



Planning, Streets and Traffic Committee

Monday, May 24, 2021 at 5:00 p.m.

Join via internet at:

<https://us02web.zoom.us/j/89813563483?pwd=Y0UxNkt3Q3ljM2l0WjFTTmVNY0Q2UT09>

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

Webinar ID: 898 1356 3483

Passcode: 079525

AGENDA

1. Call to Order

2. Unfinished Business

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.

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.

3. New Business

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.

Bill No. 7908 - A Bill to establish a one-way street on 2nd Avenue from Florida Street to Bream Street by prohibiting vehicular traffic from traveling in an easterly direction and modifying existing and/or adding necessary traffic control devices 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.

Bill No. 7910 - A Bill to establish a one-way street on Russell Street from Grant Street to 1st Avenue by prohibiting vehicular traffic from traveling in a northerly direction and modifying existing and/or adding necessary traffic control devices 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.

Bill No. 7911 - A Bill to establish a no parking anytime in turnaround at the intersection of Iris Drive and Fields 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.

Bill No. 7912 - A Bill to establish a no parking anytime in the dead end of Daisy Drive located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy Drive 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.

4. Discussion
5. Approval of the Minutes of the April 26, 2021 meeting
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**

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.

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 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 whole of the following described parcels of land:

Parcel Nos. 60 and 62 as shown on Charleston South Annex (District 9) Tax Map No. 10, and Parcel No. 1 as shown on Charleston South Annex (District 9) Tax Map No. 20. Subject parcels commonly known as 280 Oakwood Road, 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.

**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

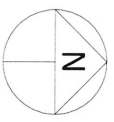
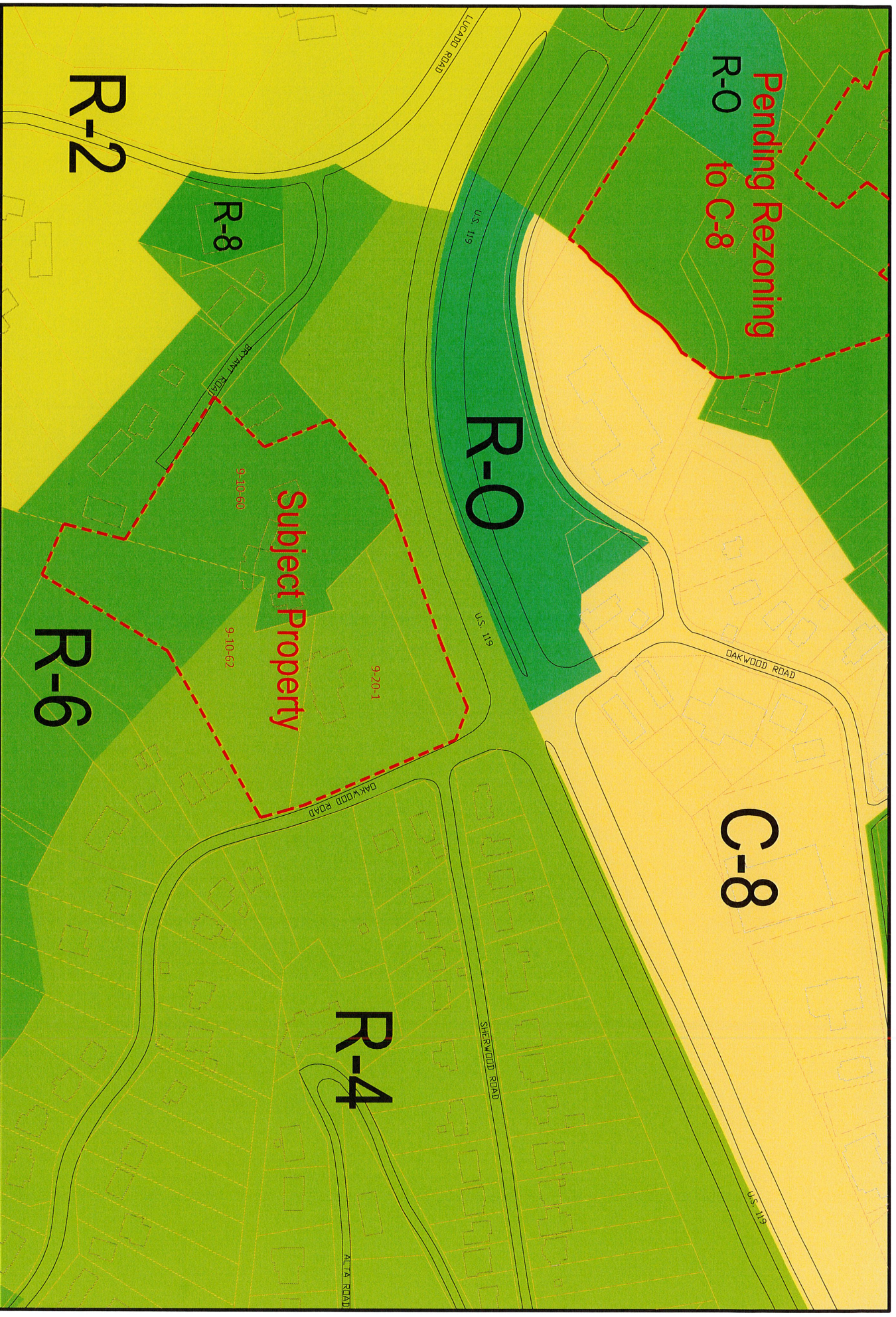
Prior to submitting this Petition, Petitioner spoke with, and obtained the support of this Petition from, City Councilperson Courtney Persinger, Ward 14.

