



# 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:** RZ15-10 / Administrative / Annexation Petition by West Virginia University

**REQUEST and LOCATION:**

Administratively requested Zoning Map Amendment to establish the zoning classification of B-5, Shopping Center District for that territory included in a petition for annexation by West Virginia University.

**TAX MAP NUMBER(s):**

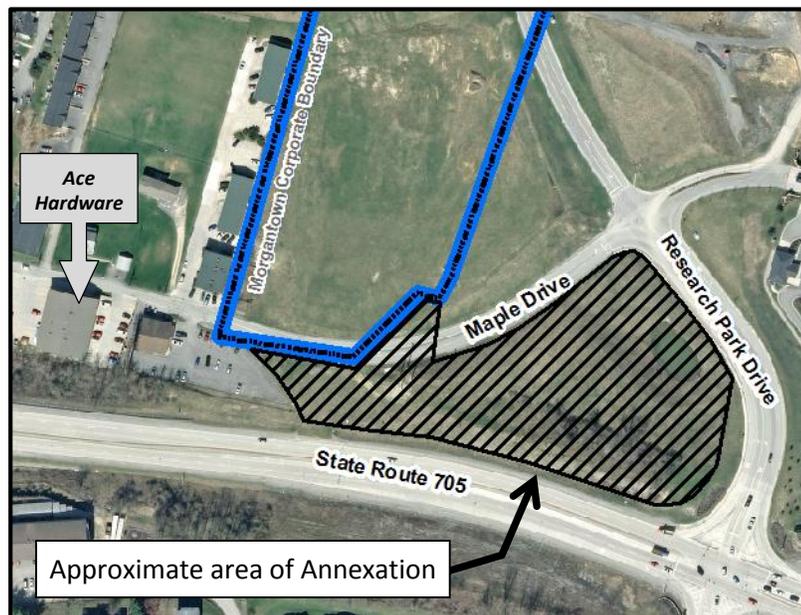
Morgan District, Tax Map 4, Parcel 19 and part of Parcels 18.5 and 20 as well as 2.12 acres, more or less, owned by the West Virginia Department of Transportation, Division of Highways and not assigned a Tax Map and Parcel designation.

**SURROUNDING ZONING:**

North: B-5, Shopping Center District

**BACKGROUND and ANALYSIS:**

At its 29 SEP 2015 Committee of the Whole meeting, City Council moved an ordinance forward to its business agenda, which is scheduled for 06 OCT 2015, that would approve West Virginia University's annexation by petition for territory near the State Route 705 and Research Park Drive intersection [see attached draft ordinance]. The territory to be annexed is the site of a proposed private shopping center development. The following graphic illustrates the approximate location of the territory planned for annexation.



**Development Services  
Department**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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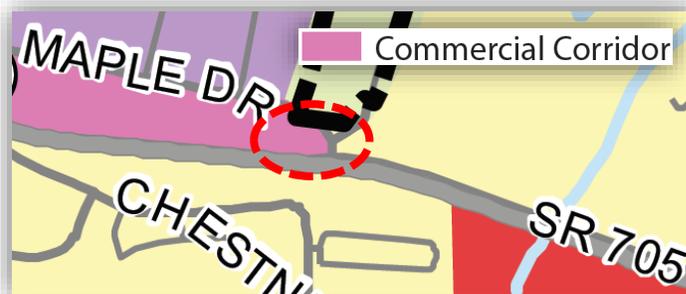
Ken Martis, Admin.

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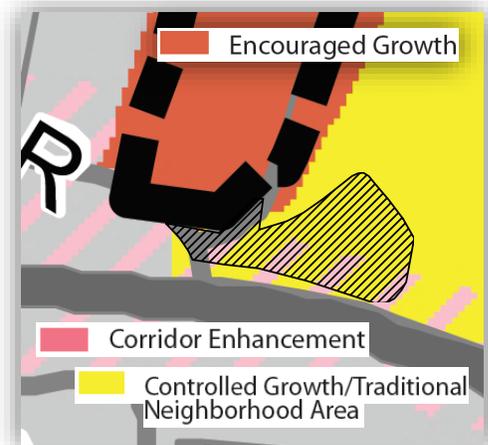
The legal description included in the exhibit of the attached draft ordinance notes the area of the territory included in the annexation is approximately 4.20 acres, approximately 2.12 acres of which is a part of WVDOH’s State Route 705 right-of-way.

