



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

Agenda

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

Rezoning: Bill No. 7963 - 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 R-4 district to a C-10 district, that certain lot or parcels of land located at 1704, 1706, and 1708 5th Avenue in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

- 4. Minutes of the July 6, 2022 MPC meeting**
- 5. Announcements**
- 6. Adjournment**

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

Bill No. 7963

Introduced in Council

Passed by Council

August 1, 2022

Introduced By

Referred To:

Pat Jones

**Municipal Planning Committee
Planning, Streets, and Traffic**

Bill No. 7963 - 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 R-4 district to a C-10 district, that certain lot or parcels of land located at 1704 and 1706 5th Avenue in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

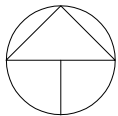
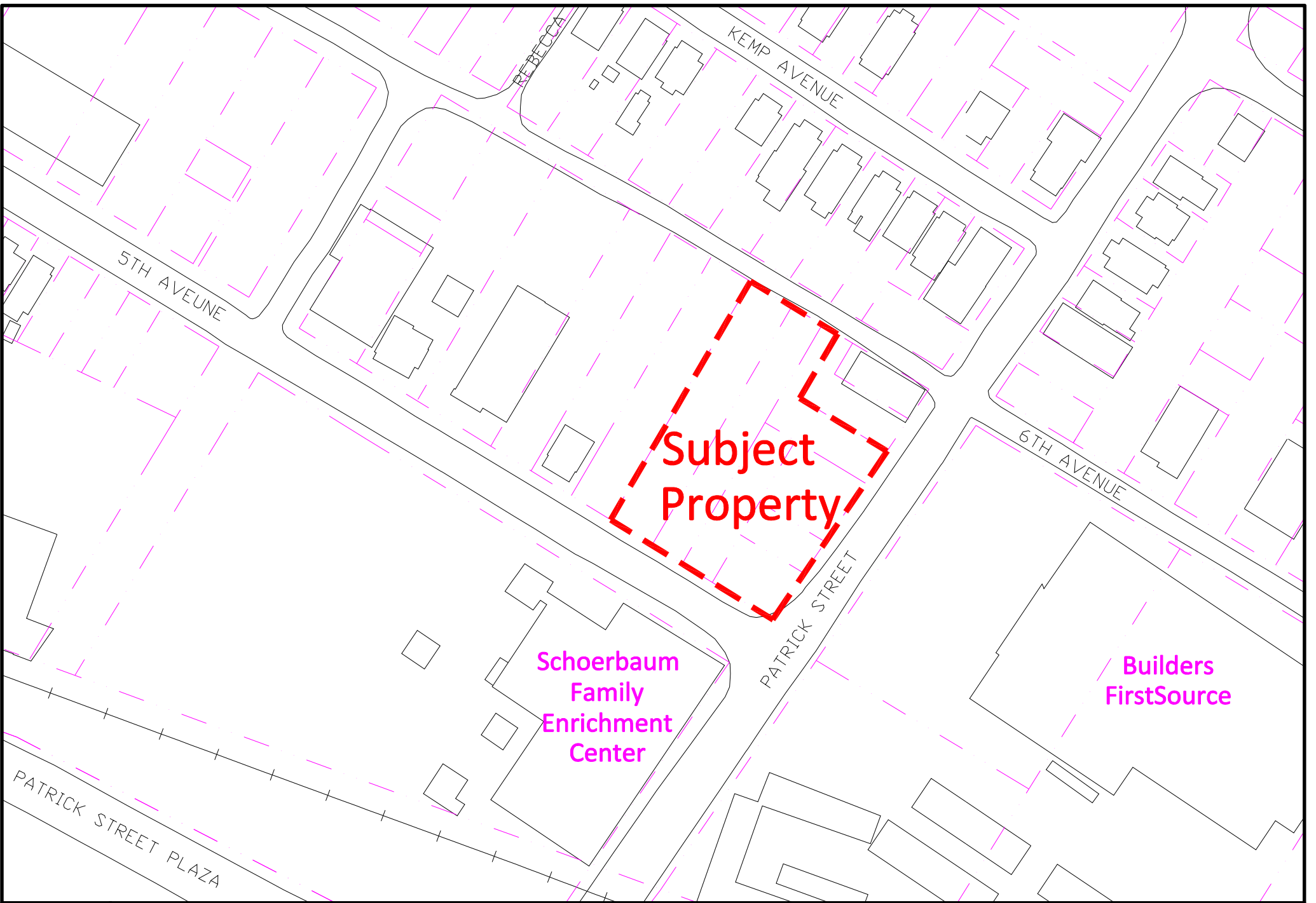
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:

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-4 district to a C-10 district the whole of the following described lot or parcel of land:

Parcels Nos. 208 and 209 as shown upon West Charleston Tax Map No. 10.
Subject Parcels commonly known as 1704 and 1706 5th Avenue, Charleston,
West Virginia. Said tax map is of record in the Planning Office.

