

MCPC

MONONGALIA COUNTY
PLANNING COMMISSION

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Planning Commissioners:

Matthew Ridgway PE, President

Vince Putkowski, Vice President

Jeff Arnett, County Commissioner

Bader Giggenbach

Joe Panico

Barton Loar

Michael Mills

Rick Colebank

Frank Devono

Ed Hawkins

Director of Planning:

Andrew Gast-Bray, AICP

County Planner:

Patricia Booth, AICP

Floodplain Administrator &

GIS Coordinator:

Michael Paugh, CFM, GISP

Regular Meeting
July 14, 2021
6:00 pm
Via Tele-Conference

AGENDA

- I. Call to Order and Roll Call
- II. Approval of Minutes – MCPC President
 - A. Action on Absences
 - B. Action on Minutes
 - i. May 12, 2021, there was no June meeting
- III. Public Hearings

Case MA 001-2021: A Request for an Amendment to the West Run Planning District Zoning Map from Low Density Residential (R-1) and High Density Residential (R-4) to General Commercial (C-2) to for the properties legally described as Union Tax Map 12 Parcel 50 and Tax Map 21 Parcels 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, and 2.
- IV. Public Comments/Questions
- V. Administrative/Financial Report - Planning Director
- VI. Announcements/Communications
- VII. Sub-Committees Updates – MCPC President
New members, Comp Plan Update
- VIII. New Business
 - A. Status Subdivision Regulations – Planning Director
 - B. DSI and MDSI Comparison Review
- IX. Old Business
- X. Adjournment

