



CITY OF WHEELING PLANNING COMMISSION

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STAFF REPORT

PROPERTY LOCATION: 88-14th Street
NATURE OF REQUEST: Special Use Permit
APPLICANT: HOH Share Inc. / Kate Marshall

BACKGROUND & ANALYSIS:

HOH Share Inc. / Kate Marshall is requesting permission to operate a “community center” at 88-14th Street. The applicant is proposing the Mother Jones Center for Resilient Community Office, Bill Hogan Gallery, Gift Shop and Art Studios. The correspondence to the Commission outlines specifics of the request and its impact in the area.

The property is zoned C-1 Neighborhood Commercial. A “community center” is listed as a Special Use in the C-1 zone (§1339.03. c.1). The definition of “community center” under Article 1327 Definitions, is a “building used for recreational, social, educational, health, cultural, or other similar activities. Services within the facility may be offered by one or more public or nonprofit entities and are offered at nominal or no cost”.

Special Use Permits are deemed to be permitted uses, subject to the satisfaction of the conditions and general standards set forth in Article 1371 of the Zoning Ordinance. There are no specific standards outlined for community centers.

Parking is provided in the rear of the property and on-street.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit based on the proposed use’s consistency with the definition of a community center outlined in the zoning ordinance.

ATTACHMENTS: Application for Zoning Compliance
Application for Special Use Permit
Letter to the Commission
Photo
Zoning Ordinance:
Section 1339.03 C-1 Neighborhood Commercial
Section 1327.02 Definition
Section 1371.06 Special Use Permit “General Standards”

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STAFF: THOMAS CONNELLY, AICP



APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE FOR THE USE, ERECTION, ALTERATION, OR REPAIR OF A BUILDING OR LAND

The undersigned applies for a Certificate of Zoning Compliance for the following, said certificate is to be issued on the basis of the information contained within the application. *The applicant hereby certifies that all information and attachments are true and correct.*

- 1. Address of Property: 88 14th St. Wheeling, WV 26003
- 2. Name of Property Owner: Hot-Share inc.
- 3. Name of Applicant: Hot-Share inc. / Kate Marshall (E.D.)
- 4. Address of Applicant: 87 15th St. Suite 436 Wheeling, WV 26003
- 5. Applicant Phone: 304-218-8373 Owner Phone: _____
- 6. Existing Use: Mather Jones House of Laughlin Community Center
- 7. Proposed Use: Same Other (describe): Mather Jones Center for Resilient Communities
- 8. Number of off-street parking spaces to be provided: Metered Parking 12 in rear
- 9. Number of off-street loading berths to be provided: _____

COMPLETE THIS SECTION BELOW FOR THE ERECTION, ALTERATION, OR ADDITION OF A STRUCTURE

Type of Improvement:

- New Building
- Addition
- Alteration / Repair

Residential:

Number of existing dwelling units: _____

Number of proposed dwelling units: _____

Existing Lot Dimensions: Width: 40 ft. x Depth: 96 ft. = lot area: 3,840 sq. ft.

Existing Principal Building:

Dimensions: Width: 40 ft. x Depth: 40 ft. = Total first floor area, including covered porches: 1,600 sq. ft.

Setbacks: Front: 6 ft. Rear: 50 ft. Side: 0 ft. Other Side: 0 ft. Height/Stories: 3

Existing Accessory Building: (garage, carport, shed, pool, etc):

Dimensions: Width: 20 ft. x Depth: 10 ft. = Total first floor area, including covered porches: 200 sq. ft.

Setbacks: Front: _____ ft. Rear: 13 ft. Side: 17 ft. Other Side: 5 ft. Height/Stories: 1

Proposed Construction:

Dimensions: Width: _____ ft. x Depth: _____ ft. = Total first floor area, including covered porches: _____ sq. ft.

