



# MORGANTOWN PLANNING COMMISSION

September 8, 2016  
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 Blosser, 3<sup>rd</sup> Ward

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

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

William Kawecki, City Council

VACANT, City Administration

**CASE NO:** MNS16-10 / Mylan Pharmaceuticals / 781 Chestnut Ridge Road

### **REQUEST and LOCATION:**

Request by John Sausen of Omni Associates, on behalf of Mylan Pharmaceuticals, for minor subdivision approval of property located at 781 Chestnut Ridge Road.

### **TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Tax Map 56, Parcel 4; B-2, Service Business District.

### **SURROUNDING ZONING:**

South: R-1, Single-Family Residential District (West Virginia University)

West: B-2, Service Business District

North and East: Unincorporated Monongalia County (outside the City of Morgantown)

### **BACKGROUND and ANALYSIS:**

On or about December 27, 2011, Suburban Lanes, Inc. (property owner) entered into lease agreement with Mylan Pharmaceuticals, Inc. (tenant) to use and occupy the building addressed as 781 Chestnut Ridge Road. Addendum A of this report illustrates the location of the subject site.

As a part of the lease agreement, a subdivision of Parcel 4 was created by recorded deed and plat so that the realty on which the subject leased building is located (Parcel 4.1) would be separated from the realty on which the shopping center building is located (Parcel 4). However, the subdivision was not brought to the Planning Commission for approval prior to plat recordation. The Monongalia County Clerk's Office should have identified the property as being located within the City's corporate boundaries and not permitted the plat to be recorded because the Planning Commission's seal was not affixed to the plat.

This matter recently came to light during Mylan's due diligence in the planning and design of renovations to the subject building, including a vertical addition of a partial story.

The minimum lot area standard in the B-2 District is 6,000 square feet. The minimum lot frontage standard is 60 feet. Parcel 4 will have a lot area of approximately 21,780 square feet and 111.91 feet of frontage on Chestnut Ridge Road. Parcel 4.1 will have a lot area of approximately 13,673 square feet and 124.30 feet of frontage on Hay Lane located outside the City of Morgantown. Both parcels exceed these minimum lot design standards.

### **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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Minimum B-2 District setback requirements for the existing building cannot be observed by the proposed subdivision nor could they be by any subdivision scenario because of the geometry of the affected property boundaries and the existing built environment.

The petitioner seeks to correct the improperly created parcel by obtaining Planning Commission approval.

**STAFF RECOMMENDATION:**

Staff recommends the proposed subdivision be approved as requested 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.

