

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

January 10, 2019

Council Chambers

COMMISSIONERS PRESENT: William Blosser, Peter DeMasters, Ron Dulaney, Jr., Sam Loretta, Bill Petros, Michael Shuman, and Tim Stranko

COMMISSIONERS ABSENT: Carol Pyles

STAFF PRESENT: Christopher M. Fletcher, AICP

- I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.
- II. **2019 LEADERSHIP ELECTION** – Stranko moved to elect DeMasters as President and Pyles as Vice-President for the 2019 calendar year; seconded by Dulaney. Motion carried by acclamation.
- III. **GENERAL PUBLIC COMMENTS:** None.
- IV. **MATTERS OF BUSINESS:**
 - A. Approval of the November 8, 2018 meeting minutes. Stranko moved to approve as presented; seconded by Shuman. Motion carried unanimously.
 - B. Approval of the 2018 Annual Report to the City Council. Stranko moved to forward to City Council as submitted; seconded by Shuman. Motion carried unanimously.
- V. **UNFINISHED BUSINESS:**
 - A. **TX18-07 / Administrative / Coffee/Tea Shop Uses:** Administratively requested Zoning Text Amendments to Sections 1329.02, 1331.05, and 1331.06 of the City's Planning and Zoning Code relating to "Coffee/Tea Shop" uses. TABLED AT 11 OCT 2018 HEARING. STAFF REQUESTS IT REMAIN ON THE TABLE FOR ADDITIONAL RESEARCH.
- VI. **NEW BUSINESS:**
 - A. **S19-01-III / ALDI, Inc. / 1351 Earl L. Core Road:** Request by Sudath Alvis, on behalf of ALDI Inc., Saxonburg Division, for a Type III Development of Significant Impact Site Plan approval at 1351 Earl L. Core Road; Tax Map 31, Parcels 101.2 and 101.5; B-2, Service Business District and B-5, Shopping Center District, respectively.
POSTPONED

B. MNS19-02 / ALDI, Inc. / 1351 Earl L. Core Road: Request by Sudath Alvis, on behalf of ALDI Inc., Saxonburg Division, for minor subdivision approval of property located at 1351 Earl L. Core Road; Tax Map 31, Parcels 101.2 and 101.5; B-2, Service Business District and B-5, Shopping Center District, respectively.
POSTPONED

C. MNS19-01 / HTM Properties / Braddock Street: Request by Doug Shepard, on behalf of HTM Properties, for minor subdivision approval of property located on Braddock Street; Tax Map 21, Parcel 13; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized Doug Shepard of 820 Riverview Drive who stated he would like to divide the parcel into four separate parcels.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to petition. There being none, DeMasters declared the public portion closed and asked for Staff recommendations, which were read by Fletcher.

Stranko moved to approve MNS19-01 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

D. RZ19-01 / Scott Properties / Jones Street: Request by Gregg Metheny, on behalf of Scott Properties, for a Zoning Map Amendment to reclassify Parcels 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, and 246 of Tax Map 20 from R-2, Single and Two-Family Residential District to R-3, Multi-Family Residential District.

Fletcher presented the Staff Report. Fletcher noted that Staff received letters in opposition from Charlie Byrer, Barbara Howe and Margaret Stout. These letters were received after meeting packets were assembled but were distributed at the Commissioners' dais and made a part of the record.

DeMasters recognized Gregg Metheny, on behalf of Scott Properties, who noted this petition was presented in 2015 and the Planning Commission recommended approval to City Council by a 7-1 vote and added that Council ultimately denied the petition. Metheny stated the petition is the same as what was presented in 2015 and noted there were not any letters of opposition at that time.

Metheny referred to the letters of opposition and expressed that the Staff Report addresses the concerns and noted that Staff has recommended approval to City Council.

Metheny distributed information from a traffic impact study that was completed in 2010 for the Planned Unit Development petition by French Engineering and provided further explanation from the study. Metheny noted that the same pedestrian access and right-of-way from the 2010 study will not change. Metheny expressed that the goal of the project is for students to be close to campus which would lessen vehicular traffic in that area.

Metheny addressed concerns for land slippage and stated a geotechnical study was completed as a part of the 2010 Planned Unit Development petition which noted that structures can be built

on the site as long as certain measures are followed such as a retaining wall and foundations constructed at bedrock.

Metheny noted that some residents have requested him to wait for a small area study to be conducted prior to constructing. He expressed that residents were against development in that small area and therefore he does not feel it would be fair to wait on the results of that study and it would be a hardship.

