



Municipal Planning Commission
Wednesday, May 5, 2021
3:00 p.m.

Join via internet at:

<https://us02web.zoom.us/j/86869101316?pwd=OUI5OGRNUWdhzeTl5TS9QSm54OUw1dz09>

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

Webinar ID: 868 6910 1316

Passcode: 758323

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

Subdivision: Application by WV Health Right Inc. for subdivision approval for property located at 1520 Washington Street East, District 11, Tax Map 20, Parcels 139 & 140 including a request for a waiver of requirements pertaining to lot size and lot depth, Charleston West Virginia.

Rezoning: Bill No. 7906 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 I-2 district to a C-10 district, those certain parcels of land situate at 312 21st Street, Charleston, West Virginia.

Text Amendment: Bill No. 7905 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating a land category and definition for syringe service program and making it a permitted land use in the PMC - Profession Medical Campus District, CBD - Central Business District, UCD - Urban Corridor District, and CVD - Corridor Village District.

4. Minutes of the April 7, 2021, MPC meeting

5. Announcements

6. Adjournment

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

CITY OF CHARLESTON, WEST VIRGINIA
SUBDIVISION APPLICATION

☐ PRELIMINARY

☐ FINAL PLAT

☒ ADMINISTRATIVE

Filing Date: 03/08/21 Filing Fee Collected: \$ _____ Number of Lots Being Created: Two (2)

Subdivision Name: N/A

Subdivision Location: Charleston, WV 25311

Tax Map and Parcel Number(s): See Below* Zoning District: R-6 Flood Plain Designation X

* Rear portions of residential lots 20-139 & 20-140

	ADDRESS	PHONE	FAX AND E-MAIL
Property owner:	WV Health Right 1520 Washington St. E Charleston, WV 25311	(304) 414-5930	(304) 343-2091 Asettle@wvhealthright.org
Developer:	WV Health Right		
Licensed WV Surveyor:	Terradon Corporation 401 Jacobson Drive Poca, WV 25159	(304) 755-8291	(304) 755-2636 Dave.Brown@terradon.com
Attorney:	N/A		

For Preliminary Plats or Final Plats without preliminary approval, list (or attach) names and addresses of adjoining property owners, including across streets and alleys:

See attached "List of Owners within 250 ft"

Rodney Pauley - ZMM

Applicant's Signature

(304) 342-0159

Applicant's Phone Number

FILING INSTRUCTIONS

- ☐ Preliminary Plat: Eight (8) maps signed and stamped by a WV Registered Surveyor and two (2) street and sewer profiles filed at minimum of 35 working days prior to a public hearing held by the Municipal Planning Commission.
- ☐ Final Plat (when preliminary plat has been approved): Eight (8) plat maps signed and stamped by a WV Registered Surveyor filed at least 7 working days prior to a Municipal Planning Commission public hearing.
- ☐ Final Plat (without previously approved preliminary plat): Eight (8) plat maps signed and stamped by a WV Registered Surveyor filed at least 35 working days prior to a public hearing held by the Municipal Planning Commission.
- ☐ Administrative: Eight (8) plat maps signed and stamped by a WV Registered Surveyor. Review time 1-2 weeks.
(A checklist of the information required on plat maps for Administrative Subdivisions is on the back of this application).

Fees - \$10.00 Administrative, Preliminary \$45 + \$1 per lot, Final \$10 or \$1 per lot, Final w/o Preliminary \$45 + \$1 per lot.

Bill No. 7906

Introduced in Council

Passed by Council

May 3, 2021

Introduced by

Referred to

Pat Jones

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

Bill No. 7906 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 I-2 district to a C-10 district, those certain parcels of land situate at 312 21st Street, Charleston, West Virginia.

