



Municipal Planning Commission
Wednesday, May 8, 2019
3:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

Agenda

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Text Amendment: Bill No. 7813 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

Public Hearing: The MPC will hold a public hearing to receive comment on the Charleston Urban Renewal Authority update to the West Side Community Renewal Plan and act to find if the plan is consistent with the comprehensive plan. The plan is available at www.curawv.org.

- 4. Minutes of the April 3, 2019, MPC meeting**
- 5. Announcements**
- 6. Adjournment**

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

Bill No. 7813

Introduced in Council

May 6, 2019

Introduced by

Mary Beth Hoover

Passed by Council

Referred to

Planning Committee
Municipal Planning Commission

Bill No. 7813 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

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 as follows: by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

Sec. 2-020 Definitions of Terms shall be amended by as follows:

Agriculture, Urban (Urban Agriculture). An umbrella term that describes a range of food growing practices that may include the keeping of chickens ~~and/or bees~~, but does not include other livestock.

~~**Apiary (Bee Keeping).** The keeping or propagation of honeybee colonies for collection of honey or other bee products.~~

Beekeeping. The establishment and maintenance of one or more colonies of the common domestic honeybee. Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. A hive shall mean a structure intended for the housing of a honeybee colony.

Sec. 3-050 Permitted Land Uses shall be amended by adding the following:

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	PMC	I-2	I-4	PUD	SUPP
<u>Beekeeping</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>13</u>

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table shall be amended by adding the following:

13. ~~Reserved.~~ **Beekeeping** shall be regulated as follows:
 - a. On lots measuring up to 10,000 square feet in area, a maximum of 2 colonies are permitted. On lots measuring 10,001-20,000 square feet in area, a maximum of 4 colonies are permitted. On lots measuring 20,001-40,000 square feet in area, a maximum of 6 colonies are permitted. On lots larger than 40,000 square feet, a maximum of 12 colonies are permitted.
 - b. Beekeeping shall occur only in rear yards of single-family residential properties. On commercial properties, beekeeping may occur in rear yards and on rooftops. Beekeeping is prohibited on multi-family properties.
 - c. Hives must be located at least 5 feet from any property line.

- 31 d. Where a hive is closer than 25 ft to a shared property line, the owner shall establish and maintain a flyway barrier
32 parallel to the property line at least 6 ft in height and extending 10 ft beyond the colony in each direction. The
33 flyway barrier may consist of a solid wall, fence, dense vegetation, or a combination thereof. If the yard is
34 bordered by a 6 ft privacy fence, no additional flyway barrier is required. This flyway barrier requirement shall not
35 apply if hives are located 25 ft or more from the closest property line or on the roof of a commercial property.
- 36 e. No commercial use or retail sales of bees, honey, honey comb, or other bee products or beekeeping products shall
37 be permitted from any residential property.
- 38 f. The use shall not constitute a nuisance due to aggressive behavior, excessive noise or odor.
39

40 **Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table** shall be further amended by striking the following:

41 51. **Urban Agriculture** in any district shall be regulated as follows:

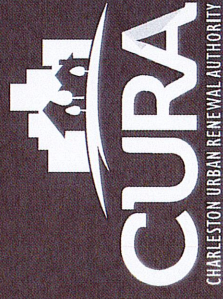
- 42 ~~g. Honeybees may be kept on residential properties only. Ownership, care and control of the honeybees~~
43 ~~shall be the responsibility of a resident of the dwelling on the lot. A maximum of three (3) colonies may~~
44 ~~be kept on lots smaller than one acre (although health regulations may further limit the number and/or~~
45 ~~manner of keeping of bees on lots). Structures for honeybees are subject to accessory structure setback~~
46 ~~requirements. Honeybees and beekeeping materials are not permitted in front yards.~~

47 The section shall then be renumbered as appropriate.
48

WEST SIDE

COMMUNITY RENEWAL PLAN

Charleston, West Virginia



DRAFT
11 April 2019

DRAFT FOR PUBLIC REVIEW + COMMENT

ACKNOWLEDGMENTS

West Side Community Renewal Plan Leadership

The West Side Community Renewal Plan was led by the Charleston Urban Renewal Authority (CURA) and a committed Steering Committee consisting of CURA Commissioners, City Council Representatives, Neighborhood Organizations, and City of Charleston Officials. The Steering Committee not only provided guidance on the plan's content, but also volunteered at each public meeting and stakeholder event. To assist the Authority, Steering Committee, and residents with data collection, public engagement and the development of strategies, a team of consultants was retained and led by the Community Solutions Group of GAI Consultants, Inc.

