Morgantown Planning Commission

MEETING PACKET

Thursday, June 13, 2019
6:30 p.m.
City Council Chambers

Planning Commissioners:
Peter DeMasters, 6th Ward
   President
Carol Pyles, 7th Ward
   Vice-President
Sam Loretta, 1st Ward
Tim Stranko, 2nd Ward
William Blosser, 3rd Ward
Bill Petros, 4th Ward
Michael Shuman, 5th Ward
Gigi Villarreal, Admin.
Ronald Dulaney, City Councilor

Development Services Department
Christopher M. Fletcher, AICP, Director
   John Whitmore, AICP, Planner III
Planning Commission Pre-Meeting Announcement

Good evening and welcome to the regular/special meeting of the City of Morgantown Planning Commission. Please turn off all cell phones or other devices that may disrupt these proceedings. The Planning Commission conducts business in the following order:

(1) There will be a general public comment portion when anyone who wishes to address the Planning Commission may do so, but only on matters that are not on the agenda. There will be a five (5) minute time limit for speakers. All recognized speakers must approach the podium, state their name and address for the record, and speak clearly into the microphone. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the general public comment portion.

(2) We review, amend, and approve minutes of the previous meeting.

(3) We consider any Unfinished Business from previous meetings.

(4) We move on to New Business items. First, we introduce the item and the Planning Division representative presents the Staff Report.

(5) Next, we ask the petitioner to make a presentation. Planning Commissioners may ask the petitioner questions at that time.

(6) I will then open a Public Hearing to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:

(a) Anyone wishing to testify during the public hearing may do so once recognized. Each recognized speaker must approach the podium, state their name and address for the record, and speak clearly into the microphone.

(b) All comments must be addressed to the Commission. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the public hearing.

(c) All speakers will be limited to five (5) minutes. If members of the Commission have any questions of the speaker, that time will not be counted toward the speaker’s five (5) minutes.
(d) If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.

(e) I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Commission have any questions of the applicant/agent, that time will not be counted toward the applicant's/agent's five (5) minutes.

(7) After all testimony is heard, I will declare the Public Hearing closed and no further public comment will be permitted. At that time, no one in the audience may speak again unless a Planning Commissioner asks a question. If someone is asked a question, they must come to the microphone and identify themselves once again before answering.

(8) Next, the Planning Commission will discuss and take action on the application.

(9) Once the vote is final, members of the audience who were present for that particular case may leave, if they wish. In order not to disrupt the meeting, people who choose to leave must go to the bottom of the stairs before carrying on a quiet discussion.

(10) Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.
I. CALL TO ORDER AND ROLL CALL

II. GENERAL PUBLIC COMMENTS – concerning matters not on the agenda

III. MATTERS OF BUSINESS
   A. Approval of the May 9, 2019 meeting minutes.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:
   A. MNS19-10 / Eby, Childs, Wen, and Wu / 912 and 947 Southpoint Circle: Request by Robert Shuman on behalf of Michelle Eby, Holly Childs, Sijin Wen, and Panqing Wu for minor subdivision approval of property located at 912 and 947 Southpoint Circle; Sixth Ward District, Tax Map 42, Parcels 91 and 102; R-1, Single-Family Residential District.

   B. MNS19-11 / Gresak / 857 Willowdale Road: Request by Eric Gresak for minor subdivision approval of property located at 857 Willowdale Road; Fourth Ward District, Tax Map 12, Parcels 3.1 and 3.2; R-1, Single-Family Residential District.

VII. OTHER BUSINESS
   A. Committee Reports
      • Traffic Commission
      • Other Committees

   B. Staff Comments

VIII. FOR THE GOOD OF THE COMMISSION

IX. ADJOURNMENT
MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m. May 9, 2019 Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, Ron Dulaney, William Blosser, Sam Loretta, Bill Petros, Michael Shuman, and Tim Stranko

COMMISSIONERS ABSENT: Gigi Villarreal

STAFF PRESENT: Christopher M. Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS: None.

