



Planning, Streets and Traffic Committee

Monday, January 23, 2023, 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. 7982 – 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, those certain parcels of land identified as follows:

- a) 1801 Bigley Avenue (also 302 Aletha Street), Charleston, West Virginia (Charleston West, M30, P25)
- b) 1804 ODell Avenue, Charleston, West Virginia (Charleston West, M30, P26)
- c) 1803 Bigley Avenue, Charleston, West Virginia (Charleston West, M30, P27)
- d) 1804 ODell Avenue, Charleston, West Virginia (Charleston West, M30, P28)
- e) 1805 Bigley Avenue, Charleston, West Virginia (Charleston West, M30, P29)

A request to add No Parking signs in area adjacent 804 Laurel Rd where it meets an unnamed alley.

Request to place NO PARKING signs at the intersection of the alley by 804 Laurel Rd and Laurel Rd.

4. Discussion

A request by the Salvation Army to have timed parking on Tennessee Avenue to accommodate pick-up and drop-off spaces for their after-school programs.

5. Approval of the Minutes of the December 12, 2022, meeting

6. Adjournment



PUBLIC HEARING NOTICE

Public Hearing – Notice is hereby given that the City of Charleston’s Municipal Planning Commission will hold a public hearing:

DATE: January 4, 2023

TIME: 3:00 p.m.

PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Rezoning

Rezoning Bill No. 7982 – 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, those certain parcels of land identified as follows:

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Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

The file (including the application, plans and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

For more information, please call (304) 348-8105, email chad.webb@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

Chad Webb
Planner – City of Charleston

Bill No. 7982

Introduced in Council

Passed by Council

December 19, 2022

Introduced by

Referred to

**Honorable Beth Kerns,
Councilperson**

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

Bill No. 7982 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 an R-4 district to a C-10 district, those certain parcel of land identified as follows:

- a) 1801 Bigley Avenue (also 320 Aletha Street), Charleston, West Virginia (Charleston West, M30, P25)
- b) 1804 ODell Avenue, Charleston, West Virginia (Charleston West, M30, P26)
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- d) 1804 ODell Avenue, Charleston, West Virginia (Charleston West, M30, P28)
- e) 1805 Bigley Avenue, Charleston, West Virginia (Charleston, West, M30, P29)

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-4 district to a C-10 district the whole of the following described parcels of land:

- a) Parcel No. 25 as shown on Charleston West Tax Map No. 30. Subject parcel commonly known as "LT A BK 14 UPPER GLEN ELK" (1801 Bigley Avenue and 320 Aletha Street), Charleston, West Virginia. Said tax map is of record in the Planning Office.
- b) Parcel No. 26 as shown on Charleston West Tax Map No. 30. Subject parcel commonly known as "PT LT B BK 14 33 X 64 UPPER GLENN ADN O DELL AVE" (1804 ODell Avenue), Charleston, West Virginia. Said tax map is of record in the Planning Office.
- c) Parcel No. 27 as shown on Charleston West Tax Map No. 30. Subject parcel commonly known as "PT LT B BK14 33.3 X 61 UPPER GLEN ADN BIGLEY AVE 1803" (1803 Bigley Avenue), Charleston, West Virginia. Said tax map is of record in the Planning Office.
- d) Parcel No. 28 as shown on Charleston West Tax Map No. 30. Subject parcel commonly known as "PT LTS B-C BK 14 33 X 64 UPPER GLEN ADD O DELL AVE" (1804 ODell Avenue), Charleston, West Virginia. Said tax map is of record in the Planning Office.

38 e) Parcel No. 29 as shown on Charleston West Tax Map No. 30. Subject
39 parcel commonly known as "PT LTS B-C BK 14 GLEN ELK BIGLEY AVE
40 1805" (1805 Bigley Avenue), Charleston, West Virginia. Said tax map is
41 of record in the Planning Office.
42

43
44 2. The Zoning Map, attached to and made a part of said Zoning Ordinance,
45 is hereby amended in accordance with Article 27 of this ordinance.
46

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

**PETITION TO REZONE FROM R-4 TO C-10
THE LAND AT
1801 BIGLEY AVENUE
320 ALETHA STREET
1804 ODELL AVENUE
1803 BIGLEY AVENUE
1805 BIGLEY AVENUE**

CHARLESTON, WEST VIRGINIA

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I

Petitioner is the contract/purchaser of the property situate at 1801 Bigley Avenue, 320 Aletha Street, 1804 ODell Avenue, 1803 Bigley Avenue and, 1805 Bigley Avenue, Charleston, Kanawha County, West Virginia (collectively "the property").

