

BEFORE THE CITY OF WHEELING, WEST VIRGINIA
PLANNING COMMISSION

In re:

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

* * *

TRANSCRIPT OF PROCEEDINGS

* * *

Monday, February 3, 2020
5:45 p.m. - 6:04 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
Wendy Scatterday
William Schwarz
Thomas Conner

Also in Attendance

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

P R O C E E D I N G S

1
2 CHAIRPERSON MAUCK: The next item of business is to
3 lift from the table GC&P Development, LLC, have Mr. Hooper
4 come up and speak to us about the three points that he has
5 briefed us with on the paper here and give you an opportunity
6 to ask questions about those three points.

7 MS. HUMWAY-WARMUTH: The Commission needs a motion
8 to lift from the table.

9 CHAIRPERSON MAUCK: I would like to make a motion
10 to lift the proposal of GC&P Development from the table.

11 COMMISSIONER MONROE: So moved.

12 CHAIRPERSON MAUCK: Commissioner Monroe moves.
13 Second?

14 COMMISSIONER SCHWARZ: Second.

15 CHAIRPERSON MAUCK: Commissioner Schwarz seconds.
16 All in favor, say aye.

17 ALL COMMISSIONERS: Aye.

18 CHAIRPERSON MAUCK: Opposed, nay.

19 (No response)

20 CHAIRPERSON MAUCK: Okay. It's lifted from the
21 table.

22 Mr. Hooper, you have the floor.

23 MR. HOOPER: Thank you, sir.

24 very briefly, as I set forth in my e-mail to

1 Mr. Connelly, we remain on schedule for the mid-March
2 submissions that we had represented at the December 16th
3 meeting of this body.

4 So from that standpoint, I can report that the
5 traffic study has been approved by the West Virginia DOH.
6 Traffic counts are underway. We met with them. The scope
7 has been set.

8 I also represent we had conversations with the West
9 Virginia DEP regarding the exemption from the quarry permit.
10 Again, we feel very confident that that will not be an issue,
11 that we will be exempt and that we will have something in
12 writing from the DEP in that regard.

13 Then as to the geotech, we attached the scope
14 letter that we received from David Hooper -- no
15 relationship -- at the Larson Design Group. I believe that
16 sets forth the issues that this Commission was concerned
17 about. We don't have the report yet, but we will get that to
18 you as soon as possible.

19 So, again, the Traffic Impact Study was the one
20 that was going to take the most time. The work that needed
21 to be done in terms of counting the cars and defining the
22 scope of the state, that is underway at this point.

23 So, again, we feel very comfortable that we will be
24 able to meet the mid-March submissions.

1 CHAIRPERSON MAUCK: Commissioners, questions?

2 COMMISSIONER WRIGHT: I have a question for you,
3 Tom. When you say mid March, he would have to have this
4 complete by -- are you talking about in order to be ready for
5 the April meeting?

6 MR. HOOPER: Correct.

7 COMMISSIONER WRIGHT: So it would have to be -- I'm
8 just curious. What's the count back on that?

9 MR. CONNELLY: Well, the April meeting is
10 April 6th.

11 COMMISSIONER WRIGHT: Right.

12 MR. CONNELLY: There could be a different date
13 scheduled though if needed. In talking with the community
14 college today, just anticipating a large crowd, their
15 auditorium is not available on April 6th. So with that said,
16 will it be here on April 6th, or do we wait a week? It
17 doesn't necessarily have to be at -- a public hearing doesn't
18 have to be a regular Planning Commission meeting. It's
19 convenient to do it that way.

20 We also discussed that when we advertise for a
21 public hearing, once that advertisement is written, it
22 informs the public that they can come to the office to review
23 the file. So they should have ample time to do that.

24 We're expecting the completed studies by mid March.

1 I would think then that mid April would be the soonest that
2 we would have our required 30-day notice. That's what the
3 state requires for a 30-day public hearing notice.

4 So we can work towards that date but not
5 necessarily schedule it tonight just because we don't have it
6 in hand, or we can say this is the date, and we will conduct
7 our public hearing based on what's been submitted.