STEERING COMMITTEE

Ron Butlin, CURA Executive Director
Dan Vriendt, Planning Director, City of Charleston
John Butterworth, West Side Neighborhood Planner, City of Charleston
Susie Salisbury, VP Community Dev., Charleston Area Alliance - Charleston City Council
Mary Jean Davis, CURA Commissioner - Charleston City Council
Chuck Overstreet, Charleston City Council
Paula Flaherty, CURA Commissioner - Charleston Main Streets Board Member
Ric Cavender, Executive Director, Charleston Main Streets
Rev. James Ealy, Charleston City Council

CURA Board Members:

Andrew B. Jordon, Chair
Lew C. Tyree COL (Ret), Vice Chair
Karen Ireland, Secretary/Treasurer
Keeley Steele, Assistant Secretary/Treasurer
John "Jack" Cavender, Commissioner
Becky Ceperly, Commissioner
Tom Hamm, Commissioner
Paula Flaherty, Commissioner
Tiffany Plear, Commissioner

PLANNING TEAM

Community Solutions Group - GAI Consultants, Inc.
David Gilmore, PLA, MBA, Principal in Charge
Patty Folan, Assistant Economics Director
James Yost, PLA, ASLA, Project Landscape Architect
Jacob Burns, ASLA, Senior Landscape Designer

ZMM Architects and Engineers

Adam Krason, AIA, NCARB, LEED-AP, Principal

WEST SIDE COMMUNITY RENEWAL PLAN v.6

Adopted by City Council June 16, 2008
Amended November 2, 2009
Amended May 14, 2014
Amended December 17, 2015
Amended October 17, 2016
Updated April __, 2019



COMMUNITY
SOLUTIONS
GROUP

ZMM
ARCHITECTS
ENGINEERS

Executive Summary

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- 1.3 Organizations + Departments
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- 1.5 Property Conditions Survey
- 1.6 Legal Statement of the Project Area

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- 2.4 Publicly Owned Land
- 2.5 Vacant Structures + Parcels
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- 2.9 Market Analysis

3.0 Building Community

- 3.1 Redevelopment Policy + Objectives
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- 3.3 Commercial Use Recommendations
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6.0 Plan Relationship to Other Community Documents

- 6.1 Plan Conformity
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- 7.1 Plan Timing
- 7.2 Redevelopment Approach
- 7.3 Land Acquisition
- 7.4 Obligations of Purchasers of Project Area Land
- 7.5 Utilities
- 7.6 Procedure for Changes in Approved Plan

8.0 Project Financing

- 8.1 Increment Funding
- 8.2 Special Assessments
- 8.3 Tax Credit Programs
- 8.4 Other Funding Gap Measures
- 8.5 Other Affordable Housing Financing Sources

9.0 Catalytic Initiatives

- 9.1 Introduction
- 9.2 Global Recommendations for HIZ
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10.0 Implementation Strategies

- 10.1 Implementation Overview

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- A.1 Community Engagement
- A.2 West Side Walk Around
- A.3 Urban Renewal Authority Law
- A.4 Other Legislation
- A.5 List of Figures

EXECUTIVE SUMMARY

Plan Overview

The original West Side Community Renewal Plan was adopted by Charleston City Council on June 16, 2008. With the plan exceeding 10-years since its adoption and with community leaders concerns of blighted neighborhoods, the Charleston Urban Renewal Authority (CURA), began the process of re-evaluating and amending the plan.

The update to the West Side Community Renewal Plan was developed by listening to West Side residents, organizations, and other community members and stakeholders - and was further refined based upon additional input from these groups. Prior to commencing the update, input was requested from:

- Residents
- City Council
- Business Owners and Developers
- Non-Profits and Service Providers
- The Tuesday Morning Group and Representatives of the NAACP
- Law Enforcement
- West Side Educators
- Property Owners
- Other Community Members

It became clear at the first community meeting that the update to the West Side Community Renewal Plan would be unique. Many of the discussions focused on prevalent social issues that are concentrated in some West Side neighborhoods, including: poverty; addiction; poor educational achievement; and crime.

The physical manifestations of these issues include abandoned and blighted property, low quality housing, and incomplete/fractured neighborhoods. In fact, nearly 1/3 (31%) of the parcels in the plan boundary are vacant (including many vacant lots where houses have been demolished). While this planning document is not an adequate tool for fully addressing many of the concerns that were raised, these issues served as the genesis for the recommendations contained in the update.

