



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

Agenda

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

Preliminary and Final Subdivision - Application of J.D. Stricklen, requesting preliminary and final subdivision approval and a variance to subdivision regulations to create seven (7) lots located at 1258-1268 Oakhurst Drive, Charleston, West Virginia

Rezoning: Bill No. 7951 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, that certain lot of land situate at 306 MacCorkle Avenue SE, Charleston, WV 25314.

Rezoning: Bill No. 7952 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 a C-10 district, that certain lot of land situate at 6600 MacCorkle Avenue SE, Charleston, WV 25304.

4. Other Items

Street Dedication: Bill No. 7953 accepting for dedication the entirety of Centre Court Road.

2021 Annual Report – Presentation and Discussion

- 5. Approval of Minutes of the February 9, 2022 MPC meeting**
- 6. Announcements**
- 7. Adjournment**

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

Bill No. 7951

Introduced in Council

Passed by Council

April 4th, 2022

Introduced by

Referred to

Becky Ceperley (co-sponsors: Bobby Reishman
and Brady Campbell)

**Municipal Planning Commission
and Planning, Streets and Traffic Comm**

Bill No. 7951 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, that certain lot of land situate at 306 MacCorkle Avenue SE, Charleston, WV 25314.

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

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

4
5 Parcel No. 20 as shown on Charleston 15 Ward Tax Map. Said tax map is
6 of record in the Planning Office.

7
8 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is
9 hereby amended in accordance with Article 27 of this ordinance.

10
11 3. All prior ordinances, or parts of ordinances, inconsistent with this
12 ordinance are hereby repealed to the extent of such inconsistency.
13

PETITION TO REZONE FROM I-2 TO C-10
306 MACCORKLE AVENUE SE
CHARLESTON, WEST VIRGINIA

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLSTON, WEST
VIRGINIA

I

The Petitioner is the contract purchaser of a lot depicted and shown in the office of the Assessor of Kanawha County, West Virginia, on 2022 Charleston 15 Ward Tax Map 1 Parcel 20. The parcel is titled and assessed in the name of General Electric Company, a New York corporation. Parcel 20 has a common street address of 306 MacCorkle Avenue. The parcel is bounded on the north by MacCorkle Avenue, on the west by Thayer Street, and on the south by Ferry Street. The parcel is bounded on the east by Parcel 23 assessed in the name of Kanawha Roxalana Co.

II

The lot is currently in both I-2 and C-10 zones. Petitioner desires to have that portion of the lot currently zoned as I-2 rezoned to C-10. The lot is vacant. The Petitioner intends to develop the lot into a convenience store and gas station with potential accessory uses. Access to the lot will be from MacCorkle Avenue and Ferry Street. The parcels located immediately across Thayer Street are also zoned C-10 (parcels 1.1, 2-15, 18, 18.1, and 62-65), as are additional lots to the east of Parcel 20 on Ferry Street (parcels 60 and 61, as well as 96 and 96.1). The area in which these parcels are located is transitioning to C-10 and the rezoning of this parcel would be consistent with that transition. Further, the subject parcel is unsuitable for industrial uses. Rather, its highest and best use is as a commercial parcel.

III

Section 29-030 sets for the procedures for applying for an amendment to the Zoning Map. The requested rezoning complies with the City of Charleston Comprehensive and Neighborhood Plans ("Comprehensive Plan"). Specifically, the subject parcel is laid out on the Future Land Use and Character Map of the Comprehensive Plan as "Convenience Commercial". The purpose of Convenience Commercial in the Comprehensive Plan is to provide small commercial nodes in auto-oriented parts of the city. The subject parcel is in an auto-oriented part of the city and will be utilized for commercial purposes. Further, the intended use fits the Comprehensive Plan's overall neighborhood goal of adopting reuse strategies for vacant and underutilized properties and buildings. This lot is vacant and rezoning it from I-2 to C-10 would allow the commercial development being planned by the undersigned.

