



# MORGANTOWN PLANNING COMMISSION

January 14, 2016  
6:30 PM  
City Council Chambers

## **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  
Peter DeMasters, 6<sup>th</sup> Ward  
Carol Pyles, 7<sup>th</sup> Ward  
Ken Martis, Admin.  
Bill Kawecky, City Council

## **STAFF REPORT**

**CASE NO:** RZ16-01 / Commercial Developers, LLC / 20 Hartman Run Road  
RZ16-02 / WesBanco Bank, Inc. / 1350 Earl Core Road

### **REQUESTS and LOCATIONS:**

Request by Robert DeMoss, on behalf of Commercial Developers, LLC, for a Zoning Map Amendment to reclassify property from R-1A, Single-Family Residential District to B-2, Service Business District; Tax Map 31, Parcels 17.2, 17.3 & 17.5.

Request by Stephen Decker, on behalf of WesBanco, Inc. for a Zoning Map Amendment to reclassify property from R-1A, Single-Family Residential District and B-5, Shopping Center District to B-2, Service Business District; Tax Map 31, Parcels 101.3 and 98.2.

### **SURROUNDING ZONING:**

North and West; B-2, Service Business District

South; B-5, Shopping Business District

East; R-1A, Single Family Residential District

### **BACKGROUND:**

The petitioners seek approval to reclassify their respective tracts of realty to B-2, Shopping Center District. Addendum A of this report illustrates the locations of the subject properties along with surrounding zoning classifications.

Because the subject area adjoins the B-2 District at the site's western and northern 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 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.

## **Development Services Department**

Christopher Fletcher, AICP  
Director

## **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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According to Mr. Robert DeMoss, the Commercial Developers, LLC property (Case No. RZ16-01) was originally constructed for and occupied by Center Service Auto Body. Commercial Builders, Inc. occupied a portion of the auto body building circa 1972 and over time grew to occupy the entire building along with a few additions.

Mr. DeMoss also noted the site on which the present Wesbanco Bank is located (Case No. RZ16-02) was once occupied by a gas/service station and later redeveloped into the Central Bank.

It appears the zoning classification for the subject tracts of realty prior to the 05 NOV 1991 creation of the R-1A, Single-Family Residential District (Ordinance 91-25) was R-2, Single- and Two-Family Residential District. Staff has no working knowledge why the subject tracts were included in the creation of the R-1A District. One explanation could be a cartography error in the map included in Ordinance 91-25. Another explanation could be a simple oversight in excluding the petitioners' properties from the R-1A District that, in doing so, would have properly paralleled the commercial use of the tracts since at least the early 1970's.

The petitioners' principal buildings, accessory structures, and land uses are protected as legal, pre-existing, nonconforming structures and uses which may continue until or unless modified or terminated. However, the petitioners are pursuing the B-2 zoning classification to provide future commercial occupancy flexibility.

For instance, if Commercial Builders, Inc. and/ or Wesbanco were to vacate their respective sites, than only corresponding land use classifications or land uses permitted by-right or with conditional use approval within the R-1A District would be permitted to occupy the subject properties. Upon review of Table 1331.05.01 "Permitted Land Uses," there are very few commercial type uses permitted within the R-1A District.

### *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 Plan identifies the subject parcels as a part of the "Corridor Enhancement" general concept area, which provides for:

"Improving development along corridors with a mix of uses, increase intensity at major nodes or intersection and roadway improvements to improve traffic flow, pedestrian and biking experience."

The subject parcels are not located within "Neighborhood Conservation" or the "Controlled Growth / Traditional Neighborhood Area" general concept areas.

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Director

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The proposed zoning map amendment from R-1A and B-5 to B-2 appears to better represent past and present uses as well as the development pattern within the Earl Core Road commercial corridor. More important, the proposed map amendment appears to be in general concurrence with the Plan's principles for land management and encouraged growth objectives.