Another focus of the update to the West Side Community Renewal Plan was the development of an actionable strategy to improve one of the residential neighborhoods. The result of this effort led to the master planning of 2-blocks

within the Housing Improvement Zone (HIZ) as a catalytic initiative. This concept master plan shows how these blocks, within the HIZ catalytic initiative, can be designed and improved by utilizing the following strategies:

- Development of a Land Bank to Facilitate Residential Redevelopment
- Coordination with Housing Non-Profits to Develop Infill Housing
- Creation of a Neighborhood Recreational Greenspace (to Replace Cabell Field)
- Improved Access to Public Transportation
- Improved Access to Social Services

The intent is that the strategies noted above (and others contained in the plan) will be utilized throughout the West Side to improve the quality of life of the residents.



Plan Framework

Background

With the help of the City of Charleston and previous studies we were able to conduct a full neighborhood assessment of the existing conditions. The following conditions are highlighted throughout the report:

- The District (Study Area)
- History
- Character
- Public Development
- Property Conditions
- Floodplain
- Zoning + Land Use
- Publicly Owned Land
- Vacant Parcels
- Social Services
- Transportation + Circulation
- Existing Market Analysis

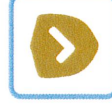
Issues + Opportunities

As part of the planning process, the consultant team engaged members of the public to ascertain what needed to be addressed in the report. The following themes repeatedly emerged as central to community renewal and revitalization:

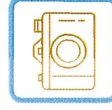
- Blight + Abandoned Properties
- Crime + Safety
- Image + Character
- Neighborhood + Housing
- Open + Recreational Spaces
- Streets + Linkages
- Jobs + Education + Social Services
- Investment + Development

Community Vision + Guiding Principles

A safe, diverse, and desirable neighborhood with a positive agenda promoting social justice and quality of life.



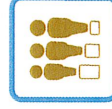
SAFETY
Prevention and
Justice



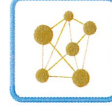
PERCEPTION
Change and
Educate



GROWTH
Diverse and
Sustainable



EQUITY
Access and
Affordable



CONNECTIVITY
Linkages and
Networks

Recommendations and Catalytic Initiatives

Recommendations and actions to help guide the future of the West Side are developed into catalytic initiatives within the Housing Improvement Zone highlighting how they can transform the community.

1 Build a Strong Neighborhood with Access to Social + Health Services

2 Expand Public Transit into the Community

3 Improve Access to Open Space and Recreational Activities

4 Improve Neighborhood Safety

5 Create Opportunities for Infill Housing Partnerships + Landbanking

6 Create Opportunities for Housing Rehabilitation

7 Attract Development, Business, Jobs & Training

8 Incorporate Complete Streets City-Wide

Municipal Planning Commission

Hearing and meeting: Wednesday, April 3, 2019, at 3:00 p.m., in the Conference Room of the City Service Center, 915 Quarrier Street.

Members Present

Aric Margolis (In attendance but recused)
Reverend Braxton Broady
Chad Robinson
Jesse Forbes
Shawn Taylor
Lex Williamson
Dallas Staples
Lisa Fischer-Casto
Deanna McKinney
Mary Beth Hoover
J.D. Stricklen, Kanawha County Representative

Members Absent

Teresa Moore
Margo Teeter
Christi Smith
Adam Krason

Staff Present

Dan Vriendt
John Butterworth

Call to Order: Chad Robinson

New Business:

Rezoning: Bill No. 7804 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-6 district to an R-10 district, those certain six lots land situate at 1420 Lewis Street, 1426 Lewis Street, 601 Ruffner Avenue, 603 Ruffner Avenue and 605 Ruffner Avenue, Charleston, West Virginia.

MR. ROBINSON: Is someone in attendance for that Bill?

MR. SADD: My name is Chris Sadd. My address is 1570 Kanawha Boulevard, East, Charleston, West Virginia. I'm assuming you read our application which reviews a couple of the Comprehensive Plan notes that CURA adopted. I'd like to start off with noting the location of a very small parcel of property that we want to get rezoned from R-6 to R-10. It is already sandwiched between a bunch of C-10. There's a C-8 across the street. There's R-10 across the street. A stone's throw away you have R-10 again. Actually, incorporating this as R-10 would, instead of having a zig-zag in the zoning of the block, cutting through the block, it would actually cut off a street and make it a clean division. If you're familiar with this area, the property basically abuts Plaza East, Corey Brothers Produce. The Old Kanawha Steel, which is unfortunately out of business, is a stone's throw away in the blue.

MR. ROBINSON: Is the old Sport Mart warehouse in the same block?

