

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
Quintie Smith
Margo Teeter
Shawn Taylor
Adam Krason
Deanna McKinney
Mary Beth Hoover
Terry Pickett
Alice Hypes
JoEllen Zacks
Lisa Fischer-Casto
Todd Dorcas

Staff Present

Dan Vriendt
Lori Brannon
John Butterworth

Members Absent

Teresa Moore
J.D. Stricklen, Kanawha County Rep.
Braxton Broady

Call to Order: Aric Margolis

MR. MARGOLIS: We have two new members: Mr. Quintie Smith and Mr. Todd Dorcas. Welcome.

New Business

Rezoning: Bill No. 7880 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 R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

MR. MARGOLIS: John is going to present this one.

MR. BUTTERWORTH: As with both rezonings on the agenda today, this one is staff initiated. We have heard from a property owner who has raised concerns regarding the rezoning. We need to postpone the public hearing on this until the October meeting so we can have time to meet with and discuss it with the property owner. Generally speaking, this bill is an outgrowth of the Planning Commissions work over the last couple of years to interpret the Comprehensive Plan and make recommendations for rezonings based on the Future Land Use sections of the plan. In this case some more time; another 30 days in a years long process will allow us to have the dialogue we need to build consensus. With that I would ask that we lay it over until the October meeting.

MR. MARGOLIS: I'm not sure how we vote on this, do people raise their hands, do they hit a button?

MR. BUTTERWORTH: We can do a voice vote unless there is a call to count the vote.

MR. MARGOLIS: The Planning Department is suggesting we lay it over for 30-days. Would someone like to make a motion for that.

MR. SMITH: So moved.

MS. MCKINNEY: Second.

Motion and Vote: On motion of Quintie Smith, seconded by Deanna McKinney, the Commission voted 10 to 0 to lay over Bill No. 7880 until the regular October meeting.

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.

MR. MARGOLIS: John?

MR. BUTTERWORTH: If you all will allow me; I will share my screen. I would direct everyone to the Staff Notes, the item in the packet. This is proposing the rezoning of the Yorktowne subdivision which is located off of Peyton Way at South Ridge. This is a rezoning application which requires legislative action. The Planning Commission's duty today is to find that the rezoning is in compliance with the Comprehensive Plan and making a recommendation to Planning, Streets, and Traffic Committee of Council with final consideration at City Council.

The history: The Municipal Planning Commission, through recommendations adopted by Imagine Charleston, our comprehensive plan, and by the work of the Planning Commissions Comprehensive Rezoning Committee, has over the last couple years has undertaken the process to modernize our zoning map. As a regulatory tool, the zoning map tells us what development is appropriate in what locations and what the guidelines and requirements are for each district. In trying to modernize our map, we have analyzed current uses of property, development trends, best regulatory practices and the proposal today is to rezone the Yorktowne subdivision from C-12: Shopping Center district to the R-4: Single Family Residential district. Yorktowne was developed under the C-12 guidelines, single-family homes are a permitted, principal use in that district and the were permitted by-right. By bringing the way those properties are developed and utilized into conformity with the zoning will provide protection for the resident there and give them more certainty. To give you an overview of the surrounding land use: the entire surrounding area is zoned C-12, with the mail sorting facility zoned I-2. You'll see that much of the surrounding land use is business park-style development. There are retail uses to the north, the Bible Center Church facility is to the west along with the Metro 911 facility. Within the proposed rezoning area, every property is developed as a single-family home, save one lot which is vacant lot which has yet to be built on. It is also part of the Yorktowne development and would be developed as a single-family home. As far as compliance with the comprehensive plan, this area is designated as "Suburban Neighborhood" which calls for the preservation of neighborhood character. If you look at the Future Land Use Map, you can see that this area was called out specifically to be designated as residential. This would be one of the low-hanging fruit of changes the Zoning Map to bring it into conformity with the Future Land Use plan. Staff is recommending approval. The rezoning is consistent with the Future Land Use Map which designates the area "Suburban Neighborhood". The rezoning will contribute to the preservation of the neighborhood. The rezoning will bring the zoning classification into agreement with the use of the land. The comprehensive plan indicates an opportunity to preserve existing single-family neighborhoods and rezoning to a single-family zoning district would support this goal. With that I am happy to turn it back over to the chair and answer any questions you may have.

