



Planning, Streets and Traffic Committee

Monday, September 26, 2022, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

AGENDA

1. Call to Order

2. Unfinished Business

3. New Business

Bill No. 7963, Committee Substitute - 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, portions of Lots 5 and 6 of Block 37 located at 501 Patrick Street in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

Bill No. 7969 - 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 R-O district, that certain lot or parcel of land located at 280 Oakwood Road in the City of Charleston, Kanawha County, State of West Virginia, owned by Will Robinson and Benjamin Embrey.

Bill No. 7970 - A Bill to establish a handicapped parking zone on Northerly side of Central Avenue from a point 110 feet west of Elm Street to a point 132 feet west of Elm Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Bill No. 7972 - A Bill to establish a no parking zone on the north side of Ravinia Road located from a point 50 feet west of Zel Road to a point 120 feet west of Zel Road along an area where a guard rail currently is in place and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

4. Discussion

Digital Signs

Adding a loading zone in the 700 Block of Quarrier Street

5. Approval of the Minutes of the August 22, 2022, meeting

6. Adjournment

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.

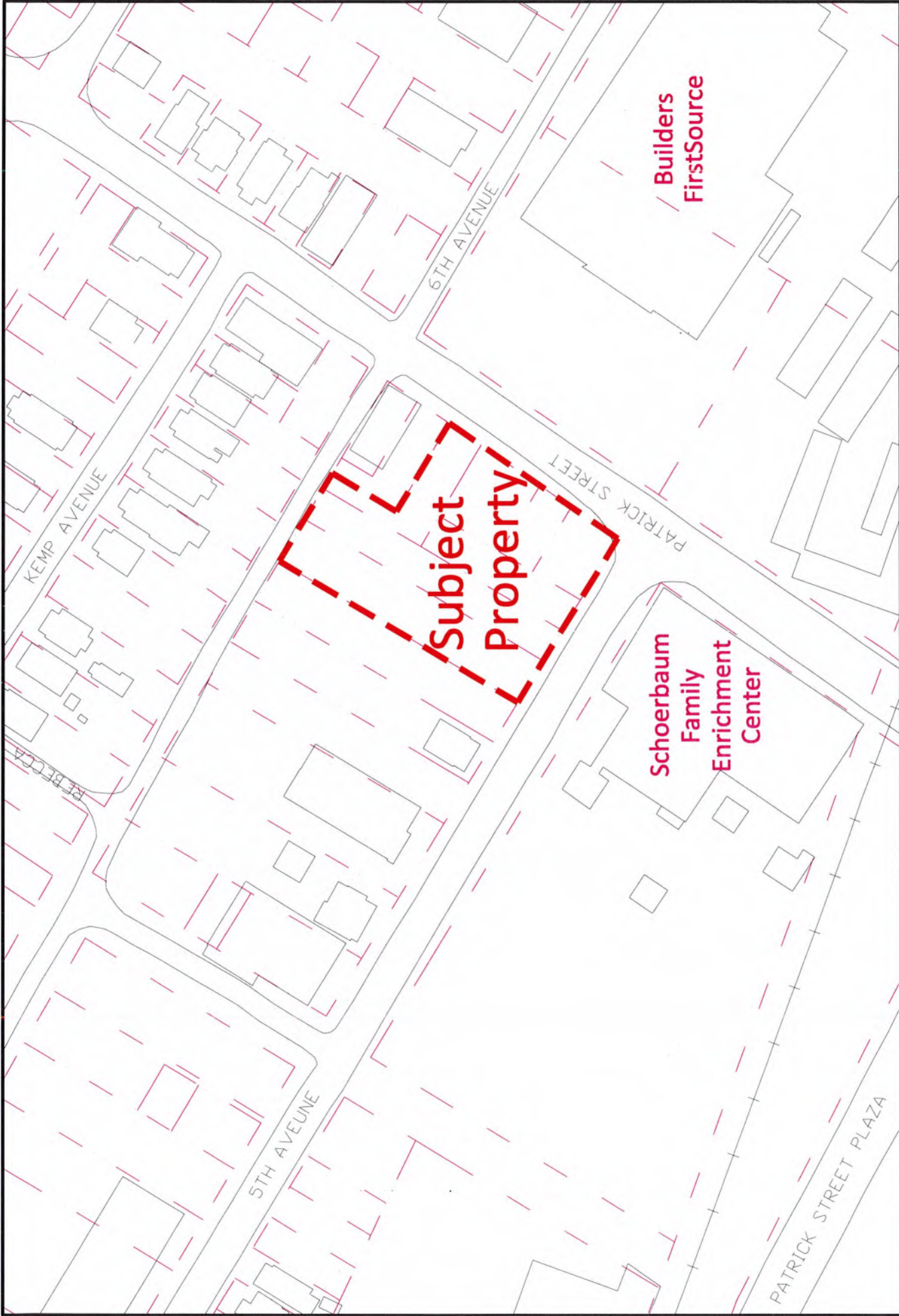
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

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 All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.



REZONING FROM R-4 TO C-10

STAFF
EXHIBIT



501 PATRICK STREET

STAFF
EXHIBIT



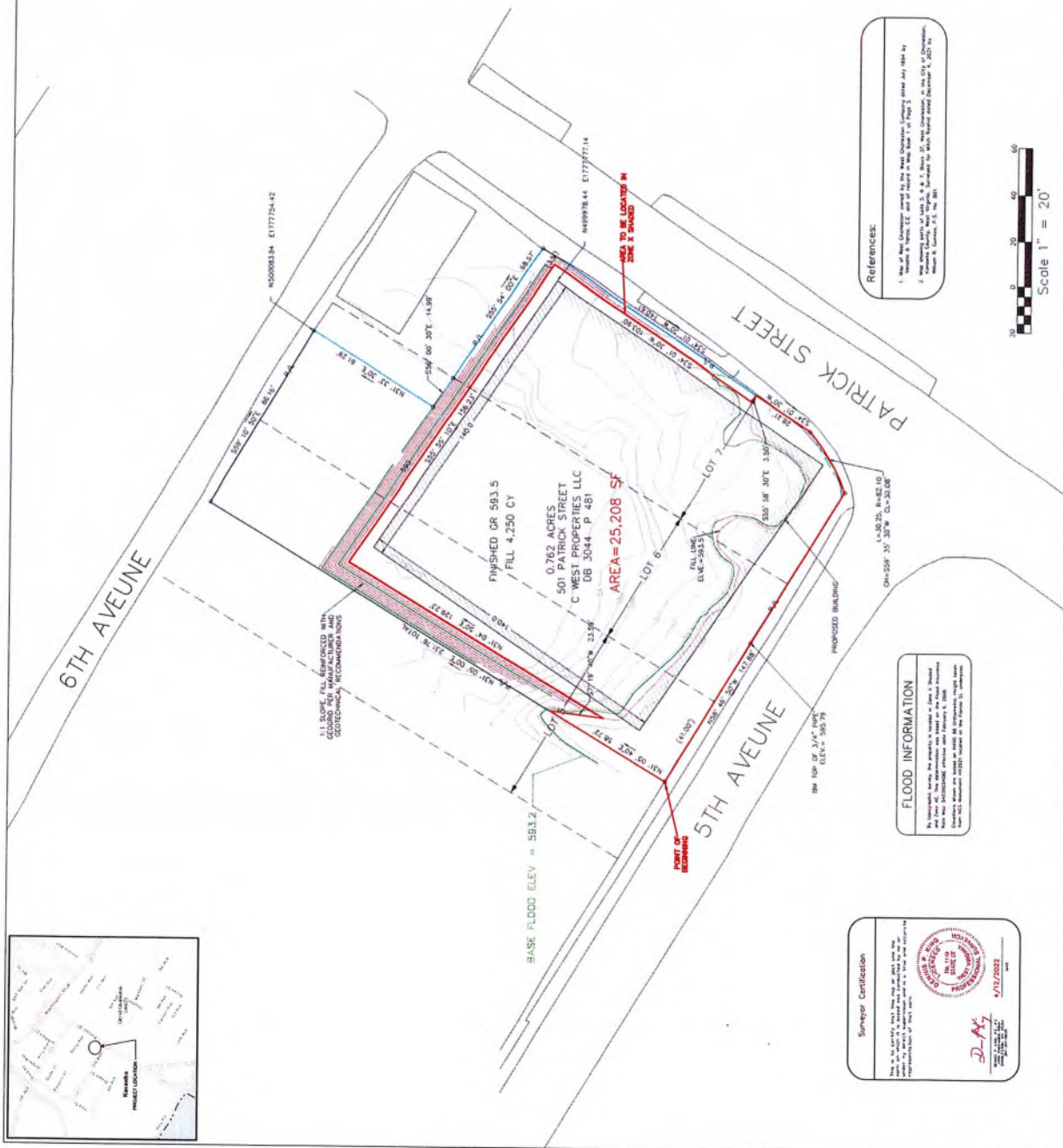
King Engineering
of Land Surveying Co.
 1992 Parkwood Road, Chawleson, NY 25314
 Telephone: 304-344-8839
 Web: kingengineering.net

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

[illegible]

GRADING
PLAN

RAWING: C-1



Municipal Planning Commission

Checklist for Application for Rezoning

MPC Hearing Date: 9/7/2022

Bill #: 7969

Applicant Information	Property Information
Name: Will Robinson	Address: 280 Oakwood Road (25314)
Address: 4 Jamestown Road, Charleston WV 25314	Tax Map and Parcel: Map: 20, Parcel: 1
Phone: 304-444-6922	Zoning District: 09
Agents Name, Address, Phone (If other than Applicant): None	Property Owner and Mailing Address: (if other than applicant) CWB Oakwood Development, LLC 4 Jamestown Road Charleston, WV 25314

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a narrative justification to rezone including the information outlined below; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) a map of the area proposed for rezoning, drawn to scale; 4) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

JUSTIFICATION

The following shall be included in a written justification for the request for rezoning:

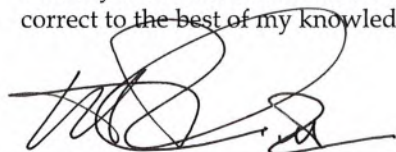
- ☒ Statement of petitioner's identity as contract purchaser, agent or owner.
- ☒ Property Address including Kanawha County Tax map and Parcel No.
- ☒ Description of the use for which a rezoning is being requested and specific district being requested (eg. R-6 Medium Density Residential District or C-10 General Commercial District).
- ☒ Statement of compliance with the City's Comprehensive and Neighborhood Plans, OR justification for variance from the City's Comprehensive and Neighborhood Plans.
- ☒ Statement that a map of the subject property that is attached.

