



Planning, Streets and Traffic Committee

5:00 p.m., Monday, October 26, 2020

Join via internet at:

<https://us02web.zoom.us/j/89297130509?pwd=UEk1dGtlejRvZmpKQ2JjOCtDODNFUT09>

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

Webinar ID: 892 9713 0509

Password: 429262

AGENDA

Bill No. 7884 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 I-2: Light Industrial District to C-10: General Commercial zoning district property located at District 13, Map 19, Parcels 123 & 124, Charleston, West Virginia.

Bill No. 7885 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-8: Village Commercial to the C-10: General Commercial zoning district property located at 1625 7th Avenue, District 12, Map 10, Parcels 288, 290-293, 298, 299, 301, & 302, Charleston, West Virginia.

Discussion

Crosswalk Safety on the south Side Bridge and Ramp

Miscellaneous

Approval of the Minutes of the September 28, 2020 meeting

Municipal Planning Commission

Checklist for Application for Rezoning

MPC Hearing Date: OCT 5, 2020

Bill #: 7289

Applicant Information	Property Information
Name: Charleston Area Medical Center, Inc.	Address: 3050 Chesterfield Ave., Charleston, WV 25304
Address: 501 Morris St., Charleston, WV 25304	Tax Map and Parcel: Tax Map 19, Parcels 123 & 124
Phone: 304-388-4930	Zoning District: I-2
Agents Name, Address, Phone (If other than Applicant): Joyce F. Ofsa, Esq. Spilman, Thomas & Battle, PLLC 300 Kanawha Blvd., East Charleston, WV 25301	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.

Joyce F. Ofsa
Signature

9.11.2020
Date

Bill No. 7884

Introduced in Council

Passed by Council

October 5, 2020

Introduced By

Referred To

Bobby Reishman

Municipal Planning Commission

Signature of Council member

Planning Streets, and Traffic Committee

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, and the map made a part thereof, by rezoning from a I-2 district to a C-10 district, that certain strip, lots or parcels of land located at 3050 Chesterfield Avenue at the corner of 31st Street and Chesterfield Avenue, in Kanawha City, in the City of Charleston, Kanawha County, State of West Virginia, owned by Charleston Area Medical Center, Inc., a West Virginia nonprofit, nonstock corporation.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, is hereby amended by rezoning from a I-2 district to a C-10 district the whole of the following described strip, lots or parcels of land:

All of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in Kanawha City, in the City of Charleston, Kanawha County, West Virginia, on the south side of the Chesapeake and Ohio Railway Company right of way, west of Mission Hollow and being more particularly bounded and described as follows:

BEGINNING at an iron pin on the north side of Chesterfield Avenue (formerly Giles-Fayette Kanawha Turnpike) at the easterly front corner of a tract of land owned by Kuhn Construction Company, Inc.; thence leaving Chesterfield Avenue and with the easterly line of said Kuhn Construction Company, Inc., N 22° 45' E 245.81 feet to an iron pin set in concrete in the southerly boundary line of the right of way of The Chesapeake and Ohio Railway Company; thence with said right of way line S 69° 56' E passing the northern corner of a parcel conveyed to The Royal Crown Bottling Company of Charleston, West Virginia, by Banks-Miller Supply Company, by deed dated September 19, 1963, and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1393, at page 197, at 200 feet in all 316.81 feet to a point in the westerly line of a parcel of 5,340 square feet conveyed by the said Banks-Miller Supply Company to the State Road Commission of West Virginia, by deed dated June 28, 1963, and of record in said Clerk's Office in Deed Book 1391, at page 555 which is now the westerly right of way line of 31st Street; thence with said westerly right of way line S 20° 4' W 219.5 feet to a State Road Commission monument; thence with the northerly right of way line of Chesterfield Avenue and passing the southwestern corner of the aforementioned tract acquired from Banks-Miller Supply Company at 127.85 feet, in all 329.35 feet to the place of beginning, containing in all 74,926 square feet, more or less. The property hereby insured is shown on a survey thereof dated September 24, 1976, entitled, "No. 3044 Chesterfield Avenue, Being Part of the C & O Property As Originally Sold by C. B. Early, Trustee, in the City of

41 Charleston, Kanawha County, W. Va. Property of ROYAL CROWN BOTTLING
42 COMPANY OF CHARLESTON, WEST VIRGINIA.”
43

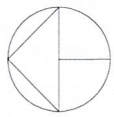
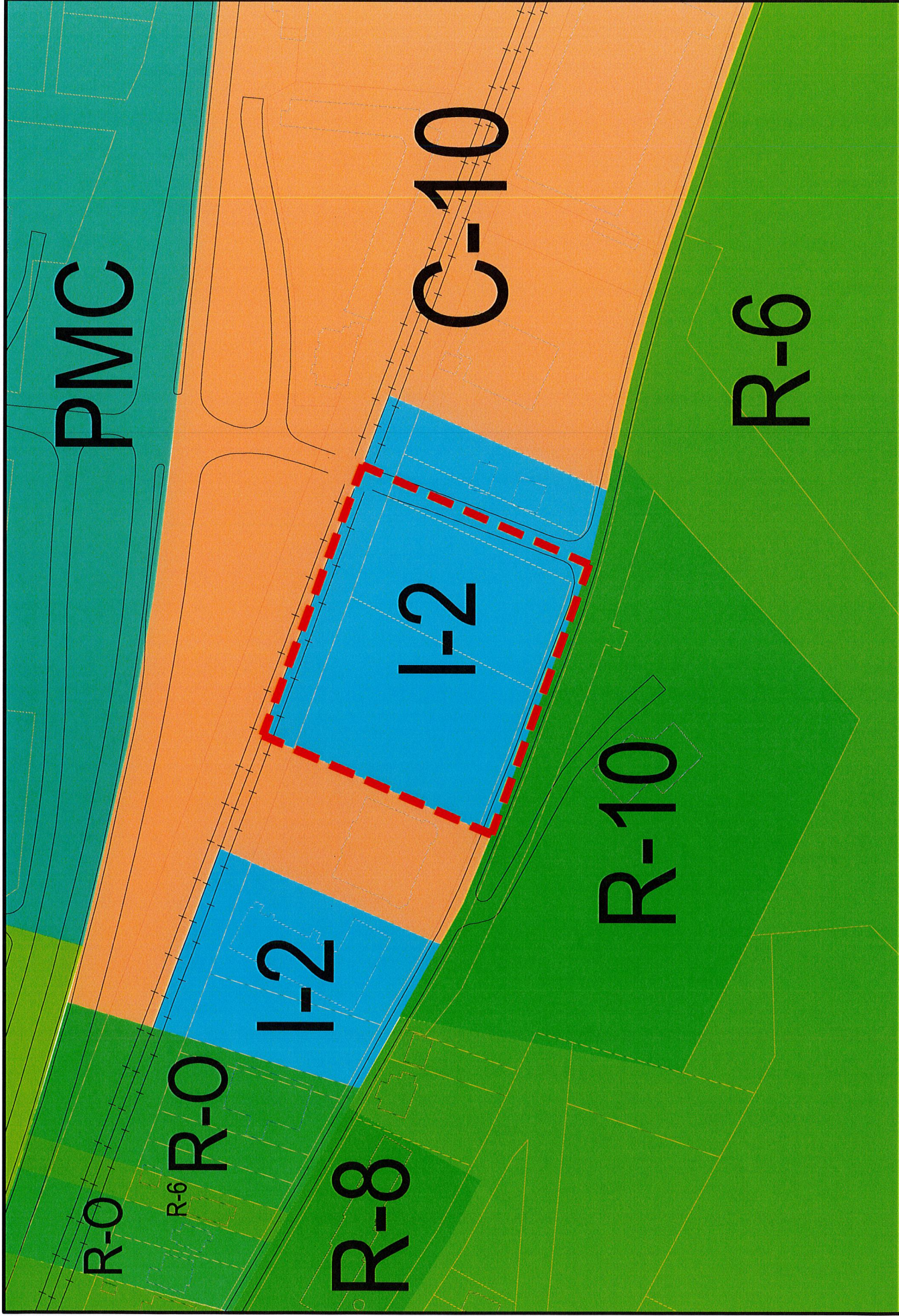
44 Being Tax Parcels 123 and 124 as shown on Kanawha City Tax Map No. 19. Said
45 tax map is of record in, and used as zoning map sectionals by, the City Planning
46 Office.
47

48 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby
49 amended in accordance with Section 1 of this Ordinance.
50

51 3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are
52 hereby repealed to the extent of said inconsistency.
53

54
55
56
57 13324237
58

[illegible]



REZONING FROM I-2 TO C-10

STAFF
EXHIBIT

Municipal Planning Commission

Checklist for Application for Rezoning

MPC Hearing Date: Oct 5, 2020

Bill #: 7885

Applicant Information	Property Information
Name: Stockton Greene Limited Partnership	Address: 1623 7 th Avenue
Address: 500 S. Front Street, 10 th fl., Columbus, OH 43215	Tax Map and Parcel: Map 10, 12 parcels as listing in the Petition
Phone: 614-396-3202	Zoning District: C-8 and C-10
Agents Name, Address, Phone (If other than Applicant): Barry Accountius 500 S. Front Street, 10 th Fl. Columbus, OH 43215 (614) 935-5466 (mbl)	Property Owner and Mailing Address: (if other than applicant) The Mountain Mission, Inc. 1620 7 th Ave Charleston, WV 25387

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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.

Bill No. 7885

Introduced in Council

Passed by Council

October 5, 2020

Introduced By

Referred To

Mary Beth Hoover

Municipal Planning Commission

Signature of Council member

Planning Streets, and Traffic Committee

1 A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st
2 day of November, 2005, as amended, and the map made a part thereof, by rezoning from a C-8
3 district to a C-10 district, that certain strip, lots or parcels of land located at 1625 7th Avenue, in
4 Kanawha City, in the City of Charleston, Kanawha County, State of West Virginia, currently or
5 formerly owned by Mountain Mission Inc., a West Virginia nonprofit corporation.
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:
8

9 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st
10 day of November, 2005, as amended, is hereby amended by rezoning from a C-8 district to a C-
11 10 district the whole of the following described strip, lots or parcels of land:
12

13 All of that certain lot or parcel of land, together with the improvements thereon and the
14 appurtenances thereunto belonging, situate in Kanawha City, in the City of Charleston, Kanawha
15 County, West Virginia, on the south side of 1600-block of 7th Avenue, west of Mission Hollow and
16 being more particularly shown on the attached EXHIBIT A and described as:
17

18 Being Tax Parcels 288, 290-293, 298, 299, 301, & 302, Charleston, West
19 Virginia as shown on Charleston West District 12, Tax Map No. 10. Said tax map
20 is of record in, and used as zoning map sectionals by, the City Planning Office.
21

22 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby
23 amended in accordance with Section 1 of this Ordinance.
24

25 3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are
26 hereby repealed to the extent of said inconsistency.
27
28

Bill No. 7885 as a committee substitute

Introduced in Council

Passed by Council

October 5, 2020

Introduced by

Referred to

Mary Beth Hoover

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

1 A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted
2 the 21st day of November, 2005, as amended, and the map made a part thereof, by
3 rezoning from a C-8 district to a C-10 district, that certain strip, lots or parcels of land
4 located at 1625 7th Avenue, in the City of Charleston, Kanawha County, State of West
5 Virginia, currently or formerly owned by Mountain Mission Inc., a West Virginia nonprofit
6 corporation.

7
8 Be it Ordained by the City Council of the City of Charleston, West Virginia:

9
10 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted
11 the 21st day of November, 2005, as amended, is hereby amended by rezoning from a
12 C-8 district to a C-10 district the whole of the following described strip, lots or parcels of
13 land:

14
15 All of that certain lot or parcel of land, together with the improvements thereon
16 and the appurtenances thereunto belonging, in the City of Charleston, Kanawha
17 County, West Virginia, on the south side of 1600-block of 7th Avenue, west of Mission
18 Hollow and being more particularly shown on the attached EXHIBIT A and described as:

19
20 Being Tax Parcels 288, 290-293, 298, 299, 301, & 302, Charleston, West
21 Virginia as shown on Charleston West District 12, Tax Map No. 10. Said
22 tax map is of record in, and used as zoning map sectionals by, the City
23 Planning Office.