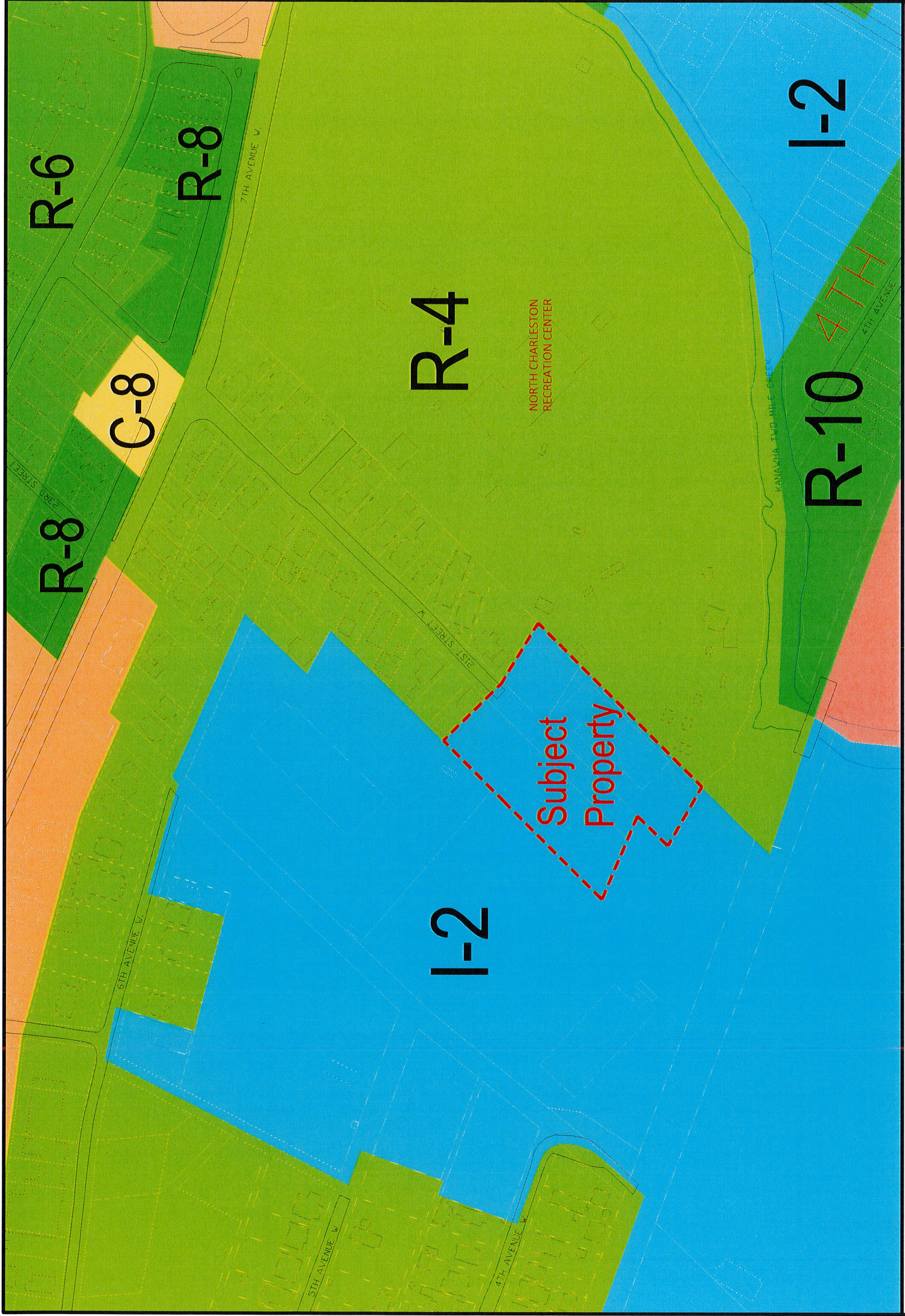
Be it Ordained by the City Council of the City of Charleston, West Virginia:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an I-2 district to a C-10 district the whole of the following described parcels of land:

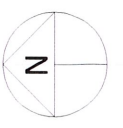
Parcel Nos. 122,155 and 157 as shown on Charleston North (District 10) Tax Map No. 10, and Parcel No. 1. Subject parcels commonly known as 312 21st Street, Charleston, West Virginia. Said tax maps are of record in the Planning Office.

