



The City of Morgantown

430 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439
www.morgantownwv.gov

AGENDA

MORGANTOWN COMMITTEE OF THE WHOLE

Mon County Commission Chambers, 243 High Street, 2nd Floor, Morgantown, WV 26505

Tuesday, January 31, 2023 at 7:00 PM

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled.

1. **PRESENTATIONS:**

2. **PUBLIC PORTION:**

3. **ITEMS FOR DISCUSSION:**

A. An Ordinance providing for the Zoning Reclassification of Certain Parcels of Real Estate in the Second Ward of the City of Morgantown from B-1, Neighborhood Business District to B-4, General Business District Amending Article 1331 of the Planning and Zoning Code of the City of Morgantown as shown on the exhibit hereto attached and declared to be a part of this Ordinance as if the same were fully set forth herein

B. Proposed contract with Republic Services for Solid Waste Services

4. **EXECUTIVE SESSION:**

A. Pursuant to West Virginia State Code Section 6-9A-4(b)(12) to discuss potential or pending litigation and matters protected by the attorney-client privilege.

B. Pursuant to West Virginia State Code section 6-9A-4(2)(9) to discuss acquisition or development of real estate in the Sixth & Seventh Ward

5. **ADJOURNMENT:**

For accommodations, please contact us at 304-288-7072.



Development Services Department
389 Spruce Street
Morgantown, WV 26505
304.24.7431

MEMORANDUM

To: A. Kim Haws, City Manager
Christine Wade, City Clerk

Cc: Emily Muzzarelli, Assistant City Manager
Ryan Simonton, City Attorney
Heather Carl, Assistant City Clerk

From: Rickie Yeager, Development Services Director

Date: January 23, 2023

Re: City Council Agenda for Zoning Map Amendments
RZ22-03 / PLP Morgantown / 261 Willey Street, 544 and 552 North Spruce Street

During its public hearing on January 12, 2023, the Planning Commission voted (5-1-0) to forward a recommendation to City Council to approve the above-referenced zoning map amendment petition, which would provide for the reclassification of three parcels of land from a B-1, Neighborhood Business District to a B-4, General Business District. The purpose of the zoning map amendment is not affiliated with an active site plan application.

Attached herewith is the related Staff Report presented to the Planning Commission, as well as the draft ordinance and exhibit. Please note the proposed meeting schedule for City Council, provided each ordinance advances to the next step in the review/approval process:

Committee of Whole: Tuesday, January 31, 2023 at 7:00 p.m.

Ordinance – 1st Reading: Tuesday, February 7, 2023 at 7:00 p.m.

Ordinance – 2nd Reading and Public Hearing: Tuesday, March 21, 2023 at 7:00 p.m.

Please include this item of business on the City Council meeting agendas noted above and include this communication and attachments in the Committee of the Whole meeting packet on January 31, 2023. Only the ordinance and associated exhibit should be included in the February 7th and March 21st City Council meeting packets provided the ordinance advances forward at each step.

This memorandum, under a cover letter explaining the public comment opportunities before City Council relating to the matter, will be sent to the petitioner.

Thank you.

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AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS OF REAL ESTATE IN THE SECOND WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-4, GENERAL BUSINESS DISTRICT AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Property in this ordinance is identified as Tax District 13, Tax Map 26, Parcels 246, 243 and 240 Parcel 186, Fifth Ward commonly known as 261 Willey Street, and 544 and 552 North Spruce Street respectively.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Tax District 13, Tax Map 26; Parcels 246, 243 and 240 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from B-1, Neighborhood Business District to B-4, General Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning classifications.

This Ordinance shall be effective from the date of adoption and the Official Zoning Map shall be duly noted with the effective date of adoption.

FIRST READING:

Mayor

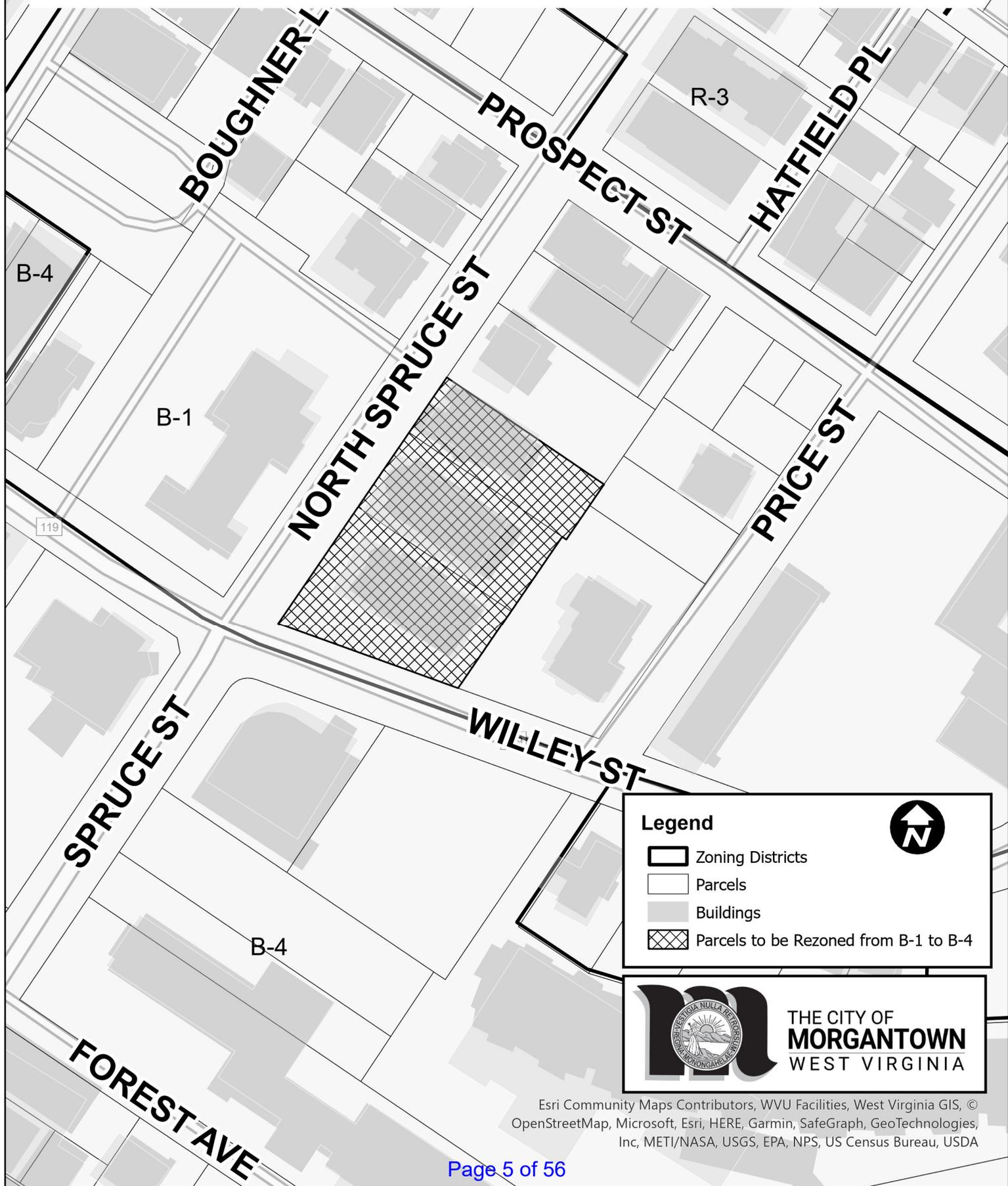
ADOPTED:

FILED:

RECORDED:

City Clerk

**CASE NUMBER:
RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street**



Legend

- Zoning Districts
- Parcels
- Buildings
- Parcels to be Rezoned from B-1 to B-4



**THE CITY OF
MORGANTOWN
WEST VIRGINIA**

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MORGANTOWN PLANNING COMMISSION

January 12, 2023

6:30 p.m.

Monongalia County Commission Chambers | 243 High Street – 2nd FL

STAFF REPORT

President:

Peter DeMasters, 6th Ward

Vice-President:

Bill Petros, 4th Ward

Planning Commissioners:

Charles Shobe, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Michael Shuman, 5th Ward

Danielle Trumble, City Council

Vacant, 7th Ward

Vacant, City Admin.

CASE NO: RZ22-03/ Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

REQUEST and LOCATION:

Request by Daniel Scott on behalf of Alpha Phi House Corporation, PLP Morgantown, LLC, and Theta Chi Chapter House Corporation of Signa Kappa Sorority for a Zoning Map Amendment to reclassify the above-referenced properties from a B-1, Neighborhood Business District to a B-4, General Business District.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax District 13, Tax Map 36, Parcels 240, 243, and 244; B-1, Neighborhood Business District.

SURROUNDING ZONING:

North, East and West: B-1, Neighborhood Business District

South: B-4, General Business District

BACKGROUND:

The petitioner (Mr. Scott) seeks a Zoning Map modification or zoning reclassification for the above-referenced properties from a B-1 to a B-4 District. Addendum A of this report identifies the location of the subject site. It also illustrates the existing and proposed zone classification in the context of the immediate area.

The application to amend the City’s zoning map was deemed appropriate for consideration by the Planning Commission, as it would not be considered ‘spot zoning.’ All three parcels of land are adjacent to one another, as well as the B-4, General Business District (south of Willey Street).

Please also note the following:

- Two of the three parcels (240 and 244) have an active pre-existing, nonconforming ‘Fraternity or Sorority House’ use. Said uses can continue until abandoned in accordance with Section 1375.05 of the City’s Planning and Zoning Code.
- Parcel 240 is located in the Downtown Morgantown Historic District, but it does not appear to be listed on the National Register of Historic Places.
- Parcel 243 has a vacant (three-story) building. If the zoning map amendment is approved, the applicant intends to re-establish a ‘Fraternity or Sorority House’ use

Development Services

Rickie Yeager, AICP
Director

Rodney Bohner, AICP
Senior Planner

Planning Division

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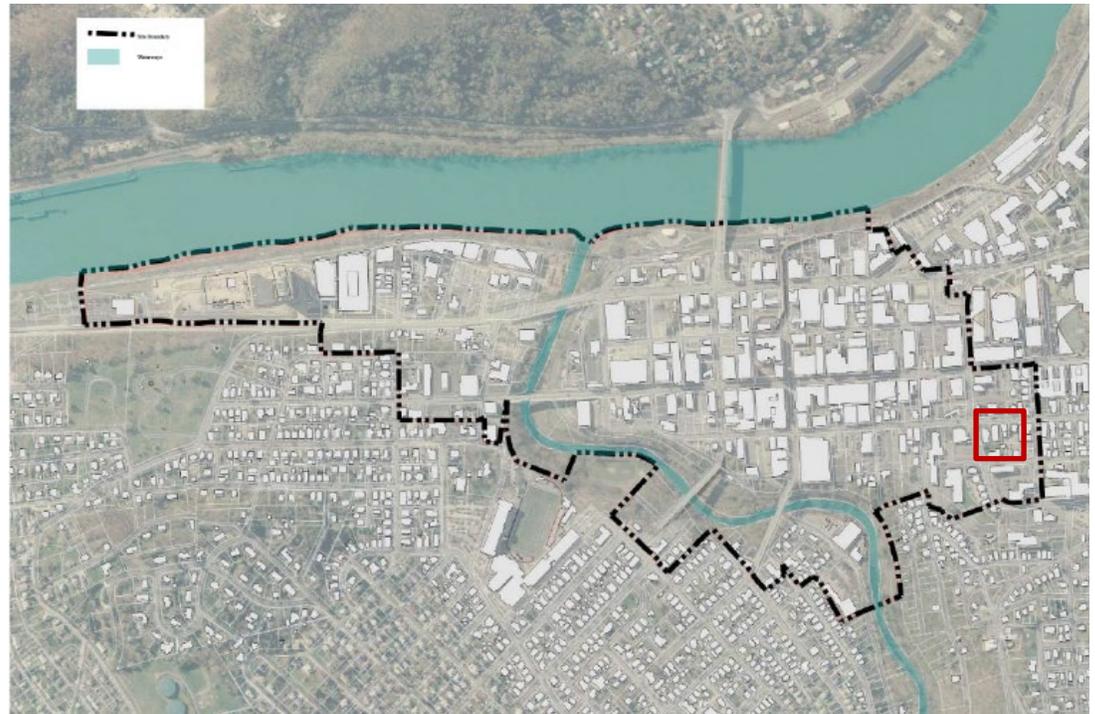
Danielle Trumble, City Council

Vacant, 7th Ward

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at 544 Spruce Street. This use, as well as a ‘Dormitory’ use are not permitted in the B-1 District.

- While the subject properties have a B-1, Neighborhood Business District classification, they were identified as part of the study area for Downtown Morgantown as evidenced by the Downtown Strategic Plan Update completed in 2010. Please see the study boundary map below and note the three subject properties identified in the red box.



- While most properties located in the City’s downtown are currently zoned as a B-4 District, the three properties discussed above have a B-1, Neighborhood Business District classification.

ANALYSIS:

The proposed zoning map amendment encompasses three adjacent parcels of land located at the intersection of Willey Street and North Spruce Street. As Addendum A illustrates, the petitioner’s proposal would expand the B-4, General Service District north of Willey Street along North Spruce Street.

According to Article 1345.01 of the City’s Planning and Zoning Code, the purpose of the Neighborhood Business (B-1) District is to:

“Provide areas for convenient business uses, which tend to meet the daily shopping and service needs of the residents of an immediate neighborhood, and which contain pedestrian-oriented, human-scaled construction that is designed to be compatible with the surrounding neighborhood character. Because of the proximity to residential

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neighborhoods, high quality design is essential in order to preserve the integrity of those neighborhoods.”

According to Article 1349.01, the proposes the General Business District (b-4) are to:

- (a) Promote development of a compact, pedestrian-oriented central business district consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (b) Promote a diverse mix of residential, business, commercial, office, institutional, education, and cultural and entertainment activities for workers, visitors, and residents;
- (c) Encourage pedestrian-oriented development within walking distance of public transit opportunities at densities and intensities that will help to support transit usage and businesses;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (f) Enhance the community's character and historical significance through the promotion of high-quality urban design.

