



Planning / Streets and Traffic Committee

January 28, 2019

6:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

Agenda

Rezoning

Rezoning: Bill No. 7801 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from R-10 Mixed Use District to C-8 Village Commercial District property located at 706 Central Avenue, Charleston West District, Map 21, Parcels 417.1, Charleston, West Virginia.

Miscellaneous

Approval of the Minutes of the December 3, 2018 Planning Committee meeting

Approval of the Minutes of the December 19, 2018 Streets and Traffic Committee meeting

Discussion: Standards of Review



PUBLIC HEARING NOTICE

Notice is hereby given that the City of Charleston's Municipal Planning Commission will hold a public hearing:

DATE: January 9, 2019

TIME: 3:00 p.m.

PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Rezoning

Bill No. 7801 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from R-10 Mixed Use District to C-8 Village Commercial District property located at 706 Central Avenue, Charleston West District, Map 21, Parcels 417.1, Charleston, West Virginia.

Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

The file (including the application, plans and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1. For more information, please call (304) 348-8105 or visit the office. As a matter of general policy these proceedings will not be transcribed by the Commission. Anyone wishing a legal transcript must provide a court reporter at his/her own expense.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Butterworth", is written over a horizontal line.

John Butterworth
Subdivision Coordinator
Neighborhood Planner

Municipal Planning Commission

Checklist for Application for Rezoning

MPC Hearing Date: _____

Bill #: _____

Applicant Information	Property Information
Name: <i>Mildred Snyder</i>	Address: <i>706 Central Avenue</i>
Address: <i>118 Centre Court Rd</i>	Tax Map and Parcel:
Phone: <i>304-541-6146</i>	Zoning District:
Agents Name, Address, Phone (If other than Applicant):	Property Owner and Mailing Address: (if other than applicant)

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a petition to rezone using the format in the sample provided; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) a map of the area proposed for rezoning, drawn to scale; 4) a list of the owners, with their mailing addresses, of the properties within a 250 foot radius of the property for which the rezoning is being sought; 5) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

PETITION

The following items shall be included in the petition which shall be filed in the format of the attached sample:

Section I

1. Statement of petitioner's identity as contract purchaser, agent or owner.
2. Property Address including Kanawha County Tax map and Parcel No.

Section II

1. Description of the use for which a rezoning is being requested and specific district being requested.

Section III

1. Applicable Sections of the Zoning Ordinance.
2. Statement of compliance with the City of Charleston Comprehensive and Neighborhood Plans.
3. If applicable, justification for a variance from the City of Charleston Comprehensive Plan and Neighborhood Plans.

Section IV

1. Statement of sponsorship of the Bill to Rezone by a member of City Council.
2. Statement of inclusion of a list of all property owners within 250 of the subject property.
3. Statement that the subject property is shown on a map of the subject property that is attached.
4. \$125.00 filing fee.

BILL

The following items shall be included in the Bill submitted along with the above petition:

1. Name of sponsoring member of City Council
2. Bill filed electronically with the Planning Department in the exact format shown on the attached sample Bill.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

Signature

Date

11/15/18

Bill No. 7801

Introduced in Council

January 7, 2019

Introduced by

Deanna McKinney

Passed by Council

Referred to

Municipal Planning Commission
Planning Committee

1 Bill No. 7801 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted
2 the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an
3 R-10 district to a C-8 district, that certain parcel of land situate at 706 Central Avenue,
4 Charleston, West Virginia.

5
6 Be it Ordained by the City Council of the City of Charleston, West Virginia:

7
8 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st
9 day of January 2006, as amended, is hereby amended by rezoning from an R-10 district to a
10 C-8 district the whole of the following described parcel of land:

11
12 Parcel No. 417.1 as shown on Charleston West Tax Map No. 21. Subject parcel
13 commonly known as 706 Central Avenue, Charleston, West Virginia. Said tax
14 map is of record in the Planning Office.

15
16 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby
17 amended in accordance with Article 27 of this ordinance.