MR. SADD: It is across the street and it is actually, by itself, designated as C-8. Right next to that is R-10. Also, I'd like to note there are a number of other duplexes, triplexes, fourplexes in the area that are in what would be considered nonconforming currently; they reside in R-6 or R-8. Under today's zoning they would have never been built under today's Zoning Ordinance.

Briefly, I'd like to mention kind of what everyone knows, there's a huge need for new housing in Charleston, trying to get people to move into Charleston. There's also been talk of a technology company that was wanting to move into Charleston and I think maybe they have. One of their concerns when these companies come in figuring on hiring 50 to 150 people, they need to know there's going to be enough housing for their people. These are the kinds of things these companies look for. If you drive around town and look at building permits that have been pulled, they're not necessarily going to see a lot of action over the past three or four or five years. I think we can show that new products being built is very helpful.

The economics of this project, it's very difficult to build at the cost that we need to build to be able to do something that will actually turn a profit, so there's a need for us to put a number of more units. I believe it's zoned for four units right now. Under current regulations we feel, in order to make this project feasible to actually even build on the property we need to get up to ten units, which is what we propose to do on the property.

Our proposed site plan will have ten parking spaces, and it's in our application, which will be off street. Fortunately, there's an alley there, we'll be able to locate this behind the building so it's not fronting Ruffner or Lewis Street. Our particular project requires approval of the architectural design from the preservation office so that ensures that the construction of this property will conform to the current architecture in the neighborhood, the historical architecture in the neighborhood. As for our part, it's a good location being near a bus line, Roosevelt Community Center. You can walk to Piedmont School from there. We feel, having those attributes, it's going to be a very good project for our customers, which are the tenants, and then for the neighborhood in general.

I'm open to answer any questions you may have.

MR. TAYLOR: Are any of the units on the property currently, are they all vacant at this time?

MR. SADD: It's a vacant piece of land. There's nothing on there.

MR. BUTTERWORTH: There's a five-unit apartment building that's also part of the request. (Indicating.) These structures are gone.

MR. SADD: There is what was just pointed out, that's a shotgun style townhouse, row houses that I think are part of the contributing historic architecture. Those doors face Ruffner.

MR. TAYLOR: Just so, aesthetically, I can understand what you're talking about, the plan for the architecture, they're not going to resemble Little Page, they're going to be a different style.

MR. SADD: That would not be approved by the SHPO. Our current submission to them that they have approved essentially is all brick, red brick, standard size. The reason I ask is I understand some of the concerns reflected in the letters, consistency with the architecture of the neighborhood. By our funding criteria, we have to get SHPO's approval, so we cannot build something that the preservation office does not approve.

MS. MCKINNEY: Is it low income?

MR. SADD: Affordable housing. For a family of four it goes up to \$34,000 in income per year under the current earnings of this area.

MS. MCKINNEY: How would they apply for these units?

MR. SADD: Through a private company; these are privately owned. They would not apply through Charleston Housing to live. They would apply through our property management company. They would go through standard background, criminal, credit check, all that.

MS. MCKINNEY: You say you want to put ten?

MR. SADD: Currently we could put four, which we couldn't afford to do the project.

MS. MCKINNEY: Is it going to be on top or just low?

MR. SADD: They're going to be like townhouses with their own entrances. Everyone will have their own exterior entrance. They're going to be situated and matched to the building that is adjacent to it, which is four or five townhouses and you walk down the property and go into the doors. It's kind of like shotgun style. This will have two buildings of four and one building of two units. Thirty-four percent of the area will be greenspace. Our regular management company will ensure that it's cut every week on a schedule.

MR. STRICKLEN: I want to make sure that I understand. In our packet, there's a red outline on the proposed site. Am I correct that the applicant owns this entire red rectangle?

MR. BUTTERWORTH: No. You can see where there were three houses on Ruffner and a fourth property right behind there. The other two were in other ownership.

MR. STRICKLEN: You think these were single-family houses?

MR. BUTTERWORTH: They were.

MR. STRICKLEN: The five-unit building or four-unit, it's staying there under independent ownership?

MR. BUTTERWORTH: Yes.

MR. STRICKLEN: I think this is a good thing because we have a drop in population, our housing stock is very old. What Chris is saying is what I've said from that podium many times and I believe it to be true. On the parking, one per unit, these are two bedroom units?

MR. SADD: Two are three bedroom and the others are two bedrooms.

MR. STRICKLEN: The one space per unit, is that what we have in our Code now?

MR. BUTTERWORTH: The Code does allow for the Planning Director to, upon evidence submitted by the applicant, to reduce the parking requirement. One per unit has been something that we have used on other sorts of projects that are very similar to this and I believe Dan has worked with Chris and others to get that approval in place.