Addendum B of this report provides a copy of Articles 1345 and 1349 of the City’s Planning and Zoning Code, as well as the Table 1331.05.01 – Permitted Land Uses. These materials are included as a resource to better understand the density, intensity and land uses permitted by the current and proposed zoning districts.

Comprehensive Plan Concurrence

Chapter 3 – Land Management of the 2013 Comprehensive Plan Update “provides guidance for physical development and redevelopment of Morgantown.” In doing so, the plan recommends that “The Land Management chapter be consulted for any development proposal based on the intent, location and preferred developed types (pattern and character areas) identified in the plan.” Additionally, Chapter 3 outlines eleven principles that should be used to “help guide the City on how to use land resources in a more efficient and effective manner to foster a high-quality community with distinct sense of place.” Addendum C of this report identifies where, in the opinion of the Planning Division, the proposed zoning map amendment petitions are in concurrence and/or are in consistent with the 2013 Comprehensive Plan Update.

Please further note the following regarding Parcels 240, 243 and 244 as they pertain to Chapter 3 of the City’s 2013 Comprehensive Plan Update:

- All three parcels are considered part of the City’s ‘Core’ in the Land Management Plan’s Pattern and Character Map. Please see the map below and not the area identified in red.

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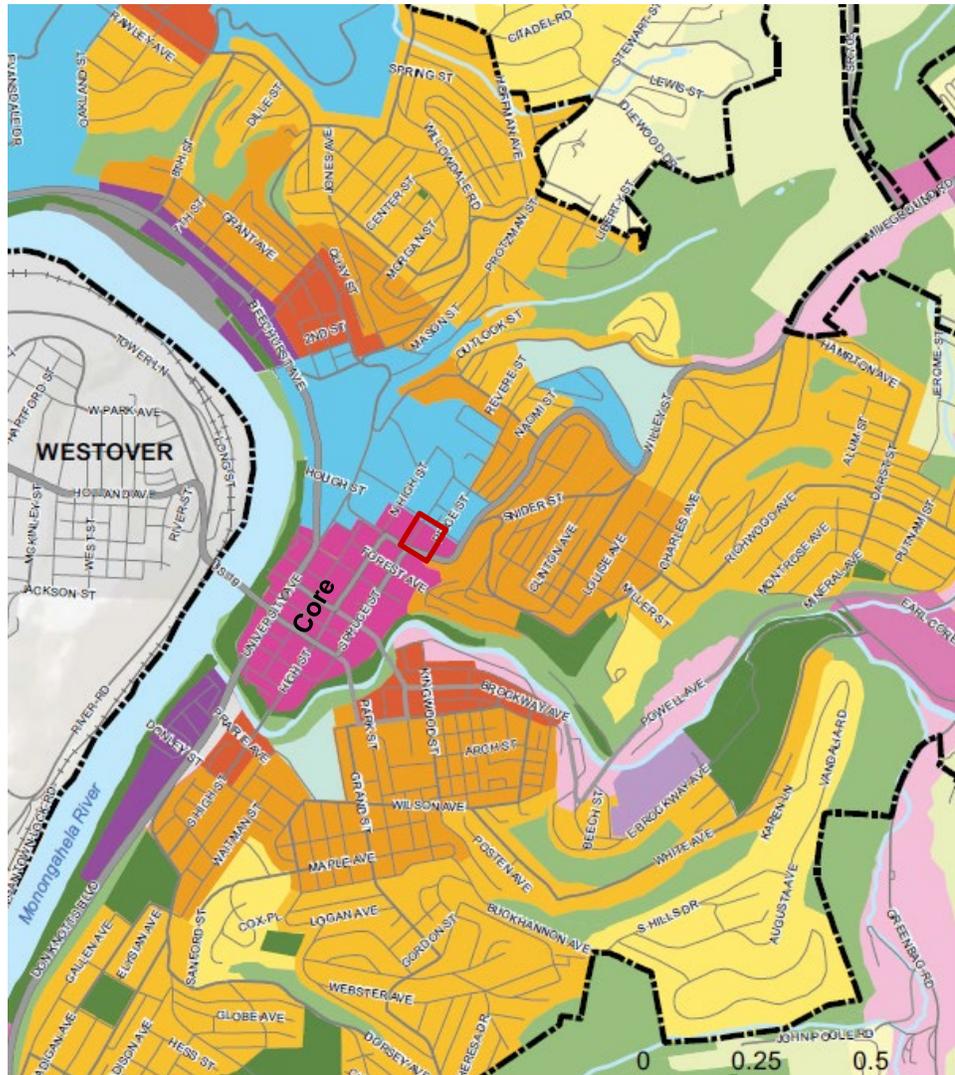
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- The 'Core' is characterized as follows:

“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.”

- In terms of the Land Management Plan (Future Land Use Map), all three parcels are identified as 'Downtown Enhancement.' Downtown Enhancement is defined as “continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010

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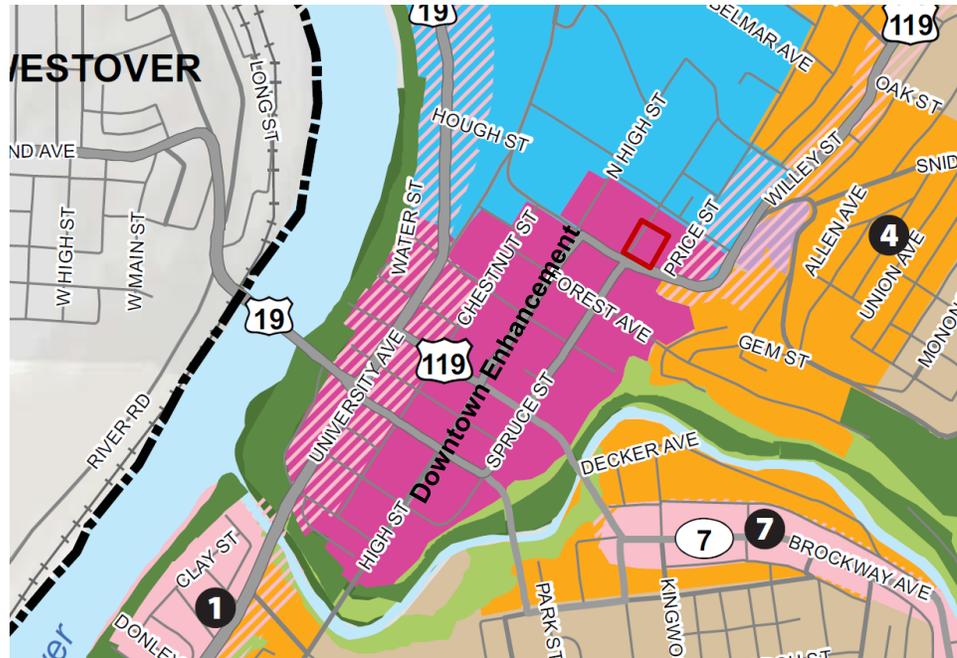
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Downtown Strategic Plan Update.” Please see the map below and note the area identified in red.



After review, it appears the proposed change in zoning classification from a B-1 to a B-4 District is consistent with the 2013 Comprehensive Plan Update – Land Management Plan. Additionally, the following development types are generally appropriate in the area identified as ‘infill and redevelopment’ depending on the existing context:

- **Multifamily:** 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.
- **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.
- **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).

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Parking should be located behind or to the side of buildings and may be shared between multiple uses.

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

STAFF RECOMMENDATION:

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioners’ development intentions are extraneous, and the Planning Commission should consider the request on its merits as a land use decision.

In conducting such an analysis, the Commission should determine if the B-4, General Business District is the appropriate zoning classification for the three parcels of land, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code (please refer to Table 1331.05.01 – Permitted Land Uses).

After review, staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that Tax District 13, Tax Map 36, Parcels 240, 243 and 244 are reclassified from a B-1, Neighborhood Business District to a B-4, General Business District.

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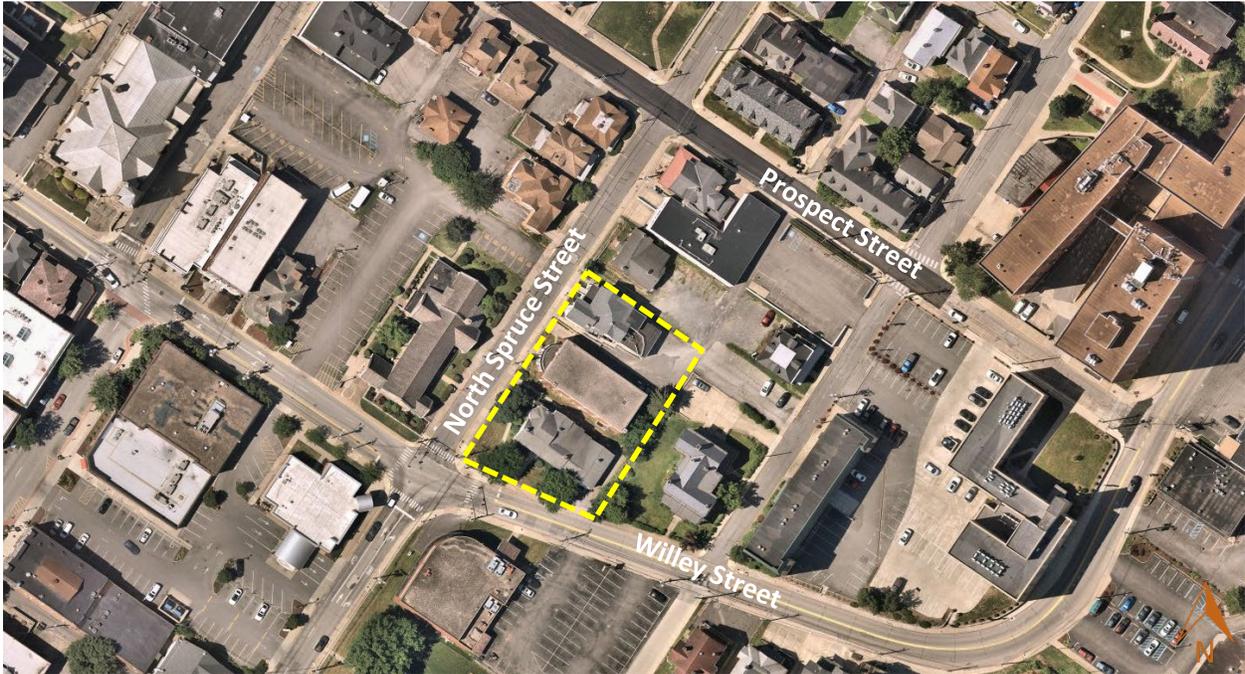
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STAFF REPORT ADDENDUM A

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Staff Enhanced Site Area Map:



Source: *Nearmap.com*

Monongalia County Parcel Viewer Map



STAFF REPORT ADDENDUM A

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Google Street View Map – Looking Northeast at the intersection of Spruce and Willey Streets



Source: Google Maps (2021)

Google Street View Map – Looking Northeast on North Spruce Street

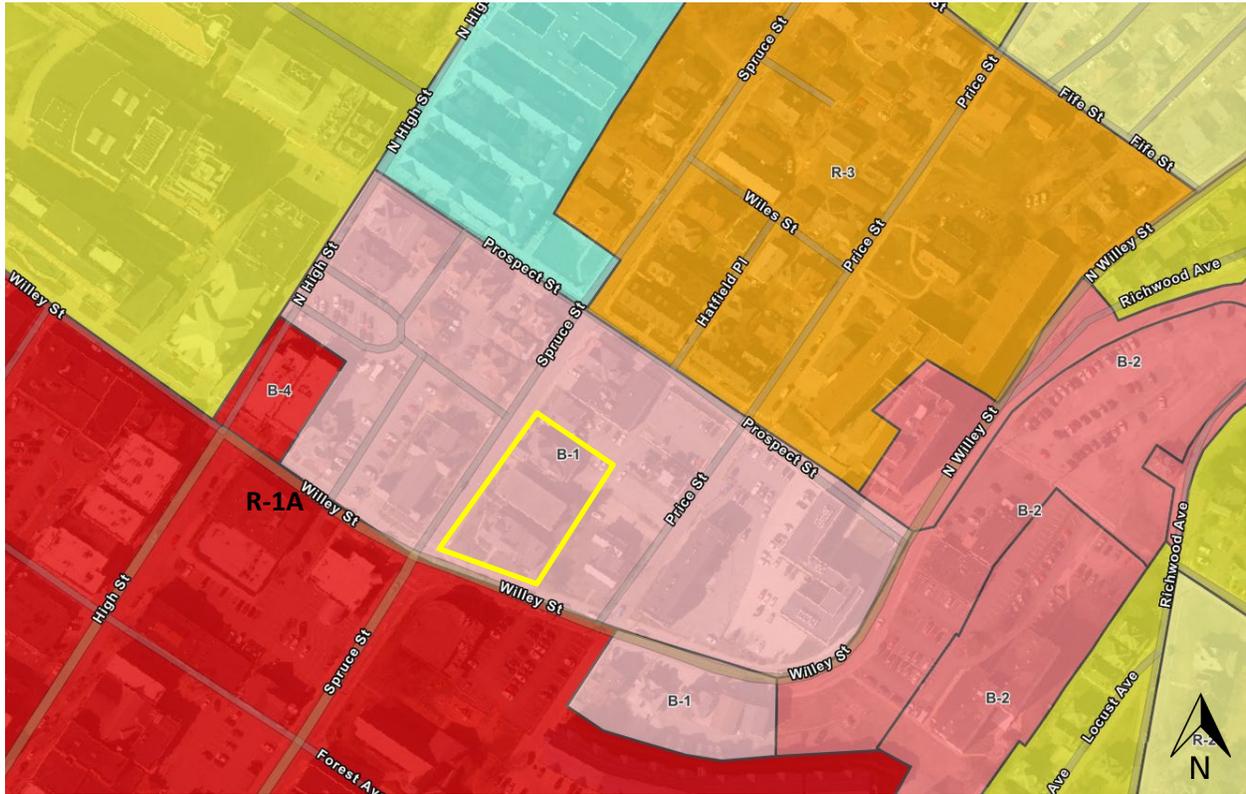


Source: Google Maps (2021)