18
19 3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are
20 hereby repealed to the extent of such inconsistency.
21

**PETITION TO REZONE FROM R-10 TO C-8
THE LAND AT 706 CENTRAL AVENUE,
CHARLESTON, WEST VIRGINIA**

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I

Petitioner is the owner of the property situate at 706 Central Avenue, Charleston, Kanawha County, West Virginia.

II

Petitioner wishes to have the subject property rezoned from an R-10 use to a C-8 use, said property described as follows: All of Parcel No. 417.1 as shown on Charleston West Tax Map No. 21. Subject parcel commonly known as 706 Central Avenue, Charleston, West Virginia The above-mentioned tax map is as of record in the Charleston Planning Department.

III

Petitioner proposes to utilize the property for food production while selling those prepared items on a mobile food truck. The property will also be used by an attorney for the practice of law in a designated portion of building. A healthy eating class, 'Millie Snyder's SUCCEED' teaching the Mediterranean lifestyle, meets at the site every Tuesday.

IV

Although this area is zoned R-10 it is adjacent to a significant C-8 corridor area and the petitioner requests minor expansion of the district on Central Avenue.

V

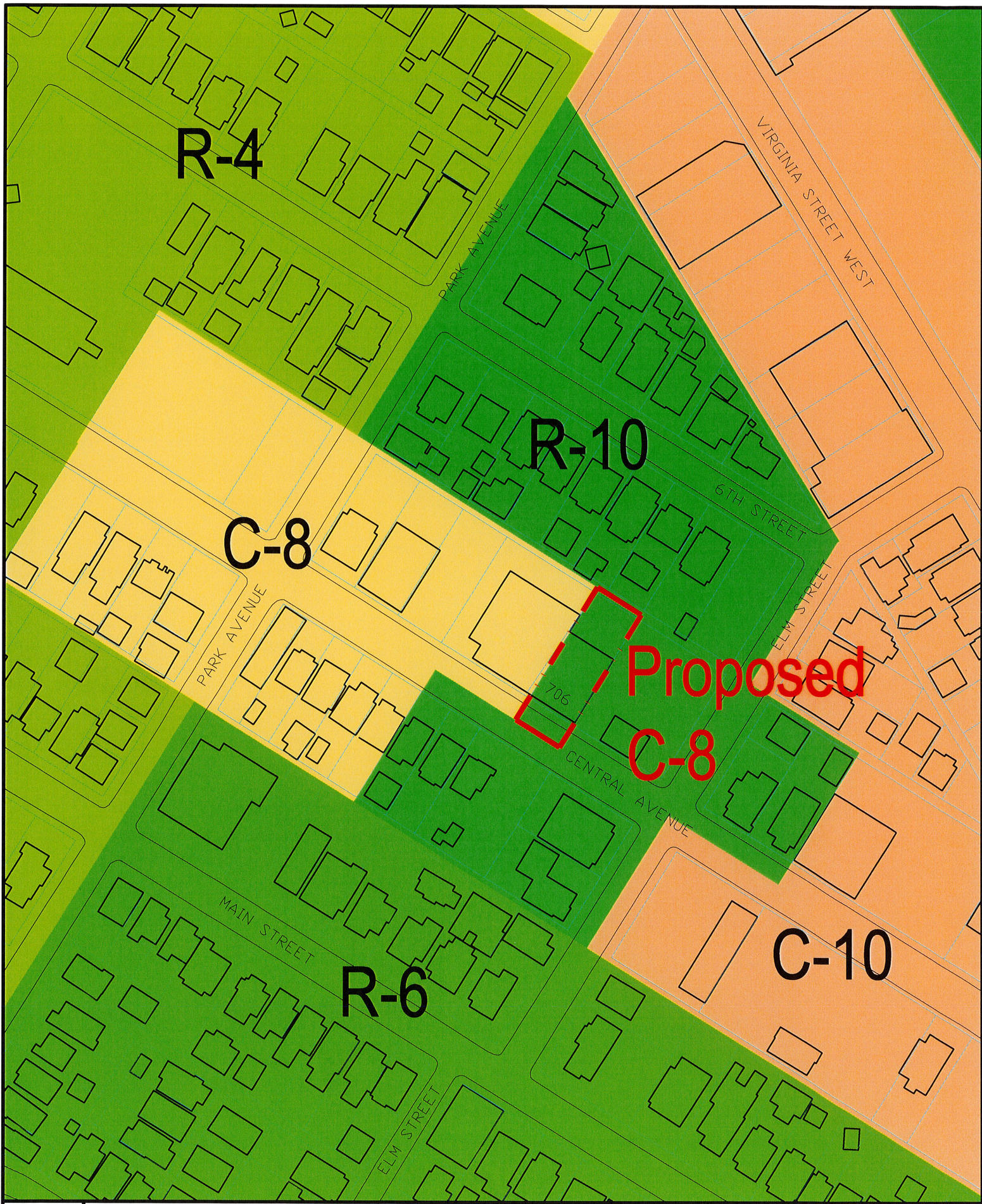
Attached hereto is a Bill to accomplish the request rezoning a list of property owners who own property within 250 feet of the subject property, a map of the subject property, and a \$125.00 filing fee.