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



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



EXECUTIVE SUMMARY

This report summarizes existing and future traffic analyses conducted in support of the proposed Oakwood Retail Development. The proposed retail development is planned to be located east of US 119 (Corridor G) and south of Oakwood Road (CR 214/2) in Charleston, Kanawha County. The proposed site plan includes 40 apartment dwelling units, one (1) retail shopping center comprising 15,000 square feet of total floor space and one (1) coffee shop with drive-thru comprising 2,176 square feet of total floor space. The retail development is expected to be completed by 2022.

The proposed development is anticipated to be served by one site driveway intersecting with Oakwood Road. Site Driveway #1 is proposed to be located approximately 230 feet east of US 119 approaching Oakwood Road from the south and operate as a full movement approach with two-way stop-control (TWSC).

Traffic analysis will consider future conditions at the anticipated build-out year of 2022. This report summarizes the analyses of 2021 Existing conditions, 2022 No-Build conditions (without the proposed development in place), and 2022 Build conditions (with the entire proposed development in place) during the weekday AM and PM peak hours. The annual growth rate of 1.41% was obtained from a recent traffic study completed for the US 119 Corridor.

AMT (A. Morton Thomas and Associates, Inc.) was retained to determine the projected traffic impacts of the proposed development in accordance with the guidelines set forth by the WVDOH (Division of Highways) in Traffic Engineering Directive (TED) 106-2. The intent of the study is to fully examine the impacts of the traffic generated by the development on the existing transportation system and identify potential mitigation measures. This report presents trip generation, trip distribution, intersection capacity analysis, queuing analysis, auxiliary lane analysis, and recommendations for transportation improvements necessary to meet anticipated traffic demands.

Based upon a review of the site plan and adjacent transportation network, the following two (2) existing and two (2) proposed intersections are included within the scope of the Traffic Impact Study (TIS) for the proposed Oakwood retail development:

- | | |
|--|--|
| 1) US 119 with Oakwood Road (CR 214/2) | <i>(Signalized Plus type intersection)</i> |
| 2) US 119 with Hickory Road/US 119 NB U-Turn | <i>(TWSC Plus type intersection)</i> |
| 3) US 119 with US 119 SB U-Turn | <i>(Proposed Signalized RCUT intersection)</i> |
| 4) Oakwood Road with Site Driveway #1 | <i>(Proposed TWSC "T" type intersection)</i> |

Traffic Volume

Peak hour turning movement counts were collected for the US 119 Corridor Traffic Study on Thursday January 28, 2016 between the hours of 7-10 AM and 2-6 PM. The growth rate of 1.41% utilized within this study was applied to the 2016 traffic counts to develop 2021 existing traffic volumes.

