



## **Planning, Streets and Traffic Committee**

Monday, October 24, 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. 7974** - A Bill to name a public alley, located between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and terminates between 1339 and 1321 Mountain Rd., as Ivory Lane henceforth.

**Bill No. 7975** - 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 C-4 district to a C-10 district, that certain lot or parcel of land located at 3406 Chesterfield Ave in the City of Charleston, Kanawha County, State of West Virginia, by petitioner Scott Martin.

**Bill No. 7976** - A Bill to amend and reenact ordinance 7968 to remove the handicap parking zone on the southerly side of 6<sup>th</sup> Street from a point 52 feet west of Russell Street to a point 118 feet west of Russell Street, maintain the established handicapped parking zones on the southerly side of 6<sup>th</sup> Street from Russell Street to a point 52 feet west of Russell Street, establish a handicapped parking zone on the westerly side of Russell Street from a point 88 feet south of 6<sup>th</sup> Street to a point 110 feet south of 6<sup>th</sup> Street, establish a handicapped parking zone on the southerly side of 6<sup>th</sup> Street from a point 233 feet west of Russell Street to a point 289 feet west of Russell 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.

A request to covert handicap parking in the 300 block of Leon Sullivan Way to bus parking and to relocate the handicap parking to Dickenson Street and Washington Street, East.

#### **4. Discussion**

#### **5. Approval of the Minutes of the September 26, 2022, meeting**

#### **6. Adjournment**

Municipal Planning Commission  
**Application for Street Naming**



MPC Hearing Date: \_\_\_\_\_

SND No: \_\_\_\_\_

| Applicant Information                                          | Street Information                                                                                   |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Name: <u>Paul &amp; Marsha Boddy</u>                           | Proposed Street Name: <u>Ivory Lane</u>                                                              |
| Address: <u>1323 Mountain Rd, Charleston WV</u>                | Subdivision Name: _____                                                                              |
| Phone: <u>304-550-5243</u>                                     | <input type="checkbox"/> Private Street or <input checked="" type="checkbox"/> Public Street         |
| Agents Name, Address, Phone (If other than Applicant):<br><br> | <input checked="" type="checkbox"/> New Street Naming or a <input type="checkbox"/> Street Renaming; |
|                                                                | Location Description:<br><br>                                                                        |

**IMPORTANT:** This application must be typed or legibly printed and filed with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. 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.

**The following supporting documentation must be submitted with this application:**

- ☒ A petition containing the signatures of at least 80% of the owners of the land abutting the subject road;
- ☒ A map which clearly delineates the street to be named;
- ☒ A filing fee of \$125.00; and
- ☐ Any additional information, including photographs, elevations, testimonials or other documentation, which may support your application

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.

Paul Boddy  
Signature

9/10/22  
Date

### **E911 Addressing Coordinator**

The E911 Addressing Coordinator will work with abutting landowners when naming or changing a street name for the purpose of bringing the name into compliance with the E911 Addressing Regulations. However, a petition containing 80% of the owner's signatures shall not be required.

All street naming applications should first be presented to the Planning Commission, which will provide a recommendation to Council. A resolution will then be placed on the agenda for the Planning/Streets and Traffic Committee to consider that includes the Planning Commission's recommendation and the street naming application as an exhibit.

### ***Guidance to be considered by Council and the Planning Commission***

The following standards should be adhered to when naming or renaming roads:

1. Avoid duplicate road names in the county.
2. Avoid duplicate road names with different suffixes, such as PINE RD and PINE LN.
3. Avoid sound-alike names. For example: BEECH and BEACH, MAINE and MAIN, GREY AND GRAY.
4. Avoid the use of non-standard street name suffixes in residential areas that may be confused with commercial developments. For example: STONEWALL PLZ, SMITH CTR.
5. Avoid using double suffixes in new street names. For example: TWIN BRANCH LN, CARVER RUN RD.
6. Avoid using numbers or numbered streets. For example: US HIGHWAY 290, 1ST ST, THIRD AVE.
7. Avoid names of living persons.
8. Avoid special characters in street names. For example: hyphens, apostrophes, periods, and ampersands (&).
9. Avoid the use of pre- or post-directionals or suffixes to distinguish separate non-continuous or continuous streets. For example: PALM CT, N PALM CT, PALM ST, PALM AVE.
10. Avoid road names longer than 18 characters (including spaces, pre- and post-directionals, and suffixes).
11. Avoid assignment of a primary street name that is also used as a standard suffix or directional. For example: NORTH AVE, COURT ST, SOUTHEAST BLVD.
12. If a road is continuous, try not to change the road name. If the name must change, then do so at an intersection or prominent landmark, rather than at a curve or some other arbitrary point.
13. All road names should use a suffix. For a complete list of approved suffixes, see the enclosed standards.
14. The suffix should be representative of the road type. For example: Circle is a short road that returns to itself. Lane is fire road or private road. Loop is short drive that begins and ends on the same road. Road is most common designation for a secondary thoroughfare; generally indicates a heavily traveled route. Street = Usually found in downtown or more congested areas.
15. If a directional (pre or post) is used in a road name, it should be abbreviated to avoid potential confusion with the road name. Approved directional abbreviations are: N, S, E, W, NE, NW, SE, and SW.

