MORGANTOWN BOARD OF ZONING APPEALS

June 18, 2014
6:30 PM
City Council Chambers

Board Members:
Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
Bill Burton
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: COMBINED REPORT
V14-08, V14-09, V14-10 and V14-11
Saul Radman / 419 High Street

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Saul Radman, for approvals of four (4) variance petitions relating to a proposed "Mixed-Use Development" at 419 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcel 80; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to redevelop the former *Daniels Men's Clothes* site 419 High Street. Addendum A of this report illustrates the location of the subject.

Proposed Development Program

The following summarizes proposed development program details:

- The dimensions for Parcel 80 illustrated on Tax Map 26 are 43.75' x 120'.
- The area of Parcel 80, as illustrated on Tax Map 26, is 5,250 square feet.
- The proposed building footprint illustrated on attached plans dated 07 JAN 2014 is 43.75' x 120' or 5,250 square feet, which extend to the boundary limits of the subject parcel.
- Four-story building; approximately 50.75' from grade to top of parapet.
- First story to include speculative retail/commercial space of ± 3,416 square feet of net floor area (NFA). The first story may be developed for one or two commercial tenants.
- Second through Fourth stories will include the 18 one-bedroom mixed-use dwelling units with six (6) units on each story.
- Two front entrances; one serving as primary entry for the retail/commercial space on the first story and one serving as access to stairs and elevator for upper floor apartments. A side entrance to the first level commercial space may be developed if the retail/commercial space is split into two tenant spaces.

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- Three rear entrances; one serving as secondary egress for the retail/commercial space, one serving the access to stairs and elevator for upper floor apartments, and one serving as access to internal solid waste storage area.
- No on-site parking spaces are proposed.

Staff Report Exhibits

The following exhibits are attached hereto:

Exhibit 1 ..... 05 JUN 2014 Planning and Zoning Code Conformity Report for revised plans received 06 MAY 2014.

Exhibit 2 ..... Downtown Design Review Committee agenda, sign-in sheet, and meeting notes.

Exhibit 3 ..... Owners of properties within 200 feet of the subject development site.

Petitioner's Exhibits

The following list identifies documents submitted by the petitioner as a part of the subject Development of Significant Impact Site Plan petition.

- Related Variance Applications.
- Site Plan, Elevation and Floor Plan drawings prepared by R. Greg Eddy of March-Westin Company, Inc. dated 07 JAN 2014.
- Pedestrian Wind Flow Analysis and Sunlight Distribution Report prepared by March-Westin Company, Inc. Please note that drawing contains a previously contemplated five-story building.
- Proposed Street View drawing prepared by R. Greg Eddy of March-Westin Company, Inc. dated 07 JAN 2014. Staff has included it here to provide a better context of development on the streetscape.

The City Engineer confirmed that because the proposed development program does not include parking, a traffic impact study is not warranted.

Required Planning and Zoning Code Approvals

The following Planning and Zoning Code related approvals are required for the development program as proposed. Each case number is followed with a related description.

Planning Commission

Case No. S14-02-III ..... Development of Significant Impact Site Plan.

Article 1329.02 and Article 1385 provide that developments with 12 to 99 dwelling units are considered "Developments of Significant Impact" (DSI) which are those that have a neighborhood or citywide impact and involve the transportation network, environmental features such as parks or corridor streams, and local schools. DSI Site Plans are reviewed and approved by the Planning Commission.

The Planning Commission unanimously approved Case No. S14-02-III on 12 JUN 2014.

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Board of Zoning Appeals

Case No. V14-08 .....Variance relief as it relates to rear setback.

Article 1349.04(A)(5) provides that the minimum rear setback shall be ten percent (10%) of the lot depth or ten (10) feet, whichever is greater. The proposed rear setback is 0 feet, which requires variance relief by the BZA.

Case No. V14-09 .....Variance relief as it relates to maximum lot coverage.

Article 1349.03(D) provides that the maximum lot coverage shall not exceed ninety (90) percent. The proposed lot coverage is 100%, which requires variance relief by the BZA.

Case No. V14-10 .....Variance relief as it relates to canyon effects.

Article 1351.01(I) provides that to minimize canyon effects created by tall structures, buildings taller than three (3) stories shall incorporate design elements that preserve adequate light and airflow to public spaces including streets and sidewalks. Site plan applications for buildings taller than three (3) stories must include an Air Flow Analysis and a Sunlight Distribution Analysis.

An Air Flow and a Sunlight Distribution Analysis was prepared by the developer's design professional for an earlier five-story proposal. The report maintains that resultant conditions do not warrant mitigating design elements.

A variance petition has been submitted so that the BZA can determine whether or not proposed design elements minimize canyon effects as required. If the BZA agrees that said elements further desired mitigation design techniques, than it can rule accordingly. If the BZA does not agree that said elements meet desired mitigation design techniques, than it can determine whether or not to grant variance relief accordingly.

Case No. V14-11 .....Variance relief as it relates to bicycle storage.

Article 1349.08(C) provides that one (1) indoor, secured, sheltered bicycle storage space is required per dwelling unit that meets minimum design standards all Developments of Significant Impact. No bicycle storage facilities are proposed, which requires variance approval by the BZA.

Comprehensive Plan Concurrence

As recommended in the 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.

Additionally, Addendum B includes sections of the 2010 Downtown Strategic Plan Update. It should be noted that "shall" statements within the Comprehensive Plan and/or Downtown Strategic Plan should be understood as desired objectives and strategies that do not have the authority of law unless incorporated into the City's Planning and Zoning Code.

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Staff encourages the Board to review both Plans for guidance as Addendum B is not intended to represent a complete comparative assessment.

Staff recommends that the Board, without objection from members of the Board, the petitioner, or the public, combine the public hearings for Case Nos. V14-08, V14-09, V14-10 and V14-11. However, each respective variance petition must be considered and acted upon by the Board separately.

STAFF RECOMMENDATION:

It is the opinion of the Planning Division that the proposed redevelopment project represents a unique opportunity to modestly increase residential density and deliver new commercial leasable space within the downtown central business district.

Because the site is well served by public transit and is within walking and biking distance of primary destinations, the development appears to link residents to alternate modes of transportation. Increasing residential density with the downtown central business district furthers the desired objective to mitigate increased traffic congestion created by commuting residential traffic from outside the City of Morgantown.

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner.

Please note that each respective variance petition must be considered and acted upon by the Board separately.

Addendum C of this report provides Staff recommended revisions to the petitioner's findings of fact. Please note that Staff has taken the petitioner's Findings of Fact responses submitted with the old variance application, associated said responses to similar Findings of Fact provided in the new variance application, and included recommended revisions (deleted matter struck through; new matter underlined).

Staff recommends the following determinations and/or conditions for each of the subject variance petitions.

- Concerning V14-08, Staff recommends approval of a twelve (12) foot variance from the minimum rear setback standard so that the proposed building may be constructed to the rear property boundary as requested without conditions.

- Concerning V14-09, Staff recommends approval of a ten percent (10%) variance from the maximum lot coverage standard as requested without conditions.

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- Concerning V14-10, Staff recommends the Board determine that, based on the Wind Flow Analysis and Sunlight Distribution Report submitted by the petitioner, no additional or further design elements are required to preserve adequate light and airflow to public spaces (i.e. streets and sidewalks) around the subject site.

- Concerning V14-11, Staff recommends variance relief from requisite bicycle storage provisions with the condition that permanently affixed bicycle storage amenities must be developed within each of the dwelling units.

Enclosures: Applications and accompanying exhibits

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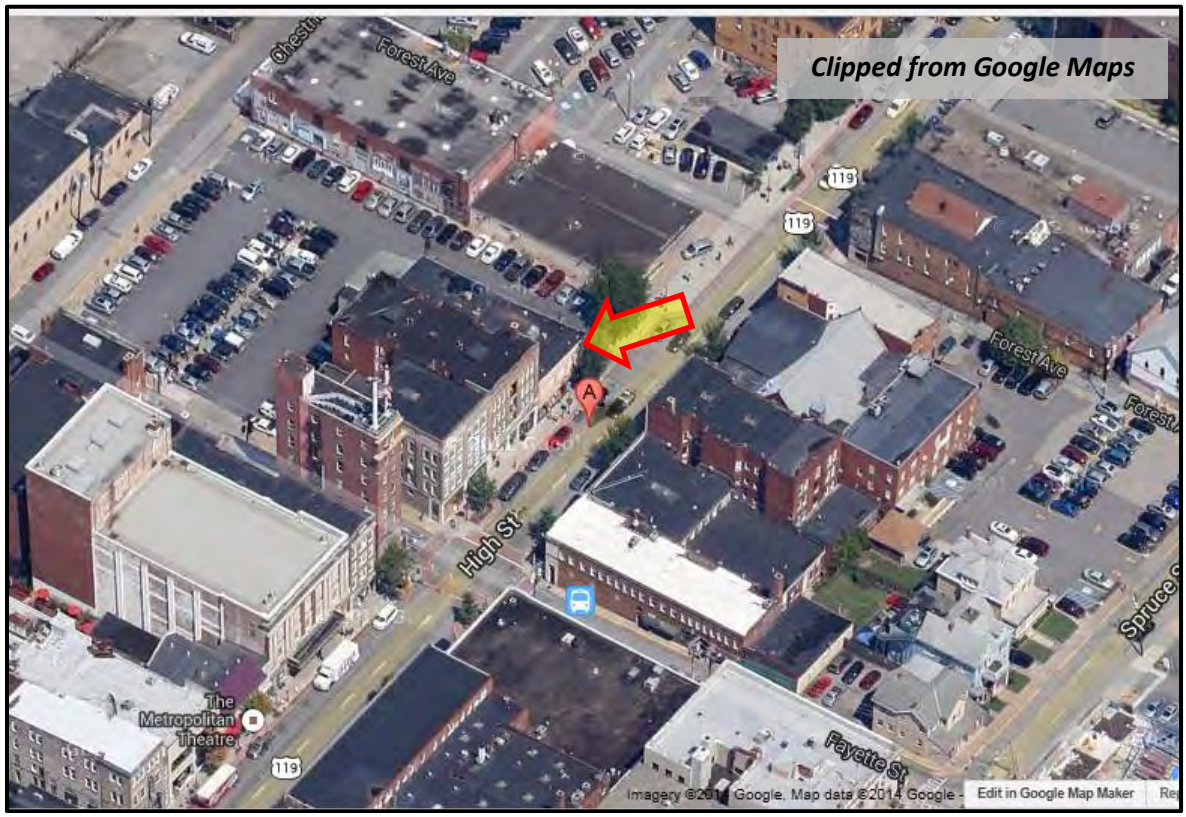
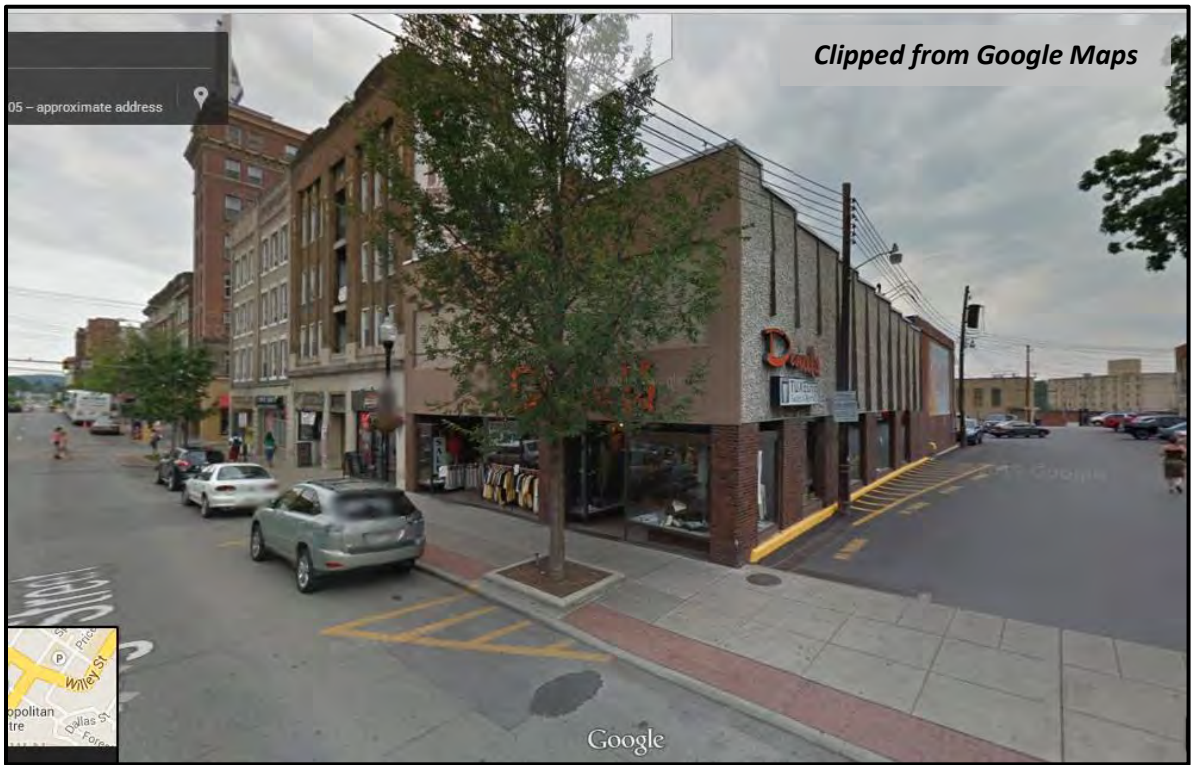
STAFF REPORT ADDENDUM A

V14-08 thru V14-11 / Saul Radman / 419 High Street





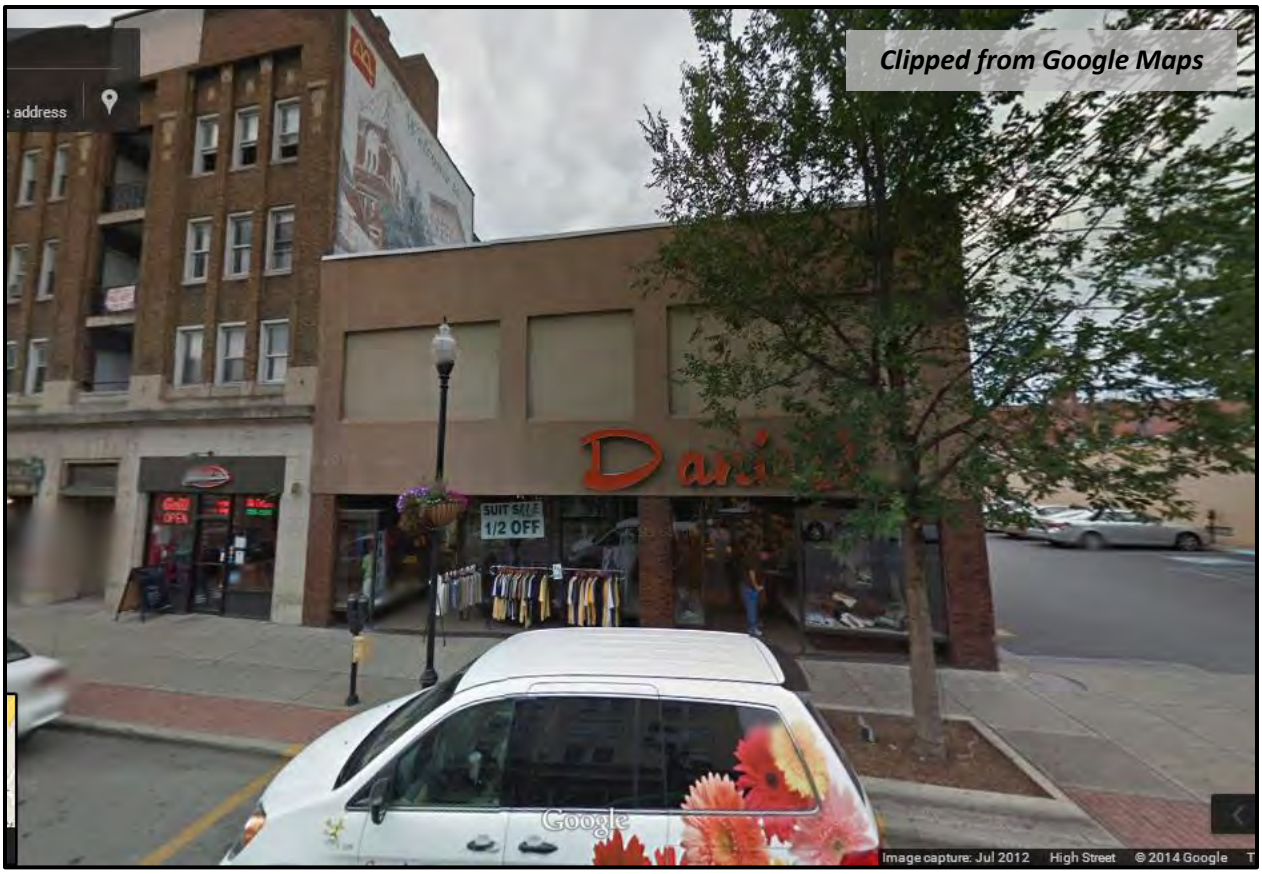

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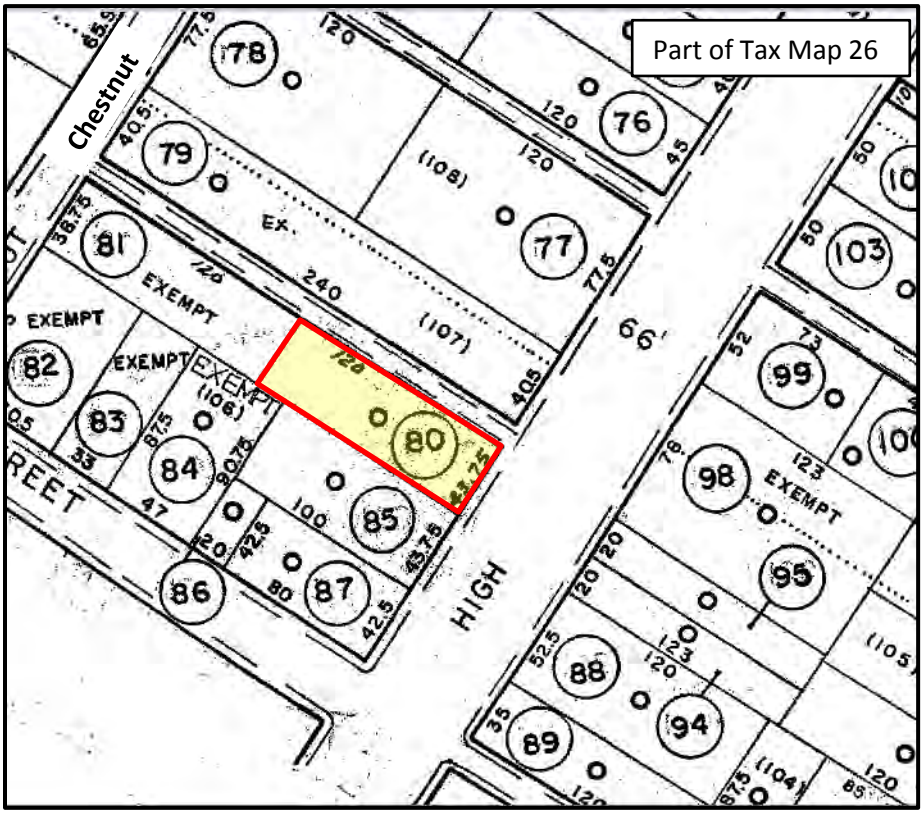
Image capture: Jul 2012
High Street
© 2014 Google


Part of Tax Map 26
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STAFF REPORT ADDENDUM B

V14-08, V14-09, V14-10 and V14-11 / Saul Radman / 419 High Street

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject development of significant impact is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

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

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.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is located within the "Encouraged Growth" area, the "Core" pattern and character area, and the "Downtown Enhancement" concept area, and is not located within a green field location at the city's edge.	
Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is located within the central urban core and appears to be supported by existing multi-modal transportation options and adequate utility infrastructure capacity.	
Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is located within the B-4 District, where public and private investments leverage the downtown's proximity to the University campus and strengthen of the city's urban core in terms of walkability, customer-base, and proximity to residents' primary destinations.	
Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is not located within or adjacent to a "Neighborhood Conservation" area.	