The proposed development is expected to be complete by 2022. The 2022 No-Build traffic volumes include the existing 2021 traffic volumes and the anticipated annual traffic growth prior to 2022. The growth rate of 1.41% was applied to the existing peak hour traffic counts in order develop 2022 No-Build conditions without the site development in place.



The 2022 Build Conditions include the existing 2021 traffic volume, the anticipated annual traffic growth prior to 2022, and the traffic generated by the proposed Oakwood development. Site generated traffic was distributed into the transportation network based upon existing traffic patterns and anticipated origin and destination of the pass-by and new site trips.

Site Trip Generation and Distribution

The proposed Oakwood retail development includes 40 apartment dwelling units, one (1) retail shopping center comprising 15,000 square feet of total floor space, and one (1) coffee shop with drive-thru comprising 2,176 square feet of total floor space. Trip generation "Peak Hour of Generator" rates from ITE Trip Generation Manual, 10th Edition, were utilized for Multifamily Housing Mid-Rise (LUC 221), Retail Shopping Center (LUC 820), and Coffee Shop with Drive-Thru (LUC 937). Trip generation analysis indicates that a total of 820 new daily trips will be generated including 97 new AM peak hour trips and 75 new PM peak hour trips. In addition, 70 pass-by trips will be induced during the AM peak hour and 40 pass-by trips will be induced during the PM peak hour.

The AM and PM peak hour site generated trips and pass-by trips to/from the proposed site were distributed based upon interpolation from current traffic patterns with all trips entering the development via Oakwood Road. Distribution of the new external and pass-by trips are as follows:

New External Trips:

- 35% to/from the south on US 119
- 45% to/from the north on US 119
- 15% to/from the east on Oakwood Road
- 5% to/from the west on Oakwood Road

Pass-By Trips:

- 40% from south on US 119
- 60% from north on US 119

2021 Existing Conditions Analysis

The results of the 2021 existing conditions capacity analyses indicate that three traffic movements currently operate worse than LOS D, which is considered the minimum tolerable level.

Traffic movements that currently operate worse than LOS D are as follows:

- *Oakwood Road Westbound shared left/thru lane to US 119 LOS E during AM and PM peak hours*
- *US 119 Northbound left-turn movement to Oakwood Road LOS E during PM peak hour*
- *US 119 Southbound left-turn movement to Oakwood Road LOS E during AM and PM peak hours*

2022 No-Build Conditions Analysis

The proposed development is expected to be complete by 2022. The 2022 No-Build traffic volumes include the existing 2021 traffic volumes and the anticipated annual traffic growth prior to 2022.



Improvements included in the 2022 No-Build Conditions include the construction of an R-CUT (Restricted Crossing U-Turn Intersection) at the intersection of US 119 with Oakwood Road. This improvement includes altering multiple intersections within the study area and installing two new signalized intersections. This improvement was included within this scenario based on guidance from the WVDOH.

The results of the 2022 No-Build Conditions capacity analyses indicate that no traffic movements are anticipated to operate worse than LOS D with improvements in place.

2022 Build Conditions Analysis

The 2022 Build Conditions include the existing 2021 traffic volume, the anticipated annual traffic growth prior to 2022, and the traffic generated by completion of the Oakwood retail development.

The results of the 2022 Build Conditions capacity analyses indicate that no traffic movements are anticipated to operate worse than LOS D following full build with improvements in place.