IV

Councilperson Becky Ceperley will sponsor the associated bill. Bobby Reishman and Brady Campbell are cosponsoring the bill. Attached hereto is a copy of the associated bill to accomplish the rezoning, a list of property owners who own property within 250 feet of the subject lot, a map of the subject lot, and a filing fee in the amount of \$125.00.

Respectfully submitted
this 1st day of March, 2022

SHOP-A-MINIT MARKETS PARTNERSHIP

By:



Mark Sadd and Matthew P. Kingery, counsel
for the Petitioner
(304) 345-2000



PUBLIC HEARING NOTICE

Public Hearing – Notice is hereby given that the City of Charleston's Municipal Planning Commission will hold a public hearing:

DATE: April 6, 2022

TIME: 3:00 p.m.

PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Rezoning

Bill No. 7951 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, that certain lot of land situate at 306 MacCorkle Avenue SE, Charleston, WV 25314.

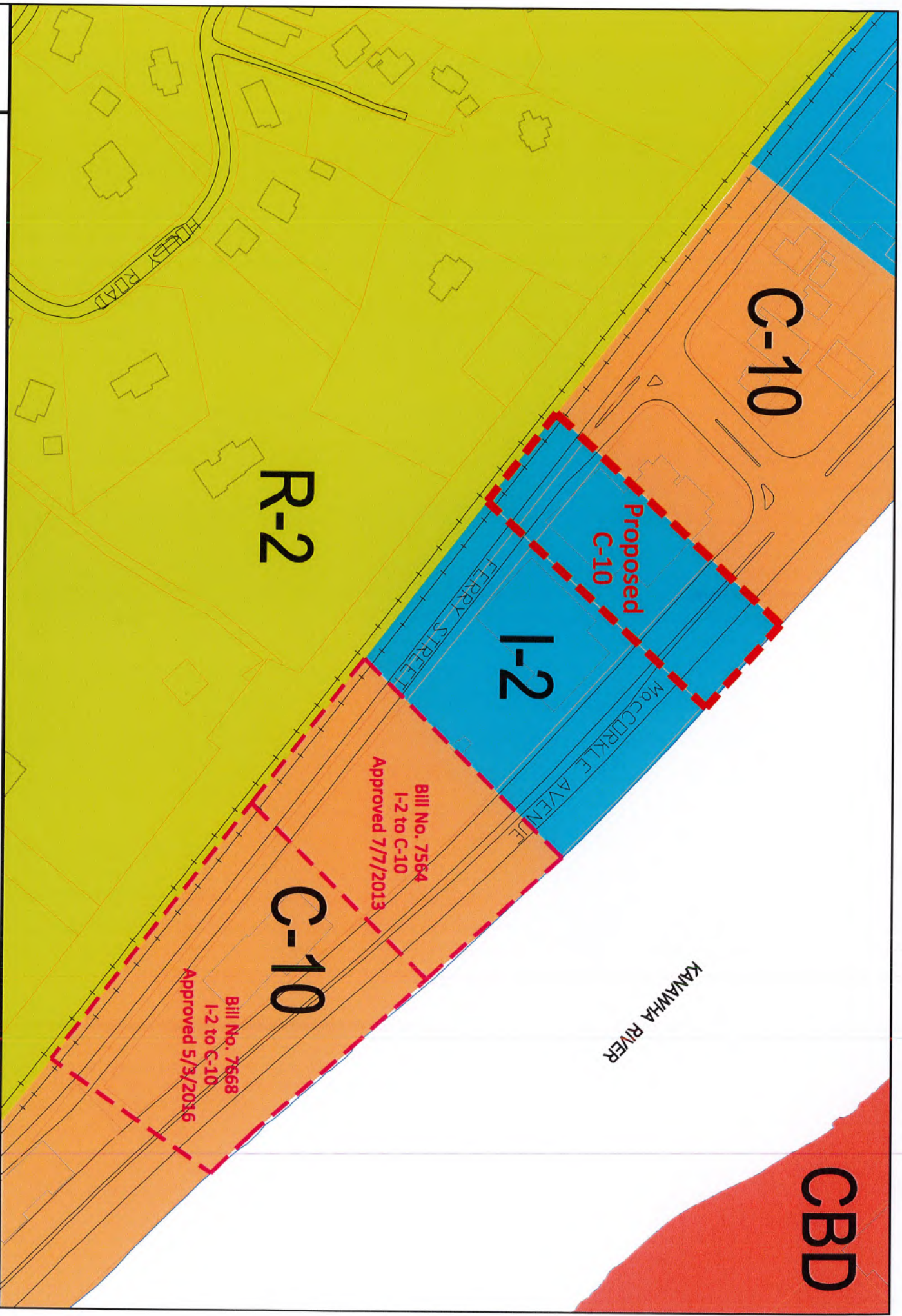
Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

