



MORGANTOWN PLANNING COMMISSION

November 10, 2016
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

William Kawecki, City Council

VACANT, City Administration

STAFF REPORT

CASE NO: MNS16-15 / Seneca Center, Inc. / 709 Beechurst Avenue

REQUEST and LOCATION:

Request by Bill Turner of Pison Development, LLC, on behalf of Seneca Center, Inc., for minor subdivision approval of property located at 709 Beechurst Avenue.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:

Tax Map 15, Parcel 196/197; B-2, Service Business District & BCOD, Beechurst Corridor Overlay District

SURROUNDING ZONING:

North and East: B-2, Service Business District & BCOD, Beechurst Corridor Overlay District.

South and West: I-1, Industrial District

BACKGROUND and ANALYSIS:

The petitioner seeks to subdivide Tax Map 15, Parcel 196/197 to create a new parcel associated with Development of Significant Impact Site Plan Case No. S16-01-III. Addendum A of this report illustrates the location of the subject site.

The existing Parcel 196/197 is approximately 115,869.6 square feet in area. "Tract A", as identified on the preliminary plat of survey, will be approximately 23,086.8 square feet and the remaining Parcel 196/197 will be approximately 92,782.8 square feet. The newly created parcel will exceed the minimum lot standard of 6,000 square feet in the B-2 District.

The frontage of "Tract A" along Eighth Street will be approximately 131.47 feet, which exceeds the B-2 District minimum lot frontage standard of 60 feet. The depth of "Tract A" will be approximately 160.92 feet, which exceeds the B-2 District minimum lot depth standard of 100 feet.

Section 1347.03(D) of the Planning and Zoning Code provides a maximum lot coverage standard of 60% in the B-2 District. The existing portion of the Seneca Center building located on the proposed "Tract A" has an approximate area of 14,333 square feet resulting in an existing lot coverage of approximately 62.08%, which exceeds the maximum standard. The proposed redevelopment of "Tract A" will result in a modified lot coverage of approximately 58.16% thereby mitigating the nonconformity.

Please note the easement area illustrated on the preliminary plat of survey ensuring perpetual vehicular and pedestrian ingress, egress, and regress to the subject "Tract A" through the remaining portions of Parcel 196/197; specifically, access to the three (3) existing driveway entrances to Eighth Street, Beechurst Avenue, and Sixth Street. A draft

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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“Declaration of Easement” is included in the petitioner’s application documents to explain the terms of the easement.

RECOMMENDATION:

Staff recommends final plat approval with the following conditions:

1. That approval of Development of Significant Impact Site Plan under Case No. S16-01-III be granted by the Planning Commission thereby mitigating, through redevelopment, the nonconforming lot coverage of the existing building created by the subdivision approval granted herein; provided, the portion of the existing building situated on the subdivided “Tract A” created herein is razed and removed OR variance relief is granted by the Board of Zoning Appeals for the existing building situated on the subdivided “Tract A” created herein to exceed the maximum lot coverage standard as set forth in Section 1347.03(D).
2. That an access easement ensuring perpetual vehicular and pedestrian ingress, egress, and regress from the parcel created herein to the existing driveway entrances that have long served the Seneca Center development (Eighth Street, Beechurst Avenue, and Sixth Street) be recorded and run with the affected realty; the area for which is illustrated on the preliminary plat of survey exhibit considered herein.
3. That the petitioner submits 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,
4. 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

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STAFF REPORT ADDENDUM A
MNS16-15 / Seneca Center, Inc. / 709 Beechurst Avenue





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OK 9/26/19 35.00

OFFICE USE
CASE NO: MMS 16-15
RECEIVED: 31 OCT 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)

PAID PAID
OCT 31 2016

I. APPLICANT
Name: Seneca Village LLC
Mailing Address: 717 Brawley Walkway, Charleston WV 25301
II. AGENT / CONTACT INFORMATION
Name: Bill Turner
Mailing Address: 717 Brawley Walkway, Charleston WV 25301
III. PROPERTY
Owner: Seneca Center, Inc
Mailing Address: 709 Beechurst Ave Ste 24, Morgantown WV 26505
IV. SITE
Street Address: 709 Beechurst Ave
Zoning: B-2
Square Footage of Parcel(s): .53AC, 2.13AC
Subdivision Description: Subdivision of a 2.66 AC tract into 2 parcels.
Are there any Variances from the Subdivision Regulations anticipated: No



City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE	
CASE NO:	MNS16-15
RECEIVED:	31 OCT 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.