Respectfully submitted this 11th day of
November, 2018.

By: _____
Mildred Snyder

PROPERTY LOCATION





REZONING FROM R-10 TO C-8

STAFF
EXHIBIT 1

**Planning / Streets and Traffic Committee
Staff Analysis
January 28, 2019**

REQUEST:

Bill No. 7801 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-10 district to a C-8 district, that certain parcel of land situate at 706 Central Avenue, Charleston, West Virginia.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore the Committee's role is to review the recommendation of the Municipal Planning Commission and forward a recommendation to City Council for final action. The Committee should determine if the request is spot zoning and if it is consistent with the Comprehensive Plan. A rezoning is considered spot zoning when all the following factors are present: A small parcel of land is singled out for special and privileged treatment; The singling out is not in the public interest but only for the benefit of the landowner; the action is not in accordance with the comprehensive plan. If a request is inconsistent with the comprehensive plan, the committee should consider if the original zoning classification was in error, or if the character of the area has changed significantly since the adoption of the comprehensive plan. Proposed uses should be treated with care, because once rezoned, any use that is permitted within the district would be permitted 'by right' with no review by the Committee.

HISTORY: None.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-10 Mixed Use District and is currently developed as a single-story, professional office style building.

Surrounding Land Use and Zoning: The surrounding areas include general commercial uses including office and service style business uses, single and multi-family housing, and an electric power substation. To the north is the R-10 zoning district developed as single-family homes. To the West is the C-8 zoning district developed as a single-story commercial building and single and multi-family uses. To the east is the R-10 zoning district developed as an AEP electric power substation. To the south is the C-8 zoning district developed as single and multi-family housing.

Current Zoning: The R-10 district allows for a range of mixed uses including single family housing, multi-family housing, and professional offices, and as a conditional use art galleries, community centers, and assisted living facilities, among others.

Proposed Zoning: The C-8 district allows for a wide range of commercial uses including professional office, personal service, all classes of dwellings, and as a conditional use permit, shopping centers, bar/nightclubs, and gambling establishments, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Mixed Use Corridor".



Summary: This application to rezone the property is in pursuit of allowing the property to be used for commercial use. The Future Land Use Map depicts this area as "Mixed Use Corridor". The comprehensive plan describes this as an area to "Mixed Use Corridor" calling for the area to:

"To promoted quality development along Charleston's main corridors."

There was no opposition at the public hearing and the Municipal Planning Commission unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

- The rezoning is consistent with the future land use map which designates this property as "Mixed Use Corridor".
- The rezoning from R-10 to C-8 would allow for consistency between the development style of the property and the zoning classification.
- Rezoning to C-8 allows for continued beneficial use in pursuit of the comprehensive plan's "Mixed Use Corridor" allowing for a variety of residential and commercial uses along Central Avenue, one of Charleston's main corridors.

Municipal Planning Commission

Hearing and meeting: Wednesday, January 9, 2019, at 3:00 p.m., in the Conference Room of the City Service Center, 915 Quarrier Street.