MR. MARGOLIS: Thank you John. Does anyone have any questions for John?

MR. SMITH: John, how big is that space?

MR. BUTTERWORTH: It is every lot within the Yorktowne Subdivision, I don't have an exact acreage. I would guess it is somewhere near 10 acres. I think there are approximately 50 lots in the development.

MR. MARGOLIS: Any further questions?

MS. BRANNON: Mr. Chairman, I do have a raised hand in the 'Attendees'.

MR. MARGOLIS: Is there anyone in attendance who would like to speak *for* the application? Anyone to speak *against*? There is an "scorbin" with their hand up if they would like to speak.

MR. CORBIN: This is Steve Corbin, Director of Operations at Bible Center Church. If you look at the map that was sent out, and I spoke with the Director of Planning last week, I wanted to make sure the Commission is aware of the fact that the property line for Bible Center Church property is only 10 feet off the last house on Yorktowne Place. So if you come off the corner of the last house, I don't know the number, if you come 10 feet off that, you would be back in commercial zoning. I just want to make sure that there is not going to be a problem for either property. I'm not aware of any specific buffer, but I just wanted everyone to be aware that that is not much of a difference between commercial and residential.

MR. MARGOLIS: What is that 10 feet John? Is it an easement of right-of-way?

MR. BUTTERWORTH: This gets to the fact that the resident at 405 Yorktowne Place thought that their yard was much larger than it actually is. Ten feet to a side property line more than conforms to the required side setback. In this case, if the property within Yorktowne is rezoned to R-4, the only change that would institute is that when a commercial district, let's say the Bible Center property, abuts a

residential zone there would be a slightly larger setback for the commercial property. In this case, the Bible Center folks, and I don't mean to speak for you Mr. Corbin, when they conveyed the outparcel for the assisted living facility, they provided a more substantial buffer area than what was required by the ordinance. I don't see that this would cause any ongoing issues and that side setback is pre-existing. This rezoning would provide the maximum protection for the resident that we can.

MR. CORBIN: The reason I bring it up is that we have entered into conversation with this homeowner to sell them that property as a protection to their property. I wanted to make sure that part of their property isn't zoned commercial and part of it is zoned residential. We could come back to this after we close on that property; so they aren't half and half. If that makes sense. I just want to make sure that they are protected after we move forward. You are correct, their understanding was that they owned to the tree line, its not. They use it and we want them to be able to have it and enjoy it. But I want to make sure that when we close, all of their property is within the residential zone.

MR. BUTTERWORTH: In this case I would suggest that rezoning as the property line is now would be fine to proceed. In instance where two zoning districts exist on a parcel, the ordinance requires that the most restrictive would apply. If their existing property is rezoned to R-4 and a new sliver of it that you all convey to them is zoned C-12 the most restrictive, the R-4, would be their applicable zoning district. They would retain the protections of R-4. They could, of their own volition, petition to have it rezoned to clear up the dual districts but there wouldn't be a necessity to do that. But you all can proceed and there would be no zoning conflict there as far as I can see.

MR. CORBIN: We also have a right-of-way that comes off of Peyton Way and connects to Yorktowne Place. Would this rezoning effect that right-of-way at all?

MR. BUTTERWORTH: It will not. The right-of-way stands on its own legal footing.

MR. MARGOLIS: Anyone else in attendance who would like to speak on this issue? Hearing none are there any questions?

MR. SMITH: That New Harmony senior home, will that be affected by this?

MR. MARGOLIS: No.

MR. BUTTERWORTH: No.

MR. SMITH: So the access of that is not affected by this?

