



MORGANTOWN PLANNING COMMISSION

August 11, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

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Tim Stranko, 2nd Ward

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VACANT, City Administration

STAFF REPORT

CASE NO: TX16-08 / Suncrest United Methodist Church / 479 Van Voorhis Road

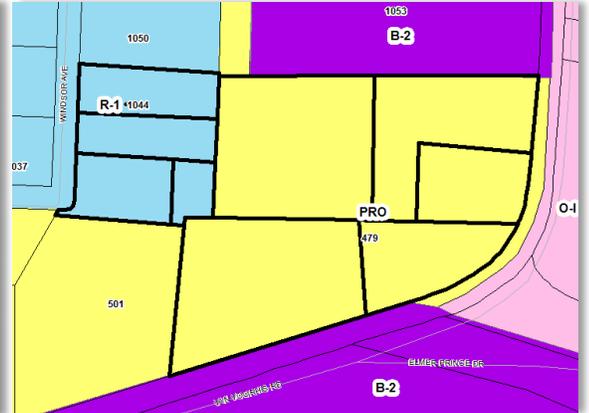
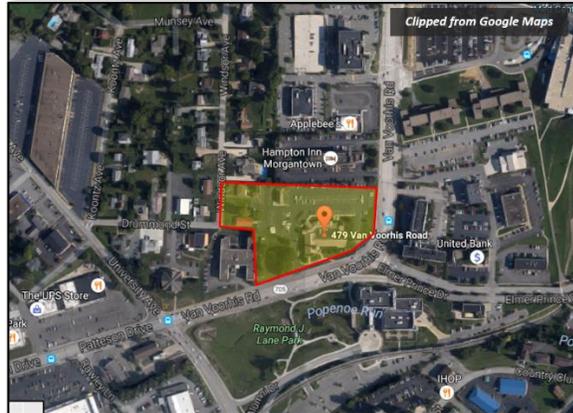
REQUEST:

Request by Richard Gimbl, on behalf of Suncrest United Methodist Church, to amend Table 1331.05.01 "Permitted Land Uses" to permit "Churches, Places of Worship" in the PRO, Professional, Residential and Office District as a conditional use.

BACKGROUND and ANALYSIS:

The petitioners own the realty addressed as 479 Van Voorhis Road (Currently Tax Map 6, Parcels 60, 61, 61.1, 61.2, 63, 64, 65, 66, and 67). The principal building on the property is a church with associated accessory uses tied to the principal "Church, Place of Worship" use.

The following graphics illustrate the location and the various zoning district classifications surrounding the petitioner's property (R-1, Single-Family Residential; PRO, Professional, Residential and Office District; and, B-2, Service Business District).



The existing "Church, Place of Worship" use is a considered a legal, pre-existing, non-conforming use in the PRO District (Parcels 63, 64, 65, 66, and 67) because "Church, Place of Worship" uses are not permitted in the PRO District. However, such uses are permitted in the R-1 District (Parcels 60, 61, 61.1, and 61.2) with conditional use approval.

The following graphic is clipped from Table 1331.05.01 "Permitted Land Uses" to illustrate where "Church, Place of Worship" uses are and are not permitted. "P" denotes the use is permitted by-right in a particular zoning district. "C" denotes the use is permitted with conditional use approval in a particular zoning district. If the box in the row for the use is empty in the column of a particular zoning district, then that use is not permitted in that zoning district.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Churches, Places of Worship	C	C	C	C		C	P	P		P		12

Additionally, the following supplemental regulation is tied to the “Churches, Place of Worship” uses:

- (12) CHURCHES AND PLACES OF WORSHIP shall meet the following requirements:
- (a) A minimum lot size of 15,000 sq. ft. is required;
 - (b) Churches and religious facilities may include customary accessory uses including gymnasiums, daycare, classroom, meeting rooms, etc.