Enclosure: Application and accompanying exhibits

**Development Services**

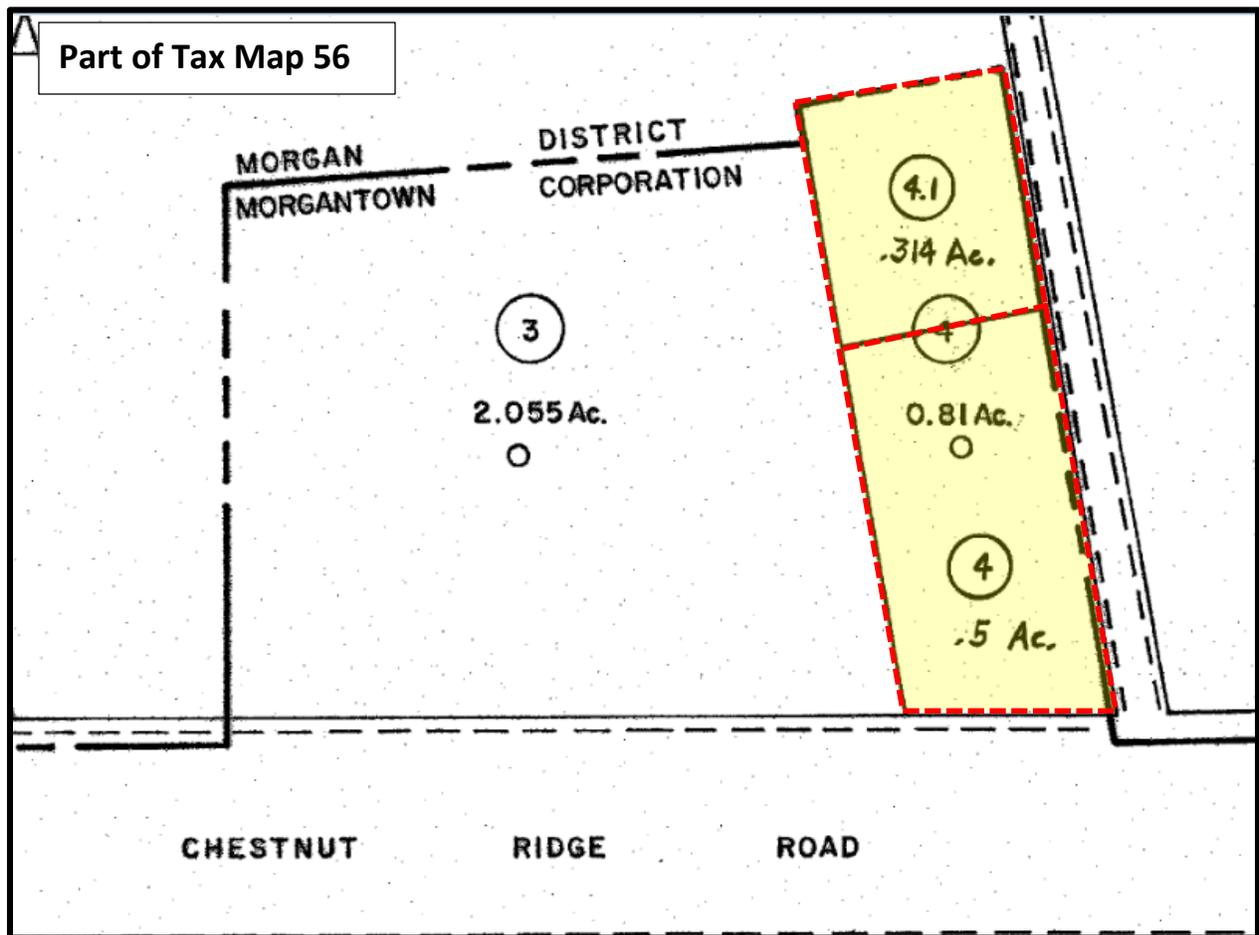
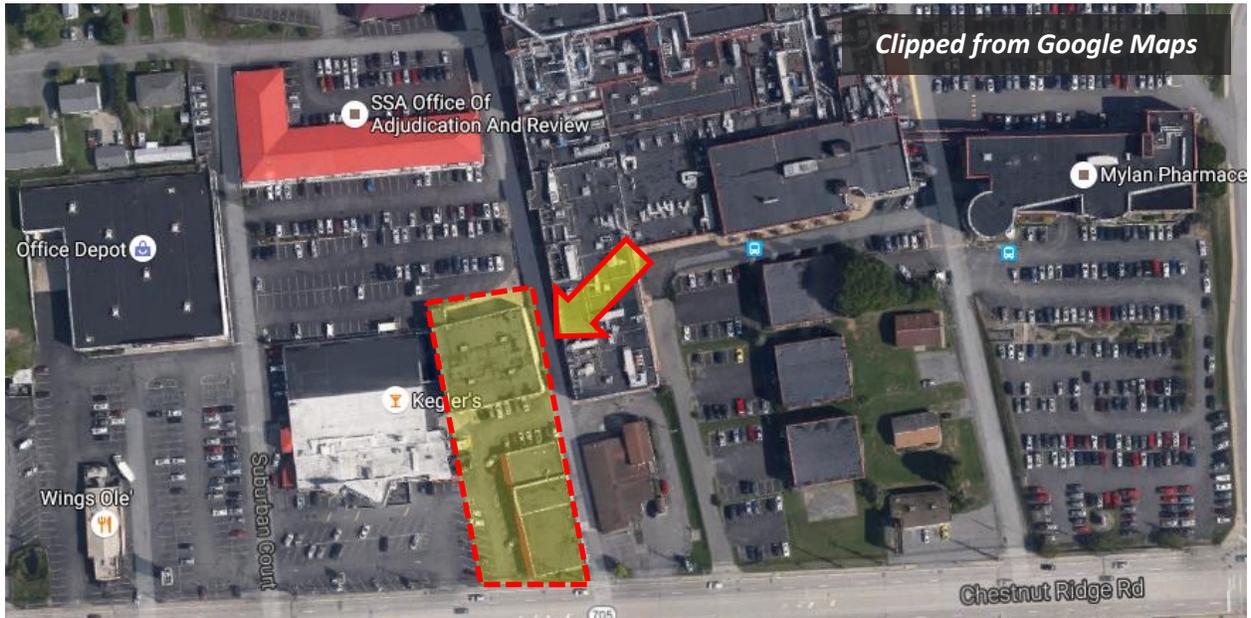
Christopher Fletcher, AICP  
Director