STAFF REPORT ADDENDUM A

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Zoning Map (Existing):

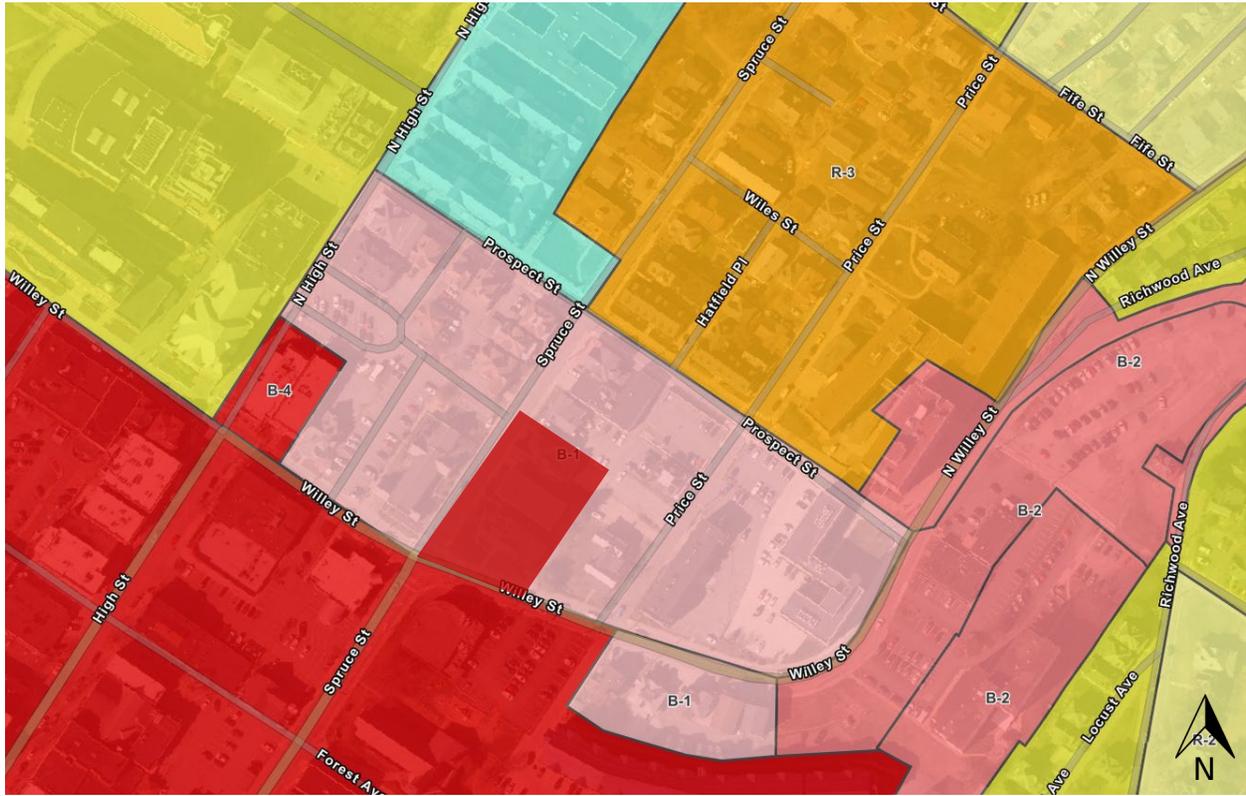


Source: City of Morgantown

STAFF REPORT ADDENDUM A

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Zoning Map (Proposed – Staff Enhanced):



Source: City of Morgantown

STAFF REPORT ADDENDUM B

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

The following articles from the City's Planning and Zoning Code are included herein for review:

- Article 1345. B-1, Neighborhood Business District
- Article 1349. B-4, General Business District
- Table 1331.05.01. Permitted Land Uses

Zoning Map (Existing):

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ARTICLE 1345. - B-1, NEIGHBORHOOD BUSINESS DISTRICT⁸

Footnotes:

--- (8) ---

Cross reference— Outdoor kennels—see P. & Z. 1331.06(7), (24); daycare facility—see P. & Z. 1331.06(19).

State Law reference— Group residential facility—see W. Va. Code 8A-11-2.

Sec. 1345.01. - Purpose.

The purpose of the Neighborhood Business (B-1) District is to provide areas for convenient business uses, which tend to meet the daily shopping and service needs of the residents of an immediate neighborhood, and which contain pedestrian-oriented, human-scaled construction that is designed to be compatible with the surrounding neighborhood character. Because of the proximity to residential neighborhoods, high quality design is essential in order to preserve the integrity of those neighborhoods.

Sec. 1345.02. - Permitted and conditional uses.

See Permitted Land Use Table 1331.05.01.

Sec. 1345.03. - Lot provisions.

- (a) The minimum lot size shall be 3,000 square feet.
- (b) The minimum lot frontage shall be 30 feet.
- (c) The minimum lot depth shall be 100 feet.
- (d) Maximum lot coverage shall be 70 percent.

Sec. 1345.04. - Setbacks and encroachments.

- (a) The following setbacks shall be required for all principal structures, except as otherwise provided in Article Section 1363.02(b), Yard, Building Setbacks and Open Space Exceptions:
 - (1) Minimum front setback:5 feet
 - (2) Maximum front setback:12 feet, unless there is outdoor seating associated with a restaurant, to be located between the building and street, in which case the maximum may be 18 feet
 - (3) Minimum side setback:3 feet for any building abutting a residentially zoned parcel, except where such setbacks may cause sight vision problems for motorists, as determined by the Planning Director or City Engineer; or where such setbacks make it impossible to comply with the parking standards of this ordinance
 - (4) Minimum rear setback:20 feet except for through lots, in which case the parcel will be considered to have two front yards
- (b) The minimum setback for accessory structures on a lot shall be five feet from the rear property line and five feet from each side property line. No accessory structures are permitted within the front setback.
- (c) On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line.

Sec. 1345.05. - Building height, use and size.

- (a) The minimum permitted height of a principal building shall be two stories. If a one-story building is desired, a conditional use permit shall be required regardless of the proposed use of the building.
- (b) The maximum height of a principal structure shall not exceed 40 feet. Exceptions to this provision can be found in Section 1363.02(a), Height Exceptions.
- (c) The maximum height of an accessory structure shall not exceed 15 feet.
- (d) The maximum gross floor area of the footprint of individual nonresidential buildings shall be 5,000 square feet, unless otherwise specified. The maximum gross floor area shall be 10,000 square feet for two-story buildings and 15,000 square feet for three-story buildings.

(Ord. No. 18-24, 7-10-2018)

Sec. 1345.06. - Parking and loading standards.

- (a) All uses within this district shall provide not less than 75 percent of the required parking as set forth in Article 1365, Parking, Loading and Internal Roadways.
- (b) No parking spaces shall be permitted between the front facade of a building and any street right-of-way.

(Ord. No. 15-28, 6-2-2015)

Sec. 1345.07. - Performance standards.

- (a) All construction shall conform in street orientation to adjacent structures, except where this shall cause conflict with other provisions.
- (b) Important structures should be built so that they terminate street vistas whenever possible, and should be of sufficient design to create visual anchors for the community. All principal structures within a development should maintain a consistent architectural style.
- (c) Materials:
 - (1) Walls shall be clad in any combination of stone, brick, stucco, marble, or wood.
 - (2) Roofs shall be clad in slate, sheet metal, corrugated metal, and/or diamond tab asphalt shingles, unless the roof is flat and generally not visible from a public street.
 - (3) The orders, if provided, should be made of wood or cast concrete.
- (d) Configuration:
 - (1) Two wall materials may be combined horizontally on one facade. The heavier material shall be below and should not extend above the first floor.
 - (2) Skylights shall be flat (non-bubble).
 - (3) Windows shall be of square or vertical proportion, unless they are transom windows.
 - (4) The ground floor of the principal facade(s) of nonresidential buildings between three feet and eight feet in height shall have a minimum fenestration ratio of 60 percent, comprised of clear windows that allow views of indoor nonresidential component space and/or product display areas.
- (e) Techniques:
 - (1) Stucco should be float finish, not of the synthetic variety.
 - (2) Windows should be set to the inside of the building face wall.

- (3) All rooftop equipment that is enclosed should be enclosed in building material that matches the structure or is visually compatible with the structure.
- (4) No metal bars or screens shall be permitted to cover windows on any facade facing a street.
- (f) Sidewalks:
 - (1) Sidewalks shall be constructed along the frontage of a lot upon which a B-1 use is to be constructed. New sidewalks shall be at least six feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.
 - (2) A canvas or fabric awning may be placed extending from a building over the sidewalk and into the public right-of-way. Such awning must be placed no lower than nine feet above the sidewalk and extend no closer than three feet from the curb line. An encroachment permit is required.

(Ord. No. 06-01, 1-3-2006 ; Ord. No. 18-36, 12-4-2018)

Sec. 1345.08. - Landscaping.

Landscaping and screening as required in Article 1367, Landscaping and Screening, shall be provided for all uses, unless otherwise noted.

ARTICLE 1349. B-4, GENERAL BUSINESS DISTRICT¹

Sec. 1349.01. Purpose.

The purposes of the General Business District (B-4) are to:

- (a) Promote development of a compact, pedestrian-oriented central business district consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (b) Promote a diverse mix of residential, business, commercial, office, institutional, education, and cultural and entertainment activities for workers, visitors, and residents;
- (c) Encourage pedestrian-oriented development within walking distance of public transit opportunities at densities and intensities that will help to support transit usage and businesses;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (f) Enhance the community's character and historical significance through the promotion of high-quality urban design.

(Ord. No. 07-57, 11-6-2007)

Sec. 1349.02. Permitted and conditional uses.

See the Permitted Land Use Table 1331.05.01.

(Ord. No. 07-57, 11-6-2007)

Sec. 1349.03. Lot provisions.

- (a) The minimum lot size shall be 1,500 square feet.
- (b) The minimum lot frontage shall be 30 feet.
- (c) The minimum lot depth shall be 50 feet.
- (d) Maximum lot coverage shall not exceed 90 percent; however, in no case shall the lot coverage exceed that which will permit adequate space for provision and servicing of a dumpster on an approved pad.

(Ord. No. 07-57, 11-6-2007)

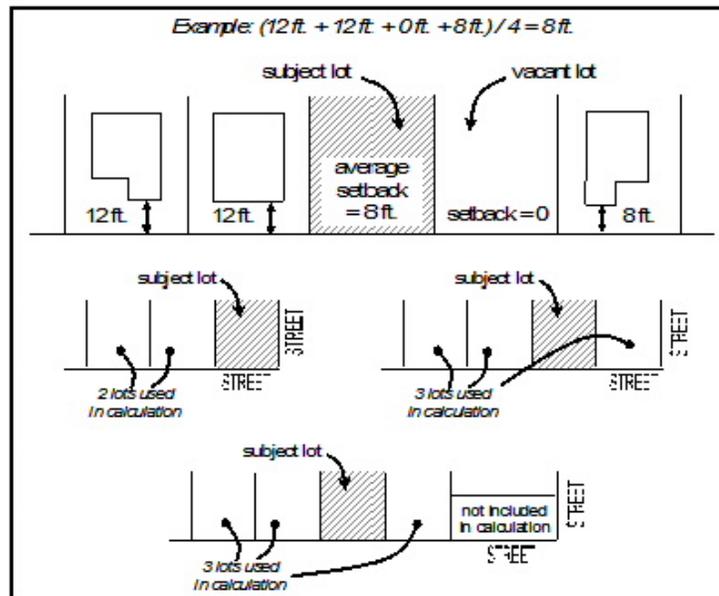
¹Cross reference(s)—Outdoor kennels—see P. & Z. 1331.06(7), (24); daycare facility—see P. & Z. 1331.06(19).

State law reference(s)—Group residential facility—see W. Va. Code 8A-11-2.

Sec. 1349.04. Setbacks and encroachments.

- (a) The following setbacks shall be required for all principal structures, except as otherwise provided in Section 1363.02(b), Yard, Building Setbacks and Open Space Exceptions:
 - (1) No minimum front or street side building setback is required. For developments that are bordered on all sides by public right-of-way (i.e., entire City block), then the minimum front or street side building setback is 15 feet.
 - (2) The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or ten feet, whichever is less. (See Graphic 1349.04.01.) For developments that are bordered on all sides by public right-of-way (i.e., City block), then the maximum front or street side building setback is 20 feet.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero feet.
 - b. When the subject lot is a corner lot, the average setback will be computed on the basis of the two adjacent lots that front the same street as the subject lot.
 - c. When the subject lot abuts a corner lot fronting the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
 - d. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average.

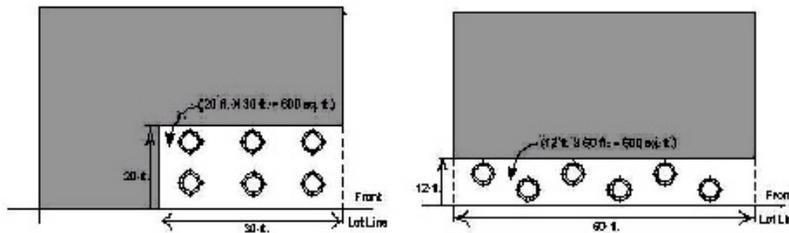
Graphic 13.49.04.01: Calculating Setbacks



- (3) The following exceptions to the maximum front and street side building setbacks apply:
 - a. Buildings taller than three stories may be set back farther than the maximum setback in order to accommodate design elements that preserve adequate sunlight distribution and airflow as required in Article 1351.01(l) below.

- b. A portion of the building may be set back from the maximum setback line in order to provide an articulated facade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
- c. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front or street side property line; or, at least 40 percent of the building facade may not be located beyond the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building facade may not exceed 12 times the building's street frontage in linear feet.