III. MATTERS OF BUSINESS:

A. Approval of the April 11, 2019 meeting minutes. Stranko moved to approve as presented; seconded by Shuman. Motion carried unanimously with DeMasters, Dulaney, and Pyles abstaining due to absence.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. MNS19-06 / Berryman / Vine Street and Grant Avenue: Request by Robert D. Berryman for minor subdivision approval of property located along Vine Street (unimproved) and Grant Avenue (unimproved): District 15, Tax Map 15, Parcel 45.1; District 12, Tax Map 15, Parcels 113 and 114.1; R-1, Single-Family Residential District and R-2, Single- and Two-Family Residential.

Petros recused himself and left Council Chambers due to his conflict of interest as one of the property owners seeking minor subdivision approval under this petition.

Fletcher presented the Staff Report.

DeMasters recognized Robert Berryman who provided further explanation of the location of the parcels and stated the land was purchased at an auction by neighbors to ensure that the land is preserved and does not change.

Stranko asked if the landowners plan to place a restrictive covenant in the change of title for the parcels. Berryman stated there he is not aware of any specific plans to place restrictions on the land other than what is recommended in the Staff Report.
DeMasters asked if it would be stated in the deed that the parcels may not be subdivided in the future. Berryman confirmed.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-06 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

Petros reentered Council Chambers.

B. MNS19-08 / Bossio / 3431 & 3435 Collins Ferry Road: Request by Bernard V. Bossio for minor subdivision approval of property located at 3431 & 3435 Collins Ferry Road; Tax Map 53, Parcels 127 and 128; R-1, Single-Family Residential District.

Fletcher presented a combined Staff Report for Case Nos. MNS19-08 and MNS19-07.

DeMasters recognized Bernard Bossio of 449 Kiwanis Avenue who provided further explanation of the petitions.

Petros asked if the existing pool would be razed. Bossio confirmed.

Stranko asked if the setback requirements will be met with the subdivision. Bossio stated he is not sure if he will be able to meet the setbacks until building designs have been finalized and stated a variance may be necessary in the future.

Stranko referred to the Staff Report asked about the boundary to the north of the Kelly property. Bossio stated there will be a six-foot high fence surrounding the property.

DeMasters asked if he was representing the Kolankos petition. Bossio confirmed.

DeMasters asked if there were any objections to combining MNS19-08 and MNS19-07. No objections were noted.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petitions. There being none, DeMasters closed the public hearing and asked for staff's recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-08 with Staff recommended conditions; seconded by Pyles. Motion carried unanimously.

C. MNS19-07 / Kolanko / 1428 Western Avenue: Request by Bernard V. Bossio, on behalf of Vincent and Delores Kolanko, for minor subdivision approval of property located at 1428 Western Avenue; Tax Map 53, Parcel 121; R-1, Single-Family Residential District.

Stranko asked for further explanation on why the surety bond is included in the MNS19-07 staff recommendation. Fletcher stated the roadway encroaches onto the Kolanko property.
Stranko moved to approve MNS19-07 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

D. **MNS19-09 / Adkins / Woodland Drive**: Request by Chaille Adkins for minor subdivision approval of property located along Woodland Drive; Tax Map 53, Parcel 187; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

Stranko asked if MUB has stormwater management in this area. Fletcher referred to Addendum A in the Staff Report to show where the stormwater management facility is located.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-09 with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

E. **S19-01-III / ALDI, Inc. / 1351 Earl L. Core Road**: Request by Sudath Alvis, on behalf of ALDI Inc., Saxonburg Division, for a Type III Development of Significant Impact Site Plan approval at 1351 Earl L. Core Road; Tax Map 31, Parcels 101.2 and 101.5; B-2, Service Business District and B-5, Shopping Center District, respectively.

Fletcher presented the Staff Report.

DeMasters recognized Christopher Kambar of APE Engineering and Architecture, on behalf of ALDI, Inc., who presented a Power Point presentation to give a brief history of the company and to further explain the project.

Fletcher noted there will be a cross access easement and stated the whole intersection will be reconfigured which will allow for better navigation of that area.

Stranko asked if the access road would be a City-owned street. Fletcher stated the driveway would be private access.

Fletcher stated the setback variance is largely created by the floodplain which created an opportunity for parking between the building and Earl Core Road. Fletcher noted the parking spaces could be considered as advancing traffic calming as designed.

Stranko asked if there are plans for speed bumps or any other speed-controlled measures. Kumbar noted there will be pavement marked crosswalks and yield signs.

