



Municipal Planning Commission

Wednesday, February 5, 2020

3:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

Agenda

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Rezoning: Bill No. 7863 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 creating the Neighborhood Reinvestment Overlay Zoning District including provisions for residential density, parking, and development standards, containing all parcels of land as shown on the attached map included as Exhibit A, Charleston, West Virginia.

- 4. Minutes of the January 8, 2020, MPC meeting**
- 5. Announcements**
- 6. Adjournment**

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

Bill No. 7863

Introduced in Council

Passed by Council

February 3, 2020

Introduced by

Referred to

Mary Beth Hoover

**Municipal Planning Commission
Planning, Streets, and Traffic**

Bill No. 7863 - A Bill 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 creating the Neighborhood Reinvestment Overlay Zoning District including provisions for residential density, parking, and development standards, containing all parcels of land as shown on the attached map included as Exhibit A, Charleston, West Virginia.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, as amended, by creating the Neighborhood Reinvestment Overlay District (NRO) and establishing rules related to the land uses and development standards permitted therein. The new provisions shall read as follows:

Sec. 21-010 Purpose

The purpose of overlay zoning districts is to allow the City to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City for a specific property, location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives.

In addition to the conventional zoning districts established by this ordinance, the following overlay districts are established:

- A. Urban Renewal Overlay (UR)
- B. Historic District Overlay (HD)
- C. Neighborhood Conservation Overlay (NC)

31 D. Neighborhood Reinvestment Overlay District (NRO)

32
33 **Sec. 21-030-05 Application Requirements**

34 ~~All applications for development and redevelopment activities of properties located~~
35 ~~within an Urban Renewal District, as approved by City Council, shall be initiated with the~~
36 ~~Charleston Urban Renewal Authority.~~

37
38 **Sec.21-060 Neighborhood Reinvestment Overlay District (NRO)**

39
40 **Sec. 21-060-01 Purpose**

41 The Neighborhood Reinvestment Overlay District seeks to uplift distressed communities
42 where disinvestment has resulted in a concentration of dilapidated properties, vacant
43 structures, and under-utilized land.

44
45 The NRO promotes vibrant and desirable urban neighborhoods by encouraging housing
46 types ranging from small lot bungalows to duplexes and triplexes, and from townhouses
47 to stacked apartments. This mix of housing types, referred to as the ‘Missing Middle’,
48 bridges the gap between the available housing stock and shifting demographics. It
49 responds to the growing demand for walkability in neighborhoods. And because
50 ‘Missing Middle’ housing types are similar in form and scale to detached single-family
51 homes, this approach to compatible infill can encourage socioeconomically diverse
52 households.

53
54 ‘Missing Middle’ housing does not represent a new type of building. Rather, it is a return
55 to a range of housing types that were constructed in cities and towns across the United
56 States in the 1920s through the 1940s. Examples of these building types still exist
57 throughout Charleston’s urban neighborhoods on the West Side flats and the East End.
58 As young families fled densely populated areas for single family homes with ample
59 yards in the suburbs after World War II, construction of these building types halted. A
60 return to smaller dwelling units near public transit and a density that will support local
61 businesses is necessary to attract and retain millennials and to serve an aging
62 population.

63
64 Specifically, the NRO attempts to stimulate the economy and boost the housing market
65 by:

- 66 1. Encouraging the development of a range of housing types that meet the needs of
67 households of varying size and income levels while resisting concentrations of
68 either the very poor or the very wealthy.
69 2. Concentrating development around public transportation routes to enhance
70 mobility and offer opportunities for lower income households.

3. Increasing density to support neighborhood-serving main streets—commercial and mixed use areas where goods and services are available within walking distance of the majority of a neighborhood’s residential units.
4. Creating opportunities for small-scale, neighborhood-based developers to invest in and revitalize their own communities.

To accomplish these goals, the NRO relaxes development standards like setback and parking requirements and permits increased density by allowing duplexes by right and concentrating higher density development on corner properties.

Sec. 21-060-02 Establishment of Neighborhood Reinvestment Overlay District

The Neighborhood Reinvestment Overlay District is hereby established as a district which overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map of the City of Charleston.

Sec. 21-060-03 Permitted Uses

1. Single family and duplex dwellings shall be permitted by right.
2. Accessory dwelling units are permitted by right as an accessory use to a single family dwelling, with the following conditions:
 - a. ADUs must be clearly subordinate to the principal dwelling unit.
 - b. ADUs must conform with all provisions for accessory structures contained in Sec. 3-080.
 - c. No more than one ADU is permitted per single family dwelling and lot of record.
3. Triplexes and quadplexes shall be permitted by right on corner properties.

Sec. 21-060-04 Lot Provisions

Lot Size: There shall be no minimum lot size requirement.

Lot Frontage: The minimum lot frontage shall be 25 ft.

Sec. 21-060-05 Setback Requirements

The following setbacks shall be required for all principle structures.