24
25 2. The Zoning Map, attached to and made a part of said Zoning Ordinance,
26 is hereby amended in accordance with Section 1 of this Ordinance.

27
28 3. All prior ordinances, or parts of ordinances, inconsistent with this
29 Ordinance, are hereby repealed to the extent of said inconsistency.
30
31

STOCKTON GREENE LP PROJECT
 Located at 1515 8th Avenue, City of Charleston, West Virginia
 80000 Cooper Companies, Inc.
 500 S. Front St., 16th Floor
 Charleston, WV 25301-4219

Existing Conditions Plan

Legend

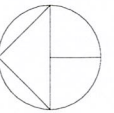
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Stockton Greene LP Project
 Located at 1515 8th Avenue, City of Charleston, West Virginia
 80000 Cooper Companies, Inc.
 500 S. Front St., 16th Floor
 Charleston, WV 25301-4219

Existing Conditions Plan

Legend

1	Existing Survey Points
2	Existing Survey Lines
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61	Existing Survey Lines



REZONING FROM C-8 TO C-10

STAFF
EXHIBIT

Crosswalk Safety on the South Side Bridge and Ramp

Our city's comprehensive plan specifically calls for a "complete streets" approach, and further says: *The key to this approach is making our streets feel safe for all forms of travel, including the pedestrian.* Safe and pleasant city walkways and bikeways have multiple benefits: they encourage good health, promote tourism, and improve quality of life.

And, for pedestrians and bikers, the jewel in Charleston's crown is the Sunrise Carriage Trail. Thanks to the efforts of city employees and many volunteers from Friends of the Carriage Trail, this wooded path is now a diligently maintained, well used National Recreation Trail. However, getting to the trail from downtown Charleston on foot is extremely hazardous. I can't say it strongly enough: **This situation is a tragedy waiting to happen. Let's fix it.**

The safety hazard is at the pedestrian crosswalk on the ramp leading from the South Side Bridge to MacCorkle Avenue. Traffic comes from five directions, and there is no time when all traffic is stopped for pedestrians. Moreover, much of the moving traffic at the crosswalk is turning traffic, and there are no clear sight lines. Finally, the signage near this crosswalk is inadequate and confusing.

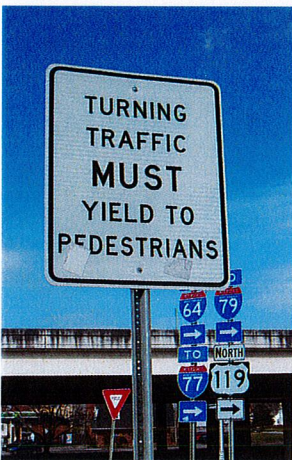
Here are some examples of poor existing signage:



Several small signs like the one on the far left apparently are meant to alert drivers that there is a crosswalk ahead. However, "Ferry Street" means nothing to most drivers. Until recently, the ramp was not labeled, and the only street sign now labeling it as Ferry Street is at the bottom, not the top, of the ramp. Moreover, there is no indication that drivers must yield to pedestrians. Most drivers do not know that state law requires them to yield at designated pedestrian crosswalks.

A larger sign at the crosswalk (above, right) also fails to tell drivers they must yield. To make matters worse, nearly all of the drivers who encounter this sign have just turned. In most cases, their sight lines are blocked by traffic facing upwards on the ramp, and they do not necessarily see the sign—or the pedestrians—in time to react.

Some Possible Solutions to the Problem



Better signage would help. Here are examples of two places in Charleston where the signage is clearer. The sign on the far left is on Randolph Street where it meets Pennsylvania Avenue. The one on the right (note the important words "STATE LAW") is on Bridge Road, just above the Rite-Aid store.

A Further Safeguard

An inexpensive and effective way to protect pedestrians would be to provide flags on each side of the crosswalk. They wouldn't need to be as large as the one I made for myself (at right), but you get the idea. It really works!

In fact, providing flags for pedestrians is a solution that is working in Salt Lake City, Utah and Madison, Wisconsin, among other places. Simple holders are placed on either side of the street. Pedestrians pick up a flag on one side and replace it in the holder on the other side.

I strongly recommend improving pedestrian safety at this road crossing. Simple, inexpensive remedies might save a life!

Colleen Anderson, 6 Arlington Court, Charleston, WV 25301 • motherwit@suddenlink.net



Municipal Planning Commission

Hearing and meeting: Wednesday, October 7, 2020, at 3:00 p.m., in the conference room of the City Service Center, 915 Quarrier Street.

Members Present

Lisa Fisher Casto
Terry Pickett
Mary Beth Hoover
Aric Margolis
Todd Dorcas
Alice Hypes
Deanna McKinney
JoEllen Zacks
Margo PICKETT
Shawn Taylor

Staff Present

Dan Vriendt
Lori Brannon
John Butterworth

Others Present

Mark Sadd – Legal Counsel for Dr. Harmon and Hunting Woods
Joyce Ofsa – Legal Counsel for Bill No. 7884
Dr. Angie Settle – CEO Health Right
Adam Krason – ZMM Architect for Health Right
Rodney Pauley – ZMM Project Manager for Health Right
Barry Accountius – Woda Cooper Company

Greg Proctor
Brian Lanham
Joe Mullins
Joe Severino
John Roberts
T. Bush
Joseph Severino – Charleston Gazette

Call to Order: Aric Margolis

Ongoing 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. MAGOLIS: John are you going to give staff notes.

MR. VRIENDT: Aric, I'll go ahead and do this one.

MR. MAGOLIS: Okay, Dan.

MR. VRIENDT: As you know rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Commission told us to make a recommendation to the Planning, Streets and Traffic Committee, with final action being at City Council. As with all rezoning, the Commission should determine if the request is spot zoning and if it is consistent with the comprehensive plan. As a little bit of history, the staff worked with the Municipal Planning Commission's Comprehensive Rezoning Committee to make recommendations to modernize the City's zoning map by brining areas into compliance with the comprehensive plan's future land use map. At the last meeting the commission approved the rezoning for Yorktown Subdivision rezoning from C-12 to R-4. This rezoning will do they same thing by brining the substantial part of a neighborhood's zoning into alignment with how the property was developed. The 1983 zoning map nor preceding maps followed parcel boundaries and commonly split properties between two zoning districts. As you know this creates challenges for development and regulation for both property owners and administrators. Further, these far flung areas have higher density zoning because of being designated in an area when growth was still was anticipated in the population of Charleston. In summary, this application to rezone the property is in pursuit of removing the conflict between R-6 and R-4 zoning in the area. It is compliance with the comprehensive plan, as it will promote the preservation of the suburban and rural character in the existing neighborhood.

The Staff is recommending the approval for the following reasons:

- Rezoning is consistent with the future land use map, which designates this property as a suburban neighborhood or rural neighborhood.
- The rezoning will remove the presence of two zoning districts on many parcels, making development standards more clear and easier to administer.
- The rezoning will bring the rezoning classification into agreement with the use of the land.

If you recall at the last meeting, we did table this matter at Mark Sadd's request. He is legal counsel for Dr. Harmon, who owns approximately 100 acres that is part of this rezoning. I believe Mr. Sadd is going

to request that we table it once again this month to give Dr. Harmon time to fully study the impacts of the rezoning. The tabling of the rezoning is at the pleasure of the Commission. I will say that there is nothing pressing with this rezoning, other than we are working to bring parts of the city's zoning map into alignment with the future land use plans.

I'll be happy to answer any questions.

MR. MARGOLIS: Questions of the Commission? I am not seeing anybody. Are you Lori? Lisa has her hand up.

MS. BRANNON: That's the only one I have.

MS. CASTO: What is the difference between an R-6 and an R-4?

MR. VRIENDT: That's a great question. R-2 and R-4 zoning districts are single family residential districts. The R-6 district is a multi-family residential district. You can up have up to four (4) units on a single parcel of property. There are some minor differences, like the setbacks, but the main difference is the density.

MR. MARGOLIS: R-4 will allow for duplexes, will it not?

MR. VRIENDT: No. An R-4 will allow accessory dwelling units on owner-occupied property.

MS. CASTO: So, it will allow, for example, a garage apartment for a mother-in-law?

MR. VRIENDT: Exactly.

MS. CASTO: From my perspective, that's exactly what Woodbridge is. It would seem very logical and it is part of the comprehensive plan. Seems like we should do this.

MR. MARGOLIS: We'll get to you Mark.

MR. MARGOLIS: Any other questions of the commission? (No response.)

MR. MARGOLIS: Anyone here to speak in favor of the application? (No response).

MR. MARGOLIS: Anyone here to speak in opposition of the application? Mr. Sadd go ahead.

MR. SADD: Mr. Chairman, thank you. I'm Mark Sadd from Lewis Glasser here in Charleston. I have appeared before the commission on matters, but not recently. Thank you for the opportunity.

I am representing Hunting Woods, the owner of 100 acres that is the main subject of this proposed rezoning from R-6 to R-4. I asked the Planning staff and they, in courtesy, allowed my client, who could not be here today because he is out of town, to ask the Commission to defer or table the matter for this meeting.

Recently, I called and asked again for another continuance based on the specific reason my client, Dr. Harmon and his company, wanted to and has been actively pursuing some consultation on the effects of this rezoning. If I had to sit here and tell you today whether he objects to the rezoning, the answer would have to be "no", if you voted on it today. What I have attempted to do is get some time for the owner of what was really the principal property within this rezoning in order to do some analysis to determine whether the company and landowner in fact would object. He is not clear about the economic impact on his property, although there are some obvious and intuitive understanding of the rezoning impact because we are going down from an R-6 to an R-4 and there is a significant density change going on.

This is called a down-zoning. If you would pass this, you would literally be down-zoning. A down-zoning has a true economic impact. I would have to disagree respectfully with Mr. Vriendt that this rezoning would bring this property into the existing use of the property because this is undeveloped property. Yorktown is largely developed. These are two very different cases. In Yorktown you had a rezoning from a largely developed area of the city to reflect an R-4 buildout or use pattern. Here there is no such buildout. So, I can't imagine why these would be considered comparable, because they aren't at all.

So, that's my first objection and I say that with great respect to my friend Dan Vriendt and staff. On that basis alone, I think that the landowner, who frankly was not given advance notice of this bill when it was introduced by the Planning staff on its own to the Planning Commission and had to learn about it through a letter that others received, that he be given the courtesy, after 35 years of this being out there, to study the issue and determine whether he in fact truly objects based on economics and other considerations. He purchased this property for \$850,000.00 several years ago and had an economic expectation of it at that time based on the current zone. I am asking this Commission to again table or continue this matter until the December meeting so that he can have the time to engage consultation, to then consult with the Planning Staff to determine whether he, in fact, objects to this proposal.

One last point, if we are downzoning Charleston in an era of depopulation, I'm not sure it's a good thing. Why are we downzoning vacant land during an era of depopulation where there is very little developable land in the City of Charleston. I think this is being downzoned because they are people in Woodbridge who object to it being retained an R-6. So, there are other issues involved here that we need to sort through. I appreciate your patience and thank you and I ask (1) that you continue the case indefinitely or (2) that you vote against it if you feel like you must vote today.

I would be happy to answer any questions Mr. Chairman.

MR. MARGOLIS: Mark, either you or Dan may be can answer this. Is this property accessible through property that is not R-4?

MR. SADD: I don't know the answer to that. That is part of his analysis. But, I believe, yes. Now, it may not be the greatest access. There are multiple points of access that exist to this property. Only one of them is through Woodbridge, as I understand it. Someone might correct me. Dan, you might know more. John, you might know more. Please correct me. But that's the discussion I had.

MR. MARGOLIS: Dan, do you know?

