



MORGANTOWN PLANNING COMMISSION

December 8, 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: MNS16-18 / Seneca Center, Inc. / 709 Beechurst Avenue

REQUEST and LOCATION:

Request by C. Barton Loar, 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, East, and West: B-2, Service Business District & BCOD, Beechurst Corridor Overlay District.

South: I-1, Industrial District

BACKGROUND and ANALYSIS:

On 10 NOV 2016, the Planning Commission approved a minor subdivision under Case No. MNS16-15 to create a new parcel from the northernmost portion of Parcel 196/197 as a part of the *Seneca Village* age-restricted, multi-family dwelling development. The petitioner now seeks to create a new parcel from the southernmost portion of the remaining Parcel 196/197. Addendum A of this report illustrates the location of the subject site.

Between the minor subdivision approved on 10 NOV 2016 and the present petition before the Planning Commission, the current Seneca Center site will, if approved, comprise three separate (3) parcels. Staff understands the petitioner seeks to create the third parcel to position the property for potential market interest and conveyance.

The following table identifies lot provision standards set forth in Section 1347.03 for the B-2 District along with proposed conditions.

Provision	Standard	Proposed
Minimum Lot Size	6,000 sq. ft.	± 21,345 sq. ft.
Minimum Lot Frontage (Sixth Street)	60 ft.	± 92 ft.
Minimum Lot Depth	100 ft.	± 230 ft.
Maximum Lot Coverage	60%	± 54.8%

Please note the easement area illustrated on the preliminary plat of survey ensuring perpetual vehicular and pedestrian ingress, egress, and regress to the proposed southernmost parcel through the remaining portion of Parcel 196/197; specifically, access to the three (3) existing driveway entrances to Eighth Street, Beechurst Avenue, and Sixth

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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Street. A draft "Declaration of Easement" is included in the petitioner's application documents to explain the terms of the easement.

RECOMMENDATION:

Staff recommends approval with the following conditions:

1. 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.
2. 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,
3. 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

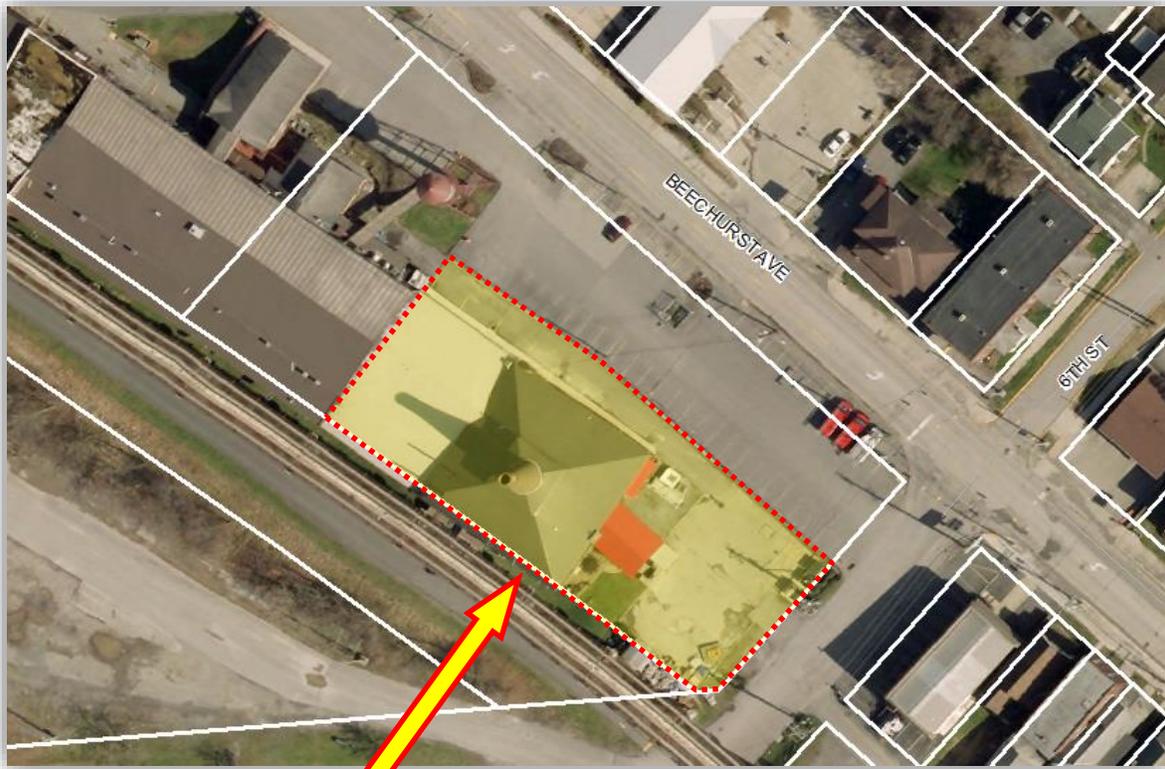
Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