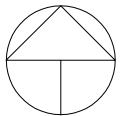
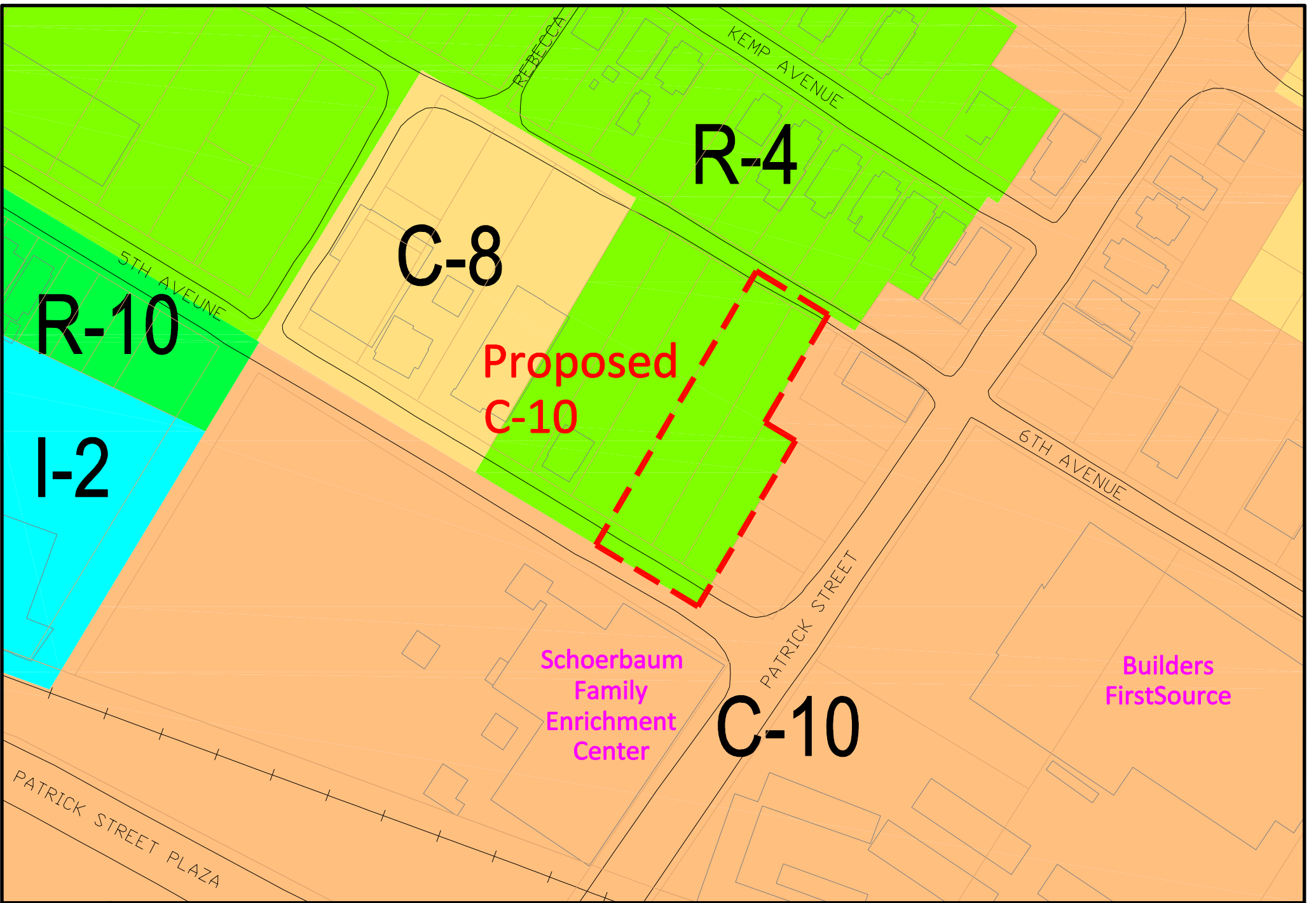
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

