



Planning, Streets and Traffic Committee
Monday, September 27, 2021, at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

AGENDA

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

Bill No. 7924 - 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 a I-2 Light Industrial District to a C-8 Village Commercial District, that certain parcel of land located at 1313 Bigley Avenue being Charleston West District, Map 29, Parcel 25, Charleston, West Virginia.

Bill No. 7929 - A Bill to establish a no parking zone on the north side of Preston Street from Elmore Avenue to Monroe 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.

Request to abolish the loading zone located at 1010 John Norman Street

Request to add "No Parking on Grass" signs along the right of way in front of 706 Breezemont Drive.

4. **Discussion**

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.

Traffic Engineer's speed limit analysis on Park Avenue.

5. **Approval of the Minutes of the August 23, 2021, meeting**
6. **Adjournment**

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

Bill No. 7924:

Introduced in Council

September 7, 2021

Introduced by:

Adam Knauff

Passed by Council:

Referred to:

Municipal Planning Commission
Planning, Streets and Traffic

Bill No. 7924: A Bill 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 a I-2 Light Industrial District to a C-8 Village Commercial District, that certain parcel of land located at 1313 Bigley Avenue being Charleston West District, Map 29, Parcel 25, Charleston, West Virginia.

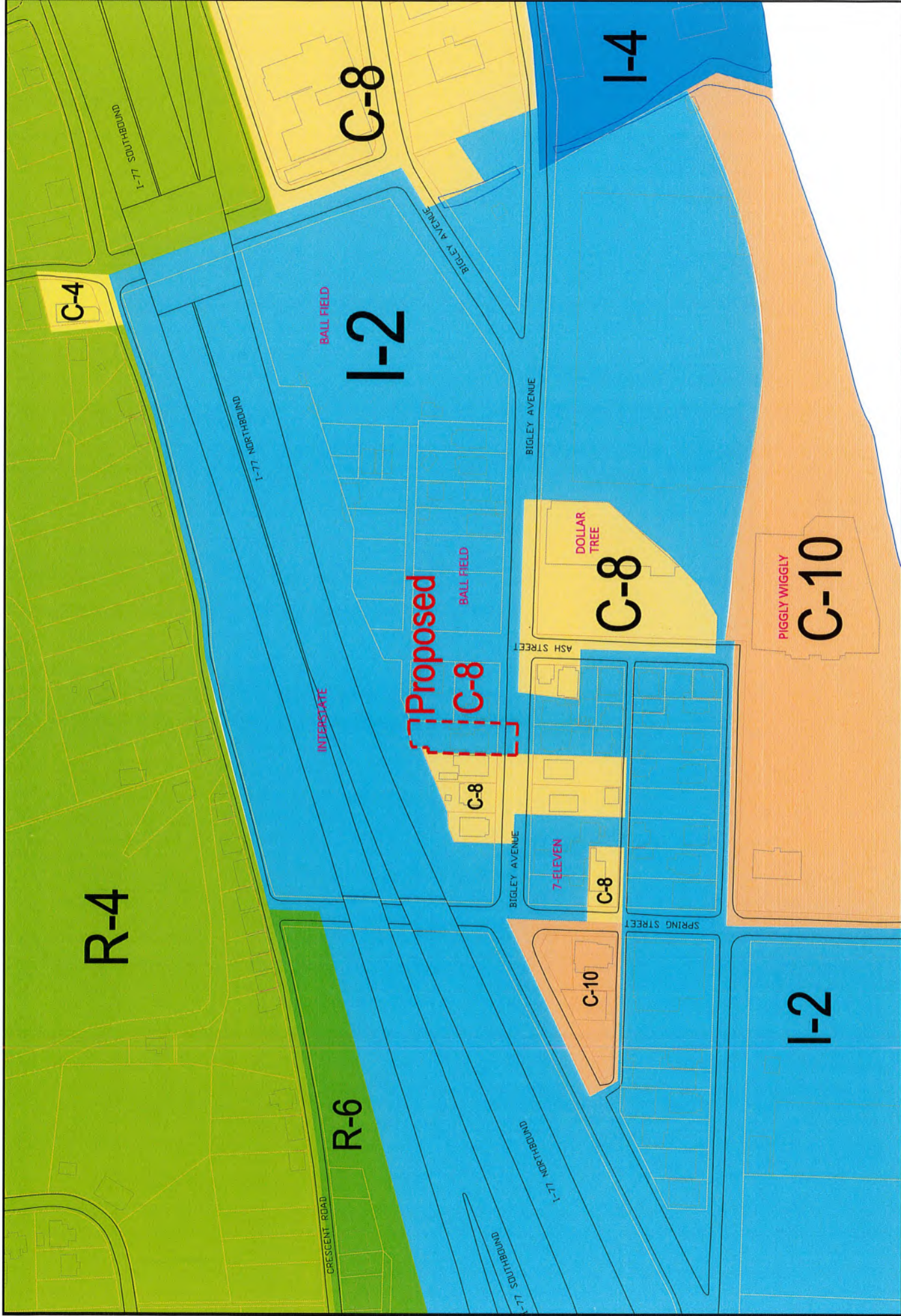
Be it Ordained by the City Council of the City of Charleston, West Virginia:

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 a I-2 Light Industrial District to a C-8 Village Commercial District whole of the following described parcels of land:

Parcel No. 25 as shown upon West Charleston Tax Map No. 29. Subject Parcel commonly known as 1313 Bigley Avenue, Charleston, West Virginia. Said tax map is 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 29 of this ordinance.

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 All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.



REZONING FROM I-2 TO C-8



**CITY OF CHARLESTON
PLANNING DEPARTMENT
915 QUARRIER STREET, SUITE 1
CHARLESTON WV, 25301**

August 12, 2021

RE: Zoning at 1313 Bigley Avenue, Charleston, WV

Dear Allison Burford,

The property located at 1313 Bigley Avenue is zoned I-2 Light Industrial. As you are aware, the existing residential use is grandfathered, but in the event of a complete loss of the structure, a residential use would not be permitted to be built back in the I-2 zoning district. This zoning classification has been in this neighborhood since at least the 70's, at time when planners thought that industrial uses would eventually consume this area. However, that industrial growth never materialized. Over the years, at the request of individual property owners, City Council has rezoned houses in this area to C-8 Village Commercial. This allows the residential use to continue and gives the property owner flexibility if they want to have commercial uses on their property as well.

Although I can't guarantee how City Council would vote, I feel a request to rezone the property would be reasonable and consistent with similar requests that have been approved in the immediate area. Please see the enclosed exhibit showing the zoning in the area.

Please feel free to contact me at 304-348-8105 if you have any questions.

Sincerely,

Dan Vriendt
Planning Director

Enclosure





**SUBJECT
PROPERTY**

I-2

C-8

C-8

C-8

I-2

**Octaplarma
Plasma**

119

Pennsylvania Ave

Planning, Streets, and Traffic Committee
Staff Analysis
September 27, 2021

REQUEST:

A Bill 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 a I-2 Light Industrial District to a C-8 Village Commercial District, that certain parcel of land located at 1313 Bigley Avenue being Charleston West District, Map 29, Parcel 25, Charleston, West Virginia.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to review the Planning Commission's decision and forward a recommendation to City Council for final action. The Committee 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 Committee or Council.

HISTORY:

This application stems from an issue brought to light by an appraisal of the property for a current pending sale. The I-2 zoning district does not permit single-family dwellings and the current structure on the property is considered a legal, preexisting, non-conforming use. Should it be damaged beyond 50% of its value or demolished, it could not be reestablished.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned I-2 Light Industrial District and is developed as a single-family dwelling along with two outbuildings.

Surrounding Land Use and Zoning: The surrounding areas include single family dwellings, a gas station and convenience store, baseball fields, and a mix of commercial and industrial uses. The subject property is abutted by C-8 Village Commercial District to the west and I-2 Light Industrial to the east.

Current Zoning: The I-2 district allows for light manufacturing, warehousing, machine shops, etc. and as a conditional use animals shelter, automotive wrecker service, and correctional institutions, among others.

Proposed Zoning: The C-8 district allows for single and multi-family dwellings, retail sales, professional offices, and personal services, etc. and as a conditional use recreational /sports facility (group) and shopping center, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Consumer Commercial", Which is defined as "Small-scale uses for former industrial sites within or near neighborhoods."