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.	☒ Concurrence ☐ Inconsistent ☐ Other
	The developer's professional design team has consulted with the Downtown Design Review Committee and incorporated modifications that appear to address the Committee's comments and concerns in terms of architectural style, cladding material, window rhythm, etc.	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	☒ Concurrence ☐ Inconsistent ☐ Other
	The proposed development includes residential and street-level nonresidential mixed-uses and represents a unique opportunity to modestly increase residential density and deliver new commercial leasable space with the downtown central business district. The urban fabric within the immediate built environment is heterogeneous given the various development pattern and character types, scales and densities, forms and functions, and construction periods.	
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.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is located within the downtown central business district, is well served by public transit along High Street, and is within walking and biking distance of the University campus and the downtown PRT station. Redevelopment of the site to include mixed-use dwellings links residents to alternate modes of transportation thereby reducing auto dependency within the City and mitigating increased traffic congestion created by commuting traffic from outside the City. The development of a sidewalk within the adjoining public right-of-way along the north side of the subject development site will provide a safe and attractive pedestrian connection between the High Street sidewalk, the rear of the proposed building, and the Morgantown Parking Authority's metered parking lot.	
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	☒ Concurrence ☐ Inconsistent ☐ Other
	The proposed development program creates new urban housing opportunities within the downtown central business district. The former "Daniel's Clothing Store" site is currently built as a single commercial use. Given the infancy of the 2013 Comprehensive Plan adoption, zoning ordinance dictates and/or guidelines concerning desired tenancy, affordability, and workforce housing opportunities have not been developed or enacted.	

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.	☒ Concurrence ☐ Inconsistent ☐ Other
	The former "Daniel's Clothing Store" site is within the B-4, General Business District and located within a two to five minute relatively flat walk to basic retail goods and services, civic, institutional, and public spaces located within the central downtown business district and the University's downtown campus.	
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	☐ Concurrence ☐ Inconsistent ☒ Other
	The former "Daniel's Clothing Store" site is approximately 5,250 square feet, which appears to limit opportunities of developing desirable and meaningful active/passive public or semi-public open space.	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	☐ Concurrence ☐ Inconsistent ☒ Other
	Stormwater best management practices will be required for the site, which is currently lacking such measures. The developer's goals and objectives concerning sustainable construction techniques and industry accepted best practices have not been fully developed.	

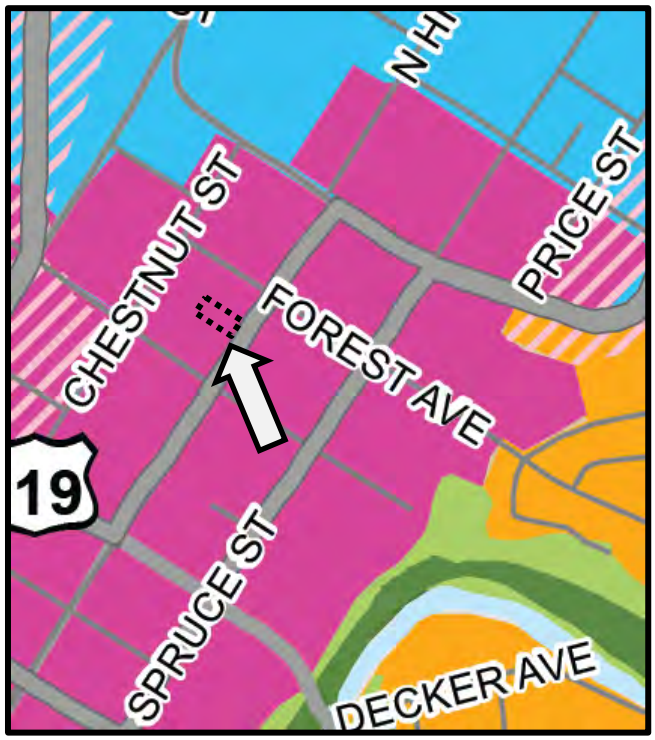
LOCATION	Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal 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 the **"Encouraged Growth"** area.

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 **"Core"** pattern and character area.

Core. The Core is the zone of densest development and is generally defined as Downtown Morgantown. The area has the highest level of connectivity with a grid street pattern with short walkable block lengths. Buildings range from two to twelve stories and are located close to each other and to the street. A mixed-use district, the core contains a range of retail, office, institutional and residential activities, with many buildings containing multiple uses within them. The street, network, building density and mix of uses support a high degree of pedestrian mobility.

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 "**Downtown Enhancement"** concept area.



Downtown Enhancement: Continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010 Downtown Strategic Plan Update.

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 graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the "**Core Enhancement**" concept area.

Appropriate Development Types

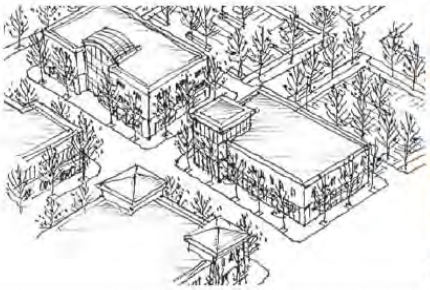
CONCEPT AREA	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS
Core Enhancement			•	•	•	•					•

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.

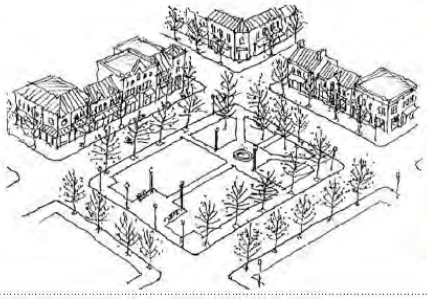
C **Civic and Institutional**
These sites include both public uses (government buildings, libraries, community recreation centers, police and fire stations, and schools) and semi-public or private uses (universities, churches, hospital campuses). Public uses should be strategically located and integrated 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.



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



OBJECTIVES AND STRATEGIES — Land Management

A. Goal

Efficient and attractive use of land resources that strengthens the quality, character, and upkeep of the built environment while balancing redevelopment and strategic expansion with open space preservation.

Objective 1. Strengthen Downtown.

LM 1.4 Create incentives for anchor retailers to establish commercial centers in the downtown area.

LM 1.5 Create incentives for developers to build residential units downtown that will serve a broad age and socioeconomic range.

LM 1.6 Create incentives to encourage the reuse of vacant and conversion of underutilized upper floors for new residential uses.

Objective 4. Guide new commercial/retail and office developments in a mixed-use pattern.

Objective 5. Encourage land use patterns that support improved transportation choice and efficiency.

LM 5.2 Permit higher density development in areas that are well-supported by existing or planned transportation infrastructure or transit services.

OBJECTIVES AND STRATEGIES — Neighborhoods and Housing

A. Goal

Attractive, well-maintained neighborhoods that offer a broad mix of desirable housing options and convenient access to services and amenities.

Objective 3. Improve the safety and appearance of all neighborhoods.

NH 3.1 Require adequate and attractive street lighting to be incorporated as part of all new multi-family residential development, major subdivisions created for residential and/or mixed-use developments, and planned unit developments.

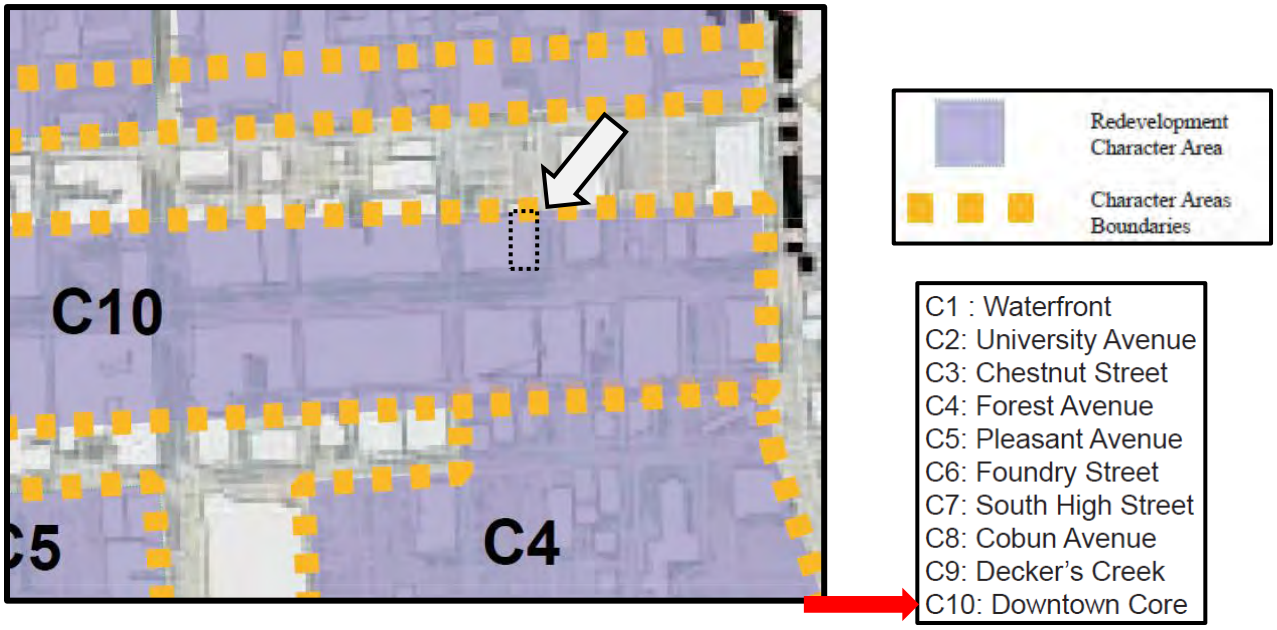
Objective 4. Promote the development of a broad range of housing types and prices.

NH 4.1 Provide incentives to developers to encourage development of alternative housing types (i.e. higher density, live-work, mixed-use) in designated growth areas.

2010 Downtown Strategic Plan

Concurrence with the 2010 Downtown Strategic Plan

The following graphics have been clipped from the 2010 Downtown Strategic Plan.



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6.0 Downtown Strategies

6.3.1.10 Character Area C10 – Downtown Core

STRENGTHS	CHALLENGES
• Strong, cohesive core of historic commercial buildings. • Sizeable "captive market" of workers. • Convenient access from WVU campus. • Economically diverse mix of uses. • Mix of locally owned businesses and national retail chains. • Venues for live performances and film exhibition.	• Some insensitive storefront renovations and building demolitions have eroded streetscape rhythm and continuity. • Late-night and weekend bar scene leaves streets and sidewalks dirty and deters other visitors. • Sidewalk tree curbing creates hazards for pedestrians and limit space for outdoor dining and sales.

OPPORTUNITIES

- More intensive ground floor retail uses along High Street below the Wall Street crosswalk
- Intensify ground-floor uses on several side streets to improve retail "porousness" and make the district's retail core more visible from peripheral streets.
- Create a node of community serving businesses on the lower end of High Street to support and encourage residential development.
- Build on the district's proximity to the WVU campus to cultivate small industries related to or growing from areas of academic expertise and knowledge transfer.
- Engage a broader range of Morgantown and regional residents in downtown activities and commerce.
- Increase the downtown's internet presence.

VISION / DEVELOPMENT THEME

A physically distinctive historic commercial center with a broad and eclectic range of businesses that provides innovative entertainment and retail experiences to Morgantown residents and attracts visitors from throughout the region.

ACTIONS

6.3.1.10.a Intensify development of upper-floor market-rate housing, offices, and small "creative" industries.

6.3.1.10.b Intensify ground floor retail and restaurant development on High Street below the Wall Street crosswalk

6.3.1.10.c Create a small concentration of community serving retail shops and restaurants near the lower end of High Street to support existing and new residential development in this area.

6.3.1.10.d Create new concentrations of specialty retail on key side streets.

6.3.1.10.e Collaborate with WVU and regional industrial development entities to develop small "creative" industries downtown.

6.3.1.10.f Develop a dynamic, customer focused website promoting downtown Morgantown and its businesses.

6.3.1.10.g Create a subsidiary organization for Main Street Morgantown to stimulate and assist historic rehabilitation and infill construction.

8.3.1.10.h Adopt and enforce Main Street Morgantown Urban Design Guidelines and Design Guidelines for Public Projects.

DESIGN GUIDELINES CONSIDERATIONS

Planning Requirements

- Protect downtown Morgantown's historic buildings while also encouraging sensitive, high-value new infill development.
- Continue to enhance and beautify the various alleyways that run throughout the downtown to better serve as modes for pedestrian travel.
- Create visually attractive gateways throughout the downtown.
  - Gateway elements help set the stage for a visitor's expectations of a place and can also enhance the identity of downtown and strengthen the sense of place.
  - Gateways may be created by larger landmark buildings, striking landscaping, monuments, public art, or special streetlights. In general, gateways should be visually creative and include an element of sufficient height and mass so as to be visible by motorists, lighted so as to be visible at night, and constructed of high quality materials that are in keeping with the historic architecture of downtown.
- Continue to encourage installation of public art, landscaping, furniture, lighting, and other street features that will create interest and delight within streets and public spaces.
  - Develop a comprehensive public art program for downtown to reinforce its role as the cultural heart of the city. The art program should also encompass street elements such as manhole covers, paving design, custom bases for light fixtures, bus shelters, and bike racks.
- Reevaluate the use of curbed street tree boxes and thoroughly access the benefits of flush tree grates, especially on sidewalks with widths less than 12 to 14 feet.
- Expand the downtown's wayfinding system.
  - Continue to refine the downtown's sign program, providing visitors with clear information and direction through the use of signs with consistent design characteristics unique to downtown Morgantown. The wayfinding system should encompass welcome, directional, identification, in formation, and regulation signs, with attention to the needs of pedestrians, bicyclists, and motorists. Signs should be integrated with landscaping and architecture whenever possible, and sign color should be readable during all seasons.

- Some of downtown Morgantown's existing signage is obscured or placed with too many other signs to be easily readable. This is a particular problem along University Avenue, as this is the main route along which people unfamiliar with downtown Morgantown are likely to enter the downtown.

- Areas characterized as "New Mixed-Use Development" in Figure 22 will offer retail/commercial on the ground floor and either office or residential on the upper floors.

Building Height

Minimum building height of two (2) stories and maximum of six (6) stories.

Setbacks Considerations:

As described in the B-4 zoning district.

Parking and Access

As described in the B-4 zoning district with the addition of the City offering an option for reduced required parking amounts for downtown residential developers as described under Transportation Section 6.4.2.

Building Placement

- Buildings should be oriented toward streets and open spaces along an established "build to line" so that an urban edge is created with the buildings.
- Buildings should also exhibit continuity in the design of their facades and consistency in building style and materials.
- Buildings that front streets and open spaces should have a well designed and scaled first floor with human scaled elements, doors, windows, and stoops.
- Buildings should consider pedestrian scaled rhythms along the street and open space network and provide architectural breaks or interest every 30 - 50 feet of horizontal distance.

Materials

Materials should conform to the existing B-4 standards and be consistent with the materials chosen for the existing historic buildings within the "Downtown Core Character Area". Materials, methods, treatment, and type for private projects should adhere to the Design Guidelines found under Section N of the Main Street Morgantown Urban Design Document. Materials, methods, treatments, and types for public projects should adhere to Main Street Morgantown's Design Guidelines for Public Projects found in Sections II to V. Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in the surrounding buildings that contribute to the special character of the historic district in terms of composition, scale, module, pattern, detail, texture, finish, color, and sheen.

Colors Palette

Warm and earth-toned colors will be encouraged predominantly. Brighter colors will be allowed but in limited accent areas.