Graphic 1349.04.02: Exceptions to Minimum Front and Street Side Setbacks



- (4) Minimum side setback: No interior side setbacks are required for the first floor. For floors above the first floor, interior side setbacks shall be sufficient to comply with applicable building codes.
- (5) Minimum rear setback: The minimum rear setback shall be ten percent of the lot depth or ten feet, whichever is greater.
- (b) The minimum setback for accessory structures on a lot shall be five feet from the rear property line and five feet from each side property line. No accessory structures are permitted within the front setback. With the exception of newspaper/periodical racks, parcel post drop boxes, and automatic teller machines, no vending machines (i.e. soft drink) or storage units (i.e. ice) are permitted within the front setback or on public right-of-way.

(Ord. No. 07-57, 11-6-2007)

Sec. 1349.05. Building height.

- (a) The minimum height of a principal structure shall be two stories.
- (b) The maximum height of a principal structure, unless otherwise restricted by Article 1362 B-4NPOD, B-4 Neighborhood Preservation Overlay District, shall not exceed 120 feet, except as provided in Section 1363.02(a), Height Exceptions.
- (c) The maximum height of an accessory structure, unless otherwise restricted by Article 1362 B-4NPOD, B-4 Neighborhood Preservation Overlay District, shall not exceed 35 feet.

(Ord. No. 07-57, 11-6-2007)

Sec. 1349.06. Floor area ratio (FAR).

The maximum FAR for all development in this district is 7.0. Area designed, constructed, and utilized to provide parking structure facilities shall be exempt from the maximum FAR.

(Ord. No. 17-09, 4-4-2017)

Sec. 1349.07. Lot area per dwelling unit (residential density).

The minimum lot area per dwelling unit in this district is 300 square feet.

(Ord. No. 07-57, 11-6-2007)

Sec. 1349.08. Parking and loading standards.

- (a) Off-street parking shall be provided in accordance with Article 1365, Parking, Loading and Internal Roadways for all Developments of Significant Impact within this district, unless otherwise restricted by Article 1362 B-4NPOD, B-4 Neighborhood Preservation Overlay District, except as follows:
- (1) Residential. Parking shall not be required for the first 22 occupants, as determined by the West Virginia State Building Code and adopted and implemented by the City, within permitted residential development. With the exception of the first 22 occupants, the minimum number of parking spaces for permitted residential uses shall be one-half a space per occupant, as determined by the West Virginia State Building Code and adopted and implemented by the City.
 - (2) Nonresidential. Parking shall not be required for permitted nonresidential uses and development with a gross floor area of less than 15,000 square feet. The minimum number of parking spaces for permitted nonresidential uses shall be provided in accordance with Table 1365.04.01 "Minimum Off-Street Parking Requirements" for that gross floor area of 15,000 square feet and greater.
 - (3) Movie theaters, as defined in this zoning ordinance.
 - (4) Reduction in minimum required parking. The B-4 zoning district is characterized by businesses and mixed-uses that are well connected to pedestrian and public transit routes and are in close proximity to publicly provided parking facilities. In addition, the uses in the B-4 district are characterized by a mixture of primarily daytime and nighttime uses. For these reasons, the minimum parking requirements may be reduced somewhat in the B-4 district, as a conditional use, as provided in Section 1365.04, Determining the Number of Spaces Required.
 - (5) Fee in-lieu-of parking. Reserved.
 - (6) The Board of Zoning Appeals, 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 this ordinance is observed and substantial justice done.
- (b) All on-site surface parking must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.
- (c) Reserved.
- (d) Loading. Residential uses containing 30 or more dwelling units shall conform to the loading requirements set forth in Section 1365.10 as a "Type II use" (see Table 1365.10.01).

(Ord. No. 15-34, 6-2-2015)

Editor's note(s)—Former subsection (c) hereof was removed by Ord. No. 16-42.

Sec. 1349.09. Performance standards.

See Article 1351, Performance Standards for Buildings in the General Business (B-4) District.

(Ord. No. 07-57, 11-6-2007)

(Supp. No. 2)

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Sec. 1349.10. Landscaping.

Landscaping and screening as required in Article 1367, Landscaping and Screening, shall be provided for all uses, unless otherwise noted.

(Ord. No. 07-57, 11-6-2007)

Sec. 1331.05. Permitted land uses.

The table and supplemental regulations of the Permitted Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the City. The table and supplemental regulations identify the types of land uses that are permitted within the City and any applicable conditions and limitations.

To determine the zoning district in which a particular use is allowed, find the use in the list of uses along the left-hand side of the Permitted Land Use Table and read across the use row to find the zoning district column designations.

Legend:

P — Use is permitted by right in a particular zoning district.

A — Use is permitted as an accessory use in a particular zoning district.

C — Use is allowed only as a conditional use in a particular zoning district subject to the limitations and conditions specified; a conditional use permit is required.

Empty — Use is not permitted in a particular zoning district.

The uses listed in the Permitted Land Use Table are defined in the definitions section (Article 1329).

A description of the supplemental regulations immediately follows the Permitted Land Use Table.

Table 1331.05.01: Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Administrative Office				C	P	C	P	P	P	P	P	29
Agricultural Activity	P										P	
Airport											C	
Amphitheater							P	P				
Animal Grooming Service		C	C	C	C	P	P	P		P		28, 29
Animal Shelter							C			C	P	
Apparel Shop						P	P	P		P	P	28
Appliance Repair Establishment		C	C	C		P	P	P		P	P	4, 28, 29
Appliance Sales Establishment							P	P		P		
Art Gallery		C	C	C		P	P	P	P	P		28, 29
Artist Studio		C	C	C	P	P	C	P	P	C		28, 29
Assembly Hall						P	P	P		P		28
Assisted Living Facility				C		C	C					
Athletic Field	C	C	C	C		C	P	P		P		
Automotive Paint Shop							P				P	4, 9, 10
Automotive Rentals							C			C		
Automotive Sales							C			C		
Automotive Supply							C			P	P	

Automotive Tire Repair/Sales							P			P	P	4, 9, 10	
Automotive/Boat Repair Shop							P				P	4, 9, 10	
Automobile Repair Shop, Incidental							C	C		C	P	4, 9, 10	
Bakery, Retail		C	C	C			P	P	P		P	28, 29	
Bakery, Wholesale							P			P	P		
Barber Shop/Beauty Salon		C	C	C	P		P	P	P		P	28, 29	
Bed and Breakfast Inn			C	C			P	P	P			5, 28	
Brew Pub							C	P	P		P	18	
Building Materials Supplier								P			P	P	9, 10
Car Wash/Detailing								P			P	P	
Caretaker's Residence	C	C	C	C				C		C	C	P	
Cemetery	P	P	P	P				P	P				
Charitable, Fraternal or Social Organization							P	P	P	P	P		28
Churches, Places of Worship	C	C	C	C	C		C	P	P	C	P	C	12
Clinic, Medical				C			P	P	P	P	P	P	28, 29
Club or Lodge							P	P	P				28, 29
Coin-operated Cleaning/Laundry Service			A	C			P	P	P		P		28, 29
Communications Equipment Building	C	C	C	C			P	P	C	P	P	P	28
Community Center	C	C	P	P	P		P	P	P	C			28
Community Gardens	P	P	P	P			P						28
Composting Operation											P	P	3
Conference Center								P	P		P		
Consumer Fireworks Retail Sales								C			P	P	33
Consumer Fireworks Retail Sales Establishment								C			P	P	33
Consumer Fireworks Wholesale Establishment											P		34
Convenience Store, Neighborhood		C	C	C			P	P	P				28, 29

Dance or Social Club, Youth						C	P			P		
Day Care Facility, Class 1	P	P	P	P	P	P	P	P	P	P		
Day Care Facility, Class 2	C	C	C	P	P	P	P	P	P	P		19
Day Care Facility, Class 3				C	P	P	P	P	P	P		19
Department Store							P	P		P		
Distribution Center											P	
Dog Run							C			C	C	24
Dormitory				P			P	P				
Drive-in Theatre/Outdoor							P				P	
Drive-through Facility						A	A	A	A	A		25
Driving Range, Golf							C				C	
Drug Store		C	C	C		P	P	P		P		28
Dry Cleaning and Laundry Pick-up				P		P	P	P		P		28, 29
Dry Cleaning and Laundry Service						C	P	P		P		
Dwelling, Mixed Use			C	P		P	P	P	P	P		20, 26, 28
Dwelling, Multi-family			C	P			P	C	C			35
Dwelling, Single family	P	P	P	P	P							16
Dwelling, Townhouse			P	P	P		P	P				
Dwelling, Two-family			P	P	P			C				
Electrical Repair Shop						P	P	P		P		4, 28
Emergency Shelter				C		C	C	P				
Equipment or Furniture Rental Establishment							P	P		P	P	9, 10
Essential Services and Equipment	P	P	P	P	P	P	P	P	P	P	P	28
EV Charging Station, Private	A	A	A	A	A	A	A	A	A	A	A	
EV Charging Station, Public			A	A	A	A	A	A	A	A	A	
Extractive Industry											P	31
Fairgrounds											P	
Farmer's Market						C	C	P				
Financial Services Establishment					P	P	P	P	P	P		28
Florist Shop		C	C	C		P	P	P		P		28, 29
Fraternity or Sorority House			C	P			P	C				

Funeral Home				P		P	P	P				28
Furniture Sales Establishment (Antique, New or Used)							P	P		P		4
Garden Center							P			P		
Gas Station Mini-Mart							P	P		P	P	8
Gasoline Service Station							P	P		P	P	8
Golf Course	C	C	C	P		P	P	P		P	P	28
Government Facility	P	P	P	P		P	P	P	P	P	P	28
Greenhouse, Non-Commercial	A	A	A	A							P	
Greenhouse, Commercial							P				P	
Grocery Store							P	P		P	P	
Group Residential Facility	P	P	P	P		P	P	P				28
Group Residential Home	P	P	P	P		P	P	P				28
Guest House			C	C								
Half-way House			C	C		C	C					
Hardware Store						C	P	P		P	P	
Health/Sports Club			C	C		P	P	P	P	P	P	28, 29
Heavy Machinery Sales										P	P	4, 9, 10
Heliport or Helipad								C		C	C	
Home Improvement Center							P	C		P		
Home Occupation, Class 1	A	A	A	A	A	A	A	A	A	A	A	2
Home Occupation, Class 2	C	C	C	C	C	C	C	C	C	C	C	2
Hospital	C	C	C	C		C	P	C		P	C	
Hotel							P	P	P	P		
Hotel, Full-service							P	P	P	P		1
Hypermarket							P			P		
Industrial Equipment Repair Establishment											P	
Industrial Park											P	
Industrial Supplies Establishment											P	
Industry, Heavy											C	32
Industry, Light							C			C	P	9, 10
Instructional Studio		C	C	C		P	P	P		P		28, 29
Junkyard											C	17
Kennel, Commercial						C	P					7
Laboratories									P	P	P	9, 10

Laundromat			C	C		P	P	P		P		28, 29
Liquor Store							P	P		P		
Lodging or Rooming House			C	P			P					
Manufactured Homes	P	P	P	P	P							16
Manufactured Housing Sales											P	
Manufacturing, Heavy											P	32
Marina, Commercial							C	C		C	C	14
Marina, Private							C	C		C	C	14
Marine Supplies Establishment							P			P	P	9, 10
Medical Cannabis Dispensary							P			P		
Medical Cannabis Growing Facility											P	
Medical Cannabis Processing Facility										P	P	
Mixed Use Building			C	P		P	P	P	P	P		20, 26, 28
Motel							P	P		P		
Motorcycle Sales Establishment							P			P		
Movie Theater, Large							P	C		P		
Movie Theater, Small						P	P	P		P		28
Multi-Use Nonresidential Building					C	C		C	P		P	29
Newsstand		C	C	C		P	P	P	P	P		29
Nursery, Plant							P	C		C		
Nursing Home				P			P		P			
Office Building					P	C	P	P	P	P	P	
Office Equipment Repair Establishment							P	P		P	P	4, 9, 10
Office, Medical					P		P	P	P	P		
Office Park									C	P	P	
Office Supplies Establishment						P	P	P	P	P		28
Oil Change Facility							P	P		P	P	
Outdoor Flea Market						C	C	C		C		
Outdoor Storage							C			C	P	

Outdoor Storage, Seasonal							P			P	P	
Park and Recreational Services	C	C	C	P			P	P	P	P		11, 28
Parking Lot, Principal Use				C			P	P	C		P	P
Parking Structure, Principal Use				C			P	P	C		P	P
Passenger Station, Motor Bus, Railroad							C	P	P		P	P
Pawnshop							P	P	P		P	
Penal/Correctional Institution												C
Personal Services Establishment				C	P		P	P	P	C	P	
Personal Storage Facility								C			C	C
Private Club								C			P	P
Professional Services Establishment			C	C	P		P	P	P		P	
Recreation Facility, Commercial, Outdoor							C	P			P	
Recreational Facility, Commercial, Indoor							C	P			P	
Recyclable Collection Center/ Solid Waste Transfer Station												P
Recycling Center											P	P
Repair, Small Engine and Motor Shop								P	P		P	P
Research and Development Center										C	P	P
Restaurant				P			P	P	P	P	P	
Restaurant with Drive-in								P	P	P	P	
Restaurant, Family			C	P			C	P	P	P	P	
Restaurant, Fast Food							C	P	P	P	P	
Restaurant, Private Club							C	P	C		P	P
Restaurant, Private Wine							P	P	P		P	P
Retail Sales Establishment							P	P	P		P	
Re-use of Closed/Vacant School or Church	C	C	C	C			C	C	C			
Salvage Yard												C

School (K-12), Private	C	C	C	C		C	P	P		P		
Sexually Oriented Business											C	
Shooting Range, Indoor							C			C	P	
Shopping Center, Large Scale							P			P		
Shopping Center, Medium Scale							P			P		
Shopping Center, Small Scale							P			P		
Snack Bar/Snack Shop				C		P	P	P	A	P		28, 29
Sporting Goods Establishment						C	P	P		P		
Tavern						P	P	P		P	P	21, 28
Taxicab Service							P			P	P	23
Telecommunications Class I	P	P	P	P	P	P	P	P	P	P	P	30
Telecommunications Class II			P	P		P	P	P	P	P	P	30
Telecommunications Class III						C	C	C		C	C	30
Transient Amusement Enterprise							P			P	P	
Terminal, Truck or Motor Freight											P	
University or College, Private							C	P		P		
Upholstery/Interior Decorating Service							P	P		P		4
Video Gaming/Lottery Establishment											P	13
Veterinary Clinic					C	P	P	P		P		7, 28
Warehousing/Distribution									P		P	21
Wellness Center			C	C	P	C	P	P	P	P		29
Wholesale Establishment									P	P	P	
Wrecker Service							C				P	

(Ord. No. 06-37, 11-8-2006; Ord. No. 06-48, 12-5-2006; Ord. No. 07-17, 6-5-2007; Ord. No. 07-19, 6-5-2007; Ord. No. 07-20, 6-5-2007; Ord. No. 07-53, 11-6-2007; Ord. No. 09-08, 3-3-2009; Ord. No. 09-16, 5-5-2009; Ord. No. 09-29, 7-7-2009; Ord. No. 11-44, 11-1-2011; Ord. No. 12-27, 7-3-2012; Ord. No. 13-32, 7-2-2013; Ord. No. 16-38, 8-2-

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(Supp. No. 2, Rev.)