Oakridge/Greenbrier Land Use and Opportunities



Summary: This application to rezone the property is in pursuit of ensuring that the existing structure is no longer a legal, preexisting, non-conforming use that could be legally reestablished.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map which designates this property as "Consumer Commercial".
2. The parcel is adjacent to similarly developed lots that are zoned C-8, thereby this application would be a minor expansion of the district and does not constitute "spot zoning".
3. The rezoning would support the comprehensive plan's description of the "Consumer Commercial" land use area as typified by "low intensity uses, these can be adjacent to residential neighborhoods".
4. Rezoning will support the continued use and maintenance of a dwelling unit in one of Charleston's core neighborhoods.

Municipal Planning Commission

Wednesday, September 8, 2021

Members Present

Aric Margolis, Chairman
Quintie Smith
Shawn Taylor
Lisa Fischer-Casto
Mary Beth Hoover
JoEllen Zacks
Alice Hypes
Cory Stout
Terri Allen
Margo Teeter
Adam Krason
Deanna McKinney
J. D. Stricklen, Kanawha Co. Representative

Members Absent

Terry Pickett
Shannon Ferrari
Justin Marlow

Staff Present

Dan Vriendt
John Butterworth

Attendees

Frank McCormick

CALL TO ORDER: Aric Margolis

1. APPOINTMENTS/REAPPOINTMENTS OF MEMBERS TO THE MPC.

Members reappointed: Aric Margolis, Adam Krason, Shawn Taylor and Lisa Fischer-Casto
New appointments: Cory Stout, Shannon Ferrari, Justin Marlow and Terri Allen

2. UNFINISHED 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. POSTPONED

3. NEW BUSINESS

Rezoning: Bill No. 7924 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 a I-2 Light Industrial District to a C-8 Village Commercial District, that certain parcel of land located at 1313 Bigley Avenue being Charleston West District, Map 29, Parcel 25, Charleston, West Virginia.

Applicant Frank McCormick of 5202 Frederick Drive, Cross Lanes, West Virginia presented his request for the amendment to the zoning ordinance. Several of the houses in this area have been rezoned to C-8. The applicant stated that a change in zoning would be consistent with the current zoning of houses in the neighborhood.

Aric Margolis inquired if there is a single-family residence currently on the property. Mr. McCormick responded that there is a single-family residence on the property. Mr. McCormick has owned the property since 2000 and used it for a personal office. The new owners are wanting the property for a residence.

John Butterworth presented the Staff's analysis. Staff recommended **approval** for the following reasons:

- The rezoning is consistent with the future land use map which designates this property as "Consumer Commercial".
- The parcel is adjacent to similarly developed lots that are zoned C-8, thereby this application would be a minor expansion of the district and does not constitute "spot zoning".
- The rezoning would support the comprehensive plan's description of the "Consumer Commercial" land use area as typified by "low intensity uses, these can be adjacent to residential neighborhoods".
- Rezoning will support the continued use and maintenance of a dwelling unit in one of Charleston's core neighborhoods.

Aric Margolis brought up the suggestion that had been made to do a blanket rezoning of this area. Dan Vriendt indicated he is working with the Council Member for this ward in an effort to get him on board with a blanket rezoning, at least the residential property and the ballfields. Property east of Spring Street could easily be zoned C-8 without creating any non-conforming uses. This proposal should be addressed at the October MPC meeting.

On motion of Adam Krason, seconded by Deanna McKinney, the Commission voted unanimously to approve Bill No. 7924.

Minutes of the August 4, 2021 MPC meeting

On motion of , seconded by , the Commission voted unanimously to approve the Minutes of the August 4, 2021 MPC meeting.

Announcements

1. Adjournment

On motion of the meeting was adjourned.

1 **Bill No. 7929**

2 Passed by Council:

3 Introduced in Council

4 **September 20, 2021**

5 Introduced by:

Referred to

6 **Adam Knauff**

Planning, Streets and Traffic

7
8 **Bill No. 7929** - A Bill to establish a no parking zone on the north side of Preston Street
9 from Elmore Avenue to Monroe Street and amending the Traffic Control Map and Traffic
10 Control File, established by the code of the City of Charleston, West Virginia, two
11 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
12 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 zone on the north side of Preston Street from
15 Elmore Avenue to Monroe 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.