Bill Turner

10-28-2016

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

• **Minor Subdivision Application Fee – \$35**

NOTE: THE TRACT SHOWN BEING THE SAME LANDS CONVEYED TO SENECA CENTER INC. FROM _____ AS RECORDED IN DEED BOOK 1406 PAGE 489 AT THE OFFICE OF THE CLERK, MONONGALIA COUNTY, WEST VIRGINIA.

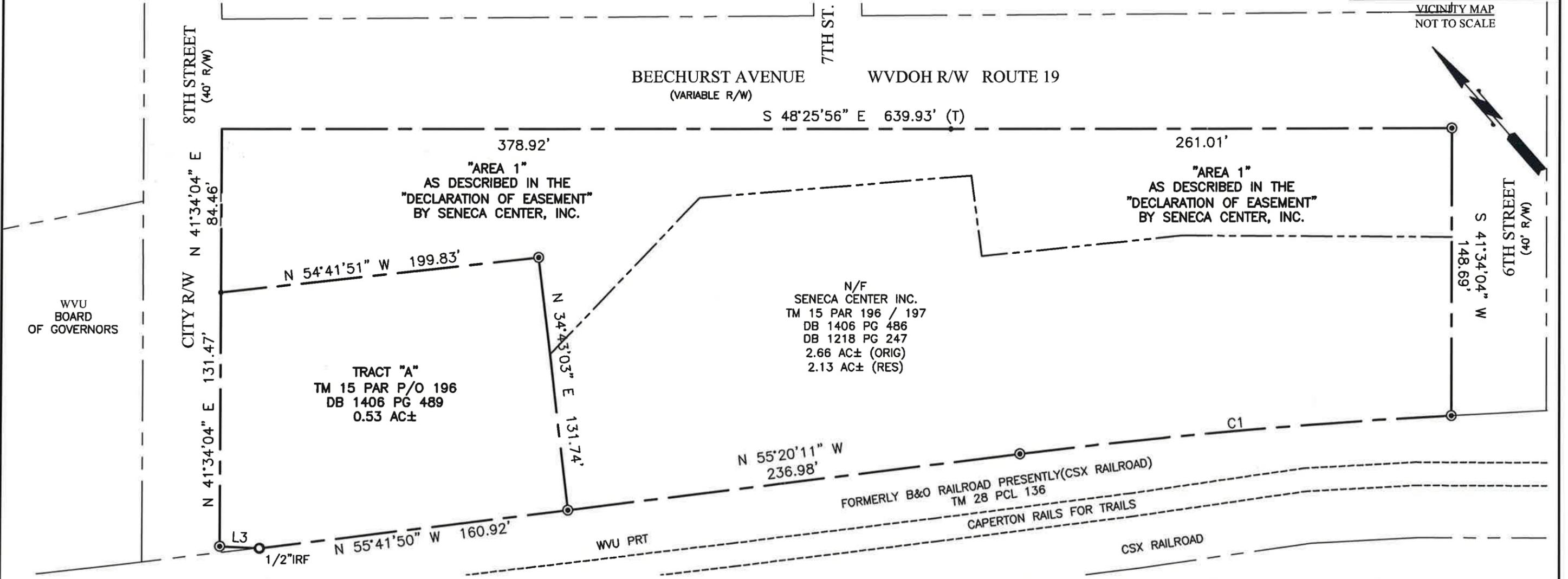
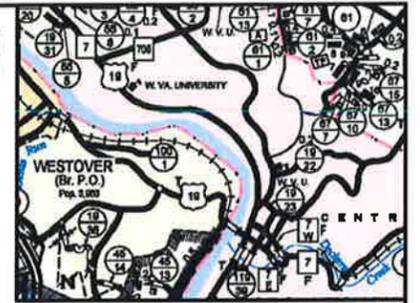
THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.