Metheny provided further history on the earlier plans of Jones Place and noted that he was denied for a conditional use approval in 2013 to occupy some of the lower level units as apartments. Metheny stated he appealed the decision in which Judge Clawges agreed with him and stated that infill and development is desired in that area as it will decrease traffic congestion.

Metheny explained that he has explored many designs with different orientations and has determined he is unable to deliver an affordable product at this location with the current R-2 zoning. Metheny distributed handouts of two townhouse development scenarios.

Metheny expressed the area is a gateway to the City and asked for approval of the petition so he can build beautiful structures for people to admire when entering the area.

Blosser asked how many beds are needed to break even financially. Metheny stated he has not explored those costs with a design professional as he is waiting on approval first to see what is permitted.

DeMasters asked for the difference in density between the R-2 and R-3 zoning districts. Fletcher explained that the code does not specify density standards in those zoning districts and referred to the Planning and Zoning Code to provide further explanation on the differences in those zoning districts.

Dulaney noted that Metheny knew the zoning prior to purchasing the property and asked how this could be a hardship. Metheny provided further history and explanation when purchasing the property and explained his efforts to propose a Planned Unit Development and zoning map amendments.

Petros asked for the height difference of the proposed structures in relation to Lorentz Avenue. Metheny stated the height would be comparable to Lorentz Avenue and explained houses would be built on the "toe" of the property with parking located above.

Petros asked if there has been any slippage with Jones Place on Lorentz Avenue after buildings were erected. Metheny provided further explanation and stated there had to be additional walls installed but there has not been slippage within the last five years.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to petition.

DeMasters recognized Richard Dumas of 444 Overhill Street who referred to the Staff Report where it stated that the small area planning for Area 5 has not been initiated largely due to neighborhood opposition and then noted that is incorrect information. Dumas further explained that the neighborhood is not opposed to development in the R-2 District but is opposed to a map amendment change to R-3 and the development that comes with that zone. Dumas encouraged

Planning Commissioners to review the Comprehensive Plan and noted the area is part of a future study and therefore should include a review by stakeholders along with neighborhood meetings.

DeMasters asked Dumas if the Wiles Hill Neighborhood is opposed to a future study. Dumas stated they encourage a future study and would like for the City Planner to come to a neighborhood meeting for further discussion.

DeMasters recognized Charlie Byrer who spoke in opposition to the petition and stated the quality of life is being jeopardized in the Wiles Hill Neighborhood by encroachment, higher density, noise and traffic. Byrer expressed he is in favor of conducting a small area study for the future study area so the neighborhood can be involved in discussions to ensure they preserve their neighborhood.

DeMasters recognized Christine Wallace of 339 Virginia Avenue who spoke in opposition to the petition and expressed concerns with additional noise and traffic congestion.

DeMasters recognized Jane Lefever of 301 Raymond Street who spoke in opposition to the petition and stated the petitioner knew the zoning district when he purchased the property. Lefever expressed the pedestrian path to Jones Street is too small and there are many slides on Stewart Street.

DeMasters recognized Jill Thomas, resident of Wiles Hill for 44 years, who stated that an R-3 zone will not preserve a family-oriented neighborhood.

DeMasters recognized Roger Banks of 444 Overhill Street who spoke in opposition to the petition and expressed zoning should not be changed to financially benefit the developer.

DeMasters provided Metheny the chance for rebuttal. Metheny stated his hardship is not financial but comes from the design and topography of the land.

Stranko asked if the parcels would be unproductive without the zoning change. Metheny stated that he does not see the ability to do a design within the R-2 zoning to allow construction to take place on the land.

Stranko asked how an R-3 development would impact the neighborhood. Metheny stated that he was forced to build and design based on the criteria available to him after his PUD petition was denied, which included four and five bedroom townhomes. Metheny expressed that building more townhomes may increase the partying in the R-2 district as opposed to building multi-family units in an R-3 district that would include one and two-bedroom apartments.

There being no further comments, DeMasters declared the public portion closed and asked for Staff recommendations, which were read by Fletcher.

Stranko asked what a future study area would entail for this area. Fletcher referred to the Staff Report and provided further explanation on what would be involved when conducting a future study area.

Blosser expressed there are many properties in the Wiles Hill neighborhood that could be classified as R-1 and asked if it is possible to move an R-1A zoning district to an R-1 zoning district. Fletcher confirmed and noted that R-1 zones include larger minimum lot size requirements.

Petros asked if a small part of the area could be rezoned instead of the whole area. Fletcher confirmed.

