



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, January 5, 2022
3:00 p.m.

Agenda

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

Rezoning: Bill No. 7933 A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, and the map made a part thereof, by rezoning from a R-6 district to a R-0 district, that certain lot or parcel of land located at 2922 Chesterfield Avenue in Kanawha City, in the City of Charleston, Kanawha County, State of West Virginia.

- 4. Minutes of the December 8, 2021 MPC meeting**
- 5. Announcements**
- 6. Adjournment**

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

Bill No. 7939

Introduced in Council

Passed by Council

Jan 3, 2022

Introduced By

Referred To

Bobby Reishman

Municipal Planning Committee
Planning, Streets, and Traffic

Signature of Council member

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, and the map made a part thereof, by rezoning from a R-6 district to a R-0 district, that certain lot or parcel of land located at 2922 Chesterfield Avenue in Kanawha City, in the City of Charleston, Kanawha County, State of West Virginia, purchased by Charleston Area Medical Center, Inc., a West Virginia nonprofit, nonstock corporation.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, is hereby amended by rezoning from a R-6 district to a R-0 district the whole of the following described lot or parcel of land:

All of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in Kanawha City Tax District, in the City of Charleston, Kanawha County, West Virginia, and described as all that certain real estate located in Kanawha City District, Kanawha County, West Virginia, located on Chesterfield Avenue and more particularly described as Lot No. 22, on the northerly side of Chesterfield Avenue as shown upon a map of the property of Beverly Hills Land Company made by David C. James, Civil Engineer, dated June 23, of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 4, at page 131, and more commonly known as 2922 Chesterfield Avenue, Charleston, WV 25304.

Being Tax Parcel 116 as shown on Kanawha City Tax Map No. 19. Said tax map is of record in, and used as zoning map sectionals by, the City Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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

PETITION TO REZONE FROM R-6 TO R-0
2922 CHESTERFIELD AVENUE, CHARLESTON, WEST VIRGINIA

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I.

Petitioner is under contract to purchase from Bonnie Holbrook that certain property situate at 2922 Chesterfield Avenue in Kanawha City which is the subject of this rezoning request. Petitioner wishes to have the subject property rezoned from R-6 to R-0. The subject property is a parcel of land described as follows: All of Tax Parcel No. 116 as shown on Kanawha City Tax Map No. 19. The above-mentioned tax map is of record in the Charleston Planning Department. The property owner is agreeable to this petition for the rezoning of the subject property.

II.

Petitioner requests to have the subject property rezoned from R-6 to R-O in order that the Petitioner can construct and develop a surface parking lot to be used primarily to provide parking for the patients and staff of Petitioner's adjacent CAMC Gastroenterology Office Building. The parking lot will be constructed upon the subject lot and two other adjacent lots owned by Petitioner that are zoned R-O (Tax Parcels 114 and 115).

III.

The subject property is being purchased for use in the construction and development of a surface parking lot which will be needed for the expansion of the CAMC Gastroenterology Office Building. The adjacent properties to the west and east of the subject property are zoned R-O, Residential Office District under Article 9 of the Zoning Ordinance. Therefore, Petitioner requests that the subject land located at 2922 Chesterfield Avenue that is zoned R-6 be rezoned to R-O. The proposed rezoning will permit the Petitioner to use the property in a manner that compliments and more effectively serves the parking needs of the CAMC Gastroenterology Office Building, as well as the community, and complies with the goals and objectives of the Comprehensive Plan and the Kanawha City Revitalization Plan. The proposed rezoning of the property will not constitute spot zoning since the property abuts other properties that are zoned R-0.

IV.

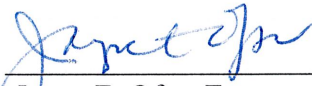
The sponsoring member of City Council of the Bill to Rezone the subject property is Bobby Reishman. The list of all property owners within 250 feet of the subject property to be rezoned is attached. The subject property is shown on the attached site plan, and being all of Kanawha City Tax Map 19, Tax Parcels 116.

The filing fee of \$125 is attached.

Attached hereto is an Application for Rezoning with the site plan and a Bill to accomplish the requested rezoning, as well as an electronic filing of the Bill in Word format.

Respectfully submitted this 14th day of December, 2021.

Charleston Area Medical Center, Inc.
By its Counsel

By: 

Joyce F. Ofsa, Esq.
Spilman Thomas & Battle, PLLC
300 Kanawha Boulevard, East
Charleston, WV 25301
304-340-3847

