



Planning, Streets and Traffic Committee

5:00 p.m., Monday, March 22, 2021

Join via internet at:

<https://us02web.zoom.us/j/85999617174?pwd=Sk5UaTFVMIczTU5DSmxjUVNkSm1NZz09>

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

Webinar ID: 859 9961 7174

Passcode: 455249

AGENDA

Bill No. 7896 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 an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

Bill No. 7899 - A Bill to establish a no parking zone on the westerly side of Evergreen Street from a point 146 feet north of Piccadilly Street to a point 204 feet north of Piccadilly Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Discussion

Auxiliary Signs

Miscellaneous

Approval of the Minutes of the February 22, 2021 meeting

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



PUBLIC HEARING NOTICE

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

DATE: March 3, 2021

TIME: 3:00 p.m.

PLACE: Join via internet at –

<https://us02web.zoom.us/j/88667275333?pwd=RkxCdIIWa1o5VWJvVGJmRUhLVFR1dz09>

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

Webinar ID: 886 6727 5333

Passcode: 705946

CASE DESCRIPTION

Rezoning

Bill No. 7896 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 an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

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

The file (including associated documents and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

For more information, please call (304) 348-8105, email john.butterworth@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Butterworth", is written over a horizontal line.

John Butterworth
Neighborhood Planner

Municipal Planning Commission
Checklist for Application for Rezoning

MPC Hearing Date: MARCH 3

Bill #: 7896

Applicant Information	Property Information
Name: RPG WV Properties, LLC	Address: 112 Mullins Road and 931 Oakhurst Drive and Vicinity
Address: 106 North Broadway, P.O. Box 473, Racine, OH 45771	Tax Map and Parcel: Parcels 11, 11.1, 11.2, 14, 14.1, 14.2, 15.1, and 16, Charleston South Annex Corp. Map No. 11
Phone: (740) 992-0059	Zoning District: R-6 & R-O
Agents Name, Address, Phone (If other than Applicant):	Property Owner and Mailing Address: (if other than applicant) Parcel 11: John M. Wells III & Mary Wells 101 Bowers Rd Charleston, WV 25314 Parcel 11.1 and 14.2: Sheryl B. Slack 931 Oakhurst Dr. Charleston, WV 25314 Parcels 11.2, 14, and 14.1: Leslie A. Bryant & Leslie A. Bryant et al., Trustees 931 Oakhurst Dr. Charleston, WV 25314 Parcels 15.1 and 16: Jon Elliot Brennan & Gina Pauline Seabolt 2515 Susitna Dr. Anchorage, AK 99517

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.

Signature

Date

2/4/2021

Bill No. 7896

Introduced in Council

Passed by Council

March 1, 2021

Introduced by

Referred to
Municipal Planning Commission
Planning, Streets and Traffic
Committee

Brent Burton

Bill No. 7896 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 an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 district to a C-8 district the whole of the following described parcels of land:

Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11.

34
35 A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South
36 Annex Corp. Map No. 11;
37

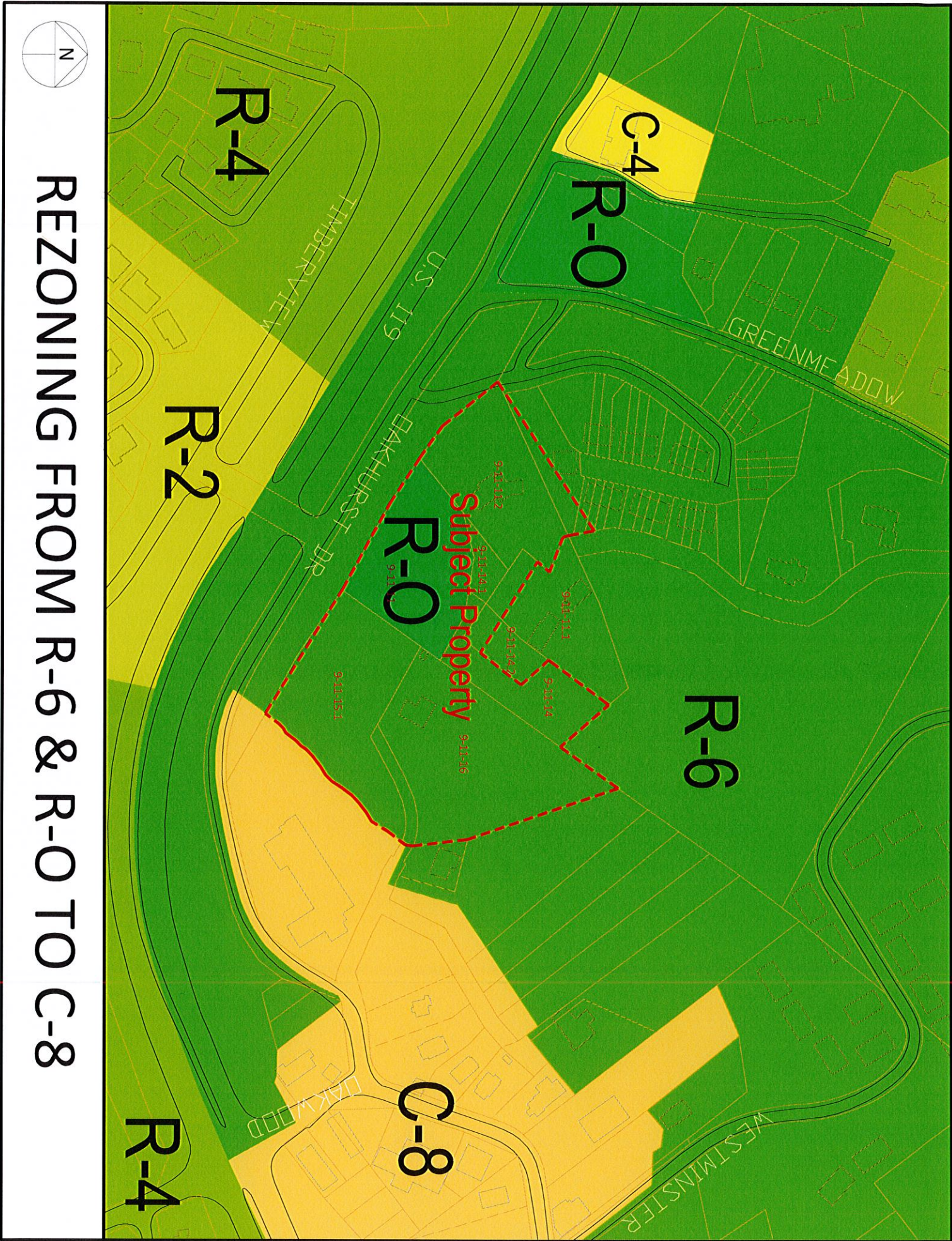
38 A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South
39 Annex Corp. Map No. 11.
40

