

## CITY OF WHEELING PLANNING COMMISSION

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#### **STAFF REPORT**

PLANNING COMMISSION HEARING DATE: Monday, November 14, 2022

**PROPERTY LOCATION**: 1035 Mt. de Chantal Road [see Exhibit 1]

Parcels 120, 144, and 145, Tax Map W53, Tax District 10

PROPERTY ZONING CLASSIFICATION: C-2 General Commercial [see Exhibit 2]

**NATURE OF REQUEST**: Preliminary and Final Site Plan Approval

**APPLICANT**: Tim Crowley, on behalf of Family Realty of WV, Inc.

#### **BACKGROUND**

Tim Crowley, on behalf of property owner Family Realty of WV, Inc., seeks simultaneous Preliminary and Final Site Plan approval for the redevelopment of two (2) single-family dwelling sites into a new parking are to expand the number of parking spaces for the Figaretti's Restaurant establishment and to construct a detached accessory storage/cooler building. The proposed development plan is summarized as follows:

- The existing restaurant principal building is located on Parcel 120. Parcels 144 and 145 were once occupied by single-family detached buildings that were recently razed and removed to make ready for the proposed development.
- The restaurant currently has 9 to 10 functioning parking spaces, which does not include the angled parking spaces adjacent to the building that have not been in regular use since the restaurant started offering curbside take-out service during the pandemic. According to the applicant, Figaretti's customer base has grown to enjoy and expect continued curbside take-out service.
- The total number of proposed parking spaces is 19, which approximately doubles the number of on-site parking and includes two (2) accessible parking spaces that are not currently provided.
- The applicant also seeks to construct a detached accessory storage building 16 feet by 40 feet (640 square feet). The restaurant's existing cooler will be relocated and attached to the proposed accessory building.
- The applicant's development objectives are to:
  - Increase the supply of on-site parking thereby reducing on-street parking congestion.
  - Redesign the layout of the parking area to reduce on-site vehicular congestion resulting from curbside take-out service initiated during the pandemic and expected to continue.

#### Page 1 of 4

- Increase the efficiency and improve the utilization of back-of-the-house restaurant operations by relocating storage space to the proposed accessory building and relocating the cooler to be attached to the proposed accessory building.
- As Exhibit 2 illustrates, the development site is composed of the three (3) separate parcels, the following of which relate to the Planning Commission's consideration of the applicant's Site Plan.
  - The zoning classification for Parcel 144 is currently R-1C Single-Family (High Density), while Parcels 120 and 145 are zoned C-2 General Commercial. The applicant submitted a Zoning Map Amendment Petition to reclassify Parcel 144 from R-1C to C-2. That petition was considered by the Planning Commission at its 17 OCT 2022 hearing, and it forwarded a favorable recommendation to City Council. City Council passed on First Reading the ordinance to amend the zoning map accordingly on TUE, 01 NOV 2022 and is scheduled to consider the Second Reading and adoption of the ordinance at its regular meeting on TUE, 15 NOV 2022.
  - To ensure the accessory building and accessory parking are located on the same parcel as the principal restaurant building and use, Parcels 120, 144, and 145 must be consolidated into one (1) parcel. Lot consolidation can be accomplished by recording notations placed on the recorded deed to each lot as a covenant running with the land so that, for planning and zoning purposes, the lots may not be considered separate parcels of real estate for land use, development, conveyance, or transfer of ownership, without having first obtained the expressed approval of the Wheeling City Planning Commission.
- The applicant has prepared a landscaping and screening plan that requires variance relief but, in the opinion of Planning Staff, observes the spirit and intent of related Planning and Zoning Code provisions and allows substantial justice to be done.
- The applicant intends to begin construction shortly after received requisite entitlement approvals (i.e., zoning map amendment, site plan, and variances).

#### PLANNING COMMISSION REVIEW

Article 1373 of the City's Planning and Zoning Code empowers the Planning Commission to review and approve, approve with modifications/conditions, or disapprove site plans for certain development enumerated under Article 1373.03, the following of which pertain to the applicant's Site Plan.