1. Front Setback: All infill development and additions or modifications to existing structures shall respect the predominant building setback line. Where none exists, a minimum front setback of 10 ft shall apply on interior lots. On corner lots, there shall be no required front setback.
2. Minimum Side Setback: 3 ft; 0 ft for interior walls of a rowhouse/townhouse unit when subdivided.
3. Minimum Rear Setback: 10 ft; The rear setback exception, Sec. 21-020(F)(1), shall not apply in the NRO District.

Sec. 21-060-06 Parking

113 The following parking reductions shall apply:

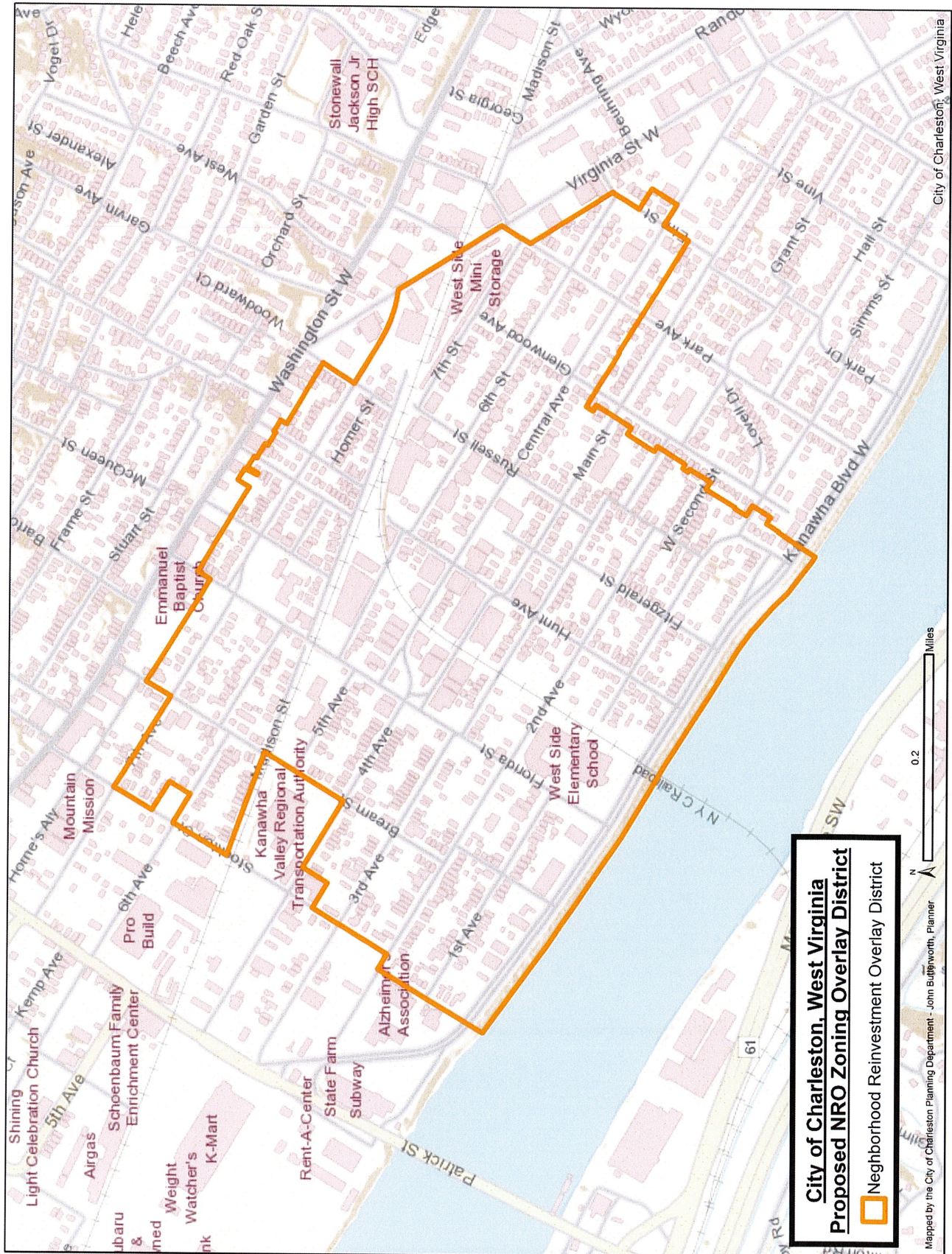
- 114 1. For single family dwellings, accessory dwelling units, and duplex dwellings, no
- 115 on-site parking shall be required.
- 116 2. For multi-family residential developments, one on-site parking space shall be
- 117 required for each dwelling unit on the lot.
- 118 3. For the adaptive reuse of existing structures, there shall be no additional on-site
- 119 parking required.
- 120 4. For new commercial developments, the on-site parking requirement shall be 50%
- 121 of that required in Sec. 22-060-01 Parking Space Requirements.
- 122