MR. MARGOLIS: No. Anyone else from the Commission? Questions? Hearing and seeing none I will close the case and entertain a motion.

MR. SMITH: Move to approve.

MS. PICKETT: Second. (by raising a hand)

Motion and Vote: On motion of Quintie Smith, seconded by Terry Pickett, the Commission voted 10 to 0 to recommend approval of Bill No. 7881.

Development of Significant Impact: Application by Charleston Area Medical Center for a 57,000 square foot medical training facility located at 3050 Chesterfield Avenue, District 13, Tax Map 19, Parcels 123 & 124, Charleston, West Virginia.

MR. MARGOLIS: Is the applicant here to present?

MR. BUTTERWORTH: There is a Mr. Bentz and Mr. Childers here. Mr. Bentz is with Pickering & Associates who developed the plans. Mr. Childers is with CAMC. There may be others as well.

MR. CHILDERS: This is David Childers, I would be happy to. We've put a 3-story building there that would house our residency program and the medical training that is now scattered across several locations. With

the growth of our residency program we thought it was a good fit to get them all in one building and get the technology all together. That's basically it in a nutshell.

MR. MARGOLIS: This being a Development of Significant Impact I believe John is going to share the site plan. That is one aspect that the Planning Commission has review authority over to see if there are any mitigating things that need to be done to ease any concerns. So, John, if you would please share your screen.

MR. BUTTERWORTH: Before you is the site plan and as Mr. Childers mentioned you have a three-story totaling 57,000 square feet, a surrounding parking lot, and two ingress/egress points off of Chesterfield Avenue. The site is currently developed as a parking lot for CAMC employees. You can see it is quite a large parking lot as it stands. I believe there are in excess of 150 parking spaces. The site is located at the intersection of Chesterfield and 31st Street directly south of the train track from the CAMC Memorial Hospital complex. For context the property is zoned I-2; the use is a permitted, principal use in the zoning district.

The standard of review here, as the chairman alluded to, is the Planning Commission has a more in-depth review of the site plan to see if there are any negative impacts that need to be mitigated at the location. The development threshold for Development of Significant Impact review is 40,000 square feet of gross floor area and this development does exceed that.

As Mr. Childers said, the facility will be classroom and mock-facility spaces for the training of medical professionals. The site plan meets the requirements of the Zoning Ordinance and I do have the approval of the applicable city departments.

Staff is recommending approval for the following reasons: City infrastructure can support the development, the project is in compliance with the zoning ordinance, the project is in compliance with the comprehensive plan

MR. MARGOLIS: How big did you say the facility is?

MR. BUTTERWORTH: Three stories; 57,000 square feet.

MR. MARGOLIS: And how much parking is provided?

MR. BUTTERWORTH: The site plan proposes 97 parking spaces on-site, the ordinance allows different ways to calculate the required parking. In this case we used provisions that allow us to use the number of employees that will be located on site. With that calculation the site plan does comply.

MR. SMITH: What was on the site prior to it being a parking lot?

MR. CHILDERS: It was a soda bottling facility, Coke or 7UP.

MR. SMITH: Yes, Royal Crown; RC.

MR. CHILDERS: We've had a Phase One environmental done on the property and are having a Phase Two being done now.

MR. SMITH: Storm water is a major concern on this site.

MR. BENTZ: We have incorporated an underground retention system that exceeds the design standards of the City.

MR. SMITH: This is a great project and I hope it all works out.

MR. CAMPBELL: This is Zack Campbell with Pickering Associates. I just want to address that we are working with CAMC to develop plans for off-site parking for any large events that might be planned for the facility.

MS. PICKETT: Can the design be used to really accentuate Charleston? Was a parking building considered for the site?

MR. CHILDERS: Parking is always a challenge at all of our hospital locations. The building will not be very visible from MacCorkle Avenue because of the railroad tracks. We anticipate that many of the people

that will be using this building are already parking on this campus. A parking structure does not fit our budget right now.

MR. SMITH: What about the walkway to the facility?