6.0 Downtown Strategies

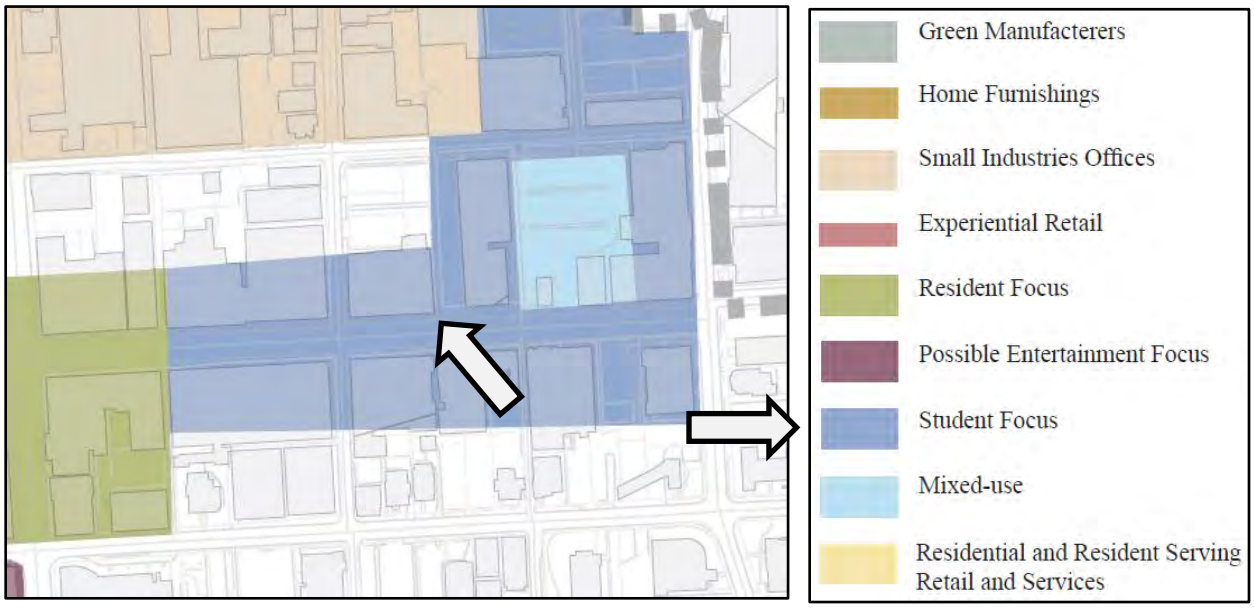
Architectural Style

Encourage an architectural reference for the "Downtown Core Character Area" that draws its inspiration from the historical architecture that is part of this "Character Area" as described within the Main Street Morgantown Urban and Public Projects Design Guidelines. Existing building renovations, rehabilitations, and adaptive reuses should follow the Main Street Morgantown Urban and Public Projects Design Guidelines.

Inspirational imagery depicting an alleyway with soft lighting and numerous window boxes and planters.

Inspirational imagery depicting a space saving option for an urban tree grate.

Various opportunity areas for specific retail, residential, cultural and service market areas.



Clipped from Figure 24, Page 117

6.0 Downtown Strategies

6.6 Housing and Redevelopment

Goal: Redevelop vacant and underperforming properties throughout the downtown and promote a variety of mixed-use housing in order to increase density and diversify the demographics of downtown residents.

Objectives:

- Increase the supply, diversity, range, and affordability of housing opportunities within the downtown.
- Increase the utilization of various tax credit programs that support the revitalization of existing buildings.
- Pursue the development of mixed-use and residential development along the Riverfront and Deckers Creek.
- Redevelop underutilized upper-floor spaces throughout the downtown to create 100-200 new housing units.

Actions:

6.6.1 Grow the downtown resident population by creating more, and a broader range of, housing opportunities. The following downtown and community-wide benefits are expected from the increase in housing:

- Boost the captive market for community-serving retail goods and services downtown that will support new downtown residents and the residents of nearby neighborhoods.
- Increase occupancy and mixed-uses of underutilized downtown buildings.
- 24/7/365 living, activity, commerce, and energy will create a safer downtown.

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

One of the functions of the recommended development subsidiary of Main Street Morgantown will be to provide property owners with historic rehabilitation and New Markets tax credit technical assistance that can cover a portion of rehabilitation costs. Technical assistance could be in the form of raising awareness of and participation in these and other similar financing tools; involving several property owners in aggregating their properties to make tax credit financing more efficient; identifying potential local tax credit investors; and, providing pro bono rehabilitation financing assistance.

6.6.3 Stimulate infill development of mixed-use buildings on vacant lots throughout the downtown.

6.6.4 Redevelop the areas along the Monongahela River in order to attract revitalization and infill projects in the downtown.

6.6.5 New housing should support and integrate a diversity of age groups and income levels.

6.6.6 Use development of new housing to better connect surrounding neighborhoods to the downtown.

Residents and workers in the surrounding neighborhoods pass through many of the downtown "Character Areas" when traveling to work, visiting businesses, and accessing recreational sites.

Developing housing along the Creek and the River will make these areas livelier and, in turn, will make the connections between the downtown and adjacent neighborhoods safer.

Clipped from Pages 122 and 123

PRELIMINARY PLANNING AND ZONING CODE CONFORMITY REPORT

STAFF REPORT SUPPLEMENT

PLANNING DIVISION

EXHIBIT 1

"Radman Building" – 419 High Street; Tax Map 26; Parcel 80

The following information identifies Planning and Zoning (P&Z) Code provisions related to the above referenced development. Plans reviewed herein are dated 07 JAN 2014 by R. Greg Eddy of March-Westin Company, Inc., and submitted to the Planning Division by email from Lisa Mardis, Project Management Services on 06 MAY 2014. Also identified is whether or not the subject development meets P&Z requirements; whether additional information is required; or, whether Planning Commission and/or Board of Zoning Appeals (BZA) approvals are required.

PROPOSED DEVELOPMENT PROGRAM

- The dimensions for Parcel 80 illustrated on Tax Map 26 are 43.75' x 120'.
- The area of Parcel 80, as illustrated on Tax Map 26, is 5,250 square feet.
- The proposed building footprint illustrated on attached plans dated 07 JAN 2014 is 43.75' x 120' or 5,250 square feet, which extend to the boundary limits of the subject parcel.
- Four-story building; approximately 50.75' from grade to top of parapet.
- First story to include speculative retail/commercial space of ± 3,416 square feet of net floor area (NFA). The first story may be developed for one or two commercial tenants.
- Second through Fourth stories will include the 18 one-bedroom mixed-use dwelling units with six (6) units on each story.
- Two front entrances; one serving as primary entry for the retail/commercial space on the first story and one serving as access to stairs and elevator for upper floor apartments. A side entrance to the first level commercial space may be developed if the retail/commercial space is split into two tenant spaces.
- Three rear entrances; one serving as secondary egress for the retail/commercial space, one serving the access to stairs and elevator for upper floor apartments, and one serving as access to internal solid waste storage area.
- No on-site parking spaces are proposed.

SUMMARY OF CONFORMITY OBSERVATIONS

Planning and Zoning Code Reference	
Conformity (Y, N, TBD)	Conformity review observations. Required approvals are noted in **bold yellow highlighted font**.

1349.02 Permitted and Conditional Uses	
TBD	The land use(s) for the first story retail/commercial space has not been provided.
Y	"Mixed-Use Dwellings" are permitted in the B-4 District by-right.

EXHIBIT 1

1349.03 Lot Provisions	
Y	(A) Minimum lot size – 1,500 sq. ft.
Y	(B) Minimum lot frontage – 30 ft.
Y	(C) Minimum lot depth – 50 ft.
N	(D) Maximum lot coverage – 90%. The contemplated development program appears to assume 100% lot coverage, which will require **variance** approval by the BZA.

1349.04 Setbacks and Encroachments			
	Provision	Requirement	Proposed
Y	(A)(1) Minimum Front	0 ft	0 ft
N/A	(A)(2) Maximum Front	Average depth of the nearest 2 lots on either side or 10 feet, whichever is less	0 ft
N/A	(A)(3) Exceptions to max. front	NOTE: The 3' deep by 7.5' wide alcove setback for the entrance to upper floors does not appear to exceed the maximum front setback standard.	
	(A)(4) Minimum Side	0 ft	0 ft
N	(A)(5) Minimum Rear	12' (10% of lot depth)	**0 ft**
N/A	(B) Minimum setback for accessory structures – 5' from side and rear property boundaries. No accessory structure is illustrated in plans reviewed herein.		

1349.05 Building Height			
	Provision	Requirement	Proposed
Y	(A) Minimum Height	2 stories	4 stories
Y	(B) Maximum Height	120'	± 50.75'
N/A	(C) Maximum Height (accessory structure). No accessory structure is illustrated in plans reviewed herein.		

EXHIBIT
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1349.06 Floor Area Ratio (FAR)	
Y	Maximum FAR is 7.0. 7.0 x 5,250 sq. ft. = 36,750 sq. ft. Proposed = 21,000 sq. ft.

1349.07 Maximum Residential Density	
Y	Minimum lot area per dwelling unit is 300 sq. ft. 5,250 sq. ft. / 300 sq. ft. = 18 units Proposed = 18 units.

1349.08 Parking and Loading Standards		
N/A	(A)(1)	Residential – Parking is not required for the first twenty-two (22) occupants.
N/A	(A)(2)	Nonresidential – Contemplated retail/commercial space is less than 15,000 sq. ft. of GFA.
N/A	(A)(3)	Movie Theaters
	(A)(4)	Reduction in Minimum Required Parking See comments below under Article 1365; reductions must be approved by BZA.
N/A	(A)(5)	Fee In-Lieu-Of Parking - RESERVED
N/A	(A)(6)	"Alternate Off-Site Parking Strategies" The BZA, with the recommendation of the Planning Commission, may permit as a conditional use alternate strategies (i.e., remote parking, etc.) to meet minimum off-street parking requirements provided the intent of the Planning and Zoning Code is observed and substantial justice done. No alternate strategy is proposed by the developer.
N/A	(B)	On-site surface parking must be located to the rear of the building or otherwise screened.
N	(C)	Bicycle Storage One (1) indoor, secured, sheltered bicycle storage space is required per dwelling unit that meets minimum design standards. No bicycle storage facilities are proposed, which requires **variance** approval by the BZA.
N/A	(D)	Loading for residential uses containing thirty (30) or more dwelling units.

EXHIBIT
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1349.09 Performance Standards	
	See comments below under Article 1351.

1349.10 Landscaping	
	See comments below under Article 1367.

1351 Performance Standards for Buildings in the B-4 District		
N/A	(A)	Height exemptions for certain facilities and appurtenances.
N/A	(B)	Private pedestrian walks, street furniture, and open space on private property.
N/A	(C)	Private parking facilities. Surface or structured parking is not proposed.
N/A	(D)	Curb Cuts. No new curb cuts are proposed.
Y	(E)	Corner Visibility. The proposed front setback at the corner of High Street and the unnamed ten-foot alley connecting High Street and Chestnut Street appears to reflect existing conditions.
TBD	(F)	Landscaping. See comments below under Article 1351.
N/A	(G)	Vacant Lots.
TBD	(H)	Main Street Morgantown Urban Design Guidelines. The project's design professional(s) met with the Downtown Design Review Committee on 28 JAN 14. Related notes and suggested design revisions are attached hereto.
N	(I)	Minimize Canyon Effects for Buildings Taller than Three (3) Stories. Site plan applications for buildings taller than three (3) stories must include an Air Flow Analysis and a Sunlight Distribution Analysis. A **variance** petition has been submitted so that the BZA can determine whether or not proposed design elements minimize canyon effects as required. If the BZA agrees that said elements further desired mitigation design techniques, than it can rule accordingly. If the BZA does not agree that said elements meet desired mitigation design techniques, than it can determine whether or not to grant variance relief accordingly. NOTE: An Air Flow and a Sunlight Distribution Analysis was prepared by the developer's design professional for an earlier five-story proposal. The report maintains that resultant conditions do not warrant mitigating design elements.

EXHIBIT
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1351 Performance Standards for Buildings in the B-4 District		
Y	(J)	Floor-to-Floor Heights and Floor Area of Ground-floor Space. The floor-to-ceiling height of the ground floor appears to exceed the eleven-foot minimum standard. The nonresidential floor space on the ground floor exceeds the minimum 25% of lot area standard.
TBD	(K)	Transparency. Additional information is required from the project Architect concerning proposed fenestration ratios and whether or not product display windows will be developed for the front and north-side façades.
Y	(L)	Doors and Entrances.
Y	(M)	Solid Waste. An internal solid waste area is proposed with access coming from Morgantown Parking Authority's Lot B. Staff understands that access through Lot B is acceptable to the Parking Authority's Director.

1365.04(P) B-4 Minimum Parking Reductions		
N/A	(1)	By a factor of ten (10) percent if the land use is located within 500 feet, measured from the closest edge of the building, of a parcel containing a fixed public transit stop, whether a bus, trolley, or Personal Rapid Transit (PRT) station.
N/A	(2)	By a factor of ten (10) percent if the land use is located within 500 feet, measured from the closest edge of the building, of a parcel containing 25-50 publicly owned and controlled parking spaces. If within 500 feet of a parcel containing more than 50 public parking stalls, the reduction may be a factor of fifteen (15) percent.
N/A	(3)	By a factor of one (1) automobile parking space for each dedicated motorcycle parking space, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via motorcycle.
N/A	(4)	By a factor of one (1) automobile parking space for every three (3) bicycle parking spaces provided, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via bicycle. Required bicycle storage may not be used to reduce minimum parking requirements.

EXHIBIT
1
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1365.07(A)(2) Off-Site Parking Facilities within the B-4 District	
N/A	The BZA may grant conditional use approval to provide required parking spaces on a site that is within 500 feet of the principal use (with certain restrictions). However, the developer seeks relief from minimum parking requirements.

1367 Landscaping and Screening	
TBD	A preliminary Landscaping Plan has not been submitted. A Landscaping Plan must be submitted with the building permit application for review and approval by the Planning Division. Variance approval must be obtained should the Lighting Plan not conform to the performance standards set forth in the City's Planning and Zoning Code.

1369 Signs	
TBD	A Signage Plan has not been submitted. Signage will be reviewed separately to aid in expediting the building permit application process for the development. Variance approval must be obtained should the Signage Plan not conform to the performance standards set forth in the City's Planning and Zoning Code.

1371 Lighting	
TBD	A preliminary Lighting Plan for the exterior of the building has not been submitted. A Lighting Plan must be submitted with the building permit application for review and approval by the Planning Division. Variance approval must be obtained should the Lighting Plan not conform to the performance standards set forth in the City's Planning and Zoning Code.

SUMMARY OF REQUIRED APPROVALS

1. Planning Commission:
   a. Development of Significant Impact (DSI) Site Plan. Case No. S14-02-III is scheduled for the Planning Commission's 12 JUN 2014 hearing.
2. Required BZA approvals:
   a. Article 1349.04(A)(5) – Setbacks. Variance relief to encroach into minimum rear setback standard. Case No. V14-08 is scheduled for the BZA's 18 JUN 2014 hearing.
   b. Article 1349.03(D) – Variance relief to exceed maximum lot coverage standard. Case No. V14-09 is scheduled for the BZA's 18 JUN 2014 hearing.

EXHIBIT
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c. Article 1351.01(I) – Canyon Effects. Variance relief from providing desired design elements that minimize canyon effects for buildings taller than three (3) stories. Case No. V14-10 is scheduled for the BZA's 18 JUN 2014 hearing.

d. Article 1349.08(C) – Bicycle Storage. Variance relief from having to develop bicycle storage facilities. Case No. V14-11 is scheduled for the BZA's 18 JUN 2014 hearing.

Please contact the undersigned with any additional questions or further clarification of the information provided in this report. We look forward to serving your plans review and approval needs.

Christopher M. Fletcher

Digitally signed by Christopher M. Fletcher, AICP
Date: 2014.06.06 10:39:45 -04'00'

Prepared by: _____

Christopher M. Fletcher, AICP
Director of Development Services
304-284-7431
cfletcher@cityofmorgantown.org

DOWNTOWN DESIGN REVIEW COMMITTEE

January 28, 2014
5:30 PM
Public Safety Building – Conference Room

EXHIBIT
2
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Committee Members:

Bill Kawecki
Planning Commissioner

Sam Loretta
Planning Commissioner

Tom Anderson

Bob Carubia

Steve McBride

Constance Merandi

Michael Mills

Terri Cutright, Ex-Officio
Main Street Morgantown

A G E N D A

I. NEW BUSINESS

A. Radman Building: 419 High Street – New Development

III. FOR THE GOOD OF THE COMMITTEE

IV. ADJOURNMENT

If you need an accommodation, please contact 304-284-7431.

Development Services
Christopher Fletcher, AICP
Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

DOWNTOWN DESIGN REVIEW COMMITTEE

January 28, 2014
5:30 PM
Public Safety Building – Conference Room

EXHIBIT
2
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ATTENDENCE SHEET

Committee Members:

Bill Kawecki
Planning Commissioner

Sam Loretta
Planning Commissioner

Tom Anderson

Bob Carubia

Steve McBride

Constance Merandi

Michael Mills

Tr[illegible] [illegible]utright, Ex-Officio
Ma[illegible] [illegible]treet Morgantown

NAME (PLEASE PRINT)	ADDRESS
bob carubia	132 Carubia Tir Cove
Tom Anderson	37 Tibbs Rd
Merri Citright	201 High Street
Sam Loretta	228 Wagner Rd
Glenn Adman	1015 Lucas Dr.
Lisa Mardis	160 Fayette St. Ste 101
Larry D Martin	8 Cedarwood Dr.
Raymond Gray	231 Timberlake Morgtn
Connie Merandi	281 Dorsmont St

Development Services
Ch[illegible]pher Fletcher, AICP
[illegible] Director

Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Downtown Design Review Committee

Public Safety Building

January 28, 2014 ● 5:30PM

MEETING SUMMARY

EXHIBIT
2
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Members Present:	Bob Carubia, Tom Anderson, Terri Cutwright, Sam Loretta, Michael Mills, Connie Merandi
Staff Present:	Chris Fletcher, Stacy Hollar

Development: Radman Building

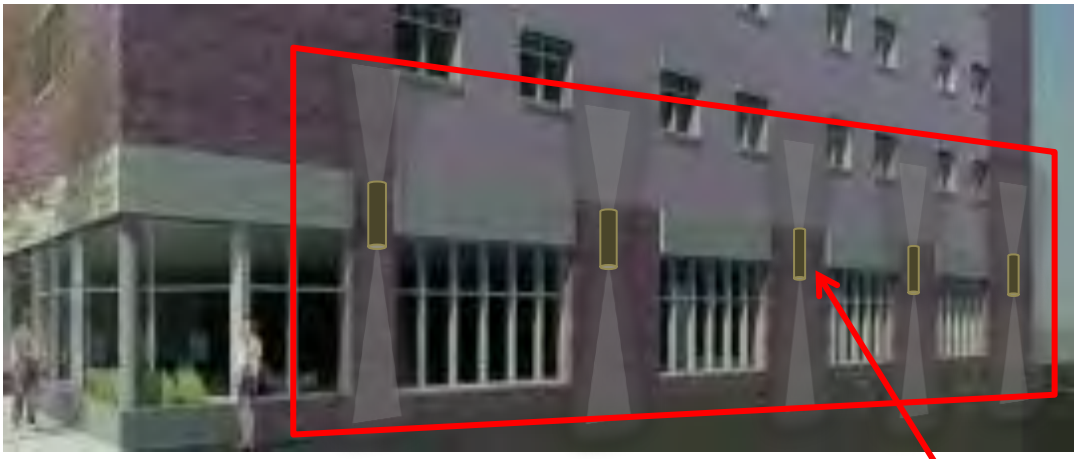
Developer's Respresentatives: Glenn Adrian, Gregg Eddy, Larry Martin, and Lisa Mardis

- Original building was a house with a number of additions over the years. Eddy noted there are a number of structural deficiencies in the existing building.
- Proposed dwelling units will be loft type apartments with open floor plans attractive to professional residents.
- Retail square footage will be approximately 4,800 square feet and big enough to have option to split into two separate retail spaces; looking for high-end retail tenant. At this time no restaurant tenants are planned.
- Elevator will be accessible from the back parking entrance. Stairs will be located in the front and rear to comply with related Fire Code requirements.
- Building will consist of two types of brick (dark red brick on front and rear and standard red color) with pre-cast stone for accents. The differences in the two colors will not be as dramatic as illustrated on the elevations.
- Waste collection will be on the lower level inside the building.
- HVAC condensing units will be screened and situated on the rooftop. Tenants will not have access to the rooftop.
- Mailboxes will be inside the entrances and tenants will have entry cards for access to building.
- Residential windows will be operable with four-inch stoppers or operable only during emergency. All window frames will be bronze in color.
- A preliminary Air Flow and Light Distribution Analysis was discussed with a revised report being presented to PC and BZA.
- Committee liked the contemplated sidewalk along the north side of the building.