**Council reserves the right to approve or deny any street name for any reason.**

#### **ROAD NAME SUFFIXES FOR NEW ROADS**

|            |      |           |      |          |      |
|------------|------|-----------|------|----------|------|
| ALLEY      | ALY  | EXTENSION | EXT  | SPUR     | SPUR |
| AVENUE     | AVE  | FREEWAY   | FWY  | STREET   | ST   |
| BOULEVARD  | BLVD | HIGHWAY   | HWY  | TERRACE  | TER  |
| BYPASS     | BYP  | LANE      | LN   | TURNPIKE | TPKE |
| CIRCLE     | CIR  | LOOP      | LOOP | WAY      | WAY  |
| DRIVE      | DR   | PARKWAY   | PKWY |          |      |
| EXPRESSWAY | EXPY | ROAD      | RD   |          |      |

# Petition

Petition Summary: We are in support of naming the alley that adjoins our properties to Ivory Lane.

| Date      | Signature             | Printed Name   | Address                                   | Comment                                                                          |
|-----------|-----------------------|----------------|-------------------------------------------|----------------------------------------------------------------------------------|
| 9/9/22    | Paul Boddy            | Paul Boddy     | 1323 Mountain Road<br>Charleston WV 25303 |                                                                                  |
| 9/10/22   | Jason Booker          | Jason Booker   | 1337 Mountain Road<br>Charleston WV 25303 |                                                                                  |
| 9/9/22    | Lorraine R. Smith     | Lorraine Smith | 1321 Mountain Road<br>Charleston WV 25303 | 1. Fence block the<br>right of way causing<br>road passing thru<br>neighborhood. |
| 9-10-2022 | Don-Juan: [Signature] | Don Staples    | 1339 Mountain Road<br>Charleston WV 25303 |                                                                                  |
|           |                       |                |                                           |                                                                                  |

**Bill No. 7974, Committee Substitute**

Introduced in Council

Passed by Council

**October 5, 2022**

Introduced By

**Joseph Jenkins**

Referred To:

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

1 **Bill No. 7974** A Bill to name a public alley, located between the opening that begins at Mountain  
2 Rd between 1339 and 1337 Mountain Rd and terminates between 1339 and 1321 Mountain Rd.,  
3 as Ivory Lane henceforth.  
4

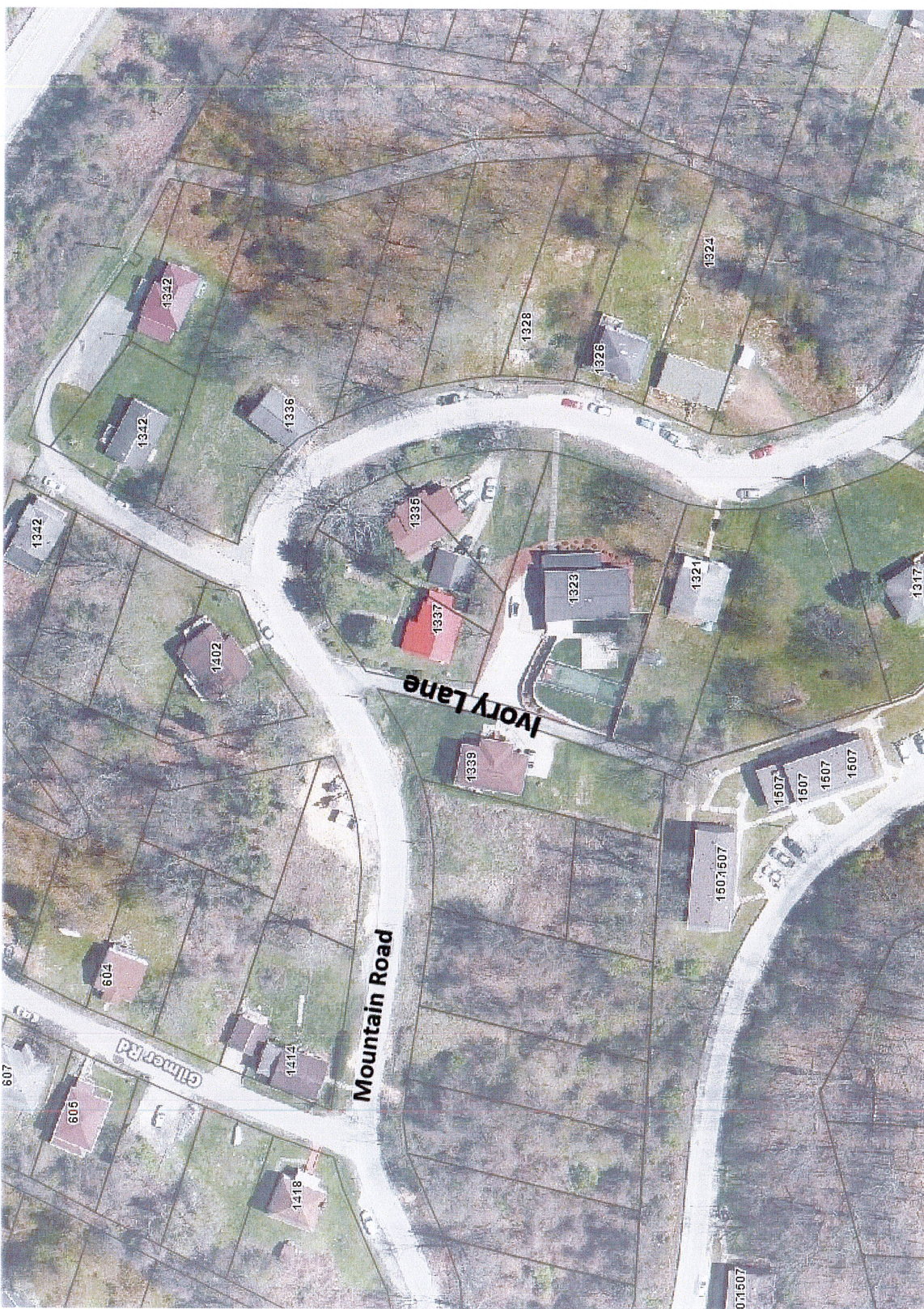
5 WHEREAS, the E911 Addressing Regulations require access roads to have unique street  
6 names for emergency services purposes and postal delivery purposes; and  
7