MEMORANDUM

MONONGALIA COUNTY PLANNING COMMISSION

To: The Monongalia County Planning Commission

From: Andrew Gast-Bray, Director of Planning, AICP

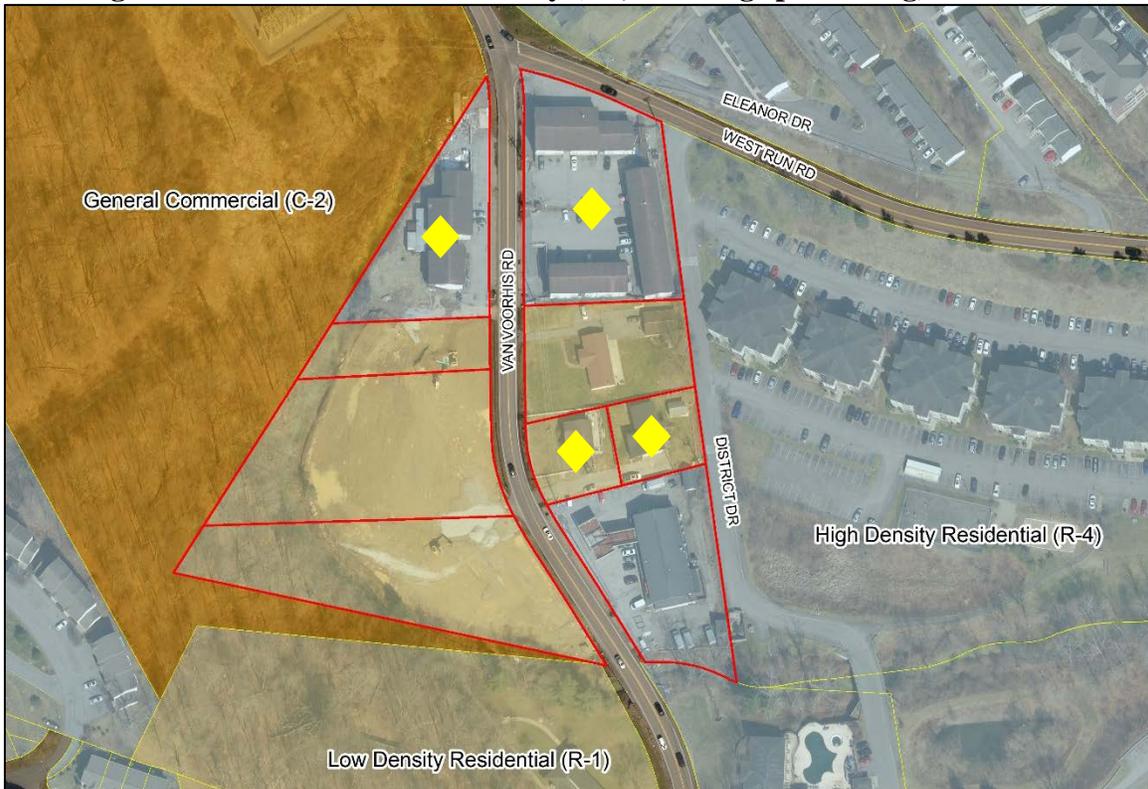
Date: July 1, 2021

Subject: Request for an Amendment to the West Run Planning District Zoning Map from Low Density Residential (R-1) and High Density Residential (R-4) to General Commercial (C-2) to for the properties legally described as Union Tax Map 12 Parcel 50 and Tax Map 21 Parcels 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, and 2.

Meeting: July 14, 2021

I. REQUEST:

A request for approval to amend the land use district designations for 9 parcels from Low Density Residential and High Density Residential to General Commercial. **Those with a yellow diamond are being rezoned at the suggestion of the Monongalia County Planning Commission staff for continuity (i.e., avoiding spot zoning).**



2021 Aerial photograph of the subject properties outlined in red.

Location:

Address: The properties in question are located at 763 Chestnut Ridge Rd & 5, 6, and 7 Suburban Ct Morgantown WV 26505.

Legal Description: properties legally described as Union Tax Map 12 Parcel 50 and Tax Map 21 Parcels 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, and 2.

Applicant/Agent/Other:

Applicants: Croesus Morgantown Holding, LLC (Parcels 1.1, 1.3, 1.4, and 2)

Agent: Michael Nestor

Owners in Agreement: Mamoun Eltahir (Parcel 1.2)

Other Owners: Woodline Properties, LLC (Parcel 1.5 and 50), Alberto and Francisca Felipe (Parcel 1.6), John Mason (Parcel 1)

II. RELEVANT PRIOR COUNTY ACTIONS:

The Applicant began talking with the Flood Plain Manager, Mike Paugh in 2019 regarding updates to the site for their business as the area was located within the Flood Plain.

Therefore, on January 31, 2020 the Flood Plain Manager issued Flood Plain Permit, FP20.001, permitting the construction of the U-Haul facility development project in the West Run 100-year floodplain.

On June 10, 2021 a gentleman called regarding possible construction on Parcels 1.1, 1.3, and 1.4. After a site inspection the same day, construction was found onsite without proper zoning permitting.

As a result of multiple back and forth, on June 16, 2021, Michael Nestor from Ascent Consulting submitted a formal application.

III. BACKGROUND INFORMATION:

A. Size of Site: Approx. 5.96 acres

B. Existing Zoning District: Low Density Residential and High Density Residential

C. Proposed Zoning District: General Commercial

D. Existing Vegetation: All parcels are developed: multi-family, single family and commercial

E. Community Character of Immediate Vicinity: Mixture of commercial, and multi-family.
See Exhibit A

IV. REVIEW OF APPLICATION, COMPREHENSIVE PLAN POLICIES:

A. *Policies from the Monongalia County Planning Districts Comprehensive Plan (2013 Addition) that directly pertain to the proposed amendment include:*

In accordance with the West Run Planning District Zoning Ordinance Section 2200.01, whenever public necessity and the public health, safety, and general welfare require, the

County Commission may amend, supplement, or modify, the Official Zoning Map of this Ordinance without holding an election if found to be consistent with the adopted Comprehensive Plan for the Planning Districts of Monongalia County.

Staff has found that the proposed map amendment is not inconsistent with the provisions and intent of the West Run Planning District Comprehensive Plan. That area is marked as Mixed Type 1 and Multi-Family 20 DU/Acre in the 'West Run Designated Growth Area Map'. *See Exhibit B*

While portions therein are noted as being earmarked for multi-family, some of the parcels are already being used for commercial entities. Additionally, the Comprehensive Plan is over 8 years old (adopted 2/6/2013) with the maps having been created even prior to that. The plan is also currently undergoing an update.