- Demolition will be a challenge due to the small site, utility poles, and other buildings surround the site. Committee did not object to demolition of existing building.
- Mills noted the plans show that the windows do not align with the adjacent building and the verticality is missing something.
- The following illustrations generally represent additional architectural information presented along with the Committee's suggested design revisions.

Committee requested that the design of steel column be revised to brick or pre-cast brick

Committee requested that brick with pre-cast stone cap be used rather than pre-cast concrete shown here; suggested consideration of whether or not sitting on wall will be invited or prevented and design steps taken accordingly



Committee requested that sconce-type lighting be included to illuminate the contemplated sidewalk and accent the building's side façade

EXHIBIT

2

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Cladding for staircase recess will be cementitious board, which the Committee did not object to

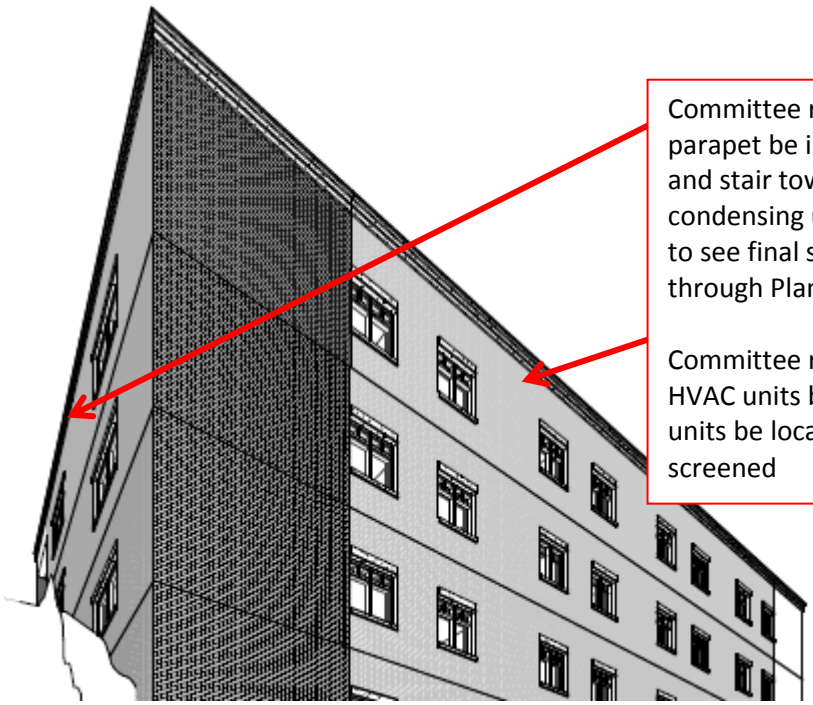
Cornice, window lintels and sills, and sign-board fascia to be beige/tan colored pre-cast stone

Committee requested that upper level residential windows have transoms as illustrated on north side elevation and be recessed at least 4 inches to create shadow lines

All retail and residential windows to have bronze colored frames, which the Committee did not object to

Committee requested that all retail windows be clear

Committee requested that cementitious board cladding for street-level portion of staircase recess be changed to pre-cast brick for durability purposes on both front and rear facades



Committee requested that height of parapet be increased to screen elevator and stair tower penthouses and HVAC condensing units; Committee would like to see final screening efforts (via email through Planning Division)

Committee requested that no thru-wall HVAC units be use and that condensing units be located on the roof and properly screened

EXHIBIT

2

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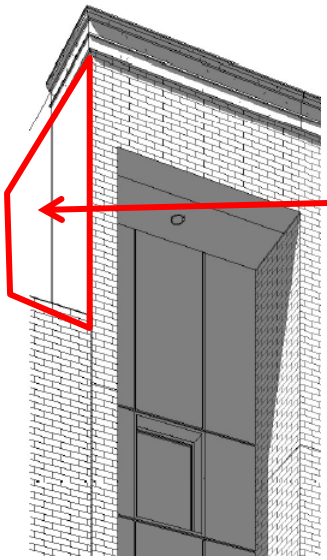
Committee expressed concern with the lack of vertical articulation of the front façade given the verticality of adjoining buildings and the fact the upper level windows will not be aligned with the adjoining buildings.

Committee requested that more vertical articulation elements and/or reveals be included to better complement the architectural care, detail, and rhythm of adjoining buildings

Committee requested that more cornice detail elements be included in sign-board fascia



Committee requested that the length of the exposed south façade be pre-cast brick to match the rest of the building's front and rear cladding

EXHIBIT

2

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Properties within 200 feet of former "Daniel's Clothing Store" site. Owners as per Monongalia County Assessor database.

EXHIBIT
3
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Parcel ID	Owner	Street Address	City	State	Zip
1_26_100	FIRST BAPTIST CHURCH OF MGTN TRUSTEES	228 FOREST AVE	MORGANTOWN	WV	26505
1_26_103	KTA PROPERTIES LLC	714 VENTURE DR BOX 296	MORGANTOWN	WV	26508
1_26_104	BRANCH BANKING AND TRUST COMPANY	PO BOX 167 BB&T PROPERTY TAX COMPL	WINSTON-SALEM	NC	27102
1_26_48	F & P REALTY CO	PO BOX 6555	MORGANTOWN	WV	26506
1_26_54					
1_26_55	TRIPLE M LLC	142 VECCHIO LN WRINKLY GRAPES LLC	MORGANTOWN	WV	26508
1_26_74	BOSSIO ENTERPRISES INC	P O BOX 120	MORGANTOWN	WV	26507
1_26_75	BOSSIO ENTERPRISES INC	P O BOX 120	MORGANTOWN	WV	26507
1_26_76	BOSSIO ENTERPRISES INC	P O BOX 120	MORGANTOWN	WV	26507
1_26_77	MASSULLO'S INC	447 HIGH ST	MORGANTOWN	WV	26505
1_26_78	RUNDLE PATRICK & SANDRA L	24 AMHERST RD	MORGANTOWN	WV	26505
1_26_79	MORGANTOWN CITY OF	389 SPRUCE ST	MORGANTOWN	WV	26505
1_26_81	CITY OF MORGANTOWN	389 SPRUCE ST	MORGANTOWN	WV	26505
1_26_82	CITY OF MORGANTOWN	389 SPRUCE ST	MORGANTOWN	WV	26505
1_26_83	CITY OF MORGANTOWN	389 SPRUCE ST	MORGANTOWN	WV	26505
1_26_84	CITY OF MORGANTOWN	389 SPRUCE ST	MORGANTOWN	WV	26505
1_26_85	RJB INVESTMENT GROUP LIMITED LIABILITY COMPANY	256 HIGH STREET PO BOX 842	MORGANTOWN	WV	26507
1_26_86	ROWE LARRY S & ROSE MARIE	1004 WHITE DAY CREEK RD	FAIRMONT	WV	26554
1_26_87	PERILLI GENE J II & NENA J	418 WILSON AVE	MORGANTOWN	WV	26501
1_26_88	PERILLI GENE J II & NENA J	418 WILSON AVE		WV	26501
1_26_89	BLUE SKY REALTY LLC	1221 CHALFANT LN	MORGANTOWN	WV	26505
1_26_90	REEDER BENJAMIN G EST & LOUISE REEDER SEETON TRUST	PO BOX 842	MORGANTOWN	WV	26507
1_26_93	BLUE SKY REALTY	1221 CHALFANT LN	MORGANTOWN	WV	26505

Properties within 200 feet of former "Daniel's Clothing Store" site. Owners as per Monongalia County Assessor database.

EXHIBIT
3
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1_26_94	DELYNN KIMBERLY AMY; HOWARD D & BARBARA D RICHMAN; ET AL	244 PLEASANT ST	MORGANTOWN	WV	26505
1_26_95	MERANDI FRANK A & CONSTANCE C	281 DORMONT ST	MORGANTOWN	WV	26501
1_26_96	FIRST BAPTIST CHURCH-MGTN	432 HIGH ST	MORGANTOWN	WV	26505
1_26_98	BAPTIST CHURCH TRUSTEES	432 HIGH ST		WV	26505
1_26_99	BRUCETON FARM SERVICE	1768 MILEGROUND RD	MORGANTOWN	WV	26505
1_26A_111	VANLANDINGHAM THOMAS H	865 VANDALIA RD	MORGANTOWN	WV	26501
1_26A_92	UNITED NATIONAL BANK	514 MARKET ST KAREN RITCHIE	PARKERSBURG	WV	26101
1_26A_93	LYLAS FIRST LLC	PO BOX 4364	STAR CITY	WV	26504
1_26A_94	CYRILLE INC	176 FAYETTE ST	MORGANTOWN	WV	26505
1_26A_94.1	CITY OF MORGANTOWN	389 SPRUCE ST		WV	26505
1_26A_95	RJB INVESTMENT GROUP LLC	PO BOX 842	MORGANTOWN	WV	26507
1_26A_96	REEDER BENJAMIN G EST & LOUISE REEDER SEETON TRUST	PO BOX 842	MORGANTOWN	WV	26507
1_26A_97	CITY OF MORGANTOWN	389 SPRUCE ST	MORGANTOWN	WV	26505

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-08
RECEIVED:	10 JAN 14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Saul Radman		
Mailing Address:	2908 University Avenue (Street)		Phone:	304-296-7202
	Morgantown (City)	WV (State)	26505 (Zip)	Mobile: PMS - 304-692-7116
			Email:	pms160@comcast.net

II. PROPERTY	Street Address:	419 High Street		
Owner:	Saul Radman		Zoning:	B-4
Mailing Address:	2908 University Avenue (Street)		Tax Map No:	26
	Morgantown (City)	WV (State)	26505 (Zip)	Parcel No: 80
			Phone:	304-296-7202

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance relief from the Planning and Zoning Code, Artlice 1349.04, Setback and Encroachments, as it relates to the minimum rear setback.

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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.

Lisa Mardis	Lisa Mardis	01/09/2014
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-08
RECEIVED:	10 JAN 14
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

☐ **Land Use Characteristics** (complete only those that apply)

☐ Residential ☐ Single-Family Dwelling ☐ Townhouse Dwelling
☐ Two-Family Dwelling ☐ Multi-Family Dwelling

☑ Non-Residential or Mixed *(please explain)*
Proposed building foot print is 44'X121 (5,324 sq. ft.)

☐ **Structure Characteristics** (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5,324 sq. ft.

Estimated number of employees: ____ No. of dwelling units: 20 No. of bedrooms: 36

Additional structure-related details:

☐ **Additional Information** (as required by Staff):

☐ **Site Plan** A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls , and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-08
RECEIVED:	10 JAN 14
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Attached

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Attached

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Attached

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Attached

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-08
RECEIVED:	10 JAN 14
COMPLETE:	

Suggested Scale: 1 square = 5'

See attached CONT.

V14-08

FINDINGS OF FACT
Radman Project / Rear Setback / 419 High Street

Variance relief from the Planning and Zoning Code, Article 1349.04, Setback and Encroachments, as it relates to the minimum rear setback.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Design Professionals diligently worked to provide a dense and viable pattern of development that supports vibrant day and nighttime environments, as well as providing a unique sense of place and community while designing a new structure to replace the functionally obsolete and underutilized structure of at 419 High Street.

While incorporating some of the Smart Growth principals that the City's Zoning Code and Comprehensive Plan were founded upon, such as supporting a multi-modal transportation system that is convenient, sustainable, and affordable that lends to alternatives of the automobile and by contributing to the variety of housing choices so those of varying economic ability may find a place to live.

In efforts to closely follow the principles of the aforementioned plan, the development integrates the mixed uses concept and connects with the existing urban fabric. Special consideration was given to the quality of design and occupancy types.

It appears that the current building utilizes 100% of the lot, with a zero (0) rear setback, similar to other buildings on that block. Commercial establishments and professional services are more heavily utilized north of Walnut Street, therefore making the realty more sought after. The desirability to maximum the amount of square footage per commercial establishment results in the highest and best use for the redevelopment.

By maintaining a rear setback, given the location, and the fact that there is a publicly owned parking lot located adjacent and directly behind the proposed development, this redevelopment is unique in that this area would most likely be used unintentionally by the public, be an area for and outdoor garbage facility, and perhaps become a safety hazard. The current refuse area has been set on fire in the past. The developer is also attempting to maximize commercial space, as well provide indoor refuse containment.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that the existing structure and a majority of the structures on this block consume 100% of the lot coverage, including a zero (0) rear setback. This is not uncommon for many properties in the zoning district. The applicant has included photographs of such.

V14-08

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The existing functionally obsolete building share a similar zero (0) setback to other buildings in the block and vicinity.

The proposed setback appears necessary to provide the desired residential density patterns that can be supported by a viable downtown. The requested variance will not restrict emergency access from the proposed or adjacent buildings due to the adjacent public right-of-way.

By maintaining a rear setback, given the location, and the fact that there is a publicly owned parking lot located adjacent and directly behind the proposed development, this redevelopment is unique in that this area would most likely be used unintentionally by the public, be an area for and outdoor garbage facility, and perhaps become a safety hazard.

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed mixed-use redevelopment should significantly increase the value of the property and thereby enhance the values of adjoining realty. The proposed development is consistent with the 2013 Comprehensive Plan's Land Management Principals, Land Management Map and desired development pattern. The nature of the setback encroachment variance cannot contribute to nor mitigate existing traffic congestion within the immediate area.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-09
RECEIVED:	10 JAN 14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Saul Radman		
Mailing Address:	2908 University Avenue (Street)		Phone:	304-296-7202
	Morgantown (City)	WV (State)	26505 (Zip)	Mobile: PMS - 304-692-7116
			Email:	pms160@comcast.net

II. PROPERTY	Street Address:	419 High Street		
Owner:	Saul Radman		Zoning:	B-4
Mailing Address:	2908 University Avenue (Street)		Tax Map No:	26
	Morgantown (City)	WV (State)	26505 (Zip)	Parcel No: 80
			Phone:	304-296-7202

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance relief from the Planning and Zoning Code, Artlice 1349.03, Lot Provisions as it relates to Maximum Lot Coverage.

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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.

Lisa Mardis		01/09/2014
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-09
RECEIVED:	10 JAN 14
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

☐ **Land Use Characteristics** (complete only those that apply)

☐ Residential ☐ Single-Family Dwelling ☐ Townhouse Dwelling
☐ Two-Family Dwelling ☐ Multi-Family Dwelling

☑ Non-Residential or Mixed *(please explain)*
Proposed building foot print is 44'X121 (5,324 sq. ft.)

☐ **Structure Characteristics** (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5,324 sq. ft.

Estimated number of employees: _____ No. of dwelling units: 20 No. of bedrooms: 36

Additional structure-related details:

☐ **Additional Information** (as required by Staff):

☐ **Site Plan** A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls , and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-09
RECEIVED:	10 JAN 14
COMPLETE:	

Suggested Scale: 1 square = 5'

See attached C.M.F.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-09
RECEIVED:	10 JAN 14
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Attached

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Attached

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Attached

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Attached

V14-09

FINDINGS OF FACT
Radman Project / Maximum Lot Coverage / 419 High Street

Variance relief from the Planning and Zoning Code, Article 1349.03, Lot Provisions, as it relates to maximum lot coverage.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Design Professionals diligently worked to provide a dense and viable pattern of development that supports vibrant day and nighttime environments, as well as providing a unique sense of place and community while designing a new structure to replace the functionally obsolete and underutilized structure of at 419 High Street.

It appears that the current building utilizes 100% of the lot, with a zero (0) rear setback, similar to other buildings on that block. Commercial establishments and professional services are more heavily utilized north of Walnut Street, therefore making the realty more sought after. The desirability to maximum the amount of square footage per commercial establishment results in the highest and best use for the redevelopment.

By maintaining a rear setback, given the location, and the fact that there is a publicly owned parking lot located adjacent and directly behind the proposed development, this redevelopment is unique in that this area would most likely be used unintentionally by the public, be an area for and outdoor garbage facility, and perhaps become a safety hazard. The current refuse area has been set on fire in the past. The developer is also attempting to maximize commercial space, as well provide indoor refuse containment.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that the existing structure and a majority of the structures on this block consume 100% of the lot coverage, including a zero (0) rear setback. This is not uncommon for many properties in the zoning district. The applicant has included photographs of such.

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed development appears to be consistent with the overall development pattern and fabric of the central business district. Improving this site should benefit adjacent properties and local businesses, as well as the City in general.

It appears that the existing dated building share a similar zero (0) setback of other buildings in the block and vicinity.

V14-09

The proposed setback appears necessary to provide the desired residential density patterns that can be supported by a viable downtown. The requested variance will not restrict emergency access from the proposed or adjacent buildings due to the adjacent public right-of-way.

By maintaining a rear setback, given the location, and the fact that there is a publicly owned parking lot located adjacent and directly behind the proposed development, this redevelopment is unique in that this area would most likely be used unintentionally by the public, be an area for outdoor garbage facility, and perhaps become a safety hazard.