8 WHEREAS, the Article IV of Chapter 102 requires the Municipal Planning Commission to  
9 recommend to the City Council a name for any proposed new street or public way.  
10

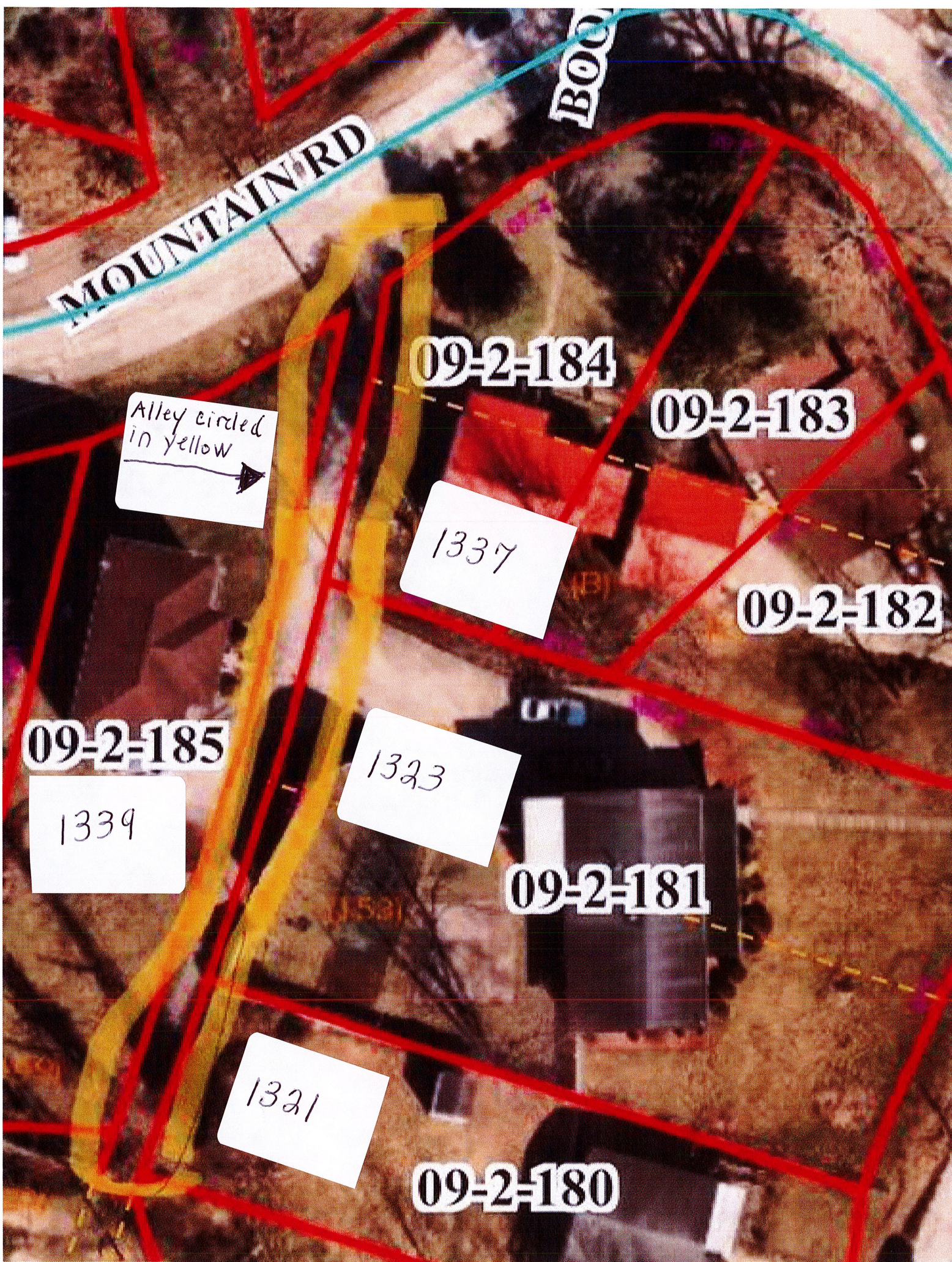
11 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:**  
12

13 1. The Traffic Control Map is hereby amended by naming a certain public alley  
14 between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and the  
15 terminus between 1339 and 1321 Mountain Rd as Ivory Lane henceforth. The drive is shown on  
16 Exhibit 1.  
17

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



**Exhibit 1**



MOUNTAIN RD

BOO

Alley circled  
in yellow

09-2-184

09-2-183

1337

09-2-182

09-2-185

1339

1323

09-2-181

1321

09-2-180

**Planning, Streets, and Traffic Committee**  
**Staff Analysis**  
**October 24, 2022**

**REQUEST:**

Bill No. 7974 - A Bill to name a public alley, located between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and terminates between 1339 and 1321 Mountain Rd., as Ivory Lane henceforth.