2016; Ord. No. 16-43, 9-6-2016; Ord. No. 16-48, 10-4-2016; Ord. No. 17-27, 7-5-2017; Ord. No. 18-14, 4-3-2018;
Ord. No. 18-23, 7-10-2018; Ord. No. 18-24, 6-5-2018; Ord. No. 18-29, 10-16-2018; Ord. No. 2020-21 , 7-7-2020)

STAFF REPORT ADDENDUM C

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Concurrence with the 2013 Comprehensive Plan Update

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

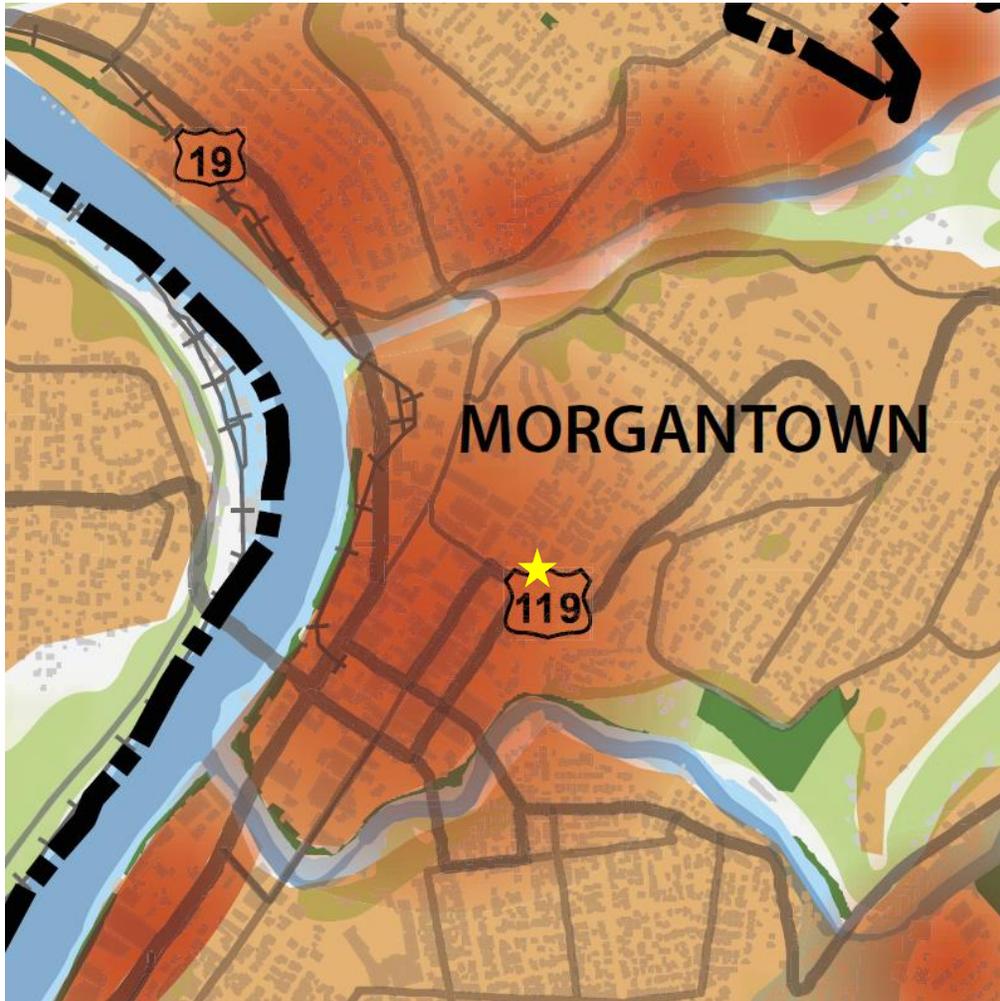
INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principles.
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Principles for Land Management

Principles 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> N/A or Inconclusive
	<i>The subject premises are in the City's Urban Corridor, as identified in Pattern and Character Map. Per Chapter 3 of the 2013 Comprehensive Plan Update, "it is preferable to accommodate growth within the existing urban area in locations that are appropriate for and can support increased development densities."</i>	
Principle 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> N/A or Inconclusive
	<i>The subject premises are located in an area where growth is encouraged per the Conceptual Growth Framework Plan (below). More particularly, these areas "should be strongly encouraged for economic development interests and revitalizing neighborhoods and districts. Such growth includes new development and redevelopment within existing areas."</i>	

STAFF REPORT ADDENDUM C

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street



Principle 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalization efforts.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> N/A or Inconclusive
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Principle 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
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STAFF REPORT ADDENDUM C

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Principle 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
<i>Site and building design are extraneous to the petitioner's zoning map amendment request.</i>		
Principle 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> N/A or Inconclusive
Principle 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
<i>The proposed zoning map amendment would not result in any immediate street or pedestrian network improvements.</i>		
Principle 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
Principle 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 alternatives and basic retail needs.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>		
Principle 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
<i>Site design is extraneous to the petitioner's zoning map amendment requests.</i>		

STAFF REPORT ADDENDUM C

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

Principle 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> N/A or Inconclusive
--------------	--	--

Site design is extraneous to the petitioner's zoning map amendment request.

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.

Please see the clipped graphic above that shows the **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject properties are within a **"Encouraged Growth"** concept area.

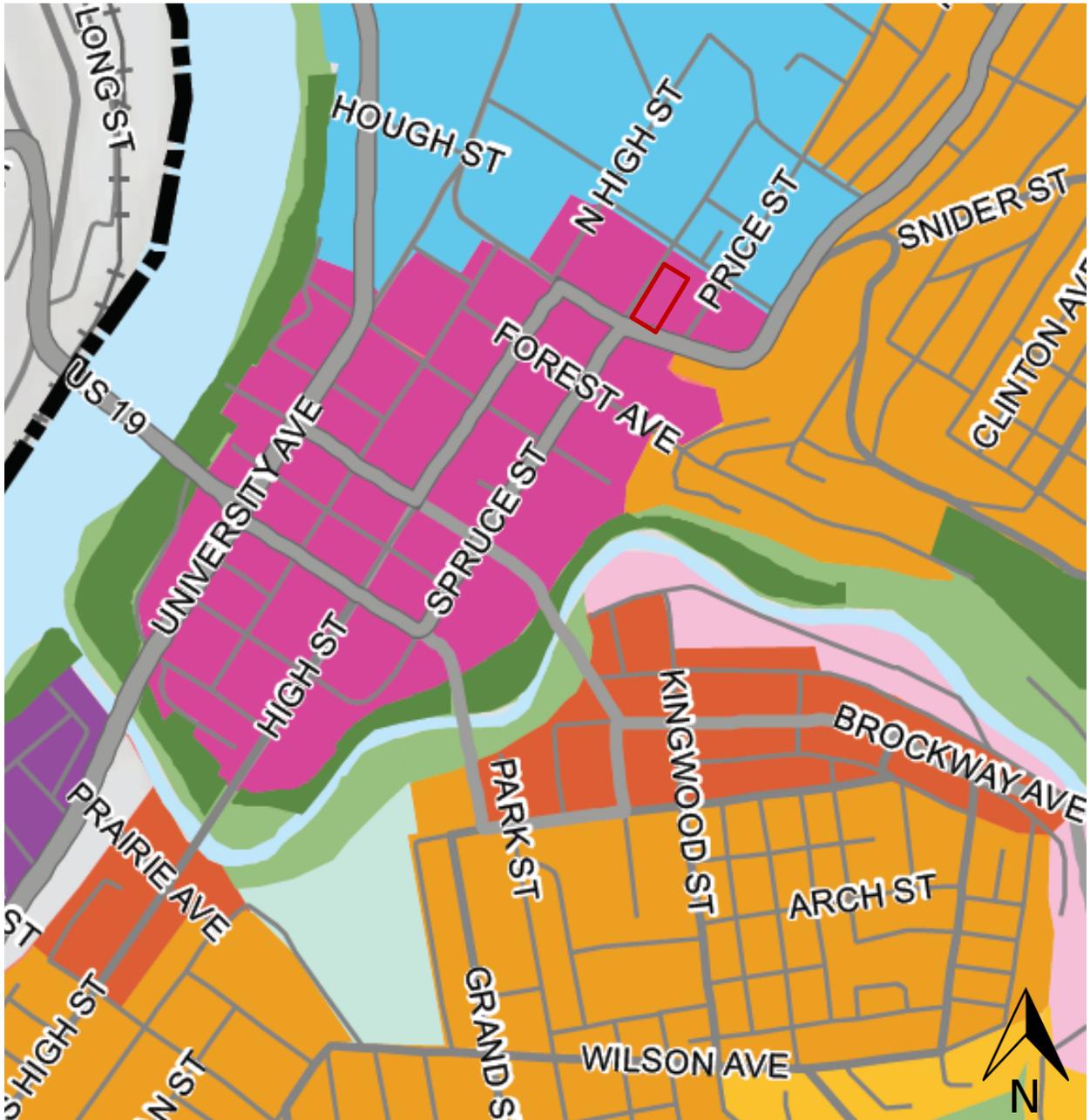
PATTERN AND CHARACTER

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 graphic below is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject properties are located within the "Core" pattern and character area.

STAFF REPORT ADDENDUM C

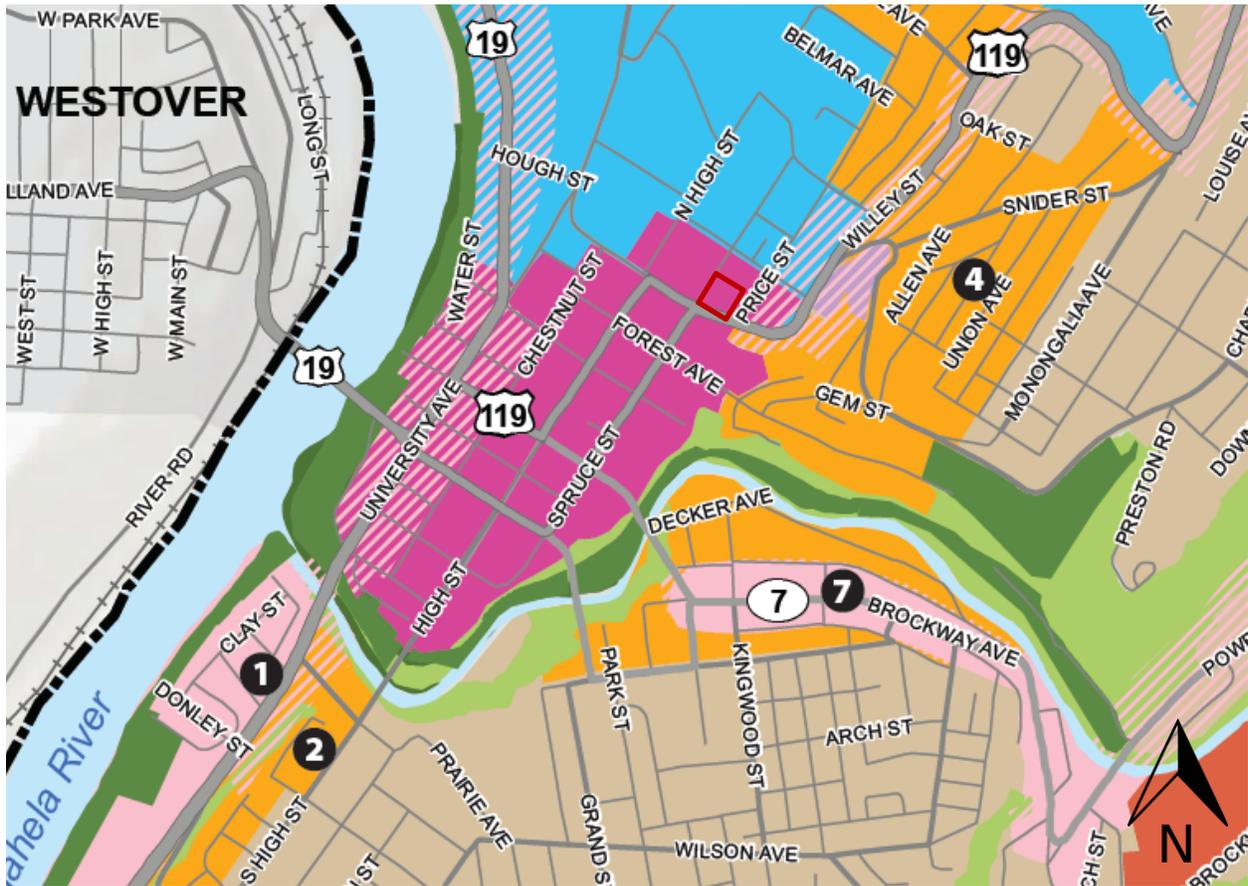
RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street



STAFF REPORT ADDENDUM C

RZ22-03 / Daniel Scott / 261 Willey Street, 544 and 552 North Spruce Street

The graphic below is clipped from **Map 4 – Land Management** included on Page 39 of the 2013 Comprehensive Plan Update. The proposed reclassification of property is located in an “Downtown Enhancement.” Please note the desired development types listed and described in the staff report.