PRELIMINARY

FOR REVIEW AND COMMENTARY PURPOSES ONLY
NOT FOR SALES OR RECORDATION

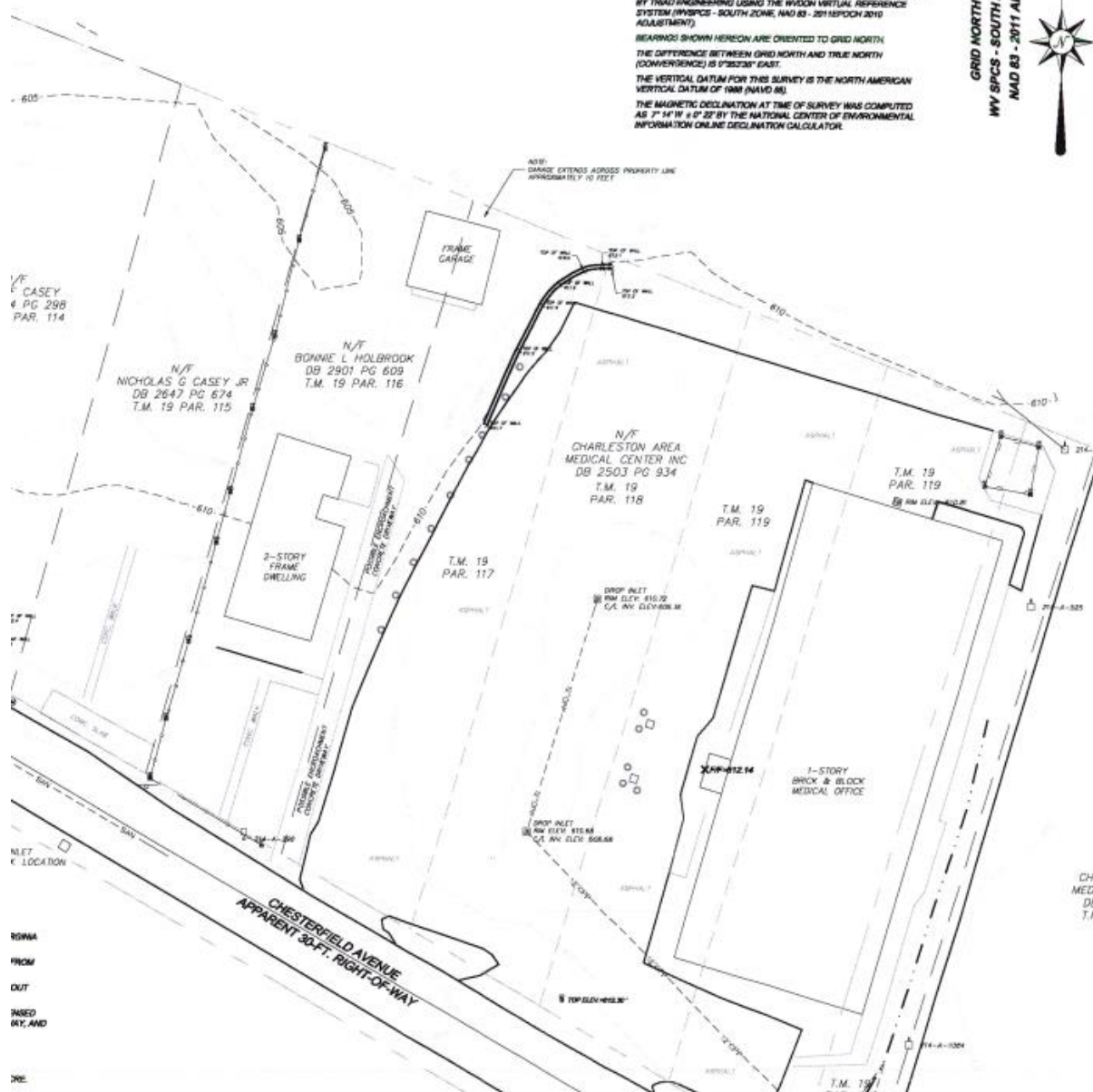
20 10 0 20 40
DRAWING SCALE: 1"=20' (24"x36")
DRAWING SCALE: 1"=40' (12"x18")

COORDINATE BASIS / BASIS OF BEARINGS:
THE COORDINATE SYSTEM USED TO PRODUCE THIS SURVEY IS BASED ON WEST VIRGINIA STATE PLANE COORDINATES ESTABLISHED BY TRIAD ENGINEERING USING THE WOODHULL REFERENCE SYSTEM (WVSPCS - SOUTH ZONE, NAD 83 - 2011 EPOCH 2010 ADJUSTMENT).
BEARINGS SHOWN HEREON ARE ORIENTED TO GRID NORTH. THE DIFFERENCE BETWEEN GRID NORTH AND TRUE NORTH (CONVERGENCE) IS 1°32'38" EAST.
THE VERTICAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
THE MAGNETIC DECLINATION AT TIME OF SURVEY WAS COMPUTED AS 7°14'19" E OF T BY THE NATIONAL CENTER OF ENVIRONMENTAL INFORMATION ONLINE DECLINATION CALCULATOR.

GRID NORTH
WVSPCS - SOUTH ZONE
NAD 83 - 2011 ADJ.