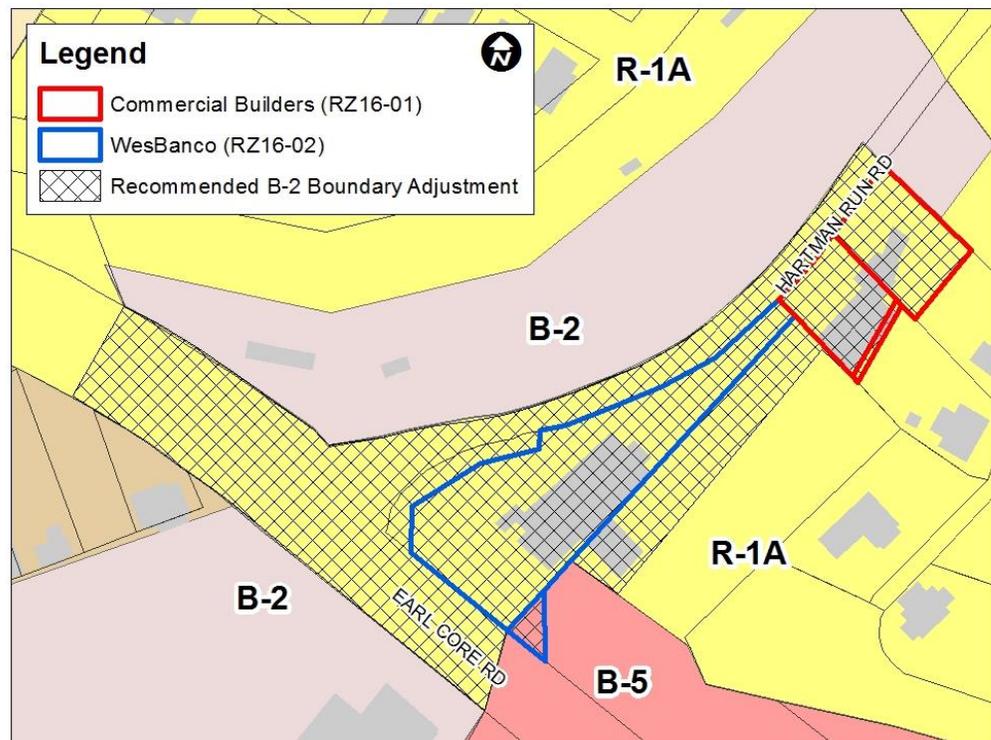
Staff encourages the Planning Commission to review the Comprehensive Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

## 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 requests on their merits as a land-use decision.

In conducting such an analysis, the Commission should determine if the 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".

Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment petitions so that the zoning classifications of Parcels 17.2, 17.3 and 17.5 (Case No. RZ16-01) and Parcels 101.3 and 98.2 (Case No. RZ16-02) of Tax Map 31 are amended from the R-1A District and B-5 District to the B-2 District as illustrated below.



