



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 concern 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 Smith, 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