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed mixed-use redevelopment should significantly increase the value of the property and thereby enhance the values of adjoining realty. The nature of the setback encroachment variance cannot contribute to nor mitigate existing traffic congestion within the immediate area.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-10
RECEIVED:	10JAN14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK) **Fee: $75**

I. APPLICANT	Name:	Saul Radman			
Mailing Address:	2908 University Avenue (Street)			Phone:	304-296-7202
	Morgantown (City)	WV (State)	26505 (Zip)	Mobile:	PMS - 304-692-7116
				Email:	pms160@comcast.net
II. PROPERTY	Street Address:	419 High Street			
Owner:	Saul Radman			Zoning:	B-4
Mailing Address:	2908 University Avenue (Street)			Tax Map No:	26
	Morgantown (City)	WV (State)	26505 (Zip)	Parcel No:	80
				Phone:	304-296-7202

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance relief from the Planning and Zoning Code, Artlice 1351, Performance Standards for Buildings in the B-4 District, as it relates to minimizing canyone effects for buildings taller than three (3) stories).

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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.

Lisa Mardis	Lisa Mardis	01/09/2014
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-10
RECEIVED:	10 JAN 14
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

☐ **Land Use Characteristics** (complete only those that apply)

☐ Residential ☐ Single-Family Dwelling ☐ Townhouse Dwelling
☐ Two-Family Dwelling ☐ Multi-Family Dwelling

☑ Non-Residential or Mixed *(please explain)*
Proposed building foot print is 44'X121 (5,324 sq. ft.)

☐ **Structure Characteristics** (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5,324 sq. ft.

Estimated number of employees: ____ No. of dwelling units: 20 No. of bedrooms: 36

Additional structure-related details:

☐ **Additional Information** (as required by Staff):

☐ **Site Plan** A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls , and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-10
RECEIVED:	10 JAN 14
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Attached

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Attached

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Attached

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Attached

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-10
RECEIVED:	10 JAN 14
COMPLETE:	

Suggested Scale: 1 square = 5'

See attached

VII-10

FINDINGS OF FACT
Radman Project / 419 High Street

Variance relief from the Planning and Zoning Code, Article 1351, Performance Standards for Buildings in the B-4 District as it relates to minimizing canyon effects for buildings taller that three (3) stories.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Design Professionals diligently worked to provide a dense and viable pattern of development that supports vibrant day and nighttime environments, as well as providing a unique sense of place and community while designing a new structure to replace the functionally obsolete and underutilized structure at 419 High Street.

In efforts to closely follow the principles of the aforementioned plan, the development integrates the mixed-use concept and connects with the existing urban fabric. Special consideration was given to the quality of design and occupancy types.

According to the Comprehensive Plan, downtown Morgantown buildings range from two to twelve stories and are located close to each other and the street. As evidenced in the attached photographs, a majority of the buildings fronting High Street do not adhere to requirement. Given the rate of residential redevelopment of the B-4 District, and requiring new development to observe this rule, it appears that we be constructing a building that is even less fitting into the built environment that the existing design.

According to the submitted Air Flow Analysis and Sunlight Distribution Analysis, there will only be a minimal wind increase to the northwestern side of the building at the five (5) foot mark.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

According to the Comprehensive Plan, downtown Morgantown buildings range from two to twelve stories and are located close to each other and the street. As evidenced in the attached photographs, a majority of the buildings fronting High Street do not adhere to requirement. Given the rate of residential redevelopment of the B-4 District, and requiring new development to observe this rule, it appears that we be constructing a building that is even less fitting into the built environment that the existing design.

According to the submitted Air Flow Analysis and Sunlight Distribution Analysis, there will only be a minimal wind increase to the northwestern side of the building at the five (5) foot mark.

V14-10

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

According to the Comprehensive Plan, downtown Morgantown buildings range from two to twelve stories and are located close to each other and the street. As evidenced in the attached photographs, a majority of the buildings fronting High Street do not adhere to the requirement. Given the rate of residential redevelopment of the B-4 District, and requiring new development to observe this rule, it appears that we be constructing a building that is even less fitting into the built environment that the existing design.

According to the submitted Air Flow Analysis and Sunlight Distribution Analysis, there will only be a minimal wind increase to the northwestern side of the building at the five (5) foot mark.

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

According to the Comprehensive Plan, downtown Morgantown buildings range from two to twelve stories and are located close to each other and the street. As evidenced in the attached photographs, a majority of the buildings fronting High Street do not adhere to requirement. Given the rate of residential redevelopment of the B-4 District, and requiring new development to observe this rule, it appears that we be constructing a building that is even less fitting into the built environment that the existing design.

According to the submitted Air Flow Analysis and Sunlight Distribution Analysis, there will only be a minimal wind increase to the northwestern side of the building at the five (5) foot mark.

The nature of the setback encroachment variance cannot contribute to nor mitigate existing traffic congestion within the immediate area.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-11
RECEIVED:	10 JAN 14
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: $75

I. APPLICANT	Name:	Saul Radman			
Mailing Address:	2908 University Avenue (Street)			Phone:	304-296-7202
	Morgantown (City)	WV (State)	26505 (Zip)	Mobile:	PMS - 304-692-7116
				Email:	pms160@comcast.net

II. PROPERTY	Street Address:	419 High Street			
Owner:	Saul Radman			Zoning:	B-4
Mailing Address:	2908 University Avenue (Street)			Tax Map No:	26
	Morgantown (City)	WV (State)	26505 (Zip)	Parcel No:	80
				Phone:	304-296-7202

III. NARRATIVE Please describe the nature and extent of your variance request(s).

Variance relief from the Planning and Zoning Code, Artlice 1349.08, Parking and Loading Standards, as it relates to bicycle storage.

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. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. 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. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.

Lisa Mardis	Lisa Mardis	01/09/2014
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

You or a representative MUST be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-11
RECEIVED:	10 JAN 14
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

☐ **Land Use Characteristics** (complete only those that apply)

☐ Residential ☐ Single-Family Dwelling ☐ Townhouse Dwelling
☐ Two-Family Dwelling ☐ Multi-Family Dwelling

☑ Non-Residential or Mixed *(please explain)*
Proposed building foot print is 44'X121 (5,324 sq. ft.)

☐ **Structure Characteristics** (complete only those that apply)

Total number of buildings: 1 Gross floor area of each building: 5,324 sq. ft.

Estimated number of employees: ____ No. of dwelling units: 20 No. of bedrooms: 36

Additional structure-related details:

☐ **Additional Information** (as required by Staff):

☐ **Site Plan** A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls , and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-11
RECEIVED:	10JAN14
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Attached

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Attached

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Attached

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Attached

City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V14-11
RECEIVED:	10 JAN 14
COMPLETE:	

Suggested Scale: 1 square = 5'

See attached CAD

V14-11

FINDINGS OF FACT
Radman Project / 419 High Street

Variance relief from the Planning and Zoning Code, Article 1349.08, Parking and Loading Standards, as it relates to bicycle storage.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Design Professionals diligently worked to provide a dense and viable pattern of development that supports vibrant day and nighttime environments, as well as providing a unique sense of place and community while designing a new structure to replace the functionally obsolete and underutilized structure of at 419 High Street.

In order to incorporate the maximum square footage for the commercial space, and to keep unsightly refuse from being visible from behind the building, the Design Professionals maximized the ground floor area for each. There appears to be adequate room for bicycle storage in each apartment if the tenant chooses instead of cutting into the valuable commercial square footage.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

This is one of the first residential redevelopments in the B-4 District since the adoption of the 2006 Zoning Code, therefore no one has had to adhere to this regulation. The current structure is solely commercial and does not have bicycle storage. It is impossible and most likely not probable that many existing residential structures in the vicinity contain one (1) indoor, secured, sheltered bicycle storage space per dwelling unit which meets the design standards. The developer maintains that with in-unit bicycle storage, the bicycle is secure, sheltered, and secured.

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Being one of the first residential redevelopments in the B-4 District since the adoption of the 2006 Zoning Code, the developer proposes to have bicycle storage space in each apartment. Utilizing valuable space on the main floor takes away from the commercial area highly sought after on High Street. It is impossible and most likely not probable that many existing residential structures in the vicinity contain one (1) indoor, secured, sheltered bicycle storage space per dwelling unit which meets the design standards. The developer maintains that with in-unit bicycle storage, the bicycle is secure, sheltered, and secured.

V14-11

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed mixed-use building, a permitted use in the B-4 District, offers residents the ability to have in-unit bicycle storage to be utilized at their discretion. The proposed mixed-use development should significantly increase the value of the property and thereby enhance the values of adjoining properties. The requested variance relief should not contribute to nor mitigate traffic that is already present within the area.

Radman Building

1 3D View 1_6
12" = 1'-0"

Morgantown Zoning B4
Mixed Use Occupancy Commercial A2 / Residential R2
2hr Seperation Between Occupancies
IBC Type IIB Construction (Sprinkler system required)
NFPA 101 2004ed
Five Story (See drawings) High Rise
Total Lot Square Footage = 5,280 (Lot coverage 100%)
Total Square Footage = 24,537
Level 1 = 4841; Level 2 = 4924 (x4 levels)
20 Units / 36 Beds

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

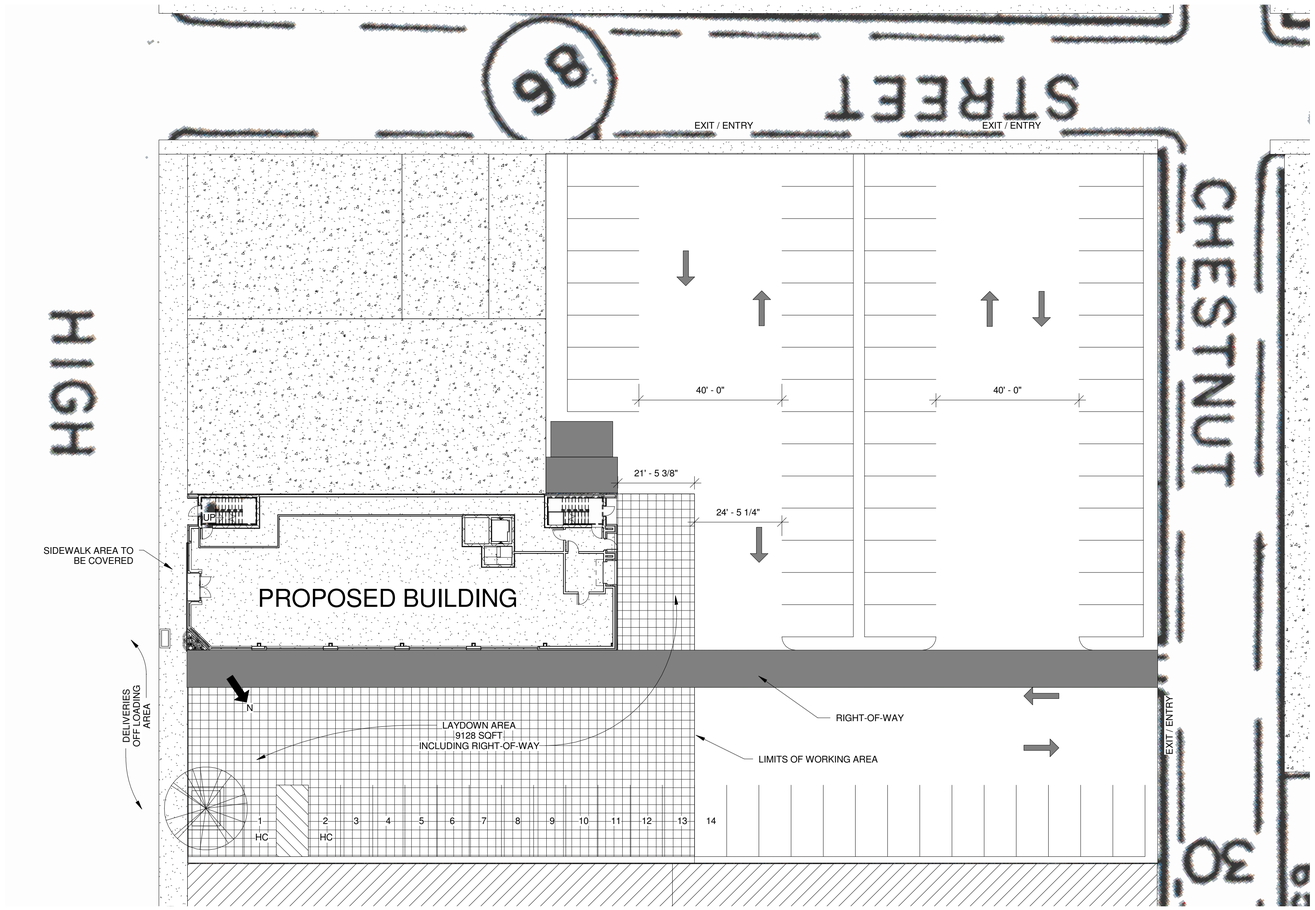
Radman Building
COVER SHEET

Project number	2013319
Date	01/07/2014
Drawn by	RGE
Checked by	LM

CS

Scale	12" = 1'-0"

5/2/2014 1:12:14 PM



1 Site Lay Down Plan
1" = 20'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

Radman Building

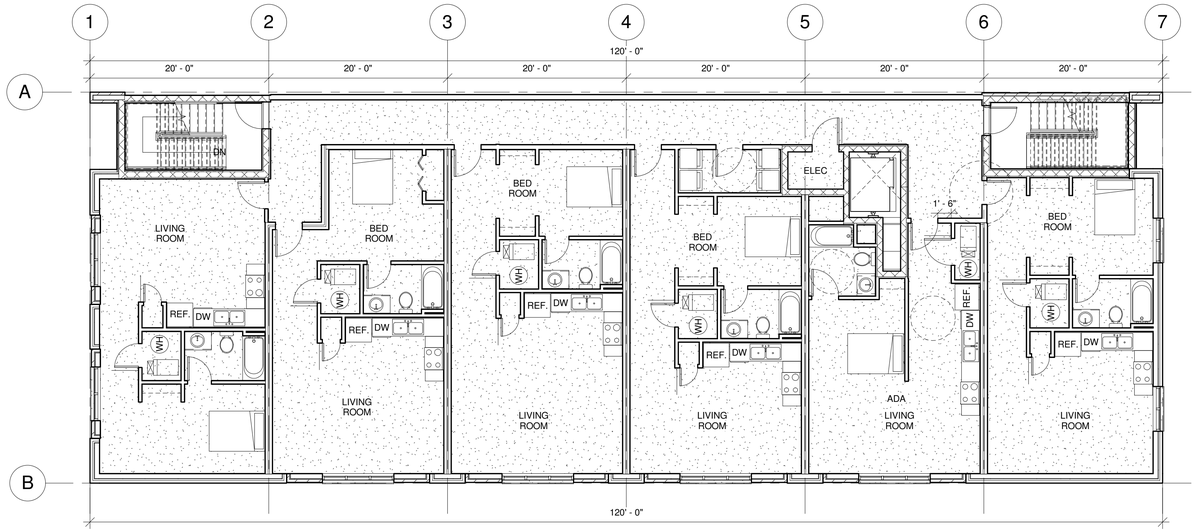
SITE LAYDOWN PLAN

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

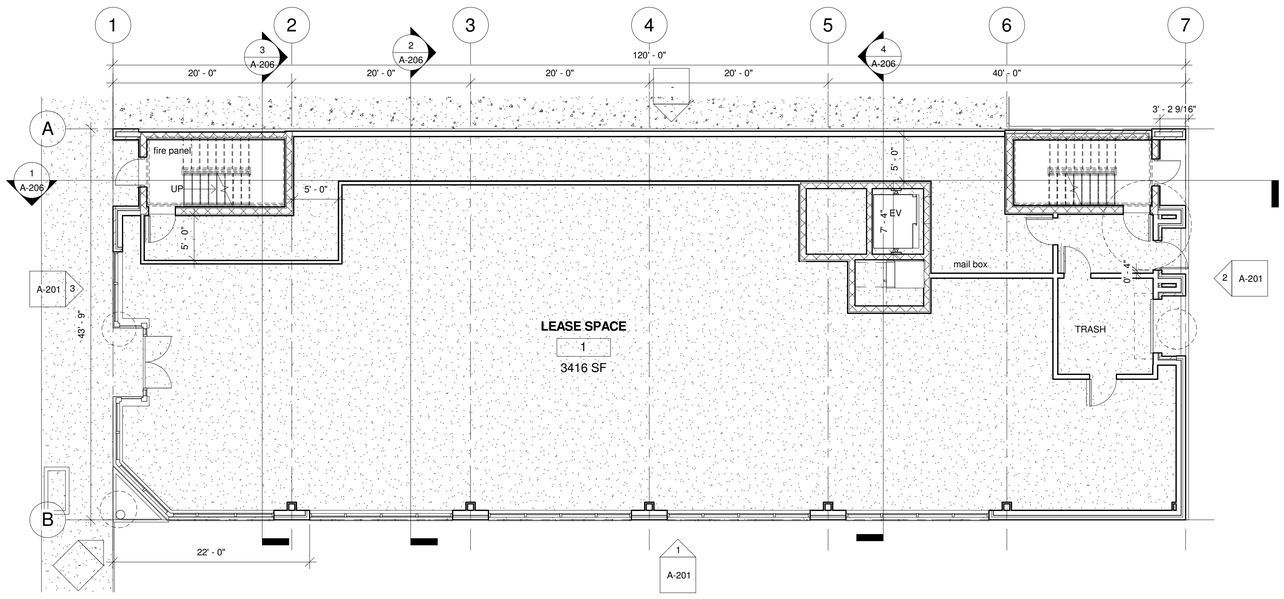
C-102

Scale	1" = 20'-0"