## Development Services Department

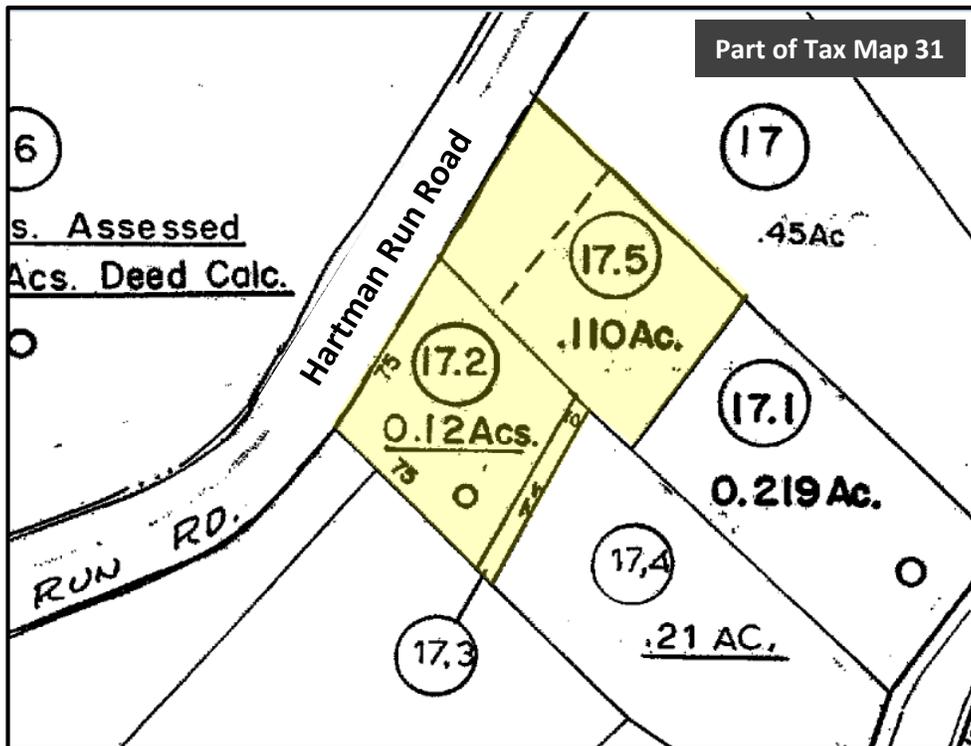
Christopher Fletcher, AICP  
Director

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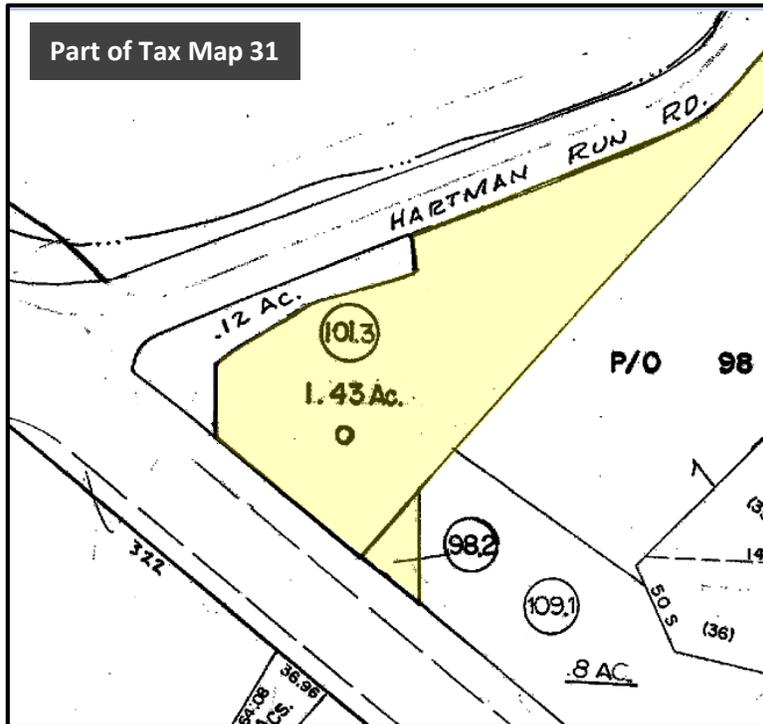
**COMBINED STAFF REPORT ADDENDUM A**  
**RZ16-01 / Commercial Developers, LLC / 20 Hartman Run Road**  
**RZ16-02 / WesBanco Bank, Inc. / 1350 Earl Core Road**

Parcels included in the Commercial Developers, LLC zoning map amendment petition Case No. RZ16-01 are Tax Map 31, Parcels 17.2, 17.3, and 17.5 as illustrated below.