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 below is clipped from the 2013 Comprehensive Plan Update, Pattern and Character Map [see Page 27]. The territory included in the WVU annexation is within a “Commercial Corridor” district. These districts are characterized as linear, defined by development along arterial or collector roadways and are auto-oriented and dominated by large single-story buildings setback from the street with parking areas facing the street [see Page 31].



The graphic to the right is clipped from the 2013 Comprehensive Plan Update, Land Management Map [Page 39]. The area hatched in black is generally the territory included in the WVU annexation, which is located next to an “Encouraged Growth” concept area and within the “Corridor Enhancement” and the “Controlled Growth/Traditional Neighborhood” concept areas identified in the Plan.



The Plan provides that “Encouraged Growth” concept areas illustrated on the Land Management Map are those where, “New growth is encouraged primarily for economic development.” [Page 38].

The “Corridor Enhancement” concept areas include development principles of, “Improving development along corridors with a mix of uses, and increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience” [Page 38].

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The “Controlled Growth / Traditional Neighborhood Area” are areas where growth is not strongly encouraged but where mixed-use development could be supported because of proximity to planned or existing roadways and utilities. Additionally, care should be taken to ensure that new development is compatible with existing development patterns in the area [Page 38].

Article 1353.01 of the Planning and Zoning Code provides the following purpose for the B-5, Shopping Center District.

“...to permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 Districts are located along major thoroughfares.”

As illustrated in the graphic below, the zoning classification for realty within the City of Morgantown and adjoining the subject annexation is B-5, Shopping Center District.



As Addendum A of this report illustrates, the territory to be annexed is situated along one of the highest annual average daily traffic (AADT) corridors in Monongalia County.

Suncrust Towne Centre is located in the opposite quadrant of the State Route 705 and Research Park Drive intersection from the territory to be annexed. The large tract to the north of the annexation area is the planned WVU Research Park. Additionally, the pattern and character of development along Maple Drive west of the annexation area, which is located in the unincorporated area of Monongalia County, is illustrated on Page 27 of the 2013 Comprehensive Plan Update as a “Commercial Corridor” district.

It appears prudent and proper to establish the B-5, Shopping Center District zoning classification for the realty included in the pending West Virginia University annexation.

**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 approximate 4.02 acres of territory included in the subject West Virginia University petition for annexation as B-5, Shopping Center District, contingent of course upon City Council’s final annexation of same.