**APPLICABLE CODE:**

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

**STANDARD OF REVIEW:**

The Committee is to review the request for compliance with the E911 Addressing Regulations and to make a recommendation to City Council for final action.

**HISTORY:**

The alley in question has been an unnamed public alley since the surrounding property was developed.

**ANALYSIS:**

Proposed Name: Ivory Lane

Location: Off of Wood Road, directly north of Edgewood Country Club and Cato Park.

Reason for the request: Name the alley for address and delivery purposes.

Required Petition: Yes, signed by all abutting property owners.

Comments from Addressing Coordinator: Proposed street name tentatively complies with the E911 Addressing System. Final approval is pending on the results of this bill's formal passing. There is another Ivory Lane with a Dunbar Zip-Code, so no fatal conflicts should arise.

**We have received no opposition to the request and the Planning Commission unanimously recommended approval.**

**RECOMMENDATION AND FINDINGS:**

Staff recommends **approval as a committee substitute** for the following reasons:

1. The required petition was duly filed on behalf of all abutting property owners to the alley; and
2. The proposed name complies with the E911 Addressing Regulations.



**Municipal Planning Commission**  
**City Service Center – 915 Quarrier Street – Suite 6**  
**Wednesday, October 5, 2022**  
**3:00 P.M.**

**Members Present**

Aric Margolis, Chair  
Mary Beth Hoover  
Quintie Smith  
Alice Hypes  
Shawn Taylor  
Shannon Ferrari  
Cory Stout  
Terri Allen, Mayor's Designee  
Deanna McKinney  
J. D. Stricklen, Kanawha Co. Representative

**Members Absent**

Margo Teeter  
Terry Pickett  
JoEllen Zacks  
Adam Krason  
Justin Marlow  
Lisa Fischer-Casto

**Staff Present**

Dan Vriendt  
Chad Webb

**Others Present**

Paul Boddy (Bill No. 7974)  
Marsha Boddy (Bill No. 7974)

**Public Present**

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

**Rezoning:** Bill No. 7975 - 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 C-4 district to a C-10 district, that certain lot or parcel of land located at 3406 Chesterfield Ave in the City of Charleston, Kanawha County, State of West Virginia, by petitioner Scott Martin.

Petitioner, Scott Martin, was not present at the meeting.

Chad Webb presented the following staff analysis and recommendation:

The Petitioner, Scott Martin, filed for this rezoning primarily to allow for outdoor display and warehousing of stonework countertop samples.

**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 parcel in question is currently zoned C-4. Petitioner Martin seeks to have the property rezoned as C-10 to allow warehousing and a storage yard for their stonework countertop samples.

**ANALYSIS:**

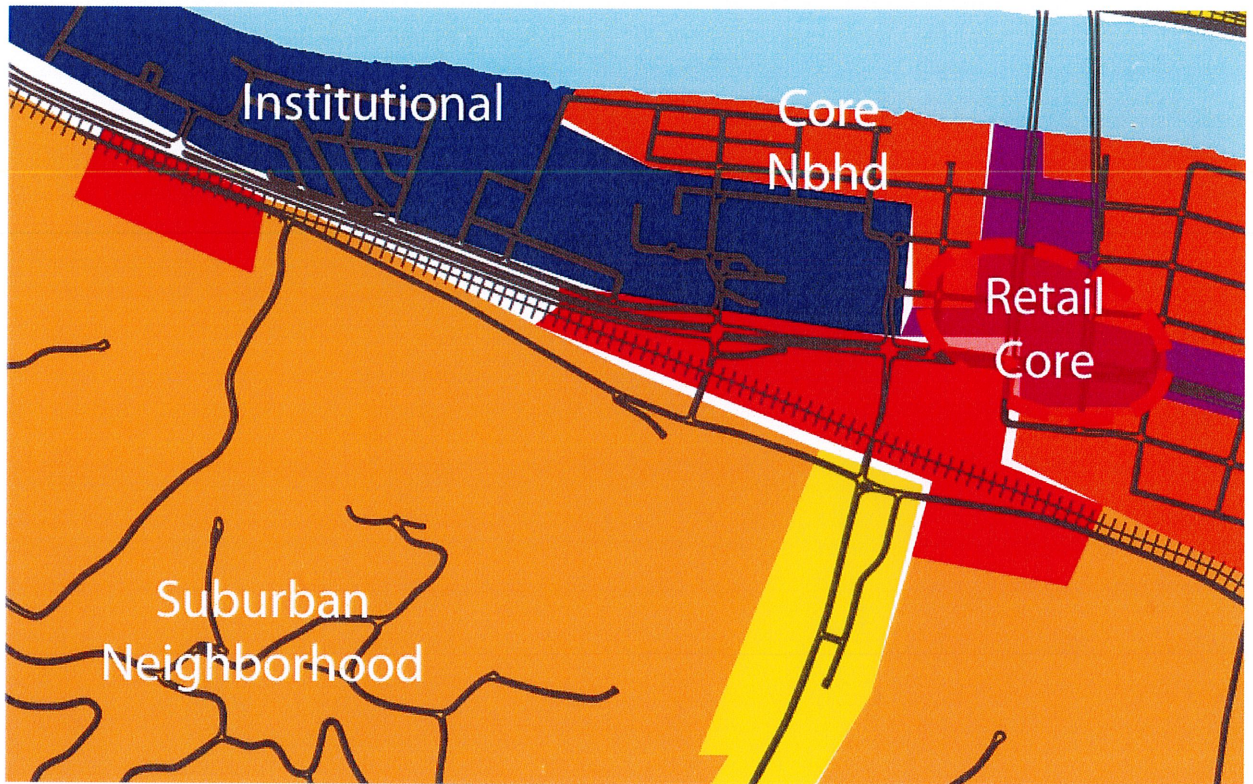
Existing Land Use and Zoning: The property is zoned C-4 Neighborhood Commercial District and is a custom countertop and cabinetry.