MR. STRICKLEN: I have no problem. It's important that that's on the record.

MR. BUTTERWORTH: Anecdotally, that's one of the things we're currently investigating to try to offer to you all as a text amendment, to rework our parking requirements because they can be a barrier to development and they often don't take into account that there does often exist a great deal of on street parking in some areas.

MR. ROBINSON: Any further questions of Mr. Sadd? (No response.) Thank you. Staff notes.

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

Existing Land Use and Zoning: The property is zoned R-6 Medium Density Residential District. Currently, five of the six parcels are vacant land. Parcel 294 is developed as the Buff Apartment building.

Surrounding Land Use and Zoning: The surrounding areas include general commercial uses including a food supply business, single and multi-family housing, and the Roosevelt Community Center. To the north is the C-10 zoning district developed as Corey Brothers Inc and other warehouse-style uses. To the West is the C-8 & R-10 zoning districts developed as a vacant mixed-use building and single and multi-family uses. To the east is the R-6 zoning district developed as single and multi-family uses. To the south is the R-6 zoning district developed as the Roosevelt Community Center.

Current Zoning: The R-6 district allows for single family housing and multi-family housing at up to 4 units per lot, and as a conditional use educational institution, community centers, and hospitals, among others.

Proposed Zoning: The R-10 district allows for a wide range of commercial uses including professional office, personal service, all classes of dwellings, and as a conditional use permit, shopping centers, bar/nightclubs, and gambling establishments, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Core Neighborhood".

summary: This application to rezone the property is in pursuit of allowing the property to be used for multifamily residential use. The Future Land Use Map depicts this area as "Core Neighborhood". The comprehensive plan describes the purpose of the "Core Neighborhood" as:

"To preserve the historic, walkable neighborhoods in Charleston's flat core city."

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

- The rezoning is consistent with the future land use map which designates this property as "Core Neighborhood".
- Rezoning to R-10 allows for continued beneficial use in pursuit of the comprehensive plan's "Core Neighborhood" goal by allowing for higher density multifamily residential housing in a historic core neighborhood.

MR. ROBINSON: Any questions of staff? (No response.) Anyone here to speak in favor of the application? Opposition? Come forward and state your name.

MS. JOHNSON: It's not so much that I'm against it, it's the issues, this neighborhood has.

MR. ROBINSON: Your name and address, please.

MS. JOHNSON: I also wrote a letter and sent it out.

MS. MCKINNEY: Could you state your name and address.

MS. JOHNSON: My name is Michelle Johnson, 1527 Lewis Street. I live right down the street from here. Lewis Street, it didn't used to have so many apartments. There are now seven apartment units on Lewis Street. Most of them are vacant. Twice a week you have to move your car to the other side of the street. Some people have four cars and once those apartments start filling up, they have just been renovated, there's going to be a problem with the parking because you have to move it twice a week or you get a \$50 ticket and from what I understand will go up to \$100. That's going to be a problem. The people on Lewis Street have not been notified. I don't think they have been notified on the 1400 block of Lewis Street that this is happening. I'm sure Mr. Sadd has a very well planned housing unit and I'm sure they'll be very responsible. Considering the area and the crime in the area, there's all kinds of vacant buildings, there have been hundreds of guns obtained from a home on Dixie Street. There's been numerous break ins and theft. If we start low income housing units on the corner, it's going to make things worse. There are so many vacant buildings. People are down by the railroad tracks and they're setting up tents. It's a real problem. I've called numerous times. I've called the police regarding there's been needles in my front yard, the lady across the street, break ins behind my house in the alleyway. There's a police department right there. Then, again, there are so many dilapidated homes all over that area that I just think it's going to make matters worse. It's gotten worse since 2015. The area keeps going downhill. I think if they want to put this housing unit in there, something needs to be given back to this area of Charleston. They need to start taking down some old buildings. It's just an area for drug addicts to collect and gather and cause trouble. The parking, it's not good. Once you get ten more units and they get all their visitors there, even though there's one parking spot per apartment, we're going to be the ones paying the parking tickets and dealing with the crime. Of course, there's nobody else here except for me. I don't know why. Maybe somebody has contacted you all. I just wanted to say my piece. If I come up with a \$100 parking ticket twice a week I'm going to say that I came here. If they have three cars per apartment, it's going to be a problem especially since Council has decided to double the price of the ticket.

MR. ROBINSON: Thank you. We're not here to deal with the tickets, we're here to deal with the rezoning.

MS. JOHNSON: That's one of my objections and it's a valid objection, the fact that there's not enough parking.