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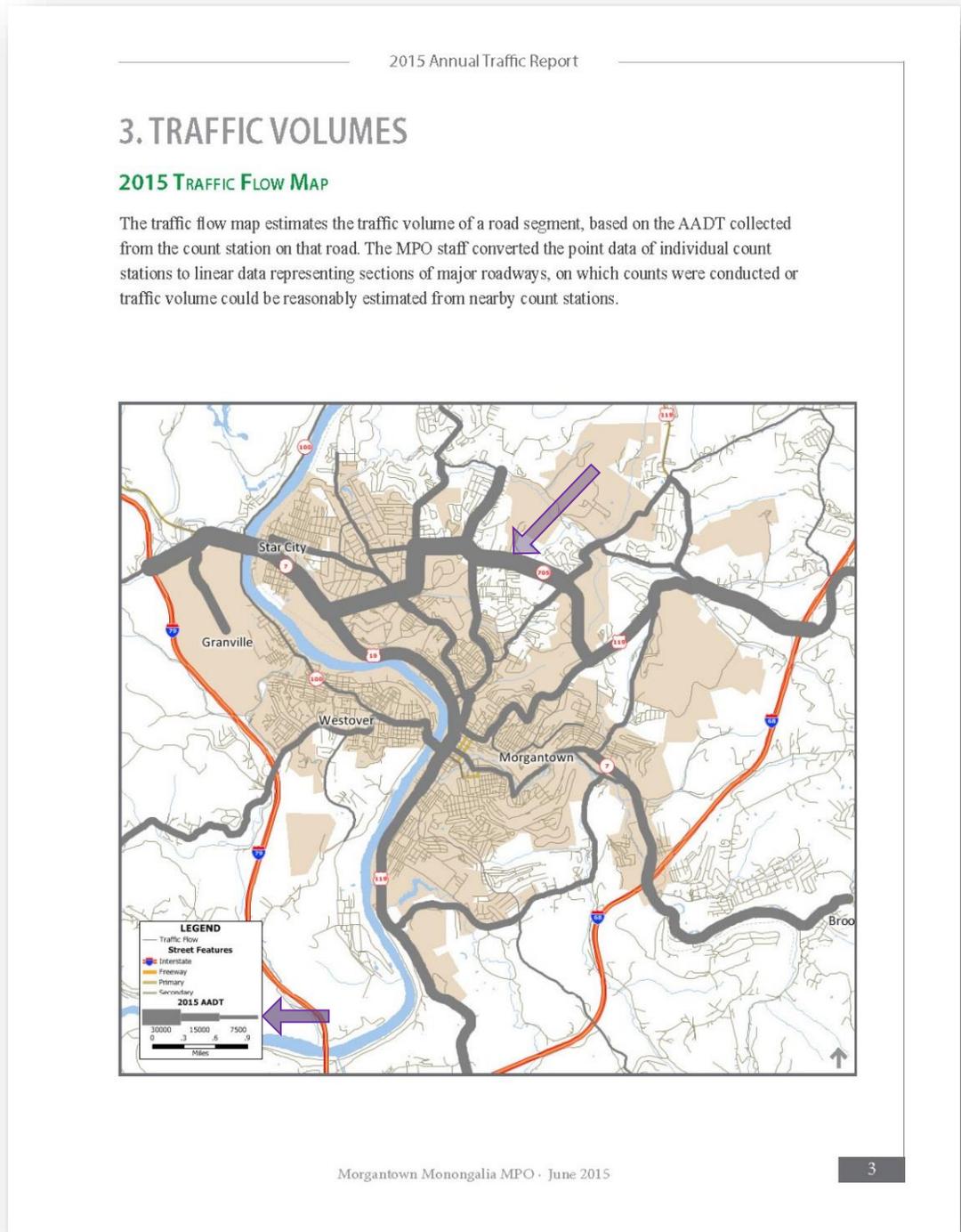
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## ADDENDUM A

The following graphic is clipped from the Morgantown Monongalia MPO's 2015 Annual Traffic Report [Page 3]. Purple arrows have been added to emphasize the location of the subject annexation area and the 2015 AADT scale in the map legend.



**Development Services Department**

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Director

**Planning Division**

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**AN ORDINANCE ANNEXING PROPERTY OF THE WEST VIRGINIA UNIVERSITY  
BOARD OF GOVERNORS AND WEST VIRGINIA DEPARTMENT OF  
TRANSPORTATION IN MORGAN DISTRICT 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, a majority of 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, being Parcel 19, and part of Parcels 18.5 and 20, of Tax Map Number 4 in Morgan District, Monongalia County, West Virginia, and a parcel consisting of 2.12 acres, more or less, owned by the West Virginia Department of Transportation, Division of Highways, and not assigned a Map and Parcel designation, all 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:**

\_\_\_\_\_  
**Mayor**

**ADOPTED:**

**FILED:**

\_\_\_\_\_  
**City Clerk**

**RECORDED:**

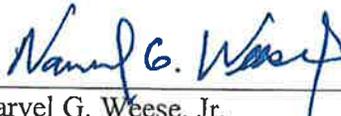
## PETITION FOR ANNEXATION

The undersigned, being the freeholder of the identified 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 and shown and described on the attached map or plat, as required by law, 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>	<u>Signature</u>
West Virginia University Board of Governors	Morgan	4	p/o 18.5	
West Virginia University Board of Governors	Morgan	4	p/o 20	
West Virginia University Board of Governors	Morgan	4	19	
WVDOH 2.12 ac.	Morgan	n/a	n/a	n/a

