

BEFORE THE CITY OF WHEELING, WEST VIRGINIA
PLANNING COMMISSION

In re:

GC&P Development, LLC - Bethany Pike, WV 88

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TRANSCRIPT OF PROCEEDINGS

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Monday, October 19, 2020
5:22 p.m. - 5:35 p.m.

City-County Building
1500 Chapline Street
City Council Chambers
Wheeling, West Virginia

Planning Commission Members in Attendance

James "Jeff" Mauck, Jr., Chairperson
Martha Wright, Vice Chairperson
Christina Schessler
William Schwarz
Russell Jebbia
Howard Monroe
Thomas Conner
Jeremy West
Dave Palmer

Also in Attendance

Rosemary Humway-Warmuth, Esquire, City Solicitor
Michael Hooper, Esquire
Thomas Connolly, AICP

P R O C E E D I N G S

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2 CHAIRPERSON MAUCK: Okay. The last item on the
3 agenda is the Special Area Plan application -- or Special
4 Area Plan to the Comprehensive Plan Amendment. That was
5 mouth full, wasn't it?

6 Before I open this up, I just have a few
7 comments.

8 First of all, I would like to thank the more
9 than 200 wheeling citizens who rendered e-mails, opinions,
10 expert facts and data, the transcribed proceedings was
11 very helpful, second opinions from experts in the field
12 who live in wheeling and who referred us to expert
13 documents on dust and habitats and numerous other things,
14 people who wrote articles in the wheeling News Register
15 and the Intel, the paper, itself, their editorials, and
16 they followed us for more than a year -- I don't know how
17 long it's been -- 14 months and stuck with us. In my
18 opinion, this is democracy at its best, and we appreciate
19 all those people and hope you continue to be active in
20 public service and visit the wheeling Planning Commission
21 meetings and keep us informed and abreast of the issues
22 that need to be addressed in our City.

23 We are here tonight to consider whether the
24 designated area, woodsdale hill, which has been determined

1 to be a conservation development area by Wheeling City
2 Council when they approved the Comprehensive Plan is the
3 best use of that property or whether the proposal that we
4 have before us better reflects the community vision
5 established in the 2000 Comprehensive Plan than the
6 original recommendations of the comprehensive district.

7 So that's our task here tonight. We're going
8 to do that through all the information, e-mails we have
9 received, and analyze the benefits and impact of the
10 proposal before us and the current designation in the
11 Comprehensive Plan of a conservation development area.

12 With that said, Commissioners, I open it up to
13 you for discussion. Go ahead.

14 COMMISSIONER MONROE: I have a couple comments.

15 First of all, I concur with everything you said
16 and add an especially large thank you to the staff, Tom
17 Connelly. The amount of work that has gone into this is
18 more than I've seen in the many years -- you and I, Mr.
19 Mauck, have been here many years and some say too many,
20 but that's a whole different issue. But the amount of
21 work that went into this to gather the information, to put
22 it into a spreadsheet that we could read, to prepare a
23 very well-done lengthy explanation in our staff report so
24 we could follow along is deserving of tremendous credit.

1 Tom, I appreciate the work that you did, in particular, on
2 this. I really want to thank you for it. It's helped me
3 to think my way through some of this, although much of it
4 was akin to what I was thinking.

5 A couple of things that I want to say before we
6 get to a vote, whichever way we're going to vote, and some
7 of these are the "I do nots."

8 I do not think Mr. Coyne and Mr. Grayson are
9 some kind of nefarious schemers trying to destroy our
10 community. I do not believe that. I think they are
11 legitimate developers who want to make use of property
12 they have and they believe what's best for the City. I
13 reject the arguments that they are bad people.

14 I do not think -- despite all of the e-mails
15 that we received and some of the indications in the
16 geological studies, I do not think that we can
17 automatically assume that water runoff will become worse
18 with this, because I do believe that this would lead to a
19 managed form of water runoff and stormwater management and
20 so on. Therefore, I think it is possible to get better.

21 I do not think Woodsdale deserves any special
22 consideration above and beyond that which we give to any
23 other neighborhood. And if there's anything that -- with
24 due respect to those who wrote about the passion they

1 feel, "but this is woodsdale" bothered me along the way.
2 I give serious consideration to all these decisions, no
3 matter what neighborhood it might be in.

4 I would also say I do not think it is our
5 responsibility or frankly even our ability to determine if
6 there is a need for more restaurants or another Highlands.
7 I just think it's outside our realm of expertise and
8 frankly outside of our charter, if you will.

9 But there are things that I am concerned about.
10 I am concerned about the impact of the actual earth-moving
11 construction over many years, the impact of that on the
12 entire area there surrounding the project.

13 I am and have been since Day 1 several years
14 ago when this first came to us had a concern about traffic
15 access. It is a highly constrained access right now. Can
16 the access be improved? Perhaps. Will it be? I'm not
17 sure I've seen signs it will be for sure. We did see some
18 good traffic -- I thought some good proposals in this plan
19 that we have, but I yet to hear either side saying they
20 are going to pay for it, and that concerns me greatly.

21 As our staff member Mr. Connelly outlines in
22 his report, Comprehensive Plan Mission No. 6 is talking
23 about improving the quality of life, and I think that may
24 be the centerpiece of what we have to look at here.

