

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT AND B-2, SERVICE BUSINESS DISTRICT TO B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Properties included in this consideration is identified in the Monongalia County Assessor's records as Parcels 263 and 270 of County Tax Map 26; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcels 263 and 270 of County Tax Map 26 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

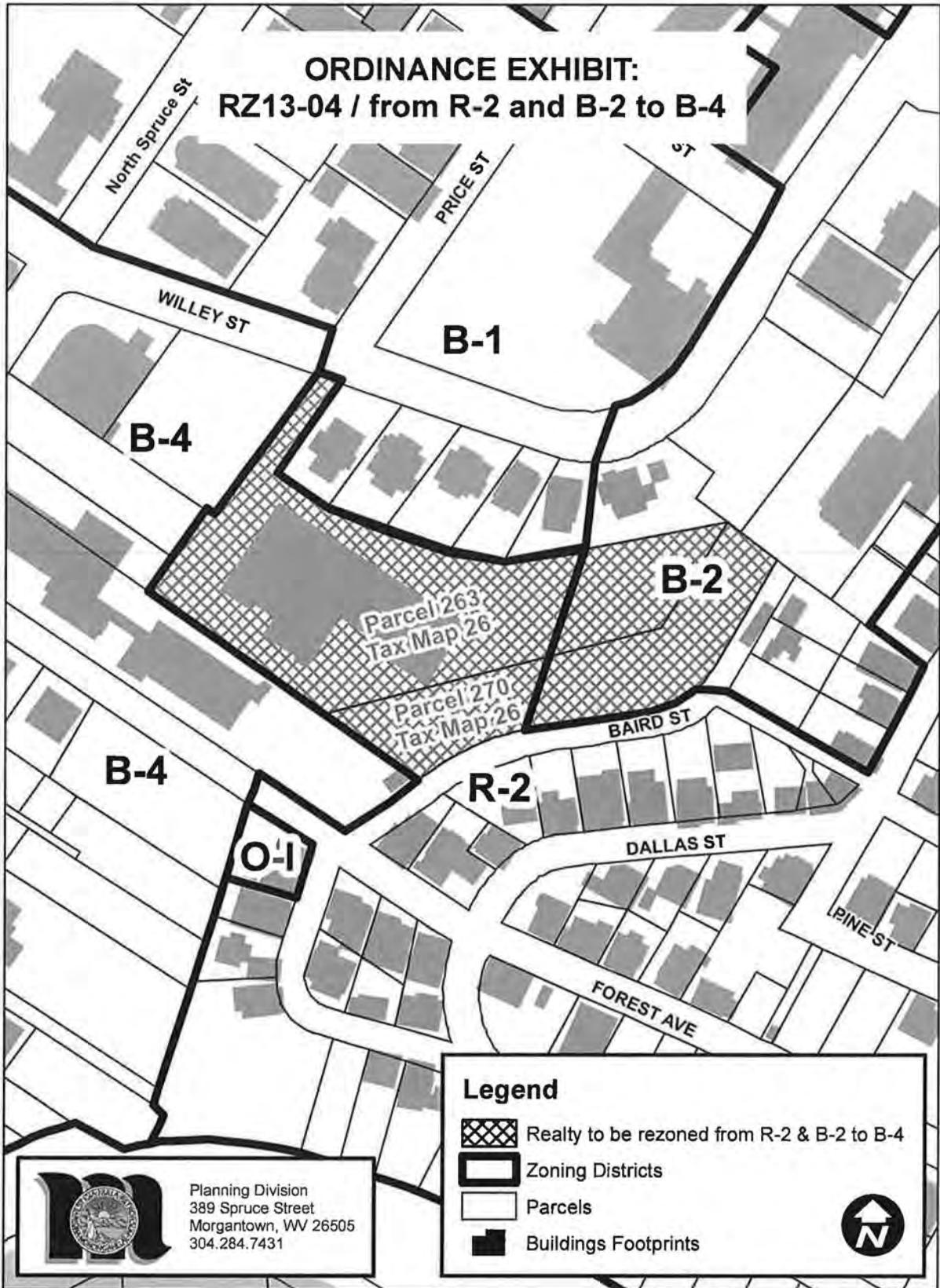
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
RZ13-04 / from R-2 and B-2 to B-4**



 Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantown.com

July 12, 2013

Central Place, LLC
c/o Lisa Mardis
Project Management Services
160 Fayette Street, Suite 101
Morgantown, WV 26505

**RE: RZ13-04 / Central Place, LLC / 475 Baird Street
Zoning Map Amendment from R-2 and B-2 to B-4
Tax Map 26, Parcels 263 and 270**

Dear Ms. Mardis:

This is to notify you that the Morgantown Planning Commission voted on July 11, 2013 to submit a recommendation of approval to City Council for your zoning map amendment request referenced above.

Please note the following dates when City Council will consider your request. These dates are dependent up City Council's favorable action at each step of the approval process.

City Council Meetings

- Committee of the Whole..... Tuesday, July 30, 2013; 7:00 PM
City Council Chambers
- 1st Reading:..... Tuesday, August 6, 2013; 7:00 PM
City Council Chambers
- Public Hearing and 2nd Reading: Tuesday, September 3, 2013; 7:00 PM
City Council Chambers

Please note that attendance at these meetings is not mandatory.

Do not hesitate to contact me should you have any questions or require further clarification.

Respectfully,

Stacy Hollar
Executive Secretary

cc: Jeff Mikorski, City Manager
Linda Little, City Clerk



MORGANTOWN PLANNING COMMISSION

July 11, 2013
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Bill Kaweck, City Council

STAFF REPORT

CASE NO: RZ13-04 / Central Place, LLC / 475 Baird Street

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Central Place, LLC, for a Zoning Map Amendment from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District for property located at 475 Baird Street (former Central School site); Tax Map 26, Parcels 263 and 270.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 263 and 270; R-2, Single- and Two-Family Residential District

SURROUNDING ZONING:

North: B-1, Neighborhood Business District

East: B-2, Service Business District

West: B-4, General Business District

South: R-2, Single- and Two-Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify the subject property from R-2 and B-2 to B-4, General Business District. Addendum A of this report illustrates the location of the subject property.

Because the subject area adjoins the B-4 District at the site's western and southern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning" as the following image illustrates.



**Development Services
Department**

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
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Ken Martis, Admin.

Bill Kawecky, City Council

As the Planning Commission will recall, the redevelopment of the subject site was once a part of the "Westminster House" Planned Unit Development (PUD). Addendum B of this report provides a brief history of the related PUD.

ANALYSIS:

According to Article 1337.01 of the Planning and Zoning Code, the purposes of the R-2 District are to:

- (A) Provide for two-family housing development and customary accessory uses at a density slightly higher than in single family neighborhoods, and
- (B) Preserve the desirable character of existing medium density family neighborhoods, and
- (C) Protect the medium density residential areas from change and intrusion that may cause deterioration, and
- (D) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

According to Article 1347.01, the purpose of the B-2 District is to:

"...provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares."

According to Article 1349.01, the purposes of the B-4 District are to:

- (A) Promote development of a compact, pedestrian-oriented central business district consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (B) Promote a diverse mix of residential, business, commercial, office, institutional, education, and cultural and entertainment activities for workers, visitors, and residents;
- (C) Encourage pedestrian-oriented development within walking distance of public transit opportunities at densities and intensities that will help to support transit usage and businesses;
- (D) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (E) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and,
- (F) Enhance the community's character and historical significance through the promotion of high-quality urban design.

**Development Services
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Director

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Comprehensive Plan Concurrence

As recommended in the Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum C of this report identifies how the proposed development program is aligned and concurs with the land management intent, location, and pattern and character principles of the current Comprehensive Plan.



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July 11, 2013
6:30 PM
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Ken Martis, Admin.

Bill Kawecky, City Council

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioners' 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-4, General Business District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code; particularly, Article 1349 "B-4, General Business District" and Table 1331.05.01 "Permitted Land Uses".

