



MORGANTOWN PLANNING COMMISSION

July 14, 2016
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 Blosser, 3rd Ward

Bill Petros, 4th Ward

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William Kaweckı, City Council

VACANT, City Administration

STAFF REPORT

CASE NO: RZ16-04 / Turak / Jerome Street

REQUEST and LOCATION:

Request by Jason Turak, for a Zoning Map Amendment to reclassify property from R-1, Single-Family Residential District to R-1A Single-Family Residential District; Tax Map 22, Parcels 25.1 & 26.

SURROUNDING ZONING:

North and West; R-3, Multi-Family Residential District

South; R-1, Single Family Residential District

East; R-1A, Single Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify Tax Map 33; Parcels 25.1 and 26 to R-1A, Single-Family Residential District. Addendum A of this report illustrates the locations of the subject properties along with surrounding zoning classifications

Because the subject area adjoins the R-1A District at the site's eastern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning." The map amendment would include the area identified as Right-of-Way of Jerome street to the street's center line.

ANALYSIS:

According to Article 1333.01 of the Planning and Zoning Code the purpose of the R-1 Districts 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 1335.01, 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.

**Development Services
Department**

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The functional difference between the two single-family residential districts are the permitted housing density and the allowance of conditional commercial uses in the R-1A District as opposed to the R-1 District.

The R-1 District allows for lots to be 7,200 square feet in area with a permitted road frontage minimum of seventy (70) feet, and a maximum lot coverage area of forty percent (40%). The R-1A zone allows for lots to be 3,500 square feet in area with a permitted road frontage minimum of thirty (30) feet, and a maximum lot coverage area of fifty percent (50%). Additionally, setbacks are more restrictive in the R-1 District as compared to the R-1A District as shown in the table below:

Zoning District Setbacks Comparison

	R-1 District	R-1A District
Minimum Front Setback	25 feet	8 feet
Maximum Front Setback	30 feet	20 feet
Minimum Side Setback	10 feet	5 feet
Minimum Rear Setback	25 feet	20 feet

Moreover, the R-1A District allows for the following conditional uses that are not permitted in the R-1 District:

- Animal Grooming Service
- Appliance Repair Establishment
- Art Gallery
- Artist Studio
- Retail Bakery
- Barber Show/Beauty Salon
- Neighborhood Convenience Store
- Drug Store
- Florist Shop
- Instructional Studio
- Newsstand

The R-1 Zoning District does permit Agricultural Activity, which is not permitted in any other zoning district, except for the I-1 Industrial Zoning 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.

Staff encourages the Planning Commission to review the Comprehensive Plan and Area 17 Small Area Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

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The Comprehensive Plan identifies the subject parcels as a part of the “Infill and Redevelopment” Land Management Concept Area, which provides for:

“Existing developed sites or districts that are underutilized or functionally obsolete, where infill development or redevelopment that is consistent with the surrounding context is appropriate.”

Additionally, the subject parcels abut the “Controlled Growth / Traditional Neighborhood Area” Land Management Concept Area to the rear (west) of the parcels and northerly side of Parcel 26.

The proposed zoning map amendment from R-1 to R-1A appears to represent the general goals of the Comprehensive Plan document and appears to be in general concurrence with the Comprehensive Plan document’s principles for land management and encouraged growth objectives. However, the recently completed Area 17 – Darst and Jerome Street – Small Area Plan accompanies the 2013 Comprehensive Plan document and provides more detailed and site specific future land-use goals and objectives.

The Area 17 – Darst and Jerome Street – Small Area Plan, approved in May 2016, included the two subject parcels and provided for a thorough discussion with neighborhood property owners and residents that re-evaluated the existing R-1 zoning classification for that overall study area. The Area 17 Small Area Plan included workshops with local residents, to gauge their opinion on land-uses identified by the 2013 Comprehensive Plan. The overall consensus of the planning workshops by participants was for the existing R-1 zoning classification of the study area to remain thereby keeping the density and scale of R-1 permitted residential development.

