Morgantown Planning Commission

MEETING PACKET

Thursday, September 12, 2019
6:30 p.m.
City Council Chambers

Planning Commissioners:

Peter DeMasters, 6th Ward
President

Carol Pyles, 7th Ward
Vice-President

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Gigi Villarreal, Admin.

Ronald Dulaney, City Councilor

Development Services Department

Christopher M. Fletcher, AICP, Director

John Whitmore, AICP, Planner III
Planning Commission Pre-Meeting Announcement

Good evening and welcome to the regular/special meeting of the City of Morgantown Planning Commission. Please turn off all cell phones or other devices that may disrupt these proceedings. The Planning Commission conducts business in the following order:

(1) There will be a general public comment portion when anyone who wishes to address the Planning Commission may do so, but only on matters that are not on the agenda. There will be a five (5) minute time limit for speakers. All recognized speakers must approach the podium, state their name and address for the record, and speak clearly into the microphone. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the general public comment portion.

(2) We review, amend, and approve minutes of the previous meeting.

(3) We consider any Unfinished Business from previous meetings.

(4) We move on to New Business items. First, we introduce the item and the Planning Division representative presents the Staff Report.

(5) Next, we ask the petitioner to make a presentation. Planning Commissioners may ask the petitioner questions at that time.

(6) I will then open a Public Hearing to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:

(a) Anyone wishing to testify during the public hearing may do so once recognized. Each recognized speaker must approach the podium, state their name and address for the record, and speak clearly into the microphone.

(b) All comments must be addressed to the Commission. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the public hearing.

(c) All speakers will be limited to five (5) minutes. If members of the Commission have any questions of the speaker, that time will not be counted toward the speaker’s five (5) minutes.
(d) If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.

(e) I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Commission have any questions of the applicant/agent, that time will not be counted toward the applicant’s/agent’s five (5) minutes.

(7) After all testimony is heard, I will declare the Public Hearing closed and no further public comment will be permitted. At that time, no one in the audience may speak again unless a Planning Commissioner asks a question. If someone is asked a question, they must come to the microphone and identify themselves once again before answering.

(8) Next, the Planning Commission will discuss and take action on the application.

(9) Once the vote is final, members of the audience who were present for that particular case may leave, if they wish. In order not to disrupt the meeting, people who choose to leave must go to the bottom of the stairs before carrying on a quiet discussion.

(10) Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.
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MORGANTOWN PLANNING COMMISSION
September 12, 2019
6:30 p.m.
Council Chambers

AGENDA

I. CALL TO ORDER AND ROLL CALL

II. GENERAL PUBLIC COMMENTS – concerning matters not on the agenda

III. MATTERS OF BUSINESS
A. Approval of the July 11, 2019 meeting minutes.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:
A. MNS19-13 / Libby LLC / 230 Quay Street: Request by David Liberatore on behalf of Libby LLC for minor subdivision approval of property located at 230 Quay Street. Fourth Ward Tax District, Tax Map 20, Parcels 215 and 216; R-3, Multi-Family Residential District & SCOD, Sunnyside Central Overlay District.

B. RZ19-04 / Administrative / Zoning Map Replacement: Administratively requested replacement of current “Official Zoning Map” with updated zoning map to reflect Monongalia County Assessor’s digitized cadastral data and to remedy cartographic errors in the current zoning map.

VI. OTHER BUSINESS
A. Committee Reports
   - Traffic Commission
   - Other Committees

B. Staff Comments

VII. FOR THE GOOD OF THE COMMISSION

IX. ADJOURNMENT

If you need an accommodation, please contact
304-284-7431 or
TDD 304-284-7512

Development Services
Christopher Fletcher, AICP
Director

Planning Division
John Whitmore, AICP
Planner III

389 Spruce Street
Morgantown, WV 26505
304.284.7431
MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m. July 11, 2019 Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, William Blosser, Sam Loretta, Bill Petros, Michael Shuman, and Tim Stranko

COMMISSIONERS ABSENT: Gigi Villarreal and Ron Dulaney

STAFF PRESENT: John Whitmore, 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. GENERAL PUBLIC COMMENTS: None.

III. MATTERS OF BUSINESS:

A. Approval of the June 13, 2019 meeting minutes. Stranko moved to approve as presented; seconded by Petros. Motion carried unanimously.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. MNS19-12 / Kyle / 427 Mississippi Street: Request by Ronald Kyle for minor subdivision approval of property located at 427 Mississippi Street; First Ward District, Tax Map 40, Parcels 588.1 and 588.6; R-1A, Single-Family Residential District.

Whitmore presented the Staff Report and provided further explanation on the petition.

DeMasters recognized Ronald Kyle of 427 Mississippi Street who concurred with the Staff Report and noted they are renovating the home to accommodate them in their retirement.

There being no comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Whitmore.

Stranko asked for further explanation on the Staff recommended conditions in the Staff Report.

Whitmore provided further explanation and noted both conditions are stated in the Planning and Zoning Code.
Pyles asked if there is a preferred condition. Whitmore explained the petitioner has the option to choose either condition and noted there is a cost difference between the two, as one requires a survey.

Stranko moved to approve MNS19-12 with Staff recommended conditions; seconded by Loretta. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports

- Other Committees: No reports.
- Staff Comments: Whitmore stated there will be three town hall meetings to address annexation and listed the dates.

VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 6:39 PM

MINUTES APPROVED:

COMMISSION SECRETARY: Christopher M. Fletcher, AICP
CASE NO:  MNS19-13 / Libby LLC / 230 Quay Street

REQUEST and LOCATION:
Request by David Liberatore on behalf of Libby LLC for minor subdivision approval of property located at 230 Quay Street.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:
Fourth Ward Tax District, Tax Map 20, Parcels 215 and 216; R-3, Multi-Family Residential District & SCOD, Sunnyside Central Overlay District.

SURROUNDING ZONING:
North, East, and South:  R-3, Multi-Family Residential District & SCOD, Sunnyside Central Overlay District
West:  R-3, Multi-Family Residential District & SSOD, Sunnyside South Overlay District

BACKGROUND and ANALYSIS:
The petitioner seeks to consolidate parcels 215 and 216 into one parcel. Addendum A of this report illustrates the subject site.

Both parcels are considered nonconforming because they are less than the R-3 District minimum lot area standard of 4,000 square feet. Specifically, each of parcels is currently 2,120 square feet in area (40’ wide X 53’ deep).

The combined parcel area will be approximately 4,240 square feet, which exceeds the minimum R-3 lot area standard and will eliminate the current nonconforming status of the two parcels.

The frontage of the combined parcel will be approximately 80 linear feet, which exceeds the R-3 minimum lot frontage standard (40 feet).

It should also be noted that the proposed consolidation of the parcels will eliminate what
appears to be an existing side setback encroachment by the structure on Parcel 215 addressed as 230 Quay Street.

**STAFF RECOMMENDATION:**

Staff recommends approval of the subdivision either:

A. By survey plat with the following conditions:
   
   1. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President’s signature; and,
   
   2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

OR

B. By covenant restriction in accordance with Article 1363.02(B)(3) of the City’s Planning and Zoning Code with the condition that the petitioner place the following covenant notation on the recorded deeds for the subject parcels and submit a certification of its recording to the Planning Division:

   "For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot owned by <Insert Owners Names> pursuant to deeds recorded at Deed Record Book No. <Insert Deed Book>, Page <Insert Deed Page> in the Office of the Clerk of the County Commission of Monongalia County. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Morgantown City Planning Commission. This restriction shall be a covenant running with the land."

Enclosure: Application and accompanying exhibits
# APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)  

**FEE:** $75.00 [Z-MNS]

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## I. APPLICANT

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<th>Name:</th>
<th>David Liberatore</th>
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<tr>
<td>Phone:</td>
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<tr>
<td>Mobile:</td>
<td>304-314-2355</td>
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<tr>
<td>Mailing Address:</td>
<td>1135 Steeplechase Dr</td>
</tr>
<tr>
<td>City:</td>
<td>Morgantown</td>
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<tr>
<td>State:</td>
<td>WV</td>
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<tr>
<td>Zip:</td>
<td>26508</td>
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<tr>
<td>Email:</td>
<td>DavidJlib@plol</td>
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## II. AGENT / CONTACT INFORMATION

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<th>Name:</th>
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<tr>
<td>Phone:</td>
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<td>Mobile:</td>
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Mailings – Send all correspondence to (check one):  
- [ ] Applicant  
- [ ] Agent/Contact

## III. PROPERTY

<table>
<thead>
<tr>
<th>Owner:</th>
<th>David Liberatore</th>
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<tr>
<td>Phone:</td>
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<tr>
<td>Mobile:</td>
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## IV. SITE

| Street Address (if assigned): | 230 Dairy |
| Tax Map No(s): | 20 |
| Zoning: | R-2 |
| Parcel No(s): | 215 & 216 |