II

Petitioner proposes to remove the blighted structures on the property and develop additional fenced storage for Sunbelt Rentals currently located at 1717 Bigley Avenue.

III

Petitioner wishes to have the property rezoned from an R-4 use to a C-10 use, said property described as follows: All of Parcel Nos. 25, 26, 27, 28 and, 29 as shown upon Charleston West Tax Map No. 30. Said property being commonly known as 1801 Bigley Avenue, 320 Aletha Street, 1804 ODell Avenue, 1803 Bigley Avenue and, 1805 Bigley Avenue, Charleston, West Virginia. The above-mentioned tax map is as of record in the Charleston Planning Department.

IV

The property is located between Bigley Avenue and I-64, across Aletha Street from Sunbelt Rentals. The entire area between Bigley Avenue and I-64 has experienced a gradual and steady decline in residential population over the years, being replaced by businesses which benefit from interstate exposure and accessibility. The development of the property for Sunbelt Rentals would be a continuation of this natural transition. Further, the development of the property would enhance the ability of Sunbelt Rentals to generate additional B & O tax revenue for the City while also eliminating non-productive and blighted structures. Sunbelt Rentals is a low-impact, neighbor-friendly, commercial business perfectly suited for this location.

V

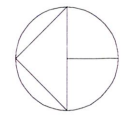
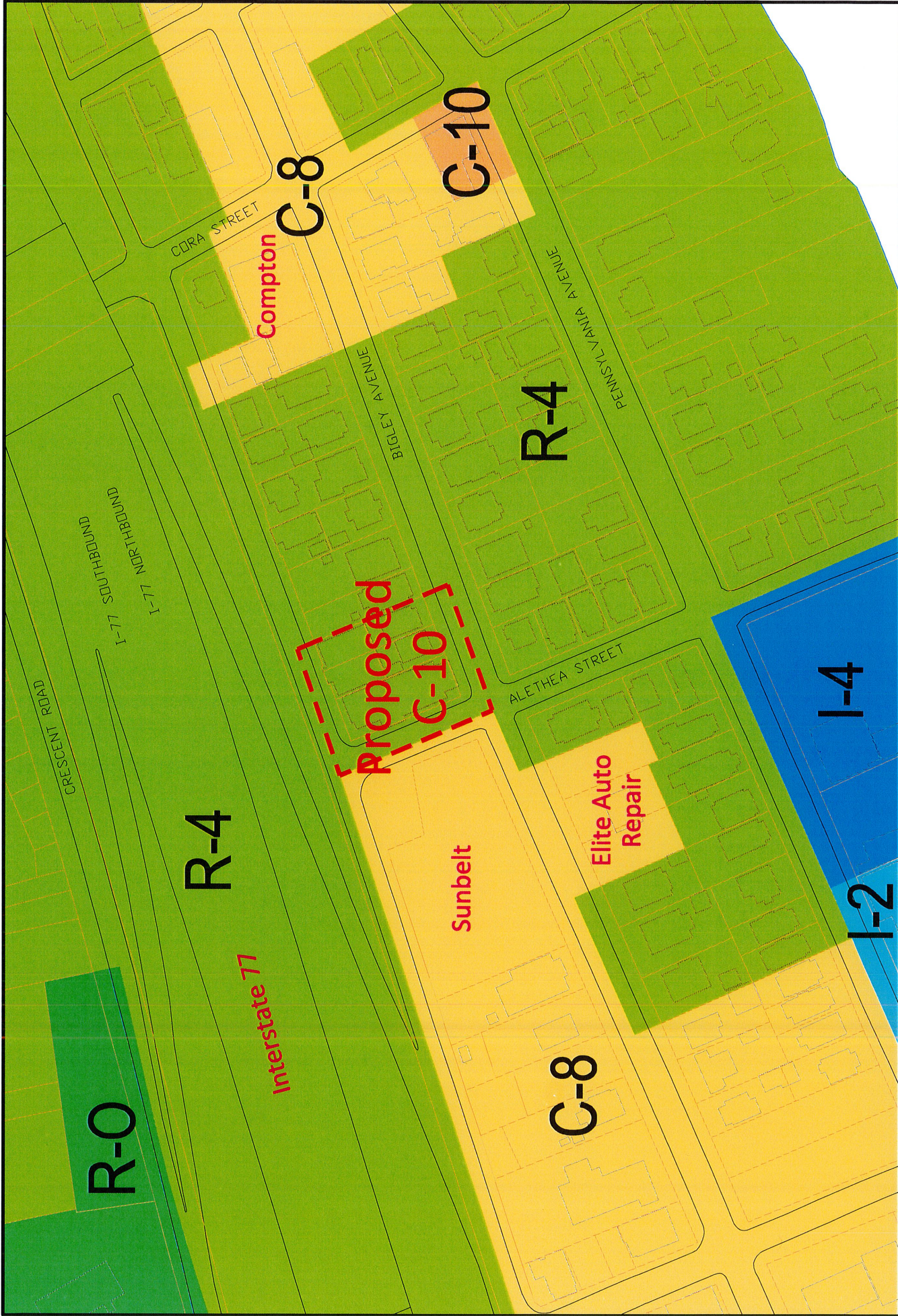
Attached hereto is a Bill to accomplish the requested rezoning, a list of property owners who own property within 250 feet of the subject property, a map of the subject property, and a \$125.00 filing fee.