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 Planning Commission should determine if the R-1A, Single-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 1335 “R-1A, Single-Family Residential District” and Table 1331.05.01 “Permitted Land Uses.”

Given the recent adoption of the Area 17 Small Area Plan and its respective recommendations, Staff respectfully advises the Planning Commission to forward a recommendation to City Council to deny the requested zoning map amendment petition so that the zoning classification of Parcels 25.1 and 26 of Tax Map 22 remains R-1.

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STAFF REPORT ADDENDUM A

RZ16-04 / Turak / Jerome Street

Parcels included in Case No. RZ16-04 are 25.1 and 26 of Tax Map 22 as illustrated below.



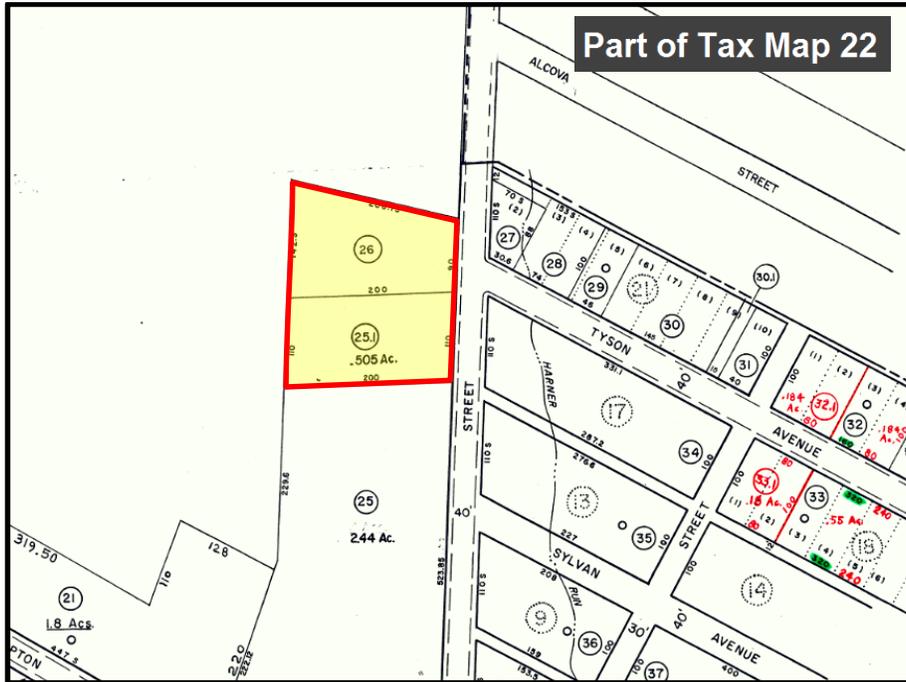
STAFF REPORT ADDENDUM A

RZ16-04 / Turak / Jerome Street



STAFF REPORT ADDENDUM A

RZ16-04 / Turak / Jerome Street



STAFF REPORT ADDENDUM B

RZ16-04 / Turak / Jerome Street

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.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.
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Principles for Land Management

