



MORGANTOWN PLANNING COMMISSION

September 13, 2012
6:30 PM
City Council Chambers

STAFF REPORT

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.

Jennifer Selin, City Council

CASE NO: S12-08-II / Westminster House, Inc. / former Central School

REQUEST and LOCATION:

Request by Chet Parsons, on behalf of Westminster House, Inc., for a temporary parking use at the former Central School site located off Willey Street and Baird Street.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax Map 26, Parcels 263 and 270; PUD, Planned Unit Development District

SURROUNDING ZONING:

North: B-1, Neighborhood Business District

East: B-2, Service Business District

South and West: B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks approval for a temporary use on the former Central School site to provide parking spaces leased to the general public. The site is currently used for leased parking. However, the petitioner's Planned Unit Development, under which the temporary parking was approved, is scheduled to be rescinded by recommendation by the Planning Commission on August 23, 2012. Continued leased parking must therefore be approved as a temporary use as set forth in Article 1331.07(B)(3) of the Planning and Zoning Code. Addendum A of this report illustrates the location of the subject property.

The zoning classifications for the subject property upon City Council's enactment rescinding the related Planned Unit Development (PUD) will be R-2, Single- and Two-Family Residential District and B-2, Service Business District.

Attached hereto is Article 1331.07 "Temporary Uses", which provides the following related guidance:

1331.07(B)(2).....Temporary Uses shall be subject to all the regulations of the applicable [zoning] district in which they are located.

COMMENTARY.....A "Private Parking Lot" use is permitted as a conditional use in the R-2 District and a "Commercial Parking Lot" use is permitted by-right in the B-2 District. It is the opinion of the Planning Division that the only difference between the two parking lot uses, as defined in Article 1329.02 of the Planning and Zoning Code, is that commercial parking lots appear to be intended as stand-alone uses of its respective parcel(s).

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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1331.07(B)(3).....Temporary Use permit applications shall be categorized as Type II Site Plan Submissions and shall require a public hearing before the Planning Commission.

COMMENTARY.....Although this provision classifies temporary use permits as Type II Site Plan submissions, which are customarily reviewed and approved by Staff, this provision requires approval by the Planning Commission. Staff has no working knowledge as to why Article 1331.07 contains several discrepancies concerning the review authority and approval process of temporary use permits. Given the Planning Commission's past concern during the related PUD amendment process relating the duration of the petitioner's temporary parking, it appears prudent that the Planning Commission consider the petitioner's present temporary parking use.

1331.07(C)(5).....Other similar uses deemed temporary by the Planning Commission and attached with such time period, conditions, and safeguards as the Board may deem necessary.

COMMENTARY.....Parking uses are not specifically identified in Article 1331.07(C) as a temporary use nor does there appear to be sufficient guidance of a similar temporary use in determining acceptable duration. As such, it appears that duration in this instance is left to the objective judgment of the Planning Commission. The petitioner has requested the duration to last through the end of the 2012-2013 school year, which staff understand to mean the West Virginia University academic calendar ending May 19, 2013.

1331.07(D)(5).....The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

COMMENTARY.....In reviewing the petitioner's present temporary use petition, the Commission should consider including a related condition.

STAFF RECOMMENDATION:

Staff recommends approval of temporary use permit S12-0-II with the following conditions:

1. That the duration of the temporary parking use shall end on Sunday, May 19, 2013; and,

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2. That, and provided a site plan for the redevelopment of the subject realty is not approved by June 30, 2013, no later than June 30, 2013, all surface premises used for the subject temporary parking use approved herein shall be put in a clean condition devoid of the temporary parking use; shall be covered in topsoil and seeded to the satisfaction of the Chief Building Code Official to help mitigate standing water or erosion; and, driveway entrances shall be blocked to the satisfaction of the City Engineer to restrict vehicular access thereby ensuring the discontinuance of the temporary parking use and mitigate potential property damage resulting from errant vehicular entry.

Enclosure: Letter from Mr. Chet Parsons, Chair, Westminster House, Inc. dated August 3, 2012

ADDENDUM A



Development Services

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Christopher M. Fletcher, AICP, Director
Planning Department
City of Morgantown
389 Spruce Street
Morgantown, WV 26505

August 3, 2012

**RE: Westminster House Project
Temporary Parking Request**

Dear Mr. Fletcher,

I wanted to express the Board's gratitude to the Planning Commission on working with us through the Planned Unit Development process and ultimately in rescinding the designation when it no longer works for our project scope. We appreciate the diligent consideration of our project over the years and look forward to continuing the relationship as we move into our next phase.

I am pleased to report that Westminster House and First Presbyterian Church are still hard at work developing a project on the site of the former Central School at the corner of Spruce and Willey Streets. We are now working with a respected local developer and construction company to develop a project that fits the scope and intent of the underlying zoning that runs with the property owned by First Presbyterian Church.

We are currently developing a proforma and schematics as a part of a construction schedule that is vetted by the local construction industry. We have learned over the last six years how to plan development accordingly and because of that have prepared a reasonable project scope and mix of bedrooms that will not only meet the needs of students at WVU but also be able to be managed and programmed realistically by a professional property management company.

As part of our development process, we are enlisting the services of a professional fundraiser to help us develop capital that will offset part of the construction equity required to get this project off the ground. We have confidence that that equity will be able to be raised by late spring, 2013. Our development timeframe is to have the facility open to students in August 2014.

Since we first approached the Planning Commission over five years ago, our purpose has not changed. We are still committed to all of our original goals of reaching out to students, faculty, and staff, and are requesting the following to ensure that those goals can still be fulfilled:

1. A temporary parking permit for the existing gravel lot on the site of the Central School property that would allow income to be generated until the end of the 2012-2013 school year. The temporary permit we have held for this property

recently lapsed with the rescission of the Planned Unit Development designation and we would like to request this new permit using the same dimensions and occupancy that was previously granted with the PUD.

First Presbyterian Church of Morgantown, in supporting the mission of student ministry with a firm eye towards creating diversity in student housing, will advance the town and gown joint goals of growth in enrollment of the university and economic health of both the City of Morgantown and WVU. The Westminster House, Inc. Board of Directors envisions the following goals for our proposed development project:

1. To upgrade and possibly expand the PCDC's facilities phased over time to better support and serve the increased demand for quality child care within the Greater Morgantown area. Our initial goal is to provide quality outdoor play space for the current enrollment at the Center with expansion opportunities within 10 years.
2. To provide improved, creative, and flexible space for Campus Ministry programming and outreach to the University community.
3. To provide a faith-based living/learning community for WVU students, faculty, and staff within walking distance of Morgantown's central business district and WVU's downtown campus.

Thank you for considering our request. The congregation of First Presbyterian Church, the students, faculty, and staff involved in our mission and programs, and the Board of Directors of Westminster House look forward to continuing our work with you on this exciting downtown redevelopment project.

Sincerely,



Chet Parsons
Chair, Westminster House