



# MORGANTOWN PLANNING COMMISSION

April 25, 2013  
6:30 PM  
City Council Chambers

## STAFF REPORT

### President:

Peter DeMasters, 6<sup>th</sup> Ward

### Vice-President:

Carol Pyles, 7<sup>th</sup> Ward

### Planning Commissioners:

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Wyant, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

Jennifer Selin, City Council

**CASE NO:** MNS13-09 / Otto Properties, LLC / Burroughs Street

### **REQUEST and LOCATION:**

Request by Lisa Mardis of Project Management Services, on behalf of Otto Properties, LLC, for minor subdivision approval of property located at 510 Burroughs Street.

### **PARCEL(s) and ZONING DESCRIPTION:**

Tax Map 55, Parcels 37 and 37.1; B-2, Service Business District and R-2, Single and Two-Family Residential District

### **SURROUNDING ZONING:**

North: B-2, Service Business District

East and West: R-1, Single-Family Residential District.

South and West: PRO, Professional, Residential, and Office District and R-1 District

### **BACKGROUND and ANALYSIS:**

The petitioner seeks a minor subdivision that is necessary to carry out terms of a settlement agreement reached to resolve a boundary dispute. Addendum A of this report illustrates the location of the subject realty.

The parties seek to subdivide approximately 5,561 square feet from Parcel 37.1 (classified as R-2) and add same to Parcel 37 (classified as B-2).

The proposed subdivision will comply with related minimum lot sizes for the respective zoning districts and will not create a setback encroachment.

### **STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

### **Development Services**

Christopher Fletcher, AICP  
Director

### **Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

Enclosure: Application and accompanying exhibits

**STAFF REPORT ADDENDUM A**  
**MNS13-09 / Otto Properties, LLC / Burroughs Street**





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNB13-09
RECEIVED: 3/15/13
COMPLETE:

A Minor Subdivision of property includes the creation of up to three (3) parcels or the combination of existing parcels, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT
Name: Otto Properties, LLC.
Mailing Address: 480 Kiwanis Avenue, Morgantown, WV 26505
II. AGENT / CONTACT INFORMATION
Name: Project Management Services, LLC.
Mailing Address: 160 Fayette Street, Ste 101, Morgantown, WV 26505
Mailings - Send all correspondence to (check one): [ ] Applicant OR [ ] Agent/Contact
III. PROPERTY
Owner: Otto Properties, LLC.
Mailing Address: 510 Burroughs Street, Morgantown, WV 26505
IV. SITE
Street Address (if assigned): Burroughs Street
Tax Map #(s): 55
Zoning: B-2, RZ-2
Parcel #(s): 37, 37.1
Square Footage of Parcel(s): 15884 ft.2, 5561 ft.2
Subdivision Description: The minor subdivision is necessary to carry out the terms of a settlement agreement.
Are there any Variances from the Subdivision Regulations anticipated: [ ] Yes [X] No
If yes, to what extent is a variance necessary?



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MNS13-09
RECEIVED:	
COMPLETE:	

V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
- (b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
- (b) Date of preparation, north arrow, and scale;
- (c) Legal description;
- (d) Applicant/owner name and address;
- (e) Existing zoning;
- (f) Legend;
- (g) Vicinity map;
- (h) Existing and proposed utility lines and easements;
- (i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
- (j) Location, shape, exterior dimensions of each existing building on the site(s);
- (k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
- (l) Location of springs, streams, other water bodies, and areas subject to flooding;
- (m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
- (n) Approval signature block allowing space for President of Morgantown Planning Commission;
- (o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require reapproval.

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 ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Lisa Mardis

[Handwritten Signature]

3/15/13

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

Minor Subdivision Application Fee - \$35 237

MNS13-09



**UNITY HOUSING  
MANAGED BY  
HUMAN RESOURCE DEVELOPMENT  
AND EMPLOYMENT, INC.  
A NON-PROFIT ORGANIZATION  
EOE M/F/V/D**

1644 Mileground  
Morgantown, WV 26505  
Telephone: (304) 296-8223  
Fax: (304) 296-8839  
TDD: 1-800-982-8771  
Website: www.hrdewv.org