Setbacks: Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other Side: _____ ft. Height/Stories: _____

Applicant Signature: Kate Marshall for Hot-Share Date: Nov. 23, 2020

Owner Signature: Kate Marshall for Hot-Share Date: Nov. 23, 2020

Reset Form

Print Form

**APPLICATION FOR SPECIAL USE
PLANNING COMMISSION**

The undersigned requests a Special Use Permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Commission.

1. Name of Applicant: HOH-Share inc.
Mailing Address: 87 15th St. Suite 436
Phone: 304-218-8373 Email HOHShare.WV@gmail.com

2. Location Description: East Wheeling
Address: 88 14th St. Wheeling, WV 26003
Legal Description: Non-profit

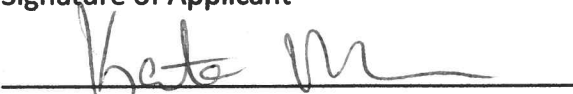
3. Existing Use: Mother Jones House of Laughlin Community Center

4. Property Presently Zoned: C-1 Neighborhood Commercial

5. Description of Special Use: Mother Jones Center for Resilient Community
Offices, Bill Hogan Gallery, Gift Shop, Art Studios
 - a. Attach a vicinity map showing the property and plans for building, parking, traffic, etc.

 - b. Attach a narrative outlining the request and explain potential effects on adjacent property.

6. \$50.00 Application Fee Payable to the City of Wheeling

7. Signature of Applicant  Date Nov. 23, 2020

Narrative

The Mother Jones Center for Resilient Community

The property located at 88 14th St, Wheeling, WV has played a significant role in the community over the decades, from doctor's offices, to the original Health Right Clinic, to most recently, the Mother Jones House of Laughlin Community Center, a partnership with the former WJU. Our plan is to follow in the spirit and footsteps of this notable community asset, as the Mother Jones (MoJo) Center for Resilient Community. The property will provide office space for two of HoH-Share's projects, The Fun-Raiser Urban Mobile Playground's, "Never Bored Board" and Art-Share. The MoJo is also one of the core components of the recently awarded Aetna / United Public Health grant in conjunction with the City of Wheeling and Grow Ohio Valley to address building "Resilience" in our community at large. While many of our programs are mobile and held throughout the City, we will also act as a resource to other groups/non-profits seeking resilience tools and materials. On site at the MoJo, we will also offer shared meeting and studio space to utilize resources and materials that strengthen community collaboration, support entrepreneurship and becoming an actively engaged citizen in our community. The MoJo also has a small gallery and gift shop known as The Bill Hogan Community Gallery to highlight the works of locals whose work inspires us to realize the strength of the community to which we belong.

We believe the Mother Jones Center for Resilient Community will not only enhance the other adjacent properties and area businesses, but also accentuate East Wheeling's arts and culture venue by adding to the footprint of area galleries. This will promote the ability of locals to be a part of the collaborative efforts, such as "Edible Mountain", to see East Wheeling as an area rich in history, culture, and the innovation that both youth and adults are looking for when maintaining or making East Wheeling their home. Our section of 14th St. supports several businesses and there are more being cultivated that pair very well with the concept of using the arts to foster a diverse, invested, and inclusive neighborhood. We do not plan our hours or traffic to be outside the normal scope of other area businesses and look forward to being an exciting and valuable part of the East Wheeling Neighborhood Commercial district.

Alley

2 Rear Parking Spots

17'±

Accessory Building

5'

**Mother Jones
Center for Resilient Community**

40'

