additional traffic and has a difficult point of ingress and egress on Collins Ferry Road. Business use of this property will surely mean greater light and noise intrusion to residences in the area. 

At this time the only business use property in this area are those with frontage on Collins Ferry Avenue and this has been established for years. I would not have purchased my lots if I knew the property to the rear could be changed to commercial. This just doesn't make any sense and I ask that you continue to protect the City's single family residential areas and not rezone this property to commercial use.

Respectfully,