123 **Sec. 21-060-07 Performance Standards**

124 The following performance standards shall apply:

- 125 1. All new residential construction shall have a front door facing the street.
- 126 2. A single building entrance shall provide access to no more than 2 dwelling units.
- 127 3. A front porch measuring at least 96 sq ft in area is required for all single family
- 128 and duplex dwellings.
- 129
- 130 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is
- 131 hereby amended in accordance with Article 29 of this ordinance.
- 132
- 133 3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are
- 134 hereby repealed to the extent of such inconsistency.
- 135

Exhibit A – Zoning Overlay Map





PUBLIC HEARING NOTICE

First Public Hearing – Notice is hereby given that the City of Charleston’s Municipal Planning Commission will hold a public hearing:

DATE: February 5, 2020
TIME: 3:00 p.m.
PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

Second Public Hearing – Notice is hereby given that the Charleston City Council’s Planning, Streets, & Traffic Committee will hold a public hearing:

DATE: February 24, 2020
TIME: 5:00 p.m.
PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Rezoning

Bill No. 7863 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 creating the Neighborhood Reinvestment Overlay Zoning District including provisions for residential density, parking, and development standards, containing all parcels of land as shown on the attached map included as Exhibit A, Charleston, West Virginia.

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

The file (including associated documents 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, email planning@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

John Butterworth
Neighborhood Planner

Exhibit A – Zoning Overlay Map



Neighborhood Reinvestment Overlay District:

Restoring the West Side to the vibrant urban neighborhood it once was.

The City of Charleston is proposing a zoning change in your neighborhood, but what we're proposing with this zoning change is not something new. It's a return to the building practices of the 1920s-1940s. A time when duplexes and triplexes provided a property owner with a home AND rental income that helped pay for that home. A time when the West Side was at its most prosperous. Here is what we believe the Neighborhood Reinvestment Overlay will accomplish and how:

It will make housing more affordable while also improving its quality.

Construction costs are too high to make the numbers work in this neighborhood. Builders shy away from investing in a neighborhood where property values are low and code requirements are high. While we can't do much to impact the costs of materials and labor, we can remove or replace zoning codes that drive up the cost of new construction or renovations even further. Simply put, our current zoning code mandates expensive housing and we believe the NRO could fix that.



Duplexes like these once provided decent housing at a reasonable price throughout the West Side...without on-site parking. The NRO would allow new construction to do the same.

For example, a concrete parking pad or driveway might cost as much as \$8,000 and occupy more than 300 sq ft of an already small piece of property. That's 300 sq ft that can't be used for living space and \$8,000 in costs that a builder will pass on to a purchaser or renter. By removing the off-street parking requirement for single family and duplex dwellings in this walkable urban neighborhood, we can eliminate an unnecessary expense and make housing more affordable. Folks who are unhappy in substandard housing in the neighborhood will have affordable options to stay in their own neighborhood. And folks who may have left the West Side will have a place to come home to.

It will encourage the reuse of abandoned structures and vacant lots.



It is clear in its design that the abandoned structure pictured here was not built to be a single family home. As it is currently written, Charleston's Zoning Ordinance would not permit redevelopment of this structure as anything other than just that—a single family home. Considering the cost of

The purpose of the proposed Neighborhood Reinvestment Overlay District is to uplift distressed communities where disinvestment has resulted in a concentration of dilapidated properties, vacant structures, and under-utilized land. It would do this by encouraging the construction of a range of housing types within walking distance of necessary goods, services, and recreational opportunities.

In other words, this change would allow the West Side to return to the sort of neighborhood it once was—lively, diverse, affordable, and unapologetically urban.

Here's how the Neighborhood Reinvestment Overlay District could change things in your neighborhood:

- allow duplexes throughout the neighborhood
- allow triplexes and quadplexes on corner properties
- reduces setback requirements to provide for more buildable area on existing small lots
- eliminates minimum lot size and reduces required lot frontage to allow development that is consistent with the existing neighborhood
- waives parking requirements for single family and duplex dwellings
- reduces parking requirements for multi-family residential and commercial development
- protects neighborhood character by requiring new construction to face the street and to include small front porches on single family and duplex dwellings



This is your neighborhood. We're here to serve you.

The current zoning code is available on our web site at www.charlestonwv.gov. For more information about it or the proposed zoning changes, you can:

- Call the Planning Department at 304.348.8105
- Email planning@cityofcharleston.org
- Visit the Planning Department in the City Service Center at 915 Quarrier Street in Suite 1
- Or attend an upcoming meeting...

Community Meeting

January 29th @ 6 pm
Ball Toyota
Patrick Street

City representatives will be on hand to discuss the proposed zoning changes and other City issues.

Municipal Planning Commission

February 5th @ 3 pm
City Service Center
915 Quarrier Street

The proposed zoning changes will be considered at these public hearings.