5/2/2014 1:12:13 PM



2 Level 2
1/8" = 1'-0"



1 Level 1
1/8" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

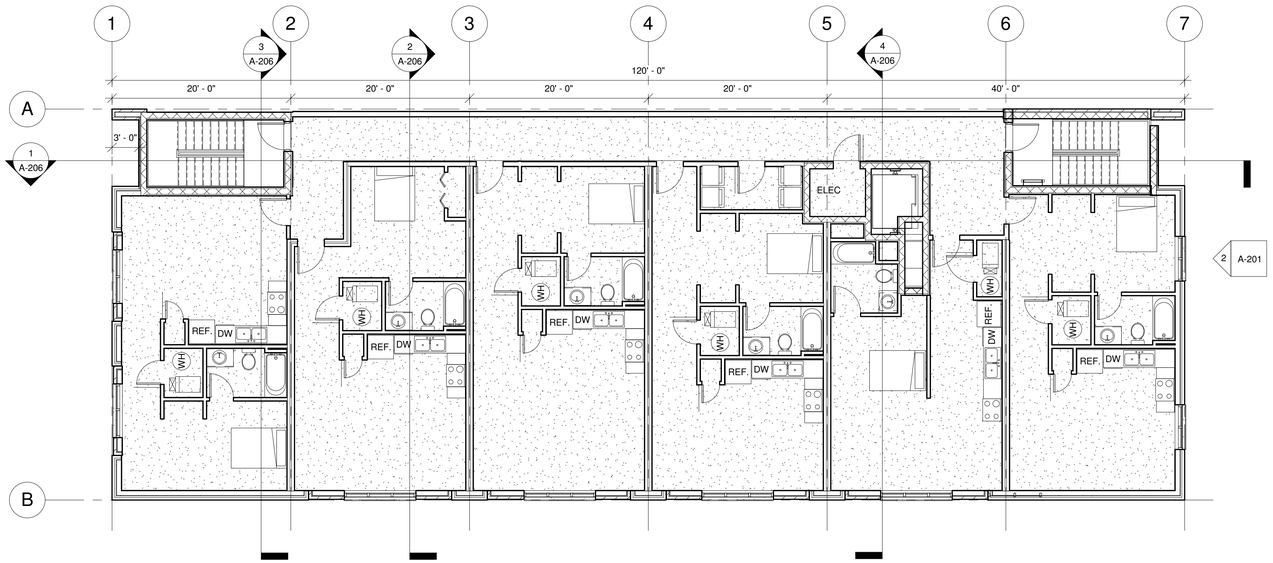
Radman Building
PLANS

Project number	2013319
Date	01/07/2014
Drawn by	R Greg Eddy
Checked by	Larry martin

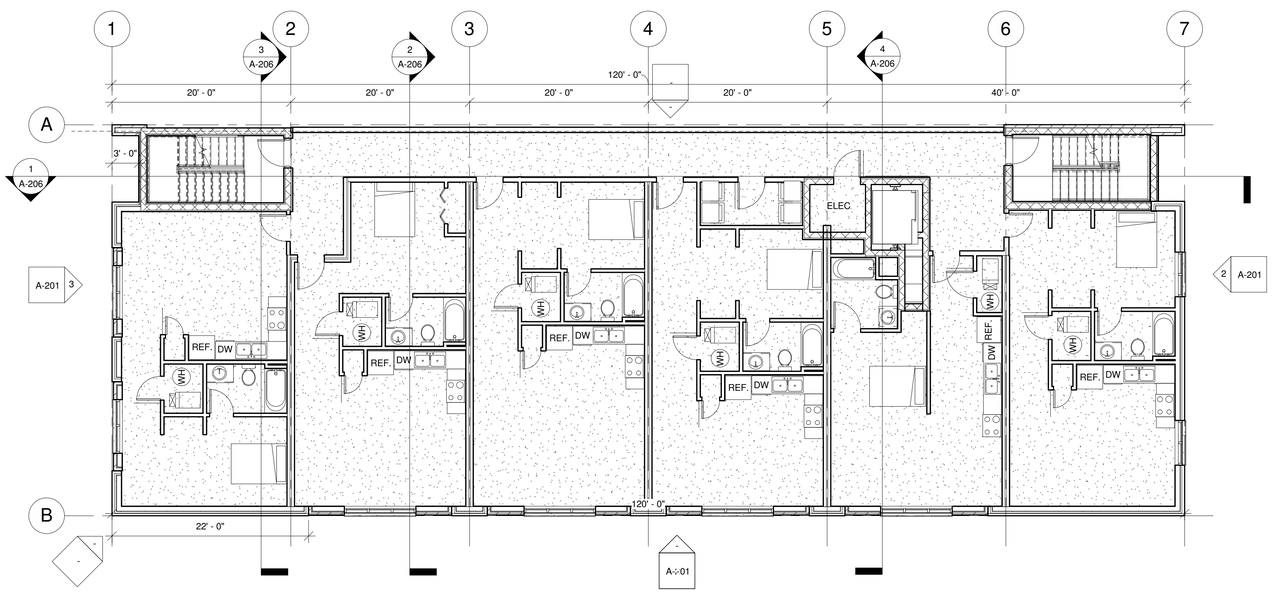
A-101

Scale	1/8" = 1'-0"

5/2/2014 1:11:55 PM



2 Level 4
1/8" = 1'-0"



1 Level 3
1/8" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
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No.	Description	Date

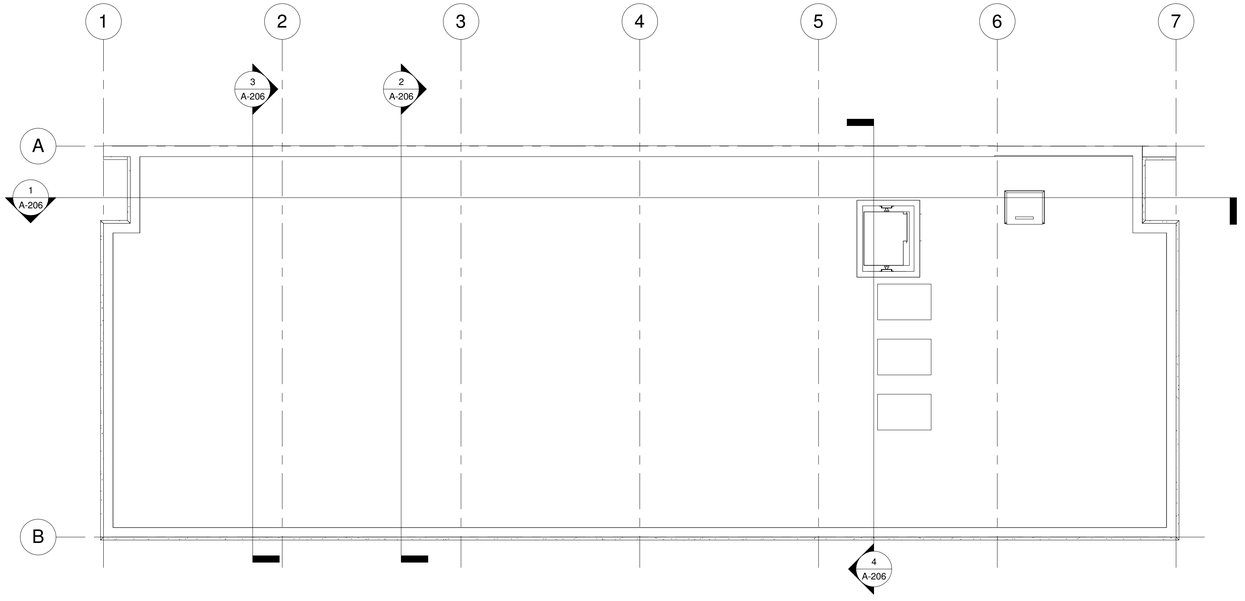
Radman Building
PLANS

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

A-102

Scale	1/8" = 1'-0"

5/2/2014 1:11:56 PM



1 Roof
1/8" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

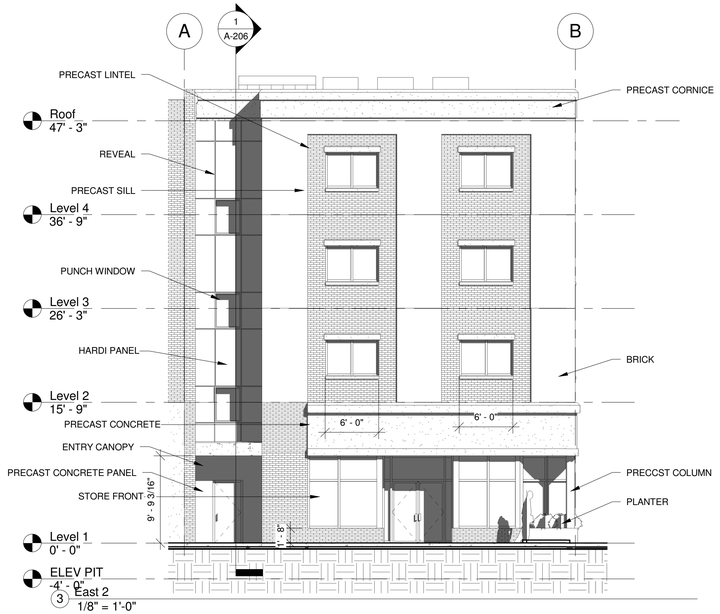
Radman Building
PLANS

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

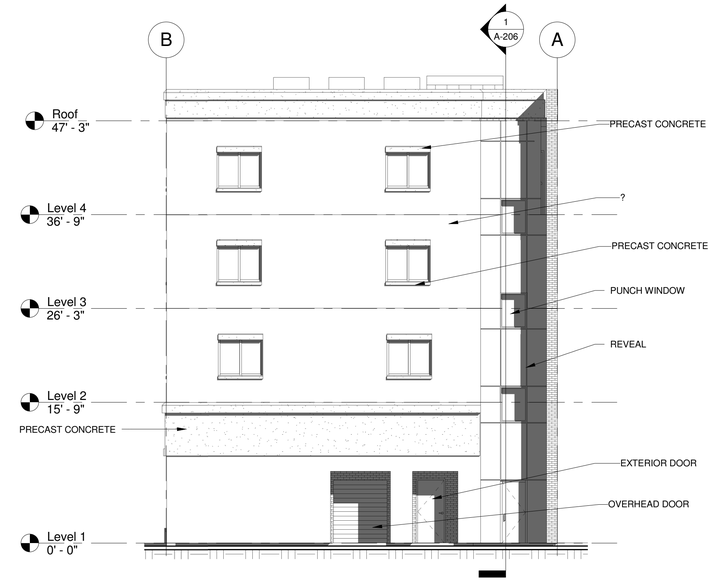
A-103

Scale	1/8" = 1'-0"

5/2/2014 1:11:56 PM



3 East 2
1/8" = 1'-0"



2 West 2
1/8" = 1'-0"

1 NORTH 2
1/8" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

Radman Building
ELEVATIONS

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

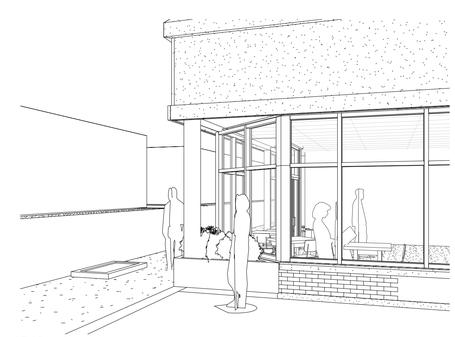
A-201

Scale 1/8" = 1'-0"

5/2/2014 1:12:04 PM

2 3D View 1

4 3D View 2



1 3D View 3

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

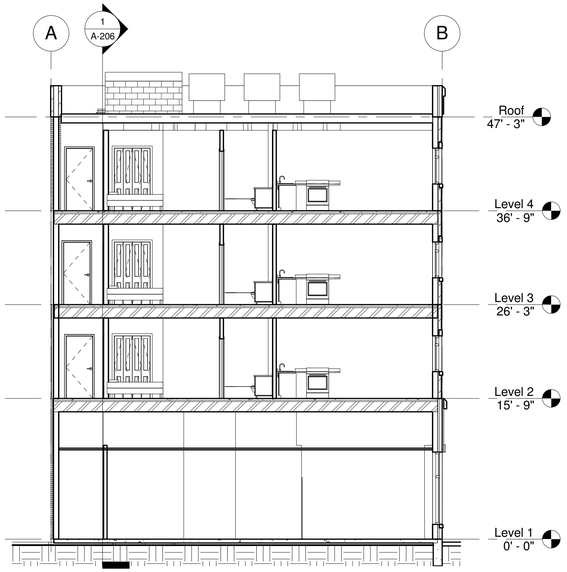
Radman Building
PERSPECTIVES

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

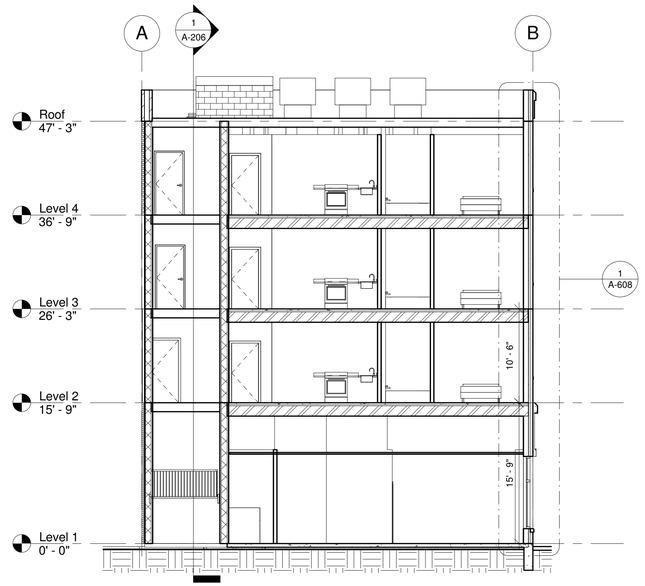
A-203

Scale

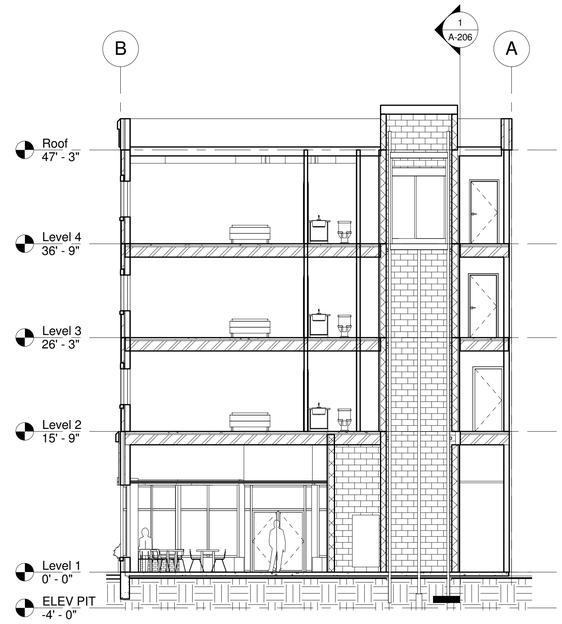
5/2/2014 1:12:10 PM



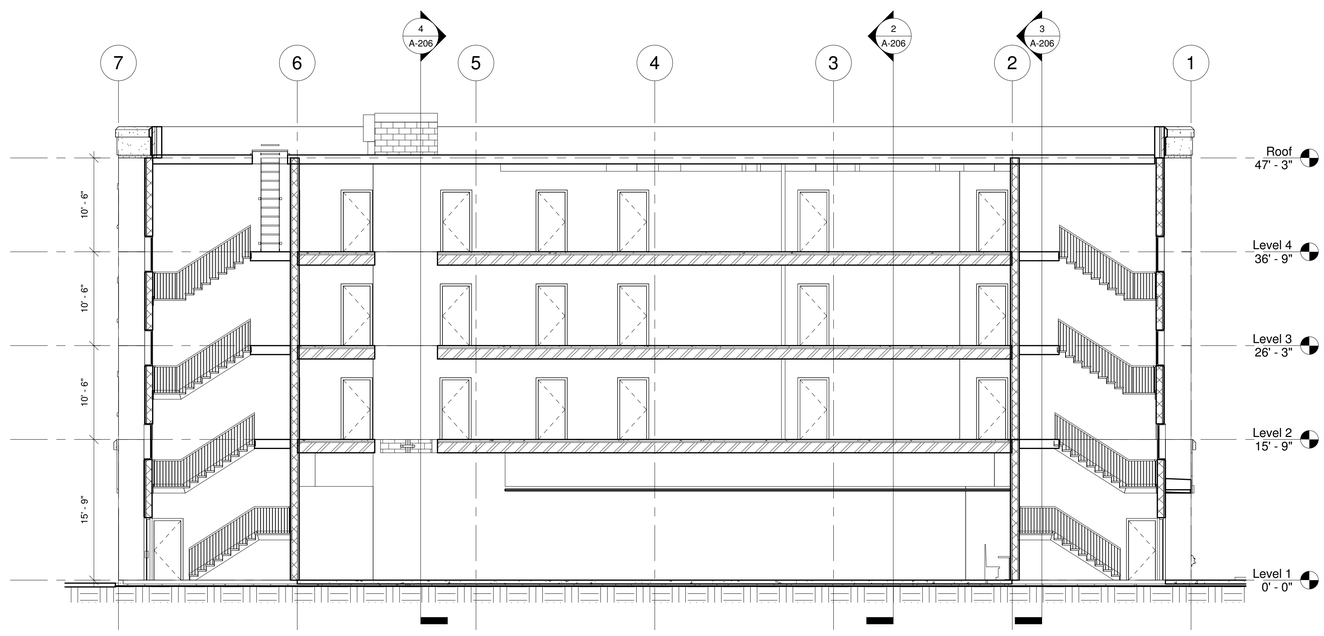
2 Section 3
1/8" = 1'-0"



3 Section 4
1/8" = 1'-0"



4 Section 5
1/8" = 1'-0"



1 Section 2
1/8" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

Radman Building

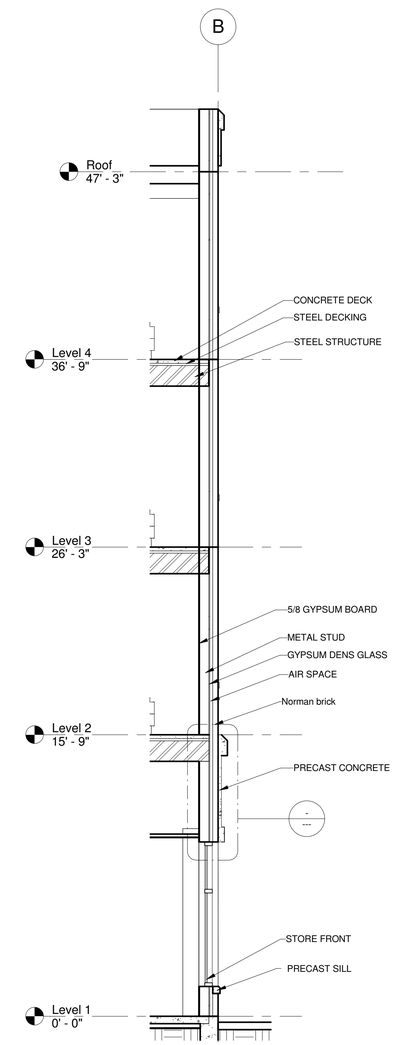
BUILDING SECTIONS

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

A-206

Scale	1/8" = 1'-0"

