



Municipal Planning Commission

Wednesday, April 7, 2021

3:00 p.m.

Join via internet at:

<https://us02web.zoom.us/j/88667275333?pwd=RkxCdIIWb1o5VWJvVGJmRUhLVFR1dz09>

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

Webinar ID: 886 6727 5333

Passcode: 705946

Agenda

1. Call to Order

2. Unfinished 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. POSTPONED

3. New Business

Rezoning: Bill No. 7898 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-4 district and an R-6 District to a C-8 district, those certain parcels of land situate at or about 280 Oakwood Road, Charleston, West Virginia.

4. Minutes of the March 3, 2021, MPC meeting

5. Announcements

6. Adjournment

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

Bill No. 7898

Introduced in Council

Passed by Council

April 5, 2021

Introduced by

Referred to

Courtney Persinger

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

1 **Bill No. 7898** amending the Zoning Ordinance of the City of Charleston, West
2 Virginia, enacted the 1st day of January 2006, as amended, and the map made a
3 part thereof, by rezoning from an R-4 district and an R-6 District to a C-8 district,
4 those certain parcels of land situate at or about 280 Oakwood Road, Charleston,
5 West Virginia.

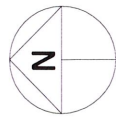
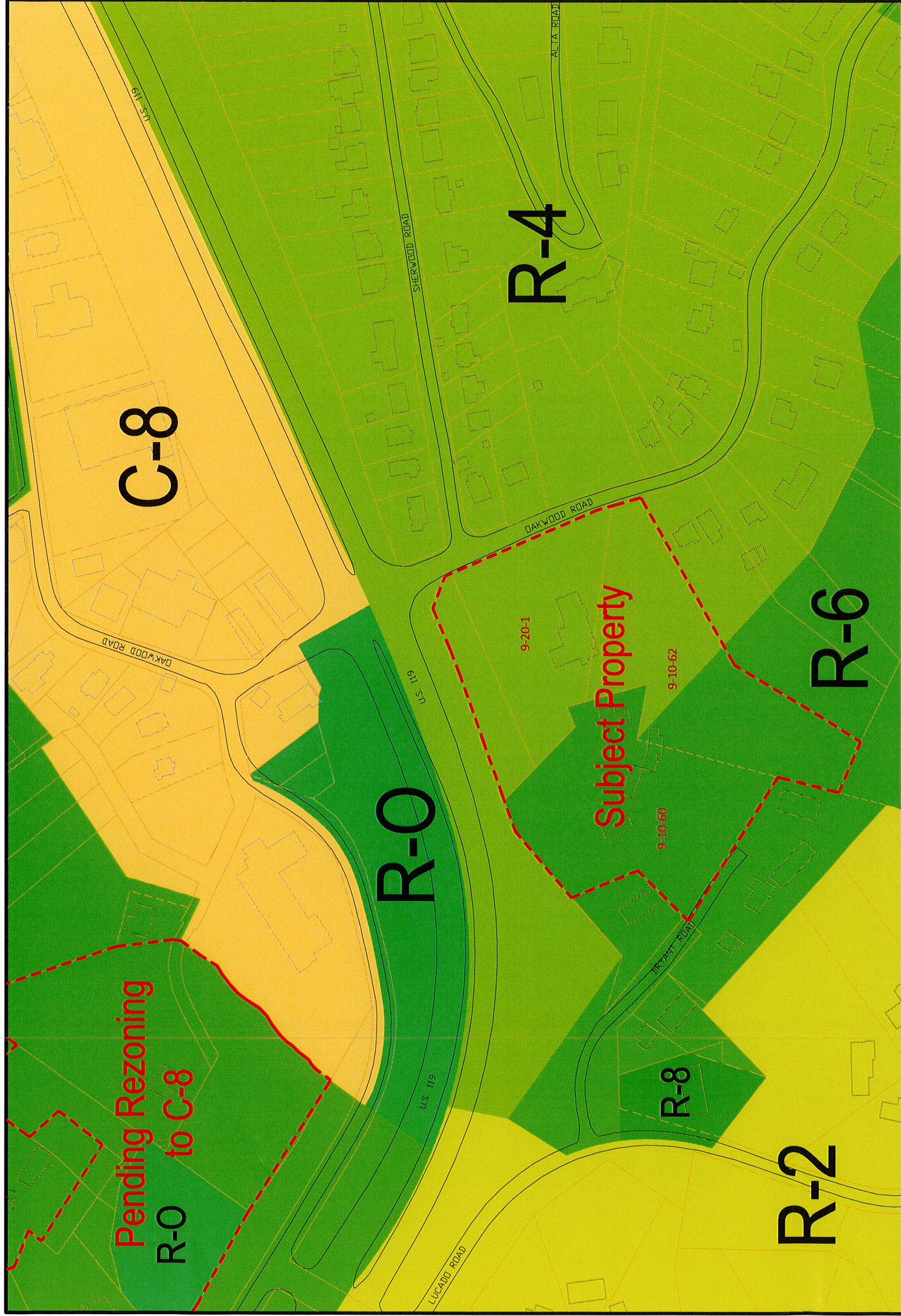
6
7 Be it Ordained by the City Council of the City of Charleston, West Virginia:

8
9 1. The Zoning Ordinance of the City of Charleston, West Virginia,
10 enacted the 1st day of January 2006, as amended, is hereby amended by rezoning
11 from an R-4 district and an R-6 District to a C-8 district, those certain parcels of land
12 situate at or about 280 Oakwood Road, Charleston, West Virginia the whole of the
13 following described parcels of land:

14
15 Parcel Nos. 60 and 62 as shown on Charleston South Annex (District
16 9) Tax Map No. 10, and Parcel No. 1 as shown on Charleston South
17 Annex (District 9) Tax Map No. 20. Subject parcels commonly known
18 as 280 Oakwood Road, Charleston, West Virginia. Said tax maps are
19 of record in the Planning Office.

20
21 2. The Zoning Map, attached to and made a part of said Zoning
22 Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

23
24 3. All prior ordinances, or parts of ordinances, inconsistent with this
25 ordinance are hereby repealed to the extent of such inconsistency.



REZONING FROM R-4 & R-6 TO C-8

**PETITION TO REZONE FROM R-4 AND R-6 TO C-8
THE LAND AT 280 OAKWOOD ROAD,
CHARLESTON, WEST VIRGINIA**

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I

PKPJ Land Development, LLC, an Ohio limited liability company ("Petitioner"), presently holds a binding purchase option for the property situate at or about 280 Oakwood Road, Charleston, Kanawha County, West Virginia, which property is more specifically described as follows: All of Parcel Nos. 60 and 62 as shown on Charleston So. Annex (District 9) Tax Map No. 10, and all of Parcel No. 1 as shown on Charleston So. Annex (District 9) Tax Map No. 20 (collectively, the "Property"). The above-mentioned tax maps are of record in the office the Charleston Planning Department.

II

Presently, the Property is zoned R-4 (Single Family Residential), in part, and R-6 (Medium Density Residential), in part, and Petitioner hereby requests that the zoning designation of the entire Property be changed to C-8 (Village Commercial).

III

Petitioner proposes to redevelop the approximately six (6) acre Property presently owned by The Estate of George Davis and Mary Lee H. Davis Family Trust into a commercial mixed-use development containing (i) up to fifteen thousand (15,000) square feet of in-line retail and professional space, (ii) one (1) quick-service-restaurant with a drive-through containing approximately two thousand four hundred (2,400) square feet of leasable space, and (iii) up to twenty (20) apartment/condominium units above said in-line retail and professional space. Seventy-eight (78) on-site parking spaces are allocated to the in-line retail and professional space (5.2 spaces per 1,000 SF), twenty-four (24) on-site parking spaces are allocated to the quick-service-restaurant (10 spaces per 1,000 SF), and forty (40) on-site parking spaces are allocated to the residential units located above the in-line space (2 spaces per unit).

Although the Property is presently zoned R-4 (Single Family Residential) in part, and R-6 (Medium Density Residential) in part, the continued development and evolution of US 119 ("Corridor G") over the past few decades has likewise created the need for the evolution of the zoning and land use regulations applicable to the Property. Corridor G's increased connectivity to secondary arteries and population centers over the years, coupled with the significant commercial development activity at Southridge Center, Dudley Farms, and Trace Fork in the early to mid-2000s, has resulted in a dramatic increase in vehicular traffic on Corridor G, and Oakwood Road, over the last few decades. By way of example, the

West Virginia Department of Highways counted approximately twenty-one thousand (21,000) vehicles per day near the intersection of Corridor G and Oakwood Road in 2007, and this number rose to roughly forty-four thousand (44,000) in 2013.