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



501 PATRICK STREET

**STAFF
EXHIBIT**



REZONING FROM R-4 TO C-10

STAFF
EXHIBIT



BASE FLOOD ELEV. = 593.2

1:1 SLOPE, FILL REINFORCED WITH GEOGRID PER MANUFACTURER AND GEOTECHNICAL RECOMMENDATIONS

FINISHED GR 593.5
FILL 4,250 CY

0.762 ACRES
501 PATRICK STREET
C WEST PROPERTIES LLC
DB 3044 P 481

AREA=25,208 SF

AREA TO BE LOCATED IN
ZONE X SHADED

POINT OF
BEGINNING

5TH AVEUNE

BM TOP OF 3/4" PIPE
ELEV. = 595.79

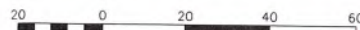
PROPOSED BUILDING

PATRICK STREET

L=30.25, R=82.10
CH=S59° 35' 30"W CL=30.08

References:

- Map of West Charleston owned by the West Charleston Company dated July 1894 by Venable & Vance, C.E. and of record in Map Book 1 of Page 3.
- Map showing parts of Lots 5, 6 & 7, Block 37, West Charleston, in the City of Charleston, Kanawha County, West Virginia, Surveyed for Mitch Rashid dated December 4, 2021 by William R. Gunnoe, P.S. No. 801.



Scale 1" = 20'

LEGEND

	LIGHT POLE
	MANHOLE
	GAS VALVE
	WATER VALVE
	WATER METER
	UTILITY POLE
	INLET
	LOW-MEDIUM PRESSURE
	TERRA COTTA PIPE
	CAST IRON PIPE
	BARE STEEL PIPE
	REINFORCED CONCRETE PIPE
	CORRUGATED METAL PIPE
	STORM SEWER
	ELECTRIC LINE
	UNDER GROUND ELECTRIC LINE
	ELECTRIC-TELEPHONE-CABLE TV LINES
	TELEPHONE LINE
	GAS LINE
	SANITARY SEWER
	WATER LINE
	CHAIN-LINK FENCE
	WOOD-PLASTIC FENCE
	GRASS
	ASPHALT PAVEMENT
	CONCRETE PAVEMENT

Surveyor Certification

This is to certify that this map or plat and the work on which it is based was conducted by me or under my direct supervision and is a true and accurate representation of that work.



4/12/2022

FLOOD INFORMATION

By topographic survey, the property is located in Zone X Shaded and Zone AE. This determination was based on the Flood Insurance Rate Map 54039C0406E effective date February 6, 2008.

Elevations shown are based on NAVD 88 Orthometric Height taken from NGS Monument HX2021 located at the Florida St. underpass.

King Engineering
& Land Surveying Co.
1992 Parkwood Road, Charleston, WV 25314
Telephone: 304-344-8839
Web: Kingengineering.net

PROJECT: C WEST PROPERTIES LLC
PART OF LOT NOS. 5, 6 AND 7 OF BLOCK 37
WEST CHARLESTON
CITY OF CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA

SCALE:
1 IN. = 20 FT.

DATE:
APRIL 12, 2022

REVISION	DESCRIPTION

TITLE:
GRADING
PLAN

DRAWING:
C-1

LEGAL ADVERTISEMENT
Municipal Planning Commission

City of Charleston, WV

Date: June 16, 2022

Insert the following legal notice containing all the wording below the heavy ruled line in the July 21st, 2022 edition of the Gazette-Mail.

Issue a certificate within five (5) days of said notice to the Administrative Assistant of the Planning Department, 915 Quarrier Street, Suite 1, Charleston, WV 25301, setting forth a true and accurate copy of said notice and the exact date on which it was published.

NOTICE OF PUBLIC HEARING

The Municipal Planning Commission of the City of Charleston, West Virginia, will hold a public hearing at 3:00 p.m., Wednesday, August 3rd, 2022, on the following:

Rezoning: Bill No. 7963 - 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 R-4 district to a C-10 district, that certain lot or parcels of land located at 1704, 1706, and 1708 5th Avenue in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

The files are available for your inspection online at <https://charlestonwv.civicclerk.com/>. If you have any questions or concerns, email chad.webb@cityofcharleston.org or call (304) 348-8105.



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

Members Present

Aric Margolis, Chair
Mary Beth Hoover
Terry Pickett
Quintie Smith
Adam Krason
JoEllen Zachs (via phone)
Alice Hypes
Shannon Ferrari
Shawn Taylor
Justin Marlow
Lisa Fischer-Casto
J.D. Stricklen, Kanawha County Representative

Members Absent

Margo Teeter
Cory Stout
Terri Allen, Mayor's Designee
Deanna McKinney

Staff Present

Dan Vriendt
Chad Webb

1. Call to Order – Aric Margolis

2. Unfinished Business

3. New Business

Text Amendment: Bill No. 7962 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding two conditional use districts for “Personal Service Establishment”, a notation of a supplemental regulation to the entry “Dwelling Accessory” in the Land Use Table of Section 3-050, and a notation of Supplemental Regulation 31 pertaining to the entry “Livestock or Poultry, Keeping of (Non-Commercial)” in the Land Use Table of Section 3-050.