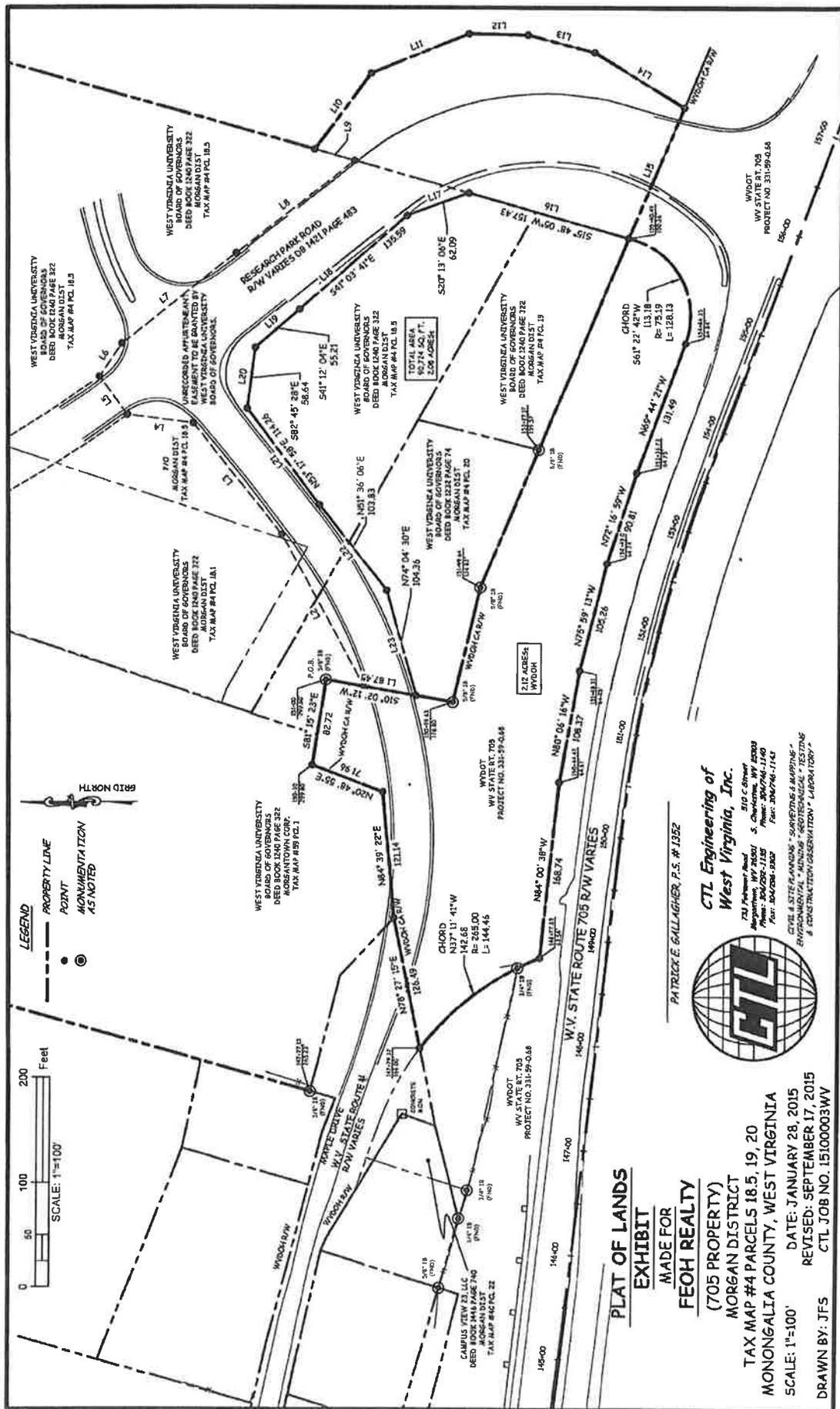
Narvel G. Weese, Jr., Vice President of Administration and Finance, on behalf of the West Virginia University Board of Governors on behalf of West Virginia University, the freeholder of the parcels identified as Morgan District Map 4, Parcels 18.5, 19, and 20 in the foregoing "Petition for Annexation," hereby petitions the City of Morgantown for annexation of the portions of the parcels identified in the table and situated within the area of proposed annexation as described on the attached exhibit.

West Virginia University Board of Governors on  
behalf of West Virginia University

By:   
Narvel G. Weese, Jr.