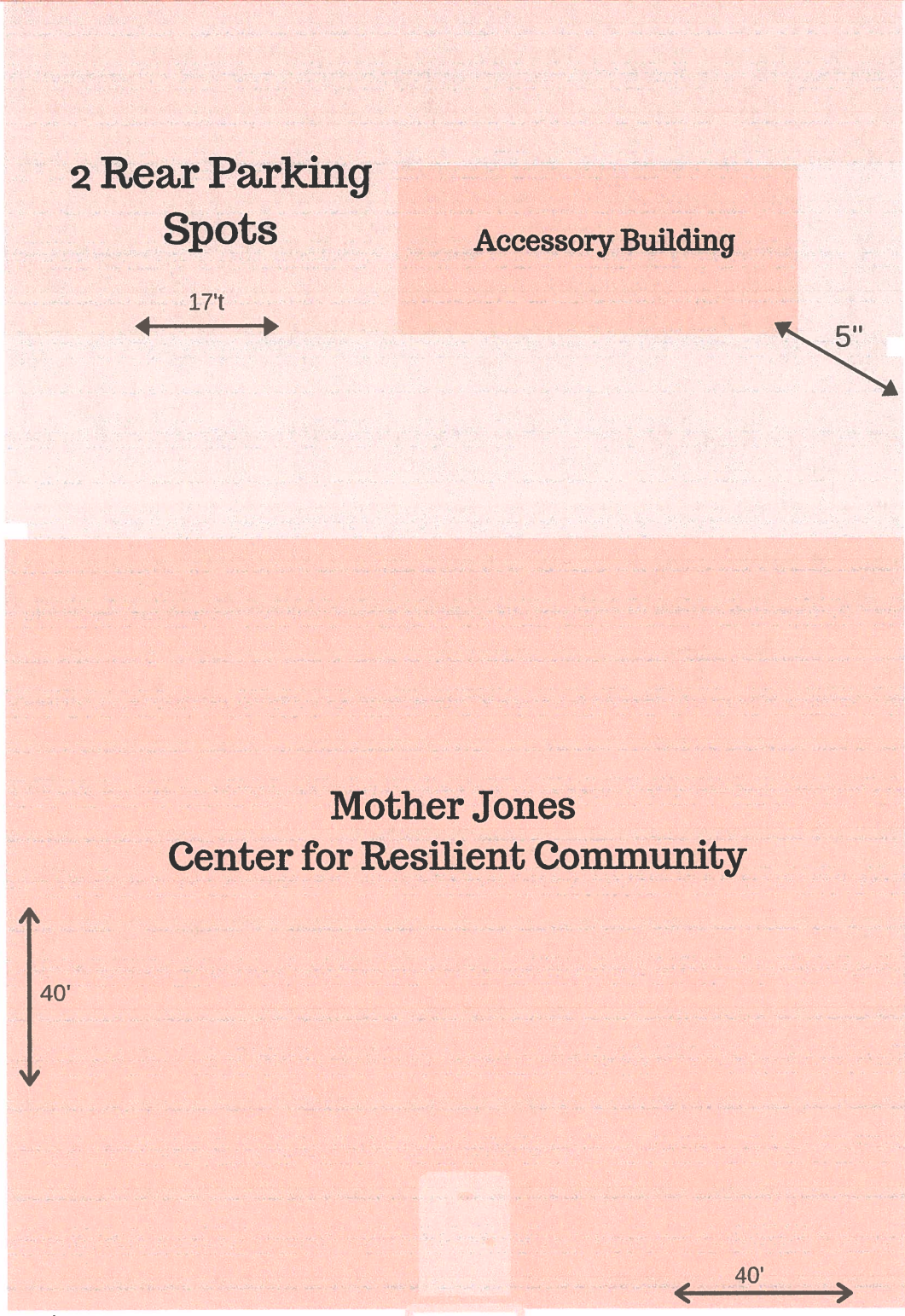
40'