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**STAFF REPORT ADDENDUM A**  
**MNS16-10 / Mylan Pharmaceuticals /**  
**781 Chestnut Ridge Road**





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

Handwritten: 25.00, ck 16045

OFFICE USE
CASE NO. MNS16-10
RECEIVED: 23 AUG 16
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: Mylan Pharmaceuticals (Jason Porter)
Phone: 304-599-2595
Mailing Address: 781 Chestnut Ridge Road, Morgantown WV 26505
II. AGENT / CONTACT INFORMATION
Name: Omni Associates Architects (John Sausen)
Phone: 304-367-1417
Mailing Address: 207 Jefferson Street, Fairmont WV 26554
Mailings - Send all correspondence to (check one): [ ] Applicant OR [x] Agent/Contact
III. PROPERTY
Owner: Suburban Lanes, Inc. (Jerry Lorenze, President)
Phone:
Mailing Address: 735A Chestnut Ridge Road, Morgantown WV 26505
IV. SITE
Street Address (if assigned): 735 Chestnut Ridge Road
Tax Map #(s): 56
Zoning: B2
Parcel #(s): 4 & 4.1
Square Footage of Parcel(s): 21,780 PARCEL 4 ft.2 13673 PARCEL 4.1 ft.2 ft.2
Subdivision Description: Parcel 56/4 was surveyed and recorded with the Monongalia County tax assessor to divide the 0.81 acre site that had two buildings pre-existing into two parcels as recorded in DB 685 Page 550 TM 56 Parcel 4 to divide them into 0.5 acres and 0.31 acres respectively to contain each building separately.
Are there any Variances from the Subdivision Regulations anticipated: [x] Yes [ ] No
If yes, to what extent is a variance necessary? and not a subdivision regulation variance matter
On site parking for parcel 4.1 will be achieved on adjacent property owned and managed by Mylan Pharmaceuticals and will provide dedicated spaces required by the zoning ordinance by legal agreement with the property owner to provide required parking.



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MNS16-10
RECEIVED: 23 Aug 16
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.