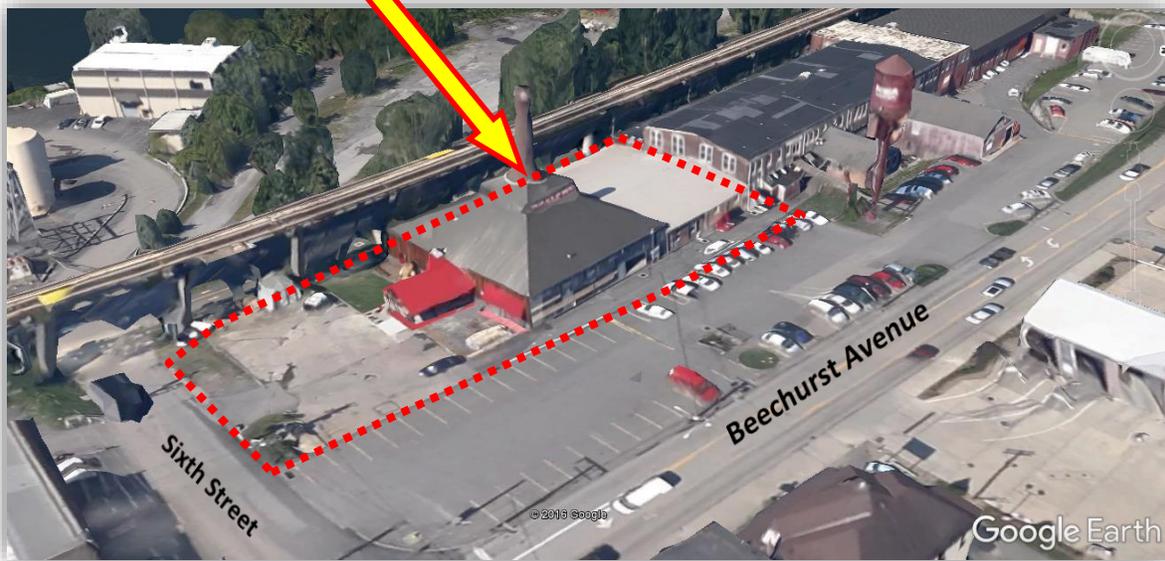
Planning Division

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STAFF REPORT ADDENDUM A
MNS16-18 / Seneca Village, LLC / 709 Beechurst Avenue



General boundary of proposed subdivision.





CK7046
\$3500

City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE

CASE NO.

