



MORGANTOWN PLANNING COMMISSION

October 8, 2015
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

William Kawecki, City Council

STAFF REPORT

CASE NO: MNS15-19 / Suburban Lanes, LLC / 3166 Collins Ferry Road

REQUEST and LOCATION:

Request by Lisa Mardis of Project Management Services, on behalf of Suburban Lanes, Inc. and Otto Properties, LLC for minor subdivision approval of property located at 3166 Collins Ferry Road.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax Map 55, Parcel 40; R-1, Single-Family Residential District

SURROUNDING ZONING:

North: B-2, Service Business District

East and South: R-1, Single-Family Residential District

West: PRO, Professional, Residential and Office District

BACKGROUND and ANALYSIS:

Otto Properties, LLC seeks to purchase Parcel 40 of Tax Map 55 from Suburban Lanes, Inc. and combine same with Parcel 37 of Tax Map 55. Addendum A of this report illustrates the location of the subject sites.

The zoning classification of Parcel 37 is B-2, Service Business District. The site includes a principal building containing *The Wine Bar at Vintner Valley* establishment on the first floor and two (2) apartments on the second floor (see graphic below) along with on-site parking. The land use classifications are "Private Wine Restaurant" and "Over-store Dwellings", which are permitted by-right in the B-2 District.



Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

Otto Properties, LLC seeks to increase available parking by expanding its existing parking lot onto Parcel 40. However, the zoning classification for Parcel 40 is R-1, Single-Family Residential District. "Commercial Parking Lot" uses, which are stand-



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alone parking lots, and "Private Parking Lot" uses, which are on-site parking accommodations, are not permitted uses in the R-1 District.

As such, two (2) concurrent matters must be addressed before an opportunity to expand parking, as desired by the petitioner, would be permissible.

Matter 1 – The zoning classification of Parcel 40 must be changed to a district where parking, as desired by the petitioner, is a permitted use. The petitioner has submitted a Zoning Map Amendment petition, which is included on the Commission's 08 OCT 2015 agenda under Case No. RZ15-09

The only present access to Parcel 40 is by a very narrow (ten to twelve-foot wide) private lane, which also provides sole access from Collins Ferry Road to Parcels 39 and 38.1, which are otherwise landlocked. Staff is concerned that simply changing the zoning classification for Parcel 40 without combining it with Parcel 37 could result in the development of a B-2 District scaled principal building on Parcel 40 only accessible via the narrow private lane. Fortunately, this does not appear to be the intent of the petitioner. However, longer-view considerations and decisions are warranted.

Matter 2 – Combining Parcels 40 and 37 would result in parking on the same parcel of the use to which it would be an accommodation. However, the new larger parcel would be bisected by the zoning district boundary separating the B-2 District and the R-1 District. Further, the R-1 District classification would prohibit parking to be expanded even though it would be situated on the same Parcel as the use to which it would be an accommodation (assuming subdivision approval is granted).

It is the opinion of the Planning Division that, because the proposed subdivision would result in a new larger parcel being bisected by two (2) very different zoning districts, the Planning Commission can and should exercise discretion and factual judgement above what would otherwise be considered a ministerial act for a minor subdivision petition.

STAFF RECOMMENDATION:

Should the Planning Commission approve the proposed minor subdivision under Case No. MNS15-19, Staff recommends the following conditions be included:

1. That the zoning classification for Parcel 40 of Tax Map 55 must first be amended by City Council to the same zoning classification designated for Parcel 37 of Tax Map 55.
2. 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;
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Development Services