Conclusions/Recommendations

Based on the findings of this study, the following infrastructure improvements are recommended to accommodate the Oakwood retail development and maintain acceptable operation of the existing transportation network in 2022:

Oakwood Road with Site Driveway #1

- Construct Site Driveway #1 as a full movement approach intersecting with Oakwood Road approximately 230 feet east of US 119. The site driveway is recommended to include one ingress and two egress lanes to provide separate left and right turn lanes exiting the development. Site Driveway #1 will operate under stop-control while Oakwood Road operates as free-flow.

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**

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

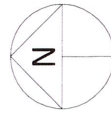
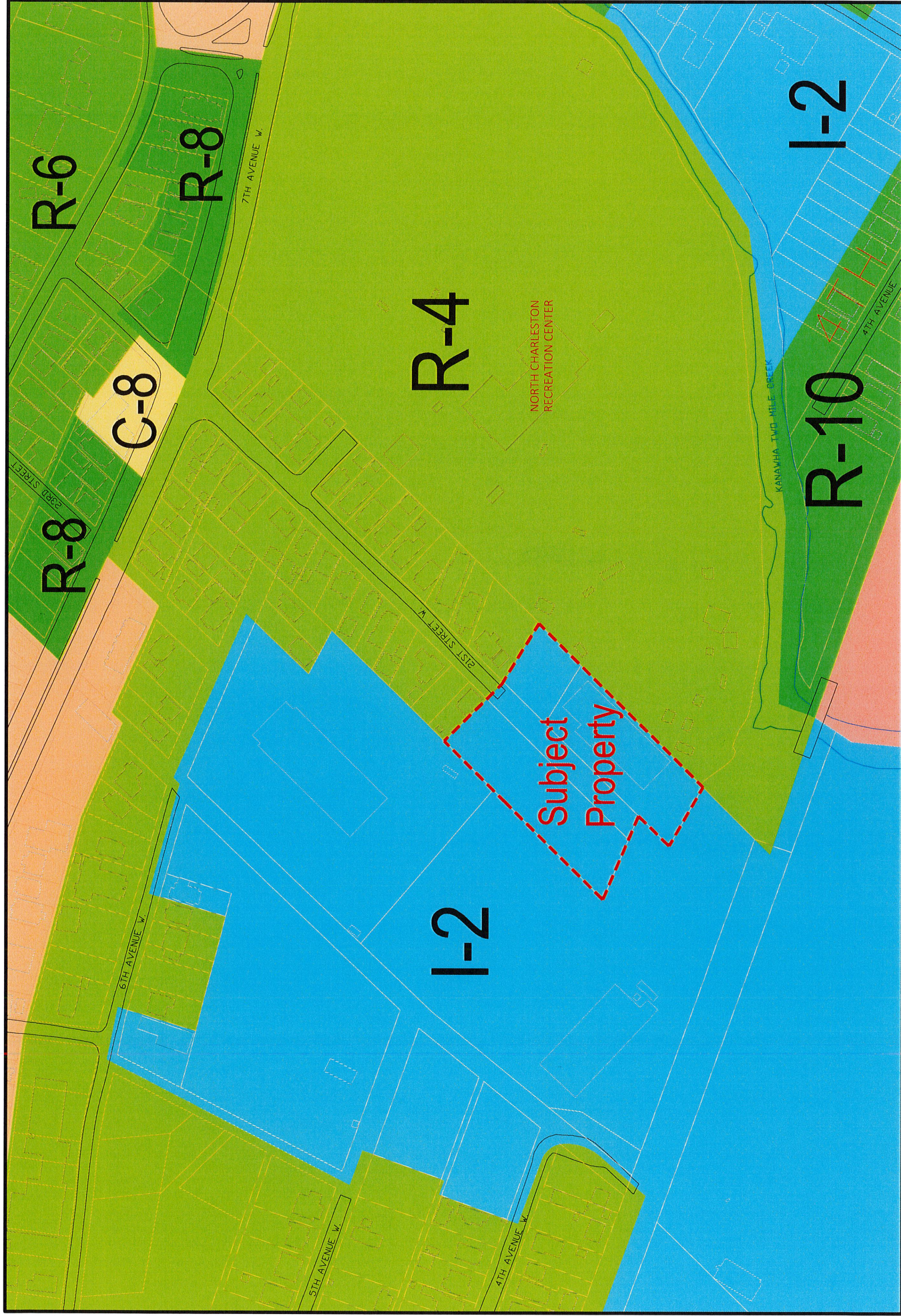
5
6 Be it Ordained by the City Council of the City of Charleston, West Virginia:

7
8 1. The Zoning Ordinance of the City of Charleston, West Virginia,
9 enacted the 1st day of January 2006, as amended, is hereby amended by rezoning
10 from an I-2 district to a C-10 district the whole of the following described parcels of
11 land:

12
13 Parcel Nos. 122,155 and 157 as shown on Charleston North (District
14 10) Tax Map No. 10, and Parcel No. 1. Subject parcels commonly
15 known as 312 21st Street, Charleston, West Virginia. Said tax maps
16 are of record in the Planning Office.

17
18 2. The Zoning Map, attached to and made a part of said Zoning
19 Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

20
21 3. All prior ordinances, or parts of ordinances, inconsistent with this
22 ordinance are hereby repealed to the extent of such inconsistency.



REZONING FROM I-2 TO C-10

1 **Bill No. 7908**

2 Passed by Council:

3 Introduced in Council

4 **May 3, 2021**

5 Introduced by:

Referred to:

6 **Tiffany Wesley-Plear**

Planning, Streets and Traffic

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9 **Bill No. 7908** - A Bill to establish a one-way street on 2nd Avenue from Florida Street to
10 Bream Street by prohibiting vehicular traffic from traveling in an easterly direction and
11 modifying existing and/or adding necessary traffic control devices and amending the
12 Traffic Control Map and Traffic Control File, established by the code of the City of
13 Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section
14 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

16 Section 1. A Bill to establish a one-way street on 2nd Avenue from Florida Street to
17 Bream Street by prohibiting vehicular traffic from traveling in an easterly direction and
18 modifying existing and/or adding necessary traffic control devices

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.

1 **Bill No. 7910**

2 Passed by Council:

3 Introduced in Council

4 **May 3, 2021**

5 Introduced by:

Referred to:

6 **Tiffany Wesley-Plear**

Planning, Streets and Traffic

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9 **Bill No. 7910** - A Bill to establish a one-way street on Russell Street from Grant Street
10 to 1st Avenue by prohibiting vehicular traffic from traveling in a northerly direction and
11 modifying existing and/or adding necessary traffic control devices and amending the
12 Traffic Control Map and Traffic Control File, established by the code of the City of
13 Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section
14 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

16 Section 1. A Bill to establish a one-way street on Russell Street from Grant Street to 1st
17 Avenue by prohibiting vehicular traffic from traveling in a northerly direction and
18 modifying existing and/or adding necessary traffic control devices

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.

1 **Bill No. 7911**

2 Passed by Council:

3 Introduced in Council

4 **May 17, 2021**

5 Introduced by:

Referred to

6 **Bobby Haas**

Planning, Streets and Traffic

7
8 **Bill No. 7911** - A Bill to establish a no parking anytime in turnaround at the intersection
9 of Iris Drive and Fields Street and amending the Traffic Control Map and Traffic Control
10 File, established by the code of the City of Charleston, West Virginia, two thousand and
11 three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to
12 conform therewith.

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

14 Section 1. A Bill to establish a no parking anytime in turnaround at the intersection of Iris
15 Drive and Fields Street

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

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

1 **Bill No. 7912**

2 Passed by Council:

3 Introduced in Council

4 **May 17, 2021**

5 Introduced by:

Referred to

6 **Bobby Haas**

Planning, Streets and Traffic

7
8 **Bill No. 7912** - A Bill to establish a no parking anytime in the dead end of Daisy Drive
9 located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy
10 Drive and amending the Traffic Control Map and Traffic Control File, established by the
11 code of the City of Charleston, West Virginia, two thousand and three, as amended,
12 Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

14 Section 1. A Bill to establish a no parking anytime in the dead end of Daisy Drive
15 located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy
16 Drive

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

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

Municipal Planning Commission

Wednesday, May 5, 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, Architect, Chairman
Margo Teeter
Quintie Smith
Representative
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

Members Absent

Rev. Braxton Broady
Teresa Arthur
J. D. Stricklen, Kanawha Co.