BILL

A Bill must be submitted along with the above justification.

- ☒ Name of sponsoring member of City Council
- ☒ Formatting exactly as shown on the attached sample bill. Use Arial 12 pt type and line numbering. The Planning Department will acquire a bill number.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.



Signature

8/15/22
Date

To: Charleston Municipal Planning Commission

From: Will Robinson

Date: August 15, 2022

Subject: Petition for Re-zoning

Section I

1. Petitioners' identity – Will Robinson (owner) & Benjamin Embrey (owner)
2. Property address – 280 Oakwood Road, District: 09, Tax map: 20, Parcel: 1

Section II

Petitioners, Will Robinson and Benjamin Embrey, are residents of Charleston, WV and have purchased three land parcels, (09-20-1, 09-10-60, and 09-10-62) that comprise the acreage located at 280 Oakwood Road, Charleston, WV 25314. The acreage at 280 Oakwood Road has approximate frontage on Corridor G of 450 feet and approximate frontage on Oakwood Road of 400 feet. Prior to Robinson and Embrey purchasing the acreage at 280 Oakwood Road, the home was abandoned for at least five years, and the home is in a state of non-repair. Furthermore, the surrounding landscape has been an eyesore to the Charleston community as the acreage has not been maintained for many years.

The subject of this application is for **parcel 09-20-1 only** herein referred to as "*the property*", and a map of the subject property is attached. The property sits on the corner of Oakwood Road and Corridor G. Given the topography of the acreage and presence of Oakwood Road, the property is isolated from all residential dwellings. Furthermore, there are "buffer" land parcels (09-10-60 and 09-10-62) that would further isolate the subject property of this petition.

Petitioners request the zoning be modified slightly to R-0 (Residential Office District), thus remaining in a residential category. Petitioner desire to use said property for a small pediatric medical office (2 FTE medical providers: 1 doctor, 1 nurse practitioner). Petitioners would raze the current vacant home, raze all remaining structures, which are vacant, and build a new pediatric medical office to serve the Charleston community and surrounding area. Petitioners will utilize local construction resources and a local lending institution (based in WV) to assist in the re-development of the property.

As previously mentioned, the current location of the property is not located within a neighborhood as it is isolated facing Corridor G and Oakwood Road. Petitioners also recognize the following medical practices or veterinary offices that are within a few hundred feet to two miles of the property (i.e., close proximity):

- | | | |
|-----------------------------|----------------------------------|------------------------------|
| 1. South Hills Chiropractic | 2. FSPT | 3. South Hills Family Dental |
| 4. Rhodes Dentistry | 5. Holmes Orthodontics | 6. Oakwood Family Dental |
| 7. Valley Health | 8. Weaver and Sokolosky | 9. Nagy & Majestro |
| 10. Animal Care Associates | 11. Professional Therapy Service | 12. Dr. Christina Arco |

The petitioners also recognize the following non-residential dwellings that are within two miles of the property (i.e., close proximity) while travelling east on Oakwood Road:

- | | | |
|-------------------------------|--------------------------------|----------------------------|
| 1. Colonial Exxon | 2. Folded Leaf | 3. Bridge Road Market |
| 4. Polished | 5. 1010 Bridge | 6. Husson's Pizza |
| 7. Café Romeo | 8. Lola's | 9. CVS |
| 10. Oh La Lucy | 11. City National Bank | 12. Goldman & Associates |
| 13. Yarids | 14. Body Therapy Associates | 15. Wheelhouse |
| 16. Gardners Drycleaners | 17. South Hills Pilates | 18. South Hills Gymnastics |
| 19. Elizabeth Memorial Church | 20. St. Matthews Church | 21. Sarah's Bakery |
| 22. Geraniums | 23. Eggplant | 24. Bridge Road Bistro |
| 25. Zenergy | 26. Caldwell Insurance | 27. Tea Spoons |
| 28. Young Floral | 29. Petite Jewelry | 30. A Suite Life |
| 31. Peter Pan Cleaners | 32. Terrell Ellis & Associates | 33. Charleston Tennis Club |

Directly across the property, the following commercial properties are located in/around/near residential zoned properties: Kroger fuel station, One Stop fuel station, Dunkin Donuts (under construction), storage units (under construction), Oakwood Centre.

The presence of medical offices, restaurants, personal services, among others, provide for vibrant and sustained residential communities given the proximity of businesses and services that complement one's lifestyle and access to medical care.

Petitioners note the following research supporting said zoning change:

- "Healthcare real estate continues to move closer to where patients live, work and play."
(Source: Real Assets Advisor)
- "People want that 15-minute lifestyle if they can get it. They want walkable, amenitized, real places that allow them to live fuller lives without having to get into a car and transition from one segment of their life to another."
(Source: PWC Emerging Trends in Real Estate 2022)
- "The *neighborhood approach* involves a re-examination of our suburban communities to reposition them for transformation before the opportunity for change passes them over, or worse, creates blight that will later need to be addressed at a much higher cost."
- "Bad schools, closed shopping centers, **non-availability of medical facilities** and poor road work all contribute to the devaluation of your home." (Source: Clever)

The petitioners engaged an independent and objective transportation engineering firm, Carpenter Marty, to conduct a traffic impact study. In summary, the engineers note the following:

- **Site traffic has a negligible impact on the US-119 & Oakwood Road intersection.**
- **There are no improvements recommended for this development.**
- **The site access shown in the site plan is recommended.** The proposed site access provides approximately 200 feet of visibility in each direction (toward US-119 and Oakwood Road).
- **The driveway entrance/exit aligns with the requirements of the WVDOH.**

Section III

As noted within the City's zoning ordinance, the purpose of the R-O Residential-Office District is to:

- A. **Establish areas of high-density residential development combined with compatible office uses, and**
- B. **Provide opportunities for non-retail commercial offices in areas that are in transition from stable residential neighborhoods to more intensive commercial districts, and**
- C. Preserve and reuse the existing stock of older, large residential structures, many of which exemplify periods of early development of Charleston, and
- D. **Locate certain office uses in areas served by arterial and collector streets to minimize the impact of traffic on residential areas, and**
- E. **Regulate new construction in this area which is in scale with the surrounding environment.**

Petitioner believes said re-zoning request complies with four of the five designated purposes as described in the City's zoning ordinance.

The requested zoning modification is consistent with the City's *Neighborhood Plan for South Hills and Corridor G*, and in particular, "focus on redevelopment of older sections that need to be redeveloped to attract quality retailers (businesses)" and "continue to strengthen business node..." as noted therein.

Charleston, WV Pediatric Medical Office Traffic Impact Study

August 9, 2022



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I. Purpose of Report & Study Objectives

The purpose of this traffic analysis and report is to document the potential traffic impacts of a proposed pediatric medical office in Charleston, WV. This traffic impact study (TIS) is being submitted to the City of Charleston as part of the zoning evaluation process.

II. Proposed Development

A. Off-Site Developments

The study area includes the proposed site access point and the intersection of US-119 (Corridor G) and Oakwood Road. The surrounding area mostly includes gas stations, other small stores, single and multi-family residences, and four schools to the south.

B. On-Site Development

Location

The site is located to the south of the intersection of US-119 and Oakwood Road. **Figure 1** shows the location of the proposed site in Charleston, West Virginia and **Figure 2** shows the study area.

