

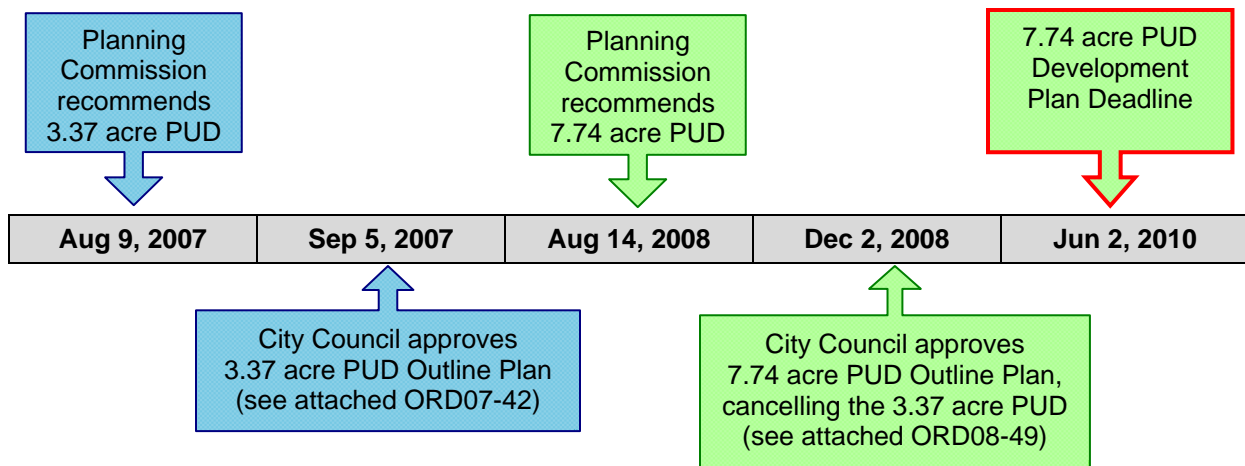


MEMORANDUM

Date: July 1, 2010
To: Planning Commission
RE: "Grand Central Apartments" Planned Unit Development (PUD)
Expiration of Approval

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 Department no later than eighteen (18) months following City Council approval of the Outline Plan.

The following timeline illustrates the related approvals and deadline for the submission of the "Grand Central Apartments" PUD Development Plan.



As of June 3, 2010, the Planning Department had not received the requisite Development Plan for the "Grand Central Apartments" PUD. Further, no discussions were initiated by the petitioner, Grand Central Apartments, LLC, with Staff since the December 2, 2008 Outline Plan approval nor were preliminary PUD Development Plan documents submitted to demonstrate intent to meet the June 2, 2010 deadline.

Article 1357.03 (D) (4) (c) requires the Planning Department to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicants of same. By the attached June 3, 2010 certified letter, Staff notified the petitioner of the subject expiration and that the Planning Department would report same to the Planning Commission at its July 8, 2010 hearing. The petitioner was also advised that a written extension request, detailing the merits and just cause for same, could be submitted to the Planning Department by June 11, 2010 so that it could be included on the Planning Commission's July 8, 2010 agenda.



Planning Department
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

The Planning Department received a certified receipt confirming that the petitioner received the June 3, 2010 letter. However, Staff has not, to date, been contacted by the petitioner concerning the "Grand Central Apartment's PUD" nor received a written extension request from.

It is the opinion of the Planning Department 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 designation, which in this case is an OI, Office and Institutional District.

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.

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 7.74 acres from a PUD District to an OI District.

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

cc: Kris Warner, Grand Central Apartments, LLC via email

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL OR A PORTION OF TWELVE PARCELS OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM O-I, OFFICE AND INSTITUTIONAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 OF THE PLANNING & 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.

All or a portion of properties included in this consideration are identified in the 2006 Assessor's records as Parcels 12.1, 13, and 15 of County Tax Map 14, Morgantown Corporation, District 1, and Parcels 86, 87, 88, 89, 90, 92.1, 93, 93.2, and 232 of County Tax Map 15, Morgantown Corporation District 1.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning for all or a portion of the parcels listed above on Tax Maps 14 and 15 of the 2006 tax assessment as described herein and 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 hereby reclassified from O-I, Office and Institutional District to (PUD) Planned Unit Development District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from date of adoption.