Planning, Streets, & Traffic Committee

February 24th @ 5 pm
City Service Center
915 Quarrier Street

If you'd like to talk to your City Council representative about this or any issue related to City government, you can contact her at:

Ward 4

Tiffany Wesley-Plear

tiffany.wesley-plear@cityofcharleston.org
304.355.0533

Ward 6

Deanna McKinney

councilwomanmckinney@gmail.com
304.207.0889

To request service from the City of Charleston for issues unrelated to the proposed zoning change, call 304.348.8000.

construction and the perceived value of property in the neighborhood, an investor could not profit from rehabilitating this structure for a single dwelling unit. But, if multiple units could be established here the return on an investment in the building would be much greater. The NRO would allow for up to four dwelling units on this corner property, making investment in it much more attainable.

The redevelopment of vacant lots is hindered by the development standards required in the current zoning ordinance. For example, existing setback requirements reduce the amount of buildable area on lots that are already small. In some cases, this means a house could be only 15 ft wide. The NRO proposes reducing those setback requirements and eliminating or reducing on-site parking requirements. These changes would make reinvestment possible.

When the West Side was a vibrant and thriving community, this corner property featured commercial space on the ground floor and dwelling units above. While adoption of the NRO would not permit another business on the ground floor, it would provide the opportunity for development of 4 quality affordable dwelling units. More people in the neighborhood means economic opportunity. If the NRO is successful, the corner grocery could make a comeback.



Questions you may have...

Will this help with vacant buildings and land in the neighborhood?

Vacant homes attract unwanted activity in the neighborhood, and the best way to combat that is to get those homes into the hands of someone who will care for them. These zoning changes are proposed as a way to encourage rehabilitation, new housing development, and ultimately, occupancy.

Why is it necessary to allow the development of affordable housing other than single family dwellings?

New construction costs far exceed fair market value for single family homes in this neighborhood. Without the financial assistance of government funding, no new development will occur.

Single family zoning has a complicated history of economic and racial segregation. Providing for a range of housing options in the neighborhood makes way for economic diversity and ensures that the people who want to stay in this neighborhood will be able to do so.

Why is it necessary to eliminate parking requirements for new development?

Buildable area on the small lots in the neighborhood is limited, and parking areas are expensive to build. Developers will pass on these expenses to buyers and renters, increasing housing costs for everyone.

Additionally, the West Side is a convenient and walkable neighborhood. It's a great place for people who don't own vehicles to live...and public transportation is accessible throughout the neighborhood.

Does this mean that there will be more rental property in the neighborhood?

Possibly...but that's a good thing. Renting is convenient and flexible. Consider that not everyone is physically and/or financially prepared to be a homeowner. A return to smaller dwelling units near public transit and a density that will support local businesses is necessary to attract and retain young people AND to serve an aging population. Consider too that the West Side has lost rental properties to blight and demolition, and replacing those housing units is essential to maintain a healthy and diverse neighborhood.

As it is currently written, Charleston's Zoning Ordinance would not permit redevelopment of this structure as anything other than a single family dwelling.



Neighborhood Reinvestment Overlay District: A Return to Vibrant Urban Neighborhoods

Charleston is in the midst of a housing crisis. Our housing stock has aged beyond its expectancy. Available housing isn't affordable for many of our citizens, and the housing that is affordable is not decent. Combined with the decline in our population, this has caused substantial blight and vacancy in our core neighborhoods. Addressing this crisis requires bold action.

The Neighborhood Reinvestment Overlay District is an essential part of a broader strategic plan to combat the housing crisis. It permits the development of housing types popular in cities and towns before the sprawl of suburbia: duplexes, triplexes, and small-scale apartment buildings. These housing types complement existing single family dwellings and provide an affordable alternative for people in a moderate income range... which is precisely what our current housing market lacks. They also represent a return to the sort of neighborhood the West Side once was—lively, diverse, and unapologetically urban.

Purpose: To uplift distressed communities where disinvestment has resulted in a concentration of dilapidated properties, vacant structures, and under-utilized land by encouraging a range

of housing types within walking distance of necessary goods, services, and recreational opportunities.

Here's how the NRO District will change things in your neighborhood:

- relaxes development standards and permits moderate increases in density
- allows duplexes throughout the district
- allows triplexes and quadplexes on corner properties
- reduces setback requirements to provide for more buildable area on existing small lots
- eliminates minimum lot size and reduces required lot frontage
- waives parking requirements for single family and duplex dwellings
- reduces parking requirements for multi-family residential development
- protects neighborhood character by requiring infill to be oriented to the street and to include small front porches on single family and duplex dwellings

Opportunities within the NRO

1. Is an essential part of an overall strategy to address blight and vacancy
2. Potential to halt shrinkage and eventually grow population within city limits
3. Drives down construction costs
4. Will make rehabilitation and new housing economically feasible with little or no public subsidy
5. Reduces the costs that developers typically pass on to purchasers and renters
6. Restores the possibility of economic diversity throughout the West Side
7. Incentivizes redevelopment in one of Charleston's core neighborhoods
8. Requires no ongoing financial commitment from City government
9. Encourages a range of housing types currently at a shortage in Charleston
10. Creates opportunities for small-scale, neighborhood-based developers and resident-developers
11. Restoring density supports local small businesses in nearby commercial districts
12. Reduces overall impervious area for reducing stormwater impact
13. New infill development means energy efficient homes
14. Encourages use of public transportation

If your zoning and building code mandates expensive housing, housing will be expensive.