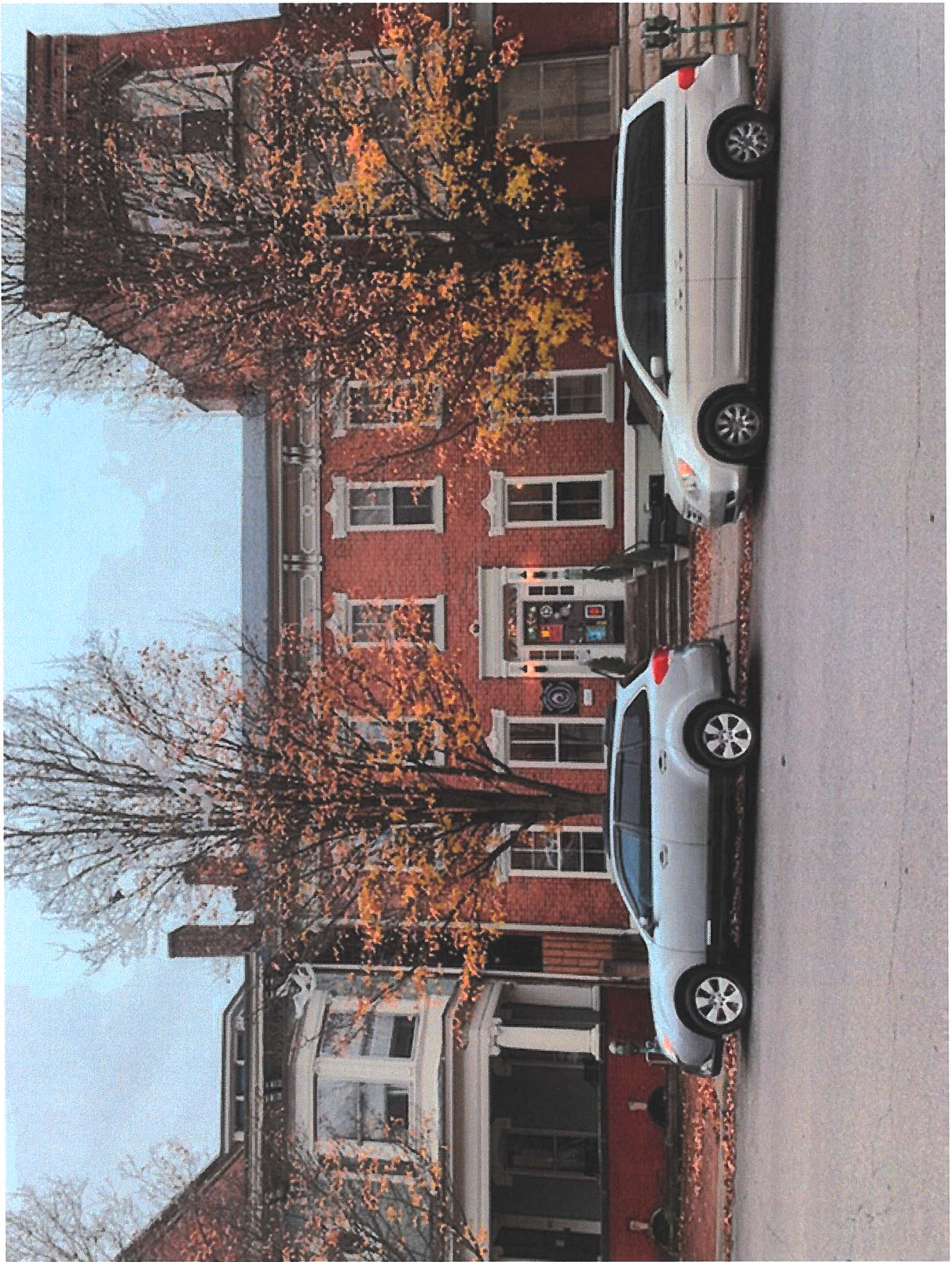
6'

Sidewalk

14'

Metered Parking





(d) ABUTTING LOTS IN DIFFERENT DISTRICTS

- (1) Increased setbacks. Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restrictive zoning district, there shall be provided along both sides of such abutting lot line or lines side or rear yards equal in dimension to those required in the more restrictive zoning district, as defined in Section 1331.01. (See Section 1331.09(d).)
- (2) Landscaped screening. Sections 1355.05, 1355.06, and 1355.07 regulate the landscaping and screening on commercially-zoned lots that abut residentially-zoned lots.
- (3) No off-street loading area or parking area or part thereof in all districts except R-1A, R-1B, R-1C, and R-2 shall be closer than ten feet to any dwelling, school, hospital or institution for human care located on an adjoining or adjacent lot. (See Section 1355.03.)