MR. VRIENDT: No. I don't know that we know for sure they have access through Woodbridge. They may have access through Woodbridge. They certainly have access onto Baker's Fork Road and there is a private road, Kennedy Drive, that runs up through this property. Now that's a private drive and it has substantial issues, but in theory it could be brought up to a standard that could be made a public road.

MS. PICKETT: What all is included in R-6 zoning.

(Staff responds to Ms. Pickett's question, but response is inaudible and could not be transcribed.)

MR. BUTTERWORTH: Aric we are having trouble with your microphone picking you up intermittently.

MS. PICKETT: THERE IS A LOT OF STATIC.

MS. CASTO: John, why don't you explain what an R-6 is?

MR. BUTTERWORTH: Sure. I'd be happy to. R-4 which is a single-family zoning district and R-6, which is medium density residential and, as we talked about previously, the main difference is the residential density. R-6 allows for up to 4 units per lot. R-4 you can do one principal unit and an owner-occupied accessory dwelling unit. The question in this case also becomes, what is the potential to divide the property? That is pertinent in both the R-6 context and in the R-4 context. As the commission well knows, subdividing property does come to answer questions like access and development pattern, etc.

Any other questions I can address directly, Terry?

MS. PICKETT: In the East End, are we still R-6 or are we R-4.

MR. BUTTERWORTH: It varies widely. It's a property by property basis. There are several different districts in the East End. There are portions that are zoned for residential office along the boulevard. There are portions not too far from where Mr. Sadd lives that are zoned for lighter intensity residential. There are pockets of commercial throughout as well. It really does vary. The one thing that I think Dan tried to point out is that Charleston does, in our current zoning map, have a lot of legacies of the time before maps were digital. There are pockets of higher intensity residential zoning in the hills that do not follow property lines, not particularly accessed by transit routes as the comprehensive plan prioritizes for multi-family in those areas. That was the reason this became a priority for the comprehensive rezoning process that we will be undertaking in the coming months and year.

MR. SADD: If I might add to what John said, realigning the districts to match property boundaries doesn't necessary mean you have to zone into one classification over the other. The preference would be to remain an R-6 for the whole property. So, I think that is an interesting reason, but I don't think it's a good reason to rezone in this instance.

MS. MCKINNEY: Mr. Sadd is saying that his client didn't have any notice of this project. How much notice was given, if any?

MR. SADD: Councilwoman McKinney, thank you for the question, my understanding is he believes he received notice at the same time every other adjoining owner received it under the ordinance. He did not

ask this. He was surprised by it. He called me one evening in a panic on my way back from Hardy County, attending to a matter at the Hardy County Planning Commission. I said, "Sure. I'll help you out.". That was within a few days of last month's meeting. Dan was very gracious to recommend it. Still I'm representing to you Councilwoman McKinney that he is earnestly trying to secure input as to whether he should oppose it based upon his economic investment. It's not that he will eventually oppose it. Although, if he had to oppose it today, he would have to say "no" because it changes the status quo.

MS. PICKETT: Do you actually represent the property owner on this?

MR. SADD: I do. I represent Hunting Woods and Dr. Harmon.

MS. PICKETT: I'm just a little confused, Dan. Who made the application for the downzoning if the owner having hesitation? Who actually made the application?

MR. VRIENDT: The City made the application on this rezoning, just like we did on the Yorktown rezoning.

MS. PICKETT: Okay. That's why I was confused. Is that common?

MR. VRIENDT: When we are doing rezoning in pursuit of alignment with the future land use it is common.

MS. MCKINNEY: Is there any way that you can get in touch with the owner to have this discussion with him or her so everybody can be on the same page with this project?

MR. VRIENDT: We did have a telephone conference call that Mark facilitated with Dr. Harmon. We have talked about it. What they are asking for is more time to study the issue and that is the Commission's pleasure whether we want to give this more time or whether you want to move this forward.

MR. SADD: My response to that is there is absolutely zero harm in delaying this to give the property owner time, particularly after close to 40 years that it has been in place.

MR. VRIENDT: I'm not sure how long it's been in place. Dr. Harmon has owned it for five or six years, I think.

MR. SADD: Correct, but what I'm saying is that this has been an anomaly in place for about 40 years. I'm just thinking that would be fair to the owner to have some more time.

MR. MARGOLIS: (audio problems) When we were looking at different properties, the first property was district is R-4 and we took into consideration that it was likely to be on the floor with no feedback. The second property we're doing has some feedback and some opposition. That was never out intent when we went through the areas that were likely to get changed.

MR. VRIENDT: I'm sorry, I was having a hard time following everything you said. We did have that committee that did look at these areas. We did study it in detail. This was an area that the committee agreed that this area should be brought into alignment with the future land use plan.

MS. PICKETT: Dan, is this the property that were was a lot of controversy with the neighborhood before, this particular parcel?

MR. VRIENDT: It is.

MS. PICKETT: Is there City sewer to that property?

MR. VRIENDT: I don't know the answer to that. We didn't get that far along on the previous application.

MS. PICKETT: Okay. If you're going to make it higher density, I was just wondering about the sewage system working if it's not able to be connected. I thought this was the parcel there was quite a bit discussion about previously with the neighbors.

MR. VRIENDT: Margo, this is Mark Sadd.

MR. SADD: Those are development issues that I don't that Dr. Harmon has fully developed. Again, that is part of the analysis that he needs to understand before this bill proceeds.

MS. HOOVER: I have a couple questions that Mark might able to answer. Dr. Harmon has owned this property for 5-6 years already?

MR. SADD: I'm not quite sure but it hasn't been a long time. It's been about 4 or 5 years.

MS. HOOVER: Okay. It is completely undeveloped I'm assuming from this conversation. My next question is when we say to give him time to study this, how long are we talking? I think laying this over for 30 days seems reasonable. I don't it want to be another year and then it keeps on going. How long does this need to be?

MR. SADD: Great question. Again, had he known ahead of time he probably could have worked with this. I think we should be fair to him on that point. He is very sincere about it. He is securing consultation. We are trying to figure out the most economical way, short of doing a full blow study that would be very expensive, if you were coming to the table with an engineering plan and a plan of subdivision. He has no current plans for it. He is wondering how this will affect the economic outcome of his investment. I would say, since everything takes forever now with COVID and because everybody is busy, I thought we could get something going in 60-90 days. I am suggesting that I come back to you in December with some answers, having discussed them with the Planning Department before that time. Maybe by that time he will say, "Yes, I think it's okay." Or "No." and he could do battle or accept it. That's my request for the moment. That's on a good faith estimate of what we can do in that time.

MS. PICKETT: Mark did he have discussion with the City prior to this October 7th meeting? How was he informed as the owner of the property?

MR. SADD: Margo he was not. He told me he believed he was informed on the same basis that everyone else who received the statutory notice. So, he had no prior notice of it.

MR. DORCAS: I have a question regarding the comprehensive plan. It looks like it's split. Maybe it can be explained to me, but it looks like there are two designations, suburban neighborhood and rural neighborhood. I would assume the rural neighborhood is the R-4 lower density designation and the suburban neighborhood is the R-6. Is that correct, John or Dan?

MR. BUTTERWORTH: That is not correct. According to state law, the future land use plan is not supposed to be analogous to zoning districts per se. It's about the broad stroke priorities for that area. It is the Planning Commission's job to determine which zoning district is the appropriate fit to achieve the goals of that future land use plan.

In this case, rural neighborhood has a different set of priorities and ideas. It is about providing housing choice in rural character neighborhoods within the city limits. Whereas, suburban neighborhood is about providing predominately single-family homes and it specifically calls out multi-family as appropriate along major arterials and transit routes. In this case, those two future land use areas cover, because this is a large-scale rezoning, both of those future land use areas are encompassed in the area to be rezoned. In this case, R-6 would be the multi-family, so that would be appropriate along major arterials and transit routes and perhaps other locations. That is what the Commission is here to determine.

MR. DORCAS: I'm a little confused. So, this parcel that we're talking about, the subject parcel that is currently R-6, which designation does it fall under in the comp plan.

MR. BUTTERWORTH: The parcel adheres, and I can a more in-depth analysis with our GIS mapping, but it appears to fall entirely within the surrogate neighborhood future land use area.

MR. DORCAS: Right. So that ties in with my initial question. So, it's higher density. So, time wise do you know when this comp plan recognized the split suburban neighborhood and rural neighborhood.

MR. BUTTERWORTH: The future land use plan was adopted all at once in 2013 with the adoption of the entire comprehensive plan.

MR. DORCAS: At that time, I assume that was done to accommodate for the different types of development?

MR. BUTTERWORTH: In this case, the differentiation between a rural neighborhood and suburban neighborhood really has to do with the development pattern that existed at the time. If you look at the future land use plan excerpt map in the staff notes for this, which is the first staff note in your packet, you'll see the image that Oakridge – Greenbrier Land Use and Opportunities, you will see that the lighter yellow portion of the map is rural neighborhood. It encompasses, for lack of a better way of saying it, the hollows, whereas, most of the suburban neighborhoods tend to be on the ridges. Those have different development patterns. They have different development potential. In this case, when you're talking about some of those hollows, there is higher instances of multiple older structures, there are several former coal camps in those areas, the houses tend to be smaller and more closely packed together, or they can be very sparsely developed in the rural neighborhood areas. You will see the same thing on the West Side hill, Edgewood Acres area, Amity Drive, those sorts of areas. The suburban neighborhood tends to be in this case, Oakridge Drive and areas off Oakridge.

MR. DORCAS: Thank you.

MR. MARGOLIS: Dan, when we were looking at the various areas that made sense to rezone, most of it was because the zoning did not match what the development pattern. We were thinking that all these things would be cleared out right without any opposition. This parcel appears to have some opposition. I think further studying should be warranted on this piece of property.

My question is, regarding the rezoning, is the portion that Mr. Sadd is representing all or a portion of what we are looking to rezone?

MS. PICKETT: All of it.

MR. MARGOLIS: So, the doctor owns the entire portion that we are looking to rezone?

MR. VRIENDT: No. There are probably if I had to guess, 400 to 500 acres that are going to be rezoned. This is probably 100 acres of that.

MR. MARGOLIS: Okay.

MR. MARGOLIS: Is there any other questions of the Commission?

MS. MCKINNEY: Would it be a big thing if we just did a little bit more research, Dan, and give it like another month or so to make sure everybody knows what's going, everything is understood and people are on the same page?

MR. DORCAS: I think that would be warranted.

MS CASTO: I agree. With all due respect, Mark Sadd is asking for 60-90 days, not 30. Are we willing to go 60 or 90 days?

MS. MCKINNEY: I think that is excessive time. What do you think, Dan? How much time should it before he gets the information he needs to understand exactly what is going to be there and the economic part of it? How long should it take 45 days?

MR. VRIENDT: I don't know what level of detail Dr. Harmon is wanting to drill down to. I would think someone could do a simple analysis in a shorter period of time. Mr. Sadd did say they are having trouble getting people to take the job. That does come into play.

MR. SADD: If I may, that comes in to play because everyone, thankfully, is very busy. Whatever time it takes to get someone up to speed and engaged. We have engaged someone.

MS. TETER: I think 60 is reasonable. I think 30 is a little too shy and maybe 90 is too long for the Committee. I think he would probably need 60.

MR. SADD: Thank you. That would be suitable if that is acceptable. That would be reasonable. Thank you.

MS. MCKINNEY: That seems like it's in the middle so it's kind of fair, I guess. We just want to be fair to everybody.

MS. TETER: Dan, does he have the largest portion? You are saying it's between 400 – 500 acres and Dr. Harmon has 100 of it. Do the other owners of the property around it, are they like five acres and 10 acres and 15 acres? I mean if he has the largest portion then he would have the largest to gain and the largest to lose.

MR. VRIENDT: He has the largest parcel by far. Now he did have legal and lawful notice. It's not like it came to the Commission with him having no notice. He does have the largest parcel up there by far.

MS. CASTO: Mr. Chairman I would like to make a motion that we agree to table Bill No. 7880.