Most zoning codes place minimums on the size of dwelling units, the size of lots, and countless other factors that affect the cost of building housing. Unfortunately, these minimums don't generally envision affordable construction types, even in the most progressive and challenged of housing markets.

-Spencer Gardner in
The 5 Immutables Laws of Affordable Housing
for Strong Towns



The jagged blue line in this graph represents new homes built in Charleston and demonstrates the median cost of construction over a 20 year period. Homes built in the \$60k-\$155k range are exclusively manufactured or subsidized housing. Everything built for \$200k and above is exclusively stick built and market rate. Our goal with the NRO is to fill the gap in between.

Why is it necessary to allow the development of affordable housing other than single family dwellings?

New construction costs far exceed fair market value for single family homes in this neighborhood. Without the financial assistance of government funding, no new development will occur.

Explanation: By increasing efficiency and reducing need for new infrastructure, these zoning changes will make new market-rate construction feasible where today the same new construction would require public subsidy.

Single family zoning has a complicated history of economic and racial segregation. Providing for a range of housing options in the neighborhood makes way for economic diversity and ensures that the people who want to stay in this neighborhood will be able to do so.

Explanation: Cities across the country are reconsidering single-family zoning codes because they are rooted in exclusionary lending and racial segregation. These zones were created post-WWII to accommodate young families that wanted bigger houses and ample yards...families that could also afford a vehicle to access the goods and services they needed. Construction of other dwelling types came to a halt, and cities suffered. What we're proposing with this zoning change is not something new. It's a return to the building practices of the 1920s-1940s. A time when duplexes and triplexes provided a property owner with a home AND rental units that helped pay for that home. A time when the West Side was at its most prosperous.

These West Side duplexes once provided decent housing at a reasonable price. Today, they could only be redeveloped as single family dwellings. The NRO would change that.



When the West Side was a vibrant and desirable community, this corner property featured commercial space on the ground floor and dwelling units above. While adoption of the NRO would not permit another business on the ground floor, it would provide the opportunity for development of 4 quality affordable dwelling units

Does this mean that there will be more rental property in the neighborhood?

Yes. But that is a good thing. A return to smaller dwelling units near public transit and a density that will support local businesses is necessary to attract and retain young people AND to serve an aging population.

Explanation: Different stages of life call for different living situations. Young people who aren't established and are burdened with student debt don't want the additional expenses associated with home ownership. Empty nesters don't require the same amount of space and don't necessarily want the added expense of yard maintenance. Renting is convenient and flexible. Consider also that the West Side has lost rental properties to blight and demolition, and replacing those housing units is essential to maintain a healthy and diverse neighborhood.

Why is it necessary to eliminate parking requirements for new development?

Buildable area on the small lots in the neighborhood is limited, and parking areas are expensive to build. Developers will pass on these expenses to buyers and renters, increasing housing costs for everyone.

Explanation: Existing lots are so small that it is difficult for builders to fit both the affordable housing we need, and the on-site parking currently required by the zoning ordinance. On-site parking also adds significant costs to development that is passed on to both home purchasers and renters.

Additionally, the West Side is a convenient and walkable neighborhood. It's a great place for people who don't own vehicles to live...and public transportation is accessible throughout the neighborhood.

What is the City's plan to prevent a concentration of poverty on the West Side?

There is already a concentration of poverty on the West Side. We believe these zoning changes are a step toward a broader range of housing types occupied by socioeconomically diverse households.

Explanation: Market rate housing does not work in this neighborhood. Recently developed housing and housing that is currently in the planning and/or construction phase is subsidized. By lowering construction costs, we'll encourage the construction of quality, affordable housing for individuals and families from a range of income brackets and increase affordability for income-restricted development.

Will this result in the gentrification of the West Side?

Failure to provide a diversity of housing types results in neighborhoods that concentrate either extreme poverty or wealth. Healthy, vibrant neighborhoods are ones where everyone can find a home that suits their needs...affordably. If investment isn't made on the West Side, further concentration of poverty will result.

Explanation: The investments we're seeing without these zoning changes are all subsidized. If the only new development that occurs on the West Side requires tax-payer dollars, the path toward an economically healthy and stable neighborhood does not exist. The zoning changes we've proposed are designed to drive down construction costs and encourage a range of housing types and price points. The most effective way to maintain affordability for existing residents in the neighborhood is to stabilize property values and prevent further decline through reinvestment.



This photograph, taken from an alley on Charleston's West Side, shows what could be an accessory dwelling unit. It is clearly secondary to the unit visible from the street and fits into the existing neighborhood development pattern. ADUs provide an opportunity for homeowners to care for aging parents, to help adult children working to establish themselves financially, or to create an income stream that helps them pay the mortgage. ADUs would be permitted by right and the parking requirement waived in the NRO.