1 So we are an entity that is concerned with the
2 land use. We are not a development agency. I have said
3 since the day I got on this commission 20 years ago
4 guardians of the Comprehensive Plan. I have shepherded
5 two comprehensive plans through this process over those
6 years, and so I believe that the previous plans -- and
7 this one, a lot of thought and effort went into preparing
8 it. These were not capricious decisions that were made.

9 So the big question is, as Mr. Connelly says:
10 Is there sufficient evidence to change the Comprehensive
11 Plan? I think this may be the right idea, but I think
12 it's the wrong place. There is just not an overwhelming
13 rationale in my mind for us to change our Comprehensive
14 Plan.

15 I have wrestled with this. Some folks, I
16 sensed, began with a preconceived notion. I did not. I
17 have spent an awful lot of time reviewing all of the
18 documents and trying to find -- as I always do, trying to
19 find a third way. I cannot find a third way. I just
20 don't see another way.

21 I wanted to get some of my -- I think some of
22 what we heard were unfair disparagements upon the
23 developers, and I do not want to see that. I do not
24 concur with that.

1 I think in the end the question is: Is there
2 sufficient evidence to change our Comprehensive Plan? For
3 a couple of reasons I mentioned there and more importantly
4 for the lengthy reasons mentioned in the staff report, I
5 don't think there are.

6 CHAIRPERSON MAUCK: Thank you, Commissioner,
7 Monroe.

8 Other comments? Questions?

9 (No response)

10 CHAIRPERSON MAUCK: Seeing none, we will
11 entertain a motion if you're ready.

12 COMMISSIONER WRIGHT: I'll make the motion that
13 the Special Area Plan not be granted. There will be no
14 amendment to the Comprehensive Plan.

15 COMMISSIONER MONROE: I would second that.

16 CHAIRPERSON MAUCK: Moved by Martha Wright and
17 seconded by Howard Monroe.

18 Additional comments?

19 (No response)

20 CHAIRPERSON MAUCK: Okay. Commissioners, we
21 have a motion to deny the Special Area Plan and the
22 amendment to the Comprehensive Plan. Push the button yes
23 if you agree with denial, no if you agree to approve.

24 (Electronic vote taken)

1 CHAIRPERSON MAUCK: We have an eight to zero
2 for denying the Special Area Plan.

3 Do you have any additional comments,
4 Mr. Connelly?

5 MR. CONNELLY: This will also appear in our
6 report to council for the first week of November.

7 CHAIRPERSON MAUCK: Okay. Thank you.

8 COMMISSIONER PALMER: To be clear,
9 Mr. Connelly, council will take no action since there was
10 no action taken here tonight? There will be no action
11 taken by council; is that correct?

12 MR. CONNELLY: Other than accepting the report.

13 COMMISSIONER PALMER: Okay. Thank you.

14 CHAIRPERSON MAUCK: Any comments for the good
15 of the order?

16 COMMISSIONER MONROE: I just want to repeat
17 again, I want to commend the developers for having
18 presented a well thought-out proposal. I don't think it
19 meets the needs we looked at, but I thought it was a well
20 thought-out proposal. I think they were very good about
21 dealing with the concerns that were raised, and they
22 deserve credit for all that.

23 Again, I do want to say thanks to all of those
24 people that presented their point of view. I have never

1 wrestled as hard as with this. That's for sure.

2 CHAIRPERSON MAUCK: Commissioner Monroe speaks
3 for me and also speaks for the Commission.

4 COMMISSIONER MONROE: I just want to say thank
5 you, sir, as you go away from the chairmanship. This has
6 been a difficult year -- not difficult, but it's certainly
7 been a busy year for you --

8 CHAIRPERSON MAUCK: It has.

9 COMMISSIONER MONROE: -- couple of years and
10 you have shepherded this issue through with a tremendous
11 amount of efficiency and equality and fairness, and I give
12 you a huge amount of credit for that.

13 CHAIRPERSON MAUCK: Don't let that lay a burden
14 on your shoulders.

15 The chair will entertain a motion to adjourn.

16 COMMISSIONER WEST: So moved.

17 CHAIRPERSON MAUCK: I'll second.

18 we're adjourned.

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1 STATE OF WEST VIRGINIA:

SS: C E R T I F I C A T E

2 COUNTY OF OHIO:

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4 I, Susan Sommer LeCron, Registered Professional
5 Reporter and Commissioner within and for the State of West
6 Virginia, duly commissioned and qualified, do hereby certify
7 that the foregoing Transcript of Proceedings is a transcript
8 of verbatim stenotype notes taken during the proceeding and
9 said Transcript of Proceedings constitutes all the testimony
10 taken during this proceeding.

11 I do further certify that this hearing was taken at
12 the date and time in the foregoing caption specified.

13 I do further certify that I am not a relative,
14 counsel or attorney of either party, or otherwise interested
15 in the event of this action.

16 IN WITNESS THEREOF, I have hereunto set my hand and
17 affixed my seal of office at St. Clairsville, Ohio, on the
18 21st day of October, 2020.

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Susan Sommer LeCron, RPR
Commissioner within and for the
State of West Virginia
My commission expires: 6/7/2022

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