MR. ROBINSON: Thank you. Mr. Sadd, do you want to rebut?

MR. SADD: Just briefly with emphasis on parking. We are only allowed to rent these apartments to people that make up anywhere from \$22-\$34,000 per year. Because it's on a bus line, it's near a school, it's across from the community center, it's near a lot of jobs. We're confident that it's going to attract people that don't have cars because this is a suitable place for them to live and not have a car. In our experience and the experience of other people that operate this type of property that serves this segment of the population is that one parking space is more than enough per unit. In fact, when people are building market rate apartments in other cities like Charlotte or Raleigh where there's 3-400 units, the standard ratio is 1.7 cars per apartment. You're talking about people that are paying \$800, \$900, \$1,400 per month. So, the notion that one is not enough I think is clearly not supported by the facts.

MR. ROBINSON: Remind me what's there now.

MR. SADD: It's completely vacant.

MR. STRICKLEN: I think the point is that there were three older houses there that have been removed. I appreciate everything this lady has said, and I might also mention to you that this is the first round. Whatever comes out of here today, if it goes forward, there will be a Planning Committee of Council that will take this up and then it will go to full Council, so there will be other times, if it goes forward, if you want to speak again you can. If you want to rally up some of your neighbors, you can do that as well. This is just the first hearing. One thing I will mention to you about what these folks are going to do is that they're going to have to collect rent or they're not going to be able to meet their debt service. I say that to say that these are going to be people that are qualified to pay the rent and they're going to pay the rent and they're not going to be necessarily what you think would be bad neighbors because then they would be removed from the premises unless there's some kind of financing plan that I'd like to know about, about how you make your debt service with people not paying their rent. When you say low income, that's not really appropriate. Affordable income. I think, overall, when you make decisions on land use I don't think you can discriminate whether it's lower income or upper income. It's just for people no matter what their income.

MR. ROBINSON: At this time, I'll close the case and entertain a motion or discussion.

(Discussion was had on the procedure to notify the neighborhood.)

MR. FORBES: We're sitting here with a property that's vacant right now. This is a vacant lot in the middle of the area that, as Ms. Johnson pointed out, that has a lot of difficulty and a lot of problems. It seems to me that we have people coming in here that want to put a nice structure on the property that would bring residences into a city whose population unfortunately continues to keep dwindling, I think that makes a lot of sense and, frankly, would do more to alleviate a lot of the concerns that Ms. Johnson raised than to simply leave a vacant lot down that that isn't doing anybody any good. That's my two cents.

Motion and Vote: On motion of Dallas Staples, seconded by Shawn Taylor, the Commission voted 10 to 0 to approve Bill No. 7804.

MR. ROBINSON: Ms. Johnson, I'm also on the Planning Committee of Council with Mary Beth. I encourage you to come to that meeting, discuss it, and in the meantime with Mr. Sadd discuss things you can do in the neighborhood to help your concerns.

MR. BUTTERWORTH: Planning Committee will be occurring on April 22nd at 5:00 p.m. in this room if you would like to attend.

MR. ROBINSON: Next item:

Rezoning: Bill No. 7808 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-8 district to an I-2 district, South Annex District, Map 71, Part-of-Parcel 4, Chesterfield Avenue, Charleston, West Virginia.

MR. ROBINSON: Will the applicant please come forward. State your name and address please.

MR. SAVILLE: My name is John Saville, I live at 6637 Kanawha Avenue, SE, not too far from the property there on Chesterfield that we're talking about. We're requesting that we have a zone change so we can take part of this property that we have that's approximately 1,500 feet, use four and a half acres of that property for self-storage units. We have looked at several ideas for this property and storage units are the lowest traffic, low traffic-type of business that you could have on that property. We think it would

clean up that property from 67th Street approximately and it goes to the end of where the K-Mart property is on the other side of the road, about 1,500 feet. We see two opportunities, one for the City and one for ourselves. Spruce up and keep that property nice having a nice business that has lights, camera, action, if you will, and at the same time keeping it nice. Right now, we have, on a small part of that property, tents set up. About every six months we'll go and call the police and get them moved off there. It's a nice piece of property, as you come in from the southern corridor, if you will, to have something low profile, storage, nice units, metal roof, metal buildings, nice parking area with lighting. That's what we want to do.

MR. ROBINSON: Any questions of the applicant?

MR. STRICKLEN: Do you own the property?

MR. SAVILLE: My brother in law and his sister, we're partners, John Pozega, and myself and my wife, Mary Pozega.

MR. ROBINSON: Any other questions of the applicant? (No response.) Staff notes.

