

Planning, Streets and Traffic Committee
Monday, September 26, 2022 at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover
Naomi Bays
Jennifer Phar
Becky Ceperley
Brady Campbell (via phone)
Sam Minardi
Bobby Haas

Staff Present

Dan Vriendt
Matt Hartline
Sgt. Oldham
Terri Allen
Chad Webb

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

The Committee voted in favor of individuals outside the Committee being able to speak.

Becky Ceperley wanted the minutes to reflect that this is not a public meeting.

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.

Dan Vriendt presented the following Staff Analysis to the Committee:

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.

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:

- The rezoning is consistent with the future land use map as it will be a minor expansion of the "Retail Power Node" designation; and
- The property is unlikely to be developed for single family residential; and
- 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.

Harry Stewart, part owner of 1711 Camp Avenue, approached the podium. His mother's house is right behind the subject property. Mr. Stewart asked if there had been any consideration concerning the traffic pattern between 5th Avenue and Schoenbaum Center, which is one-way and two lanes and on Patrick Street it is one-way and three lanes. Have you considered the impact on parking. There is not enough parking to accommodate a youth soccer program. Will they park in the lumber company or Schoenbaum, which means the children will have to cross those streets.

Dan Vriendt explained that, at this point, all that is being considered is the rezoning. The rezoning process does not involve sub-plans. This is primarily a land use decision. Before a building permit would ever be issued for this property, the floor plan would be developed and the zoning ordinance

would require a certain number of parking spaces. There would have to be enough parking provided to meet the demand of the building before a building permit would be issued. The property owner is looking at other options, perhaps acquiring property from adjacent properties, not across 5th or Patrick, but behind the property. He may have to adjust the building to meet the required on-site parking. That discussion is for a later date.

MOTION AND VOTE: A motion was made by Naomi Bays to approve Bill No. seconded by Bobby Haas and passed unanimously 7-0.

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.

Dan Vriendt presented the following staff analysis. Once again, this is a rezoning application and the only concern for this meeting is the proposed land use. Dan did mention the Municipal Planning Commission expressed concern that the development does not

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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.

There are letters of opposition in your packet, on page 27, there is a letter from Debbie Mattingly of 898 Sherwood Road. On page 28 there is a letter in opposition from Michael Foster of 252 Oakwood Road. Pat Parsons letter of opposition can be found on page 30 and 31. Marie Casey of Alynwood Road on pages 33 and 34. We received a site plan on page 36 where someone took the liberty to find out the maximum building potential of this subject property. This does not take into effect the new survey that was done. The property in the site plan is much larger than depicted. This site plan is contemplating all three parcels for land for rezoning when it only involves parcel. The property is zoned R-O so multiple buildings is not permitted.

The petitioner did a traffic study is on page 18. You can read the conclusions that have been highlighted. Basically, the traffic study says there is a lot of traffic on Oakwood Road, this this development is small and will generate few cars in proportion to the amount of traffic that is already on Oakwood Road and that it will have a negligible impact on the delays of US 119 and Oakwood Road.

There was some debate at the Municipal Planning Commission based on the fact that the study was completed when school was not in session. A traffic engineer can get a multiplier that accounts for schools a certain size and what amount of traffic would be generated during the school year and re-run the study. On page 20, the increase in traffic was negligible and maintains an acceptable level of during AM and PM peaks.

The petitioner is moving the driveway further away from Sherwood Road to get away from the conflicts of those two intersections. They have moved it as far as it possible without posing a problem on the side lines on the intersections.

The city is not the final say on the curb cuts. Oakwood and 119 our both DOH. With that being said, the Municipal Planning Commission recommended approval of the request.

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.

Shannon Bland, representing Time and Investment Corporation, the owner of the property on Bryant Road approached the podium. The have 914, 916, 918 and 920 Bryant Road that is below the property from an elevation standpoint. There is an old detention pond on the side of the hill. It has been there for a long time. It does not detain water. Mr. Bland's clients are concerned because that is all dirt and absorbing the water. If that is paved, what is the drain plan? The roof top and parking lot is not going to absorb like it is right now. If the water ends up on these houses, it will not be a good situation.

Richard Ellis, a resident of Charleston since 1949, approached the podium. The problem Mr. Ellis experiences with the traffic is that it is often backed up at Oakwood and 119 to GW. Mr. Ellis said he was glad they had the map because it shows possibly 122 parking spaces that could be put on that property if the rezoned the entire property. Mr. Ellis said his point is there is four times the original proposal. Page 3 of the impact study references a site trip generation summary. There is entry 11 at AM peak times and 4 at PM peak times. If you multiply that by 4, there would be 44 for AM and 12 for exiting etc. The traffic would increase expediently. That impacts only three parcels. The other two parcels are going to be rezoned or an attempt made to be rezoned for commercial use. Such a proposal was rejected by the committee last year. Mr. Ellis' preference for this property is a city park and police substation. It is not the highest and best use as an appraiser may determine,

but Mr. Ellis is of the opinion that it is the best use because Charleston already has plenty of unused business spaces and unused office spaces. There are plenty of other places to build a medical office.