Members Present

Aric Margolis, President
Reverend Braxton Broady
Teresa Moore
Chad Robinson
Jesse Forbes
Lex Williamson
Dallas Staples
Lisa Fischer-Casto
Deanna McKinney
Mary Beth Hoover

Members Absent

Margo Teeter
Christi Smith
Adam Krason
Shawn Taylor
J.D. Stricklen

Staff Present

Dan Vriendt
John Butterworth

Call to order – Aric Margolis

MR. MARGOLIS: We would like to welcome Mary Beth Hoover, our new Council Representative on the Planning Commission.

Unfinished Business:

Rezoning: Bill No. 7801 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from R-10 Mixed Use District to C-8 Village Commercial District property located at 706 Central Avenue, Charleston West District, Map 21, Parcels 417.1, Charleston, West Virginia.

MR. MARGOLIS: Is the applicant here to speak?

MS. SNYDER: My name is Mildred Snyder and I am the owner of 706 Central Avenue, Charleston, West Virginia. This is for the request for 706 to be a commercial building as there are some business entities that I would like to make available in the building that will be for the greater good of Charleston to be developed sometime this year. That is the reason I would like the building to become totally commercial.

MR. MARGOLIS: All right. Anything to add?

MS. SNYDER: No.

MR. MARGOLIS: Questions from the Commission? (No response.) Staff notes, please.

MR. BUTTERWORTH: In your packets you have Bill 7801 which was introduced by Councilwoman McKinney. You also see the zoning map with the proposed rezoning to C-8 highlighted in red. There's also a street view in there which we can pull up on the projector as well.

If you will consult your staff notes, this is a rezoning request and so the Planning Commission needs to assess basically the appropriateness of the zoning change considering all the permitted principle and conditional uses and also conformity with the Comprehensive Plan. The property is currently zoned R-10, which is Mixed Use District. It's developed as a single-story professional office-style building as you can see from the street view there.

Surrounding uses: If you'll look at that zoning map, you'll see R-10 to the north, C-8 to the west, R-10 to the south and east. The eastern parcel from the subject property is an AEP substation. Of course, utilities are permitted in, by conditional use, in the R-10, but it's been developed that way for a long time. The change from R-10 to C-8, you can see there that R-10 generally allows for multi-family housing, single-family housing, professional offices, and as conditional uses, art galleries, community centers, assisted living facilities, etc.

A change to C-8 would allow for also professional office, professional personal services, all classes of dwellings and, as a conditional use permit, shopping centers, bars, nightclubs and gambling establishments.

As far as conformity with the Comprehensive Plan, on the future land use map, which is on the second page of your staff notes, you'll see that this area is highlighted in purple which is identified as Mixed Use Corridor. To summarize Mixed Used Corridor is described as to promote quality development along Charleston's main corridors.

Recommendations and Findings:

Staff recommends **approval** for the following reasons:

- The rezoning is consistent with the future land use map which designates this property as "Mixed Use Corridor".
- The rezoning from R-10 to C-8 would allow for consistency between the development style of the property and the zoning classification.
- Rezoning to C-8 allows for continued beneficial use in pursuit of the comprehensive plan's "Mixed Use Corridor" allowing for a variety of residential and commercial uses along Central Avenue, one of Charleston's main corridors.

With that, I'll be happy to answer any questions.

MR. MARGOLIS: We're really just talking about one parcel expanding.

MR. BUTTERWORTH: This is a big minor expansion in the C-8 district to a property that's already Mixed Use in designation, yes.

MR. MARGOLIS: Any questions from the Commission? (No response.) Anybody here to speak in favor of the application? (No response.) Anybody here to speak in opposition of the application. (No response.) Hearing and seeing none, I will close the case and entertain a motion.

Motion and Vote: On motion of Chad Robinson, seconded by Dallas Staples, the Commission voted 10 to 0 to approve Bill 7801.