8 COMMISSIONER WRIGHT: Then if it's mid March, it's
9 not going to be the 30-day --

10 MR. CONNELLY: Until April 6th, correct. If we say
11 we're going to have a public hearing on April 13th, which is
12 the following Monday, then everything that's submitted up
13 until --

14 COMMISSIONER WRIGHT: Okay. I just wanted to
15 clarify that.

16 CHAIRPERSON MAUCK: what I think we should do is to
17 send this to the Zoning Committee, and then have Mr. Hooper
18 come back and update us to make sure that he is on track for
19 the April 6th meeting or April -- whatever the date is in
20 April --

21 MR. CONNELLY: 13th would be the following Monday.

22 CHAIRPERSON MAUCK: -- and make a recommendation
23 back to the Planning Commission for their consideration at
24 the March 2nd meeting.

1 COMMISSIONER MONROE: Do you want a Zoning
2 Committee meeting --

3 CHAIRPERSON MAUCK: Prior to the March 2nd meeting.

4 COMMISSIONER MONROE: Okay.

5 COMMISSIONER SCATTERDAY: what would the
6 recommendation be? In regards to whether or not to have the
7 public hearing?

8 CHAIRPERSON MAUCK: To proceed or not, see where
9 Mr. Hooper is.

10 COMMISSIONER MONROE: The submittals won't be ready
11 yet. It seems to me he's already telling us that that's
12 not --

13 MS. HUMWAY-WARMUTH: Mid March.

14 MR. HOOPER: It's always possible. If I get it
15 done early, I promise I'll get to you as soon as I have it,
16 but I have been told by the experts that mid March was their
17 timeframe.

18 MS. HUMWAY-WARMUTH: well, Mr. Connelly, anytime
19 that you get any submittals from Mr. Hooper, you will fairly
20 quickly address those and send them out to the Commission,
21 correct?

22 MR. CONNELLY: Correct.

23 MS. HUMWAY-WARMUTH: so if we would go on this
24 track, to get those submittals that he stated should be mid

1 March, one would expect mid March to be the 15th, and on the
2 15th, give us a status to communicate to Mr. Connelly by that
3 time as to what has been received so that he could forward
4 them to the Commission. Then if we are on track, or even if
5 not, if the will is to set this hearing for an April date,
6 then Tom would have plenty of time to notify the paper and
7 provide dates within that notification between April 1 and
8 April whatever, 15th or 12th, and every document that we have
9 at that point in time relevant to this matter would be
10 available.

11 CHAIRPERSON MAUCK: Okay.

12 COMMISSIONER WRIGHT: Is it easier just to stick
13 with the regular -- are we going to move a meeting based on
14 material, or is the preference, instead of worrying about
15 that, just to put it in May?

16 MR. CONNELLY: well, we moved the hearing -- the
17 first three months of the year -- and then the fourth because
18 there is a holiday on the second week of April. So thinking
19 that people might not be available for that day, we just made
20 it the fourth month also to meet on the first Monday. So
21 generally our regular meeting date would have been
22 April 13th, but we can postpone it until the 13th, the 20th.
23 It doesn't have to be the Planning Commission meeting date.

24 COMMISSIONER WRIGHT: For the hearing?

1 MR. CONNELLY: For the hearing.

2 CHAIRPERSON MAUCK: which you said was April 6th.

3 MR. CONNELLY: It's currently scheduled for
4 April 6th. That's right.

5 MS. HUMWAY-WARMUTH: There may need to be that
6 larger room. I do understand exactly what you said. If it's
7 the will of the Commission that you set it for May, to see if
8 it's available May, whatever date in May, but if not, you
9 would have it -- this room will get very crowded. I would
10 anticipate that. The sound system at the college is better
11 for the crowd, but that's the prerogative of the Commission.

12 CHAIRPERSON MAUCK: In the meantime, we could
13 continue this matter until the next meeting and get it an
14 updated report next meeting to see if we want to schedule a
15 public hearing sometime in April.

16 MR. HOOPER: Sounds good to me.

17 CHAIRPERSON MAUCK: Yes?

18 COMMISSIONER MONROE: I'm inclined to follow
19 Commissioner wright's suggestion, which is -- let's just --
20 we can discuss it at next meeting. Let it go to May. My
21 thought is -- I want, speaking personally, time to review the
22 material once it comes in. If we don't get it until mid
23 March, then I want time to take a look at it, but we can deal
24 with that at the next meeting.

