



# 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:** TX15-04 / Companion Care Corporation / Permitted Land Uses

**REQUEST:**

A request by Jerome Munsey, on behalf of Companion Care Corporation, to amend Table 1331.05.01 “Permitted Land Uses” so that “Two-Family Dwelling” uses are permitted either by-right or by conditional use approval in the B-1 District.

**BACKGROUND and ANALYSIS:**

The petitioner owns the realty addressed as 304 Willey Street (Tax Map 26, Parcel 264). The principal building on the property appears to be a single-family dwelling converted years ago and occupied most recently the *Companion Care Corporation* offices on the first floor and one (1) two-bedroom apartment on the second floor.

The following graphics illustrate the location and B-1, Neighborhood Business District classification for the petitioner’s property.



The principal building at 304 Willey Street is considered a mixed-use development because it contains both residential and nonresidential uses. The *Companion Care Corporation* offices on the first floor is considered a “Professional Services Establishment” use permitted by-right in the B-1 District. The two-bedroom apartment on the second floor is considered either a “Mixed-Use Dwelling” or “Over-Store Dwelling” use depending on the square footage of the residential use component in relation to the square footage of the nonresidential use component. Regardless, both residential dwelling use types are permitted by-right in the B-1 District.

The following graphic is clipped from Table 1331.05.01 “Permitted Land Uses” to illustrate where certain residential use types are and are not permitted within the City. “P” denotes the use is permitted by-right in a particular zoning district. “C” denotes the use is permitted with conditional use approval in a particular zoning district. If the box in the row for a use is empty in the column of a particular zoning district, then that use is not permitted in that particular zoning district.

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Dwelling, Mixed Use				P		P	P	P	P	P	
Dwelling, Multi-family			C	P			P	C	C		
Dwelling, Over-store						P	P	P	P	P	
Dwelling, Single family	P	P	P	P	P						
Dwelling, Townhouse			P	P	P		P	P			
Dwelling, Two-family			P	P	P			C			

The petitioner seeks to convert the first floor nonresidential space at 304 Willey Street into a residential dwelling unit. Doing so would change the land use classification of the building from mixed-use development to a “Two-Family Dwelling” use (duplex). As illustrated in the graphic above, “Two-Family Dwelling” uses are not permitted in the B-1 District.

Staff advised the petitioner there were two (2) options to consider that might create an opportunity for the subject building to be converted into a “Two-Family Dwelling” use.

Option 1 was to pursue a zoning map amendment to reclassify the subject realty from the B-1, Neighborhood Business District to the B-4, General Business District where “Two-Family Dwelling” uses are permitted with conditional use approval by the Board of Zoning Appeals. Staff advised against this option because this B-1 District area appears to represent the existing uses and development pattern and character on either side of Willey Street within the immediate area. Adjusting the adjoining B-4 District boundary to include the petitioner’s parcel would disrupt this continuity.

Option 2 was to pursue a zoning text amendment to permit “Two-Family Dwelling” uses within the B-1 District either by-right or with conditional use approval. This land use decision would require city-wide consideration as it would permit “Two-Family Dwelling” uses, either by-right or with conditional use approval, in all B-1 Districts within the City.

Article 1345.01 states the following:

“The purpose of the Neighborhood Business (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.”

Addendum A of this report illustrates where B-1 Districts are located within the City.

When studying highest and best land uses within the B-1 District, Staff recommends the Planning Commission also consider if sufficient options are currently available for a building struggling to function and/or operate because its nonresidential space is no longer attractive to commercial tenants; particularly, a smaller building that might only

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house two (2) dwelling units. Consideration appears prudent for how protracted vacancies in a smaller building (i.e., converted single-family home) might be avoided along with resultant impacts on the immediate neighborhood.

Conditional use approval requires careful consideration by the Board of Zoning Appeals. Each conditional use petition is evaluated on the unique context and particular merits of the individual case. Further, the conditional use decision process incorporates public notification, public participation, and public decisions based on deliberated findings of fact.

**STAFF RECOMMENDATION:**

Staff recommends, should the Planning Commission decide to forward a favorable recommendation to City Council under Case No. TX15-04, that Table 1331.05.01 "Permitted Land Uses" be amended as followings so that "Two-Family Dwelling" uses within the B-1, Neighborhood Business District are permitted only with conditional use approval.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Dwelling, Two-family			P	P	P	<u>C</u>		C			