THE CITY OF
MORGANTOWN
WEST VIRGINIA

OFFICE USE
CASE NO. _____

APPLICATION FOR ZONING MAP AMENDMENT

Fee: **Less than one acre = \$250.00** **One acre or greater = \$500.00** **[Z-RZ]**

(PLEASE TYPE OR PRINT IN INK)

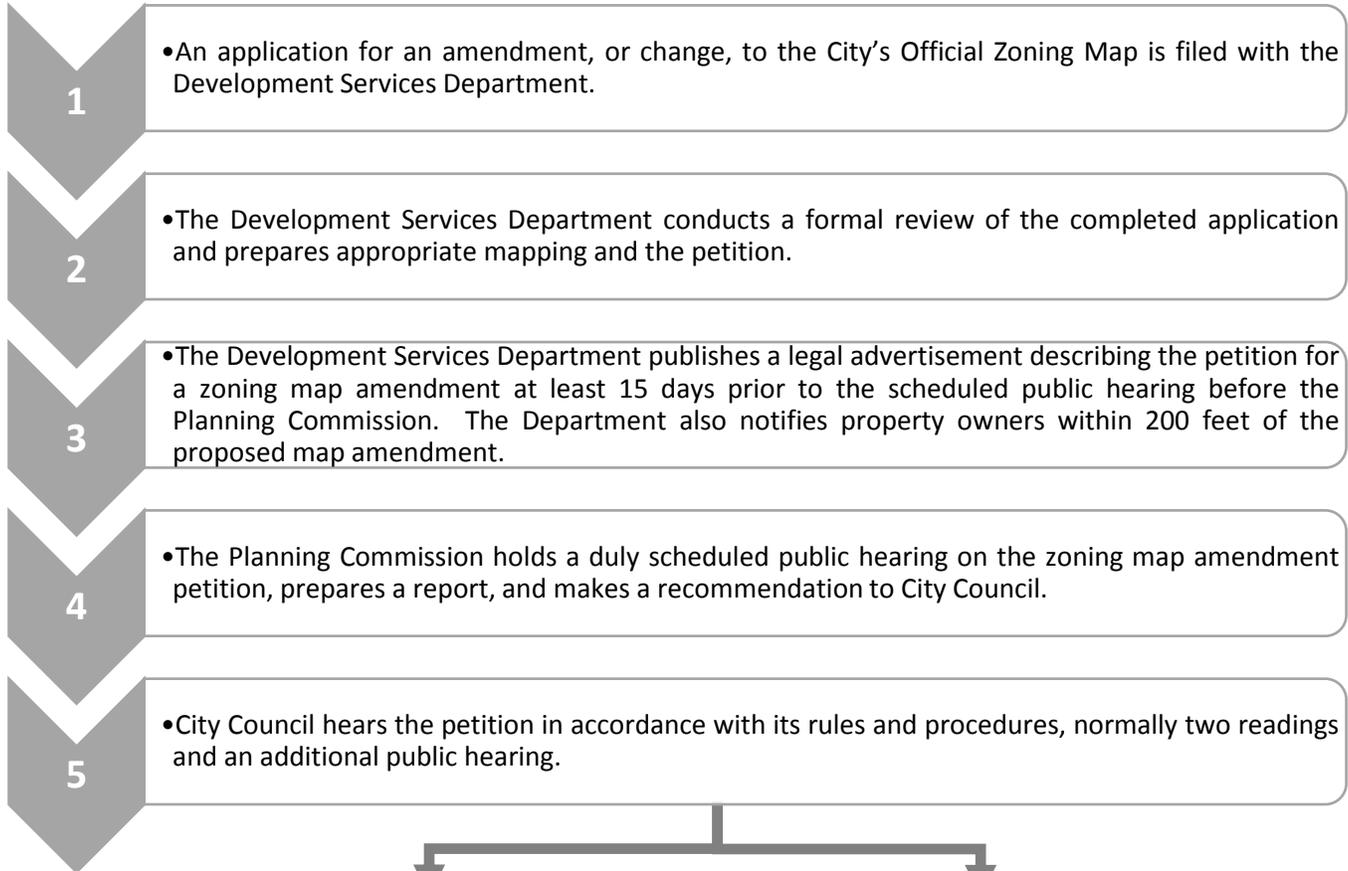
I. OWNER / APPLICANT			
Name:		Phone:	
Mailing Address:	Street	Mobile:	
	City	State	Zip
	Email:		
II. AGENT / CONTACT INFORMATION			
Name:		Phone:	
Mailing Address:	Street	Mobile:	
	City	State	Zip
	Email:		
Mailings:	Send all correspondence to (check one): Applicant OR Agent/Contact		
III. PROPERTY			
Street Address (if assigned):			
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):	
Current Zoning Classification:		Proposed Zoning Classification:	
Current Land Use:		Proposed Land Use*:	
<i>*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.</i>			
IV. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.</p>			
Type/Print Name of Applicant/Agent		Type/Print Name of Applicant/Agent	Date

Finance Rev'd



APPLICATION FOR ZONING MAP AMENDMENT

ADDENDUM A - Zoning Map Amendment Process



APPROVED

If the petition for the zoning map amendment is approved by City Council, the applicant receives approval and is formally notified by mail by the Development Services Department and the Official Zoning Map is amended to reflect the approved zoning reclassification.

DENIED

If the petition for the zoning map amendment is denied by City Council, the applicant is formally notified in writing by the Development Services Department of the denial and the right to appeal the decision to the Circuit Court of Monongalia County.



APPLICATION FOR ZONING MAP AMENDMENT

Fee: Less than one acre = \$250.00 One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT			
Name:	PLP Morgantown LLC	Phone:	727 4881869
Mailing Address:	1700 E Higgins Rd #430	Mobile:	SAME
	<small>Street</small> Des Plaines IL 60018 Email: nicholas.azadian@gmail.com <small>City</small> <small>State</small> <small>Zip</small> <small>.com</small>		
II. AGENT / CONTACT INFORMATION			
Name:	Daniel P Scott	Phone:	8476505367
Mailing Address:	1700 E Higgins Rd #430	Mobile:	SAME
	<small>Street</small> Des Plaines IL 60018 Email: danscott1720@gmail.com <small>City</small> <small>State</small> <small>Zip</small>		
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
III. PROPERTY			
Street Address (if assigned):	544 Spruce St.		
Tax Map(s) #:	26	Parcel(s) #:	243 Size (sq. ft. or acres): 5000 SF
Current Zoning Classification:	B1	Proposed Zoning Classification:	B4
Current Land Use:	Fraternity house	Proposed Land Use*:	Fraternity House
<small>*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.</small>			
IV. ATTEST			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.			
	Dan Scott	7-27-22	
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date	



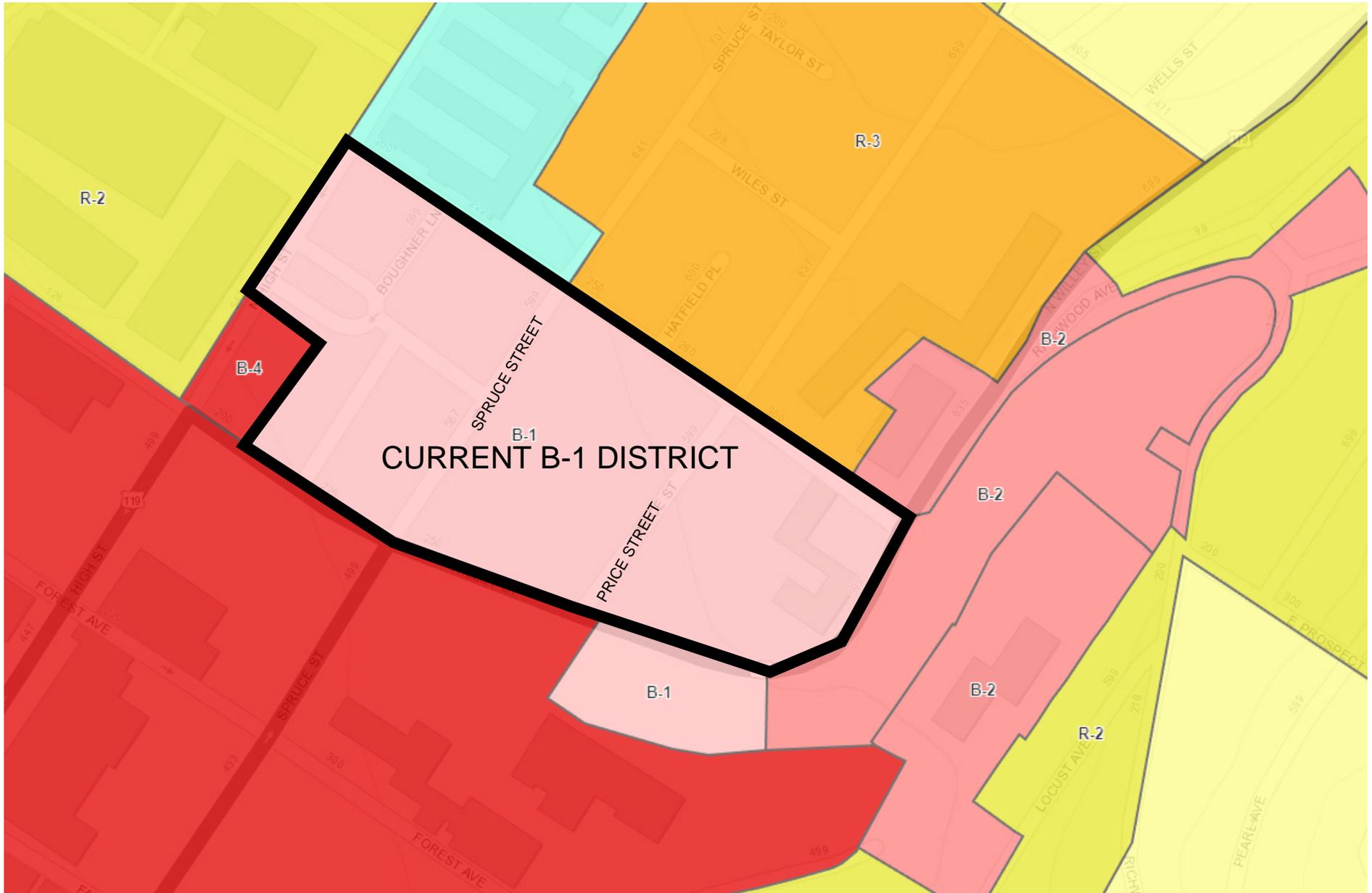
OFFICE USE
CASE NO. _____

APPLICATION FOR ZONING MAP AMENDMENT

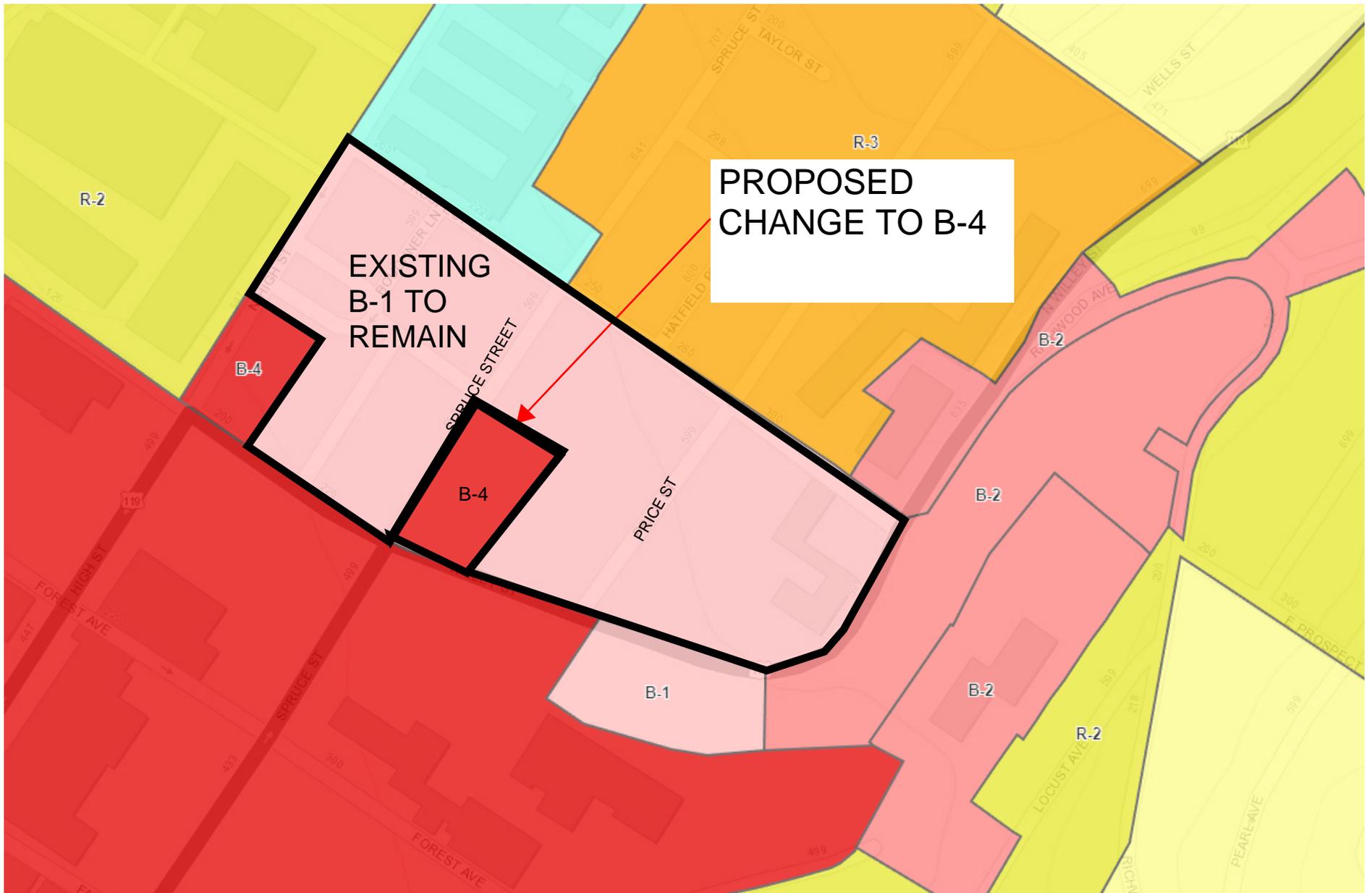
Fee: Less than one acre = \$250.00 One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT						
Name:	Alpha Phi House Corporation			Phone:	304.290.4021	
Mailing Address:	261 Willey Street			Mobile:	304.290.4021	
	Street	Morgantown	WV	26505	Email:	randbfuller@hotmail.com
	City	State	Zip			
II. AGENT / CONTACT INFORMATION						
Name:	Daniel P Scott			Phone:	8476505367	
Mailing Address:	1700 E Higgins Rd #430			Mobile:	8476505367	
	Street	Des Plaines	IL	60018	Email:	sanscott1720@gmail.com
	City	State	Zip			
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact					
III. PROPERTY						
Street Address (if assigned):	261 WILEY STREET					
Tax Map(s) #:	26	Parcel(s) #:	244	Size (sq. ft. or acres):	5000	
Current Zoning Classification:	B1		Proposed Zoning Classification:	B4		
Current Land Use:	SORORITY HOUSE		Proposed Land Use*:	SORORITY HOUSE		
*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.						
IV. ATTEST						
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.						
Beth Fuller, President HCB			<i>Beth Fuller, President HCB</i>		10/18/2022	
Type/Print Name of Applicant/Agent			Type/Print Name of Applicant/Agent		Date	