Approval of the December 12, 2018, Minutes: On motion of Chad Robinson, seconded by Lex Williamson, the Commission voted 10 to 0 to approve the Minutes.

Announcements:

MR. VRIENDT: I would like to add that we have three council members on the Planning Commission now because Deanna McKinney won her council seat in Ward 7 and Chad Robinson won his council seat also. We have Naomi Bays here in the audience that won At Large, and I'd like to introduce you to the new director of MOECD, Mr. Larry Malone.

MR. MARGOLIS: Welcome. I apparently was mistaken because I thought you couldn't be both on Commission and be a Council member. That's obviously false.

MR. VRIENDT: The Board of Zoning Appeals you're not allowed to be on any other city boards because they're like a quasi-judicial entity.

MS. MOORE: I'm like Aric. When we first came on Commission, we were told the only Council person was that person.

MR. VRIENDT: No. It can be open to anybody as long as they're a resident of the City of Charleston.

MR. BUTTERWORTH: I think there needs to be one Council member.

MR. MARGOLIS: There's always a requirement for the Planning Committee Chairperson to be on this, right?

MR. VRIENDT: It doesn't have to be the Chair.

MR. MARGOLIS: Will there be a representative of the new Mayor's Office?

MR. VRIENDT: There will and I don't believe that's been decided.

The only other announcement I have is that we're working with the Charleston Urban Renewal Authority to update the West Side Community Renewal Plan because it's about ten years old now. Maybe at the next meeting we could have a brief presentation on that by the consultants or by Ron Butlin and also as part of the adoption process of this West Side Community Renewal Plan that will come before this committee for a vote on consistency with the Comprehensive Plan.

MR. MARGOLIS: What's next month looking like?

MR. VRIENDT: I don't know how many of you know, but in the West Side and East End Community Renewal Plans they have some zoning requirements in there. We're going to pull all those zoning requirements out of those plans and put it back in the Zoning Ordinance and that's going to require a text amendment. Specifically, the CBD Zoning Corridor Village District, we're going to pull that out of these Urban Renewal Plans and put that in the Zoning Ordinance so it's all in one place. That's a carry over from long ago bad practices of the Urban Renewal Authority asserting zoning control in the Urban Renewal districts. So, we'll have a text amendment next month.

MR. MARGOLIS: With regard to the West Side, specifically, a lot of it's R-6 I believe and I'm getting some feedback that virtually every piece of parcel is already nonconforming because they don't meet the current sizes. If you've already got some nonconforming parcels, it makes it hard to do stuff, to develop.

MR. VRIENDT: I'd say that's not really true to a large extent.

MR. MARGOLIS: Okay.

MR. VRIENDT: When we updated the Zoning Ordinance in 2007, we made even nonconforming lots buildable by right. Before, you had to get special permission on that. We also lessened the setback requirements, so if you're matching the neighborhood, you're not required to get a variance for it. I think we need to do a better job of promoting that, that you can build on these lots by right without any variances or special meeting.

Discussion:

There was a discussion about the Kanawha City greenhouse on MacCorkle Avenue.

Adjournment.

Planning Committee of Council

December 3, 2018

Immediately following the City Council Meeting at 7:00 pm
City Hall – 601 Virginia Street - Council Chambers

Members Present

Mary Jean Davis, Chairperson
Jack Harrison
Mary Beth Hoover
Bobby Haas
Andy Richardson
Susie Salisbury
Jerry Ware
Becky Ceperely
Courtney Persinger

Members Absent

None

Staff Present

Dan Vriendt
Mandi Carter

MARY JEAN DAVIS: - Call to Order

Right of Way Closing

Bill No. 7794 closing, abandoning, and discontinuing a portion of a public street along Quarrier Street in the 700 block near the intersection of Summers Street, Charleston Corporation East District, Kanawha County, West Virginia.

MS. DAVIS: I need a motion to consider.

Motion to Consider: Andy Richardson, seconded by Susie Salisbury.

MS. DAVIS: Dan.

MR. VRIENDT: The attorneys for the Library and the City have reviewed the Bill. All the relevant city departments have reviewed and approved the request. The Planning Commission unanimously recommended approval and there has been no opposition.