- Article 1373.03(a)(3) New parking lots or expansions of existing parking lots, with a total of ten (10) or more parking spaces.
- Article 1373.03(a)(4) Any new structure or addition in a nonresidential district if the lot abuts a residential district.

As provided in Article 1373.05(a) and Article 1373.06(c), City Planning Staff conducted pre-submission and sketch plan conferences with the applicant to identify and explore Planning and Zoning Code compliance and site plan improvements, which are reflected in the preliminary and final site plan development documents submitted by the applicant and included herein under Exhibit 4.

City Planning Staff advises the Planning Commission that the applicant's simultaneous submission of the Preliminary and Final Site Plan, as provided under Article 1373.05(c), and the Planning Commission's simultaneous review and determination of same can and should be acted upon accordingly.

Site Plan Approval Family Realty of WV, Inc.

#### **ANALYSIS**

Article 1373.07 of the City's Planning and Zoning Code provides the 18 General Standards as Basis for Review that the Planning Commission is obligated to consider in its review of Site Plan applications. It should be noted that the Planning Commission is not permitted to specify or favor any particular architectural style or design or assist in the design of any of the buildings submitted for site plan approval. Participation by the Planning Commission is restricted to a reasonable, professional review and, except as otherwise provided under the 18 General Standards, full responsibility for design is retained by the applicant.

Exhibit 3 of this report provides Staff plans review observations under each of the 18 General Standards and is provided as a resource for the Planning Commission in fulfilling its obligation to either approve, approve with modifications/conditions, or disapprove the applicant's Site Plan.

Based on Staff plans review, the following development entitlement approvals/actions are required for the proposed Site Plan:

- Zoning Map Amendment to reclassify Parcel 144 from R-1C to C-2 General Commercial, the
  ordinance for which is scheduled for Second Reading and adoption at City Council's regular
  meeting on TUE, 15 NOV 2022.
- Site Plan for which the Planning Commission is presently considering.
- <u>Lot Consolidation</u> to merge Parcels 120, 144, and 145 under single ownership that compose the
  subject development site into one (1) parcel for planning and zoning purposes by recording
  notations placed on the recorded deed to each lot as a covenant running with the land so that the
  lots may not be considered separate parcels of real estate for land use, development, conveyance,
  or transfer of ownership, without having first obtained the expressed approval of the Wheeling
  City Planning Commission.
- <u>Variance Relief</u> from the following Planning and Zoning Code requirements, which are included on the BZA's November 17, 2022 agenda:
  - Variance Request No. 1. Variance relief from Article 1355.03(a) to permit parking spaces to be developed within the minimum 10-foot front yard setbacks along Mt. de Chante Road and Pearl Avenue for the subject corner lot, the proposed parking space setback for which is five (5) feet with said front yards.
  - Variance Request No. 2. Variance relief from 1355.04(b) waiving the requirement to develop full depth concrete or granite block curbing along the perimeter of proposed parking area.
  - Variance Request No. 3. Variance relief from the following interior parking area landscaping requirements:
    - Variance relief from Article 1355.05(a) to permit the one (1) requisite major deciduous shade tree to be planted outside the parking area instead of within the parking area; and,
    - Variance relief from Article 1355.05(b) and Article 1373.07(d)(7) waiving the requirement to develop interior parking area raised planting islands.

 Variance Request No. 4. Variance relief from Article 1355.04(d) waiving the requirement to develop on-site lighting thereby allowing ambient light or currently available light within the immediate built environment to serve as adequate and proper lighting of the proposed parking area.