Respectfully submitted this _____ day of
December, 2022.

By: _____
George M. Smith, Attorney

On Behalf of,
O.V. Smith & Sons of Big Chimney, Inc.
4510 Pennsylvania Avenue
Charleston, WV 25302

Phone: (304) 965 3481



REZONING FROM R-4 TO R-0

STAFF
EXHIBIT



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, January 4, 2023
3:00 P.M.

Members Present

Shaw Taylor, Chair
Margo Teeter
Terry Picket (via phone)
Quintie Smith (via phone)
JoEllen Zacks
Adam Krason
Alice Hypes
Shannon Ferrari
Justin Marlow
Cory Stout
Terri Allen, Mayors Designee
Lisa Fischer-Casto
J. D. Stricklen, Kanawha County Representative

Members Absent

Aric Margolis
Deanna McKinney
Mary Beth Hoover

Staff Present

Dan Vriendt
Chad Webb

In Attendance:

George Smith, OV Smith & Sons – Applicant
Jim Smith, OV Smith & Sons – Applicant
Sharon Parson w/ Sunbelt
Fred Truman w/Sunbelt
Aric Leach w/Sunbelt
Beth Kerns, City Council Member
Richard Hunt – Owner of Church Building at 1801 Bigley Avenue

1. Call to Order

2. Unfinished Business - None

3. New Business

Rezoning: Bill No. 7982 – 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, those certain parcels of land identified as follows:

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Applicant George Smith of OV Smith & Sons, a local real estate development company based in Big Chimney, West Virginia, presented his request before the Committee. Accompanying George Smith is Jim Smith, founder of OV Smith. The company has been in existence for approximately 65 years. Mr. Smith they are not super aggressive, but when they do a project, they like doing one that is complimentary to the neighborhood.

In attendance today, representing Sunbelt Rentals, is the Bigley Avenue Store Manager, Sharon Parsons, Market Manager Fred Truman, and the District Manager, Aric Leach, Richard Hunt, owner of the property of church at 1805 Bigley Avenue. Also, in attendance is newly sworn in City Council Member Beth Kerns, who represents Ward 7 of the City of Charleston.

George Smith spoke to the fact that Sunbelt is a business that is flourishing in today's business market. Sunbelt's problem is that they need more room for storage and that is the purpose of today's meeting. Mr. Smith said he envisioned a fenced yard, concreted lot, in accordance with the requirements as set forth in the city ordinance. Sunbelt Rentals is a great corporate neighbor and perfectly suited for this particular area. Sunbelt has been in this location for approximately four years and there have never been any complaints against them due to noise or anything of that nature.

It would be beneficial for the city if this is approved because a few of the structures on the adjoining lots involved are beyond repair. The church that sits on property owned by Mr. Hunt has not been open for approximately 20 years. Mr. Smith said he was inside the church building and the entire ceiling has collapsed.