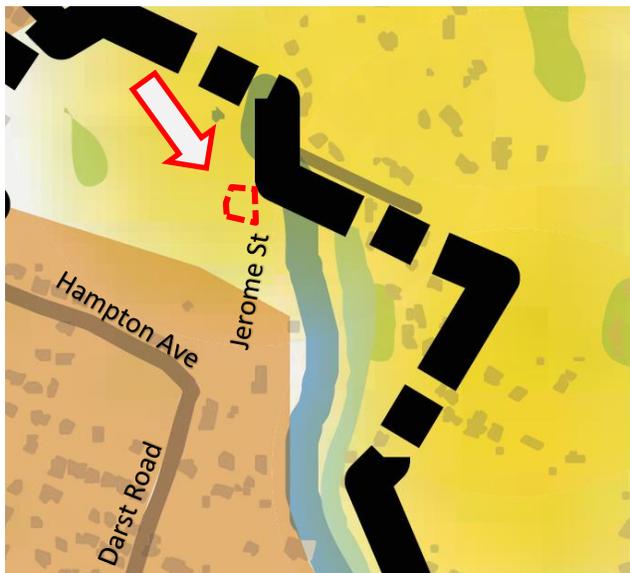
Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The subject parcels are located in an area that supports the development of single-family dwellings enabled by the R-1A zoning designation.</i>		
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<i>The subject tracts of realty are within the urban area with existing utility and road infrastructure in close vicinity, but there does not appear to be similar development in close proximity.</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 near other residential properties of a similar development pattern.</i>		
Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	<input type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The proposed zoning reclassification could compromise or undermine desired land use and/or development pattern goals and objectives within the nearby neighborhoods of Jerome Park, as presented by the Area 17 Small Area Plan.</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 type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>The proposed R-1A District classification creates opportunities for a mix of uses but with limited development in the area, the impact of these uses is inconclusive.</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 type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>The map amendment would not result in any street or pedestrian network improvements.</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 similar range of residential dwelling types are permitted within the R-1A District as compared to the R-1 District while providing for increased housing density.</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>Site design is extraneous to the petitioner's zoning map amendment request.</i>	
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>No parks, open space, or recreational area plans were included with the subject map amendment petition.</i>	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>	

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 “**Controlled Growth**” concept area and near a a “**Infill and Redevelopment**” concept area.



Infill and Redevelopment



Controlled 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.

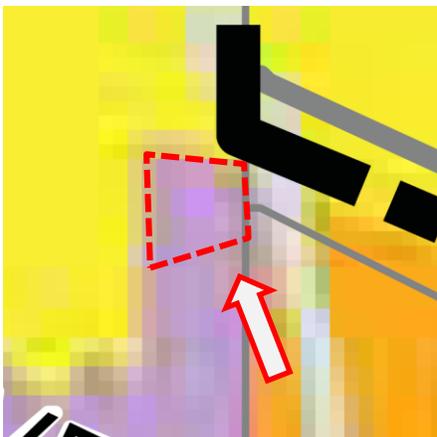
The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “Rural” and “Natural” pattern and character areas.



Rural. Rural areas are the least intensely developed. These include isolated residential or commercial uses and farming operations.

Natural. Land in its natural state that is mostly forested. Within the city, these areas are often undevelopable steep slopes.

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



Infill and Redevelopment*: Existing developed sites or districts that are underutilized or functionally obsolete, where infill development or redevelopment that is consistent with the surrounding context is appropriate.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Infill and Redevelopment” concept area.

Appropriate Development Types

CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
Infill and Redevelopment*			●	●	●	●		●			●

* Appropriate development depends on existing context. See Development Patterns and Character (pages 26-32)

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

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.



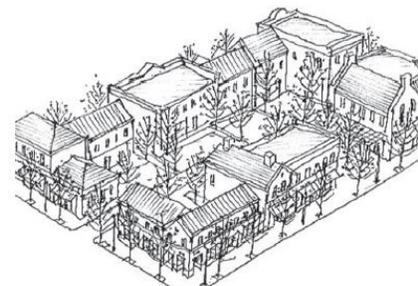
C Civic and Institutional

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.



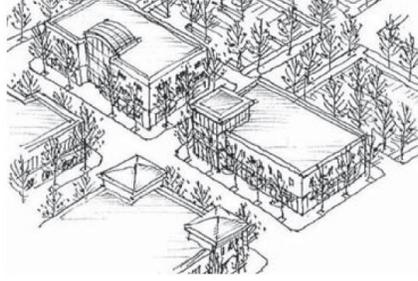
NX Neighborhood Center Mixed-Use

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.