1 I have a question for Mr. Hooper if that's okay,
2 and/or our staff.

3 Mr. Hooper, you say the study has been approved and
4 the traffic counts are underway.

5 Tom Connelly, maybe you can tell me. I'm
6 searching, and I can't find my e-mail conversations that you
7 had with DOH. I got the impression that at the time you sent
8 that e-mail, they were not yet prepared. They are still
9 talking about it.

10 MR. CONNELLY: That was prior to December 16th
11 meeting. Up to the December meeting, I hadn't heard any
12 updates, and I believe getting ready for that meeting with
13 the Department of Highways -- the last contact was in
14 October. There was a very short timeframe between the
15 December meeting and the January meeting, and now we're in
16 the February meeting. So I believe the last contact that I
17 had with the Department of Highways was early December.

18 COMMISSIONER MONROE: Mr. Hooper, the traffic
19 counts are underway?

20 MR. HOOPER: Correct.

21 COMMISSIONER MONROE: Done by the Department of
22 Highways?

23 MR. HOOPER: I'm not sure if it's done by them or
24 our engineering firm, but they were approved by DOH. We went

1 in and suggested certain intersections. They came back and
2 said they wanted these intersections as well. So they set
3 the scope to do what they were told, and that's where we are.

4 COMMISSIONER SCATTERDAY: I would like to interject
5 on behalf of the residents who are still facing a lot of
6 uncertainty. The timeframe has labored here quite a bit. So
7 I would like to encourage us that -- I think the 30 days,
8 upon receipt of the materials that are going to be
9 provided -- we all definitely want the time to review, but
10 30 days I think is plenty of time to review what's submitted.
11 So whatever date is decided on for the submission and then
12 the subsequent hearing with that 30-day marker -- if we're
13 talking about March 15th, mid March, then 30 days would be
14 mid April, April 15th or thereabouts. I really like to
15 encourage that we do continue on a timeframe that doesn't
16 just keep pushing this longer and longer and longer for the
17 sake of the residents who continue to have great uncertainty
18 about their own property and their own life. They are in
19 limbo right now. To the extent this goes on and on, their
20 limbo continues.

21 No disrespect about the process, but, starting in
22 August and now we're talking about a hearing all the way in
23 May, I do feel that that's a disenfranchisement for the other
24 folks that are directly affected by this.

1 COMMISSIONER WRIGHT: I guess my comment would be
2 -- I would like to stay on what has been the established
3 schedule of the Commission so the people would know that and
4 be able to anticipate planning on being there versus calling
5 a special hearing for an individual piece, instead of just
6 staying on the Commission schedule. I mean, it's another
7 two weeks' difference.

8 COMMISSIONER SCATTERDAY: For the residents, that
9 makes a difference. It does.

10 COMMISSIONER MONROE: I understand that, and I have
11 great respect for that. On the other hand, this is one of
12 the largest projects we're going to be dealing with in a long
13 time, and it deserves -- with due respect to the concern of
14 the neighbors, I get it. I really do. I have family that
15 live there. It deserves full and complete attention and
16 plenty of time to work it out. While I don't want to leave
17 people in limbo, I don't want to rush it. Again, you may
18 think we're rushing it because we've been talking about for a
19 long time, but we won't be talking about it if we don't have
20 the information yet. We don't have the stuff that we need to
21 make those decisions. We can hash this out at maybe the next
22 meeting, but I think that we need to make sure that we don't
23 rush. This is one of the biggest things we're ever going to
24 deal with.

1 COMMISSIONER SCATTERDAY: I agree. I think it is
2 worth noting that the applicant could have come in hand with
3 these items in August and did not.

4 COMMISSIONER MONROE: I understand, but we are
5 right now --

6 COMMISSIONER SCATTERDAY: Part of the timeframe
7 here is because of the applicant and what was provided. So,
8 again, the continual prolonging is very challenging for the
9 folks that live on the hill, at the bottom of the hill, and
10 immediately adjacent.

11 COMMISSIONER MONROE: I completely understand that,
12 but it's challenging to me as a commissioner to make sure
13 it's fully and completely vetted, and we have all the
14 information that we need. Again, we can hash this out maybe
15 more at the next meeting.

16 MS. HUMWAY-WARMUTH: At the upcoming meeting, we
17 could just draw the line -- the hearing shall be upon this
18 date, and whatever has been provided has been provided, and
19 go from there.