Stranko inquired about the green space along Earl Core Road. Kumba stated there will be small trees in between bushes that will be set back ten to eleven feet to prevent any visual barriers.

Kumba provided further explanation on the placement of parking, green space, lighting and landscaping.
Stranko expressed the project would be a huge environmental improvement and asked for further explanation on how the stormwater management will be contained. Kumbar provided further explanation and stated there would be detention ponds but did not know if there would be recharge into the ground.

Petros asked what the differences were in the floodplain zones listed within the Staff Report. Kumbar provided further explanation on the different floodplain zones.

Loretta asked if they had considered underground storage as opposed to a retention pond. Kumbar stated that underground storage is not considered with a parcel of this size as it is costly and comes with a lot of maintenance. Kumbar provided further explanation on the flow of the retention pond.

Stranko noted there are no windows in the illustration provided in the Staff Report. Kumbar stated there will be windows and drew attention to illustration provided in the presentation.

Dulaney noted the drawings in the packet do not match what is shown in the presentation. Fletcher recommended a condition be included that the incorrect renderings be replaced by what is illustrated in the presentation. Kumbar confirmed that the renderings submitted with the site plan application illustrate a different ALDI prototype but the renderings in the presentation are correct.

Stranko inquired if there will be windows facing Earl Core Road and not a monolithic brick wall. Kumbar confirmed.

Dulaney asked if there will be trees in addition to shrubs. Kumbar stated that smaller ornamental trees have been proposed.

Stranko asked if the sign will be lit. Kumbar confirmed and said the lighting will be internal and they will be seeking variance relief concerning signage.

Kumbar provided further explanation of the inside floor plan of the store.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Fletcher.

Stranko moved to approve S19-01-III with Staff recommended conditions and adding a condition “That Sheet 7 – Exterior Elevations submitted with the Type III Site Plan Application must be replaced with the correct renderings that were illustrated in the presentation provided during the 09 MAY 2019 hearing before the Planning Commission”; seconded by Shuman. Motion carried unanimously.

F. MNS19-02 / ALDI, Inc. / 1351 Earl L. Core Road: Request by Sudath Alvis, on behalf of ALDI Inc., Saxonburg Division, for minor subdivision approval of property located at 1351 Earl L. Core Road; Tax Map 31, Parcels 101.2 and 101.5; B-2, Service Business District and B-5, Shopping Center District, respectively.

Fletcher presented the Staff Report.
There being no comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Fletcher.

Stranko moved to approve MNS19-02 with Staff recommended conditions; seconded by Blosser. Motion carried unanimously.

**G. RZ19-03 / Administrative / Powell Avenue:** Administrative request for a Zoning Map Amendment to reclassify Parcels 162 through 200 (40 total parcels) of Tax Map 30, Fifth Ward Tax District from B-2, Service Business District to R-1A, Single-Family Residential District as recommended in the Small Area Plan for Future Study Area No. 16 – Powell Avenue – Final Recommendations Report and accepted by the Planning Commission on 14 FEB 2019.

Shuman recused himself and left Council Chambers due to a previous business relationship with the primary owner of the property included in the administrative zoning map amendment recommendation.

Fletcher presented the Staff Report.

There being no comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Fletcher.

Stranko noted the landowner expressed he would be taking away an opportunity if parcels are reclassified from B-2 to R-1A and stated the PUD is available regardless of the R-1A zoning classification. Fletcher confirmed and stated that any development approach to the property would benefit by the Planned Unit Development opportunity to address site challenges.

Stranko moved to forward a favorable recommendation for RZ19-03 to City Council as advised by Staff; seconded by Blosser. Motion carried unanimously.

Shuman reentered Council Chambers.

**H. TX19-01 / Administrative / Front-Load Garage:** Administrative request to amend Sections 1329.02, 1333.07, 1335.07, 1337.07, and 1339.07 of the Planning and Zoning Code as they relate to “Front-Load Garage”.

Fletcher presented the Staff Report and provided further explanation of “Front Load Garages”.

Blosser expressed this is a matter of aesthetics based on where one is standing. Fletcher referred to the proposed definition of “Front-Load Garage” and provided further explanation on where portions of a garage will be visible. Fletcher expressed it would be burdensome to not see the garage door at all given Morgantown’s predominate built environment and development patterns.