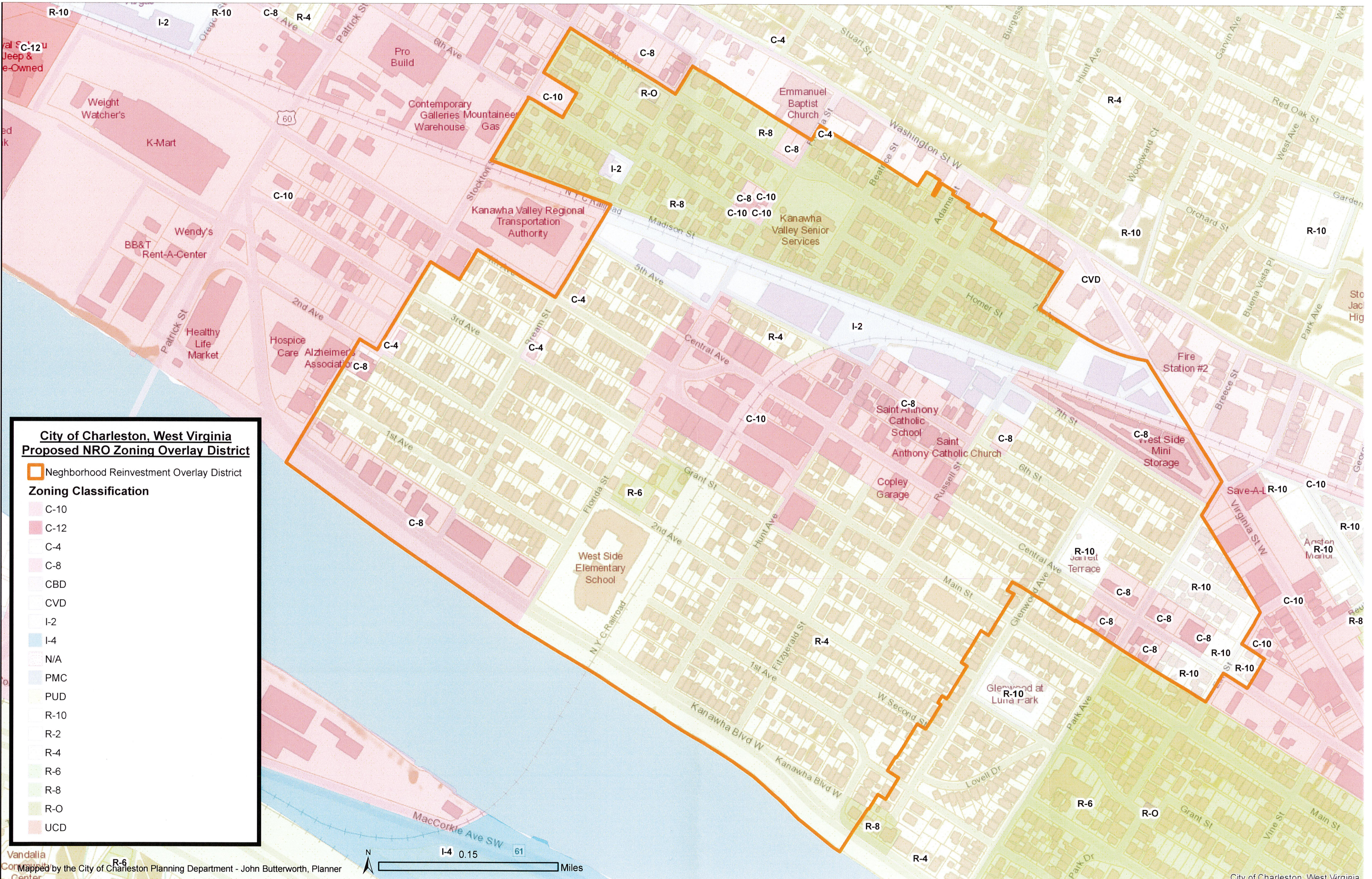
The NRO promotes vibrant and desirable urban neighborhoods by encouraging housing types ranging from small lot bungalows to duplexes and triplexes, and from townhouses to stacked apartments. This mix of housing types, referred to as the 'Missing Middle', bridges the gap between the available housing stock and shifting demographics. It responds to the growing demand for walkability in neighborhoods. And because 'Missing Middle' housing types are similar in form and scale to detached single-family homes, this approach to compatible infill can encourage socioeconomically diverse households. Each of the photographs in this document consist of existing West Side buildings that could benefit from adoption of the Neighborhood Reinvestment Overlay District.



Will this help with vacant buildings and land in the neighborhood?

Vacant homes attract unwanted activity in the neighborhood, and the best way to combat that is to get those homes into the hands of someone who will care for them. These zoning changes are proposed as a way to encourage rehabilitation, new housing development, and ultimately, occupancy.