#### STAFF RECOMMENDATION

City Planning Staff respectfully advises the Planning Commission to simultaneously grant Preliminary and Final approval of the developer's Site Plan application with the following recommended conditions:

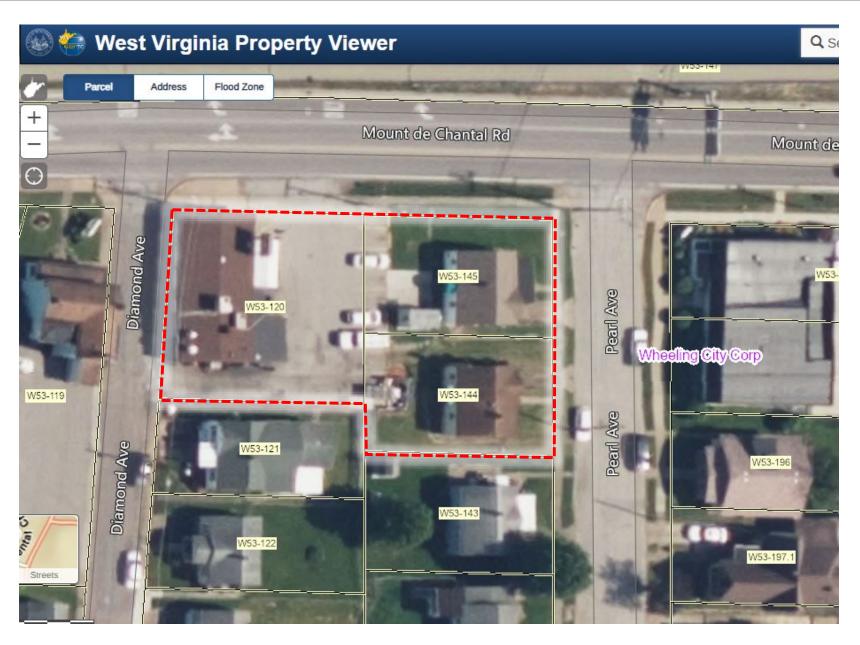
- 1. That zoning map amendment approval must be granted by City Council to reclassify Parcel 144 from R-1C Single-Family (High Density) to C-2 General Commercial.
- 2. That the Board of Zoning Appeals (BZA) must grant variance relief from the Planning and Zoning Code requirements enumerated under the Analysis Section of this report.
- 3. That, prior to the issuance of any development related permits, Parcels 120, 144, and 145 on Tax Map W53 under single ownership composing the subject development site must be consolidated into one (1) parcel for planning and zoning purposes by recording notations placed on the recorded deed to each subject lot as a covenant running with the land so that said lots may not be considered to be a separate parcel of real estate for land use, development, conveyance, or transfer of ownership, without having first obtained the expressed approval of the Wheeling City Planning Commission.

However, should the Planning Commission determine that additional information is necessary for further analysis and exploration, Staff respectfully advises the Planning Commission to refer the subject Site Plan Application to the commission's Zoning Subcommittee with instructions to the subcommittee, staff, and applicant on specific matters of additional information, clarification, etc. that are expected.

#### **ATTACHMENTS**

- Exhibit 1 Site Location
- Exhibit 2 Zoning Classification
- Exhibit 3 General Standards as Basis for Review
- Exhibit 4 Applicant's Submitted Documents