**CABELL-HUNTINGTON UNITY APTS.**  
601 Sixth Street  
Huntington, West Virginia 25701  
(304) 522-8400

**CROSS LANES UNITY APARTMENTS**  
101 Unity Lane  
Cross Lanes, West Virginia 25313  
(304) 776-8474

**FAYETTE HILLS UNITY**  
300 High Street South  
Oak Hill, West Virginia 25901  
(304) 465-8240

**HIGHVIEW UNITY APARTMENTS**  
701 Garvin Avenue  
Charleston, West Virginia 25302  
(304) 346-2162

**LINCOLN UNITY APARTMENTS**  
7 Lincoln Plaza, Apt. 9  
Branchland, West Virginia 25506  
(304) 824-3717

**MARION UNITY APARTMENTS**  
401 Quincy Street  
Fairmont, West Virginia 26554  
(304) 366-2816

**ROMNEY UNITY APARTMENTS/  
BETH PLACE APARTMENTS**  
240 Fairfax Street  
Romney, West Virginia 26757  
(304) 822-7985

**SOUTH CHARLESTON UNITY APTS.**  
4718 Kanawha Avenue, SW  
South Charleston, West Virginia 25309  
(304) 766-2464

**SOUTH PARKERSBURG UNITY PLAZA**  
2600 Unity Place  
Parkersburg, West Virginia 26101  
(304) 424-7323

**UNITY COURT APARTMENTS**  
2604 Unity Place  
Parkersburg, West Virginia 26101  
(304) 424-7323

**UNITY HOUSE APARTMENTS**  
3180 Collins Ferry Road  
Morgantown, West Virginia 26505  
(304) 598-8665

**WELLSBURG PLEASANT APTS.**  
2702 Commerce Street  
Wellsburg, West Virginia 26070  
(304) 737-3707

**WEST HAMLIN UNITY PLACE**  
22 Unity Place  
Branchland, West Virginia 25506  
(304) 824-3717



AFT 4009, AFL-CIO

March 5, 2013

City of Morgantown  
Planning Commission  
389 Spruce Street  
Morgantown, WV 26505

RE: *Application for Approval of Minor Subdivision of Unity House Apartments, Inc.  
Real Estate for Sale to Vintner Reserve, LLC*

Dear Planning Commission:

This letter will confirm that the principals of Unity House Apartments, Inc. have internally approved, and are hereby requesting the City of Morgantown Planning Commission to approve, a minor subdivision of the real estate owned by Unity House Apartments, Inc. located at 3180 Collins Ferry Road, Morgantown, West Virginia 26505. More specifically, Unity House Apartments, Inc. has agreed to sell a portion of its real estate equaling approximately 5,561 square feet (0.1277 acres +/-) to an adjacent landowner, Vintner Reserve, LLC, to settle a boundary line dispute between the two parties. The section of real estate to be sold under the terms of the settlement agreement is specifically identified on the enclosed survey plat dated January 25, 2013 prepared by Williams Engineering Company. The minor subdivision sought by the parties is necessary to carry out the terms of the settlement agreement reached to resolve the boundary line dispute. Therefore, Unity House Apartments, Inc. hereby respectfully requests the Planning Commission to approve the requested minor subdivision.

Should you have any questions or concerns, or should you need any additional information, please feel free to contact counsel for Unity House Apartments, Inc., Jeffery W. Lilly, Esq., of Rose Padden & Petty, L.C. in Fairmont, West Virginia at 304-363-4260. We thank you in advance for your assistance and prompt attention to this matter.

Sincerely,

Kenneth M. Perdue, President  
Unity House Apartments, Inc.

Donald R. Savage, Vice President  
Unity House Apartments, Inc.

JWL/jr

Enclosure

cc: Bernie Bossio (Vintner Reserve, LLC) (w/encl.)