Stranko stated that City Council had already enacted this text amendment and the purpose of readdressing this amendment is to make it more clear in how it is written. Fletcher confirmed.
Dulaney noted that people can still have front loaded garages but just cannot be a prominent element to the structure as far as massing. Fletcher confirmed.

Loretta asked if detached garages are exempt from this amendment. Fletcher confirmed and provided further explanation.

Petros inquired if the garage would be an issue for a split-level house. Fletcher stated the garage in a split-level house would most likely be less than 50 percent of the width of the dwelling unit and would be measured at grade level.

DeMasters referred to the illustrations in the Staff Report and asked if the width would be measured at ground level. Fletcher confirmed.

There being no further comments or questions by the Planning Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters closed the public hearing and asked for staff’s recommendation, which was read by Fletcher.

Stranko moved to forward a favorable recommendation to City Council for TX19-01 as advised by Staff; seconded by Blosser. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports
   - Other Committees: No reports.
   - Staff Comments:

Fletcher stated that City Council is considering an extensive annexation in the future that includes several areas along the City’s municipal boundary. The Planning Commission will be involved at the appropriate time to study zoning classifications.

VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 8:15 PM

MINUTES APPROVED:

COMMISSION SECRETARY: Christopher M. Fletcher, AICP
STAFF REPORT

CASE NO: MNS19-10 / Eby, Childs, Wen, and Wu / 912 and 947 Southpoint Circle

REQUEST and LOCATION:
Request by Robert Shuman on behalf of Michelle Eby, Holly Childs, Sijin Wen, and Panqing Wu for minor subdivision approval of property located at 912 and 947 Southpoint Circle.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:
Sixth Ward Tax District, Tax Map 42, Parcels 91 and 102; R-1, Single-Family Residential District

SURROUNDING ZONING:
R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:
The petitioner seeks to modify the rear parcel boundary separating Parcel 91 (912 Southpoint Circle) and Parcel 102 (947 Southpoint Circle). Addendum A of this report illustrates the location of the subject site. The staff enhanced image below illustrates the proposed rear parcel boundary realignment.

The purpose of the rear parcel realignment is to correct an oversight by the seller when conveying the parcels to the present owners. Specifically, the seller obtained subdivision approval in 2003 under Case No. MNS03-05 to generally follow contour lines, given the significant elevation change across the tracts of realty. The MNS03-05 approved rear
parcel boundary alignment was inadvertently not used when conveying the parcels to the present owners. The proposed realignment:

- Generally follows contour lines;
- Ensures the principal building on Parcel 91 meets the minimum R-1 District rear setback standard (25 ft.); and,
- Significantly reduces the extent of rear setback encroachment by the principal building on Parcel 102 (see highlighted box in graphic above).

Both parcels will maintain their respective lot frontages of 211.18 feet for Parcel 91 and 179.17 feet for Parcel 102. Parcel 91 will become 20,802 square feet in area and Parcel 102 will become 20,123 square feet in area. Both parcels are in excess of minimum lot frontage (70 ft.) and area (7,200 sq. ft.) standards for the R-1 District.

**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
# APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

**FEE:** $75.00 [Z-MNS]

### I. APPLICANT

<table>
<thead>
<tr>
<th>Name:</th>
<th>Eby, Childs, Wen and Wu</th>
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<tbody>
<tr>
<td>Phone:</td>
<td></td>
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<tr>
<td>Mailing Address:</td>
<td>912 and 947 Southpoint Circle</td>
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<tr>
<td>City:</td>
<td>Morgantown</td>
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<tr>
<td>State:</td>
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### II. AGENT / CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Name:</th>
<th>Robert Louis Shuman</th>
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<tbody>
<tr>
<td>Phone:</td>
<td>304-292-8488</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Post Office Box 842</td>
</tr>
<tr>
<td>City:</td>
<td>Morgantown</td>
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<tr>
<td>State:</td>
<td>WV</td>
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<tr>
<td>Zip:</td>
<td>26507</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:rlshuman@reedershuman.com">rlshuman@reedershuman.com</a></td>
</tr>
</tbody>
</table>

Mailings – Send all correspondence to (check one):  
- [ ] Applicant  
- [x] Agent/Contact

### III. PROPERTY

<table>
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<tr>
<th>Owner:</th>
<th>Childs, Wen and Wu</th>
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### IV. SITE

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<tr>
<td>Zoning:</td>
<td>R-1</td>
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<tr>
<td>Parcel No(s):</td>
<td>91 &amp; 102</td>
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</table>

Subdivision Description, including areas (sq. ft.) of proposed parcel(s):  
Lot No. 6R - 20,802 sq.ft. - 0.4776 ac. 912 Southpoint Cir.  
Lot No. 17R- 20,123 sq.ft. - 0.4320 ac. 947 Southpoint Cir.