(e) **FENCING.** An application to erect a fence in the Downtown zoning districts (D-1, D-2, D-3) must be submitted to the Zoning Office for approval and be accompanied by a recommendation (or Certificate of Appropriateness) from the Planning Commission. Thereafter, should the application be rejected by the zoning office, the applicant may proceed to the appellate remedies available in Article 1377. (Ord. 13891. Passed 11-17-09.)

1339.02 LOT, AREA, AND BULK REQUIREMENTS.

Refer to District Schedule of Dimensional Requirements, Schedule 5.A for minimum and maximum lot, area, and bulk requirements in commercial districts.

1339.03 C-1 NEIGHBORHOOD COMMERCIAL.

The objectives of the C-1 District are to permit a compatible mix of commercial and residential uses within a medium-density neighborhood business district, and to contain retail businesses in a compact and cohesive location. The commercial uses should predominantly serve the convenience retail and service needs of local residents and employees. In commercial district C-1, land and structures may only be used for:

(a) PRINCIPAL PERMITTED USES.

- (1) Bank or lending institution.
- (2) Government service or office.
- (3) Office.
- (4) Personal service establishment.
- (5) Recreational facility.
- (6) Restaurant without lounge.
- (7) Retail business and business-to-business establishment.
- (8) Retail Food Establishment.
- (9) Veterinarian; non-boarding animals only.
- (10) Residential Uses, as per R-4;
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Multi-family dwelling.
 - D. Home occupation as an accessory use to a principal residential use, regulated under Article 1367. (Ord. 12821. Passed 5-4-04.)
- (11) Religious land use. (Ord. 12879. Passed 7-20-04.)

(b) ACCESSORY USES.

- (1) Accessory buildings and structures that are customary and clearly incidental to the principal use.
- (2) A private garage or open parking for operative passenger vehicles and for not more than one commercial licensed operative vehicle of person residing on the premises.

- (3) A playhouse, tool house, garden house, greenhouse, or private swimming pool not operated for gain.
- (4) Customary home occupation. See Article 1367.
- (5) One accessory apartment in an owner-occupied single-family dwelling.

(c) **SPECIAL PERMIT USES.**

- (1) **Community center.**
- (2) Day care center; nursery school.
- (3) Membership association.
- (4) Public or private utility.
- (5) Service station.
- (6) Restricted accessory parking.
- (7) Restaurant with lounge. (Ord. 12821. Passed 5-4-04.)

1339.04 C-2 GENERAL COMMERCIAL.

The objectives of the C-2 District are to permit commercial goods and services on a major collector or business street, and to require those businesses to mitigate their impact on nearby residences through parking, landscaping, lighting, signage, and building exterior controls. The commercial uses should serve both the retail and service needs of local residents and employees and a larger retail market brought into the commercial area due to the nature of the collector or business street. In commercial district C-2, land and structures may only be used for:

(a) **PRINCIPAL PERMITTED USES**

- (1) Any non-residential principal permitted use in C-1.
- (2) Bowling alley.
- (3) Vehicle repair or servicing.
- (4) New and/or used vehicle sales.
- (5) Service station and/or car wash.
- (6) Funeral home.
- (7) Hotel or motel.
- (8) Bar, tavern, and social club.
- (9) Restaurant with lounge.
- (10) Marina, with no sale of fuel.
- (11) Membership association.
- (12) Package liquor store.
- (13) Parking garage or parking lot.
- (14) Wholesale business establishment.
- (15) Veterinarian; non-boarding animals only.
- (16) Residential use, as per R-4:
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Multi-family dwelling.

(b) **ACCESSORY USES**

- (1) Accessory buildings and structures that are customary and clearly incidental to the principal use.
- (2) A private garage or open parking for operative passenger vehicles and for not more than one commercial licensed operative vehicle of person residing on the premises.
- (3) A playhouse, tool house, garden house, greenhouse, or private swimming pool not operated for gain.
- (4) Customary home occupation. See Article 1367.
- (5) One accessory apartment in an owner-occupied single-family dwelling.

