



Planning, Streets and Traffic Committee

5:00 p.m., Monday, September 28, 2020

Join via internet at:

<https://us02web.zoom.us/j/89839277547?pwd=V21SWXdVcVVCm3IGbFNuSTY4cUE4UT09>

Or call: 312-626-6799 or 929-436-2866 or 301-715-8592 or 346-248-7799 or 669-900-6833

Webinar ID: 898 3927 7547

Password: 749865

AGENDA

Bill No. 7881 - 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 the C-12 Shopping Center to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

Bill No. 7882 - amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by modifying the conditions of approval for bars in the C-4 Neighborhood Commercial District, C-8 Village Commercial District, CBD Central Business District, UCD Urban Corridor District, and CVD Corridor Village District.

Miscellaneous

Approval of the Minutes of the August 24, 2020 meeting

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



PUBLIC HEARING NOTICE

Dear Resident or Property Owner,

The City of Charleston Planning Department is in the process of modernizing the City's Zoning Map. The Zoning Map is a regulatory tool that tells us what type of development is appropriate in which places. The official Zoning Map for the City of Charleston can be viewed online here: <https://gisweb.cityofcharleston.org/planning/ZOmap.html>

In the process of modernizing the map to the latest GIS technology and through careful analysis of the current uses of properties, development trends, and best regulatory practices we are proposing changes to bring parts of your neighborhood's zoning district classification into consistency with how the neighborhood is developed and used.

In this case, we have proposed to change the properties developed as the Yorktowne Subdivision from C-12: Shopping Center to R-4: Single Family Residential. The designation of these areas for high-density commercial development was implemented prior to the establishment of the residential subdivision and is not consistent with how Yorktowne was developed or continues to be used. Cleaning up this disagreement will make applicable zoning rules clearer for property owners and protect the existing character of the neighborhood. A map showing the proposed areas to be rezoned from C-12: Shopping Center to R-4: Single Family Residential are shown on the attached map.

You are encouraged to share your support or concerns by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department in advance of the public hearing to be held:

DATE: September 9, 2020

TIME: 3:00 p.m.

PLACE: Join via internet at –

<https://us02web.zoom.us/j/86437669204?pwd=endVMGdENFdERFZtcGdaQjNCc2FIUT09>

Or call: 929-436-2866 or 301-715-8592 or 312-626-6799

Webinar ID: 864 3766 9204

Passcode: 659976

CASE DESCRIPTION

Rezoning

Bill No. 7881 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 the C-12: Shopping Center to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

The file (including the application, site plan, 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 email john.butterworth@cityofcharleston.org. 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 their own expense.

Sincerely,

John Butterworth
Neighborhood Planner

Bill No. 7881

Introduced in Council

Passed by Council

September 8, 2020

Introduced by

Referred to

Mary Beth Hoover

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

Bill No. 7881 - 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 rezoning from the C-10 General Commercial to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision, 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:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from C-10 General Commercial to the R-4: Single Family Residential the whole of the following described parcels of land:

That certain zoning district area being the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

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



Planning, Streets, and Traffic Committee
Staff Analysis
September 28, 2020

REQUEST:

Bill No. 7881 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 the C-12 Shopping Center to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, as amended, 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 Planning Commission's decision 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:

The Municipal Planning Commission, through recommendations adopted in the Imagine Charleston comprehensive plan and through the work of the MPC Comprehensive Rezoning Committee, has undertaken the process of modernizing the City's Zoning Map. As a regulatory tool that tells us what type of development is appropriate in which places it is essential that this map provide a clear and up-to-date vision to guide land use rules.

In the process of modernizing the map to the latest GIS technology and through careful analysis of the current uses of properties, development trends, and best regulatory practices staff has proposed to change the properties developed as the Yorktowne Subdivision from C-12: Shopping Center to R-4: Single Family Residential. The designation of these areas for high-density commercial development was implemented prior to the establishment of the residential subdivision and is not consistent with how Yorktowne was developed or continues to be used. Cleaning up this disagreement will make applicable zoning rules clearer for property owners and protect the existing character of the neighborhood.

ANALYSIS:

Existing Land Use and Zoning: The identified zoning districts are zoned C-12: Shopping Center District. The properties within these districts are developed as single-family homes within the Yorktowne Subdivision. One lot is vacant and remains undeveloped.

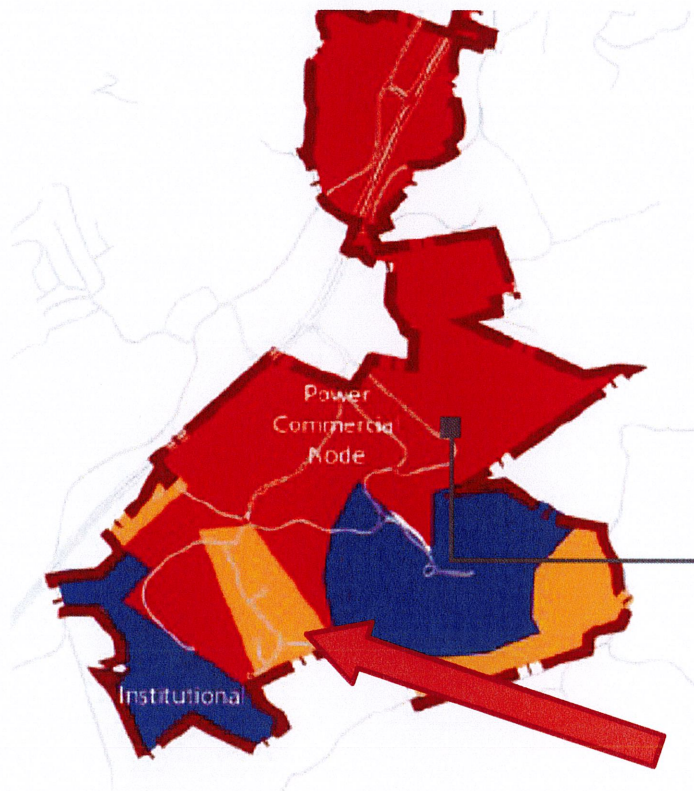
Surrounding Land Use and Zoning: The surrounding areas is zoned C-12: Shopping Center District. Surrounding land use is typically business-park-style development, including private commercial, government, religious, and assisted-living uses.

