



CITY OF WHEELING PLANNING COMMISSION

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STAFF REPORT OCTOBER 21, 2019

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 as noted on page 55 and requires a public engagement process similar to the original planning process, including:

1. Opportunities for the public to provide feedback on the SAP.
2. Analysis of both the benefits and impacts of the proposed alternatives.
3. Identification of how the SAP better reflects the community vision established in the plan.
4. Establishment of a revised future land use plan for the designated area.
5. Review and adoption by the city

PUBLIC ENGAGEMENT PROCESS:

1. Opportunities for the public to provide feedback on the SAP

The Commission needs to provide opportunities for public feedback on the SAP. In order to provide as much information as possible, the application and all attachments, exhibits, and correspondences have been made available on the city website at www.wheelingwv.gov/gcp which has also been linked to the city's social media sites since August. Opportunities for the public to provide feedback on the SAP at the city level are currently directed through the staff to the Planning Commission until the public hearing. All meetings are open to the public, although not all meetings are public hearings. The public hearing will be held at the discretion of the Commission, once they are satisfied with the level of information provided in order to properly conduct a hearing. The matter is concurrently being discussed at the community level at the Ward 4 monthly meeting, at an active neighborhood association meeting, as well as an applicant hosted community engagement meeting on October 14, 2019. Public engagement involving the Commission is limited to advertised meetings of the Planning Commission based on West Virginia law limiting the number of members able to attend an event together. State Code regarding the Comprehensive Amendment process outlines additional public engagement requirements, including input from other governing bodies.

2. Analysis of both the benefits and impacts of the proposed alternatives

The Commission should analyze the benefits and impacts of the SAP. In order for an analysis to occur, the Commission needs complete information on the proposal. Staff recommends the Commission have

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STAFF: THOMAS CONNELLY, AICP

the applicant respond to the pertinent comments below, including a complete list of DEP permits and reviews necessary for such an undertaking, a description of the expected activities necessary to reach the preferred development pad elevation, provide a Traffic Impact Study to the DOH for their review and comment on the road network's ability to accommodate the development and the applicant's position that traffic flow and safety will be improved, and any other information the Commission believes will be helpful in performing this analysis.

As represented in Exhibit 5 (July 29 letter to Commission), the applicant considers some of the benefits of the proposal to include: a new community-oriented and walkable mixed-use village, improved traffic flow and safety along WV 88, engineered stormwater management of the site, and an increase in revenue to the city and county.

3. Identification of how the SAP better reflects the community vision established in this plan

The Commission will need to determine if the SAP better reflects the community vision and the initiatives and goals derived from the vision found on page 37 of the plan that states:

“Wheeling will be a forward-thinking, modern, and sustainable community with a diverse economy, support for local entrepreneurs, strong community partnerships, robust neighborhood and infrastructure investments, and an emphasis on embracing the area's unique heritage, culture and recreational opportunities.”

The applicant has provided their interpretation of the Comprehensive Plan's Vision, Community Initiatives, and Goals as it relates to the SAP beginning on page 7 of Exhibit 5. Staff interprets the Vision, Goal and Initiatives differently. As an example, Initiative 1 – “Wheeling will be Modern and Sustainable”, (pg. 38) contains two subpoints and (pg. 40) four key points: Change Perceptions, Focus on Downtown, Recognize Natural Development Constraints, and Address Vacant Properties. Reading further into these points, staff interprets the subpoints as sustainability in the re-use of brownfields and vacant properties in the urban neighborhoods and downtown especially, as opposed to undeveloped land; and to discourage the unnatural development of steep slopes. The Commission will need to carefully review the text found in the Comprehensive Plan as it relates to the applicant's interpretation and application of the Comprehensive Plan to their proposal when determining if the SAP better reflects the community vision.

4. Establishment of a revised future land use plan for the designated area

A majority of the site is currently designated “Conservation Development” on Map 8 of the Comprehensive Plan entitled, Future Land Use. Portions of the site are also in the Suburban Residential Core. As described on page 55 of the plan, “Conservation Development” areas are parts of the city constrained by floodplain and steep slopes. The plan states, “The goal of the plan is to protect these resources, however modern development techniques and special engineering can sometimes open up these areas to development where they once were completely undevelopable”. The description continues to state, “Land designated for conservation development on the future land use map should be maintained in its natural state to the maximum extent possible.” “Suburban Residential Core” (p. 56) is described as “well-established neighborhoods with some historic context that should continue “as-is” with the primary use being single family residential at low to moderate densities and be the predominant land use, that may have areas where multi-family and commercial or office may be appropriate.”

The “Natural Resources” section outlined on page 13 / Map 3 identifies the proposed development site as having the steepest slopes (greater than 30%) – which is considered to have significant constraints to development unless there is special engineering and significant cutting and filling of the property. The plan also recommends (p. 65) to update the zoning ordinance to develop natural resource protection standards that would minimize the cutting or filling of steep slopes. The current zoning code (1373.07.e)

states “developments shall, insofar as practicable result in minimal degradation of steep slopes and conform to existing geological and topographic features to the end that the most appropriate use of land is encouraged.”

