

Municipal Planning Commission
Wednesday, November 4, 2020

In response to the COVID-19 pandemic, the meeting of the Charleston Board of Zoning Appeals was conducted electronically. The meeting was made available to the public as a live stream via Zoom (per the agenda).

Members Present

Aric Margolis
Lisa Fisher Casto
Terry Pickett
Mary Beth Hoover
Todd Dorcas
Alice Hypes
Deanna McKinney
JoEllen Zacks
Adam Krason
Shawn Taylor
Quintie Smith

Staff Present

Dan Vriendt
John Butterworth

Others Present

Dr. Angie Settle – CEO Health Right
Trent Redman
Shane Wilson

Call to Order: Aric Margolis

Ongoing Business:

Rezoning: Bill No. 7883 closing, abandoning, and discontinuing a portion of a public alley north of the 1500 block of Washington Street East accessed via Ruffner Avenue, District 11, Map 20, Charleston, West Virginia.

MR. MAGOLIS: This we tabled from last month. Will Lori or John be speaking on this?

MR. VRIENDT: I will, Aric.

MR. MAGOLIS: Okay, Dan.

MR. VRIENDT: This alley closing has nothing to do with Health Rights expansion request in that their approval was given by the Board of Zoning Appeals on October 8th which included a conditional use permit and a variance for the parking.

This request is just to determine that it meets the alley closing conditions. The standard of review is to ensure that the right of way is not needed as part a pattern of streets, either now or in the future; and that the closure will not negatively affect access to other parcels of land.

No one is affected by the alley closure because Health Rite owns the adjacent property on either side of the portion of the alley to be closed. The alley is currently a dead end and this request merely shortens the alley by 111 feet.

The request meets ALL the criteria for an alley closing including and therefore should be approved for the following reasons:

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

MR. MARGOLIS: Are there any questions for the Commission? I don't see anybody's hand up. John are you seeing anybody?

MR. BUTTERWORTH: I do not.

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

MR. KRASON: I'm here to speak on the owner's behalf of again. I don't have anything to add to what Dan said, but we'd be happy to answer any questions if you have them.

MR. DORCAS: Aric, I have a question. Is this a closing versus a vacated alley?

MR. VRIENDT: This is a city alley. The City will close it, sell it and basically quitclaim it over to Health Right for the appraised value of the ally.

MR. DORCAS: Okay. Thank you.

MR. MARGOLIS: For those commission members that might be new, I can think of at least a dozen or more of these ally-closings that we've done over the past 10-15 years. It's not a strange request.

MR. VRIENDT: This goes on to Council's Planning, Streets and Traffic Committee and then to Finance Committee for them to determine the price based on the appraised value. From there it will go on to City Council for final action. The Commission is solely making a recommendation on this request.

MR. MARGOLIS: Is there anyone else to speak in favor of the application? I don't see anybody.

MR. BUTTERWORTH: We do have one hand raised in the attendee column.

MR. MARGOLIS: There is a hand raised, 925-7013. Go ahead. State your name and address for the record.

MR. SMITH: There's really nothing that will change except a conveyance of ownership, right?

MR. VRIENDT: That is correct.

MR. SMITH: It's going to be the same people can drive on it. It's not going to be fenced or anything.

MR. VRIENDT: It will become private property at that point.

MR. SMITH: Physically there will probably be no difference, it will still look the same and they won't block it off?

MR. VRIENDT: It will become part of their parking lot.

MR. SMITH: Gotcha. Thank you.

MR. MARGOLIS: Any other questions? Anybody to speak in opposition of the application? I'm not seeing anybody. Are you, John?

MR. BUTTERWORTH: I'm not.

MR. MARGOLIS: Hearing and seeing none, I will close the case and entertain a motion.

Motion and Vote: On motion of Deanna McKinney, seconded by Alice Hypes, the Commission voted unanimously 10-0, with Adam Krason abstaining, to close the motion on Bill No. 7883 – closing, abandoning and discontinuing a public alley.

MR. MARGOLIS: Next item is semi-related.

Subdivision Approval: Application by WV Health Right Inc. for subdivision approval for property located at 1520 Washington Street East, District 11, Tax Map 20, Parcels 135-138 & 153-159 including a request for a waiver of requirements pertaining to lot size and lot depth, Charleston West Virginia.

MR. MARGOLIS: Is there an applicant or will you speak to that, Dan?

MR. VRIENDT: I'll speak to it. If the petitioner wants to speak, they can.

MR. MARGOLIS: Adam, do you want to speak on behalf of Health Right?

MR. KRASON: Can Dan go ahead and give the staff notes first and then I'll follow him? Is that alright?

MR. MARGOLIS: That's perfectly fine by me.

MR. VRIENDT: The petitioner is requesting approval to subdivide the rear yards from residentially developed properties located at 1513, 1515, 1517, & 1519 Jackson Street.

This subdivision is not required for Health Right to expand their facility. Their expansion plans were approved by the Board of Zoning Appeals on October 8th which included a conditional use permit and a variance for the parking.

Health Right can build the parking lot by right in the back yards of the four houses they own as of October 8th. The Board of Zoning Appeals has already made that decision and approved it. The subdivision only makes the plans cleaner as it would create a property line between the principal houses and the new parking lot. However, this is not required, and could be accomplished via a private easement which would not require approval from the City.

Staff recommends approval, including the waiver of the requested provisions, for the following reasons:

1. The structures located at 1513, 1515, 1517, & 1519 Jackson Street are contributing structures to the East End Historic District, a National Register Historic District. Health Rights has taken admirable steps to make sure the houses remain and will be rehabilitated.
2. Preservation of historic structures and housing units in a core neighborhood promotes the broad goal of the Comprehensive Plan which stated: "...preserv[ing] the historic, walkable neighborhoods in Charleston's flat core city".

MR. MARGOLIS: Any questions from the Commission? I'm not seeing any.

MR. KRASON: Aric, I would like to add that, following the previous meeting, we have gone out of our way to try to meet with as many members and small groups on site as possible. We met Mr. Mullins on site. Ms. Settle had a Facebook Live with Pastor Crosier to try and address people who couldn't come to the site just to review the actual conditions.

MR. KRASON: We also shared a few plans that we saw earlier today. One is the landscape plan. The other shows the existing structures on those back yards. I think there was a feeling last time that these were really back yard lawns that were going to be disturbed. In reality, as you can see, three of the four properties have a significant number of accessory structures. One of them I think currently has six apartments on the one property. When you see the condition of the structures, it will be an enhancement to the neighborhood.

MR. VRIENDT: I would be remiss in saying that we did receive Mr. Lanham's petitions. He said he represented a number of people at the last meeting. I don't remember the exact number of names that were on the petition, but they came from these eight houses as highlighted on the map. There are a couple other names that weren't from the neighborhood. I did at least want to share the fact that we did receive a petition with a number of signatures on it.

MR. MARGOLIS: What did the petition state?

MR. VRIENDT: It was a form letter basically stating their opposition to Health Right's expansion plans.

MR. MARGOLIS: That's all that we needed to know.

I have a note in the chat box from Mr. Shane Wilson that says, "I own one of the apartment complexes that has a red dot on it. I do not know anything about this petition."

Any more questions of the Commission, first of all.

MR. KRASON: I think it would be a good idea if John could show a picture of these lots that are in question. I know that petition said that making this improvement was going to be a detriment to the neighborhood, but I think once you see the conditions of the properties you will feel otherwise.

MS. MCKINNEY: Is that petition from one person? At the last meeting they made the statement that it was 35 and that's why I asked for it to be tabled so those people can get an understanding of what is going on. You are saying there are only eight people on their now, Dan?

MR. VRIENDT: So, the petition predominantly came from eight properties. A couple properties have apartment units on them so it came from multiple people living within that apartment. The petition was also signed by multiple members of the same households, so it may have been a husband and wife or something like that. It came from those eight properties and there were a few properties that were outside the East End.

MS. MCKINNEY: But it wasn't nearly as many as he made in his statement last month, correct?

MR. VRIENDT: I wouldn't say his statement was untrue. There's a difference in looking at the number of people versus the number of affected households.

MS. MCKINNEY: Right, but he said there was 35. So that's what I'm asking you. Is that a much smaller number that I'm hearing than 35?

MR. VRIENDT: Correct.

MS. MCKINNEY: Okay. That's what I was asking.

MR. MARGOLIS: Anybody else to speak in favor?

MR. WILSON: This is Shane Wilson. I just wanted to speak up because I wrote a note. I saw a red dot on one of my apartment buildings. I own about 60 units in this immediate area.

MR. MARGOLIS: Shane, you stated your name, please state your address for the record.

MR. WILSON: My name is Shane Wilson. My address is 650 Bendview Drive, Charleston, 25314. I own about seven or eight apartment buildings in this immediate area, with about 60 units. I own 1507, 1505 and 1509 Jackson Street. I saw that this opposition petition had one of my properties listed as in opposition. I have never seen this opposition petition. I have been working for almost 10 years trying to clean up this area of Charleston and fix up properties and make it better for everybody in Charleston. It sounds like what's happening here is fixing up these houses, getting rid of blight and getting rid of homeless encampments. I've had so many people using drugs in that alley behind Tudor's, hiding in the building, trying to break in the buildings, and dropping needles. I think what Health Right is doing is going to be a really big win for Charleston. I think they run a good program and they have professional leadership. Just getting rid of this blight in that alley especially is going to make the area safer for my tenants. It's going to make it safer for all the residents. I think it's a no brainer. I just wanted to speak up because I do not know why one of my properties is listed in opposition. I'm not in opposition. Thank you.

MR. VRIENDT: I would just clarify that the petitions weren't necessarily coming from property owners, but from tenants.

MR. MARGOLIS: Anybody else to speak in favor. There's a Keeley with her hand up. Can you state your name and address for the record?

MS. STEELE: Keeley Steele, 1600 ½ Washington Street, East. I represent Ward 10 on Charleston City Council, which is the ward adjacent to the one where Health Right sits. I am huge advocate of what Angie Settle and her staff do there. Some of you may or may not know that I own three small businesses here on the East End and have anywhere from 35-40 employees at a time, although, a few less nowadays. My staff has benefitted greatly from having Health Right in our neighborhood. I also represent a large and diverse socio-economic group of folks here in the neighborhood and I know of many of my constituents that use Health Right on a regular basis.

I am here to advocate for them to stay on their property so it stays close to the folks that need them the most and I hope that commission sees the benefit to approving this and moving forward. I appreciate Dan's clarification that it has already gone through much of the process that it needs to for approval. I think she's done a great job and they've done a great job in trying to keep the homes, create some green space, a barrier, if you will, between the parking lot, business and homes. At the end of the day, keeping our housing stock up to rental grade and having someone who cares about them enough to rehab them, then that is better for our community and certainly better for the businesses in the area.

MR. MARGOLIS: Any questions to the Commission? Is there anybody in the audience to speak in opposition?

MS. PICKETT: I just want to thank Health Right and the people at Health Right for being open to talking to some people who had some concerns about it. My concern was never about Health Right itself, but

how much of the back space and green space would be taken from perspective tenants. I'm very pleased that those conversations happened.

MR. MARGOLIS: Does the applicant want to say anything further or should we close the case? Since the applicant has not spoken up, I will close the case and entertain a motion.

Motion and Vote: On motion of Alice Hypes, seconded by Terry Pickett, the Commission voted unanimously 11-0 to close the motion on Bill No. 7883 – subdivision approval.

MR. MARGOLIS: There's a rezoning in the Woodbridge area. That one is still tabled. Do we need to do anything other than just say it's tabled?

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. (POSTPONED UNTIL THE DECEMBER REGULAR MEETING).

MR. MARGOLIS: The next item on the agenda is a text amendment.

Text Amendment: Bill No. 7886 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by removing "Blade Signs", allowing "Projecting Signs" in commercial and industrial districts, and increasing wall sign area in the R-O Residential Office zoning district.

MR. MARGOLIS: Dan, will you or John be speaking to this?

MR. VRIENDT: I will speak to it.

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

At the request of the Mayor, staff conducted research on ways to add flexibility of design and increased visibility into the sign regulations while preventing sign clutter. This text amendment will allow projecting signs as an additional permitted sign type. The maximum projection will be 4 feet. We are also proposing a modest increase in the allowed sign area in the R-O zoning district.

Allowing signs that are perpendicular from a building façade will give businesses greater visibility, especially along business corridors with defined building setback patterns. Allowing for projecting signs in other districts will allow for greater flexibility in the design of signs that are maximize visibility to the site characteristics.

Staff, in conjunction with the Mayor, conducted outreach to businesses owners regarding the proposed changes and has received overwhelmingly positive feedback.

Staff recommends approval for the following reasons:

1. The Bill will provide flexibility of design for businesses trying to advertise and promote their businesses while preventing sign clutter and distraction; and
2. The Bill will modestly increase the allowable sign area in the R-O Residential Office thereby increasing visibility for businesses while maintaining lower intensity advertising in this transitional, mixed-use district.
3. The Bill directly addresses Regulatory Action item R9 as listed in Chapter 6 of the Imagine Charleston Comprehensive Plan which states: "Site design Refresh sign regulations for sign types and design that complement the character of particular parts of the city."

MR. MARGOLIS: Any questions from the Commission?

MR. DORCAS: Dan, you stated it earlier, sign ordinances and sometimes they are often prohibitive, with respect to development, I was wondering in relation to development about the size aspect. Is that a four-foot maximum? I apologize because I don't have the ordinance and I haven't been able to brush up on the ordinances and as my previous history as a planner, recalling some things that came up. Is that 4-foot maximum? Is that linear feet or square feet? Sounded like it was linear.

MR. VRIENDT: Four feet is the maximum it can project off a building. We are not setting a maximum area of the projected sign. It could be a 2 x 4 sign or it could be a 12 x 4 sign, or anywhere in between. The ordinances for most zoning districts, signage has a relationship to building width. If a building is 100' wide, multiply that by 1.5, and that becomes your maximum sign area.

We are not proposing any changes to the maximum sign area. We are just adding projecting signs as an additional type of sign to choose from.

MR. DORCAS: Okay. I think that answered it. I was curious as to how it related to the building.

MR. VRIENDT: We like this formula because, if you have a small business, you have a smaller sign, if you have a huge business, you can have more sign area. There's a direct portioned ration to the size of the sign to the size of the building.

MR. DORCAS: One other question. Are there any standards or restrictions with regard to lighting or illumination or integrated animations connected with the sign?

MR. VRIENDT: All signs in the City can be externally lit or internally lit. They can be neon. The light can't be a distraction to drivers. We do have a long-standing prohibition on digital flashing moving signs or rotating signs. That is not being changed with this proposed amendment.

MR. DORCAS: Thank you.

MR. MARGOLIS: Any questions of the Commission?

MS. PICKETT: I'm really glad because I was amazed that people didn't know Taylor's existed until they put out their sign. How does the 4-foot projection affect pedestrians or does it?

MR. MARGOLIS: It has to be above pedestrian height?

MS. PICKETT: What is considered "pedestrian height"?

MR. MARGOLIS: Probably 7 feet. ADA says 6'8".

MR. VRIENDT: So, the ordinance says that it can project no more than four feet from the face of the façade or it cannot go beyond the curb of the sidewalk. Let's say there is a 3' curb, it cannot project into the street. It has to be at least 9' above ground level.

MR. MARGOLIS: Nine feet was back when the blade signs were introduced, correct?

MR. VRIENDT: That is a carry-over and that's just very common for sign ordinances around the country.

MR. MARGOLIS: Any other questions of the Commission?

MR. BUTTERWORTH: There appears to be one other hand raised.

MS. HYPES: It can extend out four feet? The Taylor sign is so tasteful, but how tall can it be?

MR. MARGOLIS: It all depends on how much street frontage you have. So, it's an equation where you can have as much square feet as the sign ordinance allows for your width of building. It could be 2 x 20 if your allowance is that much.

MR. KRASON: A good example of a sign like that already in Charleston is the projection from the old Stone & Thomas building. It probably projects about four feet and it goes 30' feet high.

MR. MARGOLIS: Across the street there's Firestone and the old Hobby Shop has one as well.

MR. VRIENDT: These types of signs used to be very popular. A lot of sign ordinances became really strict and started prohibiting these types of signs. I think what we're finding is that really kind of dampers creativity. The Mayor wants Ellen's to put out a projecting sign in the shape of an ice cream cone that says "Ellen's" and maybe it's made out of neon. We're hoping that this will spark some creativity.

MS. PICKETT: Will each sign need approval?

MR. VRIENDT: Every time someone puts a sign up, whether it's a window cling or a wall sign or projecting sign, they are required to get a permit from the Planning Department.

MS. PICKETT: Can the Peanut Shoppe get back it's Mr. Peanut?

MR. VRIENDT: This would affect them too. We did talk to them too. The owner wasn't there that day, but we did talk to them about it.

MR. MARGOLIS: Any other questions of the Commission? I'm not seeing any hands. Anyone in the audience to speak in favor of the application? I don't see anybody. Do you, John?

MR. BUTTERWORTH: No sir.

MR. MARGOLIS: Do we have anybody to speak in opposition of the application? I'm not seeing anybody. Seeing no one, I will close the case and entertain a motion.

Motion and Vote: On motion of Deanna McKinney, seconded by Adam Krason, the Commission voted unanimously 11-0 to approve the motion on Bill No. 7886 – text amendment.

Minutes of the October 7, 2020, MPC meeting: On motion of Todd Dorcas, seconded by Terry Pickett, the Commission voted unanimously 11-0 to approve the minutes.

Adjournment.