Its: Vice President of Administration and Finance

# EXHIBIT - ANNEXATION AREA



**LEGEND**

- PROPERTY LINE
- ADJACENT MONUMENTATION AS NOTED



GRID NORTH

**PLAT OF LANDS**  
**EXHIBIT**  
 MADE FOR  
**FEOH REALTY**  
 (705 PROPERTY)  
 MORGAN DISTRICT  
 MONONGALIA COUNTY, WEST VIRGINIA  
 TAX MAP #4 PARCELS 18.5, 19, 20  
 SCALE: 1"=100'  
 DATE: JANUARY 28, 2015  
 REVISED: SEPTEMBER 17, 2015  
 DRAWN BY: JFS  
 CTL JOB NO. 15100003WV



**CTL Engineering of West Virginia, Inc.**  
 723 Parkway Road  
 Morgantown, WV 26501  
 Phone: 304/246-1140  
 Fax: 304/246-1140

PATRICK E. GALLAGHER, P.S. # 1352

510 C Street  
 Morgantown, WV 26501  
 Phone: 304/246-1140  
 Fax: 304/246-1140

CIVIL & SURVEYING - SURVEYING & MAPPING  
 ENVIRONMENTAL - MINING - GEOTECHNICAL - TESTING  
 & LABORATORY OBSERVATORY - LABORATORY

LEGAL DESCRIPTION  
MAPLE DRIVE PROPERTY  
4.20 ACRES

BEGINNING AT A 5/8" IRON BAR FOUND, SAID BAR BEING A SOUTHWESTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY WEST VIRGINIA BOARD OF GOVERNORS, (DEED BOOK 1232 PAGE 74) AND BEING 299.80 FEET LEFT AND AT A RIGHT ANGLE TO WV STATE ROUTE 705 CENTERLINE AT STATION 151+00, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE WITH SAID WEST VIRGINIA BOARD OF GOVERNORS S 10° 02' 12" W 87.45 FEET TO A POINT;

THENCE N 74° 04' 30" E 104.36 FEET TO A POINT;

THENCE N 51° 36' 06" E 103.83 FEET TO A POINT;

THENCE N 53° 17' 58" E 114.26 FEET TO A POINT;

THENCE S 82° 45' 28" E 58.64 FEET TO A POINT;

THENCE S 41° 12' 04" E 55.21 FEET TO A POINT;

THENCE S 41° 03' 41" E 135.59 FEET TO A POINT;

THENCE S 20° 13' 06" E 62.09 FEET TO A POINT;

THENCE S 15° 48' 05" W 157.43 FEET TO A POINT, SAID POINT BEING THE SOUTH EAST CORNER OF LAND NOW OR FORMERLY OWNED BY WEST VIRGINIA BOARD OF GOVERNORS (DEED BOOK 1240 PAGE 322) AND BEING 150.36 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 155+40.49, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE THROUGH SAID STATE ROUTE 705 R/W WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 75.19 FEET AND AN ARC LENGTH OF 128.13 FEET AND HAVING A CHORD BEARING S 61° 22' 42" W 113.18 FEET TO A POINT 64.84 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 155+66.35, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 69° 44' 21" W 131.49 FEET TO A POINT 64.75 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 153+36.23, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 72° 16' 59" W 90.81 FEET TO A POINT 64.74 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 152+49.04, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 75° 59' 13" W 105.26 FEET TO A POINT 64.75 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 151+48.31, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 80° 06' 16" W 108.37 FEET TO A POINT 64.67 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 150+44.42, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 84° 00' 38" W 168.74 FEET TO A POINT 62.54 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 148+77.85, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 265.00 FEET AND AN ARC LENGTH OF 144.46 FEET AND HAVING A CHORD BEARING N 37° 11' 41" W 142.68 FEET TO A POINT 166.00 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 147+79.32, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE N 78° 27' 15" E 126.49 FEET OT A POINT;

THENCE N 84° 39' 22" E 121.14 FEET TO A POINT;

THENCE N 20° 48' 55" E 71.96 FEET TO A POINT 299.80 FEET, LEFT OF AND AT A RIGHT ANGLE TO WV STATE ROUTE NO. 705 CENTERLINE AT STATION 150+30, PROJECT NO. 331-59-0.68, MONONGALIA COUNTY, WEST VIRGINIA;

THENCE S 81° 15' 23" E 82.72 FEET TO THE POINT OF BEGINNING, CONTAINING 183,398 SQ. FT. OR 4.20 ACRES MORE OR LESS.

BEING PART OF PARCELS 18.5, 19 AND 20 OF TAX MAP 4 IN MORGAN DISTRICT MONONGALIA COUNTY WEST VIRGINIA.