

Planning, Streets and Traffic Committee
Monday, February 28, 2022, at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover, Chair
Jennifer Pharr
Becky Ceperley
Brady Campbell
Bobby Haas
Naomi Bays (*joined meeting @ Text Amendment Bill No. 7944 discussion*)

Staff Present

Dan Vriendt
Kevin Baker
Matt Hartline
Terri Allen
Kevin Oldham

Public Present

Chad Robinson
Dr. Bill Carter
Amy Staud

1. Call to Order

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 Vriendt presented the following staff analysis and recommendation:

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged reviewing the decision of the Planning Commission and forwarding a recommendation to City Council for final action. The Committee 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.

Staff received no opposition to the request and the Planning Commission unanimously voted to approve the bill.

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.

Motion and vote: A motion was made by Becky Ceperley, seconded by Jennifer Pharr and the Committee voted unanimously, 5-0, to approve Text Amendment 7943 as a committee substitute.

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 Vriendt presented the following staff analysis and recommendation:

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged reviewing the decision of the Planning Commission and forwarding a recommendation to City Council for final action. The Committee 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.

The Planning Commission amended the bill to increase the spacing requirements from schools from 1000 feet to 1500 feet.

Staff has received no opposition to the request and the Planning Commission unanimously voted to approve the bill.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval of the committee substitute** 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.

Chad Robinson, City Councilman, Ward 20, spoke in support of Bill No. 7944.

Dr. Bill Carter was in attendance and also spoke in support of Bill No. 7944.

Motion and vote: A motion was made by Becky Ceperley, seconded by Bobby Haas and the Committee voted unanimously, 6-0, to approve Text Amendment 7944 as a committee substitute. (Naomi Bays joined the meeting at this point.)

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 Vriendt presented the following staff analysis and recommendation:

STANDARD OF REVIEW:

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

HISTORY: The current homebased business rules were adopted on August 5, 2002, by bill no. 6869 and have largely remained unchanged since that time.

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.

Staff has received no opposition to the request and the Planning Commission voted 12-2 to approve the bill.

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.

Motion and vote: A motion was made by Becky Ceperley, seconded by Brady Campbell and the Committee voted unanimously, 5-0, to approve Text Amendment 7947 as a committee substitute. (*Jennifer Pharr abstained from voting.*)

4. Discussion

5-Corners Traffic Design Study

Matt Hartline addressed the committee concerning the traffic study.

The 5-Corners Traffic Design Study was completed by Amy Bamer Staud, PE, PTOE, of HDR Engineering. Ms. Staud was present and also addressed the Committee in regard to this study.

The Committee recommended Alternative 1B.

Sidewalks

PS&T will potentially have \$750K in their budget for sidewalk repairs. Mary Beth approached the Committee in regard to putting together a list of sidewalks that need repaired. Dan answered questions from the Committee pertaining to who the responsibility falls on to repair the sidewalk, the city or the landowner. The downtown area, where there is elaborate streetscape work, is an exception in this regard.

Reference was made to the approach taken by the City of Huntington and their collaboration with the property owners to maintain the sidewalks in the city.

5. Approval of the Minutes of the January 24, 2022, meeting

Motion and vote: A motion was made by Namoi Bays, seconded by Jennifer Pharr and the Committee voted unanimously, 6-0, to approve the minutes of the January 24, 2022 meeting.

6. Adjournment

Motion to adjourn was made by Becky Ceperley, seconded and unanimously approved 6-0 by the Committee.