George Cipriani of 1547 Clark Road approached the podium. Mr. Cipriani said that his problem is, not so much the volume of traffic, but that it is a dangerous intersection. He said he has witnessed accidents quite a few times. People coming off Corridor G, turning right on Oakwood, are supposed to yield to the people coming in the other direction when they have the arrow. They don't. Many drive on through. On this property, if they continue to ignore yielding to other traffic, someone will be hit coming off the driveway, even if they set it back. Where it is now, you cannot see. People coming from Sherwood cannot get out now, even when the traffic is not heavy. What happens is three or four cars will be backed up when the light turns red and traffic from Sherwood still have trouble getting out, unless someone decides to let them out.

Richard Ellis asked if Brady Campbell, Councilman for the subject area, should recuse himself. Mary Beth Hoover responded that she has sponsored many bills that came for the committee and she did not recuse herself.

Brady Campbell said he attended the Municipal Planning Commission. He felt the Planning Commission's determination that this property for sale for approximately five years. As far as they felt, there had been no interest in purchasing this property due to its cost, several million dollars just to buy the lot. At this point, people in West Virginia are not paying \$2 million dollars to a lot next to a highway to construct a home. The RO is designed as a buffer. Trying to find a compromise for something that doesn't have much traffic impact should help the neighborhood. We have six schools in close proximity. Brady said he ran the numbers and there is a car every six to eight minutes. It is not like it will be a line of cars coming out of here. For the most part, we have parents with their children in the car so hopefully they are not driving recklessly. Where traffic concerned, the office opens at 8:45 in the morning. That is after morning school traffic. It closes before the PM traffic peak.

MOTION AND VOTE: A motion was made by Sam Minardi to approve Bill No. 7969, seconded by Brady Campbell and passed by the Committee unanimously 7-0. This will move on to City Council next Monday at 7:00 pm.

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.

Matt Hartline addressed the committee on behalf of Bill No. 7970. The purpose is to give the Shape Shop one handicap space to go with the handicap ramps they installed.

MOTION AND VOTE: A motion was made by Sam Minardi to approve Bill No. 7970, it was seconded and passed by the Committee unanimously 7-0.

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.

Matt Hartline addressed the committee on behalf of Bill No. 7972. The issue is parking taking place on Ravinia Road along the longest guard rail area. Motorists do not have the width to pass when there are vehicles parking along the road. The proposal is to make a "No Parking Zone" from the beginning to the end of the guardrail.

Becky Ceperley asked if this issue impacted all of Ravinia. Matt Hartline said this is the only portion of Ravinia that was brought to his attention. The parking coincides with GW high school football games

MOTION AND VOTE: A motion was made by Naomi Bays to approve Bill No. 7970, seconded by Sam Minardi and passed by the Committee unanimously 7-0.

4. Discussion

Digital Signs

Dan Vriendt helped Councilman Jones draft a bill requesting the use of digital signs.

Councilman Pat Jones addressed the Committee concerning the request for digital signs in his ward. A lot of churches in Councilman Jones' ward have contacted him regarding the need for digital signs. Pat said the area is behind times where church signage is concerned. Schools have digital signs, gas stations have digital signs and the Clay Center has digital signs. Mary Beth indicated that the Clay Center sign was an exception to the sign ordinance. Dan, Pat and Kevin Baker had a discussion. There would be a limitation on the brightness, no flashing or moving lights.

This would be applicable to any business not just churches. Dan said that the city used to allow digital signs, but never allowed moving lights. They had complaints over the brightness of the lights. Pastor Thomas addressed the Committee. He pastors a church in North Charleston. The pastor said the Lord laid it on his heart to put up a new sign. The one they have is over 20 years old. Pastor Thomas was told he could appeal the decision and pay \$125, but you are not going to get a sign. Pastor Thomas said why would I have to pay \$125 when he had opportunity. He attended the BZA meeting. A woman on the board said, "We don't want Charleston to look like Dollywood or Pigeon Forge." The Pastor said they wanted to be able to advertise that they have a food pantry at the church, or when we are having revival services, we want to be able to advertise that as well. Pastor Thomas said none of that can be accomplished because Charleston's zoning ordinance does not permit it. He cannot understand the reason a digital sign at a church should be prohibited. The Pastor compares the prohibition of his church having a digital sign as witchcraft and an infringement on his First Amendment rights. You can see these signs at churches in South Charleston or Dunbar but no Charleston. The BZA told the Pastor he had to prove a hardship to be granted a variance for a digital

sign. The only hardship preventing the Pastor from having a digital sign is the BZA. Pastor Thomas' wife spoke to the committee concerning her experience with this process.

Dan explained to Mary Beth, when Pat brought this to his attention, it made it a text amendment to the zoning ordinance. If the sign remained static and the city had brightness control it would alleviate what represents most of the concerns over digital signage.

Adding a loading zone in the 700 Block of Quarrier Street

Terri Allen addressed the committee concerning adding a loading zone in the 700 Block of Quarrier Street. It is a KRT bus stop. The proposal is that with KRT not using it for a bus stop that it be made a loading zone. After 6:00 PM this would be used as a handicap parking spot.

MOTION AND VOTE: A motion was made by Jennifer Pharr to approve the loading zone, seconded by Naomi Bays and passed by the Committee unanimously 7-0.

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

MOTION AND VOTE: A motion was made by Naomi Bays to approve the minutes of the August 22, 2022 meeting, seconded by Brady Campbell and passed by the Committee unanimously 7-0.

6. Adjournment