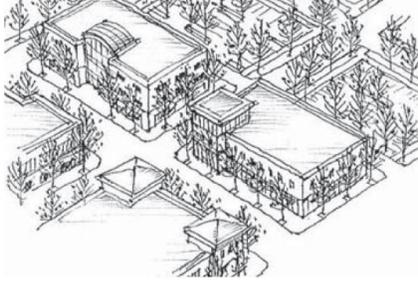
UC Urban Center Mixed-Use

A mix of housing, office, commercial, and civic uses located adjacent to one another or sharing the same building. Buildings are generally larger in scale than neighborhood mixed-use and contain more employment and commercial uses that serve the broader community. Buildings should be located near the street with parking provided on-street or in shared parking configurations behind or between buildings.



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.



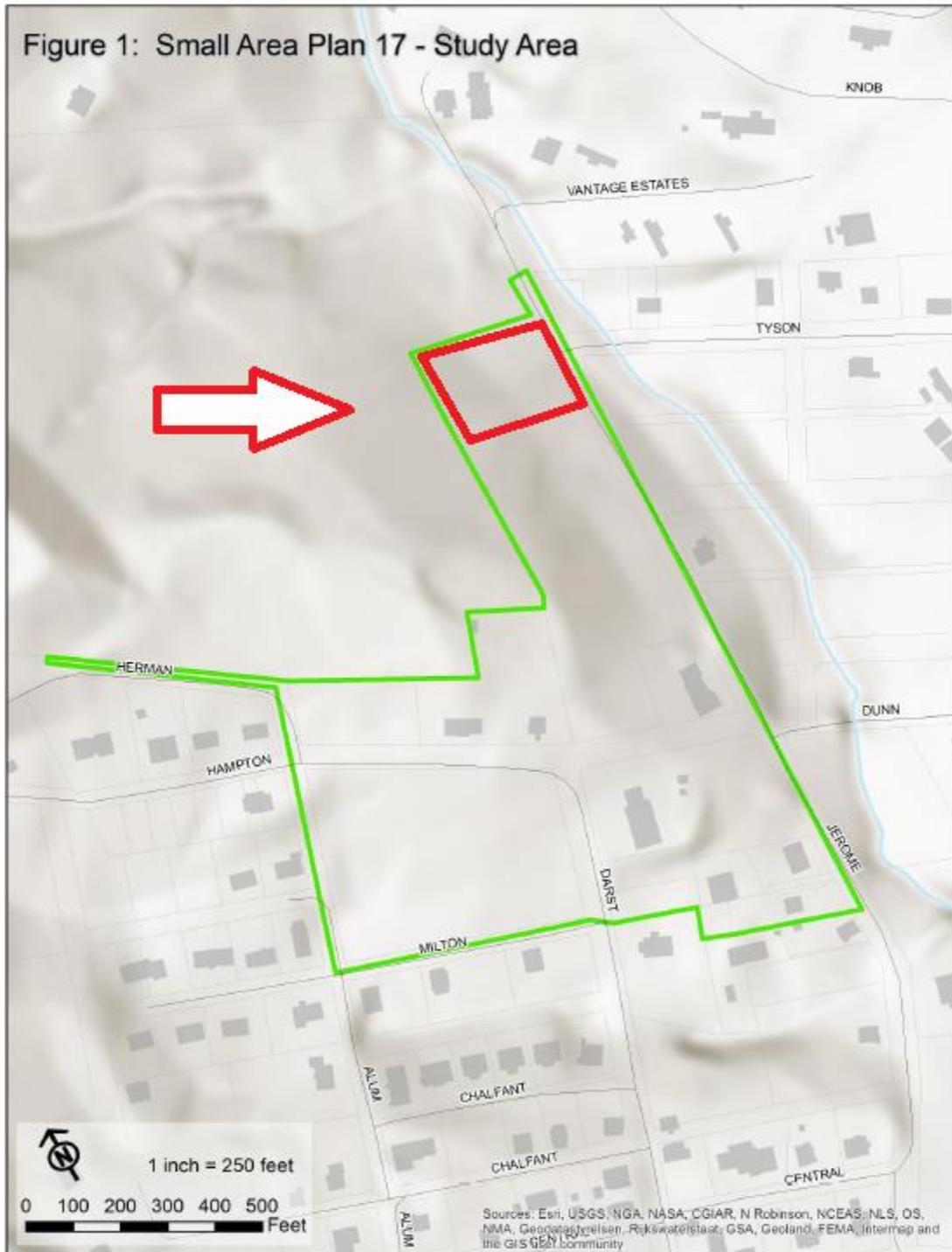
OS Greenspace

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



Concurrence with the 2016 Area 17 Future Study Area Plan

The following graphic is clipped from Page 5 of the **2016 Area 17 Future Study Area Plan** and identifies the development site in relationship to the study area.



Development Recommendations for the Area 17 Future Study Area

The following graphic is clipped from the 2016 Future Study Area 17 Plan approved by the Planning Commission on May 12, 2016, which addresses the Plan's recommendation for the zoning classification of the subject study area to remain R-1 (emphasis added).



Small Area Plan
Area 17

Development Recommendations

Based upon best practices, professional planning experience, and feedback from residents, the following recommendations are made for Area 17 and future development scenarios.

Land Use

The land use recommended for Area 17 is consistent with the existing patterns of development in the neighborhood. The predominant land use should remain single-family residential, with the only potential derivation of that pattern being neighborhood-scale businesses allowed with conditional use approval through the City of Morgantown's established zoning process.

Zoning

The zoning of Area 17 should be consistent with the desires of the majority of landowners and with the direction established in the *2013 Comp Plan*, to direct new growth into infill situations, where possible, and to increase density within City limits. While increased density is a continued overall goal of the City, the overwhelming feedback received from participating residents is to retain the existing density and scale of development. R-3 zoning was a topic of discussion at the first public forum but was discarded as an option due to lack of interest by any landowners and a poor fit for the current development fabric of the neighborhood.