Surrounding Land Use and Zoning: To the North, East, and West, the facility is surrounded by many different commercial and industrial enterprises, including CAMC facilities, contracting, fabrication and other professional facilities. This row of C-4/C-10/I-2 uses exists on a pretty clear boundary along Chesterfield Avenue with a solid block of R-4/R-6 residential.

Current Zoning: The C-4 district allows for their fabrication and retail sale of custom cabinetry and countertop stonework. It would not allow outdoor storage for countertop stone samples to be displayed.

Proposed Zoning: The C-10 designation would allow for the proposed outdoor storage needed for the stonework display as well as its current uses.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as being at the confluence of a Rural and Traditional/Core Neighborhoods with a well-established node of Convenience Commercial. The current C-4 district the parcel at subject currently resides in exists almost as a spot zoning of lower commercial utilization amongst a significantly more developed area of commercial activity in the surrounding C-10/I-2 areas. Changing the parcels zoning to C-10 would be in full compliance with the letter and spirit of the Comprehensive Plan.



Summary: This application to rezone the property conforms to the Comprehensive Plan and brings the property into line with the current level of zoning development in the area.

#### **RECOMMENDATION AND FINDINGS:**

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

1. The rezoning is consistent with the future land use map,
2. The rezoning makes the surrounding area of Convenience Commercial more uniform in zoning, and
3. The rezoning proposes minimal additional commercial activity to the surrounding Rural and Suburban Neighborhoods.

**MOTION AND VOTE:** Shannon Ferrari made a motion to approve Bill No. 7975. The motion was seconded by Deanna McKinney and passed by a vote of 8-0-1. (Quintie Smith abstaining).

**Street Naming:** Bill No. 7974 - A Bill to name a public alley, located between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and terminates between 1339 and 1321 Mountain Rd., as Ivory Lane henceforth.

Paul Boddy addressed the Commission in regard to his request for the above-mentioned street naming. It would be beneficial for to emergency services and delivery services in locating the residents along the subject property, on Mountain Road, off Kanawha Turnpike and Daverton Drive.

**APPLICABLE CODE:**

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

**STANDARD OF REVIEW:**

The Commission is to review the request for compliance with the E911 Addressing Regulations and to make a recommendation to Planning Committee. Final action is with City Council

**HISTORY:**

The alley in question has been an unnamed public alley since the surrounding property was developed.

**ANALYSIS:**

Proposed Name: Ivory Lane

Location: Mountain Road is off Kanawha Turnpike and Daverton Road near Charleston Acoustics.

Reason for the request: Name the alley for address and delivery purposes.

Required Petition: Yes, signed by all abutting property owners.

Comments from Addressing Coordinator: Proposed street name tentatively complies with the E911 Addressing System. Final approval is pending on the results of this bill's formal passing. There is another Ivory Lane with a Dunbar Zip-Code, so no fatal conflicts should arise.

**RECOMMENDATION AND FINDINGS:**

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

1. The required petition was duly filed on behalf of all abutting property owners to the alley; and
2. The proposed named complies with the E911 Addressing Regulations and should be approved pending it's approval by City Council.

**MOTION AND VOTE:** Cory Stout made a motion to approve Bill No. 7974. The motion was seconded by Quintie Smith and passed by a vote of 9-0.

**4. Minutes of the September 7, 2022 MPC meeting**

**MOTION AND VOTE:** Minutes to be amended to add members who were present. Quintie Smith made a motion to approve the minutes as amended from the September 7, 2022 meeting. The motion was seconded by Shannon Ferrari and passed by a vote of 9-0.

## **5. Announcements**

No announcements.

## **6. Review of Rules of Procedure and Policy**

Dan presented the Commission with the Rules of Procedure and Policy for the purpose of making sure all members of the Commission were aware of same.

On August 24, 2022, Dan attended an Ethics and Open Meetings training held by the city at the Civic Center regarding ex parte communication. Dan wanted to discuss this with the Committee to see if they wanted to adopt this and make it part of the Committee's Rules of Procedure and Policy.

Ex Parte means "one-sided". In quasi-judicial functions, (i.e., with the MPC voting on text amendments and rezonings) the meeting would be considered a hearing. It is really frowned upon having discussions with people outside the hearing on the matter that is coming before the body, especially if a member of the body is talking to the applicant and the applicant is providing information to the member that is not part of the record (packet). Your decision-making creates a record.

Aric Margolis took issue with this matter. He went on to say that names of the city committee/board members are listed as a matter of public record. The public has the right to call us and express to members whether they want the member voting for or against issues. Dan advised Aric that such conversation should take place at the hearing and anyone making contact outside of the hearing should be encouraged to attend. Members of committees /commissions /boards should not be influenced outside of the meeting. Such discussions should take place in the open at a public forum. The various committees/commissions/boards of the city need to avoid giving the appearance that decisions are being made behind the scenes ("back door politics") or that minds have already been made up.