STAFF RECOMMENDATION:

Staff advises the Commission to forward a recommendation to City Council to approve the requested zoning map amendment so that Parcels 263 and 270 of Tax Map 26 are reclassified from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District.

Attachments: Application and accompanying exhibits

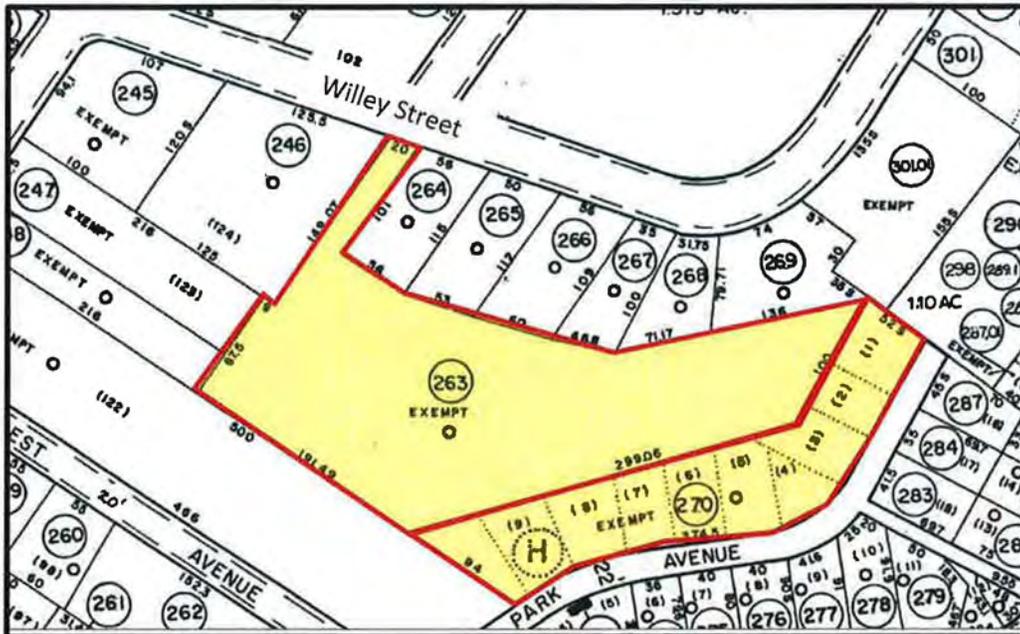
**Development Services
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STAFF REPORT ADDENDUM A
RZ13-04 / Central Place, LLC / 475 Baird Street



STAFF REPORT ADDENDUM B

RZ13-04 / Central Place, LLC / 475 Baird Street

"Westminster House" Planned Unit Development – PUD Summary

- Two six-story buildings with each floor containing approximately 11,400 square feet of gross floor area.
- The first floor of the building closest to the First Presbyterian Church facilities was to be occupied by the Presbyterian Child Development Center. The five upper floors were to contain 40 multi-family dwelling units.
- The first floor of the building furthest from the First Presbyterian Church facilities was to be occupied by Campus Ministry's offices and programming space as well as study lounges, recreation facilities, and common areas for use by development residents and quests. The five upper floors were to contain 40 multi-family dwelling units.
- The residential component contained 80 dwelling units with 470 occupants.
- 230 parking spaces within new and existing parking areas scattered throughout the site and within First Presbyterian Church's adjoining realty.

"Westminster House" PUD Timeline

- Circa 1955.....The existing Central Elementary School building was constructed to replace previous education facilities situated at the site.
- Circa 2003.....The existing Central Elementary School closed and became the "Central Center" serving as the school district's hub for nurses, motor team, and other alternative programs.
- Apr 2008.....Central Elementary School site purchased by Presbytery of West Virginia from the Board of Education.
- Oct 2008.....Planning Commission recommended approval of "Westminster House" PUD Outline Plan to City Council.
- Dec 2008.....City Council approved "Westminster House" PUD Outline Plan.
- Nov 2009.....Planning Commission approved Outline Plan Amendment 1 extending PUD Development Plan submission deadline.
- Feb 2011.....Planning Commission approved Outline Plan Amendment 2 extending PUD Development Plan submission deadline.
- Oct 2011.....Planning Commission approved Outline Plan Amendment 3 extending PUD Development Plan submission deadline.
- Dec 2011.....Planning Commission approved Outline Plan Amendment 4 extending PUD Development Plan submission deadline.
- Aug 2012.....Planning Commission, with the support of the petitioner, initiated action to amend the Zoning Map so as to rescind the PUD designation and reclassify the subject realty to its previous R-2, B-2, and B-4 designations.
- Nov 2012.....City Council rescinded the PUD designation and reclassified the subject realty to its previous R-2, B-2, and B-4 designations.