Explanation: Blighted and vacant properties exist throughout the neighborhood for a variety of reasons, and they are evidence of neighborhood decline. Bold action is necessary to reverse this decline. The cost to improve these properties is greater than their worth. These zoning changes are designed to make the math work for small-scale developers, so that they can invest in and revitalize their own community. More quality housing occupied by more residents increases safety and quality of life in the neighborhood because criminal activity no longer has a place to hide.



**City of Charleston, West Virginia
Proposed NRO Zoning Overlay District**

Neighborhood Reinvestment Overlay District

Zoning Classification

- C-10
- C-12
- C-4
- C-8
- CBD
- CVD
- I-2
- I-4
- N/A
- PMC
- PUD
- R-10
- R-2
- R-4
- R-6
- R-8
- R-O
- UCD

Municipal Planning Commission

Hearing and meeting: Wednesday, January 8, 2020, at 3:00 p.m., in the conference room of the City Service Center, 915 Quarrier Street.

Members Present

Aric Margolis
Reverend Braxton Broady
Margo Teeter
Chad Robinson
Adam Krason
Dallas Staples
Deanna McKinney
Mary Beth Hoover
Terry Pickett
Alice Hypes

Members Absent

Teresa Moore
Lisa Fischer-Casto
JoEllen Zacks
Shawn Taylor
J.D. Stricklen, Kanawha County Rep.

Staff Present

Dan Vriendt
John Butterworth

Call to Order: Aric Margolis

New Business

Rezoning: Bill No. 7859 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 a R-8 High Density Residential District to a C-8 Village Commercial District, a portion of that certain parcel of land located at 303 Ohio Avenue being a portion of Charleston West District, Map 25, Parcel 288, Charleston, West Virginia.

MR. MARGOLIS: Is the applicant here to speak?

MR. WALKER: My name is Quentin Walker and I am petitioning to have the rezoning on the property at 303. The front portion of that property as you will see on the map that you have there is zoned all commercial. The very back portion which is the loading dock area is still in the residential area. We'd like to have that included in the property in its entirety as commercial property only, out of the residential district.

MR. MARGOLIS: Any questions of the applicant?

MR. WALKER: That building on 303 was originally the Kroger store years ago and then became leased to the postal service. The back portion of that, for whatever reason, was never zoned commercial. The way the zoning lines on the map fall, it shows that in residential area. It really should be corrected so that it's all part of the same property.

MR. VRIENDT: There's a color map in your packet.

MR. MARGOLIS: We see the loading dock. The parcel we're talking about is the loading dock and everything to Wyoming Street?

MR. WALKER: Yes.

MR. MARGOLIS: Any questions for the applicant?

MS. PICKETT: How close are the houses to the loading dock?

MR. WALKER: I can't answer that exactly. It appears from the map and the work that I've done that the back portion, which the loading dock is now part of and has been for 50-some years probably, purchased that property from the real estate in front which the houses are facing what would be Maryland Avenue, I think, and the back portion of that, which would be the loading dock, at one point was the back part of those three or four lots there.

MS. PICKETT: What's there now? Is it vacant?

MR. MARGOLIS: It's an existing loading dock.

MR. WALKER: It's been part of the original Kroger store.

MS. PICKETT: So, it's been an illegal loading dock for a lot of years?

MR. MARGOLIS: No.

MR. WALKER: It's been zoned residential; it should have been corrected many years ago.

MR. VRIENDT: The post office is a government entity and they don't have to follow local zoning.

MR. WALKER: I don't want to get into this and not be able to get the zoning corrected.

MR. MARGOLIS: That's the parcel we're talking about and it's been like that since the 60s?

MR. WALKER: Yes. Everything from the building back to the fence falls in the residential zoning and the building itself and the parking lot is all commercial.

MR. MARGOLIS: Do you have any statement to give?

MR. VRIENDT: I would just say that I think this is almost considered an error in the zoning map, where this is a correction. It's bringing the zoning in alignment with the existing use of land. This has long been

an issue here. No matter what use goes on this property, they would need to get this rezoning done. There's a caveat in the Zoning Ordinance. If your parcel is split by two zoning districts, you take on the more restrictive. Even though this is one-tenth of his property, it ends up being the controlling zoning for the entire property. When the post office was there, they're a governmental agency so they supersede local zoning.

MR. MARGOLIS: Not if they're leasing, only if they own it.

MR. VRIENDT: Only if they own. The next part of this is going to be an alley closing and I think the post office often treated that alley as their own as well.

MR. MARGOLIS: Any questions for staff?

MS. TEETER: What is that building to the right?

MR. WALKER: A residential structure and I think it's vacant now along with a number of properties across the street that are boarded up and vacant. I don't think it's occupied.

MR. VRIENDT: I would also mention that there is a companion conditional use permit application that's going to go to the Board of Zoning Appeals in a few weeks for the approval of the use. The rezoning really needs to occur whether he gets approved for the conditional use or not.

MR. MARGOLIS: Like you said, it was an error in the map.

MR. ROBINSON: What's the conditional use for?

MR. VRIENDT: To do an indoor storage facility.

MR. STAPLES: Motion to approve.