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

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



REZONING FROM I-2 TO C-10



Bill No. 7905

Introduced in Council

Passed by Council

Introduced by

Referred to

Adam Knauff

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

Bill No. 7905 – A bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating a land category and definition for syringe service program and making it a permitted land use in the PMC - Profession Medical Campus District, CBD - Central Business District, UCD - Urban Corridor District, and CVD - Corridor Village District.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended, by creating a land use category and definition for syringe service programs. The new provisions shall read as follow:

1. In Article 2 Definitions, add:

Syringe Service Program. A harm reduction program that offers hypodermic needles at little or no cost with the intent of reducing the risk factors for blood-borne diseases such as HIV/AIDS and hepatitis.

2. In Article 3 Establishment of Zoning Districts and Map, add:

Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
<u>Syringe Service Program</u>											<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				

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

Municipal Planning Commission

Wednesday, April 7, 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

John Butterworth

Attendees

Jared Decker – Applicant – Bill No. 7898
Angela Morales – 265 Oakwood Road (Opposition of Bill No. 7898)
John Carr – 851 Sherwood Road (Opposition of Bill No. 7898)
Richard Ellis – 1132 Hickory Road & owns apartment on Bryant Road (Opposition of Bill No. 7898)
Johanna Miesner – (Opposition of Bill No. 7898)

Call to Order: Aric Margolis

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

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.

The applicant, Mr. Decker, and the traffic engineer who developed a traffic impact study on behalf of the applicant reported on the reasons for the rezoning request and presented their supporting arguments.

Residents from Oakwood, Hickory, Bryant, and Sherwood Roads spoke in opposition of this application based on perceived impact on traffic in the Sherwood Forest area. Mr. Decker provided a rebuttal regarding the proposal. Mr. Decker stated he was persuaded that the proposed retail development would not have a negative impact on the traffic in this area. However, traffic professionals with WV DOH will review this project before it moves forward. Mr. Decker indicated that out of this 6-acre area, only 3 acres were usable and that he could not see that this property would benefit from residential development vs. retail development.

Commissioner Dorcas raised concern over why staff had not given any input in favor of or in opposition to this project. Mr. Butterworth explained that the public hearing is the time for the Commission to receive public input and that with an application that professional best practice would not provide a clear-cut recommendation, public input is an essential part of decision-making. The staff values public input and places it in conjunction with their professional opinion. The staff's professional opinion, which is predominantly based on mapping information, planning documents, and law, must be understood in the context of the experiences and concerns voiced by the impacted public. After hearing the concerns expressed during the meeting, the decision to be made is complex and the Commission must use their discretion.

Commissioner Krason recommends tabling this matter and suggests that the developer may want to hold a community meeting to address the concerns.

Commissioner McKinney and Hoover both expressed agreement with Commissioner Krason. Commissioner Hoover is concerned over the notice or lack thereof that the public received regarding this matter.

Chairman Margolis addresses issues that affect the public notice process, but feels confident, based on matters affecting the notification process, including the pandemic, that reasonable effort was made to notify the affected public. Chairman Margolis raised concerns over past traffic issues at the 4-way stop and his personal opinion is that until the construction on Corridor G is completed an accurate assessment of the traffic is premature at this time. Until such time, Chairman Margolis suggests rejecting this application and rehearing it once the construction is completed along Corridor G.

MOTION AND VOTE: On motion of Deanna McKinney, seconded by Adam Krason, the Commission voted 9-0 to reject Bill No. 7898 and rehear it after the construction is completed on Corridor G.

Minutes of the March 3, 2021 MPC meeting: On motion of Todd Dorcas, seconded by Alice Hypes, the Commission voted 9-0 to make an adjustment on page 11 of the minutes of the March 3, 2021 minutes.

Adjournment.