STAFF REPORT ADDENDUM C

RZ13-04 / Central Place, LLC / 475 Baird Street

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the proposed zoning map amendment proposal or development of significant impact proposal is in concurrence and/or is inconsistent with the 2013 Comprehensive Plan Update.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.
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Principles for Land Management

Principal 1	Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
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The reclassification of the subject property from two districts to one district is a prudent land use regulatory solution given the fact that the property is no longer owned by a governmental jurisdiction. Specifically, once privately-owned, the property is now required to comply with the City's Planning and Zoning Code. Maintaining two very different zoning classifications for the subject property in terms of density, intensity, and permitted uses would hinder market interest in achieving its highest and best use. The proposed reclassification of the subject property to B-4 will aid in stimulating redevelopment into higher performing and contributing uses like multi-family and/or mixed-use at a size, scale, scope, and density compatible with neighboring properties and the adjoining B-4 District. Stimulating market interest in the subject property represents a unique opportunity to remove a vacant structure that no longer serves as a public educational purpose. Over the past few years, the property's current owner has been unable to sustain the financial wherewithal to address deterioration and increased vandalism to the structure and property, which is now contributing to blighting conditions.

Principal 2	Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
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The subject site is located within the urban core and adjoins the central business district. Reclassifying the property to B-4 will not result in or facilitate "greenfield development." The site appears to be supported by existing transportation and utility infrastructure capacity.

Principal 3	Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
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The subject site adjoins the downtown business district and does not border a neighborhood conservation concept area. Reclassifying the subject property to B-4 will stimulate market interest for redevelopment into higher performing and contributing uses within the City's urban core.

Principal 4	Existing neighborhoods throughout the city will be maintained and/or enhanced.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The subject site is not within and does not border a neighborhood conservation concept area.</i>		
Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<i>Site layout and architectural design alternatives and solutions are functions specific to the review and approval of development plans. However, the B-4 District does include a broader extent of required and desired site and structure design standards.</i>		
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>Mixed-uses are emphasized much more so in the B-4 District than the B-2 District. Additionally, mixed-use development patterns are not permitted within the R-2 District.</i>		
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>The subject site is well served by public transit along Spruce Street and Willey Street and is within walking and biking distance of the University campus, downtown PRT station, and the downtown central business district. Redevelopment of the site to a higher scale and intensity as permitted in the B-4 District will link residents to alternate modes of transportation thereby reducing auto dependency within the City and mitigating increased traffic congestion created by commuting traffic from outside the City.</i>		
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<i>Development patterns that promote diversity in housing types, price levels, and occupancy types are emphasized much more so in the B-4 District than the B-2 District with very limited opportunity in the R-2 District.</i>		

Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The subject site adjoins the B-4, General Business District and a two to five minute relatively flat walk to basic retail goods and services, civic, institutional, and public spaces located within the central downtown business district and University's downtown campus.</i></p>		
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
<p><i>The subject site is less than 1,000 feet from Whitmore Park, which is approximately 8.6 acres and provides connections to the Caperton/Deckers Creek Trail facility. The redevelopment of the subject site to B-4 permitted densities and intensities should positively influence master-planned redevelopment interests along Forest Avenue, Dallas Street, and Richwood Avenue that can and should include enhanced pedestrian linkages between the downtown district and Woodburn Neighborhood.</i></p>		
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
<p><i>Development design and construction methods in relation to environmentally sensitive sustainable best practices are functions specific to the review and approval of development plans.</i></p>		