STANDARD OF REVIEW:

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

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-6 Medium Density and R-8 High Density Residential District. Currently, the four parcels are predominately vacant land.

Surrounding Land Use and Zoning: The property is largely isolated on the western side of the C&O Railroad line. Chesterfield Avenue at this location is undeveloped from intersection with MacCorkle Avenue until reaching 57 Street SE. To the north is the R-6 zoning district. To the West is the R-6 zoning district which is undeveloped. To the east is the C&O Railroad line, Interstate 64, and beyond that is the K-Mart and Galaxy Lanes complexes zoned C-10. To the south are the corporate city limits.

Current Zoning: The R-6 and R-8 districts allows for single family housing and multi-family housing at up to 4 units per lot in R-6 and at a density of 1,500 square feet per dwelling unit in the R-8 zoning district, and as a conditional use educational institutions, community centers, and hospitals, among others.

Proposed Zoning: The I-2 district allows for a wide range of industrial uses including light manufacturing, heavy equipment sales and service, and mini-storage facilities, and as a conditional use permit, marinas, petroleum storage tank farms, and landfills, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Core Neighborhood".

Summary: This application to rezone the property is in pursuit of allowing the property to be used for a mini-storage facility. The Future Land Use Map depicts this area as "Rural Neighborhood". The comprehensive plan describes the purpose of the "Rural Neighborhood" as:

"To maintain rural living options within city limits and more flexible regulations for areas annexed into Charleston."

The property is totally undeveloped and significantly isolated from Rural Neighborhood-style development patterns located three-fourths of a mile from the 57th Street SE neighborhood. Chesterfield Avenue between this rural neighborhood area and the proposed rezoning is only appropriate for limited traffic. The proposed rezoning is linked more closely to the "Regional Commercial" future land use area located approximately 300 feet across the railroad and Interstate rights-of-way. The comprehensive plan describes the purpose of the "Regional Commercial" as:

"To provide shopping destinations for the greater Charleston region."

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reason:

The rezoning is consistent with the future land use map despite being designated as "Rural Neighborhood". The property is largely isolated from the rural neighborhood areas ¾ of a mile away on Chesterfield Avenue. The property shares characteristics with the adjacent "Regional Commercial" land use area along MacCorkle Avenue.

MR. ROBINSON: Questions for staff?

MR. POZEGA: There's more constraints with the sewer line; there's not a sewer over there and there were issues getting under the railroad track with the sewer, so it's limited to what you can do related to that. Basically, from what I remember, and this has been 15-20 years ago, the nearest connection to the sewer was under an underpass and several hundred yards down I think in the K-Mart area. We attempted years ago to have a sewer line put under the railroad. There is some kind of a marker there, but John and I looked for it and can't find it. That's to answer your question, it was a sewer issue.

MR. STRICKLEN: This has been in your all's family for years?

MR. POZEGA: About 25 years.

(Discussion continued about the property.)

MR. ROBINSON: Anymore questions of staff? Anyone here in opposition? (No response.) I'll close the case and entertain a motion.

Motion and Vote: On motion of Shawn Taylor, seconded by Dallas Staples, the Commission voted 10 to 0 to approve Bill No. 7808.

MR. ROBINSON: Next on the agenda is a text amendment:

Text Amendment: Bill No. 7802 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Retail Sales Establishment, amending the Land Use Table, and creating the Corridor Village District zoning classification; and adding the Corridor Village District to the sign regulations.

MR. BUTTERWORTH: Ron Butlin is here with CURA. The Corridor Village District is currently part of both the West Side Community Renewal Plan, which was adopted in 2008, and the East End Community Renewal Plan, which was adopted in 2004. Technically speaking, that's the only place that the Corridor Village District resides. From a regulatory perspective, that's a little sticky because it's not technically part of the City's Zoning Ordinance. That being said, the 2008 Community Renewal Plan, which I will mention under announcements later, is being updated right now. The current draft and the current work and consultants are looking at removing any sort of zoning like development parameters in the 2008 Community Renewal, so that means that we need to prepare our Zoning Ordinance to take over that job

whenever that new amendment gets adopted. We need to prepare our Ordinance to take over where that one has been working for the past ten or eleven years. This will make our Ordinance future proof so if the East End Plan gets revised and those standards are removed from that plan we have a Zoning article to deal with that zoning district.

All these properties are current zoned CVD, Corridor Village District. They're still going to be zoned CVD. We've made some minor changes to add some flexibility for property setbacks and parking and different things like that, but generally speaking we took the parameters that happen in the Urban Renewal Plans and wedged them into our Ordinance. That's what the amendment is before you. You will also see some significant changes in the land use table. That's because the Urban Renewal Plan spent a lot of time talking about stationery shops and art stores and galleries and different things like that. To us, what we decided to do is try to simplify all that and say retail sales and then insert consistency with all the other land uses that we actually do have in our Ordinance.