The file (including the application, plans and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

For more information, please call (304) 348-8105, email chad.webb@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

Chad Webb
Planner – City of Charleston



REZONING FROM I-2 TO C-10

STAFF
EXHIBIT



Bill No. 7952

Introduced in Council

April 4th, 2022

Introduced by

Bobby Brown

Passed by Council

Referred to

**Municipal Planning Commission
and Planning, Streets and Traffic Comm**

Bill No. 7952 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 a C-10 district, that certain lot of land situate at 6600 MacCorkle Avenue SE, Charleston, WV 25304.

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

1 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted
2 the 1st day of January 2006, as amended, is hereby amended by rezoning from an
3 R-6 district to a C-10 district the whole of the described parcel of land in the
4 following legal description:

5
6 LT 162 EAST KANAWHA EST
7 STORE BLDG ROOSEVELT 6641

8
9 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is
10 hereby amended in accordance with Article 27 of this ordinance.

11
12 3. All prior ordinances, or parts of ordinances, inconsistent with this
13 ordinance are hereby repealed to the extent of such inconsistency.
14

PETITION TO REZONE FROM R-6 TO C-10
-6600 MacCorkle Avenue SE
Charleston, WV 25304

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

This lot is currently owned and operated by Kevin Lee Sarrett (Petitioner). The parcel is titled and assessed in the name of RATT Properties LLC with a legal description as Lot 162 East Kanawha Estates, Store Building Roosevelt 6641. The lot is located in Kanawha County, West Virginia on the corner of MacCorkle Avenue and 66th Street in Kanawha City.

The lot is currently in both R-6 and C-10 zones. Petitioner desires to have the lot currently zoned as R-6 rezoned to C-10. The property currently has an Outreach Center located in the bottom of the building and two residential rentals on the top of the building on the front and rear.

Petitioner wants the property rezoned to C-10 to add a business office to the top front of the building. The business is currently licensed by the City of Charleston as Lumberjacks Tree and Lawn Services LLC License #1417776. The business would also store equipment in the rear of the building,

The business is Registered by the West Virginia State Tax Department under Business Registration Account Number 2398-5010. The business is registered by the IRS under FEIN 85-4261395.

Councilperson Bobby Brown of Ward 18 will sponsor the associated bill. Attached hereto is a copy of the associated bill to accomplish the rezoning.

Respectfully submitted
This 14th day of March, 2022
Kevin Lee Sarrett
RATT Properties
304-550-4395





PUBLIC HEARING NOTICE

Public Hearing – Notice is hereby given that the City of Charleston's Municipal Planning Commission will hold a public hearing:

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Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