MS. MCKINNEY: Second.

MR. KRASON : Just to be clear, I guess we're looking at it as the condition that's existing with a loading dock there. By rezoning that we are permitting any commercial structure to occupy that space. We shouldn't assume that it's going to stay open space behind those houses. Since they are so close, I assume there will be code requirements for how far he would have to set back.

MR. MARGOLIS: There's 10 feet if you're abutting a residential use.

MR. KRASON: If they did build anything, they would have to maintain at least 10 feet.

MR. MARGOLIS: Right. Any existing structure that might be closer than that would be grandfathered in, but any new structure would have to be 10 feet.

MR. WALKER: What I would think would be that the rezoning that would take place would run from Wyoming to Randolph, not just the portion that the loading dock is on. If you look at the map – and I'm looking at a different map than you are – it would probably be better as far as the map is concerned to change the zoning or correct it from Wyoming to Randolph as a straight line. The building is sitting on the property line so there won't be any additional structures going back towards that houses.

MR. VRIENDT: We're just rezoning the parcel that you own and not the other half. That's still a residential lot. If someone wanted to do something nonresidential on there they could come in and make that case.

MR. KRASON: How wide is that back there, 25 feet?

MR. WALKER: It's probably 40 feet from the back of the building over to the opposite side of the loading dock is probably a 40-foot give-or-take space.

MR. KRASON: And those adjacent property owners were notified of today's meeting?

MR. BUTTERWORTH: I spoke to several on the phone.

MR. KRASON: Is the intent to leave it a loading dock?

MR. WALKER: It will stay just like it is. There's no reason to change it.

Motion and Vote: On motion of Dallas Staples, seconded by Alice Hypes, the Commission voted 10 to 0 to approve Bill No. 7859.

Street Closing: Bill No. 7860 closing, abandoning and discontinuing as a public right of way a portion of the alley that runs between and is perpendicular to Randolph Street and Wyoming Street, in Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia.

MR. MARGOLIS: Is it the same petitioner?

MR. VRIENDT: Same petitioner.

MR. MARGOLIS: Do you want to explain this one to us? I don't know if you stated your address for the record.

MR. WALKER: My address would be P. O. Box 6092, Charleston, WV 25362. The reason for that is the alley way in the front of this building being left open would prohibit me from securing the parking lot in front of the building to the building which would not only be security for other use of the parking lot at some point which would be outside area parking, but it would also not enable me to secure the building for customers, people who come into the facility. I would like to build a fence from the building out to the corner with exception of the setback on the corner of Ohio and Wyoming and then the entire area will be fenced, also with the exception of the parking that belongs to this property but has been used for a long time by the residents of that four-unit apartment building there. They use that property and have since it was a Kroger as parking for their tenants. The purpose of that 10 by 120 right of way closure is to be able to secure the building to the parking.

MR. MARGOLIS: When Kroger built that, they treated that as their fire lane probably.

MR. VRIENDT: Yes. It was open for the public to traverse that.

MR. MARGOLIS: Did the post office fence it off?

MR. VRIENDT: They did. They're trucks were on this half.

MR. MARGOLIS: It's in essence been closed for 20-30 years.

MR. VRIENDT: What I would mention is in this part of the west side all the alleys make an H and you know over the years we've closed off a lot of these alleys. This alley makes an H here, but this part of the H will remain open so these houses, if they choose to access the rear of their property from the alley, will remain open. It's in no way landlocking anybody.

MR. MARGOLIS: This is just a 10-foot right of way?

MR. VRIENDT: Just a 10-foot right of way.

MR. MARGOLIS: Do we know if there are any major utilities?

MR. WALKER: There are not.

MR. MARGOLIS: Can they build on this in the future because there are no utilities on it?

MR. BUTTERWORTH: If there was a sewer main or something the Sanitary Board would reserve an easement to continue maintaining their line. Mr. Walker can build a fence, but they just need to gain access to the utility if they needed to work on it.

MR. MARGOLIS: Since there's no utilities there's no future easements to be had.

MR. VRIENDT: Correct.

MR. MARGOLIS: Any questions of the Commission to the applicant or to staff? (No response.)

Motion and Vote: On motion of Terry Pickett, seconded by Dallas Staples, the Commission voted 10 to 0 to approve Bill No. 7860.

Letter of Support: For amendments to WV Code pertaining to the powers of Land Reuse Agencies.

MR. MARGOLIS: What's this Letter of Support?

MR. VRIENDT: John is going to talk about the Land Reuse Agency and some things they're working on. (John Butterworth spoke to the Commission about how the Land Reuse Agency works and the projects they're working on.)

Motion and Vote: On motion of Adam Krason, seconded by Mary Beth Hoover, the Commission voted 10 to 0 to write a letter of support for the Land Reuse Agency's legislative initiatives.

Minutes of the December 4, 2019, MPC meeting: On motion of Adam Krason, seconded by Deanna McKinney, the Commission voted 10 to 0 to approve the minutes.

Adjournment.