MR. CAMPBELL: The sidewalk will be improved from the railroad underpass directly into the facility.

MR. MARGOLIS: Any other questions from the Commission? Hearing none, is there anyone who wishes to speak in favor of the application?

MR. ROBINSON: This is Chad Robinson, and this is my ward. I've heard from a few residents of the Quarry Creek and Quarry Ridge developments regarding the additional traffic this might cause on Chesterfield Avenue. I want to say, though, that this is a great use of this parking area. The site plan shows only one exit onto Chesterfield and this could cause a backup, especially at the underpass on 31st Street. This underpass is also used for all our trash trucks going to the dump on South Park Road.

MR. MARGOLIS: Currently the site is one large parking lot that houses more cars than what is proposed.

MR. ROBINSON: I understand, I just wanted to share the concerns I'm hearing. This will add to my ward and to the City of Charleston. There are some concerns about traffic flow though.

MS. BRANNON: There is a Ricky Turley with this hand raised to speak.

MR. MARGOLIS: Mr. Turley would you like to speak?

MR. TURLEY: I am a resident of Beverly Drive, I have lived up here all of my life. I believe this will be a good addition the neighborhood, but my biggest concern is the traffic. When people come and go from the parking lot now, I have sat 20 and 25 minutes trying to get out. Lots of parking feeds out onto 31st Street and causes congestion. During these times there is no way in and out for people who live there or use the medical buildings on Chesterfield Avenue. This does not include school bus and ambulance traffic.

MR. MARGOLIS: Any questions of Mr. Turley from the Commission?

MR. SMITH: With residents using the new development for training, I think they will be coming at odd times, dispersing the traffic over the day rather than all at peak times.

MR. TURLEY: If parking was not allowed along 31st Street by extending the sidewalk as they've said this would help a good deal. The other issue is the garbage trucks. There is almost no other way for them to come.

MR. MARGOLIS: Any other questions from the Commission?

MS. PICKETT: How vulnerable is that underpass to flooding?

MR. TURLEY: I have seen it flood a few times but only in very heavy downpours.

MR. ROBINSON: The flooding issue is usually at South Park Road underpass, not 31st Street.

MR. KRASON: I think the aerial demonstrates the point very well. The parking lot is already well used. With the building in that location this will likely reduce the traffic going back to that area. This seems like the highest and best use of the property. I hear the concerns, but I think if we were to count the traffic that is there versus what will be there it is likely to decrease.

MS. HOOVER: I just want to clarify, the parking that is there is for employees at CAMC. I would assume that is standard shift work is that correct.

MR. CHILDERS: That is correct.

MS. HOOVER: With this type of training facility the training will be at all different hours. Is that correct?

MR. CHILDERS: Yes, it is a different flow.

MS. HOOVER: I would assume that the bottleneck comes when the shift work is over, and this might mediate this a bit.

MR. CHILDERS: That is correct. I work on 31st Street and at 3:35 they are backed up.

MR. MARGOLIS: Any other commissioners who would like to comment?

MR. DORCAS: Yes, this is Todd Dorcas. Regarding the hours of training. It sounds like this would be a different pattern to what is there now. Is that correct?

MR. CHILDERS: Students will have two-hour intervals where they will work and then return to their other assignments elsewhere in the hospital system.

MR. DORCAS: What days and times do you anticipate as peak activity?

MR. CHILDERS: Definitely 7:00 AM to 5:00 PM, Monday through Friday will be the height of activity. Some conference rooms could be used outside this time.

MR. MARGOLIS: Any other questions from the Commission?

MR. VRIENDT: I would just bring up a clarification for the sake of Chad Robinson and Mary Beth Hoover. Approval is final at Planning Commission and this will not be considered before Planning, Streets, and Traffic Committee of Council.

MR. MARGOLIS: Thank you.

MS. PICKETT: Someone mentioned that there will also be events in this facility. What would those be and when would those be?

