

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m. | March 9, 2023 | County Commission Chambers

COMMISSIONERS PRESENT: Danielle Trumble, Bill Petros, William Blosser, Mike Shuman, Charles Shobe and Tim Stranko.

COMMISSIONERS ABSENT: Pete DeMasters

STAFF PRESENT: Rickie Yeager

CALL TO ORDER/ROLL CALL: The meeting was called to order at 6:30 p.m. Mr. Petros called the meeting to order and asked to bypass the pre-meeting announcement, all in favor.

I. PUBLIC COMMENT: None.

II. MATTERS OF BUSINESS: Meeting minutes from February 9, 2023. Stranko moved to approve as presented, seconded by Trumbull. Shuman and Shobe abstained due to absence, minutes will be approved at the next meeting with a quorum.

III. UNFINISHED BUSINESS: None.

IV. NEW BUSINESS:

A. RZ23-01/ Bush Properties, LLC / 699 Burroughs Street

Request by Mr. Michael Cardi on behalf of Bush Properties, LLC for a Zoning Map Amendment to rezone Tax District 15, Tax Map 55, Parcel 93 from a PRO, Professional, Residential and Office District to a B-2, Service Business District.

Yeager read the combined staff report and noted the petitioner was present.

Michael Cardi, on behalf of the applicant Old Palace and Bush Properties. Mr. Cardi noted that, as reported in the staff report, we believe this is in line with the 2013 comprehensive plan. Mr. Cardi noted the Van Voorhis Road improvement project. This project will add a lane to Van Voorhis coming down and will eliminate a left hand turn into Advantage Health. With change comes additional change. Mr. Cardi noted that with the zoning change proposed, more opportunities will become available for redevelopment of this area.

The public hearing was opened. Mr. Yeager noted that he met with Mr. Perelli and that he was authorized to share his concerns about the project in the memo

included in the meeting packet. Mr. Petros asked if height was addressed, and that would be two stories vs. four stories.

Being no other issues presented, the public hearing was closed, and Mr. Petros asked for the Staff Recommendation.

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-2, Service Business District is the appropriate zoning classification for the two 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).

Given the location and other potential considerations regarding the subject properties, staff did not provide a recommendation on land use cases RZ23-01 and RZ23-02.

Mr. Stranko wanted to clarify that the Planning Commission will be charged with making a recommendation to City Council, Mr. Yeager confirmed this.

Mr. Petros opened up to questions. Stranko supports the application. Based on Mr. Cardi's mention of the Comprehensive Plan, this type of change is encouraged. Stranko noted Mr. Perelli's concern about water runoff and noted that the City has policies to address this. Trumble asked about the business adjacent to this property and noted that this could possibly be considered spot zoning. Yeager noted that he had consulted with the city attorney and were in agreement that the proposal would not be considered spot zoning.

Petros addressed the road issue. Yeager noted he did not know all the details pertaining to the road improvements or construction timeline. Petros further addressed the flood zone in the back of the property. He asked if they would be permitted to build all the way to the back. Yeager noted if they were able to get permission to raise the elevation of the property or use other mitigating measures, perhaps so. Petros voiced concern about the adjacent neighborhood and noted that the PRO Zone exists to protect the neighborhoods. Yeager noted that the property would still be subject to other development regulations, such as landscape buffering. Yeager noted that if a conditional use application were ever filed to develop the property, a neighbor notice would be mailed to area property owners.

Stranko stated that this project fits exactly into the corridor enhancement listed within the Comprehensive Plan. Shobe agrees with this and notes that the PRO zoning is very restrictive. Mr. Blosser asked how Burroughs Street is classified. Yeager noted that most of it is Neighborhood Conservation. Petros asked if there was a formula to evaluate traffic

patterns based on development. He further stated that he is not convinced that this Van Voorhis Road construction is going to happen. Stranko argued that there is no proof that development would increase or decrease the traffic in this area. Shobe agreed with Stranko on this, stating that just because the road is bigger doesn't necessarily mean it will be used any more than it is now. Trumble is concerned about protecting the neighborhood. Stranko is also concerned about this but noted the committee has the authority and experience to require that and there are examples not far from here where we have done this.

Stranko moved that the Planning Commission find application RZ23-01 to be consistent with the 2013 Comprehensive Plan and recommend approval to City Council. Seconded by Shobe. Vote was 4-2, approved.

- B. **RZ23-02 / The Old Palace, Ltd / Tax District 15, Tax Map 55, Parcel 92**
Request by Mr. Michael Cardi on behalf of The Old Palace, Ltd for a Zoning Map Amendment to rezone Tax District 15, Tax Map 55, Parcel 92 from a PRO, Professional, Residential and Office District to a B-2, Service Business District.

See the above-combined staff report.

Stranko moved that the Planning Commission find application RZ23-02 to be consistent with the 2013 Comprehensive Plan and recommend approval to City Council. Seconded by Shobe. Vote was 4-2, approved.

V. OTHER BUSINESS:


- A. **Committee Reports-** None.
- B. **Staff Comments-** Yeager noted the annual report will be distributed next month for approval. The rezoning case on North Spruce had to be moved and will be heard on April 4. Staff is making some final revisions to the Comprehensive Plan and is moving forward.

Stranko asked about recognizing Sam Loretta's service. Yeager noted that we have reached out to him and he did not want any recognition.

VI. ADJOURNMENT: Stranko moved to adjourn. Meeting adjourned at 6:52 p.m.

MINUTES APPROVED:

COMMISSION SECRETARY:



Rickie Yeager, AICP