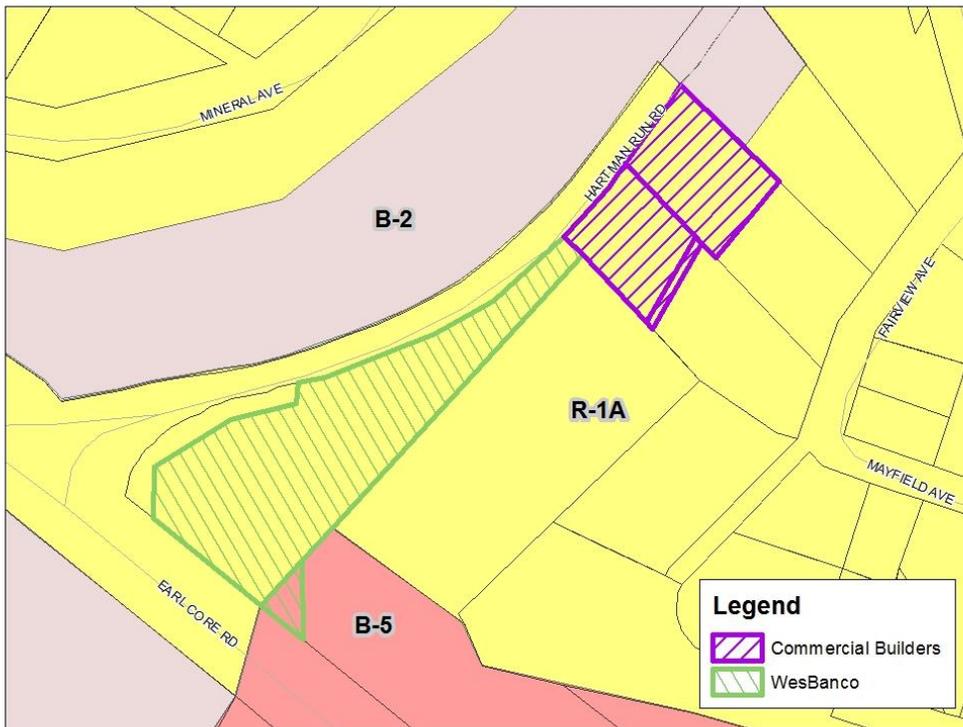


**COMBINED STAFF REPORT ADDENDUM A**  
**RZ16-01 / Commercial Developers, LLC / 20 Hartman Run Road**  
**RZ16-02 / WesBanco Bank, Inc. / 1350 Earl Core Road**

Parcels included in the WesBanco Bank, Inc. zoning map amendment petition Case No. RZ16-01 are Tax Map 31, Parcels 98.2 and 101.3 as illustrated below.



**COMBINED STAFF REPORT ADDENDUM A**  
**RZ16-01 / Commercial Developers, LLC / 20 Hartman Run Road**  
**RZ16-02 / WesBanco Bank, Inc. / 1350 Earl Core Road**



## COMBINED STAFF REPORT ADDENDUM B

RZ16-01 / Commercial Developers, LLC / 20 Hartman Run Road

RZ16-02 / WesBanco Bank, Inc. / 1350 Earl Core Road

### Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject zoning map amendment petitions are in concurrence and/or are inconsistent with the 2013 Comprehensive Plan Update.

<b>INTENT</b>	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 subject site is located along and adjoining the well-established Earl Core Road commercial corridor.</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 subject tracts of realty are within the urban area and have been developed since at least the 1960's and 1970's.</i>	
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Although the subject tracts of realty are not located within or adjacent to the central business district, they are located within an existing commercial corridor and identified as a "Corridor Enhancement" general concept area.</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>The proposed zoning reclassification should not compromise or undermine desired land use and/or development pattern goals and objectives within the nearby neighborhoods of Jerome Park and Norwood Addition.</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 proposed B-2 District classification should serve to attract and sustain market interest in commercial uses that would otherwise be prohibited under the R-1A District classification thereby hindering advancement of "Corridor Enhancement" goals and objectives.</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>The proposed B-2 District classification creates opportunities for mixed-use development and properly aligns the subject tracts of realty with the permitted land uses and development patterns present within the Earl Core Road commercial corridor.</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>Minimum B-2 District design standards for physical improvements (i.e., sidewalks, landscaping, access management etc.) should serve to advance multi-modal connectivity in the event of redevelopment improvement compared to related R-1A District standards.</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>A broader range of residential dwelling types are permitted within the B-2 District over the R-1A District including mixed-use, over-store, multi-family, and townhouse dwellings.</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 type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<i>Although a broader range of residential dwelling unit types are permitted in the B-2 District, it appears the petitioners' present intentions are to provide future commercial occupancy flexibility for the existing buildings and remove the nonconforming status of the present land use occupants.</i>		

