



**Planning Commissioners:**

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**Director of Planning:**

Andrew Gast-Bray, AICP

**County Planner:**

Patricia Booth, AICP

**Floodplain Administrator &**

**GIS Coordinator:**

Michael Paugh, CFM, GISP

Regular Meeting  
September 9, 2020  
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
- III. Public Hearings

Case TA 001-2020: Request for a Text Amendment to the West Run Zoning Ordinance. Applicant requests to strike “containing no more than 16 dwelling units per acre” from Article 1200.05(A) (Medium Density Residential Bulk Requirements, Multi-Family).
- IV. Public Comments/Questions
- V. Administrative Report - Planning Director
  - A. Introduction of New Member
- VI. Financial Report - Planning Director
- VII. Announcements/Communications
- VIII. Sub-Committees Updates – MCPC President
- IX. New Business
  - A. Status Subdivision Regulations – Planning Director
    - i. Ordinance
    - ii. Guidelines
    - iii. Schedule for re-roll-out.
- X. Old Business
  - A. Miscellaneous Minor Updates – Planning Director
- XI. Adjournment



## MEMORANDUM

### MONONGALIA COUNTY PLANNING COMMISSION

To: The West Run Planning District Board of Zoning Appeals

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

Date: Aug 14, 2020

Subject: Request for a Text Amendment to the West Run Zoning Ordinance. Applicant requests to strike “containing no more than 16 dwelling units per acre” from Article 1200.05(A) (Medium Density Residential Bulk Requirements, Multi-Family).

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**Meeting: August 9, 2020**

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#### I. REQUEST:

A request for approval to amend the ordinance text for Medium Density Residential Bulk Requirements, Multi-Family.

Article 1200.05(A) as currently written:

*Maximum of 4 structures containing no more than 16 dwelling units per acre with a maximum of 32 bedrooms per acre.*

Article 1200.05(A) as proposed:

*Maximum of 4 structures per acre with a maximum of 32 bedrooms per acre.*

Location:

Affects all parcels zoned R-3 (Medium Density Residential).

Applicant/Agent:

Applicants: Little Mar, LLC

Agent: Robert Berryman, Esq.

#### RELEVANT PRIOR COUNTY ACTIONS:

The Monongalia County Planning Districts Comprehensive Plan was amended in 2003 to include the West Run Planning District.

The West Run Planning District Zoning Ordinance became effective on November 12, 2010.

The Monongalia County Planning Districts Comprehensive Plan was updated in 2013 per state requirements.

The Monongalia County Planning Commission recommended approval of and County Commission approved a similar request for the High-Density Residential District (R-4) in 2016.

## II. BACKGROUND INFORMATION:

Mr. Mottie Pavone called May 12, 2020 regarding the property adjacent to his own on Idlewood Drive. Thereafter Mr. Pavone came in on July 7, 2020 wanting to know about construction requirements on the R-3 zoned property. Staff explained current issues and possible changes via a text amendment (TA).

On July 29, 2020, Mr. Robert Berryman called on Mr. Pavone's half, with further questions on TA and how to go about doing it. Staff spoke with Mr. Berryman again on the 30<sup>th</sup> regarding the TA and possible Development of Significant Impact (DSI). Staff emphasized that the acreage does not have anything to do with the TA. The DSI is where acreage comes in. Staff noted that the DSI will also be affected with landscaping, parking, setback and topography requirements.

On August 6, 2020, Mr. Pavone called with questions regarding the deadline for application for the TA. Staff explained the current deadline and process as well as the DSI deadline and process and the link between the two.

Therefore, on August 6, 2020 Mr. Berryman submitted a formal application for a request to amend the text of Article 1200.05(A).

However, after review Staff also spoke with Mr. Berryman. Staff explained that the proposed text changes do not follow the intent of the ordinance which means that staff would not be able to support the changes proposed. While the number of dwelling units unfairly impinges on the ability to do single bed units, the number of structures does not. Staff explained that the structure requirement is based on water flow issues not density.

Mr. Berryman sent an amendment to the previously submitted application on August 11, 2020. After reviewing the amendment staff accepted the application as complete on August 11, 2020.

## III. REVIEW OF APPLICATION:

### **1. Consistency of the proposed amendment with the provisions and intent of the Monongalia County Planning Districts Comprehensive Plan:**

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.

As the applicant is not requesting to change the total density of beds or amount of residential structures allowed, staff has found that the proposed text amendment is not inconsistent with the provisions and intent of the West Run Planning District Comprehensive Plan.

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

**Section 3 Land Use and Conservation:**

Multi-family dwellings require large lots, central parking areas, and convenient access to shopping and recreational facilities. Large scale developments require arterial access to properly distribute larger traffic volumes.

**Section 5 Utilities:**

Higher density residential development occurs in areas of public or centralized sewer and water systems.

**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.

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.

Every street in Monongalia County should be improved to be as “complete” as possible.

**2. 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.

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

Staff has identified that Article 1200.05(A) of the West Run Planning District, adopted November of 2010, unfairly hinders developers wishing to build single bed units within the West Run Zoning District. Presently the applicant is proposing the text change to allow for a greater number of single bed units to be constructed, while not affecting the overall bed density.

Staff believes that the intent of this provision of the ordinance is to limit overall density, not do dictated what type of units should make up this density.

Further, overall density is limited by other provision in the ordinance such as yard setbacks, parking requirement and screening requirements.

PLEASE NOTE: A change in the text of Article 1200 (R-3) will not increase the density of beds or amount of residential structures allowed, but does allow the building of a specific type of residential structure, namely single bedroom units.

**Land Use District Purposes:**

*1200.01 The West Run Medium Density Residential District (R-3) is created to provide for duplex and other medium-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 medium to high densities appropriate and desirable.*

**Article 1200.05(A) as currently written:**

*Maximum of 4 structures containing no more than 16 dwelling units per acre with a maximum of 32 bedrooms per acre.*

**Article 1200.05(A) as proposed:**

*Maximum of 4 structures per acre with a maximum of 32 bedrooms per acre.*

**Impact on the zoning ordinance and future construction:**

Currently the R-3 district allows for a maximum of 16 two-bedroom units per acre, or 32 bedrooms. If a developer were to construct single bedroom units the max allowable number of units would still be 32 units per acre with 32 bedrooms, decreasing the density by 50%.

The text change request will not impact the maximum density nor number of structure allowable, but will permit a developer constructing single bedroom units the same density (32 beds) that a developer building two-bedroom units would be permitted.

IV. RECOMMENDATION:

Staff recommends APPROVAL to the Planning Commission and County Commission.

VI. PLANS REVIEWED:

Application for a request to amend the text of Article 1200.05(A), by Little Mar, LLC, and Robert Berryman, Esq. Agent.