CALL TO ORDER: Aric Margolis

1. 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 UNTIL NEXT MONTH.

(Mary Beth Hoover, Alice Hypes and Quintie Smith joined the meeting.)

2. NEW BUSINESS

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.

Staff deferred recommendation to Councilman Knauff, who asked the Commission to table the bill for at least a month. There seems to be confusion as to how the State bill and City bill will mesh together.

Motion and Vote: On a motion by Councilmember Deanna McKinney, seconded by Councilmember Quintie Smith, the Commission voted 9-0 to continue Bill No. 7905 to the next MPC meeting.

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.

Adam Krason represented the purpose of the application on behalf of WV Health Right Inc. After receiving approval by the BZA, the application is being brought before MPC for a second time.

John Butterworth presented Staff's recommendation to approve the application.

Councilmember Pickett inquired about whether or not the trees would be maintained. Adam Krason said the trees would be maintained and, additionally, would have a fence placed around them for further maintenance and protection.

Councilmember Dorcas asked the Planning Department how many similar cases there have been in this neighborhood, especially since it became recognized as a historic district, that involve waiver of size.

John Butterworth responded that the best precedent was action taken by the MPC a few months ago that affected property directly to the west. Part of that analysis involved taking into consideration the size of lots within the block and surrounding blocks of the neighborhood. It was determined that, especially on the end of blocks, the properties that face the streets that run perpendicular to Jackson Street, the lot size that the applicant was proposing was in keeping with the neighborhood, as many homes within the historic district, north of Washington Street, have very small side and rear yards. It was determined that the applicant's proposal was in keeping of the development pattern in the neighborhood.

John also brought attention to the fact that another precedent that the Planning Department worked on rigorously involved the preservation of the historic structures along Jackson Street in an effort to maintain the historic character of Jackson Street.

John also noted that property owners can elect to demolish properties and the most that can be done is to place a 90-day stay of demolition on their request. This recommendation both preserves the integrity of the historic district, while making it possible for a critical community facility to expand.

Angie Settle spoke in favor of the application, noting, specifically, the addition of the two properties allowed Health Right to add a third floor for additional programs.

No one spoke in opposition of the application.

Motion and Vote: On a motion by Terry Pickett, seconded by Shawn Taylor, the Commission voted unanimously, 11-0, with Adam Krason abstaining from the vote, to approve the application for subdivision and request for waiver of requirements.

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.

Jeb Corey, whose address is 312 21st West, Charleston, WV 25387, presented the purpose for the aforesaid rezoning request. Leasing Services Inc. purchased the subject property at a bankruptcy auction approximately 2 ½ years ago. A lot of money has been spent in making improvements to the property. The new solar system, a 125 lb. system on the roof, was turned on this past Earth Day. The solar system will provide most of the energy the building needs in order to operate. There is approximately 3,000 square feet of unfinished space that is useless. In an attempt to find uses for the unfinished space, Mr. Corey stated that switching the zoning of

the property from an I-2 to a C-10 will provide more flexibility in an effort to find use for the unfinished space. One proposal was to allow a residential brewer to use the unfinished space. In order to accomplish this, it would be helpful to have the property zoned as a C-10 instead of an I-2. C & H Taxi currently operates out of this building, as does Link Automotive, an automotive repair shop, and a marketing team.