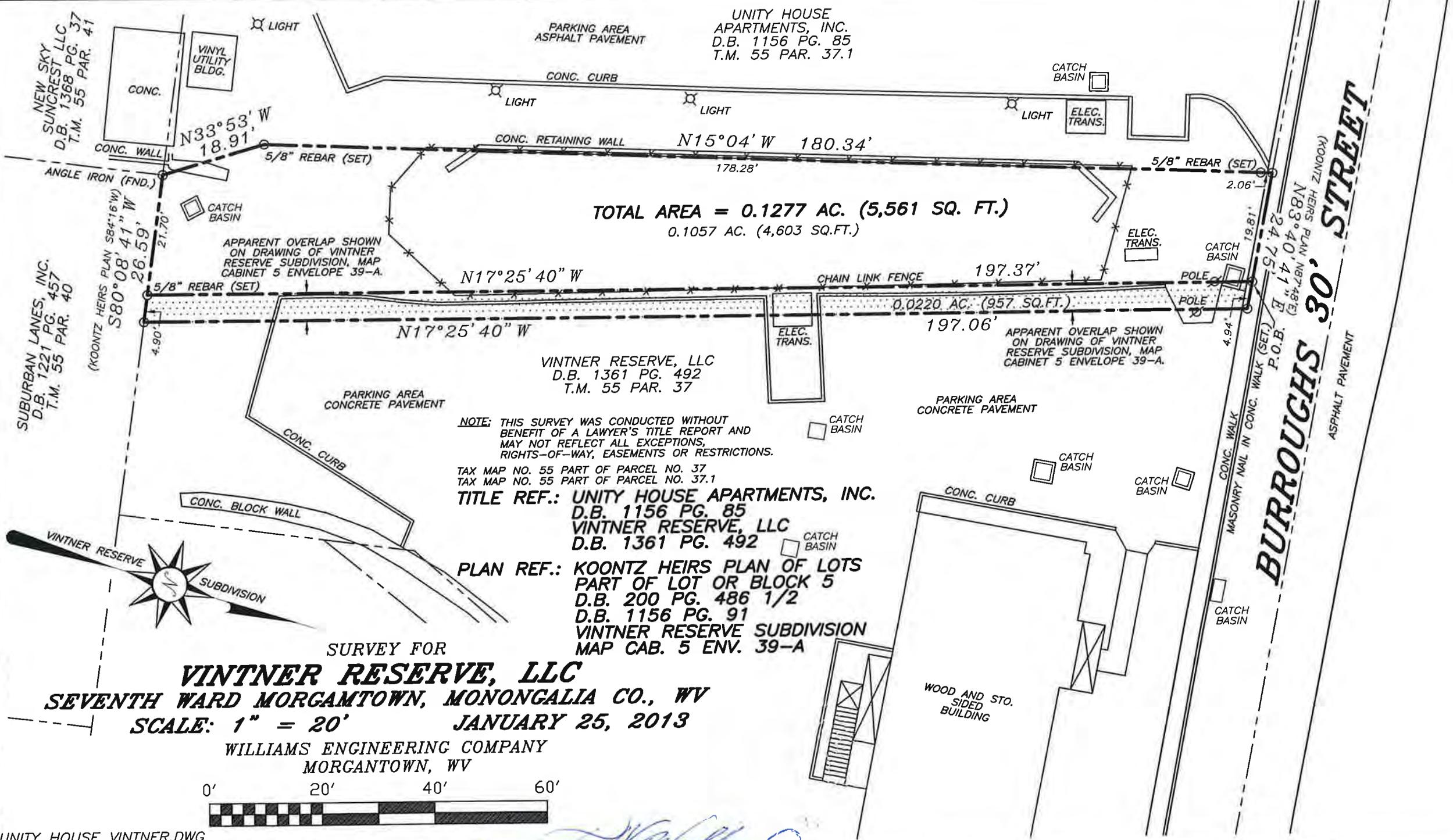
**WILLIAMS ENGINEERING COMPANY**

ENGINEERS &amp; SURVEYORS

211 FAYETTE STREET, SUITE 11  
MORGANTOWN, WV 26505  
304-292-8794

Re: VINTNER RESERVE, LLC  
Parcel Description  
0.1277 Acres, Seventh Ward Morgantown  
Monongalia County, West Virginia

Beginning at a masonry nail in a concrete walk (set) on the southern right-of-way line of Burroughs Street, a thirty (30') foot street, shown on the drawing of Vintner Reserve Subdivision (Map Cabinet 5 Envelope 39-A) as a corner common to lands of Vintner Reserve, LLC (Deed Book 1361 Page 492) and lands of Unity House Apartments, Inc. (Deed Book 1156 Page 85); thence with said Burroughs Street right-of-way line, N83°40'41"E (N87°48'E Koontz Heirs Plan Of Lots), 4.94' to a point; thence through the lands of said Vintner Reserve, LLC with the eastern line of an apparent overlap shown on the drawing of said Vintner Reserve Subdivision, S17°25'40"E, 197.06' to a point on line of lands of Suburban Lanes, Inc. (Deed Book 1221 Page 457); thence with the lands of said Suburban Lanes, Inc., S80°08'41"W (S84°16'W Koontz Heirs Plan Of Lots), 4.90' to a 5/8" rebar (set), shown on the drawing of Vintner Reserve Subdivision as a corner common to lands of Vintner Reserve, LLC and Unity House Apartments, Inc.; thence with same, S80°08'41"W (S84°16'W Koontz Heirs Plan Of Lots), 21.70' (26.59' in all) to an angle iron (fnd.); thence through the lands of Unity House Apartments, Inc., with a new division line, N33°53'W, 18.91' to a 5/8' rebar (set); thence by same, crossing, along the face of, and recrossing a concrete retaining wall, N15°04'W, 178.28' to a 5/8" rebar (set); thence by same, N15°04'W, 2.06' (180.34' in all) to a point on a concrete walk on the southern right-of-way line of Burroughs Street; thence with said Burroughs Street right-of-way line, N83°40'41"E (N87°48'E Koontz Heirs Plan Of Lots), 19.81' to the point of beginning. Containing 0.1277 acres, (5,561 square feet) more or less.



**TOTAL AREA = 0.1277 AC. (5,561 SQ. FT.)**  
 0.1057 AC. (4,603 SQ.FT.)

**NOTE:** THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHTS-OF-WAY, EASEMENTS OR RESTRICTIONS.

TAX MAP NO. 55 PART OF PARCEL NO. 37  
 TAX MAP NO. 55 PART OF PARCEL NO. 37.1

**TITLE REF.:** UNITY HOUSE APARTMENTS, INC.  
 D.B. 1156 PG. 85  
 VINTNER RESERVE, LLC  
 D.B. 1361 PG. 492

**PLAN REF.:** KOONTZ HEIRS PLAN OF LOTS  
 PART OF LOT OR BLOCK 5  
 D.B. 200 PG. 486 1/2  
 D.B. 1156 PG. 91  
 VINTNER RESERVE SUBDIVISION  
 MAP CAB. 5 ENV. 39-A

**SURVEY FOR**  
**VINTNER RESERVE, LLC**  
**SEVENTH WARD MORGANTOWN, MONONGALIA CO., WV**  
**SCALE: 1" = 20'      JANUARY 25, 2013**

**WILLIAMS ENGINEERING COMPANY**  
**MORGANTOWN, WV**