THIS SURVEY IS NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE AND SEAL. DECLARATIONS MADE HEREIN ON THE DATE INDICATED ARE TO THE OWNERS(S) OR BUYER(S) LISTED BELOW AND ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.

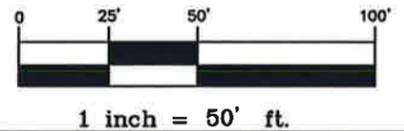
LINE	BEARING	DIST
L1	N 33°43'03" W	16.78'
L2	S 89°43'54" W	45.78'
L3	N 45°36'56" W	20.63'
L4	N 89°43'54" E	13.64'
L5	S 54°24'58" E	127.85'
L6	N 45°10'10" E	11.85'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	225.32'	3066.09'	4°12'38"	N 53°22'37" W	225.27'

PARCEL 196
 ORIGINAL 2.66 AC.±
 TRACT "A" - 0.53 AC.±
 RESIDUAL "A" = 2.13 AC.±



- LEGEND/ABBREVIATIONS**
- = WOODS LINE
 - = EXISTING FENCE
 - = PROPERTY LINE
 - = POINT
 - = MONUMENT FOUND (AS NOTED)
 - (T) = TOTAL
 - R/W = RIGHT-OF-WAY
 - P.O.B. = POINT OF BEGINNING
 - TM = TAX MAP NUMBER
 - PAR = PARCEL NUMBER
 - P/O = PART OF
 - N/F = NOW OR FORMERLY
 - IRF = REBAR FOUND (size as noted)
 - (S 45° 45' E 100.0') = DEED BEARING & DISTANCE



PRELIMINARY

PLAT OF SURVEY FOR PISON DEVELOPMENT

MISC. INFO: COORDINATES BASED ON WV NAD 83 STATE PLANE NORTH US FOOT. = 3/4" * 30" REBAR SET	TAX MAP 15	SHOWING PROPOSED BOUNDARY & ACCESS EASEMENT of TRACT "A" SITUATE MORGANTOWN 4TH WARD CORP. MONONGALIA COUNTY WEST VIRGINIA SCALE: 1" = 50' OCTOBER 2016
	PARCEL No. P/O 196	
 THRASHER THE THRASHER GROUP, INC. 600 WHITE OAKS BLVD. BRIDGEPORT, WV 26330 PHONE 304-624-4108	JOB. No. 101-060-740	OWNER: SENECA CENTER INC. REFERENCE: DB 1406 PG 489
DRAWN: KJP		SURVEY: BK:

CAD FILE: C:\Users\jbraggs\OneDrive\Work\Projects\10252\PRELIM SUBMISSION PLAT.dwg
 USER: jbraggs
 LAYOUT: PLAT 11X17
 PLOT DATE/TIME: 10/29/2016 1:58pm

Floyd E. Bary, JR. P.S. 760

DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT ("Declaration") is made this ____ day of October, 2016, by Seneca Center, Inc., a West Virginia corporation ("Declarant").

RECITALS

1. By deed dated _____, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book _____, at page _____, _____, a _____, conveyed unto Declarant a tract of land containing _____ acres, more or less, located in the ____ Ward, City of Morgantown, WV, as more particularly shown upon the survey attached hereto as Exhibit A (the "Subject Property").

2. The buildings, parking areas, access roads and other improvements are shown upon the site plan of the Subject Property attached hereto as Exhibit B (the "Site Plan").

3. The Site Plan depicts all common vehicular and pedestrian access, parking sidewalks, lighting and landscaping and this area is identified on the Site Plan as Area 1("Area 1").

4. The Site Plan depicts all buildings and related real property and this area is identified on the Site Plan as Area 2 ("Area 2").

5. Declarant desires to dedicate Area 1 as a common easement area for (i) non exclusive vehicular and pedestrian ingress, egress and regress to and from public streets to Area 2;(ii) lighting and landscaping for the benefit of Area 2.