Shuman asked if the petitioner could request a height increase with a conditional use in the R-3 District. Fletcher confirmed and explained the petitioner would have to go before the Planning Commission and the Board of Zoning Appeals to get permission for the development.

Dulaney referred to the Staff Report on the land use policy opportunities raised in Appendix A of the 2013 Comprehensive Plan Update and expressed there is an opportunity to address these policies along with design standards and infrastructure by doing a study on the area prior to making a decision on granting the map amendment request.

Stranko agreed and expressed the whole area along with the TIF District needs reviewed and a study conducted.

DeMasters stated that the Planning Commission is not supposed to consider the type of development when reviewing a map amendment request but agreed that a small area study is necessary.

Blosser expressed there is a problem with geography in this area and stated the people in the area do not want to be overwhelmed.

Petros agreed that a study area needs conducted and expressed there would be a decrease in vehicular traffic with 99 additional units in that location.

Stranko moved to table RZ19-01 including the following observations and direction;

1. The Planning Commission believes it needs more holistic information given the fact the subject site is located within "Future Study Area No. 5" identified in the *2013 Comprehensive Plan Update*. Please see Addendum B of the Staff Report presented to the Planning Commission for the subject zoning map amendment petition for additional information concerning "Future Study Area No. 5."
2. The Planning Commission noted it is prudent to respect the resources of the *2013 Comprehensive Plan Update* and directed the Planning Division to initiate a small area study planning project for "Future Study Area No. 5", by reporting a related scope and schedule for same at the THU, 14 FEB 2019 Planning Commission meeting.

Seconded by Blosser. Motion carried 5-2 with DeMasters and Loretta voting nay.

E. Small Area Plan – Area 18 – Don Knotts Boulevard: The Planning Commission will hold a public hearing concerning the acceptance of the Small Area Plan Recommendations Report for Future Study Area 18 and the filing of said Report as an appendage to and product of the 2013 Comprehensive Plan Update.

Fletcher presented the memorandum for the Small Area Plan Recommendations Report.

DeMasters recognized Chet Parsons, Senior Planner/Project Manager with AECOM, who presented the study results and recommendations for Area 18.

Fletcher provided further explanation on the Morgantown Industrial Park Access Study and noted that MMPO is currently taking public comments.

Commissioners asked for further explanation of the MPO's Metropolitan Transportation Plan Project Tiers. Parsons provided further explanation and stated Tier 1 transportation project must be fiscally constrained.

DeMasters noted there was no one present to offer public comments.

There being no one present to offer public comments, Stranko made a motion to:

1. Accept, as submitted, the Small Area Plan and Recommendations Report for Future Study Area 18 – Don Knotts Boulevard dated January 4, 2019, with the understanding additional narrative will be included beginning on Page 14 summarizing Commission and public comments and Commission action. No additional public comments were made during the January 10, 2019 public hearing.
2. File said Area 18 Report as an appendage to and product of the 2013 Comprehensive Plan, affirming the Report advances implementation of Comp Plan Strategies NH 1.2 and ED 5.7.
3. Direct Staff to proceed with drafting a zoning map amendment as outlined in the Area 18 Report for future consideration by the Planning Commission.

Dulaney seconded the motion.

Stranko asked Fletcher when the zoning map amendment could be presented to the Planning Commission for consideration. Fletcher stated at the Commission's February meeting.

The motion carried unanimously.

VII. OTHER BUSINESS

A. Committee Reports

- Collaborative Planning Advisory Committee: No Report
- Traffic Commission Report: No report.
- Green Team: No report.
- Staff Comments:
 - Fletcher requested a workshop prior to the February regular meeting to discuss: TX18-07 / Administrative / Coffee/Tea Shop Uses and Zoning map amendments following Monongalia County Assessor's digitized cadastral data.
 - Fletcher inquired if the Collaborative Planning Advisory Committee (CPAC) and the Green Team should be taken off the agenda. DeMasters suggested to omit the CPAC and Stranko stated he would check with the Green Team to see if there is current activity. Blosser suggested to just list "committee reports" on the agenda from now on. Fletcher suggested to maintain the

Traffic Commission Report as the Planning Commission holds a voting member seat.

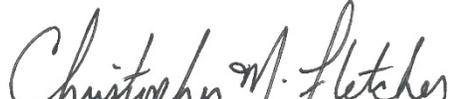
VIII. FOR THE GOOD OF THE COMMISSION: None.

IX. ADJOURNMENT: 9:01 PM

MINUTES APPROVED:

February 14, 2019

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP