



MORGANTOWN PLANNING COMMISSION

July 8, 2010
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Sam Loretta, 1st Ward

Planning Commissioners:

Tim Stranko, 2nd Ward

VACANT, 3rd Ward

Bill Petros, 4th Ward

Michael Shuman, 5th Ward

Carol Pyles, 7th Ward

Ken Martis, Admin.

Jennifer Selin, City Councilor

STAFF REPORT

CASE NO: RZ09-01 / Glenmark Holding, LLC / Earl Core Road

REQUEST and LOCATION:

Request by Glenmark Holding, LLC for a zoning map amendment to reclassify property located on Earl Core Road from B-2, Service Business District to B-5, Shopping Center District (former Chrysler Dealership site)

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map #31, Parcel #107; B-2, Service Business District

SURROUNDING ZONING:

North: R-1A, Single-Family Residential District

East: B-2, Service Business District

West & South: B-5, Shopping Center District

BACKGROUND:

The petitioner seeks zoning reclassification or Zoning Map Amendment approval for the former Chrysler Dealership site in Sabraton along Earl Core Road. The proposed reclassification is from B-2, Service Business District to B-5, Shopping Center District. The purpose of the request is to allow the type of shopping center development that includes multiple buildings on one parcel, similar to that which is present within the B-5 District along the southwestern side of Earl Core Road.

Addendum A of this report illustrates the location of the subject realty. Please note that the case number for the subject petition is for calendar year 2009 rather than 2010. The petitioner originally applied in 2009 but requested the Planning Department to hold the petition until existing utility infrastructure and easement issues were resolved.

ANALYSIS:

Because the subject area adjoins a B-5 District at the site's southern and western sides, the proposed zoning map amendment is considered a zoning district boundary adjustment.

According to Article 1353.01 of the Planning & Zoning Code, the purpose of the B-5 District is to:

"...permit a group of establishments to be planned, constructed and managed as a total entity. Typically, B-5 districts are located along major thoroughfares."

The following figure is a portion of Map LU-2 of the 1999 Comprehensive Plan and illustrates that the planned use for the subject realty is "Commercial."

Planning Department

Christopher Fletcher, AICP
Planning Director
389 Spruce Street
Morgantown, WV 26505
304.284.7431



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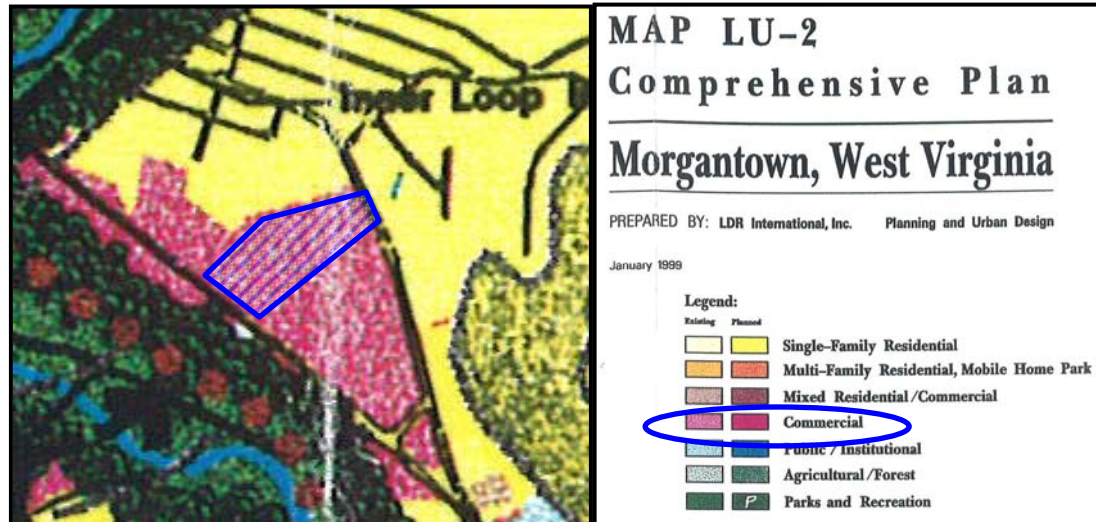
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It appears that the proposed change in zoning classification from B-2 to B-5 is consistent with the site's planned use as provided in the 1999 Comprehensive Plan and within the Planning & Zoning Code's stated purpose of the B-5 District.

STAFF RECOMMENDATION:

Zoning map amendment requests should be evaluated on their land-use merits alone. The applicant's development intentions are extraneous and the Commission should consider the request on its merits as a land-use decision.