With that, I'd be happy to discuss any of the details of the amendment itself, but basically this is about making our Ordinance work for essentially what has been on the books for about 14 years now.

MR. ROBINSON: Any questions or discussion of the text amendment? (No response.) Entertain a motion.

Motion and Vote: On motion of Shawn Taylor, seconded by Dallas Staples, the Commission voted 10 to 0 to approve Bill No. 7802

MR. ROBINSON: Next text amendment is 7807.

Text Amendment: Bill No. 7807 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by clarifying notification requirements for petitions related to land use in the City of Charleston and eliminating a development standard related to parking in the C-8 Village Commercial District.

MR. BUTTERWORTH: 7807, as Ms. Fischer-Casto was talking about notification. We have been getting a lot of feedback from individuals who receive our certified mail notices. A large majority of them are a little perturbed that they have to find the time to get to the post office to sign for a letter just to find out that it's a hearing that they either don't care about or don't have any concerns about. The certified mail process is not only costly to the City, it's about \$7 a pop to sent those and some of these have 60 abutters. That adds up pretty quickly. Folks in the community are saying certified mail, I'd rather just get it in my mailbox. Not only that, but because tax records can be a little undependable we get a lot of return mail as well. Spending \$7 just to get it back doesn't seem like a proper use of public funds.

What we're proposing is to remove requirements for certified notice for most applications. After analyzing State Code, it's essentially not required for all but some very particular types of zoning changes. Those are going to be preserved. We certainly want to comply with State law, but for essentially all our other applications, we don't have to send it certified. We feel like this is going to better reach abutters in a way that's a little less intrusive and less costly to taxpayers. We also standardized our buffering requirements to 250 feet for all applications, whereas there was some variation before. This is streamlining the notification process to make sure that folks aren't being burdened by having to run to the post office to sign for a letter that they're not upset about in the first place anyway. With that, I'd be happy to answer any questions or have a discussion about it.

MR. ROBINSON: Any questions or discussion?

SPEAKER: Are you still going to use the tax records for the name of who you're mailing it to or have you considered going to just something that says "resident" with the address, that way there isn't confusion

about somebody gets it and doesn't want to open the mail for someone who hasn't lived there for ten years.

MR. BUTTERWORTH: This is one of the things that is surprisingly hard to pin down. Where State Code does address abutters' notice and requires certified mail, it says to owners' real property. State Code never addresses residents. I'm not arguing the merits of that necessarily. Land use decisions really are more about the owners of the real estate. We feel going with that data set, if you will, is probably the safest as far as making sure we get the people that actually have some vested interest in the property. Residents, this came up with the case on Lewis and Ruffner last month, should residents be notified. I don't think that's a bad idea. The trouble is that we don't have a very comprehensive way to establish units. The post office has one system. We have another one for 911 addressing. Could it be accomplished? Perhaps. I do think it's worth us to continue to look at. As we're upping our skills and our technology around GIS and mapping, I do think that's something I'm going to be looking into personally. I hope there's technology on the horizon that are going to let us integrate that a lot more easily. At that point, I think getting notification into the hands of residents is a great idea.

The trouble that we run into, in certain areas of town especially, but almost every list that we come up with you have folks that it's either a P.O. box as the legal address on the tax ticket or you have nonresident owners in Florida or someplace else. We would have to do both. If we add residents we would have to do both.

MR. STRICKLEN: I think the posted sign on the property helps a lot for people that live in the neighborhood.

MR. ROBINSON: Any further discussion? (No response.) Motion?

Motion and Vote: On motion of Lex Williamson, seconded by Dallas Staples, the Commission voted 10 to 0 to approve Bill No. 7807.

MR. ROBINSON: On the agenda we have two sets of minutes.

Minutes of the January 9, 2019, MPC meeting: Motion and Vote: On motion of Jesse Forbes, seconded by Lisa Fischer-Casto, the Commission voted 10 to 0 to approve the minutes

Minutes of the March 6, 2019, MPC meeting: Motion and Vote: On motion of Jesse Forbes, seconded by Dallas Staples, the Commission voted 10 to 0 to approve the minutes.

Announcements:

John Butterworth gave an update on the Community Renewal Plan for the west side, that the draft is on the CURA website. Also reported on Mayor's initiative for the Citywide Cleanups this coming Saturday. There is a series of these.

Adjournment.