5/2/2014 1:12:12 PM



1 WALL SECTION 01
1/4" = 1'-0"

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Architect: Larry D. Martin AIA
8 Cederwood DR.
Morgantown, WV 26505

No.	Description	Date

Radman Building
WALL SECTION

Project number	2013319
Date	01/07/2014
Drawn by	Author
Checked by	Checker

A-608

Scale	1/4" = 1'-0"

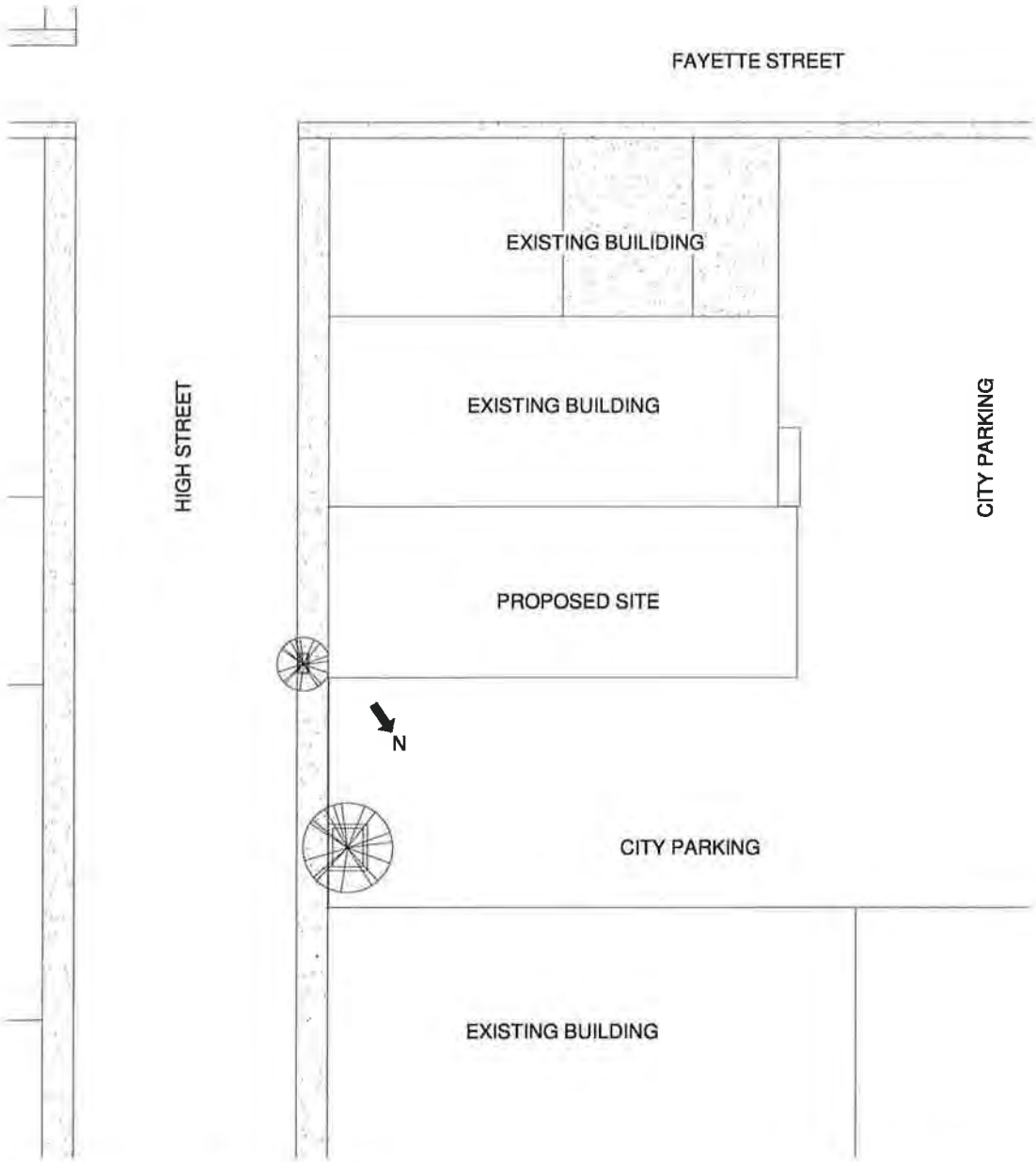
5/2/2014 1:12:13 PM

Radman Building
419 High Street
Morgantown, WV 26505
(Site of the vacant Daniel's Building)

Air flow Analysis and Sunlight Distribution Analysis.

Submitted to: The City of Morgantown Planning and Zoning
389 Spruce Street
Morgantown, WV 26505
304-284-7413

View from High Street looking north.



1 Site Plan Project North 200 Block
1" = 40'-0"

MARCH-WESTIN COMPANY, INC.

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Radman Building

Site Plan

Project number	2013319	ZONING
Date	Issue Date	
Drawn by	RGE	
Checked by	Checker	Scale 1" = 40'-0"

12/3/2013 2:07:57 PM

Summery:

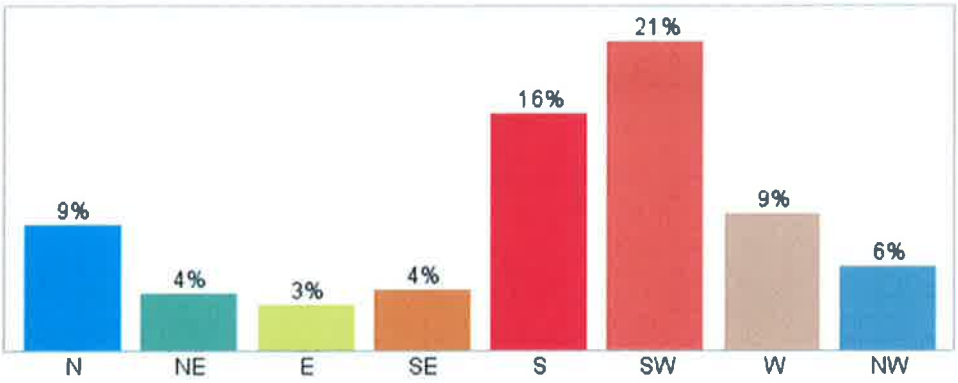
The objective of this analysis is to predict the change in wind conditions at the pedestrian level. This study was performed for the immediate surroundings of the proposed building site located on High Street in Morgantown WV. The simulations were executed using the local climate data provide by NOAA and interpreted by Weatherspark. The purpose of this information is to provide the city of Morgantown an estimate of the microclimate change between existing and proposed building height for this property.

A computer analysis, using software named Falcon, which was developed to work seamlessly with computer modeling software named Revit, was used to evaluate the wind flow around built forms. Local climate data was entered into the software and given the cardinal directions of the proposed and existing building, graphical and numerical data was gathered and entered. The final numerical data suggests minor increase in wind flow at the South West corner of the proposed building. Given the existing buildings dimension in plan the impact at street level will be minimal. An expected increase in the upper levels of wind flow did not materialize given the height and proximity of a near building which is in the direct path of the most predominate wind.

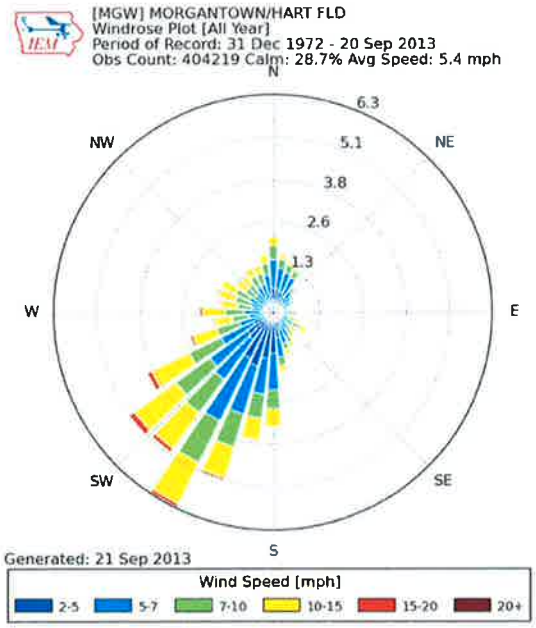
Given this analysis, it is our assessment that scale modifications to the proposed design would not alter the outcome of this particular wind analysis. Mostly this is due to the existing structure and the proposed structure being of very similar footprint. It is also judged that given the proximity of the near buildings being of slightly taller or very similar in height, little change would be gained by reducing or increasing the height of the proposed building.

Wind direction by percentage as recorded at the Morgantown Hart field Airport:

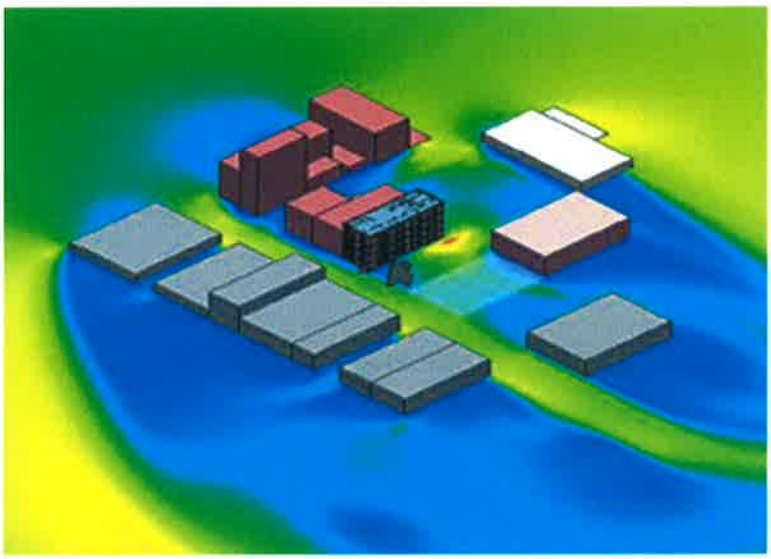
This report describes the typical weather at the Morgantown Municipal Airport (Morgantown, West Virginia, United States) weather station over the course of an average year. It is based on the historical records from 1974 to 2012. Earlier records are either unavailable or unreliable.



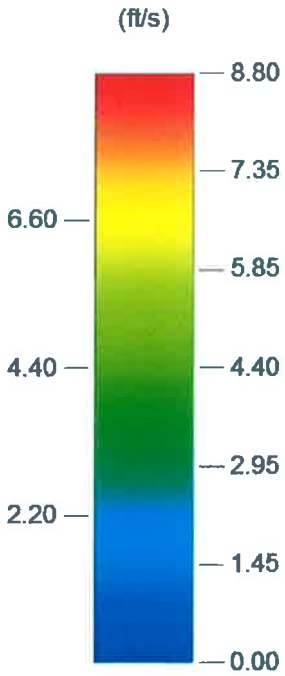
The fraction of time spent with the wind blowing from the various directions over the entire year. Values do not sum to 100% because the wind direction is undefined when the wind speed is zero.



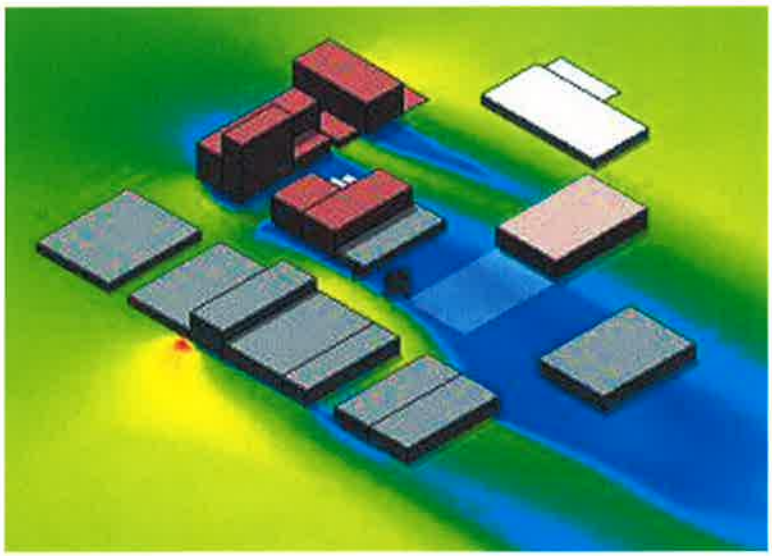
In summation, predominate wind direction in the Morgantown area is from the South and South West (37%). All other wind directions were felt to be minor respectively and were not given primary consideration (Though periods of wind originating from the North and North West also area prominent (15%), for this particular study a priority was given to the South and South West). The wind speed setting for the simulation was set at 5.4 mph.



Proposed Structure



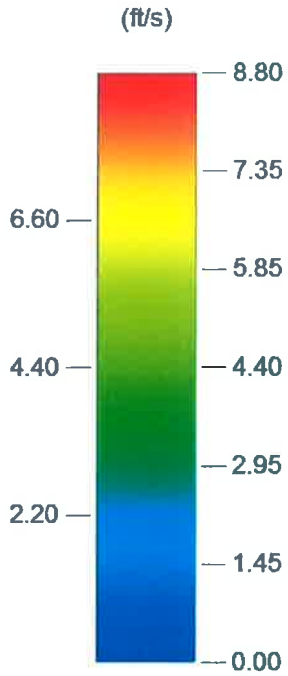
8.8ft/s = 6.0 mp/h



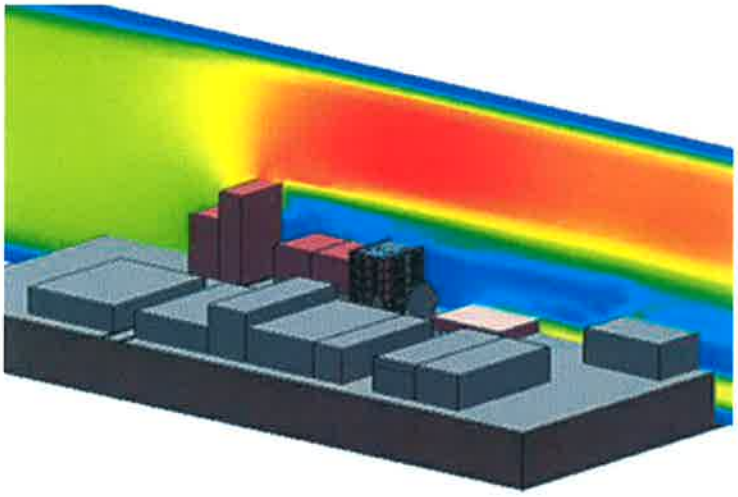
Existing Structure

MARCH-WESTIN COMPANY, INC.	Radman Building	Wind Study Plan	
www.marchwestin.com		Project number 2013319	A-605
		Date Issue Date	
		Drawn by Author	
		Checked by Checker	Scale

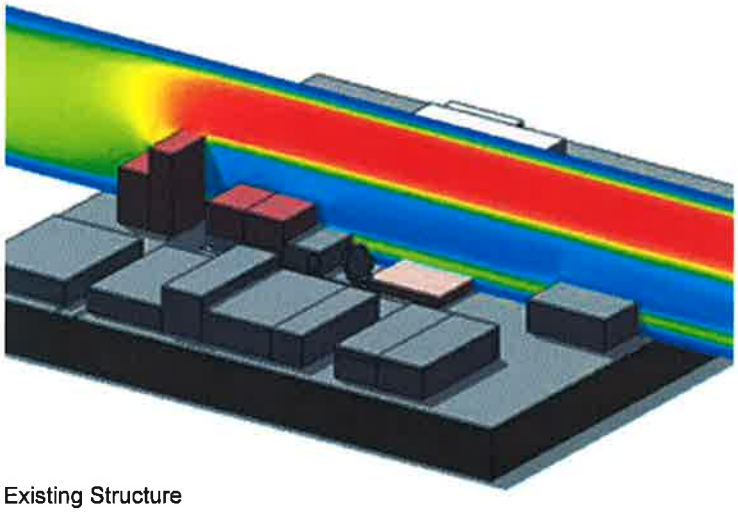
12/9/2013 10:56:34 AM



8.8ft/s = 6.0 mp/h



Proposed Structure

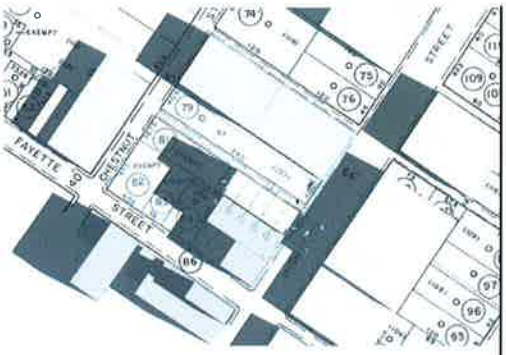


Existing Structure

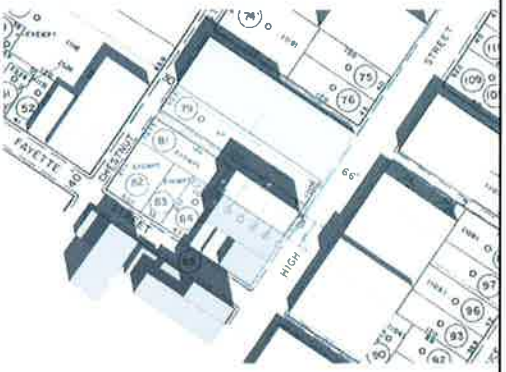
MARCH-WESTIN COMPANY, INC.	Radman Building	Wind Study Vertical	
www.marchwestin.com		Project number 2013319	A-606
		Date Issue Date	
		Drawn by Author	
		Checked by Checker	Scale