Dan further stated that it is okay to discuss processes.

Further, group emails between enough individuals to form a quorum constitutes a meeting in a location that has not been advertised. Case in point, a developer who filed an application for rezoning and was denied, has submitted a FOIA for all the city's emails and correspondence relating to his rezoning and this rezoning.

## **7. Adjournment**

Municipal Planning Commission

## Checklist for Application for Rezoning

MPC Hearing Date: \_\_\_\_\_

Bill #: \_\_\_\_\_

| Applicant Information                                  | Property Information                                             |
|--------------------------------------------------------|------------------------------------------------------------------|
| Name:<br>Scott Martin DBA Tristate Stoneworks          | Address:<br>3406 Chesterfield Ave Chas. WV 25304                 |
| Address:<br>2185 Four Mile Rd. Chas. WV 25312          | Tax Map and Parcel:<br>13 2300010000                             |
| Phone:<br>304-989-1409                                 | Zoning District:<br>C4                                           |
| Agents Name, Address, Phone (If other than Applicant): | Property Owner and Mailing Address:<br>(if other than applicant) |

**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 petition to rezone using the format in the sample provided; 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) a list of the owners, with their mailing addresses, of the properties within a 250 foot radius of the property for which the rezoning is being sought; 5) \$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.

### PETITION

The following items shall be included in the petition which shall be filed in the format of the attached sample:

#### Section I

1. Statement of petitioner's identity as contract purchaser, agent or owner.
2. Property Address including Kanawha County Tax map and Parcel No.

#### Section II

1. Description of the use for which a rezoning is being requested and specific district being requested.

#### Section III

1. Applicable Sections of the Zoning Ordinance.
2. Statement of compliance with the City of Charleston Comprehensive and Neighborhood Plans.
3. If applicable, justification for a variance from the City of Charleston Comprehensive Plan and Neighborhood Plans.

#### Section IV

1. Statement of sponsorship of the Bill to Rezone by a member of City Council.
2. Statement of inclusion of a list of all property owners within 250 of the subject property.
3. Statement that the subject property is shown on a map of the subject property that is attached.
4. \$125.00 filing fee.

### BILL

The following items shall be included in the Bill submitted along with the above petition:

1. Name of sponsoring member of City Council
2. Bill filed electronically with the Planning Department in the exact format shown on the attached sample Bill.

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

8-29-2022  
\_\_\_\_\_  
Date

Scott Martin DBA Tristate Stoneworks  
3406 Chesterfield Ave  
Charleston WV 25304

**RE: Tristate Stoneworks Rezoning to C10**

**Tax Map and Parcel:**  
13 2300010000

City Council Members:

This Letter is to justify the reasoning behind why we think the rezoning of 3406 Chesterfield Ave. (Tristate Stoneworks) should be approved from zone C4 to C10. I Scott Martin owner of Tristate Stoneworks and owner of the property mentioned would like to start with I opened this business in 2017 from the ground up starting with absolutely nothing at all. Tristate Stoneworks builds and distributes granite, quartz, quartzite and marble countertops, along with selling and installing cabinets. We are a family owned and operated business. We take pride in all the work we do. Being able to buy a building in the city of Charleston was a huge step in our company's future. The opportunity to have a large outdoor showroom of stone for our customers to be able to pick the exact stone for their project is a huge step in the countertop process. Without being rezoned to a C10 we won't be able to have the indoor operating facility to be able to fabricate the stone. We are working hard to meet all the requirements and comply with the city of Charleston and ensure that we are following of the guidelines. We are one of the only lots that are not a C-10 on this block. Safety measures have been taken to ensure safety of the outside stone yard by having a fence installed completely around the property that is continuously locked during non-business hours.

In conclusion I urge you to vote yes on this rezoning because we would love to be able to keep bringing jobs into Charleston and suppling the people of Charleston the goods of our services. We hope that you carefully consider the rezoning of 3406 Chesterfield Ave from a C4 to a C10 so that we can continue to grow our small business and to keep our outdoor slab yard. I love our city and would love to be able to continue operating within city limits.

**A map of the property has been attached.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott W Martin', with a stylized flourish at the end.

Scott W Martin

**Bill No. 7975**

Introduced in Council

Passed by Council

**October 3, 2022**

Introduced By

**Chad Robinson**

Referred To:

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

**Bill No. 7975** - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January 2006, as amended, and the map made a part thereof, by rezoning from a C-4 district to a C-10 district, that certain lot or parcel of land located at 3406 Chesterfield Ave in the City of Charleston, Kanawha County, State of West Virginia, by petitioner Scott Martin.