The R-1 District will allow for the neighborhood to remain single-family residential and retain the patterns of development that currently exist. The allowable lot sizes will remain at 7,200 sf for the R-1 District. In addition, the minimum front setbacks for the R-1 District are 25 feet.

Housing

The housing type for the neighborhood should remain as it currently exists, which is single-family residential, as identified in the zoning ordinance. The height of allowable housing structures remains the same, with the maximum height being 2.5 stories or 35 feet.

As the planning process developed, part of the analysis pertained to the potential changes in density and buildable lots between the existing R-1 and R-1A districts. The effect of a change in zoning from R-1 to R-1A can be somewhat observed in Figure 9 and Figure 10 below. Figure 9 provides a rendering that displays how an R-1A arrangement might appear if built out in the neighborhood. Figure 10 shows a potential lot arrangement from an overhead view and the accompanying lot sizes. Note that new



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

OFFICE USE	
CASE NO.	R216-07
RECEIVED:	_____
COMPLETE:	_____

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

PAID
 JUN 02 2016
PAID

I. OWNER / APPLICANT			
Name:		Phone:	
Mailing Address:	Street	Mobile:	
	City	State	Zip
	Email:		

II. AGENT / CONTACT INFORMATION			
Name:	JASON TORAK	Phone:	304-282-8072
Mailing Address:	Street	Mobile:	282-8072
	Morgantown WV	State	26505
	Email: JASONTORAK@gmail.com		

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

IV. PROPERTY			
Street Address (if assigned):			
Tax Map(s) #:	22	Parcel(s) #:	26, 25.1
Size (sq. ft. or acres):	43,000		
Current Zoning Classification:	R1	Proposed Zoning Classification:	R1A
Current Land Use:	VACANT	Proposed Land Use*:	residential

**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.

JASON TORAK		6.2.16
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

Zoning Map Amendment Fee - \$75

OK 1285



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

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process