20 COMMISSIONER WRIGHT: We are back to our regular
21 schedule as of May, back to the second Monday. I guess
22 that's what I'm trying to say, people expect it to be the
23 second Monday so they sort of know to plan that. When you
24 call a special meeting, maybe that throws them off or

1 something. That was my thought that -- let's just keep the
2 schedule.

3 COMMISSIONER SCATTERDAY: That's very well
4 reasoned. I will tell you that the psyche of the
5 residents -- the day that the meeting is called, they would
6 come tomorrow. What our regular schedule is not their
7 consideration.

8 MS. HUMWAY-WARMUTH: Is the second Monday in May
9 election day? I believe.

10 MR. CONNELLY: I think election day is the 12th.

11 COMMISSIONER WRIGHT: Tuesday.

12 MS. HUMWAY-WARMUTH: Okay.

13 COMMISSIONER SCATTERDAY: Part of why I'm
14 advocating this way, the neighbors have not been heard. The
15 neighbors have been able to send in e-mails, and that has
16 been their right, but in terms of their ability to voice
17 directly, which is different than an e-mail, that right has
18 not been given to them to date. That's really what my point
19 is that we've gone on and on and on, August, September,
20 October, November, December, January, February, March, April,
21 and now we're talking May, so months, and the voices of the
22 residents have not been directly heard from.

23 COMMISSIONER MONROE: But they will be.

24 COMMISSIONER WRIGHT: We've had a public hearing.

1 COMMISSIONER SCATTERDAY: No.

2 COMMISSIONER WRIGHT: That wasn't a public hearing.
3 You're correct.

4 COMMISSIONER SCATTERDAY: The ten months, looking
5 at the May date, that's a really big offset to not have the
6 direct input of the folks who live here. That, I feel like,
7 is worthy of consideration in a significant way.

8 CHAIRPERSON MAUCK: As Mr. Commissioner Monroe
9 said, we will consider that at the next meeting.

10 Anyone have anymore questions for Mr. Hooper?

11 COMMISSIONER SCHWARTZ: I do.

12 I'm just wondering, after the traffic study is
13 complete, can we expect that you'll be submitting the results
14 of the traffic study but also some possibly modified roadway
15 modifications that might need to be made as a result of the
16 traffic study?

17 MR. HOOPER: Certainly.

18 COMMISSIONER SCHWARTZ: Additional lanes or
19 overpasses, are you considering that as part of the
20 submittal?

21 MR. HOOPER: We'll know that once we receive the
22 report, but obviously our goal is to have this development
23 move forward, and in order to do that, we to have successful
24 traffic flow that accommodates everybody, at least to a

1 reasonable degree. That's where we're headed.

2 COMMISSIONER SCHWARZ: I'm just wondering because
3 the last traffic study that we looked at for the church, the
4 traffic study provided details about number of cars and delay
5 times of traffic, but the suggested -- or any plan
6 modifications to the roadway weren't addressed at all in the
7 traffic study. That would have been something else.

8 I'm just trying to understand. As far as their
9 schedule goes, you're going to submit the results of the
10 traffic study, but then I think one of the other concerns or
11 points for me at least to evaluate is -- based on the results
12 of this traffic study, we need to add this lane and this
13 lane, and we need to add this turning lane, and it's going to
14 be routed here. So in order to try to evaluate that, I'm
15 just wondering if you perceive that being ready at the time
16 the traffic study is submitted in mid March.

17 MR. HOOPER: Again, that makes perfect sense to me.
18 I will make sure that our engineer is aware of that. Again,
19 it has to be designed. If they are ready for it, we will be
20 ready for it.

21 CHAIRPERSON MAUCK: Other questions, Commissioners?
22 Comments?

23 COMMISSIONER MONROE: So we're just continuing this
24 into our regular order of business?

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CHAIRPERSON MAUCK: Yes.

Thank you, Mr. Hooper. I appreciate your time.

MR. HOOPER: My pleasure. I appreciate it.

CHAIRPERSON MAUCK: The next item on the agenda is
the Carnegie Greene site plan review.

* * *

1 STATE OF WEST VIRGINIA:

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

2 COUNTY OF OHIO:

3
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 time and place 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 14th day of February, 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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