

AN ORDINANCE BY THE CITY OF MORGANTOWN APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, THE MORGANTOWN BUILDING COMMISSION, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING ITS OWNERSHIP INTERESTS IN SPECIFICALLY IDENTIFIED REALTY LOCATED IN THE AREA COMMONLY KNOWN AS THE "STADIUM LOOP" TO THE WVU BOARD OF GOVERNORS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE REALTY TRANSFER TO OCCUR.

The City of Morgantown hereby ordains that it authorizes its City Manager to not only execute the attached agreement by and on behalf of the City of Morgantown, but also, to execute related documents necessary for the realty transfer to occur.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

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