MR. CHILDERS: We don't have anything definite planned out. It would be if there was a speaker to come in to speak to the students, so we need to be able to site 100-125 people for an event like that in the evening or weekends. But these happen right now in the WVU Building on our campus and elsewhere.

MR. MARGOLIS: Any other questions from the Commission? Hearing and seeing none Lori, is there anyone else from the public who would like to speak?

MS. BRANNON: No.

MR. MARGOLIS: I will close the case and entertain discussion or a motion.

MR. KRASON: Move to approve.

MR. SMITH: Second.

Motion and Vote: On motion of Adam Krason, seconded by Quintie Smith, the Commission voted 10 to 0 to approve the Development of Significant Impact application.

Text Amendment: 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.

MR. MARGOLIS: John, would you like to speak to this?

MR. BUTTERWORTH: [Mr. Butterworth presented the Staff Notes on the case]

MR. MARGOLIS: Any questions from the Commission?

MS. PICKETT: What if an owner doesn't know how to implement some of these safety procedures? Will there be an effort to work with bar owners to help them know what they are doing?

MR. BUTTERWORTH: Some owners take safety very seriously and seem to not. This change would allow the BZA to hold those that don't accountable to maintain public safety. This is a difficult thing to legislate and this give the BZA flexibility and authority to hold owners accountable.

MR. MARGOLIS: Where does this text amendment say that the BZA can call back applicants of approved conditional use permits?

MR. BUTTERWORTH: I will pull up the Bill for us to look at.

MS. BRANNON: While John is doing that I will address Terry's question. When an applicant comes in they won't only have the language in the ordinance, we are preparing a supplemental document to help guide them through what we expect to see in the security and operations plan. Also, if they can't answer the questions on the guidance document regarding safety, they likely are not prepared to operate a bar.

MR. VRIENDT: Our police department has also always been willing to be available as a resource to talk to business owners to talk about what they can do to make their establishment safer.

MR. BUTTERWORTH: To address the question of being able to call applicants back in, not meeting the conditions of a Conditional Use Permit would be a violation of the zoning ordinance. This is where that authority is.

MR. VRIENDT: We have done this with other applicants in the past. We have had folks back before the board and said that you have violated the board order to not adversely affect the surrounding properties. That order is a standing contract with the city.

MR. SMITH: Do the police cite them or does ABCA?

MR. BUTTERWORTH: It can be both depending on the violation.

MS. MCKINNEY: Is all this in writing or is this something that is just going to be told to people?

MR. MARGOLIS: This is a text amendment to be included in the zoning ordinance and the applications already go before the Board of Zoning Appeals.

MR. BUTTERWORTH: This is a good point and good question. What Ms. McKinney just described is what we have today. We have been advising applicants that these are the things that would make a strong application. But if an applicant says 'I don't want to provide any of that information' then we don't have good grounds to judge their application as incomplete or inadequate. This codifies the Boards authority to ask these questions and find that they have been answered to their satisfaction or not.

MR. DORCAS: Has this come about as a result of a particular incident?

MS. BRANNON: This is the result of several cases before the BZA in the past few years where we don't have a specific place to point to in code that give the board the authority to specifically ask for the information they need to determine what sort of impact the application is going to have on surrounding properties and public safety. This formalizes the ability to ask applicants for a complete picture of their proposal.

MR. MARGOLIS: Any other questions? Anyone else in attendance that want's to speak? Hearing none I will close the case and entertain a motion.

MS. PICKETT: So moved.

MS. MCKINNEY: Second.

Motion and Vote: On motion of Terry Pickett, seconded by Deanna McKinney, the Commission voted 10 to 0 to recommend approval of the text amendment to the Planning, Streets, and Traffic Committee of Council.

Minutes of the February 5, 2020, MPC meeting: On motion of Deanna McKinney, seconded by Margo Teeter, the Commission voted 10 to 0 to approve the minutes.

Ms. Brannon presented the 2019 Annual Report of the City of Charleston Planning Department.

Adjournment.