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

*The subject tracts of realty do not appear favorable for active open space development given the auto-dependent commercial character of the Earl Core Road corridor, relatively small footprint, and adjoining steep slopes.*

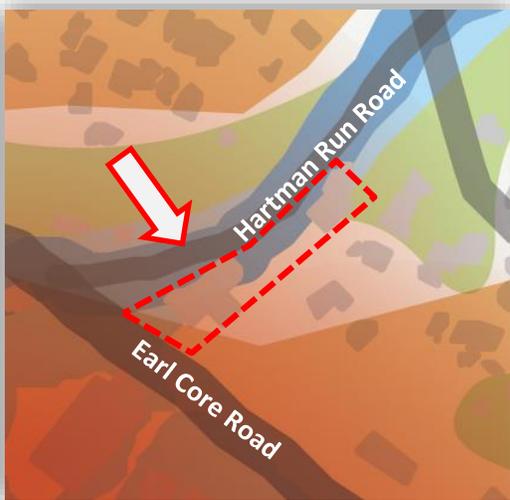
- Principal 11 Environmentally sensitive and sustainable practices will be encouraged in future developments.  Concurrence  
 Inconsistent  
 Other

*It appears the petitioners' present intentions are not to redevelop one or more of the subject tracts but to provide future commercial occupancy flexibility for the existing buildings and remove the nonconforming status of the present land use occupants.*

**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 an **“Infill and Redevelopment”** concept area and next to a **“Encouraged Growth”** concept area.



**Infill and Redevelopment**



**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 **“Mountain / Valley Corridor”** and a **“Commercial Corridor”** pattern and character areas.



**Mountain / Valley Corridor.** Mountain / Valley Corridors are narrow strips of development that occur along roadways that trace ridges and valleys. They have many qualities associated with rural development such as streets that lack curb and gutter, small, one or two story buildings, and each address typically has direct driveway access to the thoroughfare. However, unlike typical rural areas where buildings are often set back far from the street, development in these corridors is often clustered in pockets that are very close to the street. Uses along these corridors tend to be eclectic, including single-family and multi-family residential, commercial, light industrial, warehousing and other uses.



**Commercial Corridor.** Corridors are linear districts defined by development along arterial or collector roadways. Commercial Corridors are auto-oriented and are dominated by large single-story buildings setback from the street and parking areas facing the street. These corridors are generally not pedestrian friendly due to lack of sidewalks, long block lengths and many vehicle access points (curb cuts) which create conflicts for pedestrians.

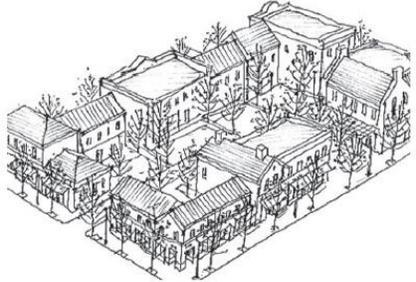


The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the the 2013 Comprehensive Plan Update. The subject development site is located within the “**Corridor Enhancement**” concept area.



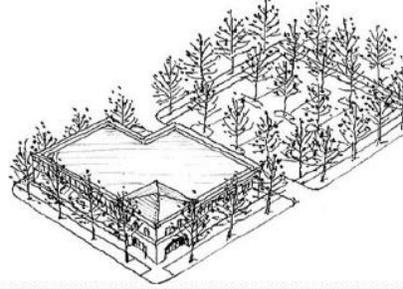
**Corridor Enhancement\*\*:** Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience.

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” concept area.