The applicant has not chosen a preferred future land use category if the Land Use Map were to be amended, however of the existing categories established and characterized in the Plan, the “Commercial and Office” category described on page 61 seems to fit the proposed uses within the SAP. This land use category includes areas “appropriate for commercial, retail, office and service use that cater to the local and regional market. The areas typically lie along major road corridors or at key intersections where there are high volumes of traffic.” The Commission should carefully consider if the site and situation of the property lend itself to this land use category.

5. *Review and adoption of the SAP by the city.*

Upon the conclusion of the review process the Commission will make a recommendation on the proposed Comprehensive Plan amendment to City Council.

INFORMATION REQUEST:

Following the August 12, 2019 meeting, staff requested input on the SAP application from other affected governing bodies including the West Virginia DOH, DEP, and SHPO; and the City of Wheeling Water, Water Pollution Control, Engineering, Fire, Police, Engineering, and Public Works. These correspondences are attached to this report. The applicant was also request to provide the geotechnical reports offered on page 4 of their July 29, 2019 letter to the Commission, and any other information that may be helpful to the Commission when considering the request. The following information is a summary of what can be found in the attachments:

West Virginia State Offices

1. Department of Highways: **Correspondence Set 1 (25 pages)**
 - a. Acknowledged the proposed access point from WV 88 appears to be feasible;
 - b. The full scope of the proposed modifications would be determined from an approved Traffic Impact Study (TIS);
 - c. Until a TIS is provided, a determination cannot be made regarding ability of DOH roadways to accommodate traffic associated with proposed development;
 - d. Any proposed modifications to the State Highway system would be implemented by the developer. The DOH has not committed to design or construct modifications.
2. Department of Environmental Protection: **Correspondence Set 2 (24 pages)**
 - a. Specific comments related to the proposed development cannot be provided until an application has been filed with the DEP.
3. State Historic Preservation Office: **Correspondence Set 3 (6 pages)**
 - a. Noted that their comments would be submitted under a Section 106 Review initiated by the anticipated involvement of federal agencies such as the US Army Corps of Engineers, the Federal Highway Administration and other regulatory and permitting agencies.

City of Wheeling Offices **Correspondence Set 4 (10 pages)**

4. Water Department:
 - a. The proposed elevation of the “preferred layout” will require exploration of solutions based on the estimated demand, current pressure zone, and existing supply not being able to be met by the water tank that serves this area.

5. Water Pollution Control:
 - a. Information was requested of the applicant regarding the proposed wastewater flow from the development.
6. Engineering:
 - a. No comments received.
7. Public Works
 - a. No comments received.
8. Police Department
 - a. No comments received.
9. Fire Department
 - a. No comments received.
10. GC&P Development LLC **Correspondence Set 5**
 - a. Exhibit 9 – Development Summary
 - b. Exhibit 10 – Sewage and Water
 - c. Exhibit 11 – Geotechnical Summary
 - d. Map 70 – Map with Cross Sections
 - e. Map 70a – Section A Line of Sight
 - f. Map 70b – Section B Line of Sight
 - g. Map70c – Section C Line of Sight
 - h. Map 80 – Existing Hydrology
 - i. Map 80a – Proposed Hydrology
 - j. Map 81 – Bird’s Eye – West to East
 - k. Map 82 – Main Entrance
 - l. Map 83 – Main Entrance Elevated with Roads
 - m. Map 84 – Main Entrance Showing Pads
 - n. Map 85 – Bird’s Eye - East to West
 - o. Map 86 – N.E. to S.W. Elevated View
 - p. Map 87 – N.E. to S.W. Side View with 2nd Entrance

11. Public comments: **Correspondence Set 6 (21 comments)**

The public was informed at the August 12, 2019 meeting that they could submit comments and questions to the Commission through the staff during the review process. Staff forwarded the public comments as they were received.

RECOMMENDATION:

Staff recommends placing this application on the table until such a time that the Commission has been provided with the necessary information to conduct a meaningful, well informed public hearing on the request. Staff recommends the Commission request information and responses to the comments that have been submitted by the public and governing agencies to date, which include:

1. A Traffic Impact Study (TIS) to the Department of Highways for their review and comment
2. List of all permits and review processes from state agencies with authority over the development
3. Response to the geological concerns raised in attachment Correspondence Set 6 p. 9-12 & 21-67

The review schedule will be determined by the speed in which the applicant is able to provide the above listed information. There is a 30-day public notification period for a public hearing on a Comprehensive Plan amendment. Because of this, the Commission is limited as to when the hearing can be scheduled based on the previous month's meeting date. This matter could be referred to the Zoning Committee, a subcommittee of the Commission, to further vet the issues at some point during the review. That committee meets the first Monday of the month.

1. Public Meeting #1: August 12, 2019
2. Public Meeting #2: October 21, 2019 (WVNCC B&O Building Auditorium)
3. Public Meeting #3: November 18, 2019 (WVNCC)
4. Public Meeting #4: December 9, 2019 (WVNCC)
5. Public Meeting #5: January 13, 2020 (WVNCC)
6. Public Meeting #6: February 10, 2020 (WVNCC)
7. Public Meeting #7: March 9, 2020 (WVNCC)