Zoning Map of the Area proposed

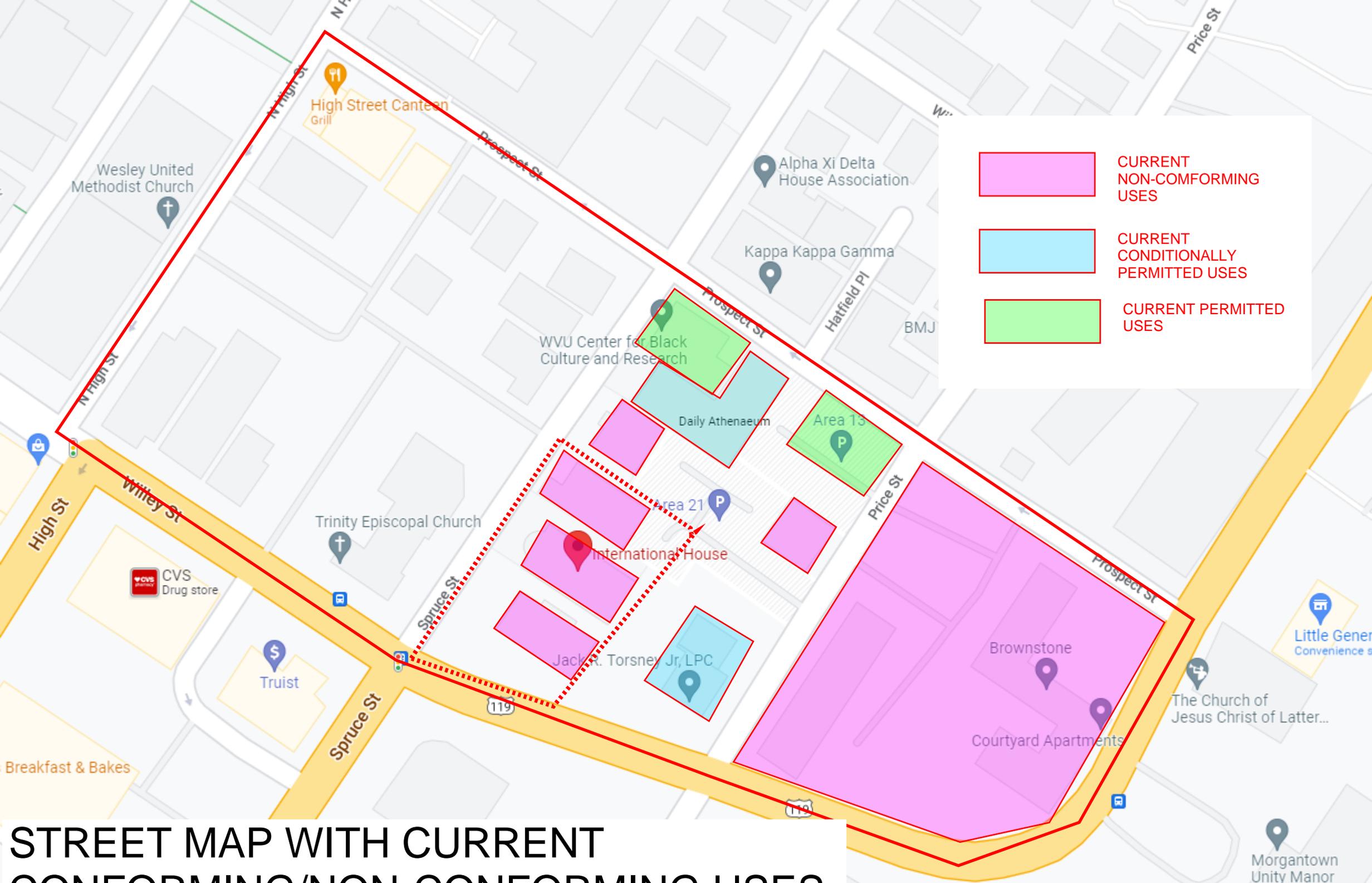


PROPOSED ZONING CHANGE

Number	Address	Name	Use
1	331 Willey street	Brownstone	Multi-family
2	Parking Area 13	Parking	Parking
3	565 Price Street	-	Multi-family
4	305 willey street	Campus Ministries	Charitable Organization
5	261 Willey Street	Alpha Phi Sorority	Sorority House
6	544 Spruce Street	Pi Lambda Phi Fraternity	Fraternity House
7	552 Spruce Street	Sigma Kappa Sorority	Sorority House
8	570 Spruce Street	Tiawan House	Multi-family
9	260 Prospect Street	Daily Athenaeum	Newspaper
10	590 Spruce Street	WVU Center for Black Culture and Research	Educational Research

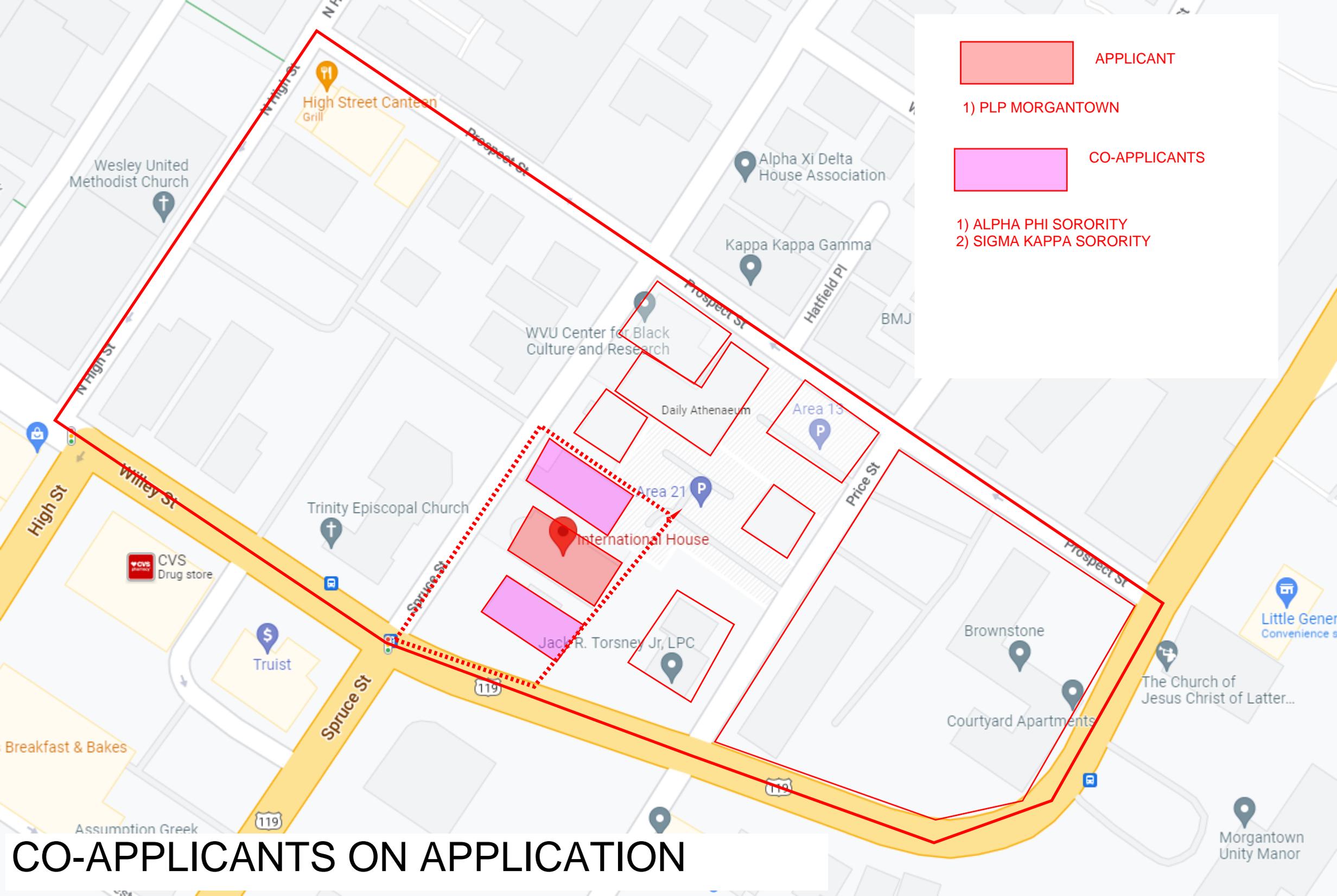


STREET MAP WITH BUILDING OVERLAY



	CURRENT NON-COMFORMING USES
	CURRENT CONDITIONALLY PERMITTED USES
	CURRENT PERMITTED USES

STREET MAP WITH CURRENT CONFORMING/NON-CONFORMING USES



APPLICANT

1) PLP MORGANTOWN



CO-APPLICANTS

1) ALPHA PHI SORORITY
2) SIGMA KAPPA SORORITY

CO-APPLICANTS ON APPLICATION

**FIRST AMENDMENT TO
CITY OF MORGANTOWN CONTRACT**

The First Amendment to City of Morgantown Contract (the “First Amendment”) is entered into as of February ___, 2023 (the “First Amendment Effective Date”) by and between Allied Waste Services of North America, LLC d/b/a Republic Services of West Virginia (“Contractor”) and the City of Morgantown (“City”), (collectively, the “Parties”)

WITNESSETH

WHEREAS Contractor and the City are parties to that certain Contract, dated March 20th, 2018 (the “Original Agreement”); (Note this is an extension of the original Agreement which expires September 30th, 2022, and Extended to February 28th, 2023).

WHEREAS the Parties desire to amend the Original Agreement only as specifically set forth herein.

THEREFORE, in consideration of the mutual covenants and promises of the parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree that the Original Agreement is amended as follows:

1. Contract Extension; [Amendment to] General Provisions, Section II, Part 3;

- a. The Agreement begins on the First Amendment Effective Date and expires five (5) years thereafter, unless otherwise amended or terminated pursuant to the Agreement. This Agreement may be extended for such additional time as agreed upon between the parties hereto in writing

2. Rates; [Amendment to] General Provisions, Section II, Part 6;

- a) Rates for Services. The rates for Residential and Commercial Solid Waste Service shall be as shown on Exhibit A-1, and shall be in accordance with duly enacted City Ordinances, subject to the rate adjustments and additional fees and costs as set forth herein.
- b) Annual Rate Adjustments. The rate for Residential and Commercial Solid Waste Services will change effective on each anniversary of the First Amendment Effective Date. The rate for Residential and Commercial services will change in an amount equal to the most recently available trailing 12 months' average in the Consumer Price Index for All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. City Average, as published by the United States Department of Labor, Bureau of Statistics (the “CPI”) but in no event more than 107% of the previous rate.

3. Changes to Method of Invoicing; [Amendment to] General Provisions, Section II, Part 8-a;

- a. The City shall have the right, but not the obligation, to control the invoicing and collection for fees for all Commercial and Industrial Unit accounts, either directly or through its agent, upon delivery of thirty (30) days’ advance written notice to Company. Upon the City’s exercise of such right, Company shall continue to perform Services for all Commercial and Industrial Units within the City, and City shall collect and remit to Company the fees for Services at such Commercial and Industrial Units, less any service fees charged for the invoicing and collection services.