12/9/2013 10:56:34 AM

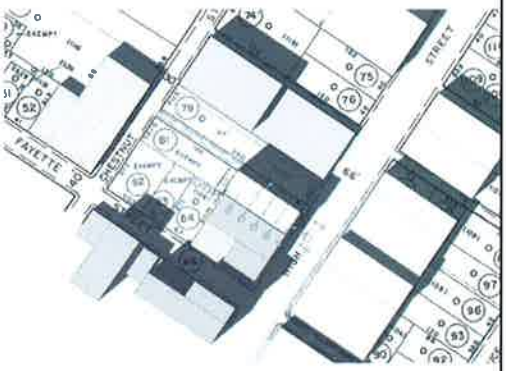
Spring Equinox 9 AM



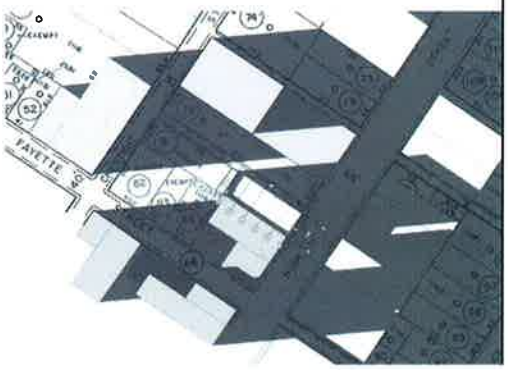
Spring Equinox 12 Noon



Spring Equinox 3 PM



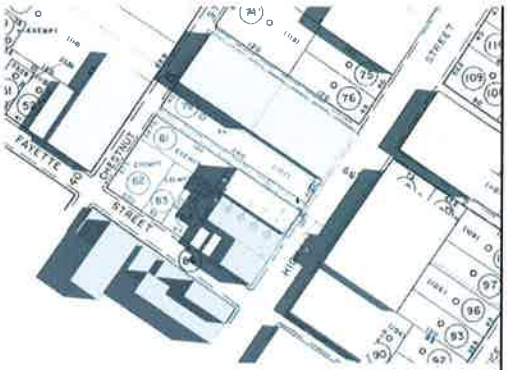
Spring Equinox 6 PM



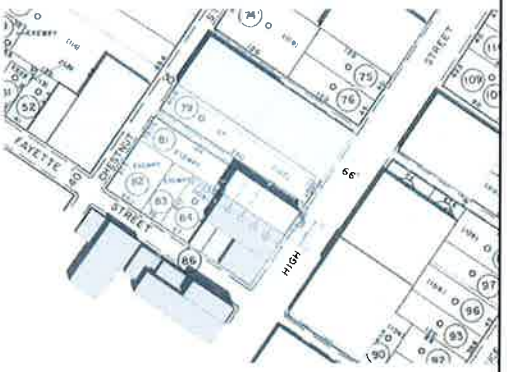
MARCH-WESTIN COMPANY, INC.	Radman Building	Spring Light Study	
		Project number 2013319	A-600
		Date Issue Date	
www.marchwestin.com		Drawn by Author	
		Checked by Checker	Scale

12/9/2013 10:56:26 AM

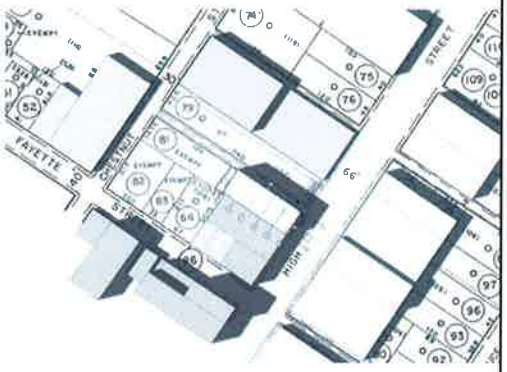
Summer Soltice 9 AM



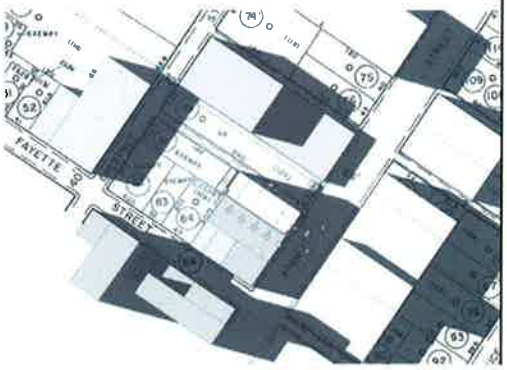
Summer Soltice 12 Noon



Summer Soltice 3 PM



Summer Soltice 6 PM



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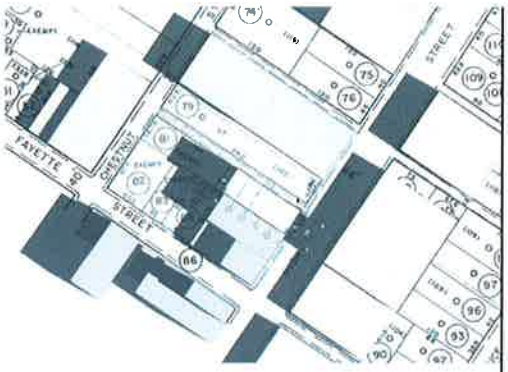
Radman Building

Summer Light Study

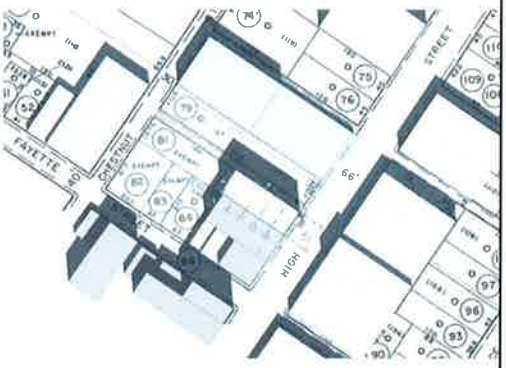
Project number	2013319	A-601
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale

12/9/2013 10:56:29 AM

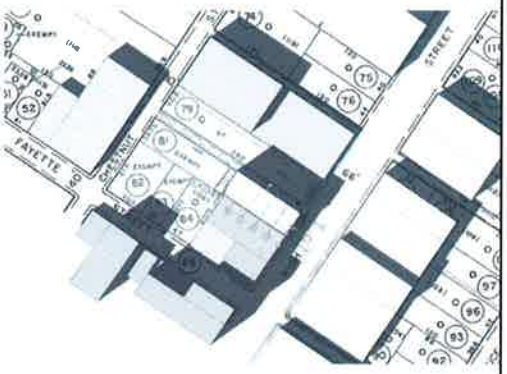
Fall Equinox 9 AM



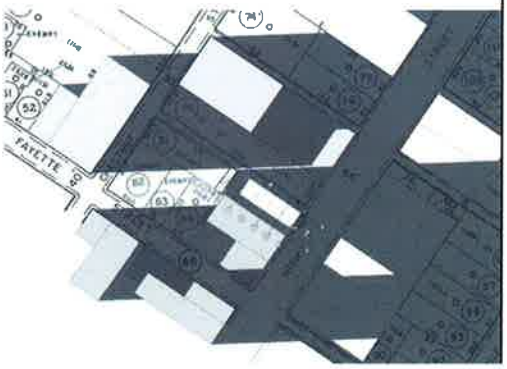
Fall Equinox 12 Noon



Fall Equinox 3 PM



Fall Equinox 6 PM



MARCH-WESTIN COMPANY, INC.

www.marchwestin.com

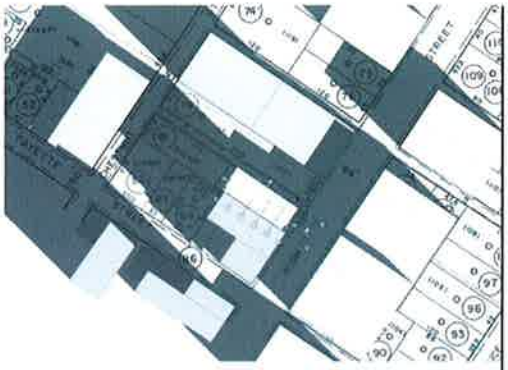
Radman Building

Fall Light Study

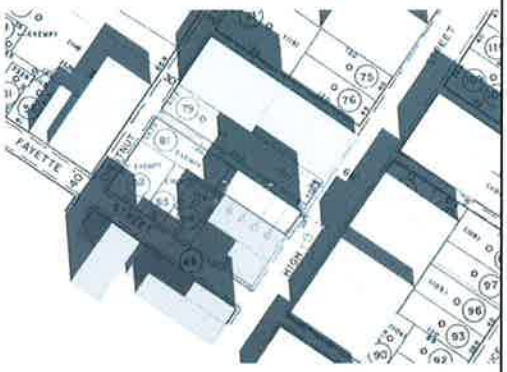
Project number	2013319	A-602
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale

12/9/2013 10:56:31 AM

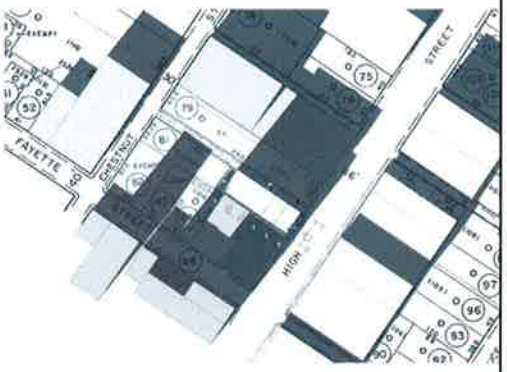
Winter Soltice 9 AM



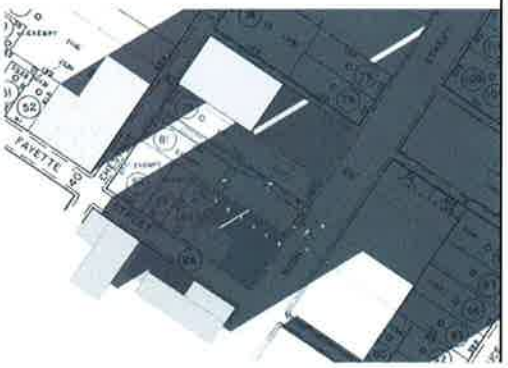
Winter Soltice 12 Noon



Winter Soltice 3 PM



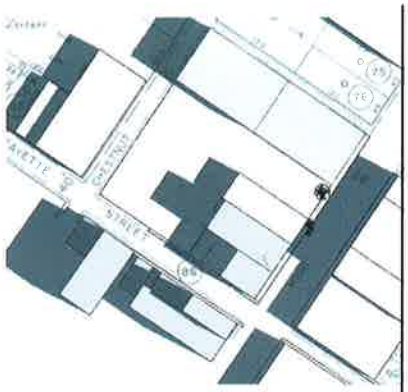
Winter Soltice 6 PM



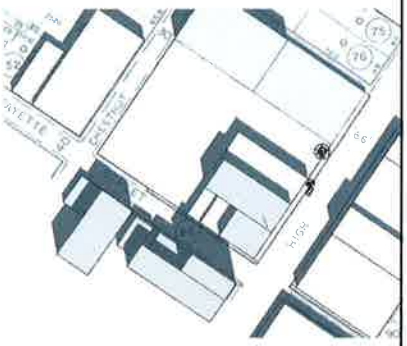
MARCH-WESTIN COMPANY, INC.	Radman Building	Winter Light Study	
		Project number 2013319	A-603
		Date Issue Date	
www.marchwestin.com		Drawn by Author	
		Checked by Checker	Scale

12/9/2013 10:56:33 AM

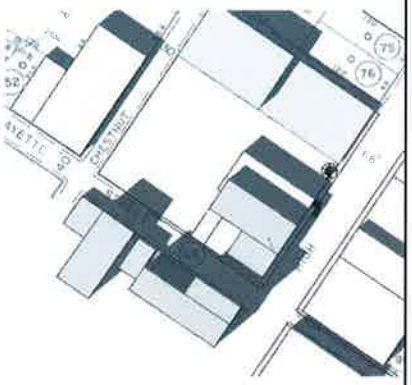
Spring Equinox 9 AM



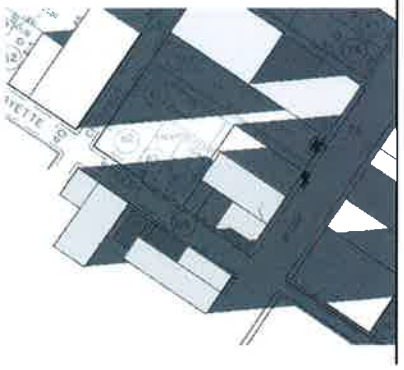
Spring Equinox 12 Noon



Spring Equinox 3 PM



Spring Equinox 6 PM



MARCH-WESTIN COMPANY, INC	Radman Building	Existing Light Study	
www.marchwestin.com		Project number 2013319	A-607
		Date Issue Date	
		Drawn by Author	
		Checked by Checker	Scale

12/18/2013 11:00:36 AM

VIEW FROM INTERSECTION OF FAYETTE AND HIGH STREET.

MARCH-WESTIN COMPANY, INC.

www.marchwestin.com

Radman Building

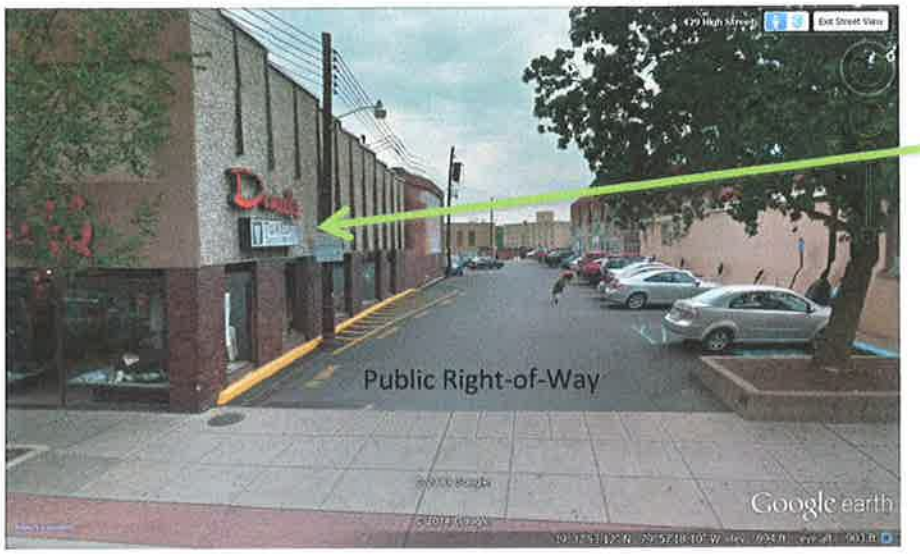
Proposed Street View

Project number	2013319	CS-103
Date	01/07/2014	
Drawn by	RGE	
Checked by	LDM	Scale

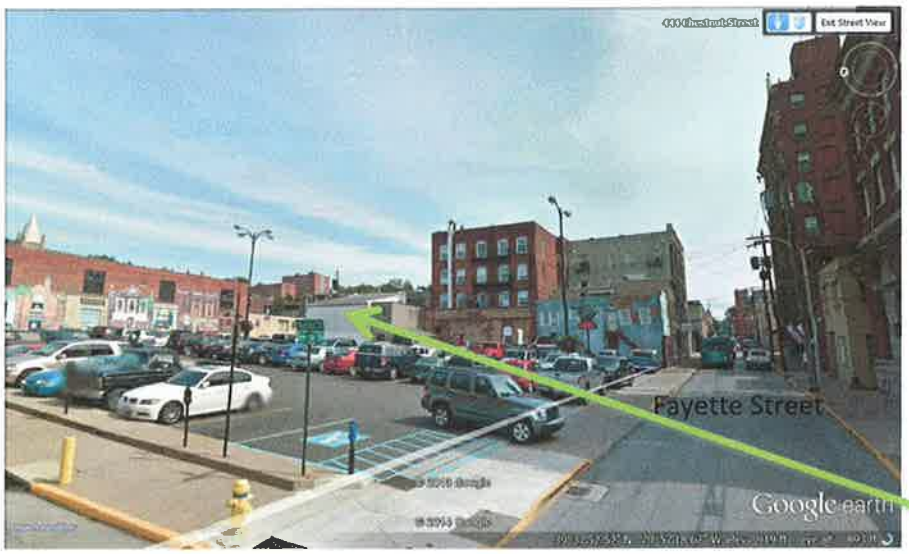
1/27/2014 12:25:13 PM

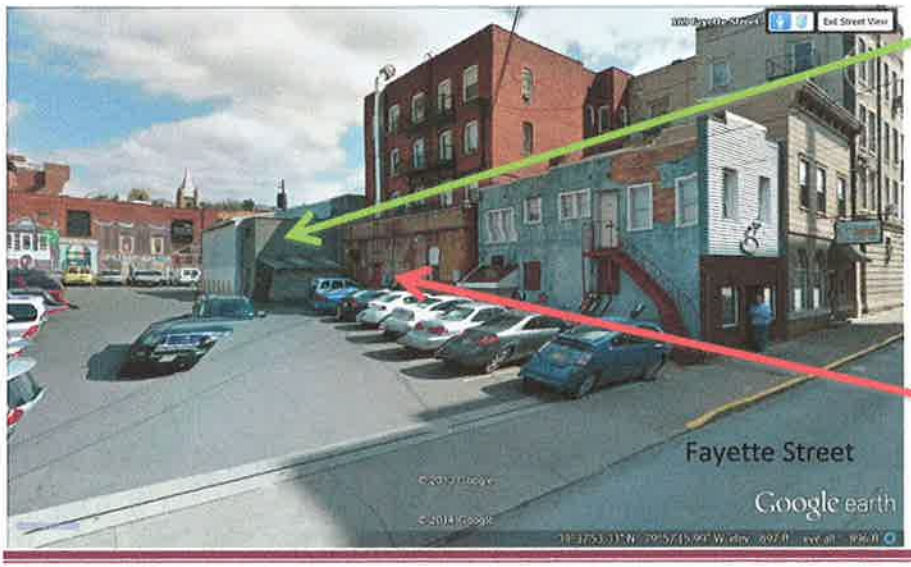
Radman Building / 419 High Street

Proposed Site – 419 High Street



Proposed Project





Proposed site

It appears that the existing building and other buildings on the block covers approximately 100% of site.

Tailpipes restaurant opens directly on to the publicly owned parking lot.

Radman Building / 419 High Street

Proposed site of redevelopement

Buildings taller than three (3) stories – no design elements

Legal pre-existing non-conforming building with regards to height.

Located across public right-of-way in city owned parking lot.

Structures on High Street, opposite side.

Streetscape

Buildings taller than three (3) stories without design elements to eliminate the canyone effect.

Radman Building / 419 High Street

Buildings taller than three (3) stories with no design elements minimizing the canyone effect.

It appears that these buildings have a zero (0) rear setback and 100% lot coverage.

It appears that these buildings have a zero (0) rear setback and 100% lot coverage.

Exit Street View
Google earth