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Sincerely,

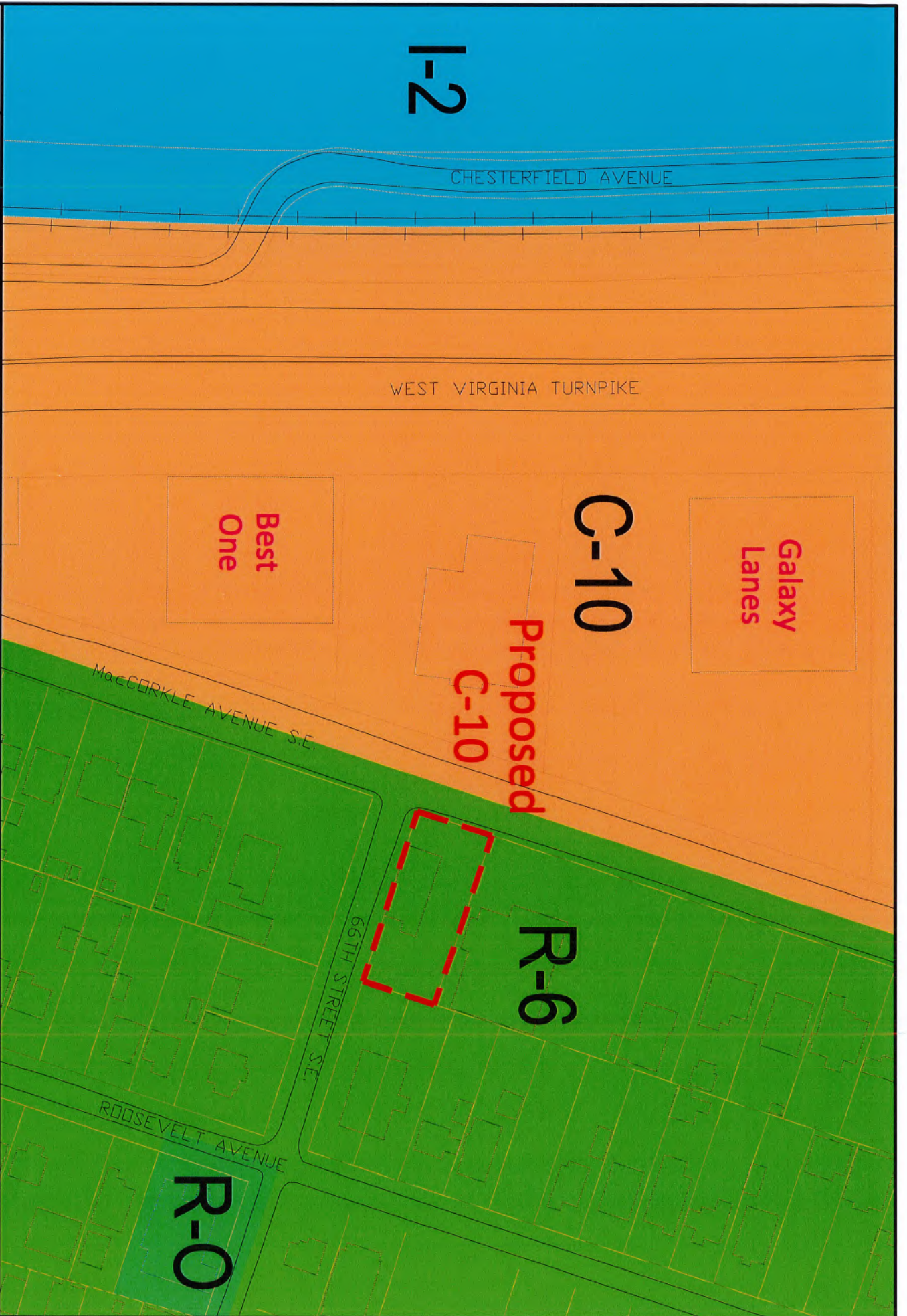
A handwritten signature in blue ink that reads "Chad Webb".

Chad Webb
Planner – City of Charleston



REZONING FROM I-2 TO C-10

STAFF
EXHIBIT



Bill No. 7953

Introduced in Council

Passed by Council

April 4, 2022

Introduced by

Referred to

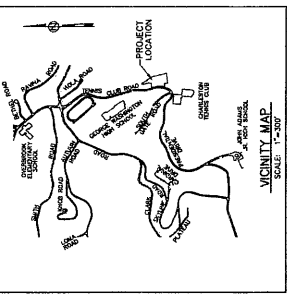
Mary Beth Hoover
Sam Minardi

Municipal Planning Commission
Planning, Streets, and Traffic

Bill No. 7953 accepting for dedication the entirety of Centre Court Road.