**Development Services**

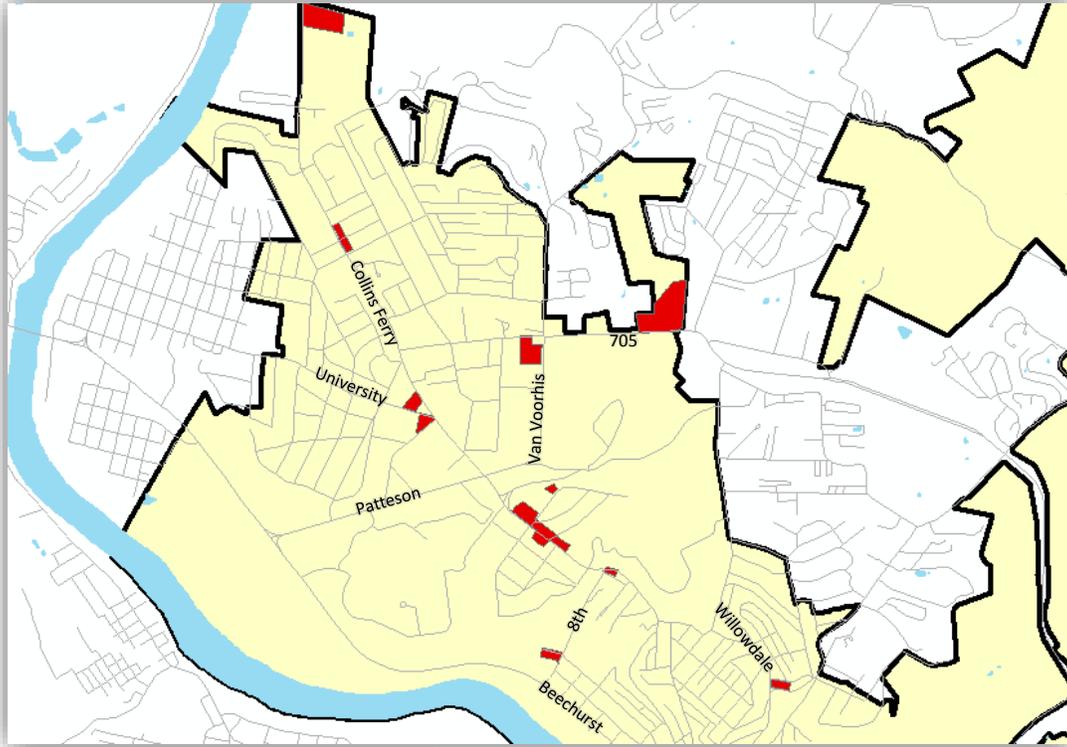
Christopher Fletcher, AICP  
Director

**Planning Division**

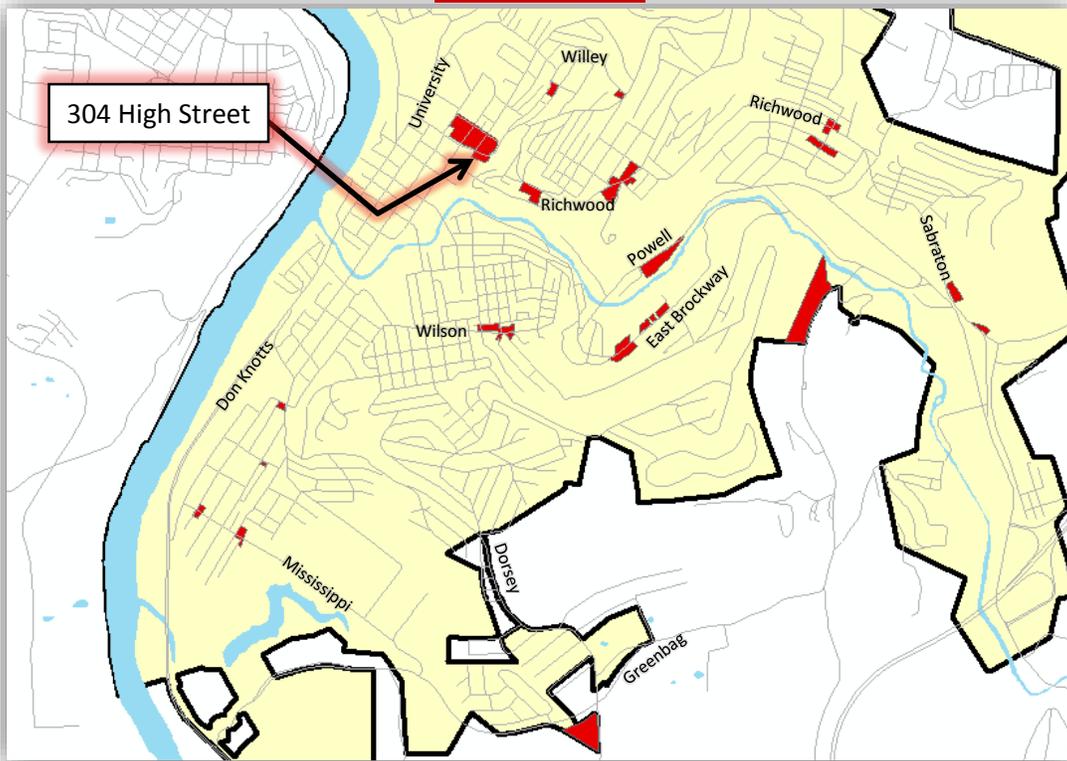
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# STAFF REPORT ADDENDUM A

## TX15-04 / Companion Care Corporation / Permitted Land Uses



### B-1 Districts





City of Morgantown, West Virginia

APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TXT15-04
RECEIVED:	
COMPLETE:	

Zoning Code Text Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

<b>I. APPLICANT</b>			
Name:	Companion Care Corporation (304 Willey)		Phone: 304-292-9474
Mailing Address:	Street	314 Scott Avenue	Mobile: 304-276-6509
	City	Morgantown WV 26508	Email: jpmunsey@gmail.com
<b>II. PROPOSED TEXT AMENDMENT</b>			
Section of the Zoning Code to be Amended:			
Summary of Proposed Text Amendment (an additional sheet may be attached hereto):			
<p>Requesting a change in Table 1331.05.01 so that "Two Family Dwelling" uses are permitted in the B-1 District either by right or with conditional use approval from the BZA. JPM</p>			
<b>VIII. ATTEST</b>			
I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of application will be complied with whether specified herein or not. The granting of an approval does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating same. This application has not been requested within the past year.			
Jerome P Munsey	Jerome P Munsey	9/1/2015	
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date	

75.00 paid



# APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TKT15-04
RECEIVED:	
COMPLETE:	

## ADDENDUM A - Zoning Code Text Amendment Process