MR. MARGOLIS: Lisa, hold that thought for just one moment. I get through the standards.

So, hopefully, I am going to open the floor up to anyone else in opposition. I am not seeing any hands raised. If they are, please speak. There wasn't a specific applicant to rebuttal, so hearing none, I am going to close the case and let Lisa make a motion.

MS. CASTO: I would move that the Commission agrees to table Bill No. 7880 for 60 days and bring it back in our December meeting.

MS. MCKINNEY: I second.

Motion and Vote: On motion of Lisa Fisher Casto, seconded by Deanna McKinney, the Commission voted unanimously to table Bill No. 7880 for 60 more days.

MR. SADD: Thank you, Mr. Chairman and members of the Commission. We'll see you in December. Thank you.

MR. MARGOLIS: Next, there are two items on the agenda I want to hear concurrently, unless there is an objection from the Commission. The first is a subdivision application by WV Health Right for subdivision approval for property located at 1520 Washington Street, East, District 11, Tax Map 20, Parcels 135 – 138 and 153 – 159, including a request for a waiver of requirements pertaining to lot size and lot depth, Charleston, WV.

John, Dan, who's going to present this?

MR. BUTTERWORTH: I'll do this one, if I may.

MR. MARGOLIS: Okay.

MR. BUTTERWORTH: Please allow me to share my screen. Can everyone see a subdivision plat in front of them? (all responses "yes").

MR. BUTTERWORTH: We'll first discuss the staff notes pertaining to the subdivision application. In this instance the applicant is petitioning to divide the rear of lots located on Jackson Street. In this case, for context and to get everyone acclimated, the petitioner is West Virginia Health Right Inc. and they are located 1522 Washington Street, East. They have recently purchased the former RCCR property located at 1516 Washington Street, East. The petition today for the subdivision is they are proposing to divide property off the rear yards of 1513, 1515, 1517 and 1519 Jackson Street. They have purchased each of those homes. I'll let the applicant confirm this, but I believe they have recently been conveyed to a property redeveloper and landlord for renovation, but they propose to subdivide the rear yards of the property off and use those to develop accessory parking to support expansion of the West Virginia Health Right facility fronting on Washington Street.

The concurrent application is the closing of the alley that is adjacent to 1516, 1513, 1515, 1517 and 1519. To give more context for the subdivision plat, this lays it out in platform. You can see that this property is 1513 and this one 1519. They are discussing subdividing the rear of the lots and then merging that with the portion of the closed alley, if the City Council votes approves. At some point in the future that would be merged with the Health Right facility.

The subdivision application, the specific criteria that you all are deciding today, is the waiver of the subdivision regulations specific to both lot depth, which, pursuant to subdivision regulations, is at least 100' deep, and lot area, which in this zoning district is a minimum of 5,000 square feet. The properties are proposed to be roughly 3,500 feet each, the remnant parcels that have single-family or multi-family structures on them today. The portions of their yards that need to be severed are not subject to minimum lot criteria because they will be merged and far exceed the minimum criteria of the subdivision regulations.

The findings that you all would need to make today for the subdivision application is whether to waive those provisions. To that end, I would direct you to the staff notes for the subdivision. In this case the standard to review is to ensure conformity with subdivision regulations and to waive them if them if the Commission makes the decision to do so and, also, confirmative with the comprehensive plan. As far as departmental reviews, since the staff notes were sent around to you all, I have received affirmative approval from each of the pertinent city departments. The petitioner is requesting to subdivide the rear yards as we discussed. In this case I think it's worth noting that several preliminary site plans have been reviewed with the applicant, design firm and the Planning Department. Preservation of the development pattern and the contributing structures along Jackson Street are definitely a priority. The development plan and re-subdivision of land will allow for the preservation of these structures, while permitting the expansion of a critical community facility. That would be the analysis for the subdivision.

Mr. Chairman do we also want to hear the staff notes regarding the alley closing at this time.

MR. MARGOLIS: Yes, go ahead. We will want to hear from the applicant. I have plenty of questions.

MR. BUTTERWORTH: The staff notes regarding the alley closing are the final page in your staff notes, the final two pages. In this case, this is Bill No. 7883, closing and abandoning and discontinuing a portion of a public alley. In this case you can see in the high-lighted section of the staff notes, it is the portion directly behind 1516 Washington Street, East. It is described on the plat as 1,636 square feet. The standard review, in order to recommend discontinuance and abandonment of the alley, the City Council would

need to find that it is not part of a pattern of streets and the closure would not negatively affect access for parcels that use the alley. The Commission should also take consideration from the various city departments the imposition on any utility or other easements.

We have received an appraisal dated August 12 from Rolston & Company valuing the property at \$9,800.00. The petitioner, as I said, owns the property located 1516 and 1520 Washington Street, East, as well as 1513, 1517 and 1519 Jackson Street. These are all adjacent parcels to the right of way to be closed. The alley has not for many decades provided through traffic, as it was previously closed, so it will not adversely affect access.

So, with that, would you like the recommendations now, Aric, or would you like for me to wait until discussion occurs?

MR. MARGOLIS: I want to first hear from the applicant and then we will go back to you (John) with the rest of your staff notes.

MR. KRASON: Mr. Chairman, this is Adam Krason and I am here to present on behalf of the applicant today.

MR. MARGOLIS: Go ahead, Adam.

MR. KRASON: We also have on the call Dr. Angie Settle, the CEO of West Virginia Health Right. Also joining me just off screen is Rodney Pauley, one of our Project Managers and Architect who has been working with Health Right and the Planning Department is who worked out the plan for this project.

A little bit of history, we have been working with the City since late Spring on developing a strategy to allow West Virginia Health Right to expand and place in a way that preserves the development of the neighborhood and preserves as much of the neighborhood as possible. The first plan that was developed was on the agenda in June, and it came off the agenda based on feedback, would have actually demolished those four houses, expanded the parking in what is proposed now and then put a park on Jackson with a fence that would have separated that from parking. Based on the feedback that was received, we developed this current plan. The only demolition that occurs in this current plan are some accessory structures off of the alley that are in poor condition. So, this works to really maintain the development pattern in this neighborhood in two different ways. First, it contains the urban fabric on Jackson. None of those residential structures are going to be demolished. They will all be maintained. The addition Health Right is proposing to their existing building will stay in line with their existing building on Washington. So, we are also able preserve the street frontage that occurs with the Health Right facility on Washington. The intent is, as you can see, to take the under-utilized portion of those properties and utilize it for parking for the expansion.

So, it preserves the urban fabric on Jackson, and it preserves the street frontage on Washington. It allows this very important mission of West Virginia Health Right to expand in place. As it relates to the parking lots that have been developed, we exceed the requirement for green space in the parking lots. Again, 20 of the additional 41 spaces that will be required for this addition occur in what was the rear yard of where those accessory structures sat. We think this is really a great plan for the neighborhood. It allows the fabric to be maintained. None of the houses that are critical to the East End Historic District are going to

be demolished. It allows Health Right, which is a really important function within the community, to expand in place.

Dr. Settle, would you like to add anything to that?

DR. SETTLE: Yes. I'm real excited about this plan because I have been here on Washington Street with the clinic since we built the clinic in 2000. There are some safety concerns behind our building. I've had a lot of the neighbors talk to us over the years about hoping that somehow that alley could be closed. I'll just be honest with you, there is a lot of drug trafficking. Some scary characters go through there and I have a female staff. We feel like that's a great positive for the neighborhood to be able to close that off. Anybody that has been here or been in the clinic or knows me, I have a lot of pride in what we do here. Everything that we do that I'm in charge, we do it right and it's going to look nice. I'm so excited about this plan, because our clinic is busting at the seams. We are doing more substance abuse disorder care. We are doing COVID testing. When I took over, we had 15,000 patients and now we have almost 30,000 patients. We are expanding and trying to do more care, but we need more space. We are excited to be able to get the spot next door and keep our placement here on the East End. It is so important that we are where we are needed, with bus access, and close to a hospital for the patients and volunteers.

I don't know if you got this letter from the developer. I think Lori has it. I think this is the most important part, where he's talking about putting new roofs, new siding, new wood floors, updating kitchens, updating bathrooms and brining young professionals to those four houses. I can't imagine anything better than taking the four houses that I've watched fall apart behind our building. I mean these houses are really bad and in great disrepair. One of them has actually been abandoned several years. To have them come in and breathe new life into those houses, keeping in character with the neighborhood, and for us to get the parking that we need and clean up that alley that's really dangerous, I feel really good about it.

We want to be good neighbors to everybody, and I think we've been good neighbors. We want to continue our mission. We are a free and charitable clinic and moving is just not an option for us. This will cut the cost and will add onto our building more than 50% and we are going to have to raise that money as it is. We are hoping you can work with us. We want to stay here on the East End where we are needed.

MR. KRASON: One thing that we hear regularly is a request for people who are making changes like this to reach out to their community. Dr. Settle has really reached out to the community and engaged in conversations about the improvements that their trying to undertake hear. Not only did she reach out to them when she presented the first plan and got feedback, she stepped back, re-evaluated the plan entirely and come up with a strategy that preserves those four houses that are so important to the urban fabric on Jackson Street.

We think this is a great solution for the neighborhood and we hope the Commission approves it.

MR. MARGOLIS: Do we have a site plan?

MR. BUTTERWORTH: In this case, to be very blunt, the site plan is not under the jurisdiction of the Planning Commission.

MR. MARGOLIS: I understand that. It's not a design of significant impact, but it does affect one of the questions I have.

My biggest concern with the subdivision portion is the new lot line appears to be pretty close to the back of those houses. We are making those lots non-conforming, which a lot of older houses are not conforming just as a matter of course, but we are making it significantly different. It's an R-6 zoning, which would require a 20-foot set back. Those property lines appear to be 5-7 feet from the corners of the house.

MR. KRASON: When we were working on this, I believe we were interacting with Mr. Harmon at that point and he said the minimum distance would be 3-feet from the houses. We are 4-feet from the stairs. I don't think in any case we are close than 10-feet from the rear of the house.

I wish you could see the site plan I'm looking at now. It hasn't been shared with the City, but of course you understand their position. The parking lot is identically the same distance back as the adjacent accessory structure. It doesn't go back farther than the accessory structure does to the next house by more than a couple of feet.

MR. MARGOLIS: The fact of rear yard will be larger than what that subdivision map shows. Is that an accurate statement?

MR. KRASON: Yes. 1515 is the closet that we get to any stairs or anything coming off the structure. I think we're at 4-feet. To the actual back of the house, we are 10-feet away. When you get to the majority of 1517, we are probably closer to 15-20-feet. The rear of those houses is not regular geometry. They each have back porches. It is projecting and goes in and out. You can see the site plan now.

You can see, Aric, what I was saying is that in the bottom of that, as it's rotated now, the bottom plan. There is an accessory structure behind the house at 1511. You can see that the parking lot doesn't extend far beyond that existing accessory structure.

MS. PICKETT: Adam, will 1507 and 1509 still have alley access?

MR. KRASON: Yes. Every property that currently has alley access will maintain alley access. The only ones that will not have alley access are the ones that Health Right already owns. Those are the only ones that will be impacted. That alley is already interrupted behind the existing Health Right. If you've been in that neighborhood you would have observed that, what is the alley there, has been used as a parking lot by various people for a long time already.

MS. PICKETT: Does Health Right own the houses directly behind them also?

MR. KRASON: No.

MS. PICKETT: Those people did not have alley access anyway.

MR. KRASON: Yes. They did not have alley access anyway. Right.

MS. PICKETT: Is this the time to ask questions or later?

MR. MARGOLIS: This is an appropriate time to ask questions.

MS. PICKETT: I've got concerns about this. I spoke to Handley Clark about this. He's a well-known developer who has actually done a lot of development on Jackson Street, although not in the block. I drove down there today to have a look.