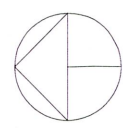
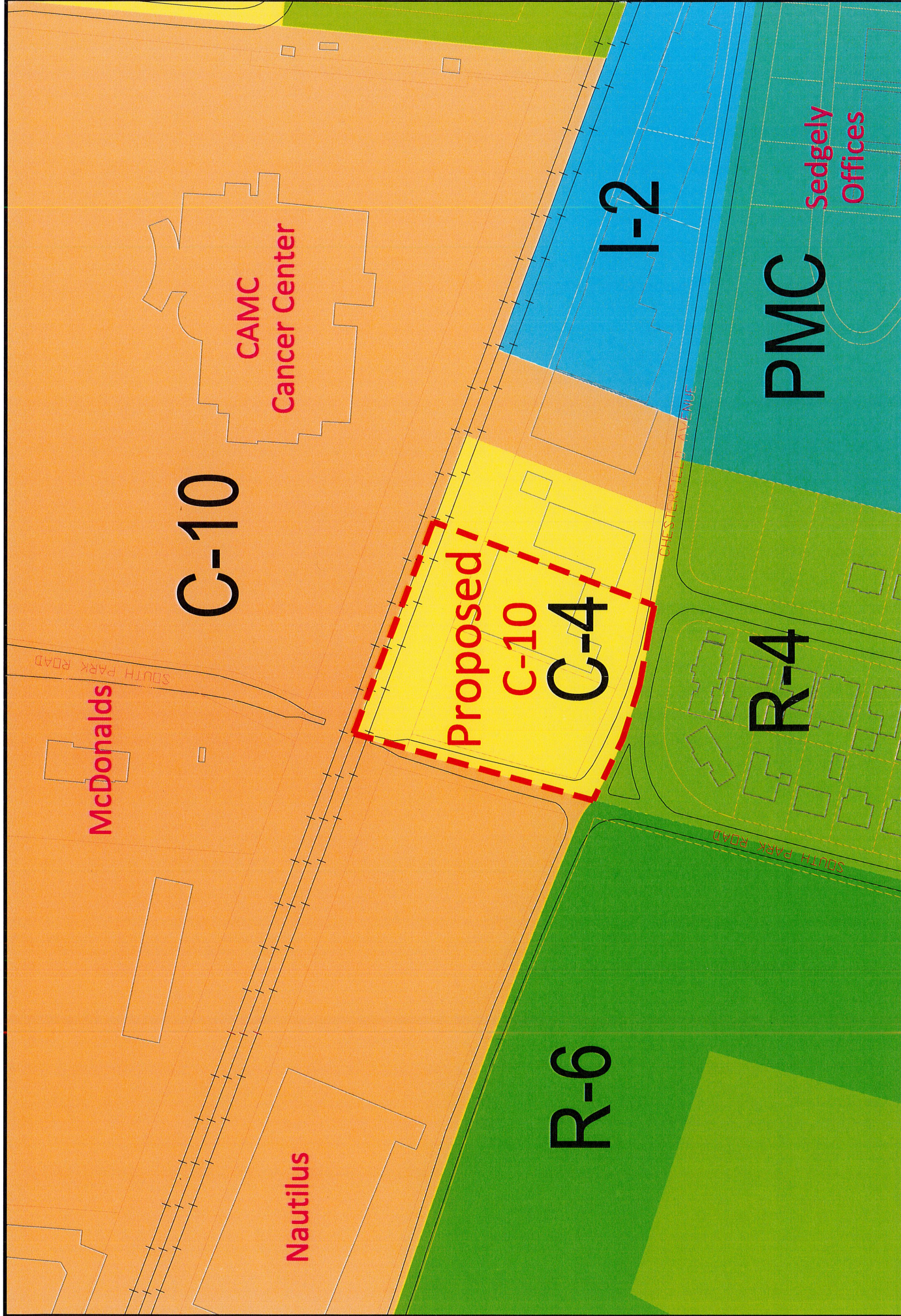
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:**

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

Parcel No. 1 as shown upon Kanawha City Tax Map 23. Subject Parcel commonly known as 3406 Chesterfield Ave, 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.



STAFF  
EXHIBIT

# REZONING FROM C-4 TO C-10

**Planning, Streets, and Traffic Committee**  
**Staff Analysis**  
**October 24, 2022**

**REQUEST:**

Bill No. 7975 - 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 C-4 district to a C-10 district, that certain lot or parcel of land located at 3406 Chesterfield Ave in the City of Charleston, Kanawha County, State of West Virginia, by petitioner Scott Martin.

**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 Planning Commission's decision and forward 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 committee 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 Committee or City Council.

**HISTORY:**

The parcel in question is currently zoned C-4. Petitioner Martin seeks to have the property rezoned as C-10 to allow warehousing and a storage yard for their stonework countertop samples.

**ANALYSIS:**

Existing Land Use and Zoning: The property is zoned C-4 Neighborhood Commercial District and is a custom countertop and cabinetry.