There are three decent rental houses that are currently occupied and owned by Mr. Hunt. The applicant stated that they are more than glad to work with the current tenants. Applicant stated further that they have not closed on the property because they were waiting to see how today's proceeding went. If approved, the applicant is more than glad to work with the tenants to give them free rent and ample time to relocate, since the applicant does not envision doing anything until Spring.

Quintie Smith spoke in favor of the work the applicants are wanting to do.

J.D. Strickland noted that there has not been new residential construction on Bigley Avenue in approximately 50 years. It was originally zoned R-4 before I-77 was constructed. Currently, it is zoned C-8, Village Commercial District. J.D. stated further there was nothing inappropriate about this request based on recent business development in the area.

There was no one present to speak in opposition to the applicant's request.

Chad Webb presented the staff's findings and recommendation to the MPC:

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 and consist of private single-family homes and one larger structure used for religious services and outreach. Petitioner seeks to acquire the properties and have them rezoned as C-10 to allow warehousing and a storage yard for their large-scale equipment rentals.

ANALYSIS:

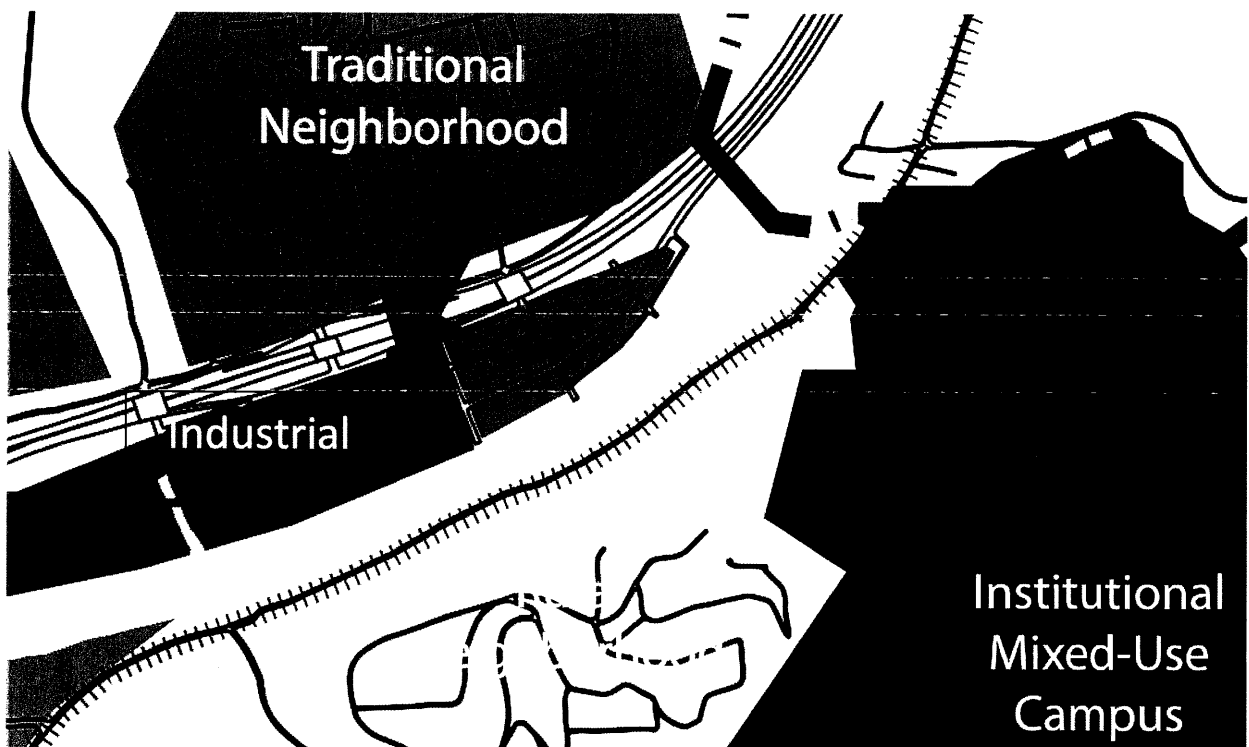
Existing Land Use and Zoning: The properties are zoned R-4 Single-Family Residential District and are a mixture of single-family homes and a religious institution.