		Appropriate Development Types										
CONCEPT AREA		SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
	Corridor Enhancement*			•	•	•		•	•			•
DEVELOPMENT TYPE DESCRIPTIONS		PATTERN AND CHARACTER EXAMPLES										
<b>MF Multi-family Residential</b>	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.											
<b>C Civic and Institutional</b>	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.											
<b>NX Neighborhood Center Mixed-Use</b>	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.											

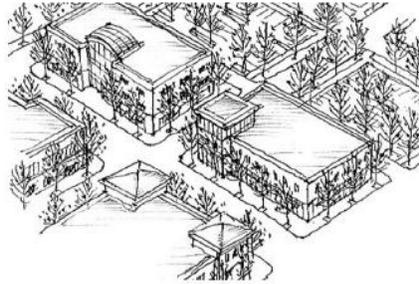
**CC Community Commercial**

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.



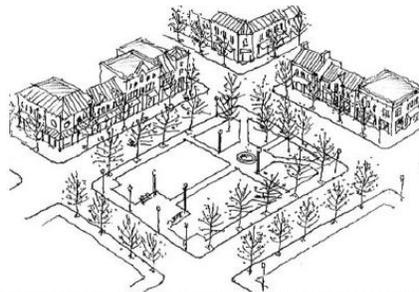
**O Office / Research**

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.	R216-01
RECEIVED:	
COMPLETE:	

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

(PLEASE TYPE OR PRINT IN BLACK INK)

**PAID**  
**RV**  
**DEC 04 2015**  
**PAID**

**I. OWNER / APPLICANT**

Name:	COMMERCIAL DEVELOPERS LLC		Phone:	
Mailing Address:	Street	2358 SONOMA DRIVE W	Mobile:	304-826-6326
	City	NOKOMIS	State	FL
	Zip	34275	Email:	RED.MOSS@HOTMAIL.COM (ALL LOWER CASE)

**II. AGENT / CONTACT INFORMATION**

Name:	ROBERT E. DEMOSS		Phone:	
Mailing Address:	Street	2358 SONOMA DRIVE W	Mobile:	304-826-6326
	City	NOKOMIS	State	FL
	Zip	34275	Email:	red.moss@HOTMAIL.COM (ALL LOWER CASE)

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

**IV. PROPERTY**

Street Address (if assigned):	20 HARTMAN RUN ROAD		
Tax Map(s) #:	31	Parcel(s) #:	17.2, 17.3 & 17.5
Size (sq. ft. or acres):	11,151 SF		
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	B2
Current Land Use:	CONSTRUCTION COMPANY	Proposed Land Use*:	AUTO REPAIR SHOP

*\*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.

COMMERCIAL DEVELOPERS LLC	ROBERT E. DEMOSS	11-25-15
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

Zoning Map Amendment Fee - \$75 CK 1253



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

OFFICE USE  
 CASE NO. **RZ16-02**  
 RECEIVED: \_\_\_\_\_  
 COMPLETE: \_\_\_\_\_

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

**PAID**  
 DEC 03 2015  
**PAID**

I. OWNER / APPLICANT			
Name:	WesBanco Bank, Inc		Phone: 304-905-7231
Mailing Address:	One Bank Plaza		Mobile: 304-692-1164
	Street Wheeling	WV 26003	Email: decker@wesbanco.com
	City	State	Zip
II. AGENT / CONTACT INFORMATION			
Name:	Stephen Decker		Phone: 304-905-7231
Mailing Address:	1350 Earl Core Road		Mobile: 304-692-1164
	Street Morgantown	WV 26505	Email: decker@wesbanco.com
	City	State	Zip
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):	1350 Earl Core Road Morgantown, WV 26505		
Tax Map(s) #:	31	Parcel(s) #:	101.3 <b>98.2</b> Size (sq. ft. or acres): <b>1.348</b> acres
Current Zoning Classification:	R-1A, <b>B5</b>	Proposed Zoning Classification:	B2
Current Land Use:	Financial Services Establishment	Proposed Land Use*:	Financial Services Establishment
*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.			
WesBanco Bank, Inc	<b>Stephen Decker</b>	12/03/2015	
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date	

Zoning Map Amendment Fee - \$75 **OK 759703**