In addition to the changing landscape around the Property, the existing condition of the Property itself also suggests that it should be developed into a primarily commercial use rather than a primarily residential use. First, the existing structures on the Property, including the large, dilapidated home, three outbuildings, and in-ground pool, will necessitate a relatively significant amount of demolition work (and associated cost) to clear the Property. Next, the topography of the Property is such that it will require significant earth work to ready the Property for the development of multiple single family residential, or medium density residential, units. Said differently, with the costs of residential construction at an all-time high, and with the margins on these projects at an all-time low, it is difficult to imagine a scenario where the Property is redeveloped into a residential community (or a single residence) because the costs of the site work alone would render the project financially impractical. Putting costs aside, it is also difficult to imagine someone spending the time and money to overcome the topographic challenges of the Property in order to build their dream home adjacent to a signalized intersection which sees in excess of forty thousand (40,000) vehicles per day.

Upon speaking with the immediate neighbors of the Property, the only recurring concern brought to Petitioner's attention related to the traffic congestion at the intersection of Corridor G and Oakwood Road. In particular, Petitioner was made aware of severe congestion during the mid to late-afternoon hours when the schools of the South Hills dismiss their students at the end of each weekday. Fortunately, the West Virginia Department of Highways has been aware of this issue for years, and a plan has been created, and implemented, to address said congestion. In short, an "R-Cut" traffic control mechanism is currently being installed at the subject intersection, and this new-to-West Virginia traffic control mechanism will dramatically reduce, or eliminate, the stacking of cars and related congestion at this intersection during peak hours. For more information on this new traffic control mechanism, please see:

1. The West Virginia Department of Highways' videos and corresponding explanations of this traffic control mechanism at <https://transportation.wv.gov/highways/engineering/comment/closed/Oakwood-Road-Intersection-Improvements/Pages/default.aspx>; and
2. That certain Traffic Impact Study prepared for Petitioner by Timothy Kirk, PE, of A. Morton Thomas and Associates, Inc., dated February 9, 2021, and titled "Oakwood Retail Development Traffic Impact Study Charleston, Kanawha County, WV", a copy of which is included with this Petition, and additional copies of which may be obtained from Petitioner upon request.

In sum, Petitioner's Traffic Impact Study concludes that, in light of the West Virginia Department of Highways' installation of the R-Cut, the intersection of Corridor G and Oakwood Road will not be negatively impacted by Petitioner's proposed development, provided that Petitioner constructs and installs three (3) lanes at the ingress/egress point of

the Property, one of which will be dedicated to ingress, one of which will be dedicated to left-turn-only egress, and the last of which will be dedicated to right-turn-only egress.

Lastly, Petitioner would strongly encourage the City Council, the Mayor's office, and the Municipal Planning Commission to vote in support of the requested rezone because of the immediate, positive impact Petitioner's proposed development will have on the South Hills community and its passersby. Upon entering the Property today, a visitor would immediately take note of the trash and debris, including used hypodermic needles and prophylactics, scattered around the Property as a result of the unlawful occupants of the Property who take up residence there from dusk until dawn each night. It is safe to say that the existing conditions on the Property have deteriorated past the point of being a nuisance to the surrounding community; the existing conditions at the Property now represent a real health and safety hazard to the surrounding community.

While the cleanup and rejuvenation of the Property alone will go a long way towards eliminating the above-mentioned hazards from the Property, it is the redevelopment of the Property into a community-centric mercantile and residential destination which is the true justification for Petitioner's requested rezone. Petitioner envisions a thoughtfully designed and attractively constructed mixed-use retail and residential development intended to help serve the basic needs and wants of the South Hills community. Although Petitioner does not yet have any tenants secured for the Property, Petitioner intends to seek tenancy from businesses which would, presumably, be welcomed by the residents of the South Hills, such as, by way of example, cafes, small eateries, a wine shop, a gift shop, boutiques, professional services (i.e., legal, medical, accounting, etc.), salons, and other essential goods and services that every community benefits from having easy access to.

As stated in the City of Charleston's Comprehensive Plan for the South Hills and Corridor G communities, the City of Charleston's goals in these two districts are to "retain strong neighborhood character," "focus on older sections that need to be redeveloped to attract quality retailers," and "design standards to create a village-like setting." After a thorough review of this petition and Petitioner's redevelopment plans, it is clear that Petitioner's goals at the Property closely align with those of the City of Charleston and its residents. As such, Petitioner hereby requests, respectfully, that its application for the rezone of the Property be granted.

