



CITY OF WHEELING PLANNING COMMISSION

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STAFF REPORT

PROPERTY LOCATION: Vicinity of Bethany Pike (WV88)
Tax Parcels: W25-50,51,52,53,54,55,58,59,60,62,62.1
W26-90, 90.1, 90.2 W32-99.2
W33-6.2 W27A-1

NATURE OF REQUEST: Comprehensive Plan Amendment: Special Area Plan (SAP)

APPLICANT: Michael E. Hooper, Esq. on behalf of owner, GC&P Development, LLC

COMPREHENSIVE PLAN:

The Special Area Plan (SAP) process is outlined on page 55 of the 2014 Comprehensive Plan. The purpose of the SAP is to allow an opportunity for the review of proposed developments of larger tracts of land that are not consistent with the existing Future Land Use Map, rather than completely exclude them. The SAP is an amendment to the Future Land Use plan and requires a public engagement process similar to the original planning process, including:

- Opportunities for the public to provide feedback on the special area plan;
- Analysis of both the benefits and impacts of the proposed alternatives;
- Identification of how the alternative better reflects the community vision established in this plan;
- Establishment of a revised future land use plan for the designated area; and
- Review and adoption of the special area plan by the city.

STATE CODE:

The Comprehensive Plan amendment process is outlined in West Virginia State Code 8A-3-11.

- Section 8A-3-6-c states that the Planning Commission shall adopt procedures for public participation throughout the process of amending a comprehensive plan
- Section 8A-3-6-d states the Commission shall request input from other affected governing bodies and units of government
- There shall be a public hearing on the proposed amendment, and proper notice shall be given 30 days prior to the hearing.
- Following the hearing, the Commission shall make a recommendation to City Council

APPLICATION & REQUEST:

The applicant's proposal is presented in the attached correspondence and includes maps and other exhibits. The submittal includes an overview of the request, development features, the evolution of the proposed development, transportation improvement, additional considerations, and consistency statements with the Comprehensive Plan.

In addition to seeking a SAP, on page three of their letter, the applicant is requesting:

1. the site be removed from the Woodsdale-Edgwood Historic District
2. "conceptual" site plan approval and deferral of other site plan submittals
3. final grading plan approval

COMMISSION MEMBERS

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STAFF: THOMAS CONNELLY, AICP

STAFF REVIEW & RECOMMENDATION:

In order to achieve their development objectives, the project must complete three separate reviews by the Planning Commission. The first is this Special Area Plan review process. If City Council amends the Comprehensive Plan, then the applicant will go through the zone change process. If the zone change is approved, then the final step would be a site plan review for the proposed development. The site plan review process is a detailed review of the proposed development and is outlined in §1373 of City Code. The application submittals required for a site plan review are much more detailed than what is required at the SAP review level. The purpose of the SAP review is to make decisions of a general nature with regard to future land use compatibility with objectives of the plan.

The request before the Commission is to amend the Future Land Use Map of property owned by the applicant from “Conservation Development” (pg. 55) to a different category, such as “Mixed Use Overlay” (pg. 60) or “Commercial and Office” (pg. 61), which would allow the proposed mixed development.

Staff has requested the applicant have potential projects reviewed by state agencies prior to engaging at the local level, including:

1. The West Virginia Department of Highways to ensure the proposed development would be permitted from WV 88 (leading US 40 and I70) based on proposed trip generations, the existing level of service, and specifically the anticipated level of service between November and January when WV 88 see high traffic volume. A letter has been included (see Exhibit 6) however, it does not address DOH involvement in the improvements to WV 88.
2. The Department of Environmental Protection as it relates to allowing the removal of minerals and alteration to the topography inside city limits and the possible operation of a quarry as defined in State Code §22-4-3 (20) and §22-4-4 which delegates jurisdiction to the Director of the EPA and outlines the permit process in §22-4-6. Exhibit 7 is a correspondence from a DEP Technical Analyst.
3. The State Historic Preservation Office as it relates to a possible adverse effect on the adjacent Woodsdale – Edgwood Historic District

Staff makes the following recommendations:

1. Have the Commission adopt the following procedures for public participation:
 - a. Public meeting #1: August 12, 2019 regular Planning Commission meeting
 - i. Following 8/12/19 meeting, make application and materials available for public review on City’s website and during normal business hours in the Office of Economic and Community Development Department beginning August 13, 2019 and extending until action is taken
 - ii. Allow the public to submit comments and questions to the Planning Commission through staff during the review and in person at the public hearing.
 - b. Public meeting #2: Sept. 9, 2019 regular Planning Commission meeting
 - c. Public meeting #3: Oct. 21, 2019: *possible public hearing* at regular Planning Commission meeting
 - d. Public meeting #4: Nov. 4, 2019: Zoning Committee Meeting
 - e. Public meeting #5: Nov. 18, 2019: Planning Commission meeting (*possible recommendation*)
 - f. Other possible community meeting venues: WVNCC as done during original 2014 Plan process, Ward 4/5 meetings due to proximity to SAP site?

2. Have the Commission request input from other affected governing bodies and units of government at the appropriate level as outlined by state code including the WV DOH, DEP, DNR, SHPO, City of Wheeling Public Works, Water Department, and Water Pollution Control Division.
3. Staff recommends Commissioners review the information presented August 12, 2019 and return September 9, 2019 to conduct an in-depth review with the applicant after having had time to review the materials. Depending on the outcome of the September meeting, a public hearing on the SAP could be scheduled for October 21, 2019 or the Commission could continue its review of the application.

ATTACHMENTS:

- State Code Section 8A-3-11 and reference sections therein (8A-3-6,7,8&9)
- Application for Special Area Plan and Comprehensive Plan Amendment
- Correspondence to Economic & Community Development (July 29, 2019) (12pgs)
- Map Index (Maps 1-69)
- Exhibit 1a – GACS & GC&P Properties
- Exhibit 1b – Property Map
- Exhibit 1c- Neighboring Tax Parcel information
- Exhibit 2 – Comprehensive Plan Future Land Use Map
- Exhibit 3a – Zoning Information
- Exhibit 3b – Property Information
- Exhibit 4 – Aerial Photo
- Exhibit 4b – Proposed Development with Grading & Cross Sections
- Exhibit 4c – Site Plan with Parking Count
- Exhibit 5 – same 12-page July 29, 2019 correspondence as above
- Exhibit 6 – WVDOH letter
- Exhibit 7 – WV DEP letter
- Exhibit 8 - Marketing & Promotional Materials