Are there any Variances from the Subdivision Regulations anticipated:  
- [ ] Yes  
- [x] No

If yes, to what extent is a variance necessary?
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 a new application.

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.

Robert L. Shuman 04/29/2019

Type/Print Name of Applicant/Agent  Signature of Applicant/Agent  Date
APRIL 30, 2019

Mr. Chris Fletcher
Director of Development Services, City of Morgantown

Dear Mr. Fletcher,

Mr. Robert Shuman asked me to provide him with authorization to be a representing agent for my clients, Panqing Wu and her husband, and to appear before the planning commission to present a minor subdivision application and address any concerns related to it.

Sincerely,

Brent Cameon
Robert Shuman

From: Chris Barnum <cbarnum@gbbjlaw.com>
Sent: Wednesday, May 8, 2019 3:07 PM
To: Robert Shuman; Brent Cameon; Allan Witschi
Subject: RE: Eby survey

Robert,

Please be advised that you are authorized and directed to act as agent for my client, Holly Childs, exclusively to file and see through the process of the minor subdivision application pertaining to Ms. Child’s lot located in South Point Subdivision.

Let me know if you need any further clarification.

Christopher A. Barnum, Esq.
Gianola, Barnum, Bechtel & Jecklin, L.C.
1714 Mileground
Morgantown, WV 26505
Phone (304)-291-6300
Fax (304)-777-4409

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Please consider the environment before printing this email

From: Robert Shuman <rlshuman@reedershuman.com>
Sent: Friday, April 26, 2019 5:31 PM
To: Chris Barnum <cbarnum@gbbjlaw.com>; Brent Cameon <brent@closescases.com>; Allan Witschi <gsc652@aol.com>
Subject: FW: Eby survey

Allan: Now that Brent has approved the plan I reached out to Chris and this was his response. When you have the opportunity, please get me a few originals to submit to Chris when I file the application.

Brent and Chris: Please send me back an email on this chain authorizing and directing me to act as the agent of both your clients exclusively to file and see through the process of the minor subdivision application. Place your names below your responses and a digital signature since Chris references an executed agreement. An email chain from counsel should suffice I would think.

Thank you. RLS

From: Chris Fletcher [mailto:cfletcher@morgantownwv.gov]
Sent: Friday, April 26, 2019 5:24 PM
To: Robert Shuman <rlshuman@reedershuman.com>
Subject: RE: Eby survey

Mr. Shuman:
I reviewed the contemplated subdivision plat appended below. Understanding the issues involved with the site and between the two affected property owners, the proposed rear parcel boundary adjustment appears to support the spirit and intent of related City Planning and Zoning Code provisions. Specifically, there is significant elevation change between the two homes that appears to be observed in the realignment of the rear property boundary. Additionally, it appears rear building setback requirements are observed along nearly the entire length of the rear parcel boundary adjustment. Accordingly, this office can recommend approval to the Planning Commission when the time comes.

Please note, both property owners need to be listed as applicants on the Minor Subdivision Application, given the difficulties it has taken to get to this point. An alternate approach might be a common representing agent supported by an executed agreement. That agent can appear at the Planning Commission hearing to present the request and address any questions that may arise.

Appended is the Minor Subdivision Application in fillable .pdf format for your convenience. Please advise if you have any questions or require further clarification.

Have a safe and enjoyable weekend.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services

From: Robert Shuman <rlshuman@reedershuman.com>
Sent: Friday, April 26, 2019 4:40 PM
To: Chris Fletcher <cfletcher@morgantownwv.gov>
Subject: FW: Eby survey

From: Allan Witschi [mailto:gsc652@aol.com]
Sent: Thursday, March 14, 2019 2:32 PM
To: Robert Shuman <rlshuman@reedershuman.com>; cbarnum@gbwlaw.net
Subject: Eby survey

Attached is a preliminary plan of the Southpoint Circle minor subdivision survey.