The petitioner seeks the opportunity to modify and/or expand the existing principal building and/or associated accessory structures, some of which are located in the PRO District. Staff advised the petitioner there were options to consider that might create an opportunity to proceed with improvements to the nonconforming “Church, Place of Worship” use and structures. Given the application of the PRO District as a buffering mechanism for residentially zoned parcels throughout the City, and the need for the PRO District’s accommodation for religious land uses, a text amendment was determined to be the most feasible method for the applicant rather than pursuing a zoning map amendment for the following reasons:

- A zoning map amendment would result in either:
 - Extending the R-1 District to Van Voorhis Road, which does not appear to be the highest and best zoning classification along a major vehicular and commercial corridor; or,
 - Extending the B-2 District to Windsor Avenue, which would undermine the intent of the PRO District serving as a buffer between the residential and nonresidential zoning districts.
- A text amendment permitting “Church, Place of Worship” uses in the PRO District would close a puzzling permitted land use gap where places of worship are permitted in all the residential districts and in the business districts, but not permitted at all in the PRO District, the zoning district generally located between and intended to buffer these districts from each other.
- Conditional use approval requires careful consideration by the Board of Zoning Appeals. Each conditional use petition is evaluated on the unique context and particular merits of the individual case. Further, the conditional use decision process incorporates public notification, public participation, and public decisions based on deliberated findings of fact.

It also appears prudent to consider at this time whether or not “Church, Place of Worship” uses should be permitted with conditional use approval in the O-I, Office and Institutional District and the I-1, Industrial District. Specifically, the O-I District is similarly

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situated in some areas to the PRO District by adjoining residential districts and/or between residential and business districts.

This would leave only the I-1 District where “Church, Place of Worship” would not be permitted at all. Given the fact several of our industrial districts have largely evolved into various commercial, office, retail, restaurant, and housing uses, it stands to reason “Church, Place of Worship” uses can and should be permitted with conditional use approval in the I-1 District as well.

STAFF RECOMMENDATION:

Staff recommends, should the Planning Commission decide to forward a favorable recommendation to City Council under Case No. TX16-08, that Table 1331.05.01 “Permitted Land Uses” be amended as follows permitting “Churches, Places of Worship” uses within the PRO, Professional, Residential and Office District, the O-I, Office and Institutional District, and the I-1, Industrial District with conditional use approval.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Churches, Places of Worship	C	C	C	C	<u>C</u>	C	P	P	<u>C</u>	P	<u>C</u>	12

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APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TX 16-08
RECEIVED:	
COMPLETE:	

Zoning Code Text Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT			
Name:	Suncrest United Methodist Church	Phone:	304-599-6306
Mailing Address:	479 Van Voorhis Road	Mobile:	304-376-9720
	Street Morgantown	WV	26505
	City	State	Zip
Email:	RJGIMBL@GMAIL.COM		
II. PROPOSED TEXT AMENDMENT			
Section of the Zoning Code to be Amended:	TABLE 1331.05.01 Permitted Land Uses		
Summary of Proposed Text Amendment (an additional sheet may be attached hereto):			
<p>SUMC seeks to amend the permitted land uses table so that "churches or places of worship" may be permitted in the PRO District with conditional use approval. The purpose of the request is to remove the non-conforming status of the Suncrest United Methodist Church properties in the PRO district so that the church can pursue additions and or modifications to its buildings and facilities.</p>			
VIII. ATTEST			
I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of application will be complied with whether specified herein or not. The granting of an approval does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating same. This application has not been requested within the past year.			
Richard Gimbl			06/29/16
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent		Date



APPLICATION FOR ZONING TEXT AMENDMENT

OFFICE USE	
CASE NO.	TX16-08
RECEIVED:	
COMPLETE:	

ADDENDUM A - Zoning Code Text Amendment Process

Step 1	An application for an amendment, or change, to the text of the Planning and Zoning Code is filed with the Planning Department.
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Step 2	The Planning Department conducts a formal review of the completed application and prepares a strikethrough and/or underline petition.
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Step 3	The Planning Department publishes a legal advertisement describing the petition for a text amendment at least 15 days prior to the scheduled public hearing before the Planning Commission.
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Step 4	The Planning Commission holds a duly scheduled public hearing on the text amendment petition, prepares a report, and makes a recommendation to City Council.
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Step 5	City Council hears the petition in accordance with its rules and procedures, normally two readings and an additional public hearing.
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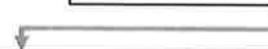


APPROVED

If the petition for the text amendment is approved by City Council, the applicant receives approval and is formally notified by mail by the Planning Department. The Planning Department amends the Planning and Zoning Code to reflect the approved text amendment.

DENIED

If the petition for the text amendment is denied by City Council, the applicant is formally notified in writing by the Planning Department of the denial and the right to appeal the decision to the Circuit Court of Monongalia County.



If the request for the text amendment is **denied** by City Council, the applicant may not re-submit the same request for a period of one (1) year unless the Planning Director determines that there have been significant changes in the request.