Surrounding Land Use and Zoning: The properties reside on the northern part of the 1800 block of Bigley Avenue, which are all currently zoned for Single-Family Residential use. To the west and east of this block, along Bigley Ave, are expanding zones of C-8 Village Commercial District. These developments have turned this section of Bigley Ave – from the split from Pennsylvania Ave to the west and to Lilly Street to the East – into a predominantly commercial corridor.

Current Zoning: The R-4 district is extremely restrictive and allows mainly for "single family neighborhoods on smaller lots, located within convenient walking distance of other uses," low impact at-home businesses, and religious institutions via a conditional use permit. It would not allow an expansion of the Sunbelt Equipment Rental business in any capacity.

Proposed Zoning: The C-10 General Commercial District designation would allow for the proposed expansion of Sunbelt Rentals' general business with a particular focus on accommodating the needed expansion of outdoor storage.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this collection of properties as being at the confluence of an area of Traditional/Core Neighborhoods with a well-established area of Industrial use immediately adjacent to it. The R-4 district the parcels currently reside in exists in compliance with the spirit of the "Traditional/Core Neighborhood" designation by maintaining the easily walkable, historic grid of Charleston's flat valley floor core. However, this Traditional/Core Neighborhood area south of the interstate has already begun a change into more of a mixed-use district, particularly along Bigley Avenue. Whereas the parcels immediately border a sizeable and well-established Industrial zone, the question of changing the zoning of these properties to C-10 would largely turn on whether this is merely an organic expansion of a zone of industry and commerce or a spot zoning in a well-defined block of traditional single-family housing.



Summary: Applicant seeks to rezone a block of properties on the border between a commercial/industrial zone and a single-family housing neighborhood from their existing R-4 designation to a C-10 designation to allow for expansion of an equipment rental business that resides across Aletha Street.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map in that it allows for an organic expansion of the preestablished Industrial zone,

2. The rezoning allows for further transistion of the Bigley Ave corridor to become commercial, and
3. The rezoning avoids spot rezoning by maintaining a clearly defined border between the commercial expansion along Bigley Ave and the remainder of the 1800 block of Bigley.

Beth Kerns, Councilwoman for Ward 7, addressed the Committee. Councilwoman Kerns stated that they are very happy with Sunbelt being in this location. They are a very clean well-organized franchised business. Sunbelt has brought a lot of traffic to the area and are right off the interstate exit. The Councilwoman stated further that they would love to see that development continue.

Mote and Vote: Adam Krason made a motion to approve Bill No. 7982. The motion was seconded by Shannon Ferrari and passed unanimously by a vote of 12-0.

4. Minutes of the December 7, 2022 MPC meeting

Mote and Vote: Alice Hypes made a motion to approve the minutes of the December 7, 2022 meeting. The motion was seconded by Margo Teeter and passed unanimously by a vote of 12-0.

5. Announcements

6. Adjournment

Planning, Streets, and Traffic Committee
Staff Analysis
January 23, 2023

REQUEST:

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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 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 Committee or City Council.

HISTORY:

The parcels in question are currently zoned R-4 and consist of private single-family homes and one larger structure used for religious services and outreach. Petitioner seeks to acquire the properties and have them rezoned as C-10 to allow warehousing and a storage yard for their large-scale equipment rentals.

ANALYSIS:

Existing Land Use and Zoning: The properties are zoned R-4 Single-Family Residential District and are a mixture of single-family homes and a religious institution.