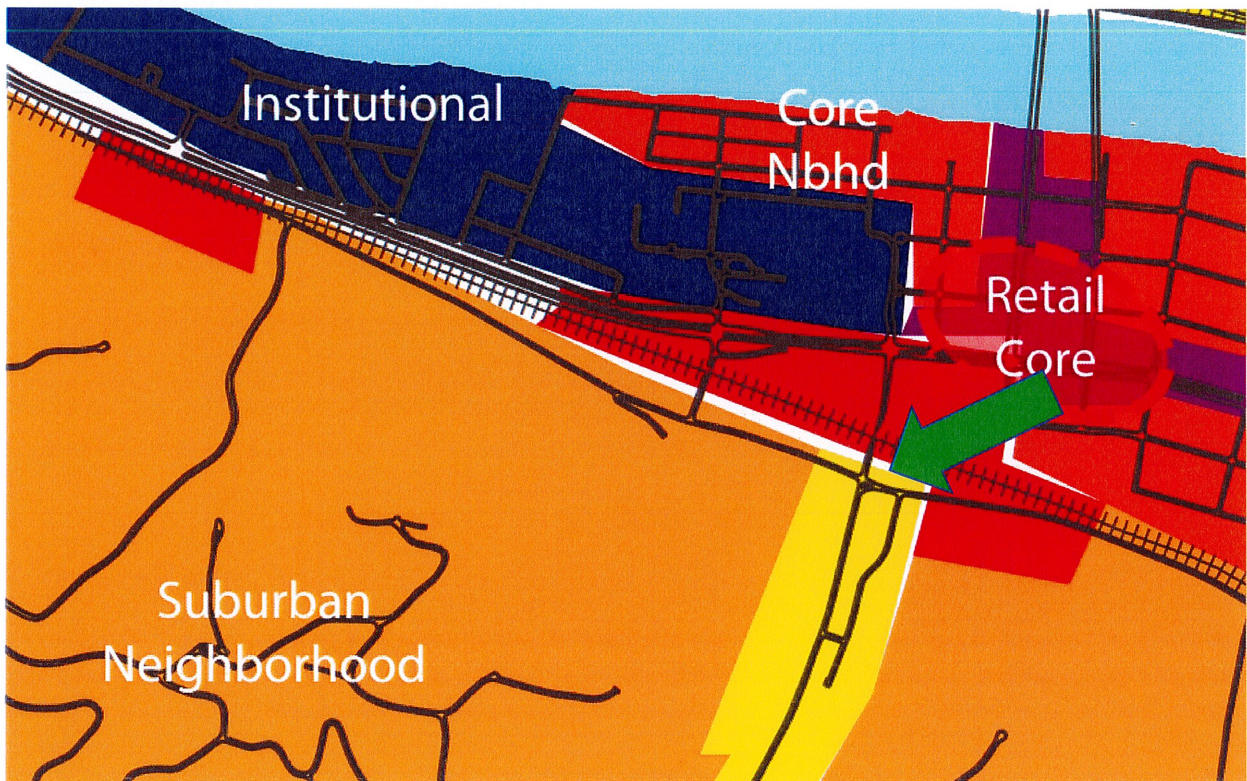
Surrounding Land Use and Zoning: To the North, East, and West, the facility is surrounded by many different commercial and industrial enterprises, including CAMC facilities, contracting, fabrication and other professional facilities. This row of C-4/C-10/I-2 uses exists on a pretty clear boundary along Chesterfield Avenue with a solid block of R-4/R-6 residential.

Current Zoning: The C-4 district allows for their fabrication and retail sale of custom cabinetry and countertop stonework. It would not allow outdoor storage for countertop stone samples to be displayed.

Proposed Zoning: The C-10 designation would allow for the proposed outdoor storage needed for the stonework display as well as its current uses.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as being at the confluence of a Rural and Traditional/Core Neighborhoods with a well-established node of Convenience Commercial. The current C-4 district the parcel at subject currently resides in exists almost as a spot zoning of lower commercial utilization amongst a significantly more

developed area of commercial activity in the surrounding C-10/I-2 areas. Changing the parcels zoning to C-10 would be in full compliance with the letter and spirit of the Comprehensive Plan.



Summary: This application to rezone the property conforms to the Comprehensive Plan and brings the property into line with the current level of zoning development in the area.

**We have received no opposition to the request and the Planning Commission unanimously recommended approval.**

**RECOMMENDATION AND FINDINGS:**

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

1. The rezoning is consistent with the future land use map,
2. The rezoning makes the surrounding area of Convenience Commercial more uniform in zoning, and
3. The rezoning proposes minimal additional commercial activity to the surrounding Rural and Suburban Neighborhoods.

1 **Bill No. 7976**

2 Introduced in Council

Passed by Council:

3 **October 17, 2022**

4 Introduced by:

Referred to:

5 **Larry Moore**

**Planning, Streets and Traffic**

6  
7 **Bill No. 7976** - A Bill to amend and reenact ordinance 7968 to remove the handicap  
8 parking zone on the southerly side of 6<sup>th</sup> Street from a point 52 feet west of Russell  
9 Street to a point 118 feet west of Russell Street, maintain the established handicapped  
10 parking zones on the southerly side of 6<sup>th</sup> Street from Russell Street to a point 52 feet  
11 west of Russell Street, establish a handicapped parking zone on the westerly side of  
12 Russell Street from a point 88 feet south of 6<sup>th</sup> Street to a point 110 feet south of 6<sup>th</sup>  
13 Street, establish a handicapped parking zone on the southerly side of 6<sup>th</sup> Street from a  
14 point 233 feet west of Russell Street to a point 289 feet west of Russell Street, and  
15 amending the Traffic Control Map and Traffic Control File, established by the code of  
16 the City of Charleston, West Virginia, two thousand and three, as amended, Traffic  
17 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

19 Section 1. Ordinance 7968 is hereby amended and reenacted to remove the  
20 handicap parking zone on the southerly side of 6<sup>th</sup> Street from a point 52 feet west of  
21 Russell Street to a point 118 feet west of Russell Street, while maintaining the  
22 established handicapped parking zones on the southerly side of 6<sup>th</sup> Street from Russell  
23 Street to a point 52 feet west of Russell Street.

24 Section 2. There is hereby established a handicapped parking zone on the westerly  
25 side of Russell Street from a point 88 feet south of 6<sup>th</sup> Street to a point 110 feet south of  
26 6<sup>th</sup> Street.

27 Section 3. There is hereby established a handicapped parking zone on the southerly  
28 side of 6<sup>th</sup> Street from a point 233 feet west of Russell Street to a point 289 feet west of  
29 Russell Street

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

34 Section 5. All prior Ordinances, inconsistent with this Ordinance are hereby  
35 repealed to the extent of said inconsistency.