First of all, I'm a total supporter of Health Right and I'm also a total anti-more surface parking. Handley and some other people said that he thought this would actually be very detrimental to the neighborhood. Right now, there's a man, Shawn Wilson, who has just some apartment buildings that are right next door to the houses you are talking about. If I understand, Health Right now owns those houses, right? They bought the houses. If you're wanting young professionals to come in, I think it would be really detrimental not to have a backyard and to be backing onto a parking lot in a neighborhood, that I've been told by several sources, is up and coming. This could at least cut this off at the knees. My fear is that I think there might be a lot more creative ways of things to do with parking. I would like to see a census of who actually parks at Health Right because what I've heard is that a lot of people who come there come by bus. My first question, has there been a census of who actually using the parking lot?

MR. KRASON: Terry, Dr. Settle might have more to say here, but the parking is, in large part, for the employees that are helping to the staff the services that occur out of Health Right.

DR. SETTLE: It's volunteer physicians. If you drive on our parking lot, as it is currently, on any given day, we're at capacity. If we're going to add this whole new section and take on more services and behavioral health, we have to that parking. I'm not disagreeing at all with you, Ms. Pickett, but I would encourage you to come back again and let me show you these four properties, because they're falling apart.

MS. PICKETT: I've seen them.

DR. SETTLE: They're falling apart. I mean there are dangerous areas and things that are falling in. I've been here 20 years and there's a house a couple down from it that's been boarded up for 3 years with profanity all over it and not one thing done to improve it.

I may not live here but this is my second home and I want it to look nice and pretty and keep everything nice. I get that you're saying that the back yards are not huge, but young professionals don't want to mow and everything.

MS. PICKETT: I don't think they want to look out onto a parking lot. It's not just those houses, I'm talking about the neighborhood as a whole. I think, for instance, if you need more parking, which you may well do, have you looked at, now that you have RCCR, have you looked at a really good parking building. There is way too much surface parking. Parking, from what I understand, in urban planning, surface parking is not a good thing to do. It is a really bad land use. I think some other people could address that. I suspect, if you don't use those for houses, I don't know what you are planning on doing with those houses. Ultimately bringing them down? Rehabbing them? What are you planning on doing with the houses? Before doing anything, approving anything, I would want this to be looked at more closely.

MR. VRIENDT: Can I say something?

MR. MARGOLIS: Yes.

MR. VRIENDT: Tomorrow is a Board of Zoning Appeal and tomorrow is going to be dealing with the issue of parking. There is a request to grant a parking variance. They're actually required to have more parking than what they have now. Those are issues that are going to come before the BZA and for them to decide. The issue of parking and the parking lot is not as germane for the Planning Commission today. You are just being asked to subdivide the property and then also the alley access.

Questions pertaining to the setback from the houses are all fair questions for the subdivision, but the parking issues are really going to be addressed tomorrow before the BZA. That's a public meeting and anyone can join in on the discussion. Just so you know, I wanted to make a point too that they're not supplying the amount of parking that the zoning ordinance is requiring. The scaled back the parking as far back as what they think they need. We would have been happy to grant them a larger parking variance, or for them to request a larger parking variance.

MR. MARGOLIS: Lisa, you've had your hand up for a while. Were you still wanting to speak?

MS. CASTO: Yes.

MR. MARGOLIS: Go ahead.

MS. CASTO: I wasn't going to ask about parking, other than, assuming that Health Right works normal business hours, 7:00 a.m. or 8:00 a.m. until 5:00 p.m. – 6:00 p.m., would the tenants in houses on Jackson Street be allowed to use that parking? I know they would have to go around the block, but still, could they use it and put a gate and a fence so they could walk to their property? To me, that would be the big thing and one of the things that I don't know was discussed. The four houses, to my understanding, has been given to a developer. I think Adam might have referred to that. They're going to be developing those buildings and taking them, from what Dr. Settle is saying, not in good condition, they're going to be upgrading them to make them suitable for young professionals. But parking to me is going to be an issue and if Health Right would figure out a way that the tenants could use that parking when they don't need it, to me that would be an asset to the neighborhood. I know it's not within our purview and assume that BZA is going to deal with what the fencing and landscaping is going to look like. It's not going just grass like the other one we approved. That was my one question.

My other thing is, I went down there too and there is two outbuildings that look to me like they'll have to be demolished. I guess my question is, doesn't Health Right need a place to put shovels and things like that and that one outbuilding could be kept. I don't know if that matters much either. That's probably not in our purview either.

MR. BUTTERWORTH: I wanted to chime in and answer one of your questions, Lisa, and Shawn Taylor had asked it in the chat menu and I responded and accidentally responded privately to him. I meant it to be visible to everyone. Dr. Settle and Adam if you want to add to this, but there are existing driveways for each of the houses on Jackson Street. I can't speak to whether they intend to maintain those, but there is existing parking for each of those structures now that's off-street.

MR. KRASON: That's correct, John. There is existing parking and the on-street parking on Jackson. Each does have a driveway that runs between the houses. Quite honestly, in the question we heard earlier about what is going to happen to the structures and if they are going to be torn down, the reason we develop this plan was not specifically to tear down those houses, the was develop a strategy to maintain those houses, still provide the needed parking and, as you heard from Dan, not even to the level that is required by the zoning ordinance at a lower level, but to provide needed parking and to maintain the neighborhood. This was really developed as that compromised solution. The other option was to take down each of those houses and, instead, they're going to be re-developed for use by young professionals. This is an urban neighborhood and we don't think that young professionals not having a back yard was going to be an issue. If they choose to live in this neighborhood, we certainly don't think that would be the biggest concern.

MS. PICKETT: Does this set a precedent? Has this been done before? I know we have sub-standard lots that have been sub-standard or maybe put together, but in this case chopping them off like this, does that set a precedent for other people in that neighborhood on Washington Street to be able to open that door?

MR. BUTTERWORTH: It does not. One of the things that I intended to share with you all, if I may, in supporting this application the Planning staff looks at the context of the neighborhood. In this case, as Adam pointed out, there are lots of instances within this existing block i.e. 412 Thompson, 500 block of Thompson or the 400 block of Ruffner, within the Historic East End, of what we call postage stamp lots. These lots just contain the home. That, in and of itself, is not out of character for the East End, generally speaking, and many neighborhoods in Charleston. That's one of the reasons in evaluating this application we didn't have severe objections to it, because it is a development pattern that currently exists in the neighborhood.

MR. MARGOLIS: The only comment I would like to say to Adam is, when I briefly glanced at the site plan that Lori shared, seemed like you had a wide drive area that pushed that parking closer to the house. I guess I'm just hung up about how close the backyard property line is. If there's a way you can mitigate that by giving it a few more feet, you wouldn't lose more than one or two cars.

MR. KRASON: You have a good point. When Health Right purchased those lots initially, they were intending to demolish those houses, which would have permitted a lot more parking. We're just trying to strike the right balance. On the east side of those lots there are four spaces. It gets narrower as you go east. If we eliminate one of those spaces, it's going to make those spaces on the left side difficult to back out of. I know what you're talking about, that shared drive area. We have it for most of the property, but we lose it on the west side.

MR. MARGOLIS: Okay. Like I said, it was a quick glance.

MR. KRASON: It's a good point. If we eliminated one of those, we could maybe angle that parking and solve that, but it wouldn't provide any more distance where we are the closest already, which is all the ones at 1515.

MS. PICKETT: Two questions. One about, even though this isn't in our bailiwick, because they need more parking, but don't we need to decide on the subdivision, if there's going to be more parking. Would the parking not be contingent upon our approving the subdivision waiver.

MR. MARGOLIS: Not really.

MR. KRASON: There's on-street parking available here and is required for any of those residential structures.

MS. PICKETT: So the other thing is, having talked to some people who live there and a developer who really thinks it could have detrimental effects on the neighborhood as currently planned, I would really want to have more discussions with other people in the neighborhood and developers to see if that's a really valid concern. If this an upcoming neighborhood, I would not want this spoiled.

MR. KRASON: Ms. Pickett we did a little market research in that neighborhood when we were looking at the changes we are making here and, what's the number Rodney?

MR. PAULEY: They've been declining for the last two decades.

MS. PICKETT: I can tell you other people are thinking it's just beginning to start turn around.

MR. KRASON: We think this could be part of it because these houses are all going to be improved as part of this project. When they said they thought this would have a negative impact on the rest of the neighborhood since it's going to maintain the urban fabric along Jackson, did they say what kind of impact that was?

MS. PICKETT: Handley Clark thought people wouldn't want to live there, basically, if there's a parking lot behind there. That's what he thought.

MR. KRASON: There are a lot of structures in the East End where there are parking lots immediately behind where people live. It's all over the East End.

DR. SETTLE: Can I add one thing? Is it okay?

MR. MARGOLIS: Yes, mam. Go ahead. Then Mary Beth has her hand up as well.

DR. SETTLE: I would love for you guys to come down here about 8:30 or 9:00 at night when I have to leave here and go to my car. It's really scary back there and it's gotten worse. The main part of that is it's all grown up, there fences are over, it's all overgrown, it's in horrible condition. If you come down here and see it, there's no way this can be anything but good. I love this place. I've been here 20 years and I just want better for this neighborhood too. I feel like this guy that's got money to fix these four houses up that are falling apart for four years, I think it'll be good, not just for us but for them too.

MS. HOOVER: I have just one clarification. I think you guys have answered this question, so I just want to throw this out there. The four houses are actually, even if something had to come down, are going to remain houses, correct? So, when you drive down Jackson Street, you're going still have that integrity of a neighborhood.

MR. KASON: Yes. 100%.

MS. HOOVER: Okay. That was my first question. My next observation, I just wanted to point out, I live in an apartment building in the East End and I don't have a back yard. The apartment building across the street technically has a parking lot behind and the 1600 block is where it is like that. So, that is very common.

MR. MARGOLIS: I don't see anybody else's hand up. John, have we gone through all the staff notes for both of these?

MR. BUTTERWORTH: We haven't covered the recommendations. If you allow me, Mr. Chairman, I'll do those very quickly.

In regard to the subdivision, the staff recommends approvals, including the waivers of the request provisions for the following reasons:

- The structure is located at 1513, 1517 and 1519 Jackson Street are contributing structures to the East End Historic District, a National Registered historic district.
- Preservation of the historic structures and housing units in a core neighborhood promotes the broad goal of "preserving the historic walkable neighborhoods in Charleston's flat core, as contained in the comprehensive plan.
- The request meets all other requirements pertaining to subdivision.

With that I'll turn to the right of way closing recommendations. In regard to the alley closing request, the Planning Department recommends approval for the following reasons:

- Closure of the right of way will not disrupt and existing pattern of streets or negatively impact traffic flow.
- All adjacent properties have legal access provided by other city rights of way.
- All adjacent properties are owned by the applicant.
- Closing the right of way would reduce the City's liability.
- An official appraisal of the property has been conducted and, therefore, fair and adequate consideration of the value has been established.

With that, I can answer any questions specific to the recommendations or the staff notes. Back to you Mr. Chairman.

MR. MARGOLIS: Is there anybody in the audience to speak in favor of the application?

MS. BRANNON: Aric, I can't tell whether it's in favor or opposition, but you do have a Joe Mullins with his hand up in the chat.

MR. MARGOLIS: Go ahead, Joe. We'll hear you and see if there is anyone else.

MR. MULLINS: Can you hear me?

MR. MARGOLIS: Yes.

MR. MULLINS: This is my first Zoom. I'm approaching 80 years old and I'm Zooming for the first time.

I would like to speak in opposition to this. The conditions of those buildings, when you consider the neighborhood is rapidly approaching 100 years old, is a relatively temporary matter. The removal of the back yards and converting in its asphalt and the ills that come with that i.e. 24-hour lighting, heat, removal of 10-12 trees.

MR. MARGOLIS: Joe, I have to pause you for a moment. You need to state your name and address for the record.

MR. MULLINS: My name is P. Joseph Mullins and I own property at 1511 Jackson Street.

MR. MARGOLIS: Thank you. Go ahead.

MR. MULLINS: At any rate, the idea of lopping off the back yards is an expediency which will affect the neighborhood forever. People talk about living next to parking lots. That is the sudden exposure for these building. With the increase global warming, those buildings are going to fry.