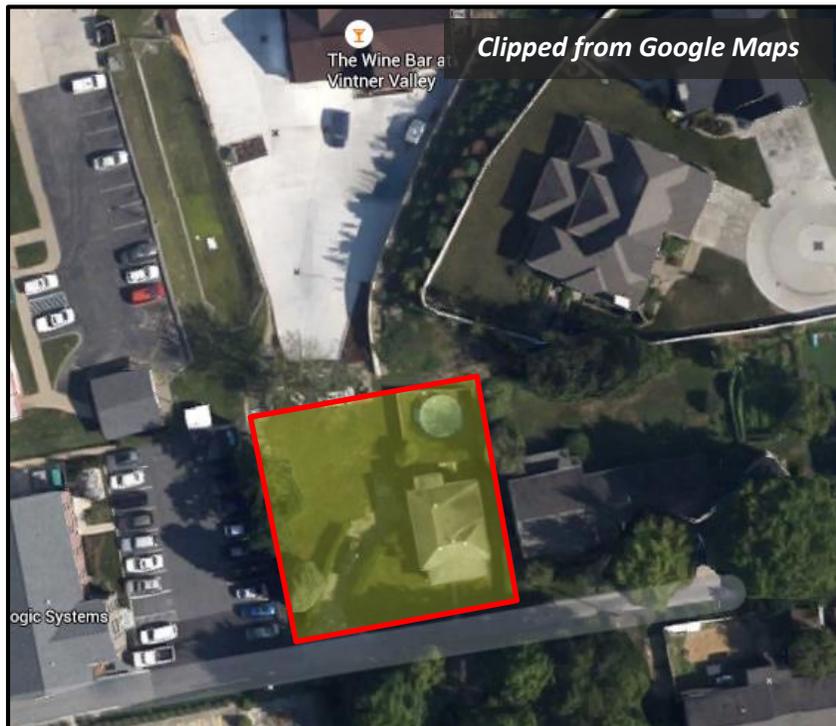
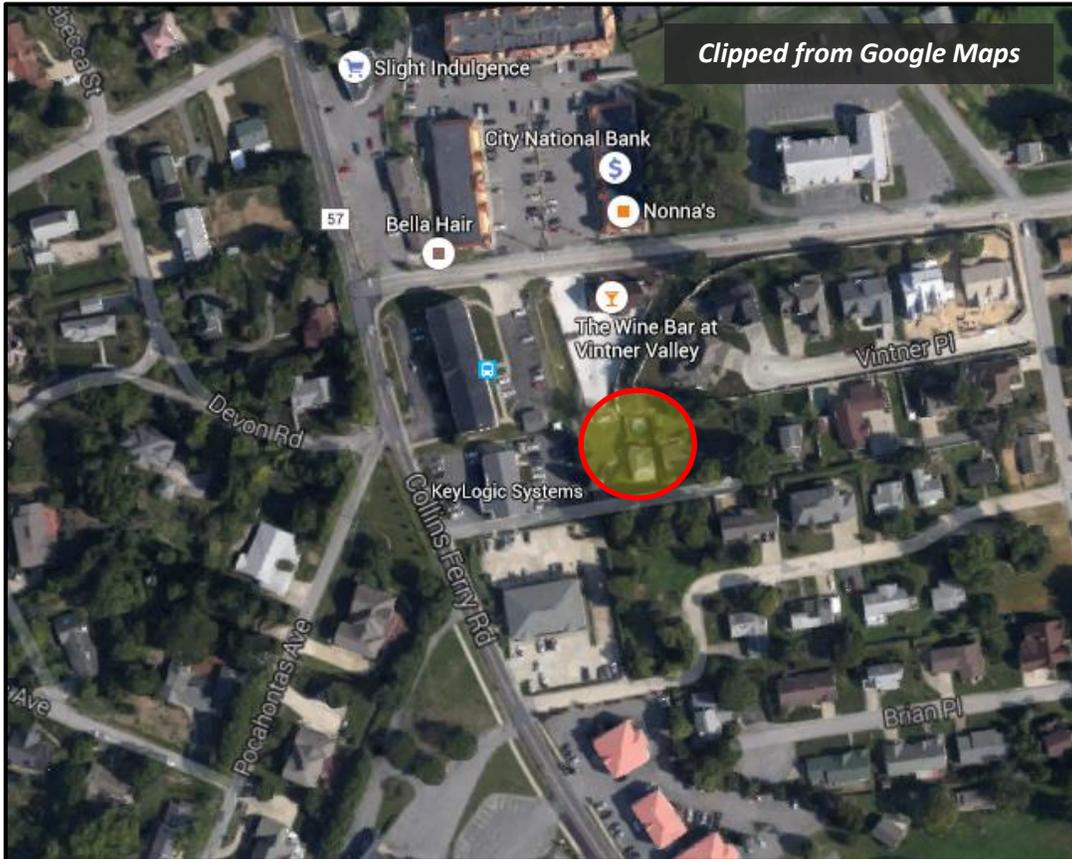
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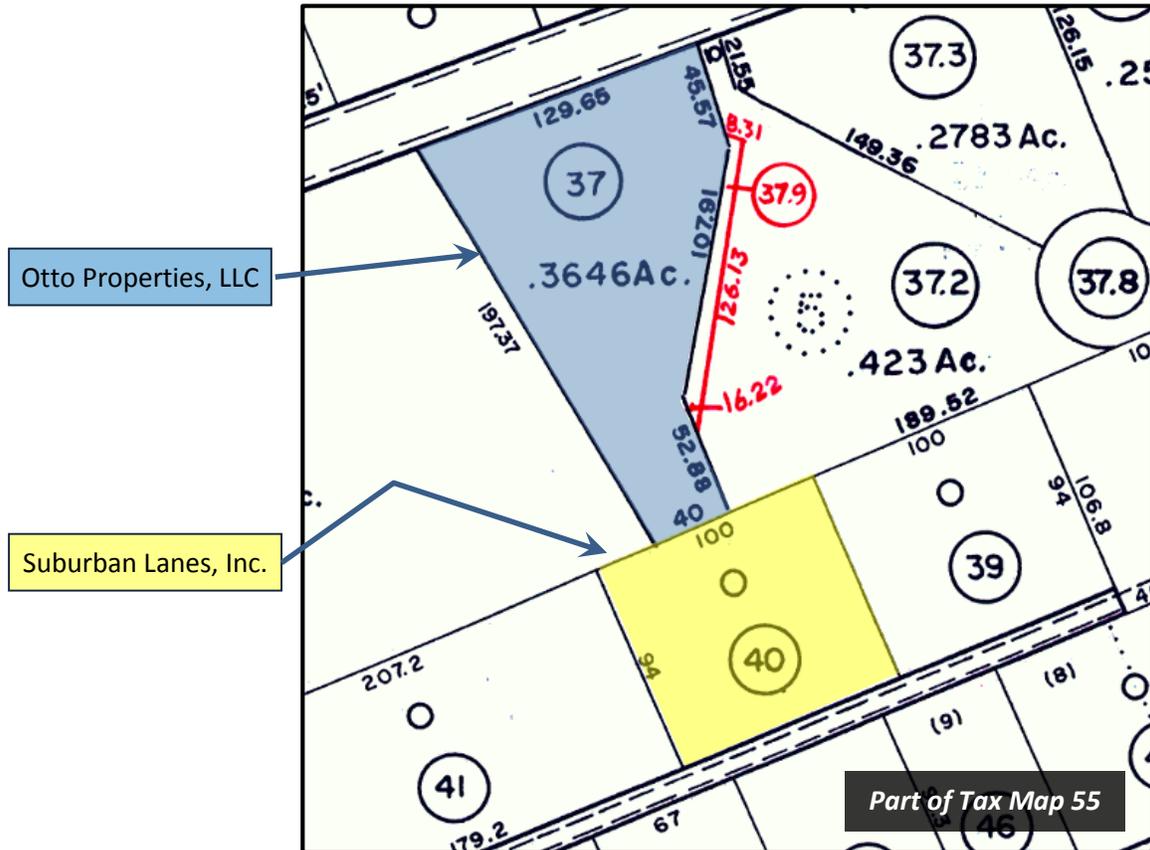
Enclosure: Application and accompanying exhibits