Current Zoning: The C-12 district allows for our highest-intensity suburban-style commercial uses including big-box retail, religious institutions over 80,000 square feet, movie theaters, industrial parks, and as a conditional use indoor self-storage, shooting ranges, and automotive wrecker service, among others.

Proposed Zoning: The R-4 district allows for single-family dwellings, owner occupied accessory dwelling units, and as a conditional use schools, home-based level II businesses, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the properties as "Suburban Neighborhood" and "Rural Neighborhood". In these areas multi-family development is considered appropriate "along major streets, transit routes". The areas proposed for rezoning from multi-family to single-family zoning are served by neighborhood or rural roads and are not served by transit.

South Hills Future Land Use and Opportunities



Summary: This application to rezone the property is in pursuit of providing ongoing protection to the residents and property owners of the Yorktowne subdivision. This is compliant with the comprehensive plan as it will promote the preservation of the character of existing neighborhoods.

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 "Suburban Neighborhood".
- The rezoning will provide ongoing protection to the residents and property owners of the Yorktowne subdivision.

- The rezoning bring the zoning classification into agreement with the use of the land.
- The Comprehensive Plan indicates an opportunity for this area of “Retain existing single-family neighborhoods”. Rezoning to a single-family district will support this goal.

Bill No. 7882

Introduced in Council

Passed by Council

September 8, 2020

Introduced by

Referred to

Mary Beth Hoover

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

Bill No. 7882 – A bill mending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by modifying the conditions of approval for bars in the C-4 Neighborhood Commercial District, C-8 Village Commercial District, CBD Central Business District, UCD Urban Corridor District, and CVD Corridor Village District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) In Article 3 Supplemental Regulations Pertaining to Land Use Table

52. Alcoholic Beverage Sales.

- a. The following apply when a conditional use permit is required:
- b. As part of a request for conditional use permit, the applicant shall provide information necessary for the Planning Department to conduct research regarding relevant licensing and enforcement activity at the Alcohol Beverage Control Administration of the State of West Virginia. In reaching a decision, the Board of Zoning Appeals may consider past violations and enforcement actions on record at the ABCA.
- c. As part of a request for conditional use permit, the applicant shall provide a written Security & Operations Plan in a form and manner as prescribed by the Planning Department. The contents of the plan shall include, but are not limited to, the following:
 1. Hours of operation.
 2. Type and frequency of entertainment to be provided.
 3. Food service plans, including menu and means of preparation.
 4. The number and locations of security personnel.
 5. The number and locations of video surveillance, both interior and exterior.

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6. Commitment to staff training.

d. The Board of Zoning Appeals may give special consideration to the potential impacts on parks and public spaces.

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2) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Planning, Streets, and Traffic Committee
Staff Analysis
September 28, 2020

REQUEST:

Bill No. 7882 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by modifying the conditions of approval for bars in the C-4 Neighborhood Commercial District, C-8 Village Commercial District, CBD Central Business District, UCD Urban Corridor District, and CVD Corridor Village District.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, Article 28-030.

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged with reviewing the Planning Commission's decision and forwarding a recommendation to City Council for final action. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY:

ANALYSIS:

In the applicable zoning districts the Board of Zoning Appeals reviews application for bars as a conditional use. In this review they are authorized by current provisions of the Zoning Ordinance to review the record of the application with the State of West Virginia Alcohol Beverage Control Administration including past violations of state liquor laws and the impact of the application of parks and public spaces. This level of detail in review provides little concrete guidance for the Board on how to make sound decisions and gives little criteria to applicants on what information should accompany an application. This text amendment seeks to remedy this lack of guidance.

Further, concrete criteria for submittal of a Safety and Operations Plan for such applications will allow the Board to gain a better understanding of the proposed conditional use and hold those who gain approval through this process to the high safety and security standards that are agreed upon through the conditional use process.

This text amendment will make a Safety and Operations Plan a required component of every conditional use application for alcoholic beverage sales. It is proposed that a written Safety and Operations Plan include but not be limited to:

1. Hours of operation.
2. Type and frequency of entertainment to be provided.
3. Food service plans, including menu and means of preparation.
4. The number and locations of security personnel.
5. The number and locations of video surveillance, both interior and exterior.
6. Commitment to staff training.

Any Safety and Operations Plan submitted as part of an approved conditional use application will be made part of the conditions of operation of the establishment. If it is found that the establishment has violated this Plan or other conditions of approval the BZA could revoke

conditional use approval.

RECOMMENDATION AND FINDINGS:

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

1. The Bill will provide clarification and guidance for the Board of Zoning Appeals and applicants on the review and approval of conditional use applications for bars and alcohol beverage sales; and
2. The Bill will increase public safety but allowing the Board of Zoning Appeals to review, approve, and hold applicants accountable for safety plans and practices at the establishment.