Chad Webb presented the following standard of review, 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.

HISTORY:

Before you today are three minor text amendments to provide clarification on several issues:

1. The issue of keeping hens in residential districts within the city – Adding additional language to prevent a conflict between Supp. Regulation 51 (f) and Supp. Regulation 31 on the other. The former does not include a reference to the latter being a permitted use by right in all residential districts.
2. Correcting an error that omitted conditional uses for “Personal Services Establishment” in R-10 and R-O districts.
3. Correcting an error that omitted a reference to the related Supp. Regulation 54 for the land use category “Dwelling, Accessory”

ANALYSIS:

As to the first issue, Supp. Regulation 31 relates to a conditional use of the R-2, R-4, and R-6 districts while Supp. Regulation 51 relates to a permitted use of those same districts that grants the owner of that property a right to use that land as described for perpetuity. Therefore, Supp. Regulation 51 would seem to create an exception that should be noted in Supp. Regulation 31 allowing for the six hens or less permitted.

As to the second and third items, they are just clerical revisions of the land use table and require no new policy be enacted.

RECOMMENDATION AND FINDINGS:

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

1. The right granted in Supp. Regulation 51 should be preserved and the proposed clarifying addition to Supp. Regulation 31 does this while informing the reader that there is no conflict between the two regs.
2. Items 2 and 3 should be approved as they are mere clerical corrections.

Motion and Vote: On the motion of Adam Krason, seconded by Lisa Fischer-Casto, the Commission voted unanimously 11-0 to approve Text Amendment to Bill No. 7962.

Development of Significant Impact: Considering an application from Marriott for a DSI at Northgate Hotel Circle.

Chad Webb presented the following standard of review, staff analysis and recommendations to the Commission:

LOCATION: The parcel in the Northgate Development that is surrounded by Hotel Circle, Kenton Street, and the Sonesta ES Suites of Charleston.

ZONING: C-10 – General Commercial District

APPLICABLE CODE: City of Charleston Zoning Ordinance, Effective January 1, 2006, as amended.

DEVELOPMENT OF SIGNIFICANT IMPACT AND MAJOR DEVELOPMENT OF SIGNIFICANT IMPACT.

Any proposed development whose characteristics warrant a more in-depth review by the Planning Commission in order to mitigate the negative impact these characteristics may have on surrounding land uses in particular and on the surrounding neighborhood in general. Such projects could include, among other things, regional shopping centers, airports and large-scale residential developments. Any proposed residential or non-residential development which meets or exceeds any of the following criteria shall be determined to be a Development of Significant Impact and will require a complete development plan to be submitted and reviewed by planning staff and the Planning Commission:

Land Use Category	D.S.I	Major D.S.I
Hotel	40,000 square feet of gross floor area	100,000 or more square feet of gross floor area

HISTORY: Developing a 4-story Hotel with 127 Guest Rooms and 134 Parking Places. Site is being developed in the Hotel Circle area of the Northgate Business Park.

SITE PLAN SUMMARY:

The property is zoned C-10 – General Commercial District. The proposal will construct a new structure on the lot directly west of the former Residence Inn (now Sonesta ES) hotel.

The responsibility of the Municipal Planning Commission is to consider the impact of the proposed project and review the site plan to determine that the plan meet the requirements of the Zoning Ordinance and are in general compliance with the Comprehensive Plan. If the commission is satisfied that the applicant has satisfied the requirements of the Zoning Ordinance relating to DSI projects and that the project complies with the Comprehensive Plan the application should be approved. Action is final at MPC.

DEPARTMENTAL REVIEWS:

City Engineer: Approved
Traffic Engineer: Pending
Sanitary Board: Pending
Fire Department: Pending

RECOMMENDATION AND FINDINGS:

Staff recommends approval for the following reasons:

1. The Plan is in compliance with provisions of the Zoning Ordinance.
2. City infrastructure is projected to be able to support the development, pending approval.
3. The project is in compliance with the Comprehensive Plan of the City.

Motion and Vote: On the motion of Adam Krason, seconded by Quintie Smith, the Commission voted unanimously 11-0 to approve the DSI.

4. Approval of Minutes of the April 6, 2022, MPC meeting

Motion and Vote: On the motion of Adam Krason, seconded Quintie Smith, the Commission unanimously approved the minutes of the April 6, 2022 meeting.

5. Announcements

There was discussion concerning 280 Oakwood Road. Dan mentioned that the individual involved is in the process of filing for a rezoning to R-O. It should come before the Commission at the next meeting.

6. Adjournment