Figure 1 – Location in Charleston, WV

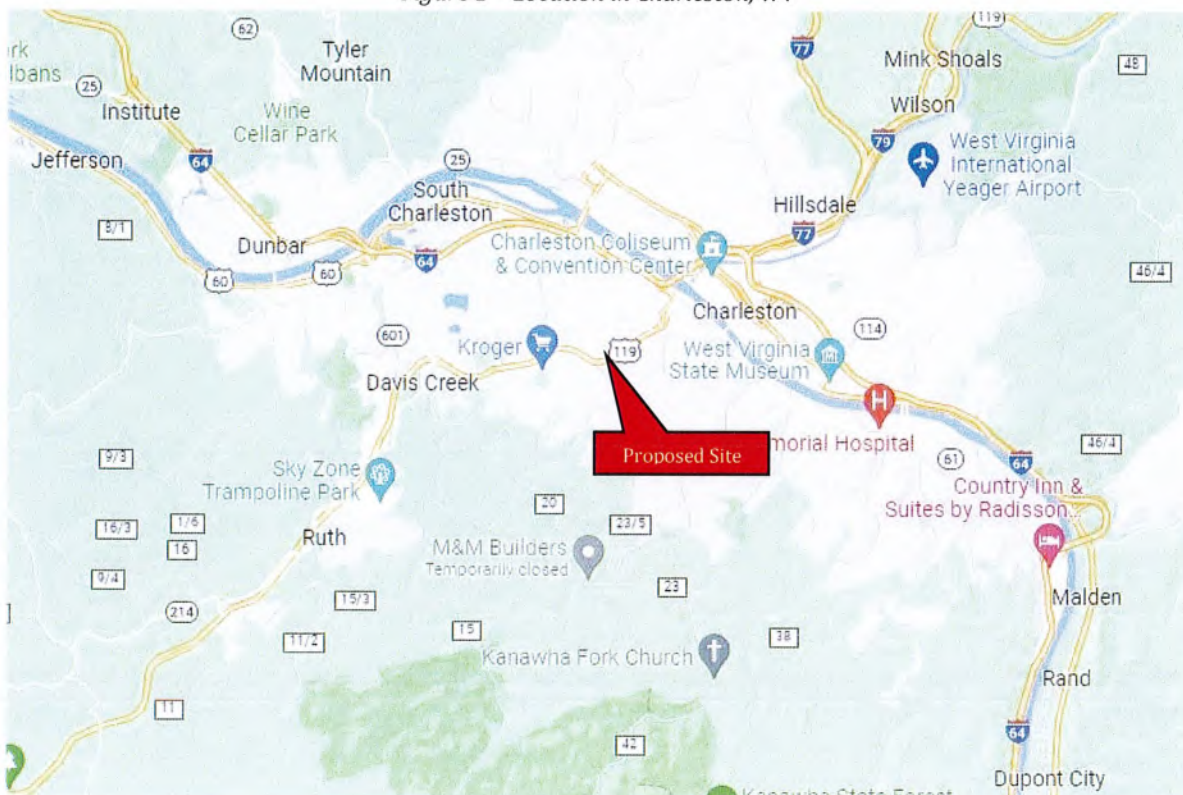


Figure 2 – Location of the Proposed Development (Yellow), Site Drive, and Study Intersections



Land Use & Intensity

The site is currently developed as an unoccupied single-family residence. The development is proposed to include a 4,000 SF medical office building with 31 parking spaces. The development is proposed to have one, full access point along Oakwood Road. The draft site plan is provided in **Appendix A**.

III. Area Conditions

A. Area of Influence

The study intersections for the proposed development are listed below. Numbers correspond to **Figure 2**.

1. US-119 & Oakwood Road
2. Oakwood Road & Site Access

B. Jurisdictions

The proposed site and all study intersections are under the jurisdiction of the City of Charleston.

C. Traffic Volumes & Conditions

Turning movement counts were collected at the intersection of US-119 & Oakwood Road for the entire day on July 21, 2022 by Carpenter Marty Transportation. The raw count data is provided in **Appendix B**.

IV. Projected Traffic

A. Background Traffic

For analysis, the Opening Year of the development is 2024 and the Design, or Horizon Year, is 2044.

The 2022 count data was collected when schools were out of session. Thus, adjustment factors were determined to apply to the data to represent volumes when school would be in session. The West Virginia GeoCounts system was utilized to find data for the study area. A seasonal/daily factor of 0.865 was found to represent the day of data collection for both US-119 and Oakwood Road, which were classified as F5 Urban Other. This value resulted in a proposed adjustment factor of 1.16. The adjustment factor was applied to the count data to produce adjusted count data.

In order to project the count data to the Opening and Horizon Years, information from the WVDOH Oakwood I/S Improvement plans was utilized. The plans provided 2020 and 2040 traffic volumes, which were used to calculate a linear annual growth rate of 1.25%. This growth rate was then applied to the adjusted count data to develop Background, or No Build, traffic for the Opening and Horizon Years. The adjustment factors and growth rate calculations can be seen in **Appendix B**.

B. Site Traffic

Trip Generation

Trips for the proposed site were generated using standard Institute of Transportation Engineers (ITE) practices and the *Trip Generation Manual*, 11th edition and data provided by the developer. Land Use Code (LUC) 720 – *Medical-Dental Office Building* was used to generate trips for the proposed development. **Table 1** shows the trips generated by the proposed development. The ITE trip generation outputs and information from the developer can be found in **Appendix C**.

Table 1 – Site Trip Generation Summary

Land Use	Size	AM Peak		PM Peak	
		Entry	Exit	Entry	Exit
720 – Medical-Dental Office Building – Stand Alone	4,000 SF	11	3	4	9

Site traffic was distributed to/from the site based on count data, building and access locations, knowledge of the surrounding area, and engineering judgement. Site traffic was added to the No Build traffic to produce Build traffic for the Opening and Horizon Years. The full volume calculations can be found in **Appendix D**.

V. Traffic Analysis

A. Turn Lane Warrant Analysis

A turn lane warrant analysis was conducted for the proposed site access. If a turn lane was warranted in any scenario, the length was calculated using methodologies per WVDOH standards and it was represented as such in the capacity analysis. Oakwood Road has a posted speed limit of 25 mph, so 30 mph was used as the design speed.

B. Capacity Analysis

Synchro version 11 was used to analyze capacity at the study intersections. A minimum Level-of-Service (LOS) of D for the overall intersections/approaches and LOS E for each individual movement during peak traffic hours was considered acceptable. If the intersections fell below these criteria, mitigation strategies were developed to bring each movement back to an acceptable LOS.

Existing signal timings were provided by WVDOH. Existing clearance intervals and cycle lengths were utilized in the analysis. Splits were optimized for the Opening Year No Build scenarios, and the same splits were utilized for all other scenarios. Existing signal timings are provided in **Appendix B**.

C. Queuing Analysis

The SimTraffic module of Synchro 11 software was used to evaluate queuing on the south leg of the US-119 & Oakwood Road intersection. Average and 95th percentile queues were evaluated. If queue lengths significantly extended beyond available storage space or past the proposed Site Access, mitigation strategies were developed.

D. Sight Distance

Sight distance exhibits were developed per WVDOH sight distance policies, which utilize the American Association of State Highway and Transportation Officials (AASHTO) recommendations. Google Earth elevation profile data was utilized for the vertical sight distance analysis. The exhibits were used to identify the minimum sight lines required for the Site Access. A design speed of 30 mph was utilized for Oakwood Road.

VI. Results

A. Turn Lane Warrant Analysis

Results of the turn lane warrant analysis show that no turn lanes are warranted at the Site Access. The full turn lane warrant analysis can be found in **Appendix E**.

B. Capacity Analysis

Results of the capacity analysis for the study intersections can be seen in **Table 2**. The full capacity analysis can be found in **Appendix F**.

Table 2 – Capacity Analysis Summary

Intersection	Approach/ Movement	Opening Year				Horizon Year			
		AM No Build	AM Build	PM No Build	PM Build	AM No Build	AM Build	PM No Build	PM Build
US-119 & Oakwood Road	NB	B/12.8	B/12.9	B/15.4	B/15.5	C/22.4	C/22.5	C/29.0	C/29.8
	SB	B/10.3	B/10.4	A/9.0	A/9.0	A/7.6	A/7.7	B/15.4	B/15.7
	EB	D/37.2	D/37.3	D/37.7	D/39.2	D/45.6	D/45.9	D/50.9	D/52.6
	WB	A/0.3	A/0.3	B/19.9	C/20.1	A/0.7	A/0.7	C/27.3	C/26.6
Oakwood Road & Site Access	EB		B/12.9		C/17.4		B/14.7		C/22.0
	NBL		A/7.7		A/0.0		A/7.8		A/0.0

As seen in **Table 2** above, all study intersections operate with acceptable LOS in all scenarios. The addition of site traffic has negligible impacts on the delays at the US-119 & Oakwood Road intersection. The full capacity analysis can be seen in **Appendix F**.

C. Queuing Analysis

Results of the queuing analysis for the south leg of US-119 & Oakwood Road can be seen in **Table 3**. The full queuing analysis can be found in **Appendix G**.

Table 3 – Queuing Analysis Summary (Average/95th Percentile)

Intersection	Approach	Available Storage	Opening Year		Horizon Year	
			AM Build	PM Build	AM Build	PM Build
US-119 & Oakwood Road	NB	215'	143'/ 241'	146'/ 232'	191'/ 282'	239'/316'

The proposed Site Access is shown to be approximately 215' from the US-119 intersection with Oakwood Road. With existing signal timings, it is estimated that 95th percentile queues from the US-119 & Oakwood Road intersection will block the proposed Site Access in all scenarios. However, 95th percentile queues are only expected to occur during a small part of the peak hours of the day, and do not reflect average conditions. Additionally, reviewing video footage of the northbound approach of the US-119 & Oakwood Road intersection shows that a maximum queue length of nine vehicles is typical for the peak hours. As this equates to a queue length of about 180', it is likely that the 95th percentile queue lengths generated by Synchro are conservative.

D. Sight Distance Exhibit

Horizontal and vertical sight distance exhibits were created for the Site Access intersection with Oakwood Road, considering two different site access locations. One analysis shows the sight distance if the Site Access remains where it is shown on the site plan. The other analysis shows a hypothetical location of the Site Access if it is moved as far south on Oakwood Road as possible, considering the results of the queuing analysis. Note, this hypothetical location assumes cross-access between the development site and the undeveloped parcel directly to the south.

Based on the sight distance exhibits, the Site Access is recommended to remain as shown in the site plan. In this location, no visual obstructions are apparent, however it is recommended that foliage within the sight triangles be trimmed and maintained. If the Site Access is moved further south, the existing curvature and topography of Oakwood Road may

cause sight obstructions for vehicles exiting the sight drive looking south. The sight distance exhibits can be seen in **Attachment H**.

VII. Recommendations and Conclusions

The results of the turn lane warrant analysis show that no turn lanes are warranted at the Site Access. Capacity analysis shows that no improvements are required for either study intersection. The addition of site traffic has negligible impacts on the delays at the US-119 & Oakwood Road intersection. Therefore, no improvements are recommended for this development.

The Site Access location shown in site plan is recommended, as it is expected to be the most optimal location available. The queuing analysis shows the northbound approach queue from the US-119 & Oakwood Road intersection may rarely block the Site Access. This is only expected to occur during the peak of the peak hours. For the majority of the business hours, the Site Access is expected to be unblocked. Furthermore, the sight distance analysis shows that moving the Site Access further south would cause sight distance issues. For these reasons, the Site Access location shown in site plan is recommended. It is also recommended that foliage within the sight triangles be trimmed and maintained.

Review of the WVDOT Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way shows that the site access shown on the site plan is permissible. Section 8.4.2, Item 2, states "where driveways are provided to vacant land, they shall be located to give the best advantage to the roadway alignment, profile, sight distance conditions, and other related factors." Based on the 25 MPH posted speed limit on Oakwood Road, the driveway spacing requirement is 105 feet. The proposed access on the site plan is approximately 150' from Sherwood Road to the north. No commercial access or public roadways are within 105' of the proposed access. Consolidation of future access points to the residual property are recommended as much as is feasible.

VIII. Appendices

Appendix A – Site Plan

Appendix B – Count Data, Growth Data, and Existing Signal Timings

Appendix C – Trip Generation

Appendix D – Volume Calculations

Appendix E – Turn Lane Warrant Analysis

Appendix F – Capacity Analysis

Appendix G – Queuing Analysis

Appendix H – Sight Distance Exhibits

Planning, Streets, and Traffic Committee
Staff Analysis
September 26, 2022

REQUEST:

Bill No. 7963, Committee Substitute - 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, portions of Lots 5 and 6 of Block 37 located at 501 Patrick Street in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to review the decision of the Planning Commission and to make a recommendation to City Council for final action. The Committee 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.

HISTORY:

The parcels in question are currently zoned R-4. Petitioner Rashid has combined these lots through subdivision with other adjacent lots directly on Patrick Street in order to create a commercially viable property. In its current form, the subdivided property is partially zoned R-4 and C-10.

ANALYSIS:

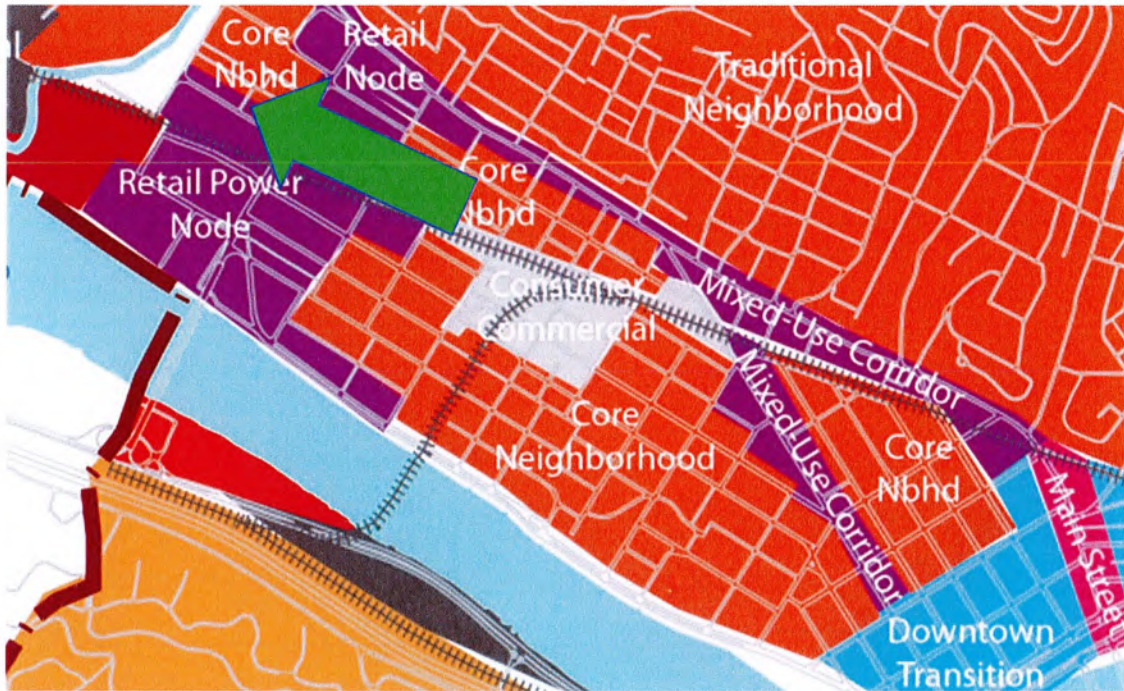
Existing Land Use and Zoning: The property is zoned R-4 Single Family Residential and C-10 General Commercial.

Surrounding Land Use and Zoning: The surrounding areas include vacant lots, single family residences, the Schoenbaum Family Enrichment Center, and a church. This area has a mixture of R-4 and C-10 zoning designations.

Current Zoning: The R-4 district allows for single residential and as a conditional use - bed and breakfasts, educational institutions, community centers, museums, nursing homes, and restricted accessory parking, among others.

Proposed Zoning: The C-10 designation would allow for a variety of commercial uses.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Core Neighborhood" and is bounded on three sides by "Retail Power Node". The rezoning would be a minor expansion of the retail power mode.



Imagine Charleston Comprehensive Plan: Future Land Use Map

Summary: This application to rezone the property is in pursuit of removing the conflict between R-4 and C-10 zoning. This is compliant with the comprehensive plan as it is a minor expansion of the retail power mode. The property is unlikely to be developed for single family residential.

The Municipal Planning Commission unanimously recommended approval of the bill.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map as it will be a minor expansion of the "Retail Power Node" designation; and
2. The property is unlikely to developed to for single family residential; and
3. The property is currently zoned R-4 and C-10, the rezoning will bring the property under one zoning designation which will make the property marketable for redevelopment.

Bill No. 7969

Introduced in Council

Passed by Council

September 6, 2022

Introduced By

Referred To:

Brady Campbell, Emmett Pepper,
Sam Minardi, Ben Adams
And Brent Burton

Municipal Planning Committee
Planning, Streets, and Traffic

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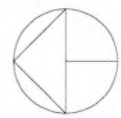
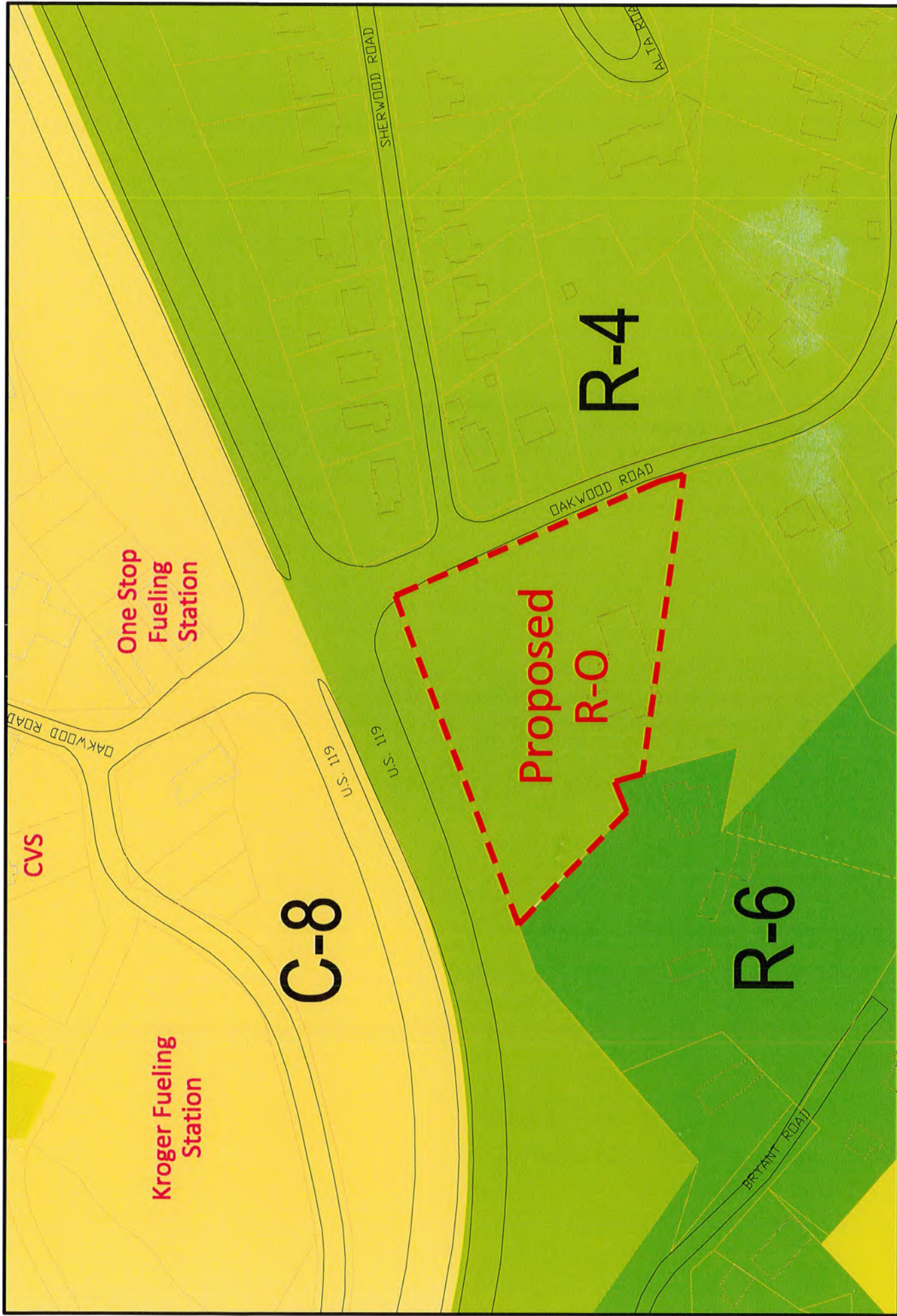
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8