MNS16-18

RECEIVED:

16 NOV 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
NOV 16 2016

I. APPLICANT			
Name:	Seneca Center Incorporated		Phone: 304-292-3900
Mailing Address:	Street	709 Beechurst Ave	Mobile:
	City	Morgantown WV 26505	Email:
	State	Zip	

II. AGENT / CONTACT INFORMATION			
Name:	Barton Hoar		Phone: 304-599-1502
Mailing Address:	Street	35 Kingston Drive	Mobile: 304-276-1166
	City	Morgantown WV 26505	Email: bhoar@comcast.net
	State	Zip	
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		

III. PROPERTY			
Owner:	Seneca Center Incorporated		Phone: 304-292-3900
Mailing Address:	Street	709 Beechurst Ave.	Mobile:
	City	Morgantown WV 26505	Email:
	State	Zip	

IV. SITE			
Street Address (if assigned):	709 Beechurst Ave.	Tax Map #(s):	15
Zoning:	B-2	Parcel #(s):	196-197
Square Footage of Parcel(s):	2,160 ± ft. ²	1.64 Ac. ft. ²	ft. ²
Subdivision Description:	Divide remaining parcel of 2.13 Acres creating a .49 Acre parcel fronting on 6th Street 330' X 92' ± with permanent easement for parking.		
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. MNS16-18
RECEIVED: 16 Nov 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.

C. Barton Loer

C. Barton Loer

Nov, 16, 2016

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

Minor Subdivision Application Fee - \$35

MNS 16-18

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.

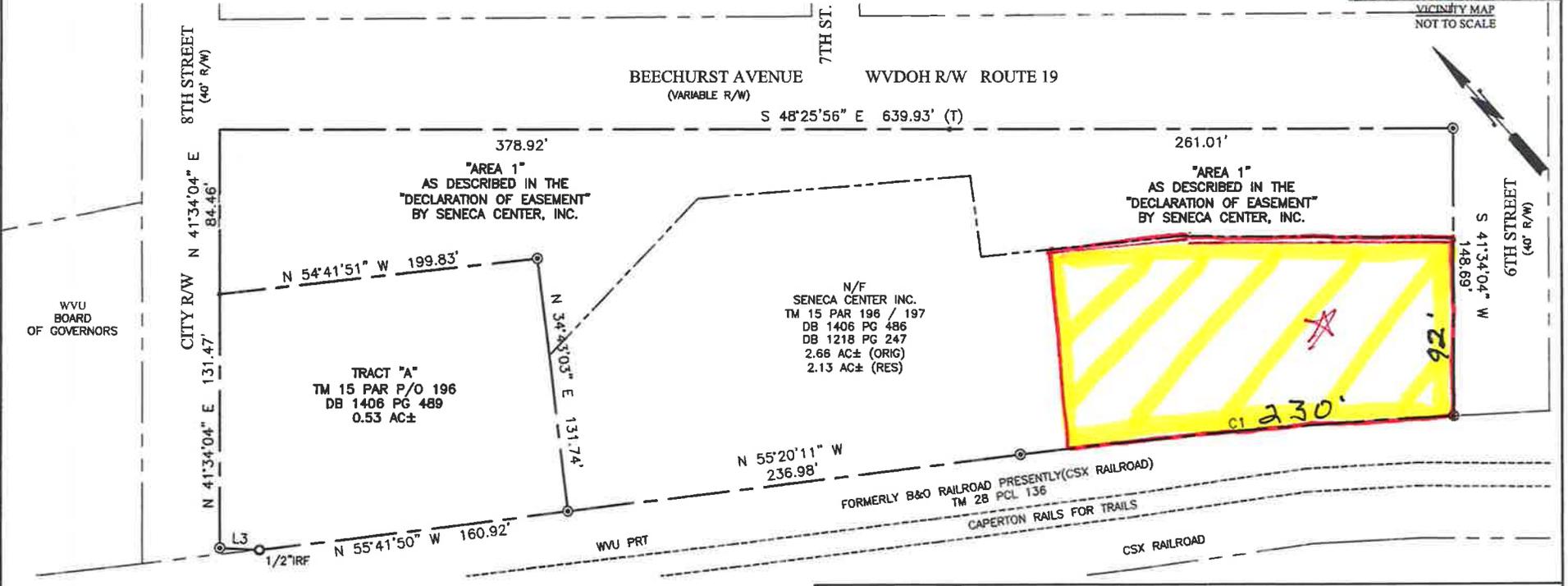
THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.