### **EXHIBIT 1 – SITE LOCATION**

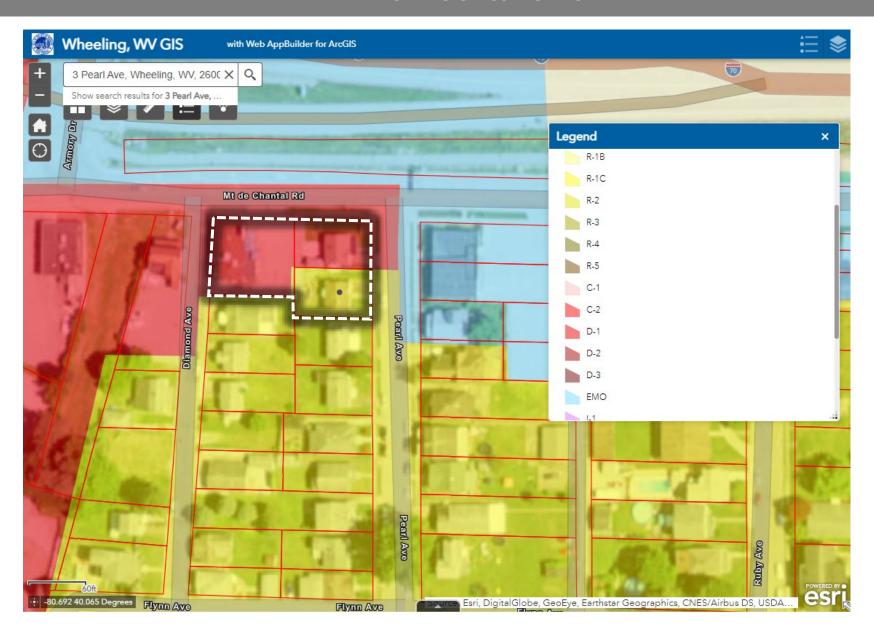


### **EXHIBIT 1 – SITE LOCATION**





### **EXHIBIT 2 – ZONING CLASSIFICATION**



The following City Staff plans review observations are provided under each of the 18 General Standards as Basis for Review established under Article 1373.07 of the City's Planning and Zoning Code and are intended to serve as a resource for the Planning Commission in fulfilling its obligation to either approve, approve with modifications/conditions, or disapprove the applicant's Site Plan.

# (A) RELATIONSHIP OF PROPOSED DEVELOPMENT TO THE ADOPTED CITY OF WHEELING COMPREHENSIVE PLAN

The <u>Comprehensive Plan Map 8</u>: <u>Future Land Use</u> provided on Pages 53-54 of the Plan identifies the majority of the subject development site (Parcels 120 and 145) as being within the Commercial/Office Future Land Use Area. Parcel 144, which is included in a separate Zoning Map Amendment Petition to reclassify it from R-1C Single-Family (High Density) to C-2 General Commercial, is in the Suburban Residential Core and the Mixed-Use Development Overlay Future Land Use Areas.

According to the 2014 Envision Wheeling Comprehensive Plan, the Commercial/Office Future Land Use Area category covers areas of the City that would be appropriate for commercial retail, office, and service uses that cater to both the local and regional market. The areas typically lie along major road corridors or at key intersections where there are high volumes of traffic. General commercial uses are the primary shopping locations for the community and include, but are not limited to, grocery stores, wholesale clubs, large-scale general retail, discount department stores, specialty retail, restaurants, banks, and gas stations. The heavy retail focus of these areas makes them primarily auto oriented. However, the plan strongly encourages development that establishes pedestrian access between nonresidential buildings and surrounding residential development. The Comprehensive Plan notes on Page 57 that the City should allow for the continuation of existing commercial and office uses in the Suburban Residential Core, particularly where they provide a needed service to the neighborhood.

It is the opinion of City Planning Staff that the proposed development of additional parking and the accessory storage/cooler building to serve the Figaretti's Restaurant is consistent with the City's current Comprehensive Plan.

#### (B) RELATIONSHIP OF BUILDINGS TO THE SITE

Although the proposed building is an accessory storage/cooler building for the Figaretti's Restaurant, its planned location on the site, setback, and screening methods appears to demonstrate regard to the adjoining residential use and neighborhood. Variance relief from Article 1355.03(a) is required to permit parking spaces to be developed within the minimum 10-foot front yard setbacks along Mt. de Chante Road and Pearl Avenue for the subject corner lot, the proposed parking space setback for which is five (5) feet within said front yards.

#### (C) RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA

The proposed screening strategy for the accessory storage/cooler building and accessory parking utilizes hardscape and softscape materials common to residential uses thereby advancing an acceptable transitional design solution between the commercial restaurant use and the adjoining residential zoning district and neighborhood.

#### (D) LANDSCAPE, BUFFERING, AND SITE TREATMENT

The image to the right is clipped from the applicant's integrated Site Plan and Landscape Plan, with emphasis added highlighting the applicant's design care to incorporate:

- Appropriate opaque and open fencing at varying heights to screen the site and headlights from parking vehicles from the adjoining dwelling unit and provide a vertical edge separating the vehicular space of the parking area and the adjoining pedestrian space along the public sidewalks.
- Landscaping materials that soften the edges of and buffer the site along Mt. de Chantal Road and Pearl Avenue and their respective sidewalks, thereby augmenting the screening function of the proposed fencing.

Variance relief will be required as follows:

- Variance relief from 1355.04(b) waiving the requirement to develop full depth concrete or granite block curbing along the perimeter of proposed parking area.
- Variance relief from the following interior parking area landscaping requirements:
  - Variance relief from Article 1355.05(a) to permit the one (1) requisite major deciduous shade tree to be planted outside the parking area instead of within the parking area; and,
  - Variance relief from Article 1355.05(b) and Article 1373.07(d)(7) waiving the requirement to develop interior parking area raised planting islands.

#### KEYED NOTES: (SHOWN AS (#))

- 1 NEW ASPHALT PAVING SHOWN HATCHED
- 2 APPROX. LINE OF EXISTING ASPHALT PAVING
- 3 NEW 6" x 6' PARKING BUMPERS (TYP, OF 16)
- 4 NEW 16' x 40' HEATED STORAGE BLDG. (640 SF) WITH PEAK OF ROOF HEIGHT AT 14'-6"
- 5 COOLER TO BE 7'  $\times$  13' (91 SF) W/ ROOF HEIGHT AT +/- 9'-0" (THE ROOF HEIGHT IS UNDER 15')
- 6 DUMPSTER TO BE 4 YARD UNIT PROTECTED AS SHOWN BY 4 PAINTED STEEL 3' HIGH BOLLARDS
- 7 WHITE VINYL PRIVACY FENCE TO BE 6' HIGH 8 TO BE INSTALLED 12" FROM PROPERTY LINE
- 8 WHITE VINYL 4' HIGH PRIVACY FENCE
- 9 WHITE VINYL 3' HIGH OPEN FENCE
- 10 PARKING SPACED 18 & 19 TO BE MARKED AS EMPLOYEE ONLY PARKING SPACES
- 11 CATCH BASINS TO BE 24" x 24" DEPTH TO BE DETERMINED BY SITE WORK CONTRACTOR
- 12 UNDERGROUND PIPING TO CONNECT CATCH
  BASINS TO BE 8" HDPE PIPE DEPTH TO BE
  DETERMINED BY SITE WORK CONTRACTOR
  AS IS THE INVESTIGATION OF EXISTING SITE
  UTILITIES TO BE AVOIDED LINE IS TO BE RUN
  UNDER EXISTING PARKING LOT W/ INSTAL, OF
  CLEAN OUT AS REQ'D LINE TO BE TIED INTO
  NEW CATCH BASIN TO BE INSTALLED BY CITY
  ALONG DIAMOND AVENUE, PATCHING OF EXIST,
  ASPHALT TO BE DONE AFTER LINE INSTALL.
- 13 CONCRETE PAD AT DUMSPTER AREA & UNDER COOLER
- 14 PAINTED ARROW TO INDICATE DRIVE DIRECTION
- 15 SIGN TO SAY DO NOT ENTER
- 16 FLARE ASPHALT DRIVE OUT W/ 5' RADIUS & REWORK SIDEWALK AS REQUIRED TO MEET THE SLOPE OF THE ASPHALT DRIVE THIS ALL OCCURS WHERE EXISTING CURB CUT FOR OLD DRIVE WAY WAS WHICH IS TO BE REMOVED.
- 17 ALL PAINTED LINES SHOWN ARE DIMENSIONED TO CENTER LINE OF 4" WIDE PAINTED LINES
- 18 LOW-GROWING LANDSCAPE PLANTS AT THIS AREA SET IN A MULCH BED
- 19 SKY PENCIL JAPANESE HOLLY OR SIM. EVER-GREEN SHRUB W/ VERTICAL CYLINDER SHAPE GROWTH CANNOT INTERFERE WITH POWER LINES ABOVE AND SHOULD NOT OBSTRUCT EXISTING RESTAURANT SIGNAGE
- 20 BOXWOOD OR SIMILAR EVERGREEN SHRUB
- 21 MAJOR DECIDUOUS TREE TO BE 2 1/2" CALIPER AND TO BE INSTALLED TO ALIGN W/ EXISTING TREE ALONG PEARL AVENUE

#### (E) ECOLOGICAL CONSIDERATIONS

The subject development site is void of any steep slopes, highly erodible soils, stands of mature vegetation or extraordinary wildlife nesting, feeding or breeding grounds, or topographic or known geological features. The two (2) single-family detached dwellings that once occupied Parcels 144 and 145 were recently razed and removed to make ready for the proposed development.

#### (F) SCENIC, HISTORIC, ARCHAEOLOGICAL, AND LANDMARK SITES

According to the <u>West Virginia State Historic Preservations Office's online interactive map</u>, the development site is not located in a Historic District nor are there any historic buildings or landmarks within the development site. There are no known archaeological resources within or known archaeological surveys of the development site.

#### (G) STORM DRAINAGE

The City of Wheeling's Water Pollution Control Division (WPCD) is the jurisdiction having authority for the review, approval, permitting, and inspection of soil erosion and sediment pollution control plans and stormwater management plans. The applicant's stormwater management plans are included, as required, in the Site Plan documents. City Planning Staff defers to the WPCD accordingly.

#### (H) DRIVEWAY CONNECTIONS TO PUBLIC STREETS

As many restaurants evolved during the pandemic to offer drive-up or "contactless" food service, the utilization and function of Figaretti's site has changed over the past couple of years. The ratio between dine-in and curbside carry-out services has shifted, which has resulted in congestion points within the Figaretti's existing parking area. Like most restaurants that were able to make this shift during the pandemic, the applicant confirmed that customers have grown accustomed to and now appear to expect this level of food service to continue.

The image to the right of the applicant's the site plan includes staff illustrative emphasis. Although not to scale, the blue area generally illustrates the flow of vehicles entering the site from Mt. de Chantal Road, queuing for curbside carry-out, and then maneuvering to exit the site onto Diamond Avenue.



The red dashed/circled areas identify existing conflict/congestion points, which will remain for vehicles exiting the new parking area through the existing site rather than onto Pearl Avenue.

The development's primary objectives are to reduce on-street parking congestion and improve site efficiency to better accommodate both dine-in and carry-out customers. The site is limited by fixed space and geometry. The applicant appears to have employed site design strategies with an understanding and view of both on-site and off-site effects and benefits, paying particular care to the proposed driveway access onto Pearl Avenue. Specifically, the proposed driveway access to Pearl Avenue will be exit only, signed and designed to prohibit/restrict entry from Pearl Avenue, thereby reducing adverse impacts on Pearl Avenue movements and neighboring residential properties.

#### (I) TRAFFIC EFFECTS

Although a traffic impact study of the proposed driveway access onto Pearl Avenue does not appear warranted, City Administration has worked with the applicant to identify design solutions that have been incorporated in the proposed Site Plan that should serve to reduce adverse impact on the volume and movement of traffic within the immediate area. The exit only trip generation onto Pearl Avenue is expected to be negligible in terms of traffic counts within and the existing Level of Service of the Mt. de Chantal and Pearl Avenue intersection. Accordingly, the City's Public Works Department is prepared to approve the proposed Pearl Avenue driveway access as proposed.

#### (J) PEDESTRIAN SAFETY

The proposed landscape and screening plan provides separation between the existing sidewalks and the proposed parking areas along Mt. de Chantal Road and Pearl Avenue and should serve to improve the pedestrian experience traveling along the development site's frontages.

#### (K) ON-SITE PARKING AND CIRCULATION

As discussed under General Standard (H) above concerning driveway connections to public streets, it appears the applicant has demonstrated care in maximizing the number of onsite parking spaces while reducing onsite circulation congestion resulting from the curb-site carry-out service the restaurant now offers. The location of and dimensional layout for the parking spaces, parking areas, and drive aisles appear to meet the Planning and Zoning Code's related development and performance standards.

#### (L) UTILITY SERVICES

Underground or overhead electrical service to the proposed accessory storage/cooler building has not been determined by the applicant yet. It should be noted that overhead electrical service appears to be the common delivery method for residential buildings within the adjoining neighborhood and nonresidential uses along the Mt. de Chantal commercial corridor.

#### (M)DISPOSAL OF WASTES

The site appears to incorporate adequate solid waste storage facilities for the proposed restaurant and appears to include bollards at the rear of the dumpster pad to protect the proposed accessory storage/cooler building from potential damage resulting from replacing the dumpster after being collected by the hauler. The restaurant operator will ultimately be responsible for securing adequate service with the solid waste and recycling hauler (i.e., dumpster size, number of pickups per week, etc.).

#### (N) NOISE

The proposed accessory parking area and accessory storage/cooler building are not anticipated to generate outside noise above normally acceptable levels customary to such uses and within the Mt. de Chantal commercial corridor.

#### (O) ADVERTISING FEATURES AND SIGNS

Not applicable.

#### (P) PEDESTRIAN AND BICYCLE CIRCULATION

See observations under General Standard (J) above concerning pedestrian safety.

#### (Q) LIGHTING

Variance relief from Article 1355.04(d) is necessary to waive the requirement to develop on-site lighting thereby allowing ambient light or currently available light within the immediate built environment to serve as adequate and proper lighting of the proposed parking area.

#### (R) BUILDING DESIGN

The design of the proposed accessory storage/cooler building appears to reflect architectural style and treatments common to similar residential accessory storage structures, but at a scale that reflects the intended commercial use. As noted under the General Standard (F) above concerning scenic, historic, archaeological, and landmark sites, the development site is not located in a Historic District nor are there any historic buildings or landmarks within the development site that warrant historic design considerations. Proposed materials appear to have good architectural character that are in harmony with traditional building materials of similar accessory storage buildings in both commercial and residential built environments.

## **EXHIBIT 4 – APPLICANT'S SUBMITTED DOCUMENTS**

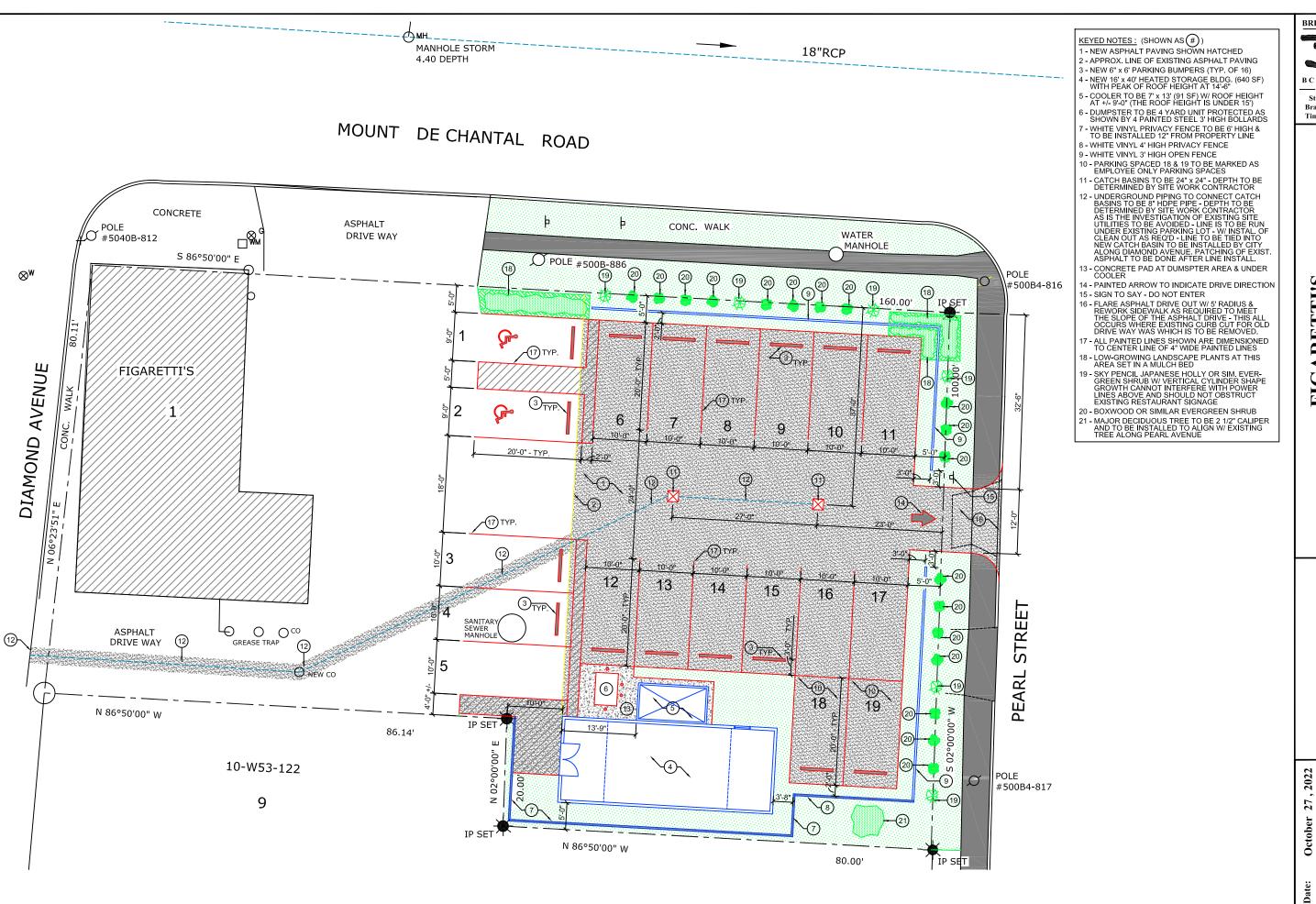
# **SEE FOLLOWING PAGES**



# 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.

<ol> <li>Address of Property:</li> </ol>	1035 MT. DECHUNTO	ELRO I I PEARL AV	7 3 POMEL AVE	
2. Name of Property Owner:	FAMILY REALTY OF WAST VIRGINIA, LIC			
3. Name of Applicant:	TIM GROWLEY FOR FAMILY REPORTY			
4. Address of Applicant:		ST. CLAIPSVILLE, OH	43950	
5. Applicant Phone:	740-296-1242		304.280.8452	
6. Existing Use:	RESTAURANTUPA	PKING LOT & (2) FOR	MGR/ DOMO'SD HOMBS	
7. Proposed Use: C Same			STAY + HOW PARKING LOT	
8. Number of off-street parking	spaces to be provided:	12	AND ACCOUNTY	
9. Number of off-street loading	berths to be provided:	0	BUILDING	
COMPLETE THE SECTION	ON RELOW EOR THE ERECT	TION, ALTERATION, OR ADI	Control of the Contro	
Type of Improvement:		Residential:	more of Admocrate	
New Building STORAGE	CANLISE FOR		g dwelling units: 2 FORUGE HOURS	
( Addition	COUC		sed dwelling units:	
Alteration / Repair		Hamber of propos	<u> </u>	
Existing Principal Building:  Dimensions: Width: 29.5 ft.				
Setbacks: Front: ft.	Rear: 19 ft. Side:	ft. Other Side:	J. It. Height/stones. [7/2	
Setbacks: Front: NA ft.	x Depth: 13 ft. =  Rear: ft. Side:	ft. Other Side:	E MOVED A ATTACHED LDING - As HOTE BELOW ing covered porches: 91 sq. ft.  ft. Height/Stories:	
Proposed Construction: ACCESSORY	STORAGE BUILDING W	DIMS. AS HOTED BECOM	7'X13' COOLER ATTACHED	
			ing covered porches: 640 sq. ft.	
The state of the s			10 ft. Height/Stories: 121/1	
Applicant Signature:	posty		Date: 2022-10-06	
Owner Signature:	in Colin Trek	93	Date: 2022-10-06	
Reset Form		Print F	orm Rev: 01/27/2015	



BREISCH & CROWLEY

FIGARETTI'S
PARKING LOT
1035 Mt. DeChantal Road
Wheeling, WV 26003

SITE PLAN

1/16" = 1'-0"	2216	#. C 1

**Jop** #:

