



# CITY OF WHEELING PLANNING COMMISSION

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## City of Wheeling – Planning Commission

Meeting of the Wheeling Planning Commission: March 2, 2020.

Commissioners present: Conner, Jebbia, Mauck, Monroe, Scatterday, Schessler, West, and Wright.

Commissioners absent (excused): Schwarz.

Staff present: Connelly, and Humway-Warmuth

The meeting was called to order at 5:00 p.m. in City Council Chambers by Chairman Mauck.

### MINUTES:

February 3, 2020 meeting minutes. Motion for approval by Commissioner Monroe. Seconded by Commissioner Schessler. All in favor.

### COMMUNICATIONS:

Staff reported on an email from Joelle Moray of AEP regarding tonight's hearing pertaining to signs in the right of way, a correspondence from the City's Water Pollution Control Department consultant, CT Consultants regarding the sewer capacity in the area of GC&P's proposed development, and an email from a resident dated March 2, 2020 pertaining to the proposed GC&P development.

### PUBLIC HEARINGS:

*Proposed Zoning Ordinance Text Amendment: Prohibiting Signs in the Right of Way*

Chairman Mauck read into the record the proposed changes that appeared in a correspondence sent by staff to community organizations and requested staff to provide additional background. Staff provided background on the proposed amendment, including the existing content-based regulation in the zoning code as it pertains to signs in the right of way. Staff reviewed examples often found around the city. Staff offered their position to prohibit signs in the right of way with the exception of sidewalk signs as outlined. Rose Humway-Warmuth provided legal context for the proposed amendments. There was no one to speak at the public hearing. Staff requested the email comments received on this topic be entered into the record as well as the letter sent to the area organizations advising them of this public hearing. Commissioner Monroe inquired if any objections were received. Commissioner Monroe questioned if it would include political signs. Staff confirmed it applies to all signs. It is a content neutral regulation. Non-commercial signs could be placed on private property with that owner's permission. Commissioner Scatterday stated her only feedback was to clarify when it would take effect. Staff advised the earliest it could take effect would be April 21, but the recommendation from the Legal Department was to take effect sometime following the May 12, 2020 election day. Commissioner Scatterday confirmed signs on utility poles are already prohibited. Commissioner Wright recommending staff clarify what is the right-of-way for the benefit of the public.

In action on the matter, Commissioner Monroe, after making a few observations as to his thoughts on signs in the right of way, moved a motion to recommend City Council approve the proposed amendments. Seconded by Commissioner West. Commissioner Scatterday recognized since this requires enforcement on a content neutral basis, there are not many options, and she would like to see non-profits and other non-commercial entities be able to use the right of way. All were in favor.

### REPORTS:

Standing Committees: none.

Planning Staff: none.

### UNFINISHED BUSINESS:

*GC&P LLC Comprehensive Plan Amendment / Special Area Plan:*

Chairman Mauck recognized Michael Hooper, project representative, who provided an update to the Commission. Mr. Hooper advised that the geotechnical report anticipated to have been complete in February had not been completed and stated it would be completed and delivered by March 3, 2020 or sometime this week. Pertaining to the traffic impact study, Mr. Hooper advised Stahl Sheaffer Engineering, LLC have completed the ground work and are compiling the report. It was discussed that the target date of mid-March will likely be on or before March 23, 2020. Work continues with the WVDOH on the draft developer's agreement. Mr. Hooper advised they have met with the WV DEP to discuss their options. Mr. Hooper explained the first option is to seek a temporary site grading permit, which he described as the "exemption option" and only requires a stormwater permit, would not provide revenue to the city as the materials would be transferred out of state and then sold from there. Mr. Hooper stated that is not what his clients wants, so they are discussing the quarry permit. Mr. Hooper stated the quarry permit is a quicker path with a revenue benefit to the city and state. Commissioner Monroe inquired as to who makes the decision as to the options, Mr. Hooper advised they are able to make that determination. Mr. Hooper stated the current engineer, Thrasher, is comfortable with the stormwater permit process, but not the quarry permit process, so additional firms are being interviewed. Commissioner Mauck inquired if Mr. Hooper would be able to present this information at the April 6 meeting, to which Mr. Hooper advised that is the goal. The Legal Department requested Mr. Hooper provide the city with the contact at the WVDEP with whom the permit options are being discussed for purpose of filing a Freedom of Information Act. Mr. Hooper advised he hasn't met with the representatives personally, but would get the city the information. Commissioner Scatterday inquired as to why the consultants have not met their deadlines. Mr. Hooper responded they are trying their best. Commissioner Scatterday inquired of staff to explain who makes the determination on permit exemptions from the DEP. Staff stated he believed the WVDEP makes the determination as to the type of permit that is needed or if an applicant is exempt. Commissioner Mauck advised Mr. Hooper the Commission anticipates receiving the requested information prior to the April 6, 2020 meeting. Chairman Mauck opened a discussion on when to schedule the public hearing. Staff advised when the B&O auditorium is available and that a 30-day notice to the public is required.

In action on the matter, Commissioner Monroe moved a motion to set the public hearing for the Comprehensive Plan Amendment / Special Area Plan for May 11, 2020 at 6 p.m. in West Virginia Northern Community College's B & O Auditorium. Seconded by Commissioner Wright. All in favor. A brief discussion was held on how to conduct the hearing. The Commission will finalize those plans at the April 6, 2020 meeting.

**NEW BUSINESS:**

*Resolution - Site Plan – Carnegie Greene 30 – 37<sup>th</sup> Street*

Commissioner Conner read the Resolution into the record. In action on the matter, Commissioner Monroe moved a motion to approve. Commissioner Conner seconded the motion. All were in favor.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 5:47 p.m.

Respectfully submitted,

Chairman James "Jeff" Mauck