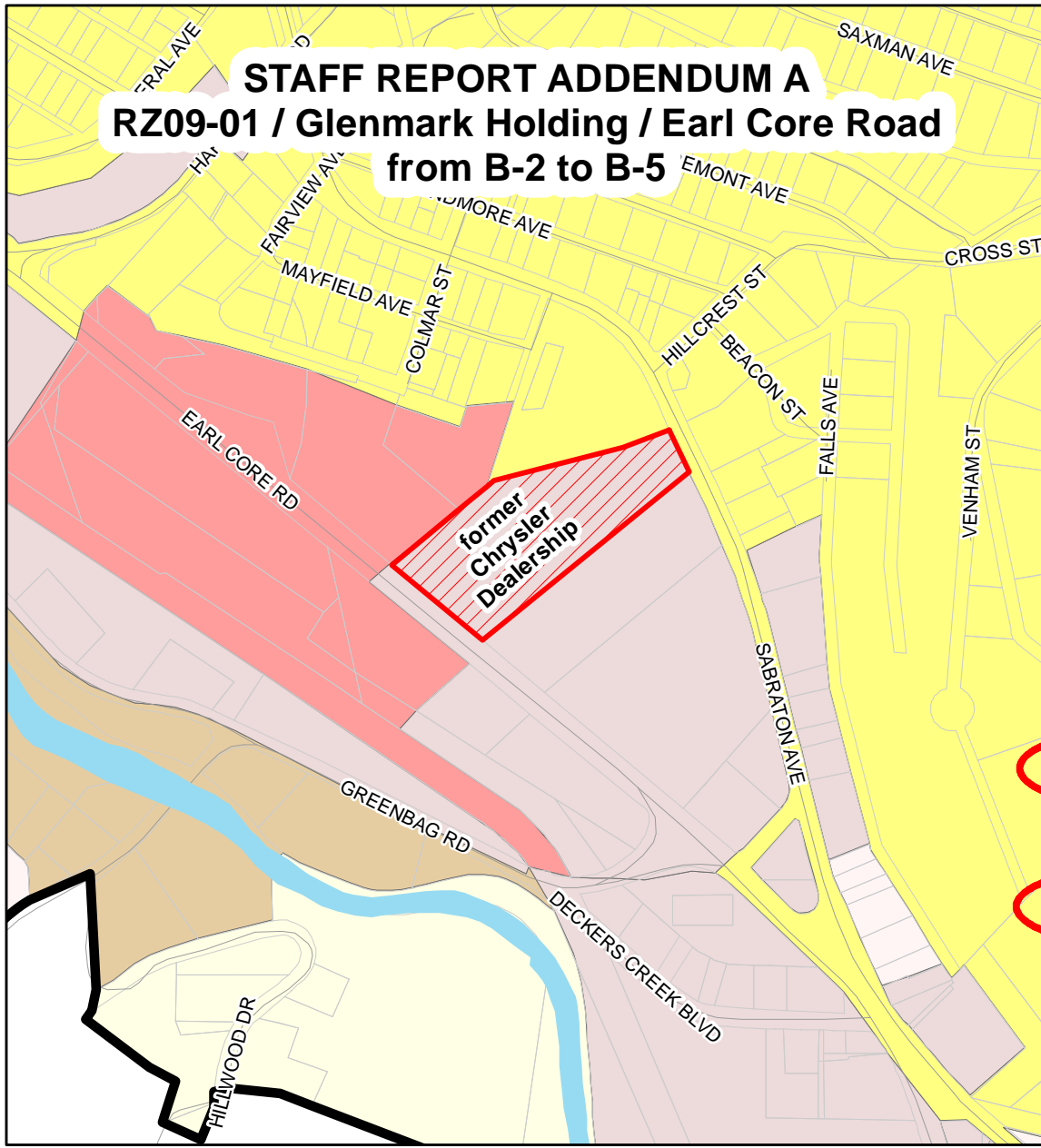
In conducting such an analysis, the Commission should determine if the B-5, Shopping Center District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning & Zoning Code (please refer to Table 1331.05.01 "Permitted Land Uses").

Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that Parcel #107 of Tax Map #31 is reclassified from B-2, Service Business District to B-5, Shopping Center District.

Planning Department

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Planning Director
389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
RZ09-01 / Glenmark Holding / Earl Core Road
from B-2 to B-5

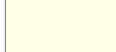


Legend

 Project Site

Zoning Classification

Zoning Districts

 R- 1

 R- 1A

 R- 2

 R- 3

 PRO

 B- 1

 B- 2

 B- 4

 B- 5

 O- 1

 IND

 PUD

0107



City of Morgantown, West Virginia APPLICATION FOR FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	270901
RECEIVED:	
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	Glenmark Holding Limited Liability Company	Phone:	304.599.3369
Mailing Address:	6 Canyon Road, Suite 300	Mobile:	
	Street Morgantown WV 26508	Email:	
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Brian D. Gallagher, Steptoe & Johnson, PLLC	Phone:	304.598.8106
Mailing Address:	1085 Van Voorhis Road, Suite 400	Mobile:	
	Street Morgantown WV 26505	Email:	brian.gallagher@steptoe-johnson.com
	City State Zip		
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):	Earl L. Core Road, Morgantown, WV 26505 (Sixth Ward)		
Tax Map(s) #:	31	Parcel(s) #:	107-8-99-2 <i>ym</i>
		Size (sq. ft. or acres):	4.4417 Ac.
Current Zoning Classification:	B2	Proposed Zoning Classification:	B5
Current Land Use:	Former Auto Dealership	Proposed Land Use*:	Shopping Center
<i>*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.</i>			
V. ATTEST			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.			
Glenmark Holding Limited Liability Company	<i>Brian Gallagher</i>	<i>11/16/09</i>	<i>11/16/09</i>
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date	Date

Zoning Map Amendment Fee - \$75

Finance Office
Morgantown, WV 26505
(304) 284-7100



City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	2209-01
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process