1. Section 3, Land Use and Conservation:

Convenience, retail and service outlets depend on ready access by foot or car, and their location should reflect this need. Off-street parking, compactness and attractiveness are prime considerations. Business and other specialized services are best located near their customers, with general public access a secondary consideration.

The properties are located adjacent to a major intersection within the West Run Planning District (West Run and Van Voorhis) and are near to several apartment complexes and is a part of the Mountain Line Bus Route. The updates to both Van Voorhis Road and West Run Road include installation of sidewalks per the Final NEPA Categorical Exclusion. *See Exhibit C*

2. Section 4, Transportation:

The transportation system had the greatest effect upon growth and development of an area. An effective transportation network provides for the dissemination of people, goods, and services within the minimum time span in the safest, most convenient and environmentally sensitive manner. Poorly designed transportation systems lead to traffic congestion and accidents.

WV DOH is improving Van Voorhis Road through this area (though engineering design for this area is not yet available) with a view to safety and better multimodal traffic management. Chestnut Ridge Road in this area also acts as 705 (an arterial) and the entrance to Suburban Court includes a traffic light with a left turn signal and turn pocket. There is also a second back entrance off of Van Voorhis. This effectively allows for multiple ways to enter and exit the site safely. *See Exhibit A*

3. Section 5, Utilities:

Commercial development occurs in areas of public or centralized sewer and water systems.

The properties are currently being served by Morgantown Utility Board (MUB) infrastructure. In addition, any new development in the West Run Planning District will require, per the West Run Zoning Ordinance, the management of stormwater as part of any new construction plan.

4. Section 10, Community Design:

Light pollution is typical of urban and suburban areas, but can creep into rural areas unless the night sky is viewed as a natural resource worthy of protection.

Outdoor lighting should be located only in areas needed for security and downward directed light is preferred. In addition, any new development in the West Run Planning District will require, per the West Run Zoning Ordinance, shielding of any outdoor lighting to reduce glare to neighboring properties.

Uses occurring in the yards of privately-owned lots by design and visibility of various outdoor uses maintain an outdoor atmosphere. Open spaces found at street corners, front yards, and between buildings are important to consider.

Active uses such as patios, gardens, etc. should be included in front and/or side yards. Buildings should be grouped and well-landscaped. In addition, any new development in the West Run Planning District will require, per the West Run Zoning Ordinance, landscaping and site treatment will be required for all new multi-family and commercial developments.

Every street in Monongalia County should be improved to be as “complete” as possible. New fire hydrants, bike and walking paths stormwater grates are anticipated in the future, serving the existing and any new residential uses in the area. In addition, any new development in the West Run Planning District will require, per the West Run Zoning Ordinance, to be updated and complete.

V. REVIEW OF APPLICATION, CONSISTENCY WITH ZONING ORDINANCE:

A. *Consistency of the proposed amendment with the provisions and intent of the West Run Planning District Zoning Ordinance:*

In accordance with the West Run Planning District Zoning Ordinance Section 2200.01, whenever public necessity and the public health, safety, and general welfare require, the County Commission may amend, supplement, or modify, the Official Zoning Map or the regulations set forth in the text of this Ordinance without holding an election consistent if found to be consistent with the adopted Comprehensive Plan for the Planning Districts of Monongalia County.

If not found to be consistent with the adopted Comprehensive Plan for the Planning Districts of Monongalia County, the County Commission must find that there have been significant changes of an economic, physical, or social nature within the area involved which was not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area.

1. Changes in the economic, physical, or social nature of the proposed map amendment area that was not anticipated when the comprehensive plan was adopted:

Staff has identified that since the adoption of the West Run Planning District section of the comprehensive plan in 2003, this area has undergone changes. In the 2013 update to the West Run Planning District portion of the Comprehensive Plan, the area to be rezoned from industrial to commercial is labeled as commercial in the growth plan. Presently the applicants are proposing the zone change to allow for commercial entities in place prior to the Zoning Ordinance to be consistent with how the buildings currently operate.