John R. Sausen

Handwritten signature of John R. Sausen

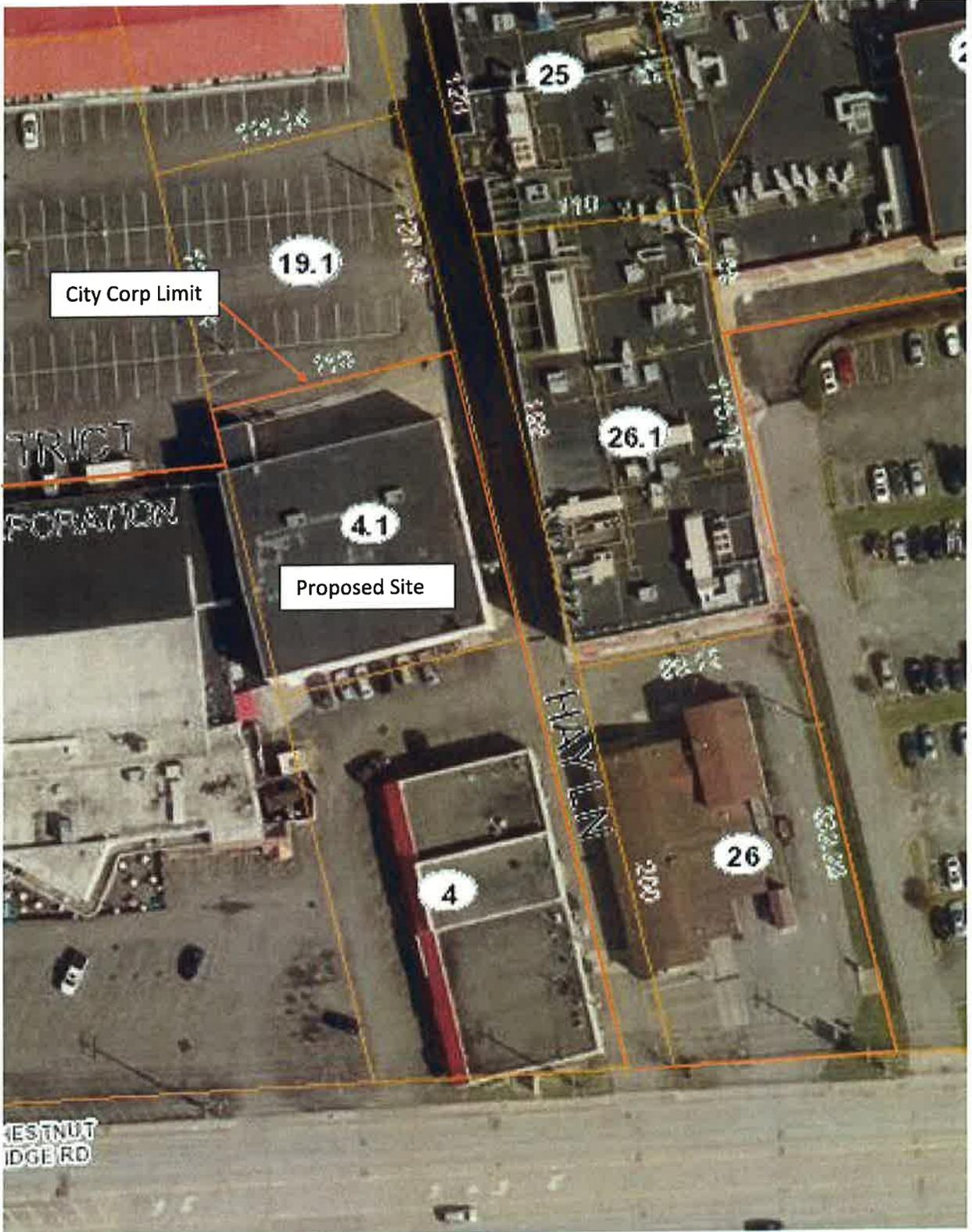
08/17/2016

Type/Print Name of Applicant/Agent

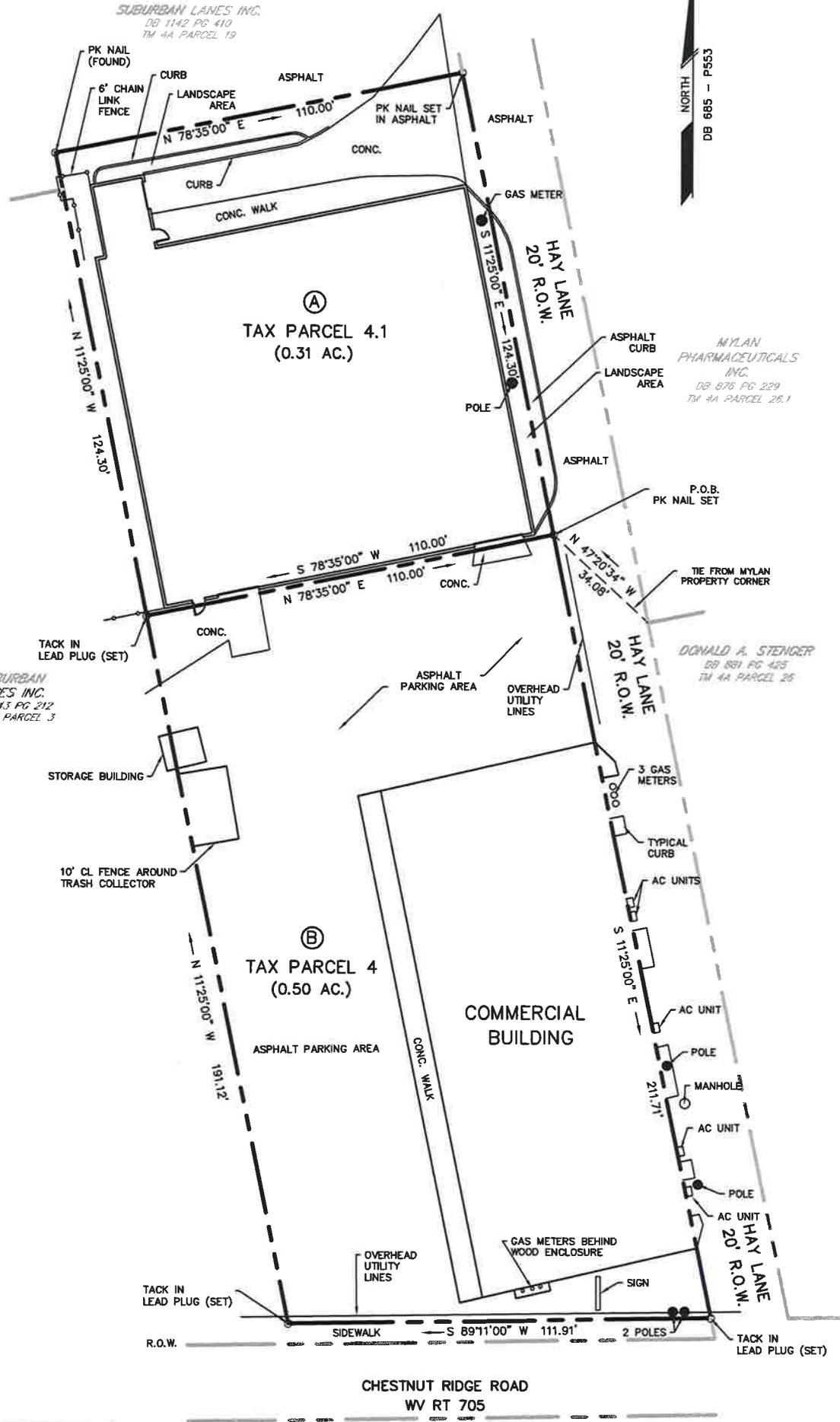
Signature of Applicant/Agent

Date

Minor Subdivision Application Fee - \$35

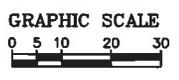


Mylan Suburban Subdivision



**LEGEND:**

DB	DEED BOOK
PG	PAGE
TM	TAX MAP
○	PROPERTY CORNER
AC.	ACRES
R.O.W.	RIGHT OF WAY
CONC.	CONCRETE
P.O.B.	POINT OF BEGINNING



NOTES: 1.) THIS EXHIBIT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.  
 2.) THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN PANEL 540139-0066C, ZONE X.