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

1. All of Centre Court Road, which is located in the Centre Court Village Subdivision, is hereafter accepted as a city street by the City of Charleston. The area to be accepted is attached hereto as **Exhibit A**.
2. All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.



LINE	BEARING AND DISTANCE
1-2	N 10° 15' 00" E 100.00'
2-3	S 89° 45' 00" W 100.00'
3-4	N 10° 15' 00" E 100.00'
4-5	S 89° 45' 00" W 100.00'
5-6	N 10° 15' 00" E 100.00'
6-7	S 89° 45' 00" W 100.00'
7-8	N 10° 15' 00" E 100.00'
8-9	S 89° 45' 00" W 100.00'
9-10	N 10° 15' 00" E 100.00'
10-11	S 89° 45' 00" W 100.00'
11-12	N 10° 15' 00" E 100.00'
12-13	S 89° 45' 00" W 100.00'
13-14	N 10° 15' 00" E 100.00'
14-15	S 89° 45' 00" W 100.00'
15-16	N 10° 15' 00" E 100.00'
16-17	S 89° 45' 00" W 100.00'
17-18	N 10° 15' 00" E 100.00'
18-19	S 89° 45' 00" W 100.00'
19-20	N 10° 15' 00" E 100.00'
20-21	S 89° 45' 00" W 100.00'
21-22	N 10° 15' 00" E 100.00'
22-23	S 89° 45' 00" W 100.00'
23-24	N 10° 15' 00" E 100.00'
24-25	S 89° 45' 00" W 100.00'
25-26	N 10° 15' 00" E 100.00'
26-27	S 89° 45' 00" W 100.00'
27-28	N 10° 15' 00" E 100.00'
28-29	S 89° 45' 00" W 100.00'
29-30	N 10° 15' 00" E 100.00'
30-31	S 89° 45' 00" W 100.00'
31-32	N 10° 15' 00" E 100.00'
32-33	S 89° 45' 00" W 100.00'
33-34	N 10° 15' 00" E 100.00'
34-35	S 89° 45' 00" W 100.00'
35-36	N 10° 15' 00" E 100.00'
36-37	S 89° 45' 00" W 100.00'
37-38	N 10° 15' 00" E 100.00'
38-39	S 89° 45' 00" W 100.00'
39-40	N 10° 15' 00" E 100.00'
40-41	S 89° 45' 00" W 100.00'
41-42	N 10° 15' 00" E 100.00'
42-43	S 89° 45' 00" W 100.00'
43-44	N 10° 15' 00" E 100.00'
44-45	



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, February 9, 2022
3:00 P.M.

Members Present

Aric Margolis, Chairman
Margo Teeter
Quintie Smith
Shawn Taylor
Cory Stout
Lisa-Fischer-Casto
Deanna McKinney
Mary Beth Hoover
Terry Pickett
JoEllen Zacks
Alice Hypes
Shannon Ferrari
Justin Marlow
Terri Allen, Mayor's Designee
J.D. Stricklen, Kanawha Co. Representative

Members Absent

Adam Krason

Staff Present

Dan Vriendt
Chad Webb
Lori Brannon

Public Attendees

Steve Hastings- spoke in support of
Bill No. 7943.
Chad Robinson – Ward 20 Councilman,
Spoke in support of Bill No. 7943.
Billy Joe Peyton – Ruffner Park

- 1. Call to Order – Aric Margolis, Chairman**
- 2. Unfinished Business**
- 3. New Business**

Text Amendment: Bill No. 7943 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060.

Dan presented the staff analysis and recommendation to the Commission:

STANDARD OF REVIEW:

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.

ANALYSIS:

This text amendment seeks to add the land use category of “Kennel” as a conditional use in the C-8: Village Commercial District and revise the supplemental regulations pertaining to all kennels.

RECOMMENDATION AND FINDINGS:

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

1. The Bill will provide a valuable service in close proximity to core neighborhoods; and,
2. The Bill will provide reasonable safeguards against nuisance and negative impacts through the conditional use process and supplementary regulations.