The Planning Department recommends approval for the following reasons:

1. Closure of the portion of right-of-way will not disrupt the existing pattern of streets or negatively impact traffic flow.
2. The area to be gained on Summers Street will ensure continued safe pedestrian flow along this street with preservation of the sidewalk.
3. Legal access provided by city rights-of-way will not be adversely affected.
4. Closing the right-of-way along Quarrier Street will allow for the improvement of a critical public institution.
5. The proposal includes the trade of property to the City that exceeds the size and value of the property to be conveyed away.

MS. DAVIS: Any further discussion? Question?

Motion and Vote: On motion of Andy Richardson, seconded by Becky Ceperley, the Committee voted 9-0 to recommend passage of Bill 7794.

Air Rights

Resolution No. 147-18 – Granting Kanawha County Public Library an Easement for use of air rights over Quarrier Street to construct and connect a Skybridge for pedestrian foot traffic between the building owned by Kanawha County Public Library, on the West side of Quarrier Street and the South side of Capitol Street, and the City's Municipal Parking Garage No. 6 on the East side of Quarrier Street in the City of Charleston, West Virginia upon certain terms and conditions and also granting Kanawha County Public Library certain rights to parking spaces in the City's Municipal Parking Garage No. 6.

MS. DAVIS: I need a motion to consider.

Motion to Consider: Andy Richardson, seconded by Becky Ceperley.

MS. DAVIS: Dan.

MR. VRIENDT: The resolution will grant an air right to the Library to facilitate the connection of the skybridge to the Municipal Parking Garage on Summers Street. All the relevant city departments have reviewed and approved the request. The Planning Department recommends approval for the following reasons:

1. Conveyance of air right as described in the agreement will not impede or disrupt vehicular or pedestrian flow along Quarrier Street.
2. Legal access provided by city rights-of-way will not be adversely affected.
3. Conveyance of air right as described in the agreement will allow for the improvement of a critical public institution within the downtown core.

MS. DAVIS: Any further discussion? Question?

Motion and Vote: On motion of Andy Richardson, seconded by Susie Salisbury, the Committee voted 9-0 to recommend passage of Resolution No. 147-18

MS. DAVIS: Next on the agenda would be approval of the November 26th minutes.

Minutes of the November 26, 2018 Meeting: On motion of Andy Richardson, seconded by Becky Ceperley, the Committee voted 9-0 to approve the minutes.

Motion to Adjourn: On motion of Jack Harrison, seconded by Mary Beth Hoover, the Committee voted 9-0 to adjourn the meeting.

MINUTES

STREETS & TRAFFIC COMMITTEE MEETING

5:30 P. M., DECEMBER 19, 2018

A/V CONFERENCE ROOM

Mary Beth Hoover, Chairperson, called the meeting of the Charleston City Council Committee on Streets and Traffic to order at 5:30p.m., DECEMBER 19, 2018, in the Audio/Visual Room in City Hall.

Committee Members Present:

Mary Beth Hoover, Chair

Bobby Haas

Rutha Chestnut

Jeanine Faegre (via phone)

Sam Minardi

Sharon King

Others:

Scott Ferry

Matt Hartline

The Chairperson called the meeting to order.

The first item to be discussed was Bill No. 7800 – A Bill to establish a No Parking Tow-Away zone on both sides of Sunset Drive from the intersection of South Drive to a point 650 feet to the northwest. Scott Ferry explained the geography of the proposed bill. Councilmember S. King assured the members that the involved residents had ample on-street parking. Councilmember Haas made a motion to approve the bill. Councilmember S. King seconded. With the ayes being in the majority, Bill No. 7800 was approved.

Old Business – Councilmember Faegre asked if the East End (Michigan Avenue) Parking issue had been resolved. Councilmember Hoover answered that a compromise was trying to be reach on the timing of the parking but nothing had moved forward since the last meeting.

Councilmember Hoover motioned to adjourn the meeting. Councilmember Faegre seconded.

Meeting adjourned.