9 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st
10 day of November, 2005, as amended, is hereby amended by rezoning from a R-4 district to a R-
11 O district the whole of the following described lot or parcel of land:
12

13 Parcel No. 1 as shown upon South Annex Tax Map No. 20. Subject Parcel
14 commonly known as 280 Oakwood Road, West Virginia. Said tax map is of record
15 in the Planning Office.
16

17 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby
18 amended in accordance with Article 29 of this ordinance.
19

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



REZONING FROM R-4 TO R-O

STAFF
EXHIBIT





aric margolis
ARCHITECTS
402 VIRGINIA ST. E.
SUITE 102
CHARLESTON, WV 25301
Phone: 304.343.9080

PROPOSED OFFICE BUILDING
280 OAKWOOD ROAD
WEST VIRGINIA
CHARLESTON, WV

DATE	DESCRIPTION
10/10/11	NO REVIEW
10/10/11	NO CONSTRUCTION
10/10/11	NO CONSTRUCTION
10/10/11	NO CONSTRUCTION
10/10/11	NO CONSTRUCTION
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10/10/11	NO CONSTRUCTION

SEAL
**PROGRESS
PRINT
NOT FOR
CONSTRUCTION**
9/14/22, 10:47 AM

SCALE
1" = 40'
0 20 40

IMPORTANT
DRAWINGS ARE REPRINTED
ON VARIOUS SCALES.
VERIFY ALL SCALES,
DIMENSIONS & CONDITIONS
BEFORE EXECUTING WORK
TITLE:

**PROPOSED
SITE
PLAN**

DRAWING
C1.1

Vriendt, Dan

From: Debora Mattingly <deboramattingly@yahoo.com>
Sent: Wednesday, August 31, 2022 9:06 AM
To: Vriendt, Dan
Subject: Bill#7969

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

To Whom It May Concern;

I am writing to express my opinion regarding rezoning 280 Oakwood Road /Bill # 7969.

I have been a resident of South Hills for 30 years and have lived on Sherwood Road for the past 5 years. My property looks onto the Oakwood Road property.

I object to rezoning of this property to anything commercial and feel strongly that it remains zoned for residential only. Preferably it will include some green space that can be utilized by the residents.

This area is already overloaded with traffic from the current residents and 3 schools . Anything commercial would compound the problem.

Thank you .

Debora Mattingly
898 Sherwood Road

Webb, Chad

From: Michael Foster <michaelfoster605@gmail.com>
Sent: Wednesday, September 7, 2022 10:30 AM
To: Webb, Chad
Subject: [Possible SPAM] Re: test e-mail

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org



Michael Foster <michaelfoster605@gmail.com>

Tue,
hou

to chad.webb



Dear Mr. Webb,

I am unable to attend the first vote with the municipal planning commission today at 3pm regarding the rezoning of the corner property on Oakwood Road and Corridor G.

As a 5 year resident and property owner of 252 Oakwood Rd. I vote no on the rezoning due to the increase in traffic along an already congested and overloaded Corridor G. The only entrance and exit I foresee would be along Corridor G, and school traffic already backs up cars for drop off and pickup in the morning and afternoon all the way to my house. I cannot see how adding to that lineup helps alleviate that congestion.

I don't think that parcel should be divided up and rezoned. A single family home would only add incrementally to the traffic flow. Parceling that sizeable property into a doctor's office and/or a duplex would add to an existing traffic problem. I think it should remain residential. Thank you for considering my opinion.

regards,

Michael Foster
252 Oakwood Rd.
Charleston, WV 25314

Tel: 304-382-3680

On Wed, Sep 7, 2022 at 10:23 AM Webb, Chad <Chad.Webb@cityofcharleston.org> wrote:

Hey Mike,

Let me know if this came through.



Chad Webb

Planner

Subdivision Coordinator

City Service Center

915 Quarrier Street, Suite 1

Charleston, WV 25301

304.348.8105 x366

Webb, Chad

From: Pat Parsons <pat@asphaltwv.com>
Sent: Wednesday, September 7, 2022 12:40 PM
To: Webb, Chad
Cc: Butterworth, John; Mayors Office; Vriendt, Dan
Subject: Bill No. 7969 280 Oakwood Road

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Dear Mr. Webb.

I appreciate the opportunity to express my strong opposition to the request for a zoning variance for the residential property located at 280 Oakwood Road. The concerns I have now are consistent with those I held in April of last year with a proposed variance under Bill No. 7898. I have copied my comments on that proposal below.

Ingress and egress to this property are simply too close to the intersection of Route 119/Corridor G and Oakwood Road to support any commercial or office development. Traffic and safety issues would be significantly compounded by any use of the property for other than residential.

All the property on the eastern side of this intersection and adjoining 280 Oakwood is Residential and should remain that way to not further erode the neighborhood and quality of life in the area.

I take exception to the Petitioner's statement that this property is not located in a neighborhood. I also do not find the medical facilities they list to be within a few hundred feet of the project. I have lived on Sherwood Road and watched the development of the Corridor and development on the western side of the interchange. I have worked in the construction industry my entire career and I support responsible development. This proposal, however, I find not to be in the best interest of the neighborhood, safety, traffic congestion or economic development.

Thank you for your time and consideration of my comments.

Pat Parsons

ADDITIONAL COMMENTS FROM APRIL 2021 PROPOSED ZONING VARIANCE FOR 280 OAKWOOD:

Sent: Wednesday, April 07, 2021 1:35 PM
To: Vriendt, Dan <dan.vriendt@cityofcharleston.org>
Cc: Butterworth, John <John.Butterworth@cityofcharleston.org>; Mayors Office <mayorsoffice@cityofcharleston.org>
Subject: Rezoning Bill No. 7898 280 Oakwood Road

Dear Mr. Vriendt.

I appreciate the opportunity to voice my concerns, and opposition, to the proposed rezoning of 280 Oakwood Road to a C-8 District.

I have a long history with living and owning property at the corner of Oakwood Road and Route 119/Corridor G. Thirty nine years ago I moved into 895 Sherwood Road (second house from corner of Oakwood/119),

resided there for 15 years and still own the property. I have also owned other houses at that corner and on Sherwood Road.

I mention those facts so you might appreciate my understanding and concern for the traffic, safety and economic impacts associated with the prospect of introducing a commercial development into this interchange and residential neighborhood.

Everyone is aware of the high volume of traffic passing thru this interchange and on Oakwood Road and the number of accidents. The new R-Cut Project on Route 119 is referenced in the supporting documents. This new interchange concept should help move traffic more quickly and safely thru the intersection of Oakwood and 119. It will NOT, however, reduce the number of vehicles travelling on Oakwood Road! A commercial development with ingress and egress located so closely to the intersection and on an already over-capacity two lane road in a residential community is a recipe for problems. The WVDOT is reducing cross traffic at the interchange to improve safety and yet this proposed development would create cross traffic and safety problems within site of the new interchange. It's not easy now to turn left or right out of Sherwood onto Oakwood Road.....its hard to imagine the challenge of doing the same out of the proposed commercial development with much higher traffic counts.

The property at 280 Oakwood Road is a wonderful piece of property that I hope to see improved with a better plan.

Thank you.

Pat Parsons
Mobile 304.549.1166
pat@asphaltwv.com

Planning, Streets, and Traffic Committee
Staff Analysis
September 26, 2022

REQUEST:

Bill No. 7969 - 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 R-O district, that certain lot or parcel of land located at 280 Oakwood Road in the City of Charleston, Kanawha County, State of West Virginia, owned by Will Robinson and Benjamin Embrey.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to review the decision of the Planning Commission and to make a recommendation to City Council for final action. The Committee 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.

HISTORY:

The lot in question is currently zoned R-4. Petitioner Robinson has purchased this lot and conducted extensive tree clearing efforts. Numerous attempts have been undertaken to redevelop this lot and have run into numerous concerns chiefly focused on how redevelopment would contribute to an increase traffic and further congest an already heavily congested series of intersections. In anticipation of this, the petitioner has provided a traffic study that they have commissioned to ascertain the proposed development's impact on traffic in the area.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-4 Single Family Residential District and was a single-family home.

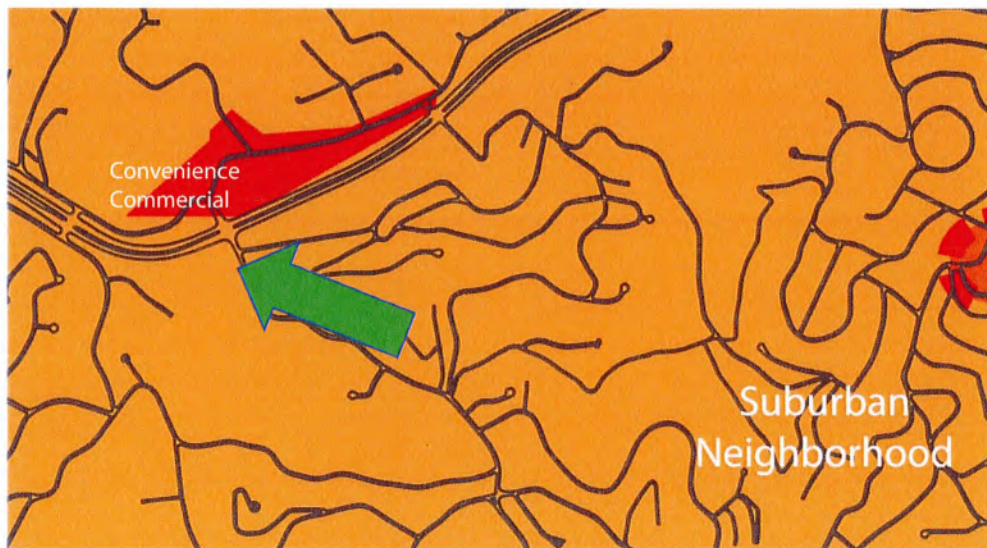
Surrounding Land Use and Zoning: On the southern side of US-119, the lot is surrounded by other lots zoned as a R-4 district. On the northern side of US-119, there is a large collection of C-8 Village Commercial District zoned properties.

Current Zoning: The R-4 district allows, almost exclusively, for the development and protection of single-family home neighborhoods. This includes a focus on the neighborhood's "desirable character," walkability to other adjacent uses, and preventing deterioration from change or intrusion.

Proposed Zoning: The R-O district would allow for multiple kinds of higher density residential development and non-retail commercial offices, as a form of transition area between "stable residential neighborhoods to more intensive commercial districts," while also preserving and utilizing "the existing stock of older, large residential structures, many of which exemplify periods of early development of

Charleston.” This district would open a wide variety of potential future utilizations for the lot including the petitioner’s proposed non-residential structure. However, in comparison to previous petitions to rezone this property, it is asking for the minimum of allowable commercial development moving forward – especially as it relates to retail, drive thru establishments, and other major sources of increased auto traffic.

Compliance with the Comprehensive Plan: The comprehensive plan’s future land use map designates the property as being well within a “Suburban Neighborhood” designated area - which is defined as an area predominantly meant for new single-family home development outside the city’s historic core while utilizing subdivisions and curvilinear streets to delineate it from more grid-based traditional core housing. Yet directly across the highway there is a “Convenience Commercial” district - which is defined to be an area that is primarily auto-focused and is used as a commercial area consisting of small to medium-sized businesses that are more sensitive to neighboring context. The expansion of the Convenience Commercial district has placed significant pressure on the surrounding area to include more commercial development. The lot in question is a prime candidate for that expansion, but increased development would lead to exacerbating existing traffic problems at the highway intersection and further up the street. If not for the traffic concerns, the organic expansion of the existing Convenience Commercial district across the highway would be permissible under the plan. However, the traffic impact to the surrounding Suburban Neighborhood would extend far beyond the immediate border with the highway and affect the character and enjoyability throughout the district.



Imagine Charleston Comprehensive Plan: Future Land Use Map

Summary: This application to rezone the property is in pursuit of reacting to inherent demand for more non-residential development around the intersection of Oakwood Road and US-119, while trying to respect the community’s adversity to development that would further paralyze the local road network. After consideration of the traffic study and the application, I think the proposed development would honor that. However, the R-O zoning district allows for future higher density residential development or office development that could amount to a significant traffic issue.

The Municipal Planning Commission unanimously recommended approval of the bill.

RECOMMENDATION AND FINDINGS:

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

1. The request is not inconsistent with the future land use plan, as the rezoning is a minor expansion of the "Convenience Commercial" designation that is located directly across US-119;
2. The R-O zoning respects that transitive nature of the location and minimizes further commercial development; and
3. The traffic impact study concluded there are negligible impacts on the delays at the US-119 & Oakwood Road intersections.



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, September 7, 2022
3:00 P.M.

Members Present

Quintie Smith, Acting Chair
Margo Teeter
Mary Beth Hoover
Adam Krason
JoEllen Zachs
Alice Hypes
Shannon Ferrari
Shawn Taylor
Justin Marlow
Lisa Fischer-Casto (late arrived during staff notes for Bill 7963)
Deanna McKinney
J.D. Stricklen, Kanawha County Representative

Members Absent

Terry Pickett

Staff Present

Dan Vriendt
Chad Webb

Public Present

Mitchell Rashid (Rezoning Bill No. 7963)
Aric Margolis (Rezoning Bill No. 7963)
Will Roberts & Christy Roberts (Rezoning Bill No. 7969)
Drew Larent w/ Carpenter Marty (Rezoning Bill No. 7969)
Kent Walker (Adjacent Neighbor)
Rudy Cambell (in support of Bill No. 7969)
Jerry Walters (Alter Road – supports Bill No. 7969)
Emmitt Pepper (in support of Bill No. 7969)
Gener Walker (supports Bill No. 7969)
Opal Pauley (against Bill No. 7969)
Nancy Coboy (898 Sherwood Road)
Robert Caldwell (Longridge Road)
Richard Ellis (against)

1. Call to Order

2. Unfinished Business

Rezoning: Bill No. 7963, Committee Substitute - Committee Substitute - 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, portions of Lots 5 and 6 of Block 37 located at 501 Patrick Street in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

Mitchell Rashid, applicant, of 1230 Staunton Road, Charleston, West Virginia, addressed the Committee in regard to his request, as set forth in Bill No. 7963, for the proposed use of an athletic youth sports training facility.

A resident from 1711 Camp Avenue, whose residence is located directly behind the subject property, inquired as to whether or not there were any plans for this project. This resident asked the applicant if he had plans for the subject project. The applicant replied that he had artistic renditions, but I do not any structural plans. The resident asked the applicant is he was going to building the back zone up, since it is in a flood zone. The resident asked the applicant is he intended to take the entire area. The applicant said he did not intend to take all of it. The resident asked the applicant if he knew this area had a city center and heavy traffic between 5th and 7th. The resident asked applicant what the age group for the youth was. The resident further noted that 7th Avenue is across from the Schoenbaum Center. That is a busy place. The resident asked what control would be in place as the children run in and out of the facility. You have no control unless someone is out there guarding them. A member of the Planning Commission explained to this resident that the MPC is not looking at anything but the zoning of the property. The Commission understands this resident's concern and intend to take every precaution that they can with traffic. The resident replied that the only place pick-ups and drop-offs can take place would be in the alley, not 7th Avenue or 5th Avenue.

A member of the Commission informed the resident that, after they consider how the property is going to be used, the applicant will apply for a building permit and they will make sure that there is adequate parking, all the traffic requirements. As much as the traffic is definitely a concern, that's outside the scope of this meeting. The Chair noted that the parents will drop their children off in the parking lot and pick them up. Perhaps a fence would keep people off Patrick Street. It's not going to be as though they are dropping them off on Patrick Street and going in.

The resident asked when the plans would be coming forth. He would like to see them. The Chair informed him the MPC is only looking at one aspect and that is changing the districting for the subject property from R-4 to C-10. The resident has one more opportunity to be heard in this matter and that is when the Bill No. 7963 goes before City Council. The Chair recommended this resident contact his city council representative to know when this bill goes before City Council.

Mitchell Rashid, the applicant, addressed the previous concerns expressed by the resident on Kemp Avenue. Where the flood is concerned, the applicant had a survey engineer look at everything and had it sent off to FEMA. It should not be any impact on the flood zone from any other property.

Chad Webb presented the staff notes:

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

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.

HISTORY:

The parcels in question are currently zoned R-4. Petitioner Rashid has combined these lots through subdivision with other adjacent lots directly on Patrick Street in order to create a commercially viable property. In its current form, the subdivided property is partially zoned R-4 and C-10.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-6 Medium Density Residential District and is a single-family home.

Surrounding Land Use and Zoning: The surrounding areas include single family residential, CAMC's Gastroenterology and LabWorks facilities, a multi-unit apartment complex, and a restaurant. This area has a mixture of R-6, R-8, R-O, C-10, and I-2 zoning designations.

Current Zoning: The R-6 district allows for single and multi-family housing and - as a conditional use - bed and breakfasts, educational institutions, community centers, museums, nursing homes, and restricted accessory parking, among others.

Proposed Zoning: The R-O designation would allow for the same conditional use for the parcel as restricted accessory parking for the adjoining CAMC facility as it currently has but would allow for further office development.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as being at the confluence of a "Suburban Neighborhood," which is defined as an area predominately meant for new single family home development outside the city's historic core while utilizing subdivisions and curvilinear streets to delineate it from more grid-based traditional core housing, and "Convenience Commercial", which is defined to be an area that is primarily auto-focused and is used to be a commercial area consisting of small to medium-sized businesses that are more sensitive to neighboring context. Effectively, this rezoning would move the property from being primarily aligned with former and more in line with the latter.

Summary: This application to rezone the property is in pursuit of removing the conflict between R-6 and R-O zoning in the donut whole that was created with the current zoning. This is compliant with the comprehensive plan as it will create a larger buffer between the suburban and commercial areas that border this property.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map which places this property at the transition area from "Suburban Neighborhood" to "Convenience Commercial".
2. The rezoning will remove the presence of the donut hole that has been created in the middle of the surrounding R-O properties.
3. The rezoning brings about a better buffer between suburban and commercial zones in this area.

MOTION AND VOTE: Adam Krason made a motion to approve Bill No. 7963, the motion was seconded by Deanna McKinney and passed by a vote of 12-0-1. (Margo Teeter abstaining).

3. New Business

Rezoning: Bill No. 7969 - 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 R-O district, that certain lot or parcel of land located at 280 Oakwood Road in the City of Charleston, Kanawha County, State of West Virginia, owned by Will Robinson and Benjamin Embrey.

Will Roberts and his wife, Christy, presented the commission with their request. We currently reside in the South Hill's community and are frequent travelers of Oakwood Road. The applicants and his wife plan to relocate one pediatric office to this property.

Will Roberts and Christy Roberts appreciates the process the city has to even consider our request, and like others, Applicant appreciates the questions the commission has given us. The endeavor to adequately discuss them in advance of our discussion today. Furthermore, we appreciate the process of allowing citizens to voice his or her concerns, whether founded or unfounded, citizens' participation is the key and appropriate avenue as we all try to advance the City of Charleston forward.

The applicant brought attention to the following facts as it relates to Oakwood Road, within a 2-mile radius of 280 Oakwood Road:

- There are currently no fewer than 10 medical practices.
- While travelling East on Oakwood Road from Corridor G, there are no further than 30 non-residential dwellings and associated non-single resident dwellings.
- Across Corridor G and within a 2-mile radius of 280 Oakwood Road, a Dunkin Donuts is currently being constructed.
- There is a One Stop gas station
- Kroger's gas station
- Fruth Pharmacy
- Oakwood Center
- New Storage Units being constructed.

The request before you today is not navigating a new frontier or one, quite frankly, that should be controversial. Medical offices are a necessity in a thriving community and currently exist in the previous examples that I previous cited. We engaged an independent and objective engineering firm from Columbus, Ohio, which has offices in Charleston as well. They arrived at the following summary conclusions:

- Site traffic from this location has a negligible impact on US 119 and the Oakwood Road intersection as noted within the report.
- The site access shown in the site plan is the recommended one and the site access provides 200' of visibility at each direction coming off that property.
- The driveway entrance and exits aligns with the DOH.
- The traffic engineer firm recommended no improvements for this development.

As noted within the city Zoning Ordinance, the purpose of the R-O residential office district is to provide opportunities for non-retail commercial offices in areas that are transitioned from neighborhoods to more intensive districts. Regulate new construction in this area, which is within a scale of the surrounding environments, which I previously mentioned.

The request of zoning modification is consistent with the city's neighborhood plan for the South Hills and Corridor G and, as particularly noted therein, focus on a redevelopment of older sections that need to be re-developed to attract quality retailers and continue to strengthen the business noted therein.

Christy Roberts then addressed the commission with her request for Bill No. 7969. Ms. Robinson is a pediatrician in Charleston. She has worked in Charleston since completing her residence 12 years ago and opened Capital City Pediatrics in 2017 and she is the sole physician of that practice. She has two part-time nurse practitioners. The hours of operation are 8:30 – 4:30, generally seeing 25-50 people max a day. They have no intentions of changing those hours. There will not be evening office hours or weekend office hours. It is a small pediatric practice and she is the only physician in the practice. Their practice supports local businesses, local schools, local teams, most anything are patients are involved in from youth soccer league to GW Volleyball, Bible Center, etc.

Will Roberts further stated the plans were not to change it to commercial. 280 Oakwood Road consists of three parcels. The subject we are here to talk about today is one of those three. It is the property most aligned with Corridor G.

Drew Larent with Carpenter Marty Transportation, a certified city planner with Carpenter Marty based out of Columbus, Ohio, spoke on behalf of the applicant. This development is so small that it normally would not require a traffic study, but Carpenter Marty's did put on together to support everybody's interest. Mr. Larent went through generally what they looked at. It is a pretty standard traffic impact study. They looked at capacity, turn lane warrants, queuing, cite distance, things of that nature. Based on national data, a medical dentist office building this size generates about 14 cars in the morning hour and 13 cars in the evening hour. Relative to the traffic that is already on Oakwood as well as the mainline there, a drop in the traffic bucket, one of the big things that we did look at for our client here was the site distance. Obviously, there is some concern with the stacking at the signal and whether it would extend past back the drive. Their analysis show that would happen in the 20-year horizon from now, but not necessarily present day. They look at average queuing and 95% queuing. What is the que through out the morning peak hour and the evening peak hour and what is it when it is the top 5 minutes of that peak hour. Queuing implies to the stacking of vehicles that are waiting to turn somewhere. The drive is about 215 south of US 199. Our analysis shows that in the morning peak, average ques are about 140 feet and in the pm 150 feet. You can roughly estimate 20 feet per car. Basically, in the analysis it shows, more often than not, 2-3 minutes in the morning and 2-3 minutes in the evening, the drive will be blocked by ques. Also, I wanted to mention that the peak hours that we looked at, we basically collected 24 hours of peak hour data at the main signalized

intersection. We determined what that morning peak hour is and that what the evening peak hours is. The morning peak and the evening peak are after this development will be before they opened and after they close.

Site difference was another concern obviously looking at the proximity of the drive to the intersection, we wanted to make sure that site distance was adequate. We evaluate horizontal and vertical. Basically, if you are looking down at a map and looking at where you need to make a turn, that is the horizontal. That is vertical, which is the curvature of the road to make sure that you have someone looking this direction or that direction, that the road is not elevating between that area. Based on the site plan and site analysis, if we were to push the access further south, the curvature of Oakwood Road would affect the site distance for the site distance for the access. It is currently proposed in a location that provides us the most stacking place between the signal and the access as well as site distance. No turn lands are warranted and capacity improvements are needed at the drive or the signalized intersection based on DOH standards. That is, for the most part, a high-level study of everything. WV GEO counts has seasonal adjustment factors that are applied during the times that schools are not sessions, because we can't go an entire year without collecting data. In this case a 16% adjustment factor was applied to all the data, increased by 16% in both peak hours.

Adam Krason stated that the other thing they are challenged with when they look at a rezoning like this, in spite of the fact there might be some back up if there were open at 7:30 or 5:30. We have no control over that. You say this is appropriate for a 4,000 square foot office, but what if in the future they add another 4,000 square foot office to that property. We have to look at the worst-case scenario of what could be developed on that property. Did you look at any of those other conditions, or just specifically at a 4,000 square-foot building that is open from 8:30 to 4:30.

The applicant responded that they were looking at this development specifically. We applied the trips generated by this development to the peak hours that were obtained in our data collection.

Adam replied that they couldn't look at just this development because, once we recommend a rezoning, anything that is permitted under an R-O. This property could support much larger office, a bigger practice, we have to consider all of those contingencies, not just what is proposed now, because we have no control over the things in the future.

The applicant stated that if enough larger trips could trigger a traffic impact study. In this case, this is a very small development or a drop in the traffic bucket. This study was done at the request of our client.

Dan stated that Oakwood Road is a state road and the DOH has to approve the curb cut. The curb cut will be for this very specific development. If they would try to come in with a really intense development and they felt it was unsafe, they would not be granted the permit.

Aric Margolis, representing the applicants, addressed the Commission. One thing Aric wanted to address is that everyone as a group must look at this as "what could it be". Everyone is thinking

"We are going to rezone this. They are planning a medical office and they could switch down the road. They could go to something very big." You have to remember R-O has a pretty limited scope of what can go there. It is mainly meant for residential or office and it is small office space i.e., medical clinics, dental clinics, barber shop. No have use items. It would be apartments, but apartments tend to filter out through the time of the day. Aric stated that his child goes to GW also and until he got his license this summer, Aric was dropping off every day and heading to work on Oakwood Road every morning. When the previous group was here it was in the middle of that construction. The Planning Commission said as a body, "You need to come back after the instruction has been done so this body can understand how that is going to affect the traffic. While Aric is certain everyone would agree that it did not make it perfect, not sure it saved any time, but you moved more. If you are moving at all at least you feel like you are getting somewhere. It does allow the traffic on Corridor G to continue on and less back up toward Kroger's and less back up toward Cantley. The backup on Oakwood, I haven't witnessed it being a problem. The school traffic is about a 20-30 minute at 3:00 p.m. when GW lets out. The schools are staggered. Overbrook is really early, then John Adams and GW in the mornings. It reverses in the afternoon. John Adams and GW may be more about the same time. As Will mentioned, a stop sign at Oakwood filters that. I am not sure it backs up heavily on Oakwood at 3:00 pm. The possible uses of that property are very limited and not out of line with what they are planning to do. Even if it did change, it would not be a big to do change. It is only one portion of the three lots. Even though it is a 3-acre lot. We are only talking about a small portion of that. The application is specific to the one lot.

Keith Walker, the adjacent landowner addressed the commission. He owns the property next door to what the applicants are wanting to develop. Mr. Walker is absolutely in favor of something being done with that property. He's not sure if it would be residential or another use. If the applicant wants to come in and add an office, Mr. Walker sees it as an ideal situation because it would be somewhat low traffic in an area known as a traffic issue on Oakwood and the Corridor.

Brady Campbell of 1933 Olympus Road addressed the commission. Brady grew up in this area and his wife was a teacher at Overbrook. He is also very familiar with that piece of property and it has been an absolute eye sore for years. Something that Mr. Campbell has to look at every day are these great new grey storage units going in there. This a result of no one else being permitted to build anything in that location. Mr. Robinson came to me twice, his wife, Dr. Robinson, very much would like to come up there and build her practice. She wants to be close to her patients. Mr. Campbell has a 16-month son home and, if she 's building a practice, she will be taking our son to see Dr. Robinson. Not only is there George Washington, John Adams and also Holz and Kenna are down the road, as well as Bible Center. The vast majority of those patients will come from those schools.

Jerry Waters of Altier Road spoke in support of Bill No. 7963. A lot of people from Bridge Road come all the way around Sherwood Road and then try to get on Oakwood Road, which is a miserable experience to just access that intersection. Mr. Waters indicated that he was more

concerned with their patients trying to get out on Oakwood Road.

Emmitt Pepper, a member of city council, is one of the three co-sponsors that Council Member Campbell mentioned. Emmitt is an alumnus of George Washington High School and an alumnus of Bible Center Elementary School, so I've spent my time driving through that intersection. He stated that he has been watching that property rot for all or most of his life. If Brady Campbell, Jerry Waters and Emmitt Pepper are on the same page, he is confident it is a good idea.

Gene Warner of 11 Meadow Crest Drive regarding the property that announced the rezoning hearing only. Mr. Moore said there has been a lot of discussion about traffic in the morning and very little about traffic in the afternoon. Oakwood Road is two different roads depending on what time of the day. When all the children are in school, it is a breeze. However, when schools are being let out, it is a different story. Traffic backs up both ways as they enter the parking lot, pick up their child and leave.

Oral Pauley lives at 259 Oakwood Road. Five houses up from the instances. Mr. Pauley left at 7:50 to go to work. He was running late. It took 20 minutes for Mr. Pauley to get from the driveway to the bottom of the lights. This new construction may help, but if you live on Oakwood, you cannot get in and out. In the middle of the day, it is the same way, depending on what it is going on around the community.