PLAT OF SURVEY FOR MYLAN PHARMACEUTICALS INC		
SURVEYED BY: CEBRAM LLC 1208 MACOMB ST. MORGANTOWN, WV 26501		DATE: 08/22/16
SEVENTH WARD; CITY OF MORGANTOWN		
A) SUBURBAN LANES INC & MYLAN PHARMACEUTICALS INC DB 1450 - PG 99 TM 56 - PAR 4.1		
B) SUBURBAN LANES INC DB 685 - PG 550 TM 56 - PAR. 4		
MONONGALIA COUNTY		WEST VIRGINIA



1208 Macomb Street  
Morgantown, W.V. 26505

Mylan Pharmaceuticals, Inc.

Survey Report

This survey was performed on a 0.50 acre parcel the balance of a 0.814 acre parcel designated as(B on the plat) located at the intersection of Hay Lane and West Virginia Route 705(Chestnut Ridge Road), Seventh Ward, City of Morgantown, Monongalia County, West Virginia more particularly bounded and described as follows:

Beginning at a PK nail(set) in the western right-of-way line of Hay Lane, said Pk nail being N 47° 20' 34" W 34.08 feet from a railroad spike, said railroad spike being the southwest corner of property owned by Mylan Pharmaceuticals, Inc.(DB876-P229) and a common corner with Donald A. Stenger(DB881-P425), thence with the western right-of-way line of Hay Lane S 11° 25' 00" E 211.71 feet to a tack in a lead plug(set), said lead plug being the northern right-of-way line of West Virginia Route 705(Chestnut Ridge Road), thence with the northern right-of-way line of West Virginia Route 705(Chestnut Ridge Road) S 89° 11' 00" W 111.91 feet to a tack in a lead plug(set), said lead plug being a common corner with Suburban Lanes, Inc.(DB1143-P212), thence with a line along Suburban Lanes, Inc. N 11° 25' 00" W 191.12 feet to a tack in a lead plug(set), said plug being a common corner with a previously surveyed area designated as "A" on the plat now leased by Mylan Pharmaceuticals, Inc. as set forth in DB1450-P99, thence with a line along the leased area N 78° 35' 00" E 110.00 feet to a PK nail, the place of beginning, containing 0.50 acre more or less.

The 0.31 acre parcel is designated as "A" on the plat and the 0.50 acre parcel is designated as "B" on the plat. Attached is a copy of the survey report for parcel "A" previously surveyed in 2011.



1208 Macomb Street  
Morgantown, W.V. 26505

Mylan Pharmaceuticals, Inc.

### Survey Report

A survey was performed in 2011 on a 0.314 acre parcel located west of Hay Lane, approximately 200 feet north of the intersection of Hay Lane and West Virginia Route 705(Chestnut Ridge Road), City of Morgantown, Monongalia County, West Virginia more particularly bounded and described as follows:

Beginning at a PK nail(set) in the western right-of-way line of Hay Lane, said PK nail being N 47° 20' 34" W 34.08 feet from a railroad spike, said railroad spike being the southwest corner of property owned by Mylan Pharmaceuticals, Inc.(DB876-P229) and a common corner with Donald A. Stenger(DB881-P425), thence with a line across Suburban Lanes, Inc.(DB685-P550) S 78° 35' 00" W 110.00 feet to a tack in a lead plug in a line of Suburban Lanes, Inc.(DB1143-P212), thence with a line along Suburban Lanes, Inc. N 11° 25' 00" W 124.30 feet to a PK nail in a line of Suburban Lanes, Inc.(DB1142-P410), thence with a line along Suburban Lanes, Inc. N 78° 35' 00" E 110.00 feet to a PK nail in the western right-of-way line of Hay Lane, thence with the western right-of-way line of Hay Lane S 11° 25' 00" E 124.30 feet to a PK nail, the place of beginning containing 13673 square feet(0.314 acre).

This parcel is designated as parcel A on the new plat.