Please review and comment - I need to create descriptions for each lot. Also need to name each - Lot No. 6R - Lot No. 17R?

Allan J. Witschi, PS
Greenleaf Surveying Company
1215 Greenbag Road
Morgantown, West Virginia 26508
(304) 291-1264 (p&f)
STAFF REPORT

CASE NO: MNS19-11 / Gresak / 857 Willowdale Road

REQUEST and LOCATION:
Request by Eric Gresak for minor subdivision approval of property located at 857 Willowdale Road.

TAX MAP NUMBER (s) and ZONING DESCRIPTION:
Forth Ward Tax District, Tax Map 12, Parcels 3.1 and 3.2; R-1A, Single-Family Residential District

SURROUNDING ZONING:
North, East and South: R-1A, Single-Family Residential District
West: R-1, Single-Family Residential District

BACKGROUND and ANALYSIS:
The petitioner seeks to consolidate parcels 3.1 and 3.2 into one parcel for planning and zoning purposes, to address a deck encroachment constructed at 857 Willowdale Road without prior building permit approval. Addendum A of this report illustrates the subject site.

The combined parcel area will be approximately 14,800 square feet. The frontage of the parcel will be approximately 105 linear feet. The consolidation via deeded covenant should not affect the townhome access, as existing covenants associated with the Inglenook Townhome development located to the north of 857 Willowdale Road appear to be present. It should be noted, the City does not enforce private covenants or other deed restrictions. The previously established Inglenook Townhome Homeowners Association is responsible for ensuring specific covenant and private use agreement’s compliance.

STAFF RECOMMENDATION:
Staff recommends the proposed subdivision be approved as requested with the following condition that, in accordance with Article 1363.02(B)(3) of the City’s Planning and Zoning Code, the petitioner place the following covenant notation on the recorded deeds for the subject parcels and submit a certification of its recording to the Planning Division:

“For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot owned by <Insert Owners Names> pursuant to deeds recorded at Deed Record Book No. <Insert Deed Book>, Page <Insert Deed Page> in the Office of the Clerk of the County Commission of Monongalia County. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Morgantown City Planning Commission. This restriction shall be a covenant running with the land.”
APPLICATION FOR MINOR SUBDIVISION

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, 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)

FEES: $75.00 [Z-MNS]

I. APPLICANT

<table>
<thead>
<tr>
<th>Name:</th>
<th>ERIC GABREY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>857 WILLOWDALE RD.</td>
</tr>
<tr>
<td>City</td>
<td>MORGANTOWN</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip</td>
<td>26505</td>
</tr>
</tbody>
</table>

II. AGENT / CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Name:</th>
<th>TOTAL PROPERTY MGT LLC</th>
<th>Phone:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1558 VAN VOLKHS RD</td>
<td>City</td>
<td>MORGANTOWN</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip</td>
<td>26505</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mailings – Send all correspondence to (check one): [ ] Applicant OR [ ] Agent/Contact

III. PROPERTY

<table>
<thead>
<tr>
<th>Owner:</th>
<th>ERIC GABREY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>857 WILLOWDALE RD.</td>
</tr>
<tr>
<td>City</td>
<td>MORGANTOWN</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip</td>
<td>26505</td>
</tr>
</tbody>
</table>

IV. SITE

<table>
<thead>
<tr>
<th>Street Address (if assigned):</th>
<th>857 WILLOWDALE RD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Map No(s):</td>
<td>12</td>
</tr>
<tr>
<td>Zoning:</td>
<td></td>
</tr>
<tr>
<td>Parcel No(s):</td>
<td>3.2</td>
</tr>
</tbody>
</table>

Subdivision Description, including areas (sq. ft.) of proposed parcel(s):

Are there any Variances from the Subdivision Regulations anticipated: [ ] Yes [ ] No

If yes, to what extent is a variance necessary?

---

Development Services Department • 389 Spruce Street, Morgantown, WV 26505
www.morgantownwv.gov • 304.294.7431

Form Rev. 20180701
APPLICATION FOR MINOR SUBDIVISION

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 plat must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plate not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.

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 ordinances 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.

Eric Gresak
Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date