CITY OF CHARLESTON
PARKING DEPARTMENT
TERRI ALLEN, DIRECTOR
612 WASHINGTON STREET, E.
CHARLESTON, WV 25301



PHONE: (304) 348-0739

Application to Abolish Loading Zone

Name: Joseph Barker, Supervisor

Ken Payne, Program Director

Phone Number: (304) 415-5632

Business Name: WV Family Support and Rehabilitation Services, Inc. (per tax record)

DBA: Shirley Temple Recovery House

Business Address: 1010 John Norman Street

Business Phone Number: same as above

Location of Loading Zone to be Abolished: 1010 John Norman Street

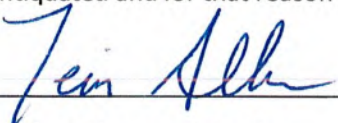
Reason for Abolishing Loading Zone:

The house was previously used as an office for the Federation of Teachers and later IUPAT Council 53 and both have vacated this address. It is now considered a recovery transitional home and the loading zone is no longer utilized by the tenants at this location.

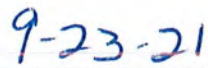
Office Use Only:

☒ Recommend Approval ☐ Denied

Additional Comments: This "No Parking-loading zone" is in front of a house that was previously used as an office. It has a sign with enforcement hours of "8 a.m. – 5 p.m. Mon-Fri" (photo attached). This loading zone was established in 2002 and is listed in the traffic control file (attached). The need for this zone appears to be antiquated and for that reason I recommend approval of this request to abolish.



Terri Allen, Director of Parking



Date

Ordinance Sec. 14-575 and Sec. 14-576

Use of a loading zone is limited to vehicles being used in the business of loading or unloading. The vehicle must have a visible loading zone permit. In no case shall a lawful loading zone stop exceed one half hour except with special permission from the director of parking. Any vehicle stopping, standing, or parking in a loading zone for any purpose other than loading and unloading may be impounded by the police department. All loading zones may be abolished by the director of parking, by and with the approval of the city council planning/streets and traffic committee.

Sec. 114-575. - Procedure for establishment of loading zones; conditions governing; loading zone record.

- (a) The director of parking, in consultation with the director of traffic, shall have authority, in the manner provided in this section, to establish and lay off loading zones upon the streets of the city.
- (b) Loading zones may be established by the director of parking upon approval by the city council planning/streets and traffic committee. Such zones shall be for the sole purpose of providing on-street facilities for the loading and unloading of commodities and equipment in the conduct of business and where no adequate off-street loading facilities are available.
- (c) The director of parking, with the approval of the city council planning/streets and traffic committee, may, with respect to the establishment of any such loading zone, prescribe limitations as to curb space and the time of day within which such loading zone may be used, which shall be designated by appropriate signs.
- (d) Any citizen may apply for the establishment of a loading zone. Such application shall be submitted in writing to the director of parking, on a form to be prescribed by him or her and approved by the city council planning/streets and traffic committee.
- (e) All loading zones established under this section may be abolished by the director of parking, by and with the approval of the city council planning/streets and traffic committee.
- (f) Any applicant for the establishment of a loading zone whose application has been denied by the abolition of any such loading zone may appeal such action to the city council, whose action on such appeal shall be final.
- (g) The parking department shall keep an accurate record of all loading zones established under this section, its location, and the special limitations, if any, attached to the zone.