Steve Hastings of 839 Lower Donnally Road addressed the Commission’s question concerning the location of the proposed kennel as being 5315 MacCorkle Avenue. The former Kanawha Players’ theatre. This building and the lot next to is the proposed location. It is currently zoned C-8.

Chad Robinson, Ward 20 Councilman, spoke in favor of the kennel.

No one spoke in opposition to Bill No. 7943.

On the motion of Shawn Taylor, seconded by Quintie Smith , the Commission voted unanimously, 14-0, to approve Bill No. 7943.

Text Amendment: Bill No. 7944 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of “Vape/Smoke Shop” and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

Dan presented the staff analysis and recommendation to the Commission:

STANDARD OF REVIEW:

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.

HISTORY: This amendment has been raised by Dr. Bill Carter in response to his concerns regarding the rise in youth vaping and the visibility and availability of vaping products to young people.

ANALYSIS:

This text amendment seeks to define “Vape/Smoke Shop”. The amendment further makes this land use category a conditional use in the C-8: Village Commercial District and UCD: Urban Corridor District and a permitted principal use in the C-10: General Commercial District and C-12: Shopping Center District. Further, the bill adds supplementary regulations for spacing requirements between vape/smoke shops and buffering requirements from schools.

RECOMMENDATION AND FINDINGS:

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

1. The Bill will create clarity and definition for a relatively new land use type; and,
2. The Bill will provide buffering and spacing requirements that will help to limit exposure of young people to vaping products.

Aric Margolis expressed concerned because “cigarettes” was not included in the definition of “Vape/Smoke Shop”.

Deanna McKinney suggested that “all tobacco products” be included in the “vape/smoke shop” definition.

Existing vape shops in this area will be grandfathered and not affected by the proposed text amendment.

On the motion of Shawn Taylor and seconded by Quintie Cmith, the Commission voted unanimously, 14-0, to approve changes to the text amendment Bill No. 7944 so that the definition of “Vape/Smoke Shops” includes electronic cigarettes and/or all other tobacco products and 1,000’ to 1,500’.

On the motion of Deanna McKinney, seconded by Lisa Fisher Casto, the Commission voted unanimously, 14-0, to approve Bill No. 7944

Text Amendment: Bill No. 7947 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

Dan presented the staff analysis and recommendations to the Commission:

STANDARD OF REVIEW:

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.

ANALYSIS:

The proposed amendment simplifies the process to gain approval for the operation of a home-based business by allowing for administrative approval where the following “no impact” criteria are satisfied:

- Secondary to and compatible with residential use
- No increase in traffic, use of infrastructure, or delivery of goods beyond that customarily associated with a residence
- Adequate on-site parking
- No signage or outdoor storage

Any proposed home-based business that fails to meet these criteria would be required to petition the Board of Zoning Appeals for approval at a public hearing, though higher impact businesses like auto repair, medical care, and animal boarding are prohibited entirely.

This text amendment is consistent with the language and intent of legislation proposed in WV and adopted in other states.

RECOMMENDATION AND FINDINGS:

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

1. The rise of the COVID-19 pandemic has starkly demonstrated the necessity, usefulness, and convenience of home-based business and work; and,
2. The Bill will allow more flexible business startup, work-from-home, and entrepreneurship opportunities in the City of Charleston; and,
3. The Bill will provide clear criteria for permitting businesses that pose “no impact” to neighboring properties; and,

4. The Bill provides clear review criteria for the Board of Zoning Appeals to implement via the conditional use process.

On the motion of Deanna McKinney, seconded by Quintie Smith, the Commission voted 12-2, to approve Bill No. 7947.

4. Minutes of the January 5, 2022 MPC meeting

On the motion of Lisa Fisher Casto, seconded by Margo Teeter, the Commission voted unanimously, 14-0, to approve Bill No. 7947.

5. Announcements

Ruffner Park discussion from CHLC Chairman, Billy Joe Peyton.

6. Adjournment