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.

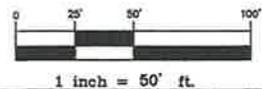
LINE	BEARING	DIST
L1	N 33°43'03" W	16.78'
L2	S 89°43'54" W	45.78'
L3	N 45°36'56" W	20.63'
L4	N 89°43'54" E	13.64'
L5	S 54°24'58" E	127.85'
L6	N 45°10'10" E	11.85'

CURVE ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
CT 1225.32	3066.09	14°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)
 - ⊙ = 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

Floyd E. Bargy, JR., P.S. 780

PLAT OF SURVEY FOR PISON DEVELOPMENT		
MISC. INFO: COORDINATES BASED ON WV NAD 83 STATE PLANE NORTH US FOOT.	TAX MAP 15	SHOWING PROPOSED BOUNDARY & ACCESS EASMENT of TRACT "A" SITUATE MORGANTOWN 4TH WARD CORP. MONONGALIA COUNTY WEST VIRGINIA
⊙ = 3/4" • 30" REBAR SET	PARCEL No. P/O 196	SCALE: 1" = 50'
THRASHER THE THRASHER GROUP, INC. 600 WHITE OAKS BLVD. BRIDGEPORT, WV 26330 PHONE 304-824-4108	JOB. No. 101-060-740	OCTOBER 2016
OWNER: SENECA CENTER, INC.	REFERENCE: DB 1406 PG 489	DRAWN: KJP SURVEY: BK:

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MNS/16-18



November 15, 2016

www.mub.org

Barton Loar
709 Beechurst Avenue
Morgantown, WV 26505

**Re: Water, Sanitary Sewer & Storm Service Availability
½-Acre ~ 709 Beechurst Avenue ~ Seneca Center**

Dear Mr. Loar,

This will confirm that water, sanitary sewer and storm services are available to the above referenced proposed property upon the following requirements. Water service is available to the property as long as the property has frontage to Sixth Street and/or Beechurst Avenue. Sanitary sewer service is available to the property as long as the property has frontage to Sixth Street and/or Eighth Street. Storm sewer service is available to the property as long as the property has frontage adjacent to either Sixth Street, Beechurst Avenue, Eighth Street and/or the rail-trail.

Note that we are unable to certify whether the depth/elevation and/or size of the existing MUB facilities are adequate to serve the proposed structure. We will evaluate such adequacy upon receipt of additional details describing the design of the proposed structure along with a property plat showing the proposed structure to be served.

In addition to the above costs and in accordance with our PSC-approved rate schedule, tap fees will be charged for each domestic service connection requested. The tap fee for water service is \$700.00 (3/4-inch or less); \$1,000.00 (1-inch); \$1,500.00 (1 ½-inch); \$2,000.00 (2-inch) per meter setting. All water services larger than 2-inch are installed on an as-cost basis. The tap fee for sewer service is \$700.00 per structure. The PSC requires that we install the utility service line to the property line of the premises being served for the cost of these tap fees and further requires that a single and separate customer service line be provided for each structure being served.

A Stormwater Permit Application will be required for your project along with a review and approval of your Storm Water Management Plan by MUB. **Note that this would be required prior to construction and/or development of the site.** Note also that a structural stormwater management control facility would be required as a part of any Stormwater Management Plan.

In order to help us serve you better, please bring this letter with you when applying for new service, along with any additional property information available.

If you have any questions regarding this matter, please call me at (304) 292-8443. Thank you in advance for your kind cooperation.

Sincerely,

MORGANTOWN UTILITY BOARD

A handwritten signature in blue ink, appearing to read "D. Bragg", with a stylized flourish at the end.

David L. Bragg
Engineering Technician

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