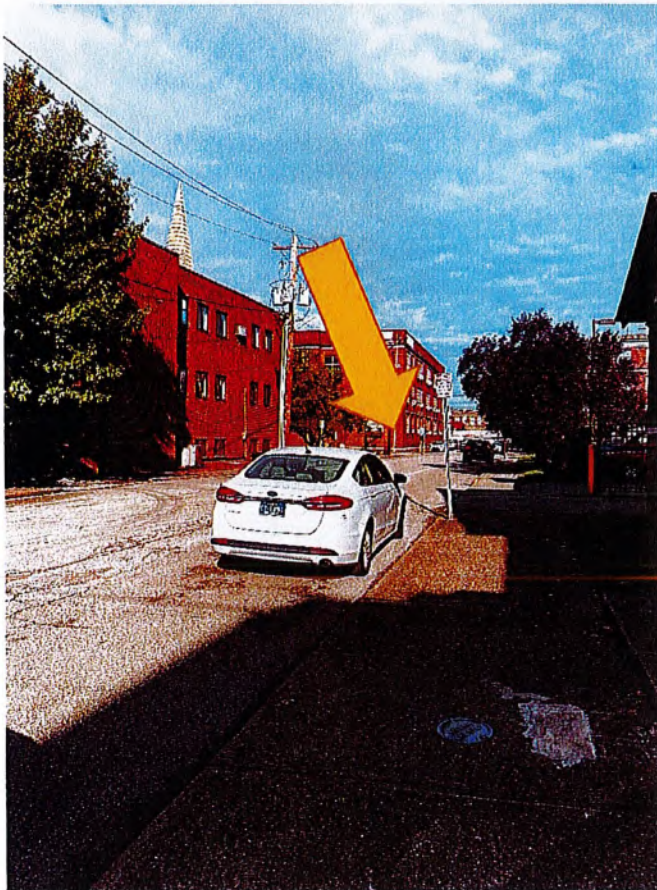
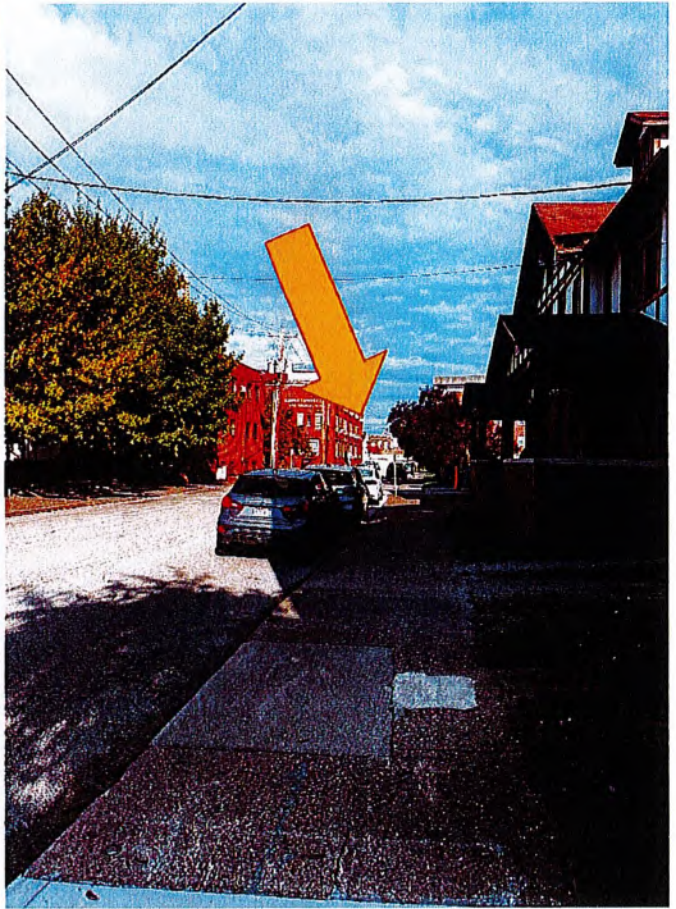
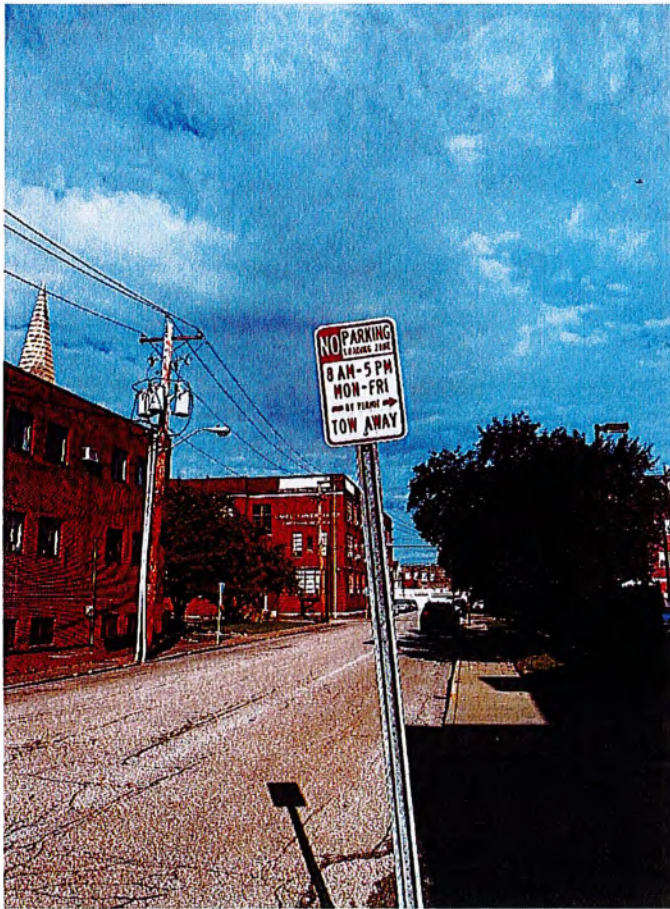
(Code 1975, § 31-206; Bill No. 7753, 8-7-2017; Bill No. 7815, 5-6-2019)

