



**Development Services**  
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

## MEMORANDUM

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**Date:** Monday, August 27, 2012  
**To:** Terrence Moore, City Manager  
Linda Little, City Clerk  
**RE:** September 25, 2012 Council Committee of the Whole Agenda  
RZ08-05 / First Presbyterian Church of Morgantown / "Westminster House PUD"  
Expiration of Approval

During its August 23, 2012 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to initiate action amending the Official Zoning Map so as to rescind the above referenced Planned Unit Development designation and reclassify the subject realty to its previous R-2, B-2, and B-4 designations.

Attached herewith is the related ordinance along with supplemental information provided to the Planning Commission at its August 23, 2012 hearing.

The following dates will keep to standard Planning and Zoning Code Official Zoning Map Amendment protocol:

- Committee of the Whole ..... Tuesday, September 25, 2012 at 7:00 PM  
City Council Chambers
- First Reading: ..... Tuesday, October 2, 2012 at 7:00 PM  
City Council Chambers
- Public Hearing and Second Reading: ..... Tuesday, November 6, 2012 at 7:00 PM  
City Council Chambers

Please include the attached ordinance on the City Council meeting agendas noted above and include this communication and attached supplemental information in the meeting packet for the September 25<sup>th</sup> Committee of the Whole meeting.

Thank you.

cc: Chet Parsons, President, Westminster House, Inc. (via email [chetparsons@gmail.com](mailto:chetparsons@gmail.com))

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SEVEN PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT; B-2, SERVICE BUSINESS DISTRICT; AND, B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331.02 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 THEREIN.

WHEREAS, the City of Morgantown enacted Ordinance 08-48 on December 2, 2008 to amend the Official Zoning Map of the City of Morgantown for the "Westminster House Planned Unit Development (PUD) Outline Plan".

WHEREAS, Ordinance 08-48 provided for the zoning reclassification of Parcels 247, 248, 249, 260, and 262 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District from the B-4, General Business District to the PUD, Planned Unit Development District.

WHEREAS, Ordinance 08-48 provided for the zoning reclassification of Parcels 263 and 270 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District from the R-2, Single- and Two-Family Residential District and the B-2, Service Business District to the PUD, Planned Unit Development District.

WHEREAS, Article 1357.03 (D) of the City's Planning and Zoning Code provides that a PUD Development Plan must be submitted to the Planning Division not more than eighteen (18) months following City Council approval of the PUD Outline Plan. Said Article provides that the Planning Commission may extend the time for application for approval of the PUD Development Plan for good cause, consistent with the purposes of the Zoning Ordinance OR initiate action to amend the Official Zoning Map so as to rescind the Planned Unit Development designation.

WHEREAS, on November 12, 2009, the Planning Commission extended the original PUD Development Plan application deadline from June 3, 2010 to December 3, 2010.

WHEREAS, on February 10, 2011, the Planning Commission again extended the PUD Development Plan application deadline from December 3, 2010 to October 31, 2011.

WHEREAS, on October 13, 2011, the Planning Commission again extended the PUD Development Plan application deadline from October 31, 2011 to December 31, 2011.

WHEREAS, on December 8, 2011, the Planning Commission again extended the PUD Development Plan application deadline from December 31, 2011 to June 30, 2012.

WHEREAS, the Planning Division duly notified Westminster House, Inc. by means of a certified letter dated July 25, 2012 that:

1. Article 1357.03 "Procedure for Approval of Planned Unit Development" of the Planning and Zoning Code provides that a PUD Development Plan must be submitted to the Planning Division no later than eighteen (18) months following City Council approval of the Outline Plan. City Council enacted Ordinance 08-48 establishing "Westminster House" PUD, Planned Unit Development District on December 2, 2008, which established an expiration deadline of June 3, 2010.
2. The Planning Commission approved four (4) PUD Outline Plan Amendments, each extending the deadline to submit the PUD Development Plan respectively.
3. The effective deadline to submit the PUD Development Plan to the Planning Division was June 30, 2012.
4. Article 1357.03(D)(4)(c) requires the Planning Division to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicants of same and that the Morgantown Planning Commission may extend the PUD Development Plan submission deadline for good cause, consistent with the purposes of the Zoning Ordinance.
5. The Planning Division is to report the subject expiration to the Planning Commission with a recommendation to determine whether to consider extending the deadline or initiate action to amend the Official Zoning Map so as to rescind the Planned Unit Development designation.
6. The Planning Division advised the Planning Commission that Westminster House, Inc. did not wish to pursue an additional PUD Development Plan submission deadline extension and that the developer intends to pursue a development program that will fall within the standards of the zoning districts for which the subject property was classified prior to City Council's enactment of Ordinance 08-48 on December 2, 2008.