VICINITY MAP
NOT TO SCALE



MAPPING LEGEND

- RIGHT-OF-WAY / EASEMENT LINE
- CENTERLINE
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (UN-SURVEYED)
- DTC --- OVERHEAD TRAFFIC CONTROL LINE
- DHETC --- OVERHEAD ELECTRIC, TELEPHONE, AND CABLE LINES
- #5 REBAR 30" IN LENGTH SET W/ CAP MARKED "TRIAD ENG SAC 4004"
- CORNER MARKER FOUND AS NOTED
- ✱ COMPUTED POINT - NOT SET
- UTILITY POLE
- LIGHT POLE
- GUY POLE
- GUY ANCHOR
- ⊗ WATER METER
- ⊗ WATER VALVE
- ⊗ ELECTRICAL JUNCTION BOX
- ⊗ HEATING & AIR CONDITIONING UNIT
- D.B. = "DEED BOOK"
- W.B. = "WILL BOOK"
- PG. = PAGE
- N/F = "NOW OR FORMERLY"

Municipal Planning Commission
Wednesday, December 8, 2021

Members Present

Aric Margolis, Chairman
Quintie Smith *via phone*
Justin Marlow
Lisa Fischer-Casto
Mary Beth Hoover
JoEllen Zacks *via phone*
Alice Hypes
Terri Allen
Adam Krason
Deanna McKinney
Shannon Ferrari
Margo Teeter
Shawn Taylor
Terry Pickett

Members Absent

Cory Stout
J. D. Stricklen

Staff Present

Dan Vriendt
Chad Webb
Lori Brannon

Public Attendees

Drew Truslow

1. Call to Order – Aric Margolis, Chairman

2. Unfinished Business

Text Amendment: Bill No. 7926 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the front setback exceptions in Section 22-020 General Exceptions to Height, Bulk, Area, and Density Regulations in Article 22 Height, Bulk, Area and Density Provision.

Dan Vriendt presented the following staff notes and recommendations:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

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

1. The Bill will provide flexibility for addition of front porches in traditional neighborhoods while maintaining the alignment of the predominant development within the area; and,
2. The Bill will allow for reinvestment in the existing housing stock in traditional core neighborhoods of Charleston.

Chad Webb presented visual examples to the Committee. Chad pointed out that provision 4-G includes language that prohibits underneath storage usage.

Chad also suggested language be added to accommodate horizontal handrails, which are a common feature among the properties in the subject area. Lori Brannon added this same matter come before the CHLC and what is being suggested in this instance, is to follow CHLC protocol of design review when this particular situation arises.

On motion of Adam Krason, the Commission voted unanimously, 14-0, to amend Bill No. 7926 with the addition of item H, providing for no more than one porch extending into the front setback per residential unit.

On motion of Adam Krason, seconded by Terry Pickett, the Commission voted unanimously, 14-0, to approve Bill No. 7926, as amended.

3. New Business

Rezoning: Bill No. 7933 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-O District to a C-10 District that certain parcel of land situate at 104 Tennessee Avenue, Charleston, West Virginia and rezoning from a C-8 District to a C-10 District, those certain parcels of land situate at 110-116 Monongalia Street, Charleston, West Virginia.

Drew Truslow presented the request to the Commission on behalf of the Courtland Company, a land company, who has had an office in Charleston since 1895. Courtland Company wants their property to be zoned consistently with other adjoining and nearby business locations.

Dan Vriendt presented the following staff notes and recommendations:

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.

The comprehensive plan's future land use map designates the property as "Downtown Transition" with the state purpose of "to provide a transitional buffer between the intense downtown core and nearby neighborhoods." This land future land use area is typified as "moderately intense multi-family residential (including senior housing, lofts, townhouses), also as a transition to more predominantly residential areas, buffering from non-singlefamily uses" with "Building heights transitioning down in scale from downtown heights" providing "Live/work opportunities."

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

1. The rezoning is consistent with the future land use map which designates this property as "Downtown Transition".
2. The petitioner's request would standardize the zoning across their five parcels, simplifying redevelopment and allowing for more orderly site design.
3. Rezoning from R-O and C-8 will allow for more intense growth in a core commercial neighborhood of Charleston providing a needed transition from Downtown to the West Side residential neighborhoods.

On motion of Shawn Taylor seconded by Deanna McKinney, the Commission voted unanimously, 14-0, to approve Bill No. 7933.

Text Amendment: Bill No. 7931 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the East End Historic District Overlay, in Article 21 Overlay Districts, for consistency with design guidelines developed and adopted by the Charleston Historic Landmarks Commission.

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

Dan Vriendt presented the following staff notes and recommendations:

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

1. The Bill will provide clarity and reference to staff, commissioners, and property owners on appropriate design guidance and requirements for minor and major work conducted to contributing structures within the East End Historic District.

Lori Brannon presented the request of the CHLC to the Commission for the text amendment, which request is the result Lori Brannon, with assistance from Adam Krason, creating the first set of guidelines for the CHLC use.

On motion of Shawn Taylor seconded by Deanna McKinney, the Commission voted unanimously, 14-0, to approve Bill No. 7931.

4. Minutes of the October 6, 2021, MPC meeting

On motion of Adam Krason, seconded by Lisa Fisher-Casto, the Commission voted unanimously, 14-0, to approve the minutes of the October 6, 2021 MPC meeting.

5. Announcements

City received funding for the RAISE grant in the amount of \$2.7 million. One of the projects to receive funding is the Greenbrier Streetscape project. Typically, with the RAISE grants, if the committee that approves the grants likes the design phase of a project well enough, they usually fund the implementation.

6. Adjournment