PLEASE NOTE: A change in zoning from R-1 and R-4 to C-2 changes the types of uses allowed, but does not guarantee the building of a specific type of commercial structure or certain commercial use. Any permitted structure in the C-2 zoning can be built and any permitted use can be undertaken.

2. Impact on Community Character:

Parcel 19 is currently developed with a commercial building and adjacent which spills over onto adjacent parcels 9 and 16.1. Parcel 19.1 is currently developed with a vacant office building and adjacent parking and is bisected by parcel 19. The majority of the properties to all sides either commercial in nature or industrial. *See Exhibit A.*

3. Impact on Public Facilities:

With MUB infrastructure, Fire Service/ambulance service and police protection currently in place in the area, Staff does not anticipate any impacts on public facilities.

4. Land Use District Purposes:

1200.01 The West Run Low Density Residential District (R-1) is created to provide for single family detached residences where public, or legally permitted and privately owned, water or sewer systems, and suitable roadway networks are generally available for low density residential uses.

1250.01 The West Run High Density Residential District (R-4) is created to provide for apartment, townhouse, condominium and other high density residential and other compatible uses where public water, sewer, and suitable roadway networks are available, near employment centers, and possessing other characteristics which make high densities appropriate and desirable.

1350.01 The West Run General Commercial District (C-2) is created for the following purposes:

To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to:

- A. Offer commodities and services required by residents of Monongalia County and its surrounding market area.
- B. Concentrate for the convenience of the public and in mutually beneficial relationship to one another.
- C. Provide space for community facilities and institutions that appropriately may be located in commercial areas.
- D. Provide adequate space to meet the needs of modern commercial development including off-street parking and truck loading areas.
- E. Minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
- F. Provide appropriately located areas for establishments that generally require larger sites and do not require close proximity to other retail uses

- G. Provide appropriate development standards within commercial areas to protect adjacent residential neighborhoods.

VI. REVIEW OF PARCELS WITHIN THE REQUEST:

Per Article 2200.02, A the planning commissions or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning district maps of this Ordinance.

Tax ID	Parcel No. (on map below)	Acreage	Total Acreage	Combined Percent
18-21-1.1	1	0.92	3.51	58.98%
18-21-1.3	2	1.14		
18-21-1.4	3	0.31		
18-21-2	4	0.64		
18-21-1.2	5	0.5		
18-21-1	6	0.27	2.45	41.11%
18-21-1.6	7	0.23		
18-21-1.5	8	0.59		
18-12-50	9	1.36		
Totals		5.96	5.96	100%
Green are those parcels which requested the rezone, red are those proposed by Planning Staff.				

Parcels Number 1 through 4:

These were involved in the original application and made an official request to rezone. However, staff knew of at least one additional parcel owner which also wished to rezone.

Parcel 5:

This is the additional parcel owner who wishes to rezone as well, but had yet to submit an application. Staff contacted them, and gained their approval for rezone. This was included in the application submissions to the MCPC.

Parcels 6 and 7:

These two parcels, should the parcels on either side be rezoned, become two smaller parcels in surrounded by C-2 on three sides, and R-4 on one. Therefore, staff is recommending they be rezoned from the current R-1 to C-2 along with the other parcels. Both parcel owners were sent a letter on June 16 regarding staff's request for rezone.

Parcel 8 and 9:

Parcel 8, should the parcel adjacent to it be rezoned, would be surrounded on two of its three sides by C-2, and R-4 on one. Therefore, staff is recommending it be rezoned from the current R-4 to C-2 along with the other parcels.

Parcel 9 is also owned by the same entity as Parcel 8. Therefore, staff is recommending it to be rezoned from the current R-4 to C-2 along with the other parcels in order to maintain consistency. The parcels' owner was sent a letter on June 16 regarding staff's request for rezone.



