

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

Members Absent

Rev. Braxton Broady

Teresa Arthur

J. D. Stricklen, Kanawha Co.

Staff Present

Dan Vriendt

John Butterworth

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 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