

Planning, Streets and Traffic Committee

Monday, January 23, 2022 at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover, Chair
Jennifer Pharr (via phone)
Becky Ceperley
Pam Burka
Kathy Rubio
Bobby Haas
John Gianola

Staff Present

Sgt. Oldham
Terri Allen
Matt Hartline
Dan Vriendt

Other Attendees

Beth Kerns
Jeanine Faegre
Emmett Pepper
Naomi Bays
Adam Knauff
George Smith
Jim Smith

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)

Dan Vriendt presented the following staff notes for Bill No. 7982. He explained that Sunbelt has outgrown their outdoor storage area and would like to have equipment rental on the previously identified parcels on Bigley Avenue and Odell Avenue.

The staff placed a Class 1 legal advertisement and sent notification to all the property owners within a 250' radius of the subject property. Signs were posted on the property stating the property was being considered for a rezoning. No opposition was received to the request and/or notifications. There was no one in attendance at the Municipal Planning Commission in opposition to the request. The Planning, Streets and Traffic Committee would only be making a recommendation on this request. Final decision would be made by the City Council.

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.