John Butterworth spoke on behalf of the Staff's recommendation for approval based on the following: (1) rezoning is consistent with future land use map; (2) rezoning allows for renewed investment and continued commercial use of the property, while improving aesthetic and vitality of the city; and (3) the intensity of uses between the two districts is comparable, with certain C-10 uses making a reduced potential impact on neighboring properties compared to permitted and conditional uses in the I-2, thereby providing increased protection to the neighboring residents.

Council Chair Aric Margolis asked John if the slight change brought about by Bill No. 7906 prevented it from being spot zoning.

John responded that Staff has always considered I-2 to a C-10 to be more of a lateral move where uses are concerned.

Councilmember Krason questioned why the use that Mr. Corey is requesting is not permitted in an I-2 and asked if that's something that could be accomplished in the future.

John responded that the Staff attempts to keep people-centric uses out of industrial areas (i.e., a person enjoying a beer should not be susceptible to choking from soot).

There was no response to Aric's invitation to members of the public who wanted to speak in favor of the request.

Ward 1 City Councilmember Pat Jones spoke in opposition to the rezoning request. The subject property is adjacent to the little league baseball field, senior baseball field and church and within walking distance of the North Charleston Recreation Center. After surveying the residents affected in this area, Pat received 2-no response; 13-no and 2-yes. Moreover, residents had concerns with problems with speeding from Mr. Corey's C & H Taxi drivers and was doubtful that a good clientele would come to 21st Street in North Charleston to consume beer. These residents will appear before full council in opposition of this request for rezoning.

Lisa Fisher-Casto – 231 Hale Street, Charleston, WV. Lisa does not reside in the subject neighborhood and is a council member of the Municipal Planning Commission. Lisa asked if the proposed brewery would be selling beer to customers on the premises or acting as a distributor versus a bar.

Council Chairman Aric Margolis' responded that Lisa's question was not a matter to be determined or decided upon by the MPC. MPC was to determine what could be within a C-10 zoning district, without regard to the use and is it appropriate for the current I-2 location. The brewery has been a suggestion by the applicant and not necessarily what they have decided will go in the unfinished space. Historically, the MPC has ruled on "what if" or "what could be" not "here's what we think we're going to put in there".

Lisa went on to state that it seems I-2 can accommodate anything but a brewery. For this reason, there seems to be a specific reason for the rezoning request which would make it spot zoning and the request should be denied on that basis.

Adam Krason made mention of the fact that another argument is that C-10 is more appropriate for adjacent occupancy of residential houses than I-2.

Margo Teeter and Todd Dorcas both agreed that C-10 is more appropriate for adjacent occupancy of residential houses than I-2.

Jeb Corey presented his rebuttal. He asserts that at the time he was just looking into buying the property he was told that City Council was already contemplating changing this particular zoning district from I-2 to C-10. Mr. Corey mentioned that, before acquiring the building, it was an area that had become heavily impacted by drug usage, prostitution and vandalism. Since acquiring the property, approximately \$250,000 has been spent in improvements to the property. As for wanting property adjacent to ballfields and near churches that is in good repair, Mr. Corey stated that this has already been accomplished since acquiring the property. Multi-purpose buildings are trending among larger metropolitan cities, i.e., Atlanta. Having a taxi service housed in the same building as a brewery will reduce the opportunities to drink and drive.

Motion and Vote: On a motion by Adam Krason, seconded by Terry Pickett, the Commission voted 12-0 to recommend approval of Bill No. 7906.

3. **Minutes of the April 7, 2021 MPC meeting:** On motion of Deanna McKinney, seconded by Margo Teeter, the Commission voted 12-0 to approve the Minutes of the April 7, 2021 MPC meeting.
4. **Announcements:** John Butterworth brought up "Team Up to Clean Up". 40 tons of trash have been picked up off the streets of Charleston so far and taken to the landfill.

Dan brought up the ARP money the city is receiving and Mayor Goodwin's outreach to residents within the city to inquire how they would like to see these funds applied in their specific neighborhoods. Ball Toyota was the last neighborhood outreach event the Mayor would be attending in regard to the ARP funds.

5. Adjournment