TRAFFIC CONTROL FILE

LEWIS STREET

PAGE 2

TYPE OF TRAFFIC CONTROL	STREET OR AREA AFFECTED	ORDI-NANCE	DATE ERECTED
<u>SPEED LIMIT</u>	20 MPH ON LEWIS ST FROM RUFFNER AVE TO THE EASTERLY END OF LEWIS ST	7010	10/28/2003
<u>LOADING ZONE</u>	1010 LEWIS ST IN FRONT OF WV FEDERATION OF TEACHERS ON THE NORTH SIDE OF LEWIS ST FROM A POINT 83' WEST OF LEON SULLIVAN WAY TO A POINT 144' WEST OF LEON SULLIVAN WAY		3/19/2002
<u>ONE WAY</u>	NO VEHICULAR TRAFFIC TO TRAVEL IN A WESTERLY DIRECTION ON LEWIS ST BETWEEN THOMPSON ST & THE EASTERLY END OF LEWIS ST	7011	10/28/2003
<u>HANDICAP PARKING</u>	1321 LEWIS ST (DAISY WALKER) SIGNS REMOVED		6/19/1989 11/7/1996
	1550 LEWIS ST (ROBERT CLARK) SIGNS REMOVED		9/6/2001 7/29/2000
	1409 LEWIS ST (DEBORAH A NASH) SIGNS REMOVED		4/4/2002



Vriendt, Dan

From: Hartline, Matt
Sent: Wednesday, September 22, 2021 2:56 PM
To: Vriendt, Dan; Allen, Terri; Hoover, Mary Beth; Bays, Naomi; Ceperley, Becky; Knauff, Adam; Minardi, Samuel; Oldham, Kevin; Robinson, Chad
Subject: Data Collection Results For Park Ave

(Copied from Previous Email) July 20, 2021 -- July 26, 2021 – **Park Ave**, We counted 2724 vehicles in 6 days with a daily avg of 454 vehicles. The speed limit for Park Ave was posted 30 MPH but was reduced to 25 MPH. 63.18% of all drivers are going 25 MPH or Less and 82.38% of all drivers are going 30 MPH or less. With the data collection and speed limit changing in the same time frame the data may be skewed. Data does show we have a minor to moderate speeding issue. Data may need re-collected in a month or two, to see if change from 30 MPH to 25 MPH had a change in data. Maybe a little educational enforcement may be needed. The 85th% speed is 30.79. MPH I checked the numbers at 20 MPH (While posted 25 MPH) and at 20 MPH 64.3% above 20 MPH and 35.7 below 20 MPH

September 7, 2021 – September 17, 2021 – **Park Ave**, We counted 4985 vehicles in 10 days with a daily average of 498.5 vehicles. The speed limit for Park Ave is posted 25 MPH. 72.34% of all drivers are going 25 MPH or Less and 90.91% of all drivers are going 30 MPH or less. The 85th% speed is 27.85 MPH



Matthew Hartline
Director, Traffic Operations
Traffic, Parking and Transportation Department
City of Charleston, WV
(304)348-0739
<https://www.charlestonwv.gov/>