STAFF REPORT ADDENDUM A
MNS15-19 / Suburban Lanes, LLC / 3166 Collins Ferry Road



STAFF REPORT ADDENDUM A

MNS15-19 / Suburban Lanes, LLC / 3166 Collins Ferry Road





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO.	MN815-19
RECEIVED:	_____
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:	Suburban Lanes, LLC <i>INC. Conf.</i>	Phone:	
Mailing Address:	3166 Collins Ferry Road	Mobile:	
	Street Morgantown WV 26505	Email:	
	City State Zip		
II. AGENT / CONTACT INFORMATION			
Name:	Project Management Services, LLC	Phone:	304-212-2396
Mailing Address:	160 Fayette Street Suite 101	Mobile:	304-692-7116
	Street Morgantown WV 26505	Email:	pms160@comcast.net
	City State Zip		
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact		
III. PROPERTY			
Owner:	SUBURBAN LANES, INC. <i>Conf.</i>	Phone:	
Mailing Address:		Mobile:	
	Street	Email:	
	City State Zip		
IV. SITE			
Street Address (if assigned):	Burroughs Street	Tax Map #(s):	55
Zoning:	R-1 & B-2	Parcel #(s):	40 & 37
Square Footage of Parcel(s):	ft. ²	ft. ²	ft. ²
Subdivision Description:	two parcels into one		
Are there any Variances from the Subdivision Regulations anticipated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, to what extent is a variance necessary?	N/A		



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS15-19
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]

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

Minor Subdivision Application Fee - \$35



**PROJECT
MANAGEMENT
SERVICES**

Project Management Services submits a Map Amendment Request for Otto Properties, LLC, owner being Suburban Lanes, LLC. The submitted Map Amendment Request is to rezone realty located on Tax Map #55 Parcel #40 from R-1, Single-Family Residential to B-2, Service Business District.

The applicant will also complete a Minor Subdivision Request to combine Parcels #37 and #40 to extend the existing parking for the Vintner Wine Bar, located at 510 Burroughs Street. This will ensure that there cannot be an additional structure constructed on this realty.

As a neighborhood business and a destination, The Vintner Wine Bar relies on pedestrian and automobile traffic to help increase the City of Morgantown's tax base. To alleviate any spill-over parking issues, the adjacent parcel will provide adequate space for additional on-site parking and buffering/landscape.

Therefore, Project Management Services and Otto Properties, LLC, humbly requests that the Planning Commission approve the Map Amendment.