IV

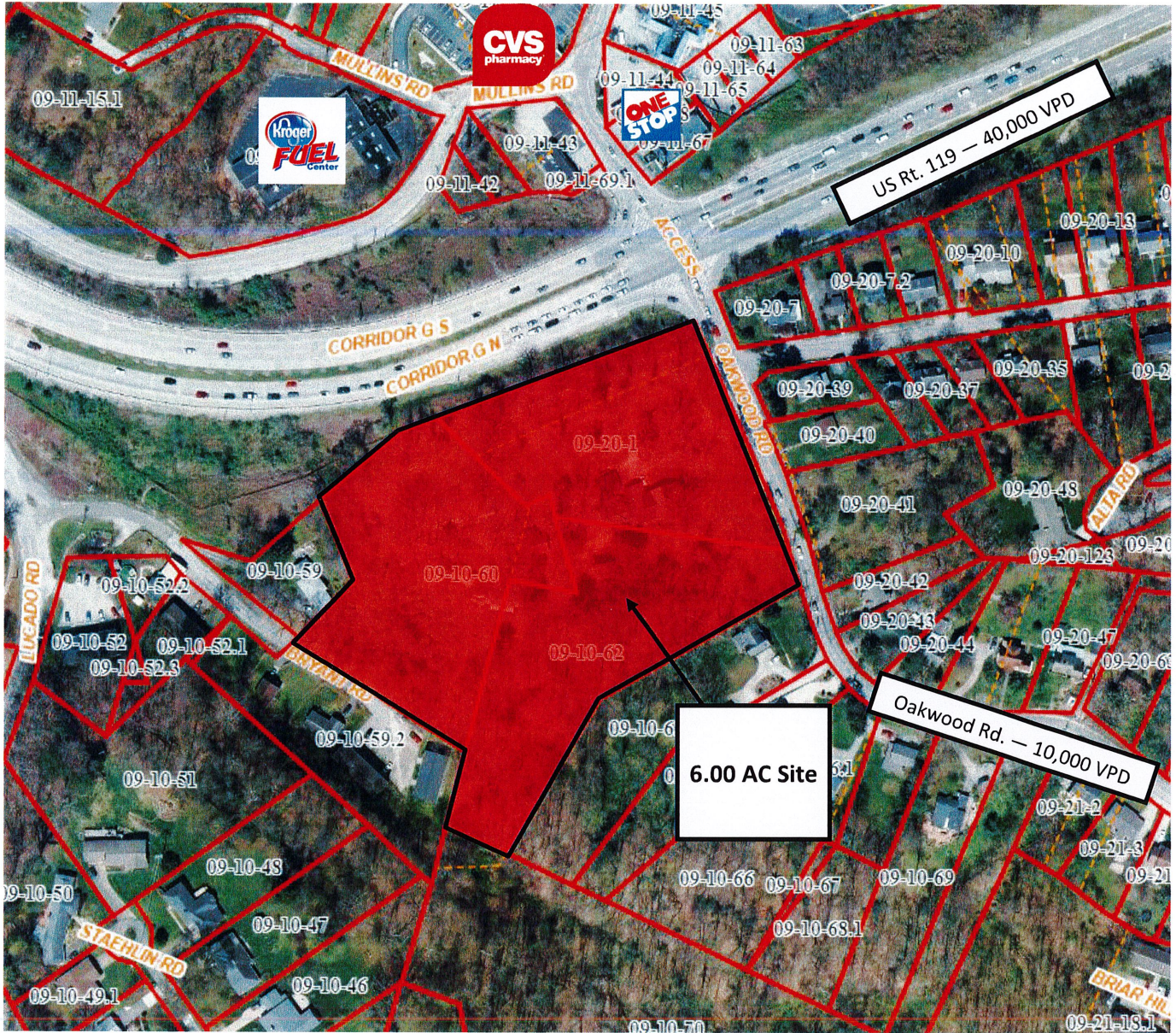
Prior to submitting this Petition, Petitioner spoke with, and obtained the support of this Petition from, City Councilperson Courtney Persinger, Ward 14.

Although the Municipal Planning Commission's Checklist for Application for Rezoning still mentions the need for Petitioner to provide a list of all property owners within two hundred fifty (250) feet of the subject Property, I understand from Dan Vriendt, Director of the Municipal Planning Commission, that this is no longer a requirement, as the Municipal Planning Commission now handles this part of the notice process. Accordingly, Petitioner did not append any such list to this Petition.

Lastly, please find attached hereto and enclosed herewith (i) a Bill to accomplish the requested rezoning of the Property, (ii) a map, and a site plan, of the subject Property, (iii) a copy of Petitioner's Traffic Impact Study for the Property, and (iv) a check in the amount of One Hundred Twenty-Five and 00/100 Dollars (\$125.00) to serve as Petitioner's filing fee.

Respectfully submitted this 5th day of March, 2021

By:  _____
Name: Jared Decker
Title: Real Estate Director
Address: 1000 Grand Central Mall, Vienna, WV 26105
Tel: (304) 494-6966
Email: jared@thepmcompany.com





PMC
THE PM COMPANY

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 bringing 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.