VII. CURRENT VERSUS PROPOSED LAND USE DISTRICT PERMITTED USES:

CURRENT: ARTICLE 1100 - WEST RUN LOW DENSITY RESIDENTIAL DISTRICT (R-1)

1100.02 *PERMITTED PRINCIPAL USES*

The following uses and structures shall be permitted in the West Run Medium Density Residential District:

- A. Single family detached units
- B. Bed and Breakfast Homestay
- C. Model Home
- D. Duplex residences less than 3000 SF total

1100.03 *PERMITTED ACCESSORY USES*

The accessory uses and structures are incidental and subordinate in height, area, bulk and extent to the principal use. Accessory structures shall not be erected prior to the erection of a principal building or use. Please see §1100.02 for additional information.

1100.04 *CONDITIONAL USES*

The following uses and structures may be permitted as a Conditional Use as reviewed and determined in accordance with Article 2300 “Administration and Enforcement” of this Ordinance.

- | | |
|--|---|
| A. Bed and Breakfast Inn | G. Stable, Private |
| B. Cemetery and Mausoleum | H. Stable, Neighborhood |
| C. Church, Synagogue, Temple or Mosque | I. Transit Shelters |
| D. Dog Park | J. Storage, mini-warehouse |
| E. Park and Open Space | K. Public Utility Uses & Essential Services |
| F. Passive Recreational Uses | |

Bulk Requirements and Other Conditions are found in Section 1100.05.

CURRENT: ARTICLE 1250 - WEST RUN HIGH DENSITY RESIDENTIAL DISTRICT (R-4)

1250.02 PERMITTED PRINCIPAL USES

The following uses and structures shall be permitted in the West Run High Density Residential District:

- A. Uses permitted in the West Run Medium Density Residential District (R-3) shall be permitted in the West Run High Density Residential District (R-4).
- B. Multi-family dwellings or apartment buildings
- C. Assisted living and other residential treatment facilities up to the maximum density permitted by the State of West Virginia and permitted by the provisions of this Ordinance.

1250.03 PERMITTED ACCESSORY USES

The accessory uses and structures are incidental and subordinate in height, area, bulk and extent to the principal use. Accessory structures shall not be erected prior to the erection of a principal building or use. Please see §1250.03 for additional information.

1250.04 CONDITIONAL USES

The following uses and structures may be permitted as a Conditional Use as reviewed and determined in accordance with Article 2300 “Administration and Enforcement” of this Ordinance.

- | | |
|--|---|
| A. Cemetery and Mausoleum | F. Park and Open Space |
| B. Church, Synagogue, Temple or Mosque | G. Passive Recreational Uses |
| C. Day care/Nursery School | H. Public Utility Uses & Essential Services |
| D. Dog Park | I. Training/Education Facilities for Adults |

E. Long Term Medical Care Facilities

J. Transit Shelters

PROPOSED: ARTICLE 1350 - WEST RUN GENERAL COMMERCIAL DISTRICT (C-2)

1350.02 PERMITTED PRINCIPAL USES - The following uses, up to 20000 SF gross floor area, in addition to the uses permitted in Article 1300 are permitted in the General Commercial District:

1. Automobile washing (self-service)
2. Automotive supply stores
3. Automotive upholstery shops
4. Bicycle sales and repair shops, including rentals
5. Boat sales and service
6. Bowling alleys
7. Charitable institutions
8. Consignment sales with incidental sales of used goods and clothing
9. Contractors shops with no outdoor storage of heavy equipment
10. Delicatessens and food sales with incidental catering
11. Dry cleaners and laundries
12. Floor covering and drapery sales
13. Florists including outdoor sales
14. Food and cold storage lockers
15. Food stores
16. Furniture stores, retail
17. Gift shops
18. Glass shops and glaziers
19. Hotels, motels and extended stay establishments
20. Ice cream parlors, soda fountains, and candy stores
21. Locksmiths
22. Nurseries and garden supply stores
23. Office equipment sales and service
24. Parking lots and parking garages in conformity with Article 2500
25. Patio, garden, and swimming pool furniture and supplies
26. Pet shops including grooming
27. Pharmacies and Drug Stores
28. Photography shops, studios, and supply stores
29. Picture framing shops
30. Plumbing and heating supply stores
31. Post office and private mail services
32. Produce (sale of on-site grown)
33. Professional, administrative, and business offices
34. Radio, television and stereo sales and service
35. Recreational equipment rental
36. Restaurants, cafes, and eating and drinking establishments without drive-thrus
37. Retail warehouses, under 6000 square feet of floor area
38. Scientific instrument stores
39. Shoe sales shops, including repair
40. Sporting goods sales, with rental as an accessory use
41. Sports arenas/skating rinks (within buildings)
42. Supermarkets, over 4000 square feet of retail sales area
43. Tire sales, not including tire recapping
44. Tobacco and pipe shops
45. Upholstery and home décor shops
46. Variety and dry goods stores

1350.03 CONDITIONAL USES - The following uses, and those uses listed in Section 1350.02, which are in excess of 20000 SF of gross floor area, or uses determined to be similar by the Planning Director, are permitted as Conditional Uses subject to BZA approval in the General Commercial District:

1. Automotive repairing
2. Automotive sales and service, new and used
3. Bar/Tavern
4. Beer and wine sales for off-premises consumption
5. Building material sales
6. Church, Synagogue, Temple, Mosque or Religious facility
7. Contractors equipment rental yards
8. Electronic games center (arcades)
9. Kennels
10. Liquor store
11. Machinery sales, service, and rental
12. Membership health clubs, gymnasiums, and studios

- | | |
|---|---|
| <ul style="list-style-type: none"> 13. Music, comedy and dance entertainment clubs 14. Public utility installations, including public service pumping stations, power stations and substations, equipment buildings and installations 15. Recreational vehicle sales, service, repair, and storage 16. Residential, multi-family, including single room occupancy buildings, when locate on the same site as a commercial use | <ul style="list-style-type: none"> 17. Restaurants, drive-in, walk-up, and drive-thru 18. Retail warehouse, over 6000 square feet of floor area 19. Service stations, including emission testing, light repair, towing services, vehicle storage, and convenience stores 20. Transit shelters 21. Vending machine service 22. Veterinarian offices and small animal hospitals 23. Storage – mini warehouses. |
|---|---|

Bulk Requirements and Other Conditions are found in Section 1300.04. Design Standards are found in Section 1350.04.

Zoning Review:

The majority of the property currently meets the requirements of the C-2 zoning district as many of the parcels are already used in a commercial capacity. Should the C-2 zoning be approved, the uses currently occupying the majority of the site will fall into compliance with the zoning ordinance and correct an incongruent use of some of the parcels, not including other issues such as setbacks, landscaping, and parking. These issues would be grandfathered. Furthermore, R-1 zoning appears far more out of line with the current uses and appear, in fact, to be more of a burden on the existing properties and uses. Also, with the improvements to the roadways, the establishment of a small neighborhood node with mixed uses makes sense to serve the large amount of residential communities in the surrounding area.

VIII. RECOMMENDATION:

Staff recommends APPROVAL to the Planning Commission and County Commission.

VI. PLANS REVIEWED:

- A. Application for Map Amendment by Michael Nestor, Ascent Consulting and Engineering, submitted June 16, 2021

ATTACHMENTS:



Exhibit A: Project site (outlined in red) showing current uses and uses of the surrounding developments.