Another factor, Bloomberg just had a survey saying what the Millennials want is two bedrooms and a back yard. That was recent survey they did. So, I think the idea that young professionals don't want a back yard, particularly after COVID, is not true.

There is the additional problem that there is plenty of room to move the cars back, if this thing must go through. I can you on the drawings that you might lose two-parking spaces if the cars are moved back with their tailpipes on the existing alley. I think that the idea of coming into the neighborhood and claiming this land for parking is ludacris for two reasons. One, within a decade the entire transportation system of America is going to change radically, if we are going to believe the research that is currently being done, more Uber, cars on demand and more sharing. So, we might look to the future instead of the past. I've looked, on several occasions, several different views of the property from overhead views. At any rate, I've never seen a time when the parking lot was even remotely full. I have lived there, and I've never seen a time when the parking lot was seemingly crowded. I think that most of your people arrive by bus or occasionally on foot. I don't know that they need parking. Cars in the future will also shrink remarkably over time. That should be taken into consideration.

The point is that this is a permanent solution to a temporary problem. If you have a shortage of funds to do this properly, I would be glad to assist you in fundraising. I'm pretty good at it. If you need some fundraising help, call me.

Thank you for the opportunity to speak.

MR. MARGOLIS: Thank you, Joe. Any questions of the Commission of Joe?

MS. HOOVER: Aric, there is a phone number with a hand up.

MR. MARGOLIS: I see that. Someone with the phone number last four 8682 state your name and address for the record.

MR. PROCTOR: Hello, this is Greg Proctor. I'm the owner of 1523 Jackson Street. I had some testimony prepared but I'm going to dispense of that because of some things Angie Settle said about my house. I own 1523. I had a devastating fire there on October 1, 2018 and I've been trying to build the house back ever since. I was diagnosed with cancer over the summer of 2019 and I was laid up for a long, long time. I got a contract and we could not get the project started because of Health Right trying to take over the neighborhood. They wanted to buy my house and tear it down along with 3 others. I kept trying to figure out if the City was going to condemn my house, because I got some threatening phone calls from Health Right supporters.

What I'm situated with, I installed temporary power hoping to get started on asbestos abatement and to redo the plumbing and electrical and everything else and to rip the third floor off and reconstruct it. That's what I've been faced with. As far as the graffiti on my house, I put it there because of all the homeless people that roam around the neighborhood and try to break in the house. The house was broken into about six weeks after the fire. They stole all my tools. Yes, it's grown up in the back because, guess what, that fence out there is right up against Health Right and I'll lose horrendous light. All of the trespassing that goes on back there and drug use and all of the that paraphernalia ends up my back yard, yes I let the fence grow up to keep people from throwing stuff onto my property like needles and trash and bedding that I found on there yesterday. People are still trying to break into the house. I just resent the things that are said about my property because I have been struggling to put that place back together. What I'm faced with is spending \$250,000 to put that house back together and take the risk of having Health Right's parking lot wrapped around my property. I don't think anybody in their right mind would want to spend that kind of money with that hanging over the heads.

So, the Health Right plan is bad for the neighborhood. If they want to expand, they need to move somewhere else like they planned to when they brought that property on Morris Street back in December of 2019. If they can't afford it maybe somebody else needs to take over and provide the care. There are plenty of other clinics. There is Cabin Creek health systems and Valley Health in 12 counties. There are so many other options. Health Right is a business and people work there and they make money and they try to act like this is so critical to Charleston. Well, it's not as critical as they like to make it out. They're a business. They're an institution. They want to survive and to thrive. For them to use against us in our neighborhood, to try and push down our property values to save themselves money, is unconscionable and I am just so opposed to this. I'm going to speak at the BZA meeting tomorrow too. I want you all to know where I'm coming from because this is bad for our neighborhood. Thank you.

MR. MARGOLIS: Thank you. Any questions from the Commission?

MS. PICKETT: I'm totally pro Health Right. They actually serve a different function. They are a free clinic. They do a lot of other stuff. If they can get Medicare or Medicaid, they need that. A lot of people don't even have that. I'm totally for Health Right. Whatever I'm saying is not against Health Right.

MS. PICKETT: What I am saying is I think that the parking needs to be look at further. There needs to be more creativity and imagination. I would take what Joe says very, very strongly. I would give another month or two to really look at this, maybe some neighbors, stuff like that, which I think that Health Right probably has done. It seems on the face of it a good idea. I think take seriously that it could jeopardize the health of the whole neighborhood. Parking lots aren't great. They're awful. In fact, I think there should be little apartments built all along Washington Street in front of the parking lots. What you see on Washington Street is really depressing.

I just want you to know I am very pro Health Right. I just think there needs to be more planning and imagination towards this.

MS. TEETER: Adam, from a design standard, could you pull that back, bring a design back to us where it's not so close to the back of the houses or something with what you plan to do as landscaping and fencing? Are there going to be large lights on the parking lot? I'm working from my phone. You might have a big site plan in front of you that I can't see, and I apologize.

MR. KRASON: Just a few points of clarification. The parking lot, as it relates to the last speaker, would not be adjacent to his property. It will actually not change at all adjacent to his property. That would be a property between his property and the parking lot. 1521 will still have a back yard. So, there's no direct impact there.

Certainly, any time we design lighting for parking lots now, we design it to cut off on the property line and no spill over. The change in lighting technology has been significant in the last few years. We can make sure we are not bleeding light onto the adjacent property. Just lighting the lot well to provide the safety that Dr. Settle was speaking of.

Again, I think this idea that Health Right should go back to the drawing board and bring something back, I would hope the City could explain how hard they have worked to come up with a solution that is going to allow them to expand their important mission and preserve these houses. They have gone out and purchased four houses, 1513, 1517 and 1519, and they're just taking the small part of the backyard that is needed to provide parking which, even when they do this, we have to turn around and go to the Board of Zoning Appeals tomorrow because we are not providing the parking that the City requires of them. We're going to have ask for reduction in that required parking of 35 spaces at the BZA. So, they have been really fair. They have gone out of their way to work with the neighbors in the neighborhood to develop a solution that's workable for everybody.

DR. SETTLE: Can I say one more thing?

MR. MARGOLIS: Very briefly, yes.

DR. SETTLE: I just want you all to know that this has not been a couple of months. This has been almost two years that we've known that we needed to build on. We approached the neighbor next door to buy. At that time, the director didn't want to. Another director took over and we were able to it. This has been going on for two years.

What it's coming down to, I'm just going to be honest, we're going to have to stop taking patients because we are at capacity if we don't figure a resolution to this. Unlike what has been said, we are the only free and charitable clinic, the largest in the state and the only one within a 60-mile radius. We don't charge our patients for anything. We're the only clinic that does that, all the people who are working poor, on insulin, blood pressure medicine and all the medicines they have to have at \$600/month, in order to go work their minimum wage jobs. You can talk to Keeley Steele. We're the glue that keeps that together. If we have to stop taking patients because we aren't able to expand, that is going to have a detrimental effect on the economy as well.

MR. MARGOLIS: Thank you.

MS. PICKET: Why didn't you all look at a parking building, that you wouldn't have to take up so much space?

DR. SETTLE: We can't fit the building and the parking building on there. We looked at that option too, but it won't work from a design standpoint. In order to get enough space to add on, there's not enough room to do that and a parking building.

MR. KRASON: Ms. Pickett, parking structures are mentioned a lot, but even a very efficient parking structure costs \$20,000/space to build or more. At 21 spaces, the cost would be exorbitant. Quite honestly, I think when you talk about what would be more detrimental to the neighborhood, a large parking structure is going to be more of an eye sore than a surface lot that falls in the rear of the building.

MS. PICKETT: Thank you.

MR. MARGOLIS: I'm going to move on. We have been talking about this for an awful long time and we still have two other items on the agenda.

If there's not anything else substantive to this request, I'm going to close this case and entertain conversation first and a motion if somebody has it.

Dan is telling me there's one more person to speak. There's a Brian Lanham. Go ahead Mr. Lanham. Keep it short please.

MR. LANHAM: My name is Brian Lanham and my family owns 1520 and 1516 Jackson Street. I spent the majority of my last 46 years living on Jackson Street. My family has asked me to come speak with you when other people found out. Over 35 other people from 14 homes in that neighborhood have authorized me to speak on their behalf. I'm going to tell you, as a neighborhood in Jackson Street, we strongly oppose the subdivision requested by Health Right. We think that it is going to denigrate the already fragile economic stability of the neighborhood. The corporation listed in their conditional use application that homes on Jackson Street are already 14% lower than the median home on the East End. Granting this subdivision of the lots is only going to make that worse. If the homes and the backyards are not up to standard, knocking them down, subdividing them and making a parking lot, cannot be the best answer we can come up with. There's got to be another answer.

If you grant the subdivision request from Health Right, the only thing we as a neighborhood are going to get is more asphalt, more parking lot, more noise, more crime, more loiters, more vagrants and more need of police. We'll have less places to live, less backyards, less grass and less character from the neighborhood. This is clearly going to have a negative impact on the public health, safety and welfare of the neighborhood on Jackson Street.

I'll conclude with this, our neighborhood is a very diverse collection of ages, races, politics, religion, jobs and interest, but the one thing that has come together to unite us in the past two years is Health Right trying to incur and destroy the character of our neighborhood. Sure, it's only the backyards and maybe the façade of the houses is going to be intact from the front, but it still encroaches on our neighborhood property values and the overall character.

On behalf of the over 35 people and the 14 homes that have asked me to speak to you today, I ask that you vote against this. Thank you.

MR. MARGOLIS: Thank you, sir.

MR. KRASON: Aric, I know you're trying to end the discussion, but since there was another comment, can I make a quick rebuttal there?

MR. MARGOLIS: Yes sir.

MR. KRASON: The reality is, that where this started was, Health Right can tear down those houses. They have four houses that they own. There is a 90-day stay of demolition. They wait for that 90-day stay of demolition and they have every right to remove those houses. That would have a significant negative long-term impact on the neighborhood. But what they have gone out of their way to bring to you, and try to get approved, is this subdivision change which preserves the fabric of that neighborhood. Parking in an R-6 is conditional. They could demolish those houses. They could ask for a conditional use permit to make that entire lot a parking lot. They have gone out of their way to develop a solution that includes input from Planning and a lot of input from their neighbors, that is a fair solution to everyone. I encourage you to approve that solution.

MR. MARGOLIS: Thank you. Now I'm going to close the case and entertain a motion, if anybody has it or comments.

MS. MCKINNEY: Can we table this to look further into it, because you don't want to ignore the residents? Health Right is a business. It could be there today and gone tomorrow. So, we don't want to disregard people who have been living there all their lives. He's saying 35 other people are in opposition. Could we just table this so we can actually look a little further into this?

MR. MARGOLIS: Are you officially making a motion to table it Deanna?

MR. MCKINNEY: Yes, sir.

MR. MARGOLIS: There's a motion. Terry seconded it.

MR. BUTTERWORTH: Todd had just asked a question in the chat and I just wanted to make sure that was answered before the question got called.

Todd asked if Health Right currently meet the minimum spaces or requirements for the use of the size their facility. Todd, do you mean land use requirements or parking requirements?

MR. DORCAS: Parking requirements.

MR. BUTTERWORTH: Lori Brannon had done a lot of these calculations for the Board of Zoning Appeals hearing tomorrow. Currently, they offer 59 parking spaces for a 15,650 square-foot facility. That equates to 265 square feet per space. Basically, what their addition proposes in the expansion of the parking lot is one space per 269 square feet. They are actually, very slightly, reducing the amount of parking on site, but not substantially in any measure.

The ordinance would require one on-site parking space for every 200 square feet. I think it was mentioned that would be an extra 35 spaces required under the ordinance that they are asking for a variance of.

MR. DORCAS: So, they're short in meeting the ordinance, correct?

MR. BUTTERWORTH: Correct. They are proposing less parking than we would otherwise require.

MR. MARGOLIS: They are currently short of meeting the ordinance?

MR. BUTTERWORTH: Correct. In the proportion they are requesting the variance for, is actually remaining essentially the same.

MR. MARGOLIS: I believe when they built that building the one for 200 was not a requirement for medical at that time. That was changed.

MR. BUTTERWORTH: That sounds likely, yes.

MR. MARGOLIS: Any other comments from the Commission.

MR. VRIENDT: Aric, can I just make one other point too in regard tabling? This isn't their first submission. This isn't their second submission. We've looked at five or six schemes with them. We've spent a lot of time looking at this. The staff feels the scheme that has the least impact that allows Health Right to expand in the way they want to. I think they've been very thoughtful and deliberative in their application and it was not done in haste. We have been working with them over a year on this.

MR. MARGOLIS: The commission can choose to vote against tabling it. At this time there is a motion and a second on the floor to table it. All those in favor:

Terry Pickett
Todd Dorcas
Alice Hypes
Deanna McKinney
JoEllen Zacks
Margo Teeter

Opposed:

Lisa Fisher Casto
Mary Beth Hoover
Aric Margolis
Shawn Taylor

Motion and Vote: On motion of Deanna McKinney, seconded by Terry Pickett, the Commission voted 6 to 4 to table Health Right's application for subdivision.

MR. MARGOLIS: I'm going to assume this is for both the subdivision and right of way closing?

MR. DORCAS: Yes.

MR. MARGOLIS: We'll hear this again next month. Moving on.

Rezoning: Bill No. 7884 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 I-2: Light Industrial District to C-10: General Commercial Zoning District; property located in District 13, Map 19, Parcels 123 and 124 in Charleston, West Virginia.

MR. MARGOLIS: Ms. Ofsa are you going to present this or will the Planning Department?

MS. OFSA: Whichever way you want to handle.

MR. BUTTERWORTH: I can give the staff notes very briefly. Aric and Ms. Ofsa can speak in support, if you like.

This will look very familiar to the Planning Commission. This site is the site you all approved the area of significant impact for CAMC last month, at the intersection of 31st and Chesterfield Avenue. It involves two parcels. During that discussion, they stated that they intended to rezone it from I-2 to C-10 and that's this application. As with all rezoning applications, they are legislative changes. The Planning Commission is making a recommendation Planning, Streets and Traffic and counsel, you need to find that this is in keeping with the comprehensive plan. I would offer the recommendations of staff quickly. The staff recommends approval for the following:

- The rezoning is consistent with the future land use map, which describes the property as convenience commercial.
- The rezoning will support the current and future anticipated use of the property and bring the property into alignment with the development pattern in the area.

If there are any questions from the Commission, I would be happy to answer them.

MR. MARGOLIS: Any questions of the Commission. I don't see any hands up. I don't know that Ms. Ofsa needs to speak on this, unless she feels obligated to.

MS. OFSA: Having sit through your session thus far, I don't want to elongate it for you all, if you don't have questions. I'm sure you know about the project, having considered the site plan last month. It's just be rezoned to allow the development to occur. It is adjoining properties that are all C-10. This is the property that use to be a bottling plant.

MR. VRIENDT: Can we have the address for the record?

MS. OFSA: I'm at 300 Kanawha Blvd E, Spilman, Thomas & Battle, and I'm counsel for CAMC, the applicant.

MR. MARGOLIS: Any questions of the commission? I don't see any hands up.

Is there anybody in the audience to speak in favor of the application? I'm not seeing anybody.

Is there anybody to speak in opposition of the application?

Seen and hearing none, I will close the case and entertain a motion.

Motion and Vote: On motion of Todd Dorcas, seconded by Terry Pickett, the Commission voted unanimously in favor of rezoning as presented.

Rezoning: Bill No. 7885 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 C-8 Village Commercial to a C-10 General Commission District, property located 1625 7th Avenue, District 12, Map 10, Multiple Parcels, Charleston, West Virginia.

MR. BUTTERWORTH: The property in question is located on the West Side between 7th and 6th Avenues in the 1600 block. You can see in your staff notes and highlighted map that the development of significant impact is 1625 7th Avenue. For context, Mountain Mission's first store operation is located here, the ProBuild Facility, Temporary Galleries is across 6th Avenue, formerly the Mountaineer Gas facility, now the Recovery Point of Charleston is located on Stockton Street and 6th.

The rezoning application here stems from basically the property is dissected by two different zoning districts. You can see the highlighted area is the C-8 zoning. The parcels that front on 6th Avenue are zone C-10. For history, Mountain Mission has over the course of perhaps the last 20 years being strategically

acquiring and demolishing run-down housing in the area. I'll let Pastor Robert speak to their intent, if he wishes to. Generally speaking, they have been trying to assemble property in this block, with the interest of redevelopment.

Minutes of the February 5, 2020, MPC meeting: On motion of Deanna McKinney, seconded by Margo PICKETT, 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.

Planning, Streets and Traffic Committee
September 28, 2020
via Zoom video conference

In response to the COVID-19 pandemic, the meeting of the Planning, Streets & Traffic Committee of City Council was conducted electronically. The meeting was made available to the public as a live stream via Zoom (per the agenda).

Members Present

Mary Beth Hoover
Naomi Bays
Becky Ceperley
Will Laird
Chad Robinson
Sam Minardi
Adam Knauff

Members Absent

Staff Present

Mayor Goodwin
Matt Hartline
Dan Vriendt
Jessi Redden
Lori Brannon
Chris Knox
Terri Allen

Call to Order: Mary Beth Hoover

Bill No. 7881 - A Bill to amend the Zoning Ordinance of the City of Charleston, West Virginia, enacted January 1, 2006, as amended, and the map made a part thereof, by rezoning from a C-12 shopping center to an R-4 single family residential zoning district, one district area comprising of the Yorktown Subdivision, as shown on the attached map.

MS. HOOVER: Dan do you have staff notes?

MR. VRIENDT: I do. So, this is a rezoning, which is a change to the zoning map, which is a legislative decision. Therefore, the Committee's role is to review the Planning Commission's decision and then forward a recommendation on to City Council for final action. The Committee should determine if the request is a spot zoning and if it's consistent with the comprehensive plan. The Municipal Planning Commission through the recommendations adopted in the Imagine Charleston comprehensive plan developed a Municipal Planning Commission Comprehensive Rezoning Committee. They have studied different sections of the city on the zoning map and determined some areas that need to be rezoned and kind of be part of map modernization project. The zoning map hasn't changed much since 1983. The zoning map has not kept up with the way land has been developed. This area of town, South Ridge was zoned all C-12 General Shopping Center District. The Yorktown Subdivision was developed as a residential neighborhood within this zoning district. So, basically in this neighborhood, anything that is allowed in a C-12 commercial district, would be permitted to go into this neighborhood, if it was not for their deed restrictions, as part of the covenants of their subdivision. The C-12 district allows for high intensity suburban style commercial uses, including big box retail, religious institutions over 80,000 square feet, movie theaters, industrial parks, indoor self-storage facilities, shooting ranges. Where the R-4 district just allows single-family dwellings with some conditional uses like small-scale churches and

schools. The application to rezone the property is in pursuit of providing ongoing protection to the residents and property owners of Yorktown Subdivision. This is in compliance with the comprehensive plan as it relates to promoting the preservation of the character of existing neighborhoods. The Municipal Planning Commission unanimously recommends approval of this request. Staff is recommending approval for the following reasons: (1) the rezoning is consistent with the future land use map, which designates this property as a suburban neighborhood; (2) the rezoning will provide ongoing protections to the residents and the property owners of Yorktown Subdivision; and (3) the rezoning will bring the zoning classification into agreement with the use of the land. I will be happy to answer any questions.

MS. HOOVER: Does anyone have any questions for Dan?

MS. BAYS: I read through the minutes, but can you clarify how this may affect the nursing home that just moved in?

MR. VRIENDT: Yes. This is only affecting the residences, the single-family dwellings in Yorktown Subdivision. So, this will not affect the nursing home at all. There was a small piece of property that the Bible Center is probably going to sell to one of the neighboring residences. They can merge that onto their property and there will be no change. There is a provision in the zoning ordinance that if a lot is subdivided by two different zoning districts that the most restrictive zoning district would apply. If they do sell a little of the C-12 property, by default it will take on the R-4 standards.

MS. HOOVER: I also think I read that the Yorktown Subdivision is approximately 10 acres. So, if someone wanted to build on either side of it, if there's room or adjoining it somehow, would that then have to be re-evaluated at that time if they decide need expand the subdivision.

Mr. VRIENDT: In the C-12 district you are allowed to do single family dwellings so there could be an expansion of the subdivision under the current rules.

MS. HOOVER: Okay.

MS. HOOVER: Does anybody have any other questions?

Motion and vote: On the motion of Councilwoman Ceperley, seconded by Councilman Minardi, the Committee voted 7-0 to approve the bill.

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

MS. HOOVER: Dan, I would like to have staff notes on this.

MR. VRIENDT: Sure. This amendment is a change to the zoning ordinance which requires a legislative decision. Therefore, the committee is charged with reviewing the Municipal Planning Commission's

decision and forwarding a recommendation to City Council for final action. There are some zoning districts where bars are a permitted use by right. There are other areas where bars are a conditional use permit. In the past we have almost had a moratorium of bars, where there are conditional use permits, like in the downtown area, unless they operate as a restaurant, because we have not had a good list of criteria to hold bar owners accountable. What we are proposing here is, when there is a conditional use permit and those go before the Board of Zoning Appeals to be reviewed on a case by case basis, that we want them to have security in mind when they are making application. We want them to submit a safety operations plan which includes the hours of operation, the type and frequency of entertainment to be provided, food service plans, including a menu and means of preparation, plans for security personnel, surveillance systems and commitment to staff training. In the past we have not had these requirements in place. So, when the City does approve one and, maybe they are not operating the way they said they would in their conditional use permit hearing, it makes it hard to revoke their conditional use permit, unless we can really show they are creating an adverse impact on the neighborhood. It's a high bar to set. So, what we want to do is put people on notice. If they want a new bar coming into town or a new bar coming into the East End or West Washington Street, we want them to take all these things into serious consideration. If they are not operating in accordance with the way they said they were going to operate, they can be brought back in before the Board of Zoning Appeals and revoke their conditional use permit. There have been a lot of problems with this in the past and we think that this is really going to help us by giving us the tools we need when someone is operating in a way that's just not responsible, they can be brought in and their permit revoked much easier with better legal footing.

We are recommending 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 alcoholic beverage sales; and (2) the bill will increase public safety by allowing the Board of Zoning Appeals to review, approve and hold applicants' accountable for safety plans and practices at their establishments. I'll be happy to answer any questions.

MS, HOOVER: Does anybody have any questions for Dan?

MS, BAYS: I do. What are some of the examples of the food menu that you are looking for? Give me a couple examples of that.

MR. VRIENDT: Under these rules, we are not requiring that they be a restaurant with accessory beer sales, but if someone comes into the Board of Zoning Appeals and indicates they are going to be an upscale sushi bar but they list microwave hot dogs on their menu, that would be an example where we would say that is not consistent with what we approved.

MS. BAYS: This doesn't really eliminate the problem of having secret investors or someone else putting their name on the liquor license and it not matching who is running the bar or anything like that. So that really doesn't eliminate that, it just makes it a little harder? Is that what we are trying to do?

MR. VRIENDT: I'm not sure how we would eliminate that. When someone does come in and makes application, we do run it through the ABCA using the applicant's name so that we can at least get a feel for what their history is, if they have had other bars in their name.

MS BAYS: If they haven't and they have someone else on the wing, there is no way for us to know rather than to pass this and to find out how things fall out from there.

MR. VRIENDT: Right. But if the establishment starts having an adverse impact, we can all them back in before the Board of Zoning Appeals and revoke their permit.

MS. BAYS: What do you mean exactly by "staff training"?

MR. VRIENDT: The ABC has a training program where bartenders can take class on how to properly serve people and they can get accredited in that. I believe there is a \$25 fee for the class.

MS. HOOVER: A bunch of us on Main Street, because we were serving so much beer in these beer festivals went through that training. I was one of them.

MR. VRIENDT: It's easy to do. We're not asking a lot by requiring this. Every server should take this. There is so much liability there.

MS. BAYS: I was just curious what we meant by that.

MR. VRIENDT: Good questions. Thank you.

MS. HOOVER: Do we have any other questions?

MR. KNAUFF: I have some questions. What if they have a security plan and it says we are going to have bouncers or staff at points x, y & z. In instances where someone calls in or wouldn't be consistent, the plan would be enacted. What happens if the bar says they are going to have two people and one of them doesn't show up or someone is not in their assigned area? Is that just something that will only be looked at negatively if they get re-reviewed by the BZA?

MR. VRIENDT: If they are one person short on their security, chances are we are not going to know. The bar owners are great at ratting each other out. If we consistently get reports that they are not operating the way they said they would, then they can come back before the BZA.

MR. KNAUFF: I know a lot of the security staff or bouncers are paid under the table. Do we look at whether or not we would be exposing some people to having to go straight?

MR. VRIENDT: I don't think that our department is going reviewing this in that level of detail.

MR. KNAUFF: Another question I have is about the entertainment section. Places may open and say they are going to have entertainment, but that's kind of a dicey deal on local entertainment because groups back out or become available at the last second. What kind of emphasis would the BZA likely put on these last-minute changes where entertainment is expected?

MR. VRIENDT: I think it is more of a history of how the bar is operating. If someone comes in and makes application to have a jazz club and then they never offered entertainment in the three years they have

been open, they are not operating like they said they are going to, or if someone comes in and doesn't intend on having any entertainment, but once a year they have a DJ, I don't think that's a big deal. They are also allowed to come in any time and amend their application if they want to amend their hours of operation, expand their use, which would require a new conditional use permit. If they want to make substantial change to the way they are operating, they need to come in and go through the process for that.

MR. KNAUFF: Those are my questions. Thanks.

MR. LAIRD: Just a follow up on what everyone else is asking, is it fair to say that none of these will really come into play or we won't go back and look at this unless the establishment becomes a problem for the neighborhood, city? Just something to look back at in case we have a bad actor out there. Is that what we are getting at here?

MR. VRIENDT: Absolutely. That's exactly what we are getting at. I will give you an example. When the city approved Chuck City Lounge to go in on Lee Street, they were to primarily be a restaurant with accessory food sales. They were going to put in a kitchen and have a menu. There ended up being a shooting at that establishment. There was no food in there. It was a nightclub. Nothing they portrayed in their application came to fruition in that establishment. We revoked that conditional use permit. If they had challenged us on legal grounds, it would have been nice if we would have had all those conditions in writing and had their security plans in writing in order to point out where they failed.

MS. HOOVER: You can correct me if I'm wrong Dan, but the BZA has been asking a lot of these questions already. We just didn't continue to ask them in case we were challenged.

MR. VRIENDT: Correct. It's putting applicants on notice as to the expectations and on-going responsibilities. They can't come in and sweet talk the BZA and then do whatever they want six months or two years out.

MS. HOOVER: Does anybody have any other questions?

Motion and vote: On the motion of Councilwoman Ceperley, seconded by Councilwoman Bays, the Committee voted 7-0 to approve the bill.

Minutes of the August 24, 2020 meeting: Councilwoman Bays moved to approve the minutes of the last meeting, seconded by Councilman Laird, the Committee voted 7-0 to approve the previous meeting minutes.

MS. HOOVER: At the last meeting that we had we discussed a couple different things, mostly speed limits, and we were talking about street paving, so that is why I asked Chris Knox to be at this meeting. I know the big road that everybody is talking about is not the City's responsibility and that's MacCorkle Avenue in Kanawha City. Do you have any updates on that Chris?

MR. KNOX: The Mayor had a Kanawha City meeting last week. Travis Knighton was there from the DOH. I think this year they had just planned to patch MacCorkle Avenue through that stretch, which I think

they started last week. Other than that, I don't know what their schedule is to resurface it. Chad was there.

MR. ROBINSON: They are patching the patches.

MS. HOOVER: Okay. Does anybody have anything else for Chris since we do have him on?

MR. KNOX: The DOH quite frankly wasn't very helpful at that meeting. Didn't really have a whole lot to say but indicated that they're not paving it because of several engineering projects. Are you familiar with those projects?

MR. ROBINSON: Yes, about drainage but there is road diet project proposed and I think it is just in a design stage right now. Dan, you can correct me. You know more about it than I do.

MR. VRIENDT: I just recently saw an email from them where they are proposing to narrow the lane widths by a foot to bring it in with highway standards and with that extra foot, they would widen the sidewalks. That may be a worthy goal for holding out on the paving since that will help reduce traffic and will increase walkability.

MR. ROBINSON: I know we've looked at the Kanawha City Community Association and that was a plan that they had to have some engineers to put that together. I do have concerns though and I'll just say them here because I don't know what to do about. Any sort of road diet on MacCorkle is going to push people onto those side streets, flying down Chesterfield and Lancaster. I don't know what to do about that. I would like to see more of the comprehensive plan that the community association had implemented altogether to try and slow down folks on the side streets as well.

MR. VRIENDT: A map may be better to address this but I think taking the lanes down from 12 to 11 feet, it is still going to be a very comfortable driving speed, but it's not going to be like interstate driving speeds where people are going to try and do 55 MPH down MacCorkle. I think that you will find that it will just tame the traffic a little bit so that people will be doing more of the speed limit instead of 10 MPH over. It's not going to be the extreme road diet.

MR. ROBINSON: Do you know if the sidewalk plan is to do more crosswalks, sidewalks, intersections, similar to the one at 42nd Street at Baskin Robbins?

MR. KNOX: I don't know. Actually, we did that one. The City did that one.

MR. ROBINSON: That's what I thought.

MR. VRIENDT: I think their stuff is going to be utilitarian. I don't know that it is going to include plantings and that sort of thing. It will have to be all ADA compliant curb ramps and things of that nature.

MR. KNOX: That would at least have to have traffic markings at crosswalks to signalize intersections. I doubt you are going to get anything fancy with the brick crosswalk.

MR. ROBINSON: The last thing I will ask is, I've noticed recently, some folks out there doing a lot of horizontal drilling along the west bound lane. Do you know what they are laying in there?

MR. KNOX: I believe that's Facebook actually. They are going down the turnpike. It's an east coastline, but that's the main artery of that?

MS. HOOVER: Did you say Facebook? The actual Facebook?

MR. KNOX: Yes. I think that's who funding it.

MS. HOOVER: Is it Wi-Fi or internet? What are they laying?

MR. ROBINSON: A fiber network and artery.

MR. VRIENDT: It's going to go down MacCorkle all the way through St. Albans.

MR. KNOX: It's going down the turnpike too.

MS. HOOVER: Interesting.

MR. ROBINSON: Now that you've piqued my interest, will that do anything to improve our broadband access?

MR. KNOX: I don't think so.

MR. ROBINSON: It's just for their benefit.

MR. KNOX: Right.

MR. KNOX: I think it's a middle mile network and you'll have an opportunity for the last mile providers to step in and provide that service. It's where we've been in the past. It's up to the Frontiers and Suddenlinks to tap into that line and expand it out to residence.

MS. HOOVER: I guess the good news is the line is there.

MR. KNOX: I think it goes clear to Huntington. It's a pretty big project.

MS. HOOVER: While we have you hear Chris, I know a question came up last time about when we do have the utilities come in like the sewer, because I know where there's been a lot of sewer lines and I know that Mountaineer Gas has been replacing some stuff too. When they tear up the road, how much do they have to infill and repair?

MR. KNOX: If they tear it up within a year of it being new, they have to remove and replace the complete land width. After the year it's just a trench repair, a Type A1 we call it. Like, right now,

Mountaineer Gas is coming down Virginia Street and Virginia Street's pavement is probably 40 years old now, so they just do a trench repair. Getting them to do it timely is our problem.

MS. HOOVER: I know that was one of the concerns. I think it was the sewer company that did some stuff on the Boulevard, which I think is on the schedule to be paved.

MR. KNOX: It was.

MR. ROBINSON: If it's a concrete road, do they have to repair it with concrete, or can they just dump asphalt in it?

MR. KNOX: No. It's supposed to be concrete. If a certain percentage of a panel is torn out, they have to replace the whole panel.

MS. HOOVER: Are they required to replace crosswalks and other things that they may muck up?

MR. KNOX: Yes, but we typically do it because it's a utility company and they don't have anybody with that type of expertise or equipment to burn in crosswalks. Typically, Matt gets stuck with that.

MR. ROBINSON: Chris, you brought up the Kanawha Boulevard where the utility company fixed. So, we're not going to pave that?

MR. KNOX: I believe we bumped it to next year. You are talking about the East End?

MR. ROBINSON: Yes.

MR. KNOX: It's bumped until 2021.

MR. ROBINSON: So, with the way they patch that, the residents have to drive through that for another year?

MR. KNOX: I think we are talking about two different things. The patch that the Sanitary Board did was a pretty good patch.

MR. ROBINSON: I'm talking about Brooks Street by the UMWA office.

MS. HOOVER: It's Morris, right on the corner. I drive it every day because that's how I go to work. I'm one of those residents that has to travel that pretty much every day.

MR. ROBINSON: I'm just curious.

MR. KNOX: I'll have to look at it. I thought it was a good patch.

MS. HOOVER: Honestly, the Boulevard is getting bumpy anyway. That whole area I feel is very bumpy. I'll have to stop telling people it's getting repaired.

MR. KNOX: We are having some issues this year with our contractor. I would rather they didn't do the Boulevard anyway.

MR. MINARDI: Mary Beth I had a question last meeting and I guess Chris would be the guy to ask. Old issue Chris, our friend over at Overbrook, the sidewalk that's slipping over the hill and we had fears that eventually the road may as well. You know what I'm talking about? Right at the elementary school heading up toward GW. Are we still planning on building a retaining wall? Are we working with DOH to do that? At one time that's what we were doing.

MR. KNOX: Right. We constructed the sidewalk on the other side of the road a couple years ago. The DOH went in there and put some large stone on that side and, as far as I know, that's all they're going to do. That is a DOH maintained roadway – Oakwood.

MR. MINARDI: I didn't know if what they had done already would stop the road from additional slippage.

MR. KNOX: Eventually it won't. There will be issues there in the future.

MS. HOOVER: Does anybody have any other questions.?

MS. BAYS: I do. I just thought of one. Since we are speaking of Oakwood and 119 and all that, we have all that construction happening at 119. This past weekend we had the South Side Bridge closed. As I understand it, that bridge should be finished up by now, right?

MR. KNOX: Yes. That was the last shut down. There will be a company come in and do a lane closure to get some of the rigging off the bridge later this week and that's it.

MS. BAYS: With the DOH and whatever new traffic pattern they are working on, is there going to be any more educational information to explain what's coming to people? Because I don't think people clued in. Now they're clued in and they don't understand.

MR. KNOX: Not that I know of or heard of, but that doesn't mean they're not going to. I've been fielding a lot of questions for that project. I had to go back online to see exactly what they were doing.

MS. BAYS: Is there a way that you could share that with the members of this committee so that if we wanted to share that information with our own constituents we could.

MR. KNOX: Sure. I can share what I found. There are drawings and there used to be a video of traffic. I could not find that. I think they have pulled that. Animation of what traffic would be like.

MS. BAYS: Correct me if I'm wrong. Is there going to be a crosswalk that goes across the main intersection now? I saw a video, but I wasn't sure if I had found the right one. It looked like there was going to be a crosswalk, because there are a lot of people who walk back and forth and cross 119.

MR. KNOX: I can't answer that. I don't know for sure.

MS. HOOVER: Thank you everybody. I do thank Chris for attending and Jessi for joining in with us. Anybody have anything else?

Adjournment.