Combined sewer. A sewerage system that carries both sanitary sewage and stormwater runoff.

Commercial greenhouse. A structure and the land surrounding it in and on which plants, vegetables, flowers, and similar materials are grown for sale or are sold. Such land and greenhouses are also known as nurseries.

Commercial vehicle. Any motor vehicle licensed as a commercial vehicle.

Community center. A building or structure used for recreational, social, educational, health, cultural, or other similar activities. Services within the facility may be offered by one or more public or nonprofit entities and are offered at nominal or no cost.

Complete application. An application form completed as specified by ordinance and the rules and regulations of the municipal agency and all accompanying documents required by ordinance for approval of the application. The application shall be certified as complete as soon as all requirements specified in the ordinance and rules and regulations have been met. On the day the application is so certified by the administrative officer, the time period for action by the municipal agency shall begin.

Community residences or shelters. See Group home.

Concept plan. See Plat, sketch. (Ord. 12225. Passed 4-17-01.)

Conditional use. A use which because of special requirements or characteristics may be permitted on a particular property only after review by the Board of Zoning Appeals (BZA) and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the Zoning Ordinance. (Ord. 13705. Passed 11-18-08.)

Condominium. A building, or group of buildings, in which dwelling units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. There shall be an association of owners organized for the purposes of maintaining, administering, and operating the common areas and facilities. Condominium is a legal form of real property ownership and not a building style. The purchaser shall have title to his or her dwelling unit and an undivided interest in parts of the interior of the building, the exterior, and other common elements. The property shall be identified in a master deed and recorded on a plat with the County Clerk. The common elements shall comprise the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between the walls, the public interior spaces, exterior walls, streets, and recreational facilities. Condominiums may be used for residential and non-residential uses.

Consolidation. The removal of lot lines between contiguous parcels.

Construction. The act of adding to, altering, or extending an existing structure or the erection of a new principal or accessory structure on real property.

Conversion. A change in the use of land or a structure.

§1371.06 General Standards as Basis of Review

The Planning Commission shall approve an application for a special use permit, subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit, if it finds that the following general standards have been met:

- 1) The proposed use is compatible with the goals of the adopted comprehensive plan.
- 2) The proposed use shall be in harmony with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use, and the location of the site with respect to streets giving access to the site.
- 3) The proposed site development shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, taking into consideration the location, nature, and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site.
- 4) Neighborhood character and surrounding property values shall be reasonably safeguarded.
- 5) Operations in connection with the use shall not be offensive, dangerous, destructive of property values and basic environmental characteristics, or detrimental to the public interest of the city. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any permitted use not requiring a special use permit in the district.
- 6) Parking areas shall be of adequate size for the particular use, properly located, and suitably screened at all seasons of the year from adjoining residential lots and streets or roadways. Adequate provision for safe and accessible off-street parking and loading spaces shall be provided to prevent the parking in public streets of the vehicles of persons associated with or visiting the use.
- 7) The entrance and exit drives shall be laid out so as to achieve maximum safety and efficiency. The traffic access ways shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility, and sufficiently separated from street intersections and places of public assembly and meet safety considerations.
- 8) The use shall not cause undue traffic congestion or create a traffic hazard.
- 9) The general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the extent practicable.
- 10) The use shall be appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities and services. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.
- 11) The character and appearance of the proposed use, buildings, structures, and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood.
- 12) The use shall meet the prescribed area and bulk requirements for the district in which located or as further specified in the supplementary regulations, including such matters as minimum setback, maximum height, required off-street parking, and sign regulations.
- 13) The level of services required to support the proposed activity or use is or will be available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities, whether private or publicly provided, to accommodate the intended use.
- 14) The use shall be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources.
- 15) The proposed use conforms in all respects to all the regulations of this chapter and particularly to the specific supplementary regulations that may apply to such use.
- 16) The proposed use has no adverse effect on the public health, safety, and welfare.