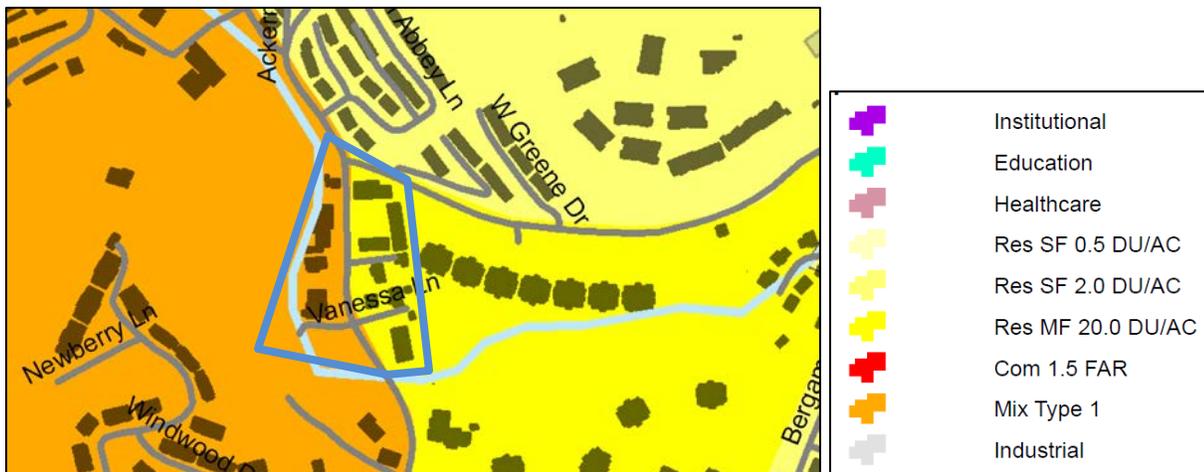


Exhibit B: Inset of Area from *West Run Designated Growth Area Map* with project site (outlined in blue) and legend of color.

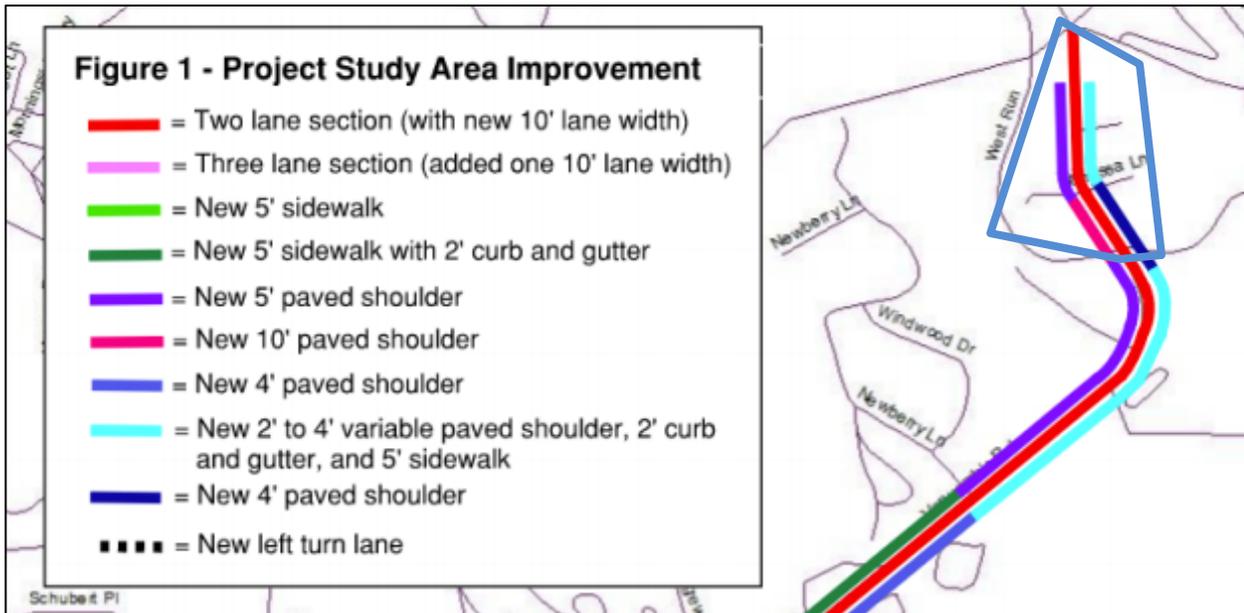


Exhibit C: Inset of Area from *Figure 1 – Project Area Improvements* with project site (outlined in blue) and legend of color.