- 4. Residential Waste Carts; [Amendment to] Containers, Section VII, adding a new Part 5;**
 - a. Contractor shall provide each Dwelling Unit and Municipal Facility with 1 (One) 96-gallon municipal waste container and 1 (One) 35-gallon recycling container. Damaged or missing carts will be replaced/maintained by Contractor at no additional cost, with a limit of 1 (one) replacement cart per unit per calendar year. Additional replacements in a calendar year will be billed to customer. Eligible customers, as reasonably determined by the Contractor as physically limited to manage the 95 gallon carts may request, and Contractor shall provide, within a reasonable time after request, smaller size (35-gallon or similar) municipal waste containers, which will be provided at Contractor cost. Any other customer may request, and Contractor shall provide, within a reasonable time after request, smaller size (35-gallon or similar) municipal waste containers, which will be provided at customer cost, subject to availability.
 - b. Carts will include an adhesive sticker with QR code and phone number to facilitate customer contact with Contractor. The QR code will link customers to Contractor's website, provided in accordance with Section 6 of this First Amendment.
 - c. Cost for Carts will be included in the base rate for service as outlined on Exhibit A-1.
 - d. Additional Carts may be rented at an additional one-time purchase cost as negotiated between the Parties.
- 5. Monthly Drop Off Recycling Events; [Amendment to] Frequency of Collection/Removal and Day/Time Collection, Section V, Part 10;**
 - a. A routine Monthly recycling drop off event will be provided by the Contractor to collect single stream recycling material to residents of the City, with Contractor to validate proof of residency. Drop Off Events will take place at the Contractor's transfer station, Mountaineer Transfer Station, located at 2130 Rail Street, Morgantown, WV 26501 and take place on the second (2nd) Saturday of each month between 11:00am and 2:00pm.
 - b. City and Contractor will consider, as available, other recycling event options that provide access at alternate times and/or to nonresidents, subject to applicable law.
- 6. Dedicated Webpage; [Amendment to] Customer Relations and Cooperation with Stakeholders, Section VIX;**
 - a. The Contractor will provide the City and municipal residents access to a dedicated webpage, created and managed by the Contractor, accessed through a provided QR code and/or website address, that brings up-to-date information to the city and its residents and will include options for electronic submission of service issues to Contractor
- 7. Collection at City Facilities; [Amendment to] Collection at City Facilities, Section V Part 4:**
 - a. City containers for collection are as shown on the attached Exhibit B and Includes the following buildings or properties:
 - i. Aull Center
 - ii. Bus Stops (locations to be identified by City in cooperation with Mountain Line Transit Authority)
 - iii. City Hall,
 - iv. City Offices (430 Spruce Street)
 - v. City Garage

- vi. Dorsey's Knob Park
 - vii. Hazel Ruby McQuain Riverfront Park
 - viii. Krepps Park
 - ix. Marilla Park
 - x. Morgantown History Museum
 - xi. Morgantown Marketplace Pavilion
 - xii. Morgantown Municipal Airport
 - xiii. Morgantown Public Library
 - xiv. Metropolitan Theater
 - xv. North Side Fire Station
 - xvi. Norwood Fire Station
 - xvii. On-shore facility serving Morgantown Lock and Dam (if established)
 - xviii. Public Safety Building
 - xix. South Side Fire Station
 - xx. Valley Crossing (roll-off)
 - xxi. White Park (Ice Arena, Ballfields, containers, Maintenance Shop)
 - xxii. Wiles Hill Community Center
 - xxiii. Woodburn School
- b. City may add containers to any new or existing City properties in the ordinary course of its business by notifying Contractor and updating this list.

8. Penalties; [Amendment to] Penalties, Section XXIV new Part 3g):

- a. In addition to any other penalty, any amount refunded to Customer by City, but the refunded amount shall be no more than the reasonable amount agreed by the parties. If the parties do not agree, either party may seek determination of the appropriate amount through any applicable administrative or judicial process after providing written notice of such intent and a time period of 30 days in which to agree to the amount designated in the notice.

9. Termination; [Amendment to] Right to Terminate Contract (Breach of Contract), Section XIII new Part 3:

- a. Upon any termination or expiration of the Agreement, and notwithstanding any language to the contrary, City shall have the right to continue receiving services from Contractor at the rates and on the terms then in effect for a time period up to three (3) months from termination or expiration in order to ensure continuity of service to customers.

10. Reporting; [Amendment to] Reporting, Section XVIII:

- a. Contractor will conduct audits of the contents of Refuse and Recyclable Materials no less than quarterly, using a method approved as agreed by the parties
- b. Contractor shall submit a quarterly report showing the amounts of, Recyclable Materials, and Refuse disposed of and the total accounts of each type serviced. The report shall also include data showing the provision of recycling information to consumers as required by this section. The Contractor will include within the report measures of engagement including number and percentage of accounts actively participating in the recycling program. The reports will be made available by email to the City Manager or designee and by other means reasonably required by the City on April 15, July 15, October 15, and January 15 each year.

- c. In addition to the reporting responsibilities, the Contractor will annually provide to commercial and residential customers clear and accurate information on proper recycling practices. Contractor will work with the designated representative(s) of City to prepare such annual publications. The information will be made available on Contractor's dedicated website operated pursuant to Section 6 of this First Amendment and in several forms including flyers/brochures, stickers for recycling bins, magnets for refrigerators, inserts in bills, and publicity in local media, as agreed by the Parties.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the First Amendment Effective Date.

Allied Waste Services of North America, LLC, d/b/a Republic Services of West Virginia

By: _____

Its: _____

Date: _____

City Of Morgantown, West Virginia
a municipal corporation

By: _____

Its: _____

Date: _____

EXHIBIT A-1

SOLID WASTE PRICING

***RESIDENTIAL PRICING**

\$20.35/MONTH

Inclusions in Residential Service:

- Cart contents only for weekly trash and recycling collection
 - One 96 gallon cart of gray color for trash to be provided to each unit
 - One 35 gallon or similar cart of green color for single stream recycling
 - Carts to be replaced/maintained by Contractor at no additional cost

Monthly drop-off service at Mountaineer Transfer Station available for residents

- Bulky Items by request
- Monthly On-call Door-to-Door E-waste Collection, Processing and Disposal serviced on the last Friday of each month

***COMMERCIAL PRICING**

*Prices are all subject to price adjustments as provided in the Agreement terms, and are all exclusive of Fuel Recovery Fee, set and regulated bi-annually by the West Virginia Public Service Commission invoiced as a separate line item.

*Disposal fee is in addition to collection fee and is included in all rates. Increases in the disposal fee authorized or implemented by the West Virginia Public Service Commission will be negotiated by the parties.

EXHIBIT A-1
Rate Tables

Residential Pricing:

	2023	2024	2025	2026	2027
	\$ 21.35	\$ 22.84	\$ 24.44	\$ 26.15	\$ 27.99

Rates will adjust according to the Water/Sewer/Trash index, capped at 7%. The listed rates for years 2024 - 2027 represent the highest possibility for that year.

Commercial Pricing:

2023								
Trash	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 25.31	\$ 25.31	\$ 50.61	\$ 101.15	\$ 151.72	\$ 202.30	\$ 252.87	\$ 303.45
4yd	\$ 50.61	\$ 50.61	\$ 101.23	\$ 202.30	\$ 303.45	\$ 404.60	\$ 505.74	\$ 606.89
6yd	\$ 75.92	\$ 75.92	\$ 151.84	\$ 303.45	\$ 455.17	\$ 606.89	\$ 758.62	\$ 910.34
8yd	\$ 101.23	\$ 101.23	\$ 202.45	\$ 404.60	\$ 606.89	\$ 809.19	\$ 1,011.49	\$ 1,213.79
Rcy	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 22.88	\$ 22.88	\$ 45.76	\$ 91.45	\$ 137.17	\$ 182.90	\$ 228.62	\$ 274.35
4yd	\$ 45.76	\$ 45.76	\$ 91.52	\$ 182.90	\$ 274.35	\$ 365.80	\$ 457.25	\$ 548.70
6yd	\$ 68.64	\$ 68.64	\$ 137.28	\$ 274.35	\$ 411.52	\$ 548.70	\$ 685.87	\$ 823.05
8yd	\$ 91.52	\$ 91.52	\$ 183.04	\$ 365.80	\$ 548.70	\$ 731.60	\$ 914.50	\$ 1,097.40

2024								
Trash	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 27.08	\$ 27.08	\$ 54.16	\$ 108.23	\$ 162.34	\$ 216.46	\$ 270.57	\$ 324.69
4yd	\$ 54.16	\$ 54.16	\$ 108.31	\$ 216.46	\$ 324.69	\$ 432.92	\$ 541.15	\$ 649.38
6yd	\$ 81.23	\$ 81.23	\$ 162.47	\$ 324.69	\$ 487.03	\$ 649.38	\$ 811.72	\$ 974.06
8yd	\$ 108.31	\$ 108.31	\$ 216.63	\$ 432.92	\$ 649.38	\$ 865.83	\$ 1,082.29	\$ 1,298.75
Rcy	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 24.48	\$ 24.48	\$ 48.96	\$ 97.85	\$ 146.78	\$ 195.70	\$ 244.63	\$ 293.55
4yd	\$ 48.96	\$ 48.96	\$ 97.93	\$ 195.70	\$ 293.55	\$ 391.40	\$ 489.26	\$ 587.11
6yd	\$ 73.44	\$ 73.44	\$ 146.89	\$ 293.55	\$ 440.33	\$ 587.11	\$ 733.88	\$ 880.66
8yd	\$ 97.93	\$ 97.93	\$ 195.85	\$ 391.40	\$ 587.11	\$ 782.81	\$ 978.51	\$ 1,174.21

2025								
Trash	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 28.97	\$ 28.97	\$ 57.95	\$ 115.81	\$ 173.71	\$ 231.61	\$ 289.51	\$ 347.42
4yd	\$ 57.95	\$ 57.95	\$ 115.89	\$ 231.61	\$ 347.42	\$ 463.22	\$ 579.03	\$ 694.83
6yd	\$ 86.92	\$ 86.92	\$ 173.84	\$ 347.42	\$ 521.12	\$ 694.83	\$ 868.54	\$ 1,042.25
8yd	\$ 115.89	\$ 115.89	\$ 231.79	\$ 463.22	\$ 694.83	\$ 926.44	\$ 1,158.05	\$ 1,389.66
Rcy	1xM	EOW	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk
2yd	\$ 26.20	\$ 26.20	\$ 52.39	\$ 104.70	\$ 157.05	\$ 209.40	\$ 261.75	\$ 314.10
4yd	\$ 52.39	\$ 52.39	\$ 104.78	\$ 209.40	\$ 314.10	\$ 418.80	\$ 523.50	\$ 628.20
6yd	\$ 78.59	\$ 78.59	\$ 157.17	\$ 314.10	\$ 471.15	\$ 628.20	\$ 785.25	\$ 942.31

8yd	\$ 104.78	\$ 104.78	\$ 209.56	\$ 418.80	\$ 628.20	\$ 837.61	\$ 1,047.01	\$ 1,256.41
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2026								
Trash	<u>1xM</u>	<u>EOW</u>	<u>1xwk</u>	<u>2xwk</u>	<u>3xwk</u>	<u>4xwk</u>	<u>5xwk</u>	<u>6xwk</u>
2yd	\$ 31.00	\$ 31.00	\$ 62.00	\$ 123.91	\$ 185.87	\$ 247.82	\$ 309.78	\$ 371.73
4yd	\$ 62.00	\$ 62.00	\$ 124.01	\$ 247.82	\$ 371.73	\$ 495.65	\$ 619.56	\$ 743.47
6yd	\$ 93.01	\$ 93.01	\$ 186.01	\$ 371.73	\$ 557.60	\$ 743.47	\$ 929.34	\$ 1,115.20
8yd	\$ 124.01	\$ 124.01	\$ 248.01	\$ 495.65	\$ 743.47	\$ 991.29	\$ 1,239.12	\$ 1,486.94
Rcy	<u>1xM</u>	<u>EOW</u>	<u>1xwk</u>	<u>2xwk</u>	<u>3xwk</u>	<u>4xwk</u>	<u>5xwk</u>	<u>6xwk</u>
2yd	\$ 28.03	\$ 28.03	\$ 56.06	\$ 112.03	\$ 168.04	\$ 224.06	\$ 280.07	\$ 336.09
4yd	\$ 56.06	\$ 56.06	\$ 112.12	\$ 224.06	\$ 336.09	\$ 448.12	\$ 560.15	\$ 672.18
6yd	\$ 84.09	\$ 84.09	\$ 168.17	\$ 336.09	\$ 504.13	\$ 672.18	\$ 840.22	\$ 1,008.27
8yd	\$ 112.12	\$ 112.12	\$ 224.23	\$ 448.12	\$ 672.18	\$ 896.24	\$ 1,120.30	\$ 1,344.36

2027								
Trash	<u>1xM</u>	<u>EOW</u>	<u>1xwk</u>	<u>2xwk</u>	<u>3xwk</u>	<u>4xwk</u>	<u>5xwk</u>	<u>6xwk</u>
2yd	\$ 33.17	\$ 33.17	\$ 66.34	\$ 132.59	\$ 198.88	\$ 265.17	\$ 331.46	\$ 397.76
4yd	\$ 66.34	\$ 66.34	\$ 132.69	\$ 265.17	\$ 397.76	\$ 530.34	\$ 662.93	\$ 795.51
6yd	\$ 99.52	\$ 99.52	\$ 199.03	\$ 397.76	\$ 596.63	\$ 795.51	\$ 994.39	\$ 1,193.27
8yd	\$ 132.69	\$ 132.69	\$ 265.38	\$ 530.34	\$ 795.51	\$ 1,060.68	\$ 1,325.85	\$ 1,591.03
Rcy	<u>1xM</u>	<u>EOW</u>	<u>1xwk</u>	<u>2xwk</u>	<u>3xwk</u>	<u>4xwk</u>	<u>5xwk</u>	<u>6xwk</u>
2yd	\$ 29.99	\$ 29.99	\$ 59.98	\$ 119.87	\$ 179.81	\$ 239.74	\$ 299.68	\$ 359.62
4yd	\$ 59.98	\$ 59.98	\$ 119.96	\$ 239.74	\$ 359.62	\$ 479.49	\$ 599.36	\$ 719.23
6yd	\$ 89.97	\$ 89.97	\$ 179.95	\$ 359.62	\$ 539.42	\$ 719.23	\$ 899.04	\$ 1,078.85
8yd	\$ 119.96	\$ 119.96	\$ 239.93	\$ 479.49	\$ 719.23	\$ 958.97	\$ 1,198.72	\$ 1,438.46