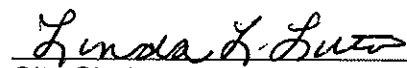
FIRST READING: August 7, 2007



Mayor

ADOPTED: September 4, 2007

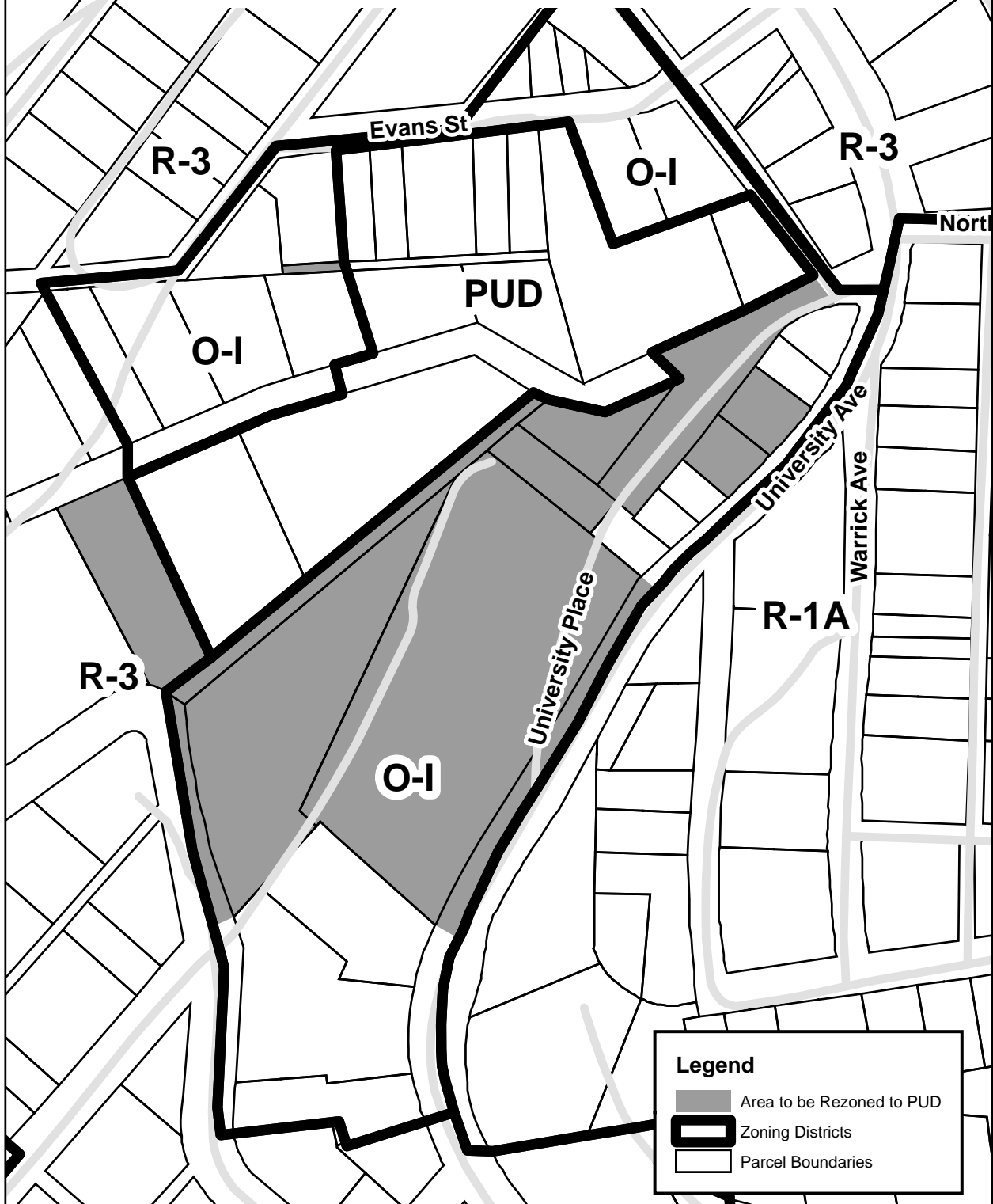
FILED: September 5, 2007



City Clerk

RECORDED: September 5, 2007

ORDINANCE EXHIBIT: RZ08-02 / Grand Central PUD





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

June 3, 2010

CERTIFIED MAIL

Kris Warner
2567 University Avenue, Suite 7000
Morgantown, WV 26505

**RE: "Grand Central Apartments" Planned Unit Development (PUD)
Expiration of Approval**

Mr. Warner:

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 this Office no later than eighteen (18) months following City Council approval of the Outline Plan. City Council approved the "Grand Central Apartments" PUD Outline Plan on December 2, 2008, which established an expiration date of June 2, 2010 (see attachment).

To date, this Office has not received the requisite PUD Development Plan. Further, no discussions with this Office have occurred nor have preliminary documents been submitted that demonstrates intent to meet said expiration deadline.

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. The Morgantown 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.

By this letter, you are hereby notified that this Office will report the subject expiration to the Planning Commission at its July 8, 2010 hearing 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.

You are also advised that should you seek to pursue a PUD Development Plan submission extension, a letter detailing the merits and just cause for same must be submitted to this Office no later than Friday, June 11, 2010 so that it may be advertised and considered by the Planning Commission at its July 8, 2010 hearing.

Please contact the undersigned with any questions or clarification.

Respectfully,

Christopher M. Fletcher, AICP
Planning Director
cfletcher@cityofmorgantown.org

cc: Dan Boroff, City Manager
Pete DeMasters, President, Morgantown Planning Commission