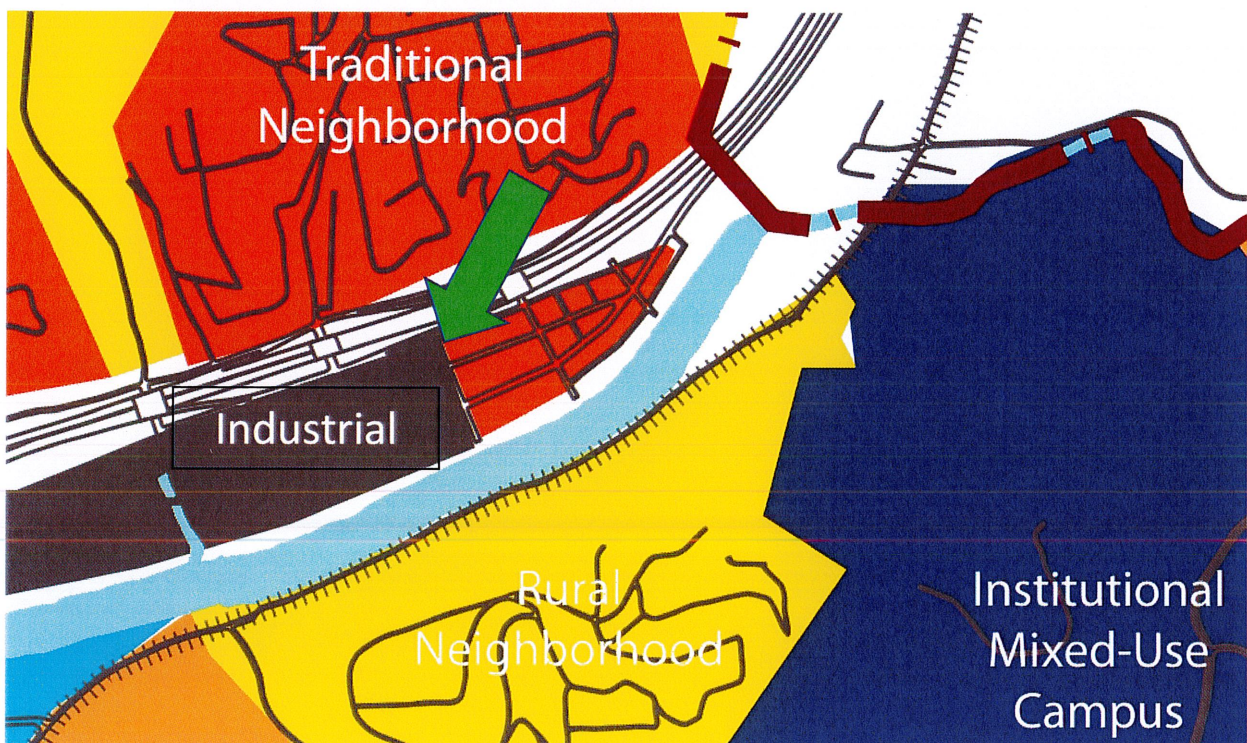
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block, along Bigley Ave, are expanding zones of C-8 Village Commercial District. These developments have turned this section of Bigley Ave – from the split from Pennsylvania Ave to the west and to Lilly Street to the East – into a predominantly commercial corridor.

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Proposed Zoning: The C-10 General Commercial District designation would allow for the proposed expansion of Sunbelt Rentals’ general business with a particular focus on accommodating the needed expansion of outdoor storage.

Compliance with the Comprehensive Plan: The comprehensive plan’s future land use map designates this collection of properties as being at the confluence of an area of Traditional/Core Neighborhoods with a well-established area of Industrial use immediately adjacent to it. The R-4 district the parcels currently reside in exists in compliance with the spirit of the “Traditional/Core Neighborhood” designation by maintaining the easily walkable, historic grid of Charleston’s flat valley floor core. However, this Traditional/Core Neighborhood area south of the interstate has already begun a change into more of a mixed-use district, particularly along Bigley Avenue. Whereas the parcels immediately border a sizeable and well-established Industrial zone, the question of changing the zoning of these properties to C-10 would largely turn on whether this is merely an organic expansion of a zone of industry and commerce or a spot zoning in a well-defined block of traditional single-family housing.



Summary: Applicant seeks to rezone a block of properties on the border between a commercial/industrial zone and a single-family housing neighborhood from their existing R-4 designation to a C-10 designation to allow for expansion of an equipment rental business that resides across Aletha Street.

Staff has received no opposition to request. The Planning Commission unanimously voted to recommend passage of the bill.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is consistent with the future land use map in that it allows for an organic expansion of the preestablished Industrial zone,
2. The rezoning allows for further transistion of the Bigley Ave corridor to become commercial, and
3. The rezoning avoids spot rezoning by maintaining a clearly defined border between the commercial expansion along Bigley Ave and the remainder of the 1800 block of Bigley.