WHEREAS, the Morgantown Planning Commission held a public hearing on August 23, 2012 and voted unanimously to initiate action to amend the Official Zoning Map so as to rescind the "Westminster House" PUD, Planned Unit Development District designation.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF MORGANTOWN:

1. That the zoning reclassification enacted by Ordinance 08-48 on December 2, 2008 is hereby rescinded;
2. That Parcels 247, 248, 249, 260, and 262 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District 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 are reclassified from the PUD, Planned Unit Development District to the B-4, General District;

3. That Parcels 263 and 270 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District 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 are reclassified from the PUD, Planned Unit Development District to the R-2, Single- and Two-Family Residential District and the B-2, Service Business District as demarcated on the Official Zoning Map of the City of Morgantown in effect on December 2, 2008; and,
4. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from date of adoption.

FIRST READING:

\_\_\_\_\_  
Mayor

ADOPTED:

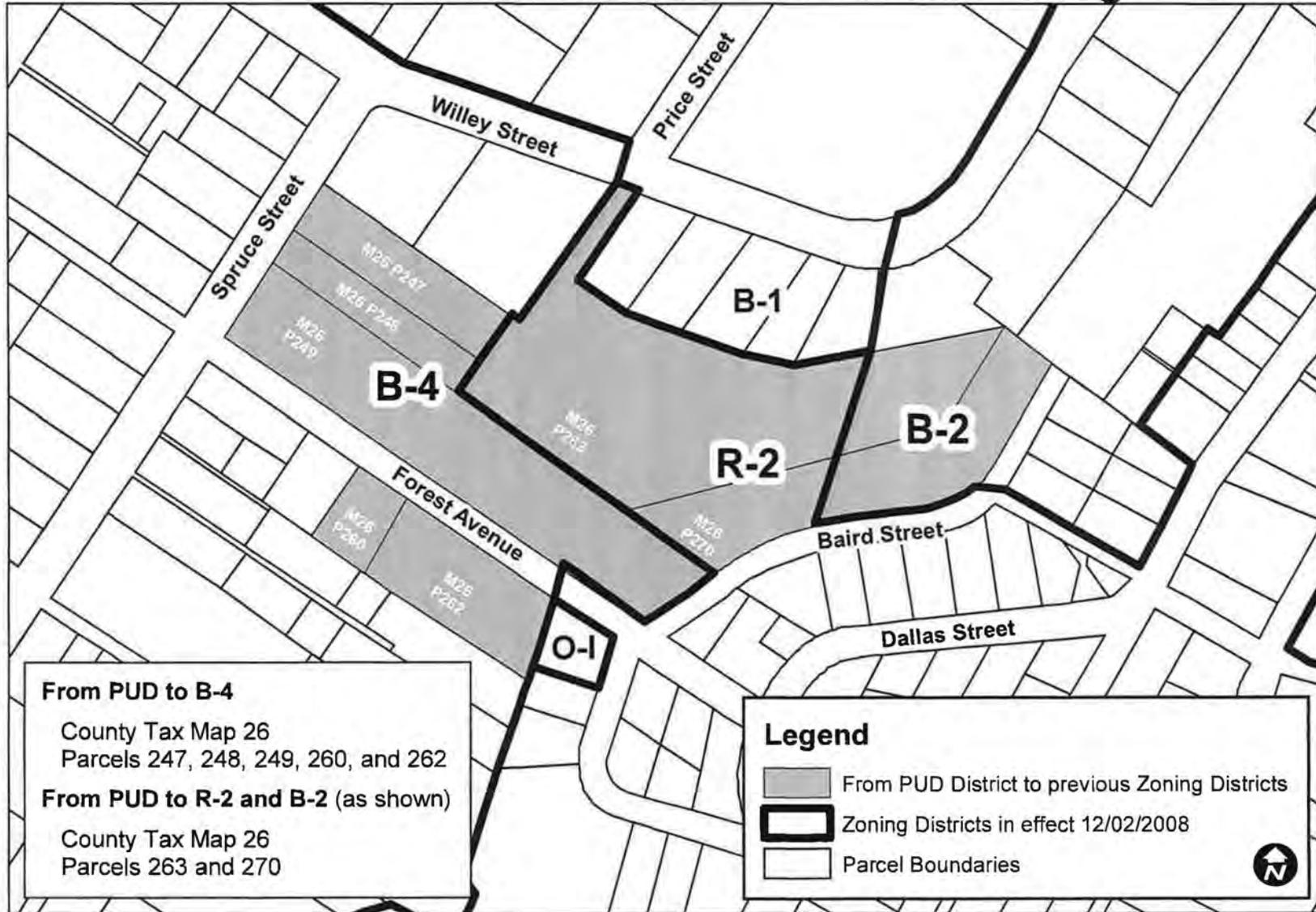
FILED:

RECORDED:

\_\_\_\_\_  
City Clerk

# ORDINANCE EXHIBIT

## RZ08-05 / Westminster House PUD / Rescinding PUD





**Development Services**

Planning Division  
 389 Spruce Street  
 Morgantown, WV 26505  
 304.284.7431

**MEMORANDUM**

Date: August 9, 2012  
 To: Planning Commission  
 RE: RZ08-05 "Westminster House PUD"; First Presbyterian Church of Morgantown  
 Expiration of Approval

Article 1357.03 "Procedure for Approval of Planned Unit Development [PUD]" of the Planning and Zoning Code provides that a PUD Development Plan must be submitted to the City no later than eighteen (18) months following City Council approval of the PUD Outline Plan.

The following timeline illustrates the related approvals and present submission deadline for the "Westminster House" PUD Development Plan.

Planning Commission recommends PUD Outline Plan		Outline Plan Amendment 1 extending submission deadline		Outline Plan Amendment 2 extending submission deadline		Outline Plan Amendment 4 extending submission deadline	
<b>Oct 9 2008</b>	<b>Dec 2 2008</b>	<b>Nov 12 2009</b>	<b>Jun 3 2010</b>	<b>Feb 10 2011</b>	<b>Oct 13 2011</b>	<b>Dec 8 2011</b>	<b>Jun 30 2012</b>
	City Council approves Zoning Map Amendment Ordinance (ORD08-48)		Original PUD Development Plan Submission Deadline		Outline Plan Amendment 3 extending submission deadline		Present PUD Development Plan Submission Deadline

The following table illustrates the four (4) PUD Outline Plan amendment approvals and related PUD Development Plan submission deadline extensions.

<b>PUD Outline Plan Amendment Approval Date</b>	<b>Revised PUD Development Plan Submission Deadline</b>
Amendment 1 – November 12, 2009	from June 3, 2010 to December 3, 2010
Amendment 2 – February 10, 2011	from December 3, 2010 to October 31, 2011
Amendment 3 – October 13, 2011	from October 31, 2011 to December 31, 2011
Amendment 4 – December 8, 2011	from December 31, 2011 to June 30, 2012

Staff has maintained ongoing discussions with Mr. Chet Parsons, President of Westminster House, Inc., concerning the petitioner's evolving development objectives and financing challenges. Staff understands that their present intentions are to pursue a development program that will fall within the standards of the zoning districts for which the property was classified prior to the PUD approval. As such, the petitioner does not wish to pursue an additional deadline extension request.



## Development Services

Planning Division  
389 Spruce Street  
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304.284.7431

# MEMORANDUM

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One of the elements included in the Planning Commission's Outline Plan amendment approvals was to allow the owner to offer portions of the site for permit parking on a temporary basis. The owner advised Staff and the Planning Commission that revenue from the leased parking spaces was necessary to satisfy a portion of the project's debt service. The duration of this temporary parking expired on June 30, 2012 as set forth under the Planning Commission's December 8, 2011 approval of Outline Plan Amendment 4. Staff understands that the owner will be seeking an extension of the temporary parking use during the Planning Commission's September 2012 hearing.

Article 1357.03 (D) (4) (c) requires the Planning Division to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicant of same. By the attached letter dated June 25, 2012, Staff notified the petitioner of the pending expiration on July 25, 2012.

It is the opinion of the Planning Division that the Planning Commission must:

1. Determine whether to consider extending the deadline for good cause, consistent with the purposes of the Zoning Ordinance; OR,
2. Initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation and reclassify the subject realty to its previous R-2, B-2, and B-4 designations.

Should the Planning Commission choose to extend the deadline, than it is obligated to state the basis for which it is to be granted and identify a specific period for same. Again, Staff understands that the petitioner does not wish to seek a deadline extension.