Nancy Coboy read a letter from, Debra Mattingly, a resident at 898 Sherwood Road, who could not attend the meeting because of her work. Nancy Coboy proceeded to read this letter. This letter objected to the rezoning of this property.

Robert Caldwell of 1500 Longridge Road addressed the Commission. Mr. Caldwell noted that it is a beautiful piece of property and he wanted to purchase it at one time and put a nursery there but decided against it because people could not get in and out. As far as a traffic study is concerned, Robert Caldwell drives that road frequently and it still backs up in spite of the J turns. It backs up past the curves, especially when the school buses are running. The other issue he has is the future. Mr. Caldwell is a retired hospital CEO and he knows how medical practices work. Regretfully, a solo practice is a thing of the past. If someone is going to practice medicine, they are going to need associates with different specialties that dove tail with a pediatric practice and that requires additional building, which results in additional traffic. This entire issue centers around the quality of our life.

Richard Ellis approached the Commission in opposition to Bill No. 7963.

REQUEST:

Bill No. 7969 - 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 R-O district, that certain lot or parcel of land located at 280 Oakwood Road

in the City of Charleston, Kanawha County, State of West Virginia, owned by Will Robinson and Benjamin Embrey.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

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.

HISTORY:

The lot in question is currently zoned R-4. Petitioner Robinson has purchased this lot and conducted extensive tree clearing efforts. Numerous attempts have been undertaken to redevelop this lot and have run into numerous concerns chiefly focused on how redevelopment would contribute to an increase traffic and further congest an already heavily congested series of intersections. In anticipation of this, the petitioner has provided a traffic study that they have commissioned to ascertain the proposed development's impact on traffic in the area.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-4 Single Family Residential District and was a single-family home.

Surrounding Land Use and Zoning: On the southern side of US-119, the lot is surrounded by other lots zoned as a R-4 district. On the northern side of US-119, there is a large collection of C-8 Village Commercial District zoned properties.

Current Zoning: The R-4 district allows, almost exclusively, for the development and protection of single-family home neighborhoods. This includes a focus on the neighborhood's "desirable character," walkability to other adjacent uses, and preventing deterioration from change or intrusion.

Proposed Zoning: The R-O district would allow for multiple kinds of higher density residential development and non-retail commercial offices, as a form of transition area between "stable residential neighborhoods to more intensive commercial districts," while also preserving and utilizing "the existing stock of older, large residential structures, many of which exemplify periods

of early development of Charleston.” This district would open a wide variety of potential future utilizations for the lot including the petitioner’s proposed non-residential structure. However, in comparison to previous petitions to rezone this property, it is asking for the minimum of allowable commercial development moving forward – especially as it relates to retail, drive thru establishments, and other major sources of increased auto traffic.

Compliance with the Comprehensive Plan: The comprehensive plan’s future land use map designates the property as being well within a “Suburban Neighborhood” designated area - which is defined as an area predominantly meant for new single-family home development outside the city’s historic core while utilizing subdivisions and curvilinear streets to delineate it from more grid-based traditional core housing. Yet directly across the highway there is a “Convenience Commercial” district - which is defined to be an area that is primarily auto-focused and is used as a commercial area consisting of small to medium-sized businesses that are more sensitive to neighboring context. The expansion of the Convenience Commercial district has placed significant pressure on the surrounding area to include more commercial development. The lot in question is a prime candidate for that expansion, but increased development would lead to exacerbating existing traffic problems at the highway intersection and further up the street. If not for the traffic concerns, I think the organic expansion of the existing Convenience Commercial district across the highway would be permissible under the plan. However, the traffic impact to the surrounding Suburban Neighborhood would extend far beyond the immediate border with the highway and affect the character and enjoyability throughout the district.

Summary: This application to rezone the property is in pursuit of reacting to inherent demand for more non-residential development around the intersection of Oakwood Road and US-119, while trying to respect the community’s adversity to development that would further paralyze the local road network. After consideration of the traffic study and the application, I think the proposed development would honor that. However, the R-O zoning district allows for future higher density residential development or office development that could amount to a significant traffic issue.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map which places this property at the transition area from “Suburban Neighborhood” to “Convenience Commercial” and meets organic demand for more non-residential development.
2. The proposed R-O zoning respects that transitive nature of the location and minimizes further commercial development.
3. The minimal traffic impact documented in the supplemental traffic study report, IF its findings are found to be reliable by the MPC and relevant city officials.

MOTION AND VOTE: Adam Krason made a motion to approve Bill No. 7969, the motion was seconded and passed by a vote of 12-0-1. (Alice Hypes abstaining).

4. Minutes of the August 3, 2022 MPC meeting

MOTION AND VOTE: Adam Krason made a motion to approve the August 3, 2022 minutes, Shawn Taylor seconded the motion and the Commission unanimously approved approval of the August 3, 2022 minutes 13-0.

5. Announcements

6. Adjournment

1 **Bill No. 7970**

2 Passed by Council:

3 Introduced in Council

4 **September 9, 2022**

5 Introduced by:

Referred to

6 **Jennifer Pharr**

Planning, Streets and Traffic

7
8 **Bill No. 7970** - A Bill to establish a handicapped parking zone on Northerly side of
9 Central Avenue from a point 110 feet west of Elm Street to a point 132 feet west of Elm
10 Street and amending the Traffic Control Map and Traffic Control File, established by the
11 code of the City of Charleston, West Virginia, two thousand and three, as amended,
12 Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

14 Section 1. There is hereby established a handicapped parking zone on Northerly side of
15 Central Avenue from a point 110 feet west of Elm Street to a point 132 feet west of Elm
16 Street

17 Section 2. The Traffic Control Map and Traffic Control File, established by the code
18 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
19 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
20 amended, to conform to this Ordinance.

21 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
22 repealed to the extent of said inconsistency.

Bill No. 7972

Introduced in Council:

September 19, 2022

Introduced by:

Sam Minardi

Adopted by Council:

Referred to:

Planning/Streets & Traffic

Bill No. 7972 - A Bill to establish a no parking zone on the north side of Ravinia Road located from a point 50 feet west of Zel Road to a point 120 feet west of Zel Road along an area where a guard rail currently is in place and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Now, therefore, be it ordained by the Council of the City of Charleston:

Section 1. That a no parking zone is hereby established on the north side of Ravinia Road located from a point 50 feet west of Zel Road to a point 120 feet west of Zel Road along an area where a guard rail currently is in place.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Bill No. xxxx

Introduced in Council:

Adopted by Council:

Introduced by:

Pat Jones

Referred to:

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

Bill No. xxxx - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Digital Display Sign to Section 2-020, amending sections 24-050, 24-060, and deleting section 24-080-07 relating to authorizing the use of digital display signs.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) Sec. 2-20 Definition of Terms

Digital Display Sign: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

~~**Public Assembly Area, Major.** Any stadium, gymnasium, auditorium or performance hall with fixed seating for 1800 or more people and designed and generally used for the purposes of attending, participating or observing programs or events open to the public.~~

2) Sec. 24-050 Prohibited Signs

The following signs shall be prohibited in all districts, except as otherwise noted herein:

- A. Signs which incorporate in any manner flashing or moving lights or any other visible moving or revolving part, attention attracting device, ~~except for time, temperature, or date signs.~~
- B. Banners, pennants, flags, spinners, or streamers, except as permitted in Sec. 24-070-03, Supplemental Regulations for Temporary Signs in Residential Districts, and Sec. 24-080-03 Supplemental Regulations for Temporary Signs Permitted in Commercial and Industrial Districts.
- C. Signs which obstruct or impair the vision of drivers or obstructs or detracts from the visibility of, or resembles, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Signs which make use of words such as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters in such a manner as

not be limited to, informational signage such as hours of operation and open/closed signs.

J. Digital display signs shall be static and nonanimated and shall remain fixed for a minimum of 10 seconds. Messages must transition instantly, with no transition graphics. The luminance may not exceed 5,000 nits (candela per square meter) between sunrise and sunset or 250 nits during nighttime hours.

4) **~~Sec. 24-080-07 Supplemental Regulations for electronic reader boards in the Central Business District~~**

A. ~~Electronic message boards may be permitted in the Central Business District in lieu of a ground sign when accessory to a major public assembly area, provided the reader board displays:~~

- ~~1. On-site events only and does not advertise products; and~~
- ~~2. Motion or animation is limited to 10 seconds within any 60 second period.~~

B. ~~BZA #2095 authorized the Charleston Civic Center to erect two electronic reader boards. The signs shall be permitted to be replaced, provided that the signs are not removed for a period of more than 6 months and the height and area of the signs are not increased.~~

5) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Vriendt, Dan

From: bnicharper@aol.com
Sent: Monday, September 12, 2022 1:18 PM
To: Vriendt, Dan
Subject: Modernization of church signage

This email originated from an outside source: Do not open attachments or links unless you know the content is safe. Forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Dan Vriendt, Director

Planning Department

City of Charleston

Re: Modernization of church sign

Dear Dan -

It was super to talk with you today. I greatly appreciate your knowledge, information and advice.

As I explained on the phone, I serve on a committee at my church, Elizabeth Memorial Church, 108 Oakwood Road, Charleston, WV. The church has a stagnant lighted sign in front of the church that has been there since the late 1970's. In order to change the sign message, a volunteer has to hand insert individual letters for any signage message. Changing information is quite the labor intense process.

The church would love to modernize our signage to a digital sign that could be changed by computer input. With a digital signage capability, we could have more information for our congregants and post positive message for the community. Digital signage would be less labor intensive for the church. I note that numerous other WV cities have embraced utilization of digital signage for churches.

It was encouraging to learn from you that there are other churches who see the value of modernization of signage.

Personally, I hope that modernization is embraced to facilitate this community need.

Please advise what steps the church would need to take to update and modernize in the city process.