Subdivision Description, including areas (sq. ft.) of proposed parcel(s):  
**Combining Two Parcels**

Are there any Variances from the Subdivision Regulations anticipated:  
- [X] Yes  
- [ ] No

If yes, to what extent is a variance necessary:  
**N/A**
V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

(a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
(b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

(a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
(b) Date of preparation, north arrow, and scale;
(c) Legal description;
(d) Applicant/owner name and address;
(e) Existing zoning;
(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies, and areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

David L. Baccarani
Type/Print Name of Applicant/Agent
9-4-19
Signature of Applicant/Agent
Date
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Page
STAFF REPORT

CASE NO:  RZ19-04 / Administrative / Zoning Map Replacement

REQUEST:
Administratively requested replacement of current “Official Zoning Map” with updated zoning map to reflect Monongalia County Assessor’s digitized cadastral data and to remedy cartographic errors in the current zoning map.

BACKGROUND:
The City’s current zoning map was adopted in whole in 2006 as a part of the major zoning ordinance update project. The digital data of the zoning district boundaries has been maintained to included map amendments passed by City Council since 2006. The 2006 zoning map is based on a digital shapefile of tax parcel mapping constructed through a state-wide project in the 1990’s with the assistance of the West Virginia GIS Technical Center at West Virginia University.

Monongalia County Assessor Mark Musick and his staff have completed the enormous task of converting tax parcel mapping from a paper format to a digital GIS platform since 2015. The quality and accuracy of the County Assessor’s digital cadastral spatial data (tax parcel mapping) has been a significant enhancement. Accordingly, the City’s “Official Zoning Map” should be adjusted to match the County Assessor’s admirable efforts.

The Assessor’s Office has been extremely helpful in providing its digital cadastral spatial data to the City as a foundation for City advancement of its GIS capabilities. City Council and City Administration have and continue to invest resources to build its operational GIS capacity, including recently hiring a full-time GIS Analyst.

Because the Planning Division has continued to maintain the digital zoning district spatial data [shapefile], the City is able to place this digital information online. An online presence significantly increases customer access to and utilization of this information. Additionally, GIS-based zoning classification information and online access permits the public to integrate the City’s zoning districts with a broad spectrum of other spatial data (e.g., tax parcels, roadways, topography, water, public lands, etc.).

To properly make this transition, the City’s digital zoning spatial data must align with the County Assessor’s digital cadastral spatial data. Because of the extent of this work, the proper path to adopting these adjustments is to replace the existing “Official Zoning Map” with the higher quality spatial data.

At a workshop on MON, 04 FEB 2019, Staff presented the Commission with progress on this project. The Commission directed Staff to complete one final quality control review of edits to the zoning classification spatial data before presenting the final product for review by the Commission and recommendation to City Council. This work is now complete and ready to proceed for review and adoption.
ANALYSIS:

There are approximately 11,000 vertices in the City’s zoning classification shapefile, each requiring manual adjustment to coincide with the Assessor’s cadastral data (tax parcel mapping). Because of the granular nature of this work, Staff identified a number of instances in the current zoning spatial data that appear to be potential cartographic errors. These errors have been addressed, unless a correction would result in a change in the zoning classification for a parcel. Addendum A of this report provides examples of cartographic errors that have been corrected throughout the zoning data.

Remaining anomalies where a parcel is bifurcated by two or more zoning districts can and should be reviewed separately. However, exploring why these anomalies exist and what potential corrections could be pursued was not included in this project. Specifically, Staff has remained focused on arriving at an official zoning map that replicates the quality, care, and accuracy of the County Assessor’s cadastral data.

The only exception to Staff avoiding modification of the zoning classification for a specific parcel is a portion of Marilla Park. The following three images illustrate the current and proposed zoning classifications for property owned by the City and currently programmed and used as Marilla Park. The proposed adjustment would eliminate the I-1, Industrial classification of that portion of the Marilla Park so that the zoning classification for the entire park is R-1A, Single-Family Residential classification.
STAFF RECOMMENDATION:

Staff advises the Planning Commission to recommend to City Council that the current “Official Zoning” map be replaced in its entirety with the map provided as Addendum B to this report.

Enclosure: Application and accompanying exhibits
Staff Report Addendum A
RZ19-04

RZ19-04 / Administrative / Zoning Map Replacement