Should the Planning Commission choose to initiate action to rescind the PUD designation, than it must submit a recommendation to City Council to, by ordinance, reclassify the subject realty from a PUD District to the respective R-2, B-2, and B-4 Districts.

Under either scenario, Staff recommends that the Planning Commission hear comments under its standard public hearing procedure before entertaining a motion.

Attachments: City Council Ordinance ORD08-48

December 9, 2011 letter to Mr. Chet Parsons  
(action letter for Outline Plan Amendment 4)

July 25, 2012 letter to Mr. Chet Parsons  
(pending expiration of approval)

cc: Chet Parsons, Westminster House, Inc. via email



**DEVELOPMENT SERVICES  
PLANNING DIVISION**

# 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

December 9, 2011

First Presbyterian Church of Morgantown  
c/o Chet Parsons  
456 Spruce Street  
Morgantown, WV 26505

**RE: RZ08-05 – First Presbyterian Church of Morgantown, “Westminster House PUD”  
Tax Map #26 Parcels #247, 248, 249, 260, 262, 263, and 270  
PUD Outline Plan Amendment No. 4**

Dear Mr. Parsons:

At their monthly meeting on Thursday, December 8, 2011, the Morgantown Planning Commission **APPROVED** Amendment No. 4 to the “Westminster House” PUD Outline Plan. The Commission’s approval included the following conditions and considerations:

1. That the “Westminster House” PUD Outline Plan document be supplemented by this Staff Report and related addenda as the convention to be used in evaluating the petitioner’s Development Plan.
2. That review and approval of the project’s Development Plan continue to be waived by the Planning Commission and conducted at the Staff level. However, should the Development Plan substantially differ from the approved Outline Plan and amendments approved heretofore, then the petitioner must submit a subsequent Outline Plan amendment to the Planning Commission for approval.
3. That the petitioner obtains minor subdivision approval to reconfigure the existing parcel boundaries in a manner that best meets the overall ownership, development, and management objectives set forth in the “Westminster House” Outline Plan.
4. That the Development Plan submission deadline be extended from December 31, 2011 to June 30, 2012.
5. That the December 31, 2011 deadline for the two (2) temporary parking lot uses be extended to June 30, 2012.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Planning Commission during this thirty-day period is at the sole financial risk of the petitioner.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Heather Whitmore Dingman, AICP  
Principal Planner



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7431 TDD (304) 284-7512  
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July 25, 2012

VIA CERTIFIED MAIL

Westminster House, Inc.  
c/o Chet Parsons, President  
15 Meadow Brooke Drive  
Morgantown, WV 26505

**RE: "Westminster House" Planned Unit Development (PUD)  
Pending Expiration of Approval**

Mr. Parsons:

Article 1357.03 "Procedure for Approval of Planned Unit Development [PUD]" of the City of Morgantown's Planning and Zoning Code provides that a PUD Development Plan must be submitted to this Office no later than eighteen (18) months following City Council approval of the PUD Outline Plan. City Council approved the "Westminster House" PUD Outline Plan on December 2, 2008, which established an expiration deadline of June 3, 2010.

As you know, the Planning Commission approved the following four (4) PUD Outline Plan Amendments, each extending the deadline to submit the PUD Development Plan respectively.

<b>PUD Outline Plan Amendment Approval Date</b>	<b>Revised PUD Development Plan Submission Deadline</b>
Amendment 1 – November 12, 2009	from June 3, 2010 to December 3, 2010
Amendment 2 – February 10, 2011	from December 3, 2010 to October 31, 2011
Amendment 3 – October 13, 2011	from October 31, 2011 to December 31, 2011
Amendment 4 – December 8, 2011	from December 31, 2011 to June 30, 2012

Article 1357.03(D)(4)(c) requires this Office to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicants of same. I understand from previous conversations we have had that Westminster House, Inc. wishes to proceed with development of the site under the zoning classifications that were in place for the subject properties prior to the related PUD zoning map amendment.

By this letter, you are hereby notified that this Office will report the June 30, 2012 PUD Development Plan submission expiration to the Planning Commission at its August 9, 2012 hearing. This Office will also recommend that the Planning Commission initiate action to amend the City's Official Zoning Map by rescinding the "Westminster House" Planned Unit Development and thereby returning the zoning classification of the affected properties to the previous zoning designations.

Please contact the undersigned should you have any questions or require clarification.

Respectfully,

Christopher M. Fletcher, AICP  
Director of Development Services