6. Declarant desires to provide for the ongoing maintenance, repair and replacement of Area 1 and for a pro rata sharing of the costs and expenses associated with the maintenance, repair and replacement of the improvements located in Area 1.

NOW, THEREFORE, WITNESSETH: Declarant hereby dedicates for the benefit of Area 2 and as an appurtenance to Area 2 the area shown on the Site Plan as Area 1 as a (i) non-exclusive right of way and easement for purposes of vehicular ingress, egress and regress and for vehicular parking; (ii) common lighting for the benefit of and as an appurtenance to Area 2; and (iii) common landscaping for the benefit of and as an appurtenance to Area 2 all as showing on the Site Plan and subject to the following terms and conditions.

1. Parking. A minimum of _____ parking spaces shall be maintained on Area 1 at all times.

Parking spaces may be utilized for short term parking only for employees, customers and patrons of the Buildings located on Area 2. Sufficient handicapped parking spaces shall be maintained to

satisfy the zoning requirements of the City of Morgantown. Area 1 shall not be utilized by any residential occupants of the Buildings located on Area 2, but may be utilized by guests visiting residential occupants of the Buildings located on Area 2.

2. Pedestrian Walkways. The sidewalks, walkways and cross walks located in Area 1 shall be maintained at all times for the mutual benefit of the owners, occupants, tenants, customers and patrons of the Buildings located on Area 2.
3. Lighting. The lighting located on Area 1 shall be maintained at all times for the mutual benefit of the owners, occupants, tenants, customers and patrons of the Buildings located on Area 2.
4. Landscaping. The landscaping and green space areas located on Area 1 shall be maintained at all times for the mutual benefit of the owners, occupants, tenants, customers and patrons of the Buildings located on Area 2.
5. Repairs, Replacement and Maintenance. Decisions relating to the repair, replacement, maintenance, refurbishment, extent of and quality of improvements, the selection of contractors and all other matter relating to repair, replacement and maintenance, including snowplowing, shall be made and determined by the fee simple owners of portions of Area 2. Decisions relating to such matters shall be based on majority vote of the fee simple owners and each owner shall be allocated a number of votes equal to the gross (outside wall to outside wall) ground level floor area of the fee simple owner's improvements on Area 2. Any decision requiring a vote of the fee simple owners shall require at least thirty (30) days advance written notice of a meeting and the presence in person or by proxy of the fee simple owners owning at least fifty percent (50%) of the gross ground floor area of improvements on Area 2.
6. Share of Expenses. The costs and expenses incurred in maintaining, repairing and replacing refurbishing and improving Area 1 shall be shared pro rata by the fee simple owners of improvements in Area 2 based upon the gross (outside wall to outside wall) ground level floor area of the fee simple owner's improvements divided by the total gross (outside wall to outside wall) ground level floor area in Area 2.
7. Failure to Pay. All costs and expenses associated with work completed for Area 1 and approved by majority vote of the Owners shall be allocated by the Owners and paid within thirty (30) days of receipt of an invoice for such work. All Owners shall be entitled to enforce this Agreement against any Owner that refuses to pay its portion of expenses and may pursue any remedy available at law or in equity in order to enforce this Agreement and collect outstanding amounts due.

IN WITNESS WHEREOF, the Declarant has executed and delivered this Declaration as of the date first above written.

Seneca Center, Inc.,
a West Virginia corporation

BY: _____

Its: _____

STATE OF _____,

COUNTY OF _____, TO-WIT:

I, _____, a notary public of said county, do certify that
_____, the _____ of
_____, who signed the writing hereto annexed, bearing date as of the
____ day of _____, has this day in my said county, before me, acknowledged the
same to be the act and deed of said _____.

Given under my hand this _____ day of _____, _____.

My commission expires: _____.

Notary Public

(NOTARIAL SEAL)

This Instrument Prepared By: Brian D. Gallagher, Steptoe & Johnson PLLC
P.O. Box 1616, Morgantown, WV 26507-1616