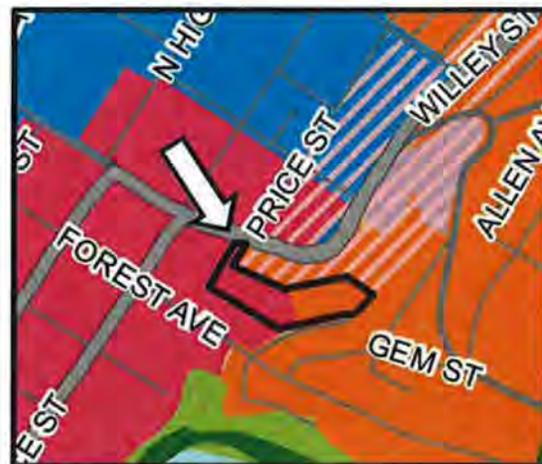
LOCATION Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

The following graphic is clipped from the **Land Management Map** included in the 2013 Comprehensive Plan Update. The subject site is located within the “**Downtown Enhancement**” and “**Neighborhood Revitalization**” concept areas within which continued infill and redevelopment, stabilization, reinvestment, and adaptive reuse are highly desired.

The reclassification of the subject property from two districts to one district is a prudent land use regulatory solution given the fact that the property is no longer owned by a governmental jurisdiction. Specifically, once privately-owned, the property is now required to comply with the City’s Planning and Zoning Code. Maintaining two very different zoning classifications for the subject property in terms of density, intensity, and permitted uses would hinder market interest in achieving its highest and best use.

Reclassifying the subject realty to B-4 will aid in stimulating redevelopment interest into higher performing and contributing uses like multi-family and/or mixed-use at a size, scale, intensity, and density compatible with neighboring properties and the adjoining B-4 District.

-  **Downtown Enhancement:** Continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010 Downtown Strategic Plan Update.
-  **Neighborhood Revitalization:** Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses.



**PATTERN
AND
CHARACTER**

Development proposals in growth areas will be consistent with preferred development types. Development in areas where growth is not intended should be compatible with the relevant Character Areas description and expectations for how those areas should evolve in the future.

Reclassifying the subject realty from R-2 and B-2 to B-4 furthers the following development types that are identified in the 2013 Comprehensive Plan Update as desired in the "Downtown Enhancement" and "Neighborhood Revitalization" concept areas.

MF Multi-family Residential

Includes various forms such as apartment buildings where three or more separate residential dwelling units are contained with a structure and townhouse dwelling types. They vary considerably in form and density depending on the context – from four-story or larger buildings set close to the street in and at the edge of the downtown core and along major corridors, to smaller two- to four-story buildings with greater street setbacks in areas between the downtown core and single-family neighborhoods.



NX Neighborhood Center Mixed-Use

A mix of housing, office, commercial, and civic uses adjacent to one another or contained within the same structure (such as offices or apartments above ground-floor retail). Such uses should be compatible with and primarily serve nearby neighborhoods (within 1/2 mile). Parking should be located behind or to the side of buildings and may be shared between multiple uses.





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

OFFICE USE	
CASE NO.	B213-04
RECEIVED:	6/14/13
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. OWNER / APPLICANT			
Name:	Central Place, LLC	Phone:	
Mailing Address:	6200 Mid Atlantic Drive	Mobile:	276-5100
	Street Morgantown WV 26508	Email:	metro50@aol.com
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Project Management Services	Phone:	304-212-5256
Mailing Address:	160 Fayette Street Suite 101	Mobile:	304-692-7116
	Street Morgantown WV 26505	Email:	pms160@comcast.net
	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):	475 Baird Street		
Tax Map(s) #:	26	Parcel(s) #:	263 & 270
		Size (sq. ft. or acres):	1.8 ac
Current Zoning Classification:	R-2 & B-2	Proposed Zoning Classification:	B-4
Current Land Use:	Vacant	Proposed Land Use*:	Mult-family
<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.			
Lisa Mardis			06/14/2013
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent		Date

Zoning Map Amendment Fee - \$75



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

OFFICE USE	
CASE NO.	2213-07
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process

