



MORGANTOWN PLANNING COMMISSION

April 25, 2013
6:30 PM
City Council Chambers

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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

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Ken Martis, Admin.

Jennifer Selin, City Council

STAFF REPORT

CASE NO: TX13-01 / Administrative / "Lodging or Rooming House" Uses

REQUEST:

Administratively requested text amendment to Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code as it relates to "Lodging or Rooming House" uses in the B-4 District.

BACKGROUND:

Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code permits "Lodging or Rooming House" uses in the B-4 District with conditional use approval by the Board of Zoning Appeals.

During the Boards' February 20, 2013 hearing, a conditional "Lodging or Rooming House" use petition was granted for 206 Spruce Street. In response to the considerable opposition expressed publicly surrounding this case, City Administration seeks to respond by submitting a zoning ordinance text amendment to the Planning Commission that would remove "Lodging or Rooming House" uses as permitted in the B-4 District.

ANALYSIS:

The objective of mixed-use development and land use patterns is to contribute to the creation of places that enliven urban centers while meeting the everyday needs of the community. Mixed-use development offers many advantages over single-use development in fostering better urban environments including:

- **Sense of Community** – Mixed-use development provides opportunities for community interaction by catering to a diversity of people and uses in one place.
- **Vitality** – Diversified, mixed-use urban centers become community destinations.
- **Convenient Access** – The mixing of diverse uses within proximity of public spaces, services, and amenities makes it possible to reduce vehicle trips and encourage shared parking and transit ridership.
- **Pedestrian-Friendly Environment** – Mixed-use development provides more opportunities for convenient and safe pedestrian access.
- **Longer Hours of Active Street Life** – A range of uses are generally active at different times of the day or on different days of the week, which activates the space for longer hours than is possible for any one single-use type.
- **Safety** – Mixing residential, commercial, and professional activities within a compact area ensures activity throughout the day and evening, creating a sense of safety.

The preservation of existing and continued development of at-grade commercial leasable space is paramount to ensuring desired mixed land use patterns within urban centers. The City's B-4 District represents Greater Morgantown's urban center.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

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Morgantown, WV 26505
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The July 2010 Downtown Strategic Plan Update provides the following guidance relating to planned land uses and preferred development patterns within the City's central business district (emphasis added).

Section 4.8 Housing (Page 51):

"The opportunities to create a variety of housing types and price levels in the downtown are vast, as downtown Morgantown has many historic buildings whose upper floors could be redevelopment for use as apartments and/or condominiums. In addition, there are a number of empty lots that could be developed with new **mixed-use buildings.**"

Section 6.0 Downtown Strategies (Page 64):

"Housing and Redevelopment: Redevelop vacant and underperforming properties throughout the downtown and promote a variety of **mixed-use housing** in order to diversify the demographics of downtown residents."

Section 6.1 Downtown Framework Plan (Page 65):

"Downtown's traditional core already reflects the new paradigm for American downtowns: walkable gridded streets, public gathering places, **mixed-uses**, and mixed demographics. These qualities should be extended throughout the study area to promote a strong sense of community and **attract new residents, merchants, entrepreneurs, and investors.**"

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 86):

"Opportunities – Additional **mixed-use** infill at the **north end of Spruce Street.**"

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 87):

"Reinforce the urban quality by increasing the mass, density, and **mixed-use** quality buildings that front on well-designed pedestrian streets."

Section 6.6 Housing and Redevelopment (Page 122):

"6.6.2 Encourage the reuse and conversion of underutilized **upper floors for new residential uses.**"

As noted above, the goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update emphasize mixed-use housing. Additionally, the preservation and growth of street level commercial retail storefronts is emphasized by focusing, in part, on the conversion of upper floors as additional residential opportunities.

Moreover, "mixed-use" and "over-store" dwelling uses are permitted by-right in the B-4 District, which supports the Plan's preferred residential use pattern of maintaining and preserving a non-residential presence at street level.

However, "lodging or rooming house" uses are currently permitted in the B-4 District as a conditional use.

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Article 1329.02 of the Planning and Zoning Code defines “conditional use” as:

“A use which because of special requirements or characteristics may be permitted in a particularly zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in this Ordinance.”

Requiring a particular land use to obtain conditional use approval affords the Board of Zoning Appeals and the community through a public hearing the opportunity to review the merits of the conditional use request on a case-by-case basis

Consideration is given to the characteristics peculiar to the proposed conditional use and its location with reference to its surroundings (e.g., built environment, neighboring uses, streets, existing improvements, demand upon public facilities, etc.). The approval of a conditional use along with specific conditions, if warranted, are intended to ensure that the particular conditional use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

Given the recent public discussion surrounding conditional “Lodging or Rooming House” uses in the B-4 District, it appears that the Planning and Zoning Code can and should be strengthened to better reflect the related goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update.

STAFF RECOMMENDATION:

The Planning Division respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend Table 1331.05.01 “Permitted Land Uses” of the Planning and Zoning Code as presented below thereby removing “Lodging or Rooming House” uses as a permitted conditional use within the B-4, General Business District.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Lodging or Rooming House			C	P			P	C			

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