

To: Morgan County Planning Commission Members

From: Justin Cowles – representing Owner/Seller: Cacapon Associates, LP
– representing the CSUA public sewer utility

RE: Preliminary proposal: PUD Re-plat to merge 4 small parcels into 1 larger parcel

Date: January 27, 2015 Public Meeting

The subject property is an 8-acre tract located along the US 522 corridor in the unincorporated area of Omgs: generally defined as the ½ mile +/- section of highway between the area of Alemond Road and Oakland Road. Within that ½ mile stretch, there are approximately fifteen (15) current or recent commercial establishments including 3 lodging establishment, 2 convenience stores, 3 restaurants, 2 antique/consignment stores, seasonal flea market, and 2 undeveloped tracts of land platted for future commercial. The subject property itself has a history of commercial use. Moreover, the Morgan County Comprehensive Plans references Omgs Unincorporated in the chapter detailing Preferred Development Areas, and recent zoning proposals have mapped the subject property area as suitable for mixed-use commercial development.

When Cacapon Associates, LP first acquired the property at the corner of Oakland Road and US 522, the initial notion was commercial development. However, when Cacapon Associates saw a booming residential market pricing the average working family of Morgan County out of the American Dream of home ownership, they decided to attempt a work-force housing project. With Planning Commission approval (including all well permits, sewer permits, entry permits, WVDEP permits, SWM requirements, etc.), Cacapon Associates, LP divided the land into 12 small parcels for that endeavor. However, no regional builders were interested in constructing entry-level homes for Morgan County's working families when they were profiting greatly by building upscale vacation destinations and retirement homes for transplants. Then the recession hit and the real estate market collapsed. The need for work-force housing is no longer as urgent, but will remain a focus for the subject property. At this time, no portion of the property has been sold, no buildings constructed, and the Owner retains all rights to the entire 8-acre parcel.

The preliminary PUD Re-plat proposal before you is to merge four (4) of the small parcels into one (1) larger parcel for future development as retail. It is NOT a Commercial Improvement Application. The merits and technical specification of any future retail development should be addressed if and when such application is submitted and schedule for public meeting. Whether the future retail development is an upscale boutique retailing arts and crafts to tourist and wealthy transplants or a discount retailer serving the working families of southern Morgan County, the specifics and technical requirements of a retail development are NOT the subject of this PUD Re-plat proposal which merely aims to merge four (4) small parcels into one (1) larger parcel.

The Morgan County Comprehensive Plan envisions commercial development patterns congruent with water and sewer capacity, and encourages the placement of mixed-use and higher density development in areas where public utilities are available. The subject property is in the service territory of the CSUA – a West Virginia Public Service Commission regulated sewer utility. As a publicly-regulated sewer provider,

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the Utility is under a WVPSC mandate to provide service to any applicant in the service territory so long as capacity exists. In conversation with the WVBU PH and the Utility operators, it is clear that providing sewer service to a single retail establishment will be far *less* demanding on the Utility than serving four (4) single-family homes. The design flow calculations for a single retail establishment are significantly *less* than the volumes from four (4) residential dwellings. A retail establishment does not generate wastewater flow from bathing, laundry, cooking, dish washing, etc. In the event preliminary approval for the PUD Re-plat is granted, the WVBU PH has assured the Utility that modifying the permit will be minor and will not require extensive documentation or public hearing, but rather be handled by staff as the proposal will *reduce* flow and demand on the Utility's treatment facilities.

Several persons have indicated that they are concerned with the number of waivers requested. Bear in mind, this is a re-development proposal with the *current permits still in effect*. It is NOT in the best interest of the community, the property owner, the public utility, or this Commission to cancel or modify the existing permits previously mandated by this very Commission without, at minimum, preliminary approval for the project to move forward. While the required permits modifications will be minor and technical in nature, and certainly be required prior to any Final Plat approval, they may have a tremendous impact on the existing property if modified in advance and the preliminary proposal is denied. Here are a few examples:

Entry Permit: There is a currently a DOH permitted entrance to serve the 12 small parcels already of record. The entrance already exists. The PUD-Re-plat on the table proposes to *lessen* the amount of traffic at the current entrance by *reducing* the number of parcels served from twelve (12) to eight (8). If the Owner allowed the Developer to *downgrade* this permit prior to preliminary application as stated in the Ordinance, the Planning Commission would be between a rock and hard place: either grant preliminary approval for the project to move forward or there will be four (4) parcels, of record and fully transferrable, that no longer have permitted access to a public roadway. It is far better that any permit modification to the existing entry occur only if the re-plat proposal is preliminarily approved.

Sewer Permit: There is a current WVDEP/WVBU PH sewer permit to serve the twelve (12) small parcels of record. If the CSUA public utility allowed its sewer permit to be modified in advance to remove from the permit the four (4) parcels proposed to be merged, the Planning Commission would again be between a rock and hard place: either approve the preliminary proposal or, by default, there will be four (4) small parcels, of record and fully transferrable, no longer permitted for sewer service and ineligible for septic. It should be preferred by all that this permit only be modified if the project proposal can move forward.

Parcel Size: There is some resistance in Morgan County to smaller, more affordable parcels. The subject property is already of record as twelve (12) small parcels of approximately ½ -acre each. A waiver requests that the existing parcels not merged be grandfathered to remain as currently of record. The PUD Re-plat on the table intends to *reduce* the number of small parcels. Granting the waiver will not result in more small parcels, but rather result in *fewer* small parcels by merging four (4) into one (1). Denying the waiver and disallowing the re-plat to move forward will, by default, result in twelve (12) small, work-force parcels rather than the proposed eight (8) remaining.