41 2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the
42 1st day of January 2006, as amended, is hereby amended by rezoning from an R-O
43 district to a C-8 district the whole of the following described parcels of land:
44

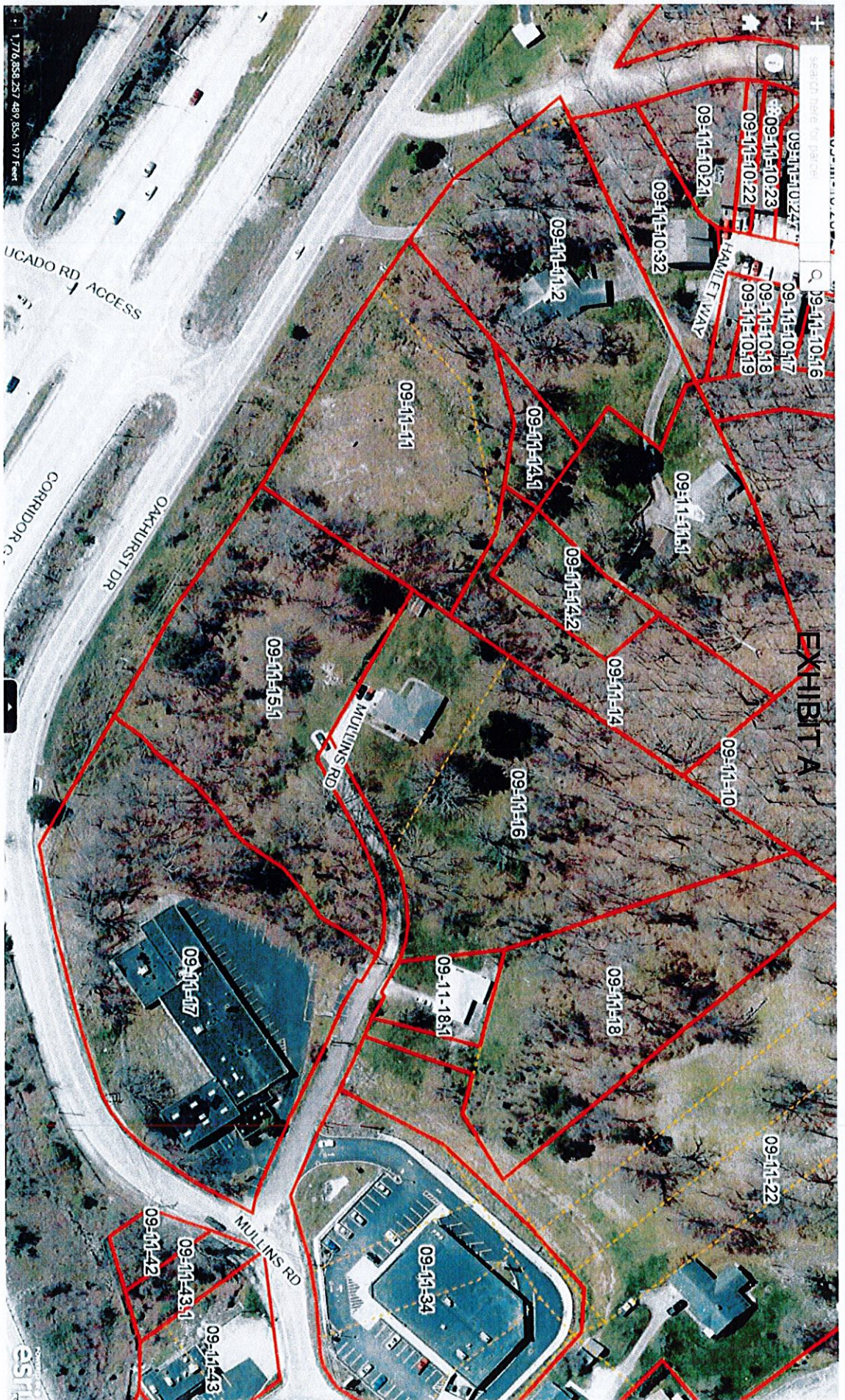
45 Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11.
46

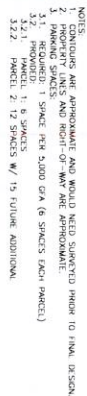
47 3. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby
48 amended in accordance with Article 27 of this ordinance.
49

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



REZONING FROM R-6 & R-O TO C-8





Project: 220-2002
Designed By: JRB
Drawn By: JRB
Checked By: SLK
Scale: AS NOTED
Plot Date: 02/05/21
Revision: B
Drawing Number:

Drawing Description
RPG MANAGEMENT, LLC
RACINE, OHIO
GENERAL ENGINEERING SERVICES
OAKHURST DRIVE PRELIMINARY SITE / GRADING PLAN

B	ISSUED FOR REVIEW	SLK	02/05/21
A	ISSUED FOR REVIEW	SLK	02/01/21
Rev	Description	Rev	Date





#makosteel is very proud of this project. ...see more





Vriendt, Dan

From: Christopher Roush <roushpg@yahoo.com>
Sent: Tuesday, February 16, 2021 12:29 PM
To: Vriendt, Dan
Subject: Fw: Sale of Leslie Bryant Statement of Support
Attachments: signature_123_1(2).jpg

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Letter from neighbor

Thanks Christopher

----- Original message -----

From: Misty Harris <mharris@oldcolony.com>
Date: 2/12/21 02:10 (GMT-05:00)
To: Duke Jordan <Duke@bhhsger.com>
Subject: Fwd: Sale of Leslie Bryant

Sent from my iPhone Misty Harris Old Colony

Begin forwarded message:

From: Renee Bryant <imgods@msn.com>
Date: February 11, 2021 at 9:32:39 PM EST
To: Misty Harris <mharris@oldcolony.com>
Subject: Sale of Leslie Bryant

Leslie Bryant, the youngest of three sisters, passed away of natural causes in our fathers house we were raised in. She was never married or had any children. We are elated to have the opportunity for the land to be used in service to help others to have storage space, and feel it's an excellent use of the land. It's convenient for families to utilize and will be well maintained since existing family is living adjoining this project being proposed. We feel it will be a boost to help others and endorse this option.

Thank you,
Renee Bryant
Sheralyn Slack
2/11/2021

If you have any questions don't hesitate to let us know, through either
Duke Jordan or
Misty Harris

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Via email: brent.burton@assuredpartners.com

Dear City Council Member Burton:

You may be aware that the City's Municipal Planning Commission had a hearing on March 3, 2021 regarding rezoning certain property from "R-6 & R-O" to "C-8." The property is very near Hamlet Way, upon which several townhouses are situated. Hamlet Way is governed by a homeowners' association. The signatories to this letter are the officers of the association board of directors. Hamlet Way and the property that is subject to rezoning are located in Ward 13 of the City of Charleston, the Ward you represent on the City Council.

Two of our board members participated in the public hearing on March 3, 2021 to attempt to learn more information as to what the issues are for this property. From what we learned, there is a developer, who does not yet own the subject property, who wants to put a two story storage business on the property. It is our understanding that the business would potentially have two access points, one of which would be from Oakhurst Drive, presumably near the entrance to Hamlet Way.

The property in question is not flat. It contains a very deep ravine in one area and is otherwise hilly and steep in areas. Apparently, the developer indicated that fill dirt would have to be put into the property to make it amenable to having the structure constructed on it. Although he downplayed the amount of fill involved, one need only look at the property to see that the amount of excavation and fill that would be required to make the property suitable for construction would be substantial.

It is our understanding that there are other City departments who have to clear such a development on this property, but it was not clear whether those departments will allow public comment or have a public hearing to receive public input. As you can imagine, we have concerns about this development that appears to be close to our residential street. The developer did not present a representation of the planned construction, making it difficult for us to determine what all of the impacts of it will be for our residents.

One of our concerns is increased traffic on Oakhurst. As you may know, the current entrance and exit ramp that connects with Oakhurst directly from the Corridor is not going to exist once construction on the Corridor is complete. This means that traffic will not be able to zip on and off of Oakhurst onto the Corridor at that spot, which sits right in front of the property proposed for development. In that situation, people who seek to travel to this new development will likely have to travel up and down Oakhurst. In other words, it appears that it will increase traffic on Oakhurst which directly affects entrance onto and exit from Hamlet Way.

We are also concerned about how big the footprint of this planned construction will be; how much additional lighting intrusion and light pollution it will cause our residents; and, the increased noise from cars and people.

We would appreciate your assistance in addressing our concerns. There are 35 households on our street that are affected by this proposal. Would it be possible for the City to demand that the developer make his specific plans available so that the information can be disseminated to the public, and particularly to

Planning, Streets, and Traffic Committee
Staff Analysis
March 22, 2021

REQUEST:

Bill No. 7896 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 an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to review the recommendation of the Municipal Planning Commission and forward a recommendation to City Council for final action. The Committee should determine if the request is spot zoning and if it is consistent with the Comprehensive Plan. A rezoning is considered spot zoning when all the following factors are present: A small parcel of land is singled out for special and privileged treatment; The singling out is not in the public interest but only for the benefit of the landowner; the action is not in accordance with the comprehensive plan. If a request is inconsistent with the comprehensive plan, the commission should consider if the original zoning classification was in error, or if the character of the area has changed significantly since the adoption of the comprehensive plan. Proposed uses should be treated with care, because once rezoned, any use that is permitted within the district would be permitted 'by right' with no review by Council.

ANALYSIS:

Existing Land Use and Zoning: The property includes several tracts and is zoned R-4 Single Family Residential and R-O Residential Office Districts. The property developed as two single-family homes and vacant land.

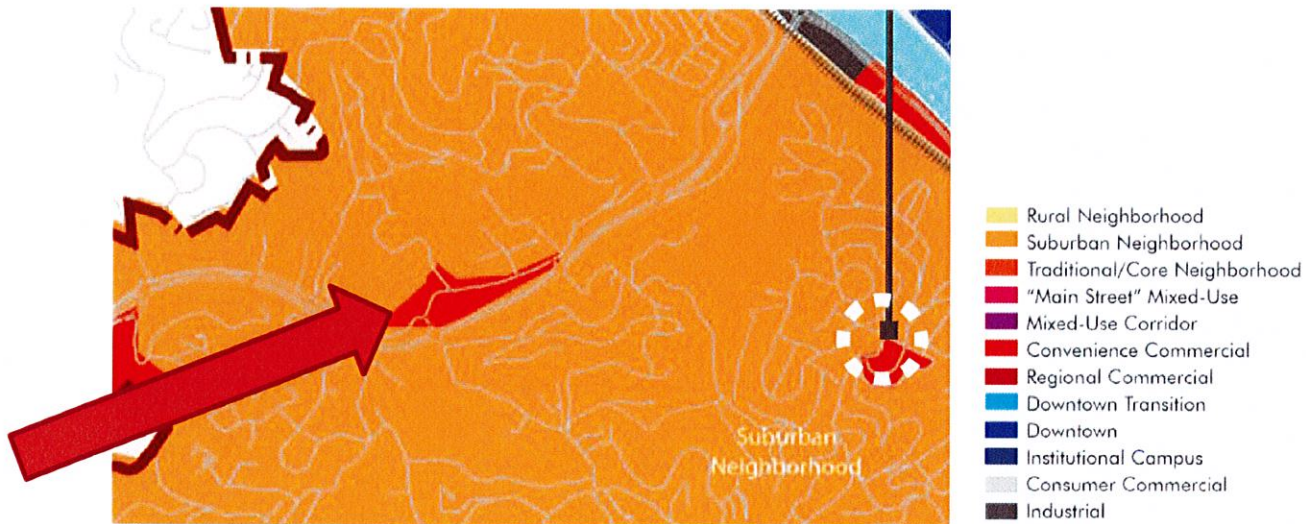
Surrounding Land Use and Zoning: The surrounding areas includes residential uses including townhouse-style homes to the north along Hamlet Way and a single family home accessed by a private drive. To the south the property is bounded by Oakhurst Drive which acts as a frontage road to US 119. To the east is the C-8 Village Commercial District developed as gas station and pharmacy. The Well's site is zoned C-4 Neighborhood Commercial. To the West is exclusively R-4 zoning with single-family homes and the Bible Center School campus.

Current Zoning: The R-4 district allows for single-family residential uses and as a conditional use community centers, community swimming pools, and hospitals, among others. The R-O district allows for single and multi-family dwelling units and commercial uses including professional offices, medical and

dental clinics, nursing homes, etc. and as a conditional use beauty shops/barbers, bed and breakfasts, among others.

Proposed Zoning: The C-8 district allows for general medium-intensity commercial uses including offices, retail, restaurants, personal services, etc. and as a conditional use indoor self-storage facilities, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Suburban Neighborhood", Which is "To provide opportunities for new homes outside the historic city core". The property is adjacent to the "Convenience Commercial" area on the Future Land Use Plan. The purpose of this area is "To provide small commercial nodes in auto-oriented parts of the city."



Imagine Charleston Comprehensive Plan – Future Land Use Map excerpt

Summary: This application to rezone the property is in pursuit of utilizing the property for commercial use. The comprehensive plan and future land use plan identifies the majority of this property as Suburban Neighborhood, but does call for growth and redevelopment of land around the existing commercial nodes. The property is adjacent to the "Convenience Commercial" area on the Future Land Use Plan. The purpose of this area is "To provide small commercial nodes in auto-oriented parts of the city."

The purpose of the C-8 zoning district as described in the Zoning Ordinance *Sec. 11-010(C.) Purpose* is to "Encourage a mix of residential uses adjacent to and/or above commercial uses to increase intensity of activity in the area..." While there is ample commercial property in the city this is adjacent to an existing commercial node while providing easy access to the surrounding R-4 zoning and residential development.

The Municipal Planning Commission voted 10-1 to recommend approval of the rezoning.

RECOMMENDATION AND FINDINGS:

The Planning Department recommends approval based on the following findings of fact:

- The property is adjacent to an existing commercial node along the US-119 corridor.
- The future land use map designates this property as "Suburban Neighborhood"; however, it directly abuts land designated as "Convenience Commercial".

- The purpose of the "Convenience Commercial" land use classification is "To provide small commercial nodes in auto-oriented parts of the city."
- The rezoning constitutes a minor expansion of an existing commercial district and node.
- The C-8 zoning designation is analogous to the Convenience Commercial land use designation.

Therefore the rezoning is consistent with the comprehensive plan.

Municipal Planning Commission

Wednesday, January 6, 2021

In response to the COVID-19 pandemic, the meeting of the Municipal Planning Commission 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
Alice Hypes
Deanna McKinney
Adam Krason
Quintie Smith
Margo Teeter
Mary Beth Hoover
JoEllen Zacks

Staff Present

Dan Vriendt
John Butterworth

Others Present

Amy Shuler Goodwin
Shannon Snodgrass
Jamey Noland
Adam Knauff
Shirley Johnson
Unnamed Attendees

Call to Order: Aric Margolis

New Business:

Street Naming: A request to give the honorary name of PATROLMAN CASSIE JOHNSON AVE to Garrison Avenue in compliance with E-911 Addressing standards.

MR. MARGOLIS: Mayor, would you like to speak regarding this application?

MS. SHULER GOODWIN: Yes, thank you Mr. Chair.

Mayor Goodwin spoke in support of the application and the legacy of Patrolman Johnson.

MR MARGOLIS: Dan, would you like to present staff notes on this case?

MR. VRIENDT: I believe Councilwoman Snodgrass can speak to it as she is the applicant.

MS. SNODGRASS: Thank you Dan.

Ms. Snodgrass read the submitted request letter and thanked Patrolman Johnson's family for their support of the honorary naming application. Ms. Snodgrass indicated that Lieutenant Noland and the other members of CPD D Shift requested this application in honor of their fallen fellow officer.

LT. NOLAND spoke in support of the application and expressed that Patrolman Johnson's fellow officers were unanimous in support of this application.

MR MARGOLIS recognized Ms. Johnson, mother of Patrolman Johnson to speak.

MS JOHNSON spoke of her support of the honorary street naming and her daughter.

MR MARGOLIS recognized Councilman Knauff to speak.

MR KNAUFF spoke in support of the application as councilor for the ward.

Other members of the public spoke in support of the application.

Motion and Vote: On motion of Deanna McKinney, seconded by Quintie Smith, the Commission voted 8-0, to recommend approval of honorary street naming.

MR MARGOLIS: The next item of business is Election of Vice President for the remainder of the 2020-2021 term. Dan, John would you like to speak to this?

MR. BUTTERWORTH: Yes, Mr. Chairman. With the removal of Chad Robinson from the Commission the position of Vice President is vacant. This appointment today will fill the position until the regular, annual election of officers in July.

MR MARGOLIS: Are there any nominations?

MR. SMITH: I will volunteer for the position.

MR MARGOLIS: Are there any other nominations? Hearing none, is there a motion?

Motion and Vote: On motion of Deanna McKinney, seconded by Mary Beth Hoover, the Commission voted 8-0, to elect Quintie Smith as Vice President of the Municipal Planning Commission.

MR. KRASON joined the meeting.

Minutes of the December MPC meeting: On motion of Quintie Smith, seconded by Deanna McKinney, the Commission voted 9-0 to approve the December 9, 2020 minutes.

Adjournment.

1 **Bill No. 7899**

2 Passed by Council:

3 Introduced in Council

4 **March 15, 2021**

5 Introduced by:

Referred to:

6 **Adam Knauff**

Planning, Streets and Traffic

7
8
9 **Bill No. 7899** - A Bill to establish a no parking zone on the westerly side of Evergreen
10 Street from a point 146 feet north of Piccadilly Street to a point 204 feet north of
11 Piccadilly Street and amending the Traffic Control Map and Traffic Control File,
12 established by the code of the City of Charleston, West Virginia, two thousand and
13 three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to
14 conform therewith.

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

16 Section 1. A Bill to establish a no parking zone on the westerly side of Evergreen Street
17 from a point 146 feet north of Piccadilly Street to a point 204 feet north of Piccadilly
18 Street

19 Section 2. The Traffic Control Map and Traffic Control File, established by the code
20 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
21 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
22 amended, to conform to this Ordinance.

23 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
24 repealed to the extent of said inconsistency.

Municipal Planning Commission

Wednesday, March 3, 2021

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

Members Present

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

Staff Present

Dan Vriendt
John Butterworth

Attendees

Christopher Roush – Applicant for Bill No. 7896
Adam M. Dean – 201 Hamlet Way
Chris Miller – 202 Hamlet Way
Misty Harris
Duke Jordan

Call to Order: Aric Margolis

New Business

Rezoning: Bill No. 7896 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 an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel

2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

MR. ROUSH: We use a thing called "no key". I don't know if anyone does "no key", but we have an app on your phone so when you come up to the door it will unlock and up to your own storage door it unlocks so you don't have to have keys. Or, you can just do a key fob just like a hotel when you move in. It's secure because people can't cut your lock off.

MS. HYPES: How many storage units will you anticipate having?

MR. ROUSH: 380-400. Just based on the square footage of the building.

MR. MARGOLIS: What's the average size of it for each of those?

MR. ROUSH: A little less than 30,000 square feet each. We would have anywhere from 5x5 to 10x30 units inside.

MR. MARGOLIS: So, you're looking to building 60,000 square feet?

MR. ROUSH: Each building will be a little less than 30,000 square feet.

MR. MARGOLIS: Plus, a connector. Any other questions from the commission?

MR. SMITH: Is it right there at Hickory Road?

MR. MARGOLIS: No. It's Oakhurst.

MR. ROUSH: Basically, beside the Kroger's fuel station.

MR. DORCAS: Mr. Roush, you say you have developed these in other places?

MR. ROUSH: We have. Yes.

MR. DORCAS: How many existing facilities do you have?

MR. ROUSH: We have about 19 of these facilities and about 5,000 units.

MR. DORCAS: So, how many of these have you had to go before a zoning commission or to have re-zoned or even a variance?

MR. ROUSH: We just approved in South Bloomfield, Ohio. I just had to do this same exact thing. South Bloomfield is right below Grove City, above Circleville. We're building a facility there and we had to go through this process. I did in Morgantown. We didn't have to change the zoning, but I had to get design approval. In Bridgeport we had to do the design approval also.

MR. DORCAS: But you haven't had to do any rezonings?

MR. ROUSH: No.

MR. BUTTERWORTH: Mr. Chair, Mary Beth Hoover has her hand raised.

MR. MARGOLIS: Go ahead Mary Beth.

MS. HOOVER: A couple of my questions are just clarifying where this is. You said it was off 119 by the Kroger Fuel Center. If I'm looking at my map correctly it looks as though there will be two houses impacted by this. Is that property you already own?

MR. ROUSH: We don't own any of the property yet. It's just under contract. The one house is abandoned. There is nobody that lives in it.

MS. HOOVER: There's another house that looks like maybe the road goes up to it.

MR. ROUSH: The house in the back, she's going to remain there. We are just going to leave her driveway the way it is and just give her a permanent easement. We are just doing a first right of refusal, basically, if she ever passes, we'd just buy it and do nothing with the property. It's just hillside back there.

The house out front, her sister lived in, it's abandoned and falling in and it needs removed.

There would be one house with tenants. The owner does not live in it, but tenants do. We would be removing that structure too.

We have the properties under the contract and just trying to do what we're doing here to get approval to try and do the project.

MS. HOOVER: Thank you for the clarification.

MR. ARGOLIS: Any other questions of the commission? I'm going to reserve the right to ask some questions after we hear staff notes. John, will you give the staff notes, or Dan.

MR. BUTTERWORTH: As we've talked about many times, rezoning is a change to the zoning map, which is a legislative decision, so from here the application will proceed to the Planning, Streets & Traffic Committee and then goes before Council. The Commission needs to determine if the request is spot zoning and if it's consistent with the comprehensive plan. Rezoning is considered spot zoning when all the following factors are present: a small parcel of land is singled out for special treatment or privilege; singling out is not in the public interest and only for the benefit of the landowner; and the action is not in accordance with the comprehensive plan.

Brief Analysis, like you said in mentioning the case, Mr. Chairman, the property is currently zoned R-6 and R-O. There are two single-family homes on the property that the applicant just described. The land use in the surrounding area includes residential area, townhouse-style developments to the north and a

single-family home accessed by a private drive to the south. It's bounded by Oakhurst and the Corridor. To the east is the C8 village commercial, developed as a pharmacy and the Kroger Fueling station, among other things.

The proposed zoning district is C8, which is kind of a medium intensity commercial district within our zoning ordinance. Permitted uses include office, retail, restaurants, and personal services. Conditional uses include indoor self-storage facilities, like is being proposed here, among other things.

It's in compliance with the comprehensive plan. The future land use map designates the property as suburban neighborhood, which is to "promote the opportunities for new homes outside the historic core". The property is adjacent to the convenience commercial area on the future land use map. The purpose of this area is to provide small commercial nodes in auto-oriented parts of the city.

In summary, the application to rezone is in pursuit of utilizing the property for commercial use. The comprehensive plan and future land use plan identify the majority of the property as suburban neighborhood, but, like I said, it is adjacent to the convenience commercial area. The purpose of this is to provide those small commercial nodes. The purpose of the C8 zoning district is to encourage a mix of residential uses adjacent and/or above commercial uses to increase the intensity of activity in an area.

The recommendation and finding, should the Planning Commission wish to approve the rezoning, staff would recommend the following findings and facts:

The property is adjacent to an existing commercial node along US 119 Corridor. The rezoning is consistent with the future land use map, which designates the property as a suburban neighborhood. The property abuts the future land use area identified as Convenience Commercial. The purpose of the Convenience Commercial land use area is to provide small commercial nodes in the auto-oriented parts of the city. Finally, the rezoning is a minor expansion of an existing commercial district or node.

I'll be happy to answer any questions.

MR. MARGOLIS: So, you say it is consistent with the future land use plan?

MR. BUTTERWORTH: Our interpretation is that it's adjacent to an existing commercial node and it would be a minor expansion based on future land use plan.

MR. MARGOLIS: I guess my questions, and this is a little bit rhetorical, to put that size of a structure on this site, is going to require a fair amount of earth work. I know we're supposed to do uses and not "what could possibly go there", but this site drawing, if you were going to go to a commercial space, like an office, the parking would be significantly higher than what is required here. So, you would have a similar amount of earth work needed. I guess that's just something to pose to the Commission. Do we want a large cut into this hillside and what is that going to look like, from a land use standpoint? So that's a question I have for the Commission.

Any questions from the Commission for the Planning Department. Terry, go ahead.

MS. PICKETT: Because it's suburban it's supposed to bring in housing. Is that part of the purpose of this? I thought that was one of the things that John said.

MR. BUTTERWORTH: The suburban neighborhood future land use area does talk about preserving housing and giving opportunities for new housing. I think in this case, there is one occupiable residential structure that would be removed. That is a house that is already adjacent to the commercial area that includes the pharmacy and the gas station. I think that, in this case, the service provided and the opportunity is a higher and better use to rezone.

MS. PICKETT: It seems like it's so big and I'm not familiar with that area. So, I don't know how much new housing would be possible if a whole lot of new housing wouldn't be possible, then that's no problem. If you really want to encourage new housing, then it could be a problem, as well as cutting out a whole lot of the hillside. That might be a little concerning. I don't know.

MR. MARGOLIS: Real quick, John, does this square footage exceed the design of significant impact? Would they need to come for that?

MR. BUTTERWORTH: That's a good question. We haven't seen the finalized building plans. If it meets that threshold it would need a DSI. It is also important to note, I think it was already mentioned, that, since indoor self-storage is a conditional use, any application would need to go through the Board of Zoning Appeal as well.

MR. TAYLOR: I want to address an inquiry of one of our other members. Quintie this is Shawn, can you hear me?

MR. SMITH: Yes.

MR. TAYLOR: Do you have any observations on this? I always defer to you on these projects.

MR. SMITH: I'm generally optimistic about doing this. I would like to go take a look because, I think Aric and I both agree, it seems like a pretty substantial cut. The only other thing that concerns me a little bit is brining all those extra cars over there. That's a pretty high traffic area feeding between CVS and coming up that hill.

MR. MARGOLIS: I would not be worried about traffic. These are very limited-use buildings, as far as traffic. If it were to get turned into something other than self-storage and it went to commercial office space, for instance, which would be allowed in a C8 district, that would be more intense traffic. We're off of Corridor G. The traffic there is not going to get any worse.

MR. SMITH: Was I right that the exit out of there would be in between the Kroger and the CVS?

MR. MARGOLIS: That's one thing they are showing as an option.

MR. TAYLOR: On that side of the road, it appears that it's right there where you come down by the new Kroger fuel center. You are going to be approaching Hamlet Way and then the doctor's office. The spot that looks like it's been available for sale for quite a while. I respect the project. It is kind of a deep

bowl there, to some degree. I certainly don't know anything about property development, as far as the architectural standpoint. I am very familiar with the space.

MR. SMITH: I'm with you. I'm generally pro-development, but I would like to make sure how much dirt is going to be moved around there. When you have rains like this that causes more of a problem.

MR. MARGOLIS: That they can deal with.

MR. BUTTERWORTH: I think it's worth pointing out that full site plan review would happen when the applicant actually applies for construction. If there are storm water concerns, they will need to be addressed to the satisfaction of the City Engineer. The same with the earth work and any other aspects of the construction.

MS. HYPES: I have used public storage like this before and I just wondered if you use your facility to store heavy equipment or boats at your other facilities?

MR. ROUSH: We do have facilities designed like that. This facility will not have outdoor parking nor will it have units large enough to park boats. It's not going to be like that.

MS. HYPES: How much of the mountain are you guys going to need to cut away?

MR. ROUSH: It's really not that much because it's a bi-level. So, where the two houses sit, we're really not taking any dirt from the hillside. We're cutting where the two houses are and filling the valley. It's a bi-level so the foundation walls are 12' tall and it's kind of going to sit in the hillside. There's really not a substantial amount of dirt that's going to be moved. There is a valley and bowl and it will be shoved in a little bit to get grade but, like I said, the foundation is 12' tall in the back.

MS. HYPES: Are you going to have to bring dirt in to fill that?

MR. ROUSH: No. It's all even cut.

MS. HYPES: You said something about filling in the valley.

MR. ROUSH: It's just like a ravine that goes in between the house. That house sits on a real tall mound and it'll be cut down a little bit, but it's really not much dirt.

The traffic at these places will average, at the most, five cars a day. We would be coming off Oakhurst. I don't care if we even put Mullins Drive in there. It shows on the plan but I was going to put a gate there so people can't drive through like a road. That's only if they want to.

As far as turning it into an office, the way these are built, the bi-level, you build these on a 10' grid pattern, so it's 100% designed for self-storage. It's not like a big warehouse. It would be nearly impossible to make it function as another use.

MR. MARGOLIS: It's our charge as a Commission to not only look at what you are considering putting in there, but what could go in there as part of a general accepted possibility 10-20 years down the road. That's why we have to look at it.

MR. ROUSH: I understand. It would be awfully hard if someone did try to do that because every 10' foot is load-bearing for the floor and the roof.

MR. MARGOLIS: I understand that, but it doesn't mean 10 years from now you could go out of business and someone tears down your building and puts up a high-intense office building.

MR. SMITH: How big is the lot of land you're buying?

MR. ROUSH: 6 acres. A lot of it is hillside that we won't be touching. It'll just stay trees. I don't want to cut into the hillside. We're going to leave the trees. We won't be cutting anything above the house that's staying.

MR. SMITH: How many parking spaces will you have there?

MR. ROUSH: About 36 parking spots.

MR. MARGOLIS: Todd, did you have comments or questions?

MR. DORCAS: Yes. For me, I'm not too concerned about the engineering or traffic impacts. I feel there is an inconsistent land use or incompatible land use. The surrounding land uses are much more consistent with residential versus a medium to high intensity commercial operation, which this is. So that's my issue. For the future use, which has been talked about, the preservation of residential, which the comprehensive plan overwhelmingly states that is the character of the area. It could possibly very much impact not only the current development pattern, but also future development patterns.

There was a little bit about the previous history, I think 2006, where part of it went to C8, if I'm not mistaken. Does Planning Staff feel like that was sort of zoned out character? Can anyone talk to that particular piece because that seemed like it was, not necessarily spot zoned, but zoned out of character.

MR. MARGOLIS: I can tell you I was probably the lone person on the Planning Commission when the CVS was granted expanded zoning and I was the single person that voted against that parcel being up-zoned. I just didn't feel it was right at the time.

MR. DORCAS: That's sort of my perspective but, again, I go back to thinking the land use is not consistent with the predominant surrounding land uses.

MR. MARGOLIS: John, remind us, did you all make a recommendation or have you left it open for the Commission.

MR. BUTTERWORTH: We left it at the pleasure of the Commission.

MR. MARGOLIS: Any other questions of the Commission?

MR. VRIENDT: Aric, I would add that we do the Staff Notes before public comment comes in. So, a lot of times when we take a middle-of-the-road stance like this, there's not a lot of affected property owners. They've bought up most of the affected property. There is Hamlet Way next to it. They are the most affected by this proposal. If Hamlet Way came out and had a whole bunch of concerns, that may tip the scale for us. That's why we took a middle-of-the-road recommendation on this one. I see we do have a few attendees, so we may have some people from that area.

MR. BUTTERWORTH: We have three folks who have called in and I do know that there is a Mr. Dean and he has a couple of comments in the chat that I can raise to the Commission.

MR. MARGOLIS: Any other questions from the Commission? (no response) Anybody in the audience that would like to speak in favor of the application?

MR. BUTTERWORTH: I believe Duke Jordan has his hand raised and I can promote him to talk if you prefer.

MR. MARGOLIS: Mr. Jordan are you there?

MR. JORDAN: Both Misty Harris and I are here. We are the realtors on most of this.

MS. HARRIS: This is Misty Harris with Old Colony. How's everyone on the panel? Thank you so much for all your comments and insight on everything.

MR. MARGOLIS: State your address for the record, please.

MS. HARRIS: 1205 Virginia Street, East, Charleston.

MR. MARGOLIS: Go ahead.

MS. HARRIS: I am the real estate agent representing the sellers in this particular case. The Bryant family owned that property and it was left to three sisters, one who has passed away. The frontage that's being sold, that Chris spoke about, the house is abandoned and is of no value and it does need to be torn down. It's dilapidated. The rest of the property is off from Sherry Slack's house, the other property that sits on top of the hill. She is one of the other sisters. Off to the right, that property is tied up in a trust in which Renee Bryant is in charge. I think she called into the Commission today giving her approval on the sale of this property. She's in favor of it being sold for development and bringing this to Charleston, WV. Her sister, Sherry, who is living in the existing house next door with her son, is also in agreement and had very specific outlines for her property that could be used in the front. Chris, Duke and I met with her and made sure that we were granting her wishes. She was very specific on that, without intruding into her privacy of her land. She and her sister who own the rest of that property are in agreement to sale if that impacts your decision in any way.

In addition, the property to the left behind Hamlet Way has been listed and on the market for years. Jim Hores owns that property. There's 6.5 acres that set off to the left behind Hamlet Way. We have it listed. I have it on a 23-hour list. He too wants to sale that property. He was the one who developed

Hamlet Way. Eventually, he would like to sale that land as well. He had envisioned building residential homes there, may duplexes or something of that nature. The access for residential would be more suited going through Hamlet Way. Whereas, this property abuts Kroger's, CVS, the other gas station. It does have the benefit of having that commercial use. Like one of the panelist had mentioned before, I don't think with these storage units there is an influx of traffic all at one time. I think they are visited infrequently and sporadically. Anyway, Renee wasn't able to get in on the Zoom meeting today. She wasn't sure how to do it. I think she did call in. I hope. If you have any questions for her as one of the property owners, I'm sure she'd be happy to talk to you.

MR. JORDAN: Also, I'm sure Chris has some renderings of some of these other facilities that he has throughout the east coast, the finished product that he puts out. With the traffic that's changing over there, the traffic pattern and I've been looking for a place out Corridor G for an oil vehicle exchange place. We were not going to do it here. Then Chris showed up with his rendering. Personally, I think it fits. This property has been sitting there for years on the market. I think Kroger's was going to put their gas site on this particular plot.

MS. HARRIS: Actually, Kroger's had offered the sisters a full price cash offer and they refused it at the time. Now, I think they are a bit more motivated due to circumstance or whatever. I do know this, I'm not representing Chris in this transaction, but one of the things that did kind of stand out to me, when we went to meet Sherry Slack at her residence, the three of us went out to meet her, one of the things that he did insure her that he wanted to make sure that the property looked nice and was well cared for. He volunteered that information. He didn't have to but he did say it was very important to him to be able to slope the property and lay this plan out in a way that is aesthetically nice for the community and for her and he guaranteed that it would be well maintained.

MR. MARGOLIS: Any questions of the Commission?

MR. ROUSH: Can I say something?

MR. MARGOLIS: You'll have a chance to speak. We'll go through the order and let you talk after.

MR. MARGOLIS: Terry, do you have a comment.

MS. PICKETT: I just put something in chat and that would be okay for a question. Should I raise my hand or what is the procedure?

MR. MARGOLIS: Go ahead.

MS. PICKETT: It's a good project but there are valid concerns that it won't be good for a particular area. Does the City have the capacity to be proactive in helping a business find another site or is that already being done?

MR. MARGOLIS: John, Dan, do you want to speak to that?

MR. VRIENDT: We can work with the developer and show him other properties in town that don't need a rezoning. I think this site here is probably a really unique site in that development on the Corridor is

highly coveted. It took Kroger's about three years to finally nail down their site for the fueling station. I suspect that their target area is a very small area and that it's either going to work at this location and probably not a lot of others. We would be happy to sit down with him and look at other properties.

MR. TAYLOR: Dan, just one final observation. I know when I travel to other urban and suburban areas, especially of developing cities and towns in other areas in the region, it's relatively common to see these larger storage areas along its corridor type areas. As a resident of this area, who will drive by that area probably daily, my only concern is not only that it's structurally sound, but that it is aesthetically pleasing to all of us who see it. We're going to be at the mercy, basically, of the property developers and anybody else in review to assure that occurs. That's the final observation I have.

MR. MARGOLIS: Any other questions from the Commission? Lisa?

MR. BUTTERWORTH: There is another member of the public who would like to speak.

MR. MARGOLIS: Lisa, go ahead and make your question or comment.

MS. CASTO: I was just going to say that all the site plans and plans of the property, that's all reviewed by BZA. That's not part of our purview. I'm not telling you Aric, but we just have to decide if C8 is a change in zoning that we are in favor of and it's not only this project, but like someone said, in 20 years are we okay with another type of project that fits in C8. To me, there's enough checks and balances in this system that has been developed that I'm okay with whatever else is going to happen in 20 years. There are checks and balances to keep whatever is going to happen in front of things like the Planning Commission and BZA that people won't be able to do something that would be horrible for that area. That's my comment. I think we should not worry about the land being moved. I think they are addressing that. As far as how the building looks and what the people are going to think driving by it, I trust BZA is going to stay on them and have them make that decision correctly.

MR. MARGOLIS: The only comment I'll say to that is that the Planning Commission has been fooled before in that regard. Any other comments or questions from the Commission? There was another person who wanted to speak.

MR. BUTTERWORTH: I can allow Mr. Dean to speak. First, and he can speak for himself, I wanted to highlight that he's added several things to the chat box. I want to raise those. He first asked what business we are putting in and, through the conversation, storage units were raised. He did ask how much construction would be involved. I think the developer addressed that a little bit. He said that he walks in his neighborhood almost every day and this is his neighborhood. Would it require a lot of earth being moved? He resides at 201 Hamlet Way. He thinks the CVS was consistent with the light commercial activity near us but he believes Mr. Dorcas is right in that he believes that a storage facility comes closer to a heavy commercial light industrial use that would be contra to the residential use, including Hamlet Way, even though a storage facility itself might be more of a light commercial use.

Mr. Dean, if you would like, I can ask you to unmute yourself now if you would like to speak to the Commission.

MR. MARGOLIS: Go ahead Mr. Dean.

MR. DEAN: I'm using a special device to talk. Please give me time to type what I want to say.

I don't oppose the project, but I do have concerns. I agree with Mr. Dorcas that the use might be compatible. That is all I have. Thank you.

MR. MARGOLIS: Thank you, Mr. Dean.

MR. BUTTERWORTH: Also, I missed the most recent chat. Mr. Dean said, "checks and balances don't always work, especially after the initial decision has been made."

MR. MARGOLIS: Is there anybody else to speak in favor? (No response.) Anybody to speak in opposition?

MR. BUTTERWORTH: There is one call-in listener and I will just mention that if you would like to raise your hand, you can hit *6 on the telephone.

MR. MARGOLIS: State your name and address for the record.

MR. MILLER: Thank you. This is Chris Miller. I live at 202 Hamlet Way. I very much like Adam. I wouldn't say I'm whole-heartedly opposed, but I feel like there are a lot of unanswered questions, which I think is pretty much what this Commission has raised. A couple of things that come to mind that I hadn't really heard talked about, Hamlet Way is pretty close to this property. Some of you may not be familiar with the exact property, but it's pretty close. I'm concerned about noise levels potentially. I realize there wouldn't be a lot of traffic, but you get someone come in with a loud stereo. I'm just afraid that there's a lot there that may be worthy of considering. It is pretty close to a neighborhood. Another concern I have is how much lighting there would be. I guess a third concern is how much of an obstruction of the surrounding view there might be. Hamlet Way sits on a hill off to the side and somewhat behind this. I just don't know without seeing the plan what this might actually entail. I haven't seen the actual design of the building and maybe the public isn't privy to that. There's just a lot there I think should be considered. There are 34 units on Hamlet Way. There's just a lot of housing nearby. It's a lot to take in and I just act that the Committee consider that. That's all I have.

MR. MARGOLIS: I think we've heard from everybody who wants to speak. In that case, I'll turn it over to Mr. Roush to give any closing comments or rebuttal that he may want to speak to.

MR. ROUSH: I would try and address a few concerns, like with Hamlet Way. It will be kind of tucked in the hill and the view of Hamlet Way and the parking lot, you really won't be able to see it from Hamlet Way, unless you're the last structure of the units looking out the back window. We would obstruct any of the views that they have now because it's all trees.

As for the traffic and other things, there will be some noise with construction, things like that. You're not going to have a lot of traffic coming in and out of the property. As for the use of the property, I understand you want it residential, but just the cost of the land and the lay of the land, because I do apartment developments too, about 1,000 apartments around WV and OH, with parking and the lay of the land it's just not feasible to build residential there. I don't know if that means anything or not but I just wanted to throw it out.

MR. BUTTERWORTH: Mr. Chairman I wanted to offer a clarification. In looking at the staff notes, I had an error in there. At one point I referred to the property as being R-O and R-4. That's incorrect. It's R-O and R-6, which is multi family. I apologize for that.

MR. MARGOLIS: Any questions of Mr. Roush from the Commission? (No response.)

If there are no questions, I'm going to point out a couple things. As Lisa said, we're to look at this from a possible land use perspective and not the specifics of the construction that he is proposing. Those are items that are suited for BZA. I believe, John, a design of 40,000 square feet, is a design of significant impact and 100,000 square feet is a design of major impact. I'm not sure which threshold comes to us.

MR. BUTTERWORTH: Either one of those.

Mr. VRIENDT: Mr. Chairman I just wanted to point out one thing. There is a little bit of a technicality here. They are proposing to subdivide this property into two parcels and do two 30,000 square-foot buildings. The C-8 district caps out at 30,000 square feet. You can't do one mega parcel, but you can do two smaller parcels. It would fall below the DSI review. It will still go before the BZA as a conditional use permit and they can put conditions and restrictions on the property to mitigate adverse impact. But it does not appear that it would need a DSI.

MR. MARGOLIS: Okay. Does C-8 have a zero-lot setback or will they be two separate structures.

MR. VRIENDT: We would require them to be two separate structures.

MR. MARGOLIS: Mr. Roush can you speak to that?

MR. ROUSH: Yes. There will be two separate structures and they will be about 50 feet apart.

MR. MARGOLIS: We found a loophole in our DSI Dan.

MR. MARGOLIS: Any other questions from the Commission for Mr. Roush or for the Planning Department? Hearing and seeing none, I will close the close and entertain consideration for a motion. One additional thing we want to remind everybody is that rezoning is not final at Planning Commission. We are just making a recommendation to Council. Anybody want to make a motion?

MOTION AND VOTE: On motion of Lisa Fisher Casto, seconded by Deanna McKinney, the Commission voted 10-1 to approve Bill No. 7896.

Minutes of the January 6, 2021 MPC meeting: On motion of Deanna McKinney, seconded by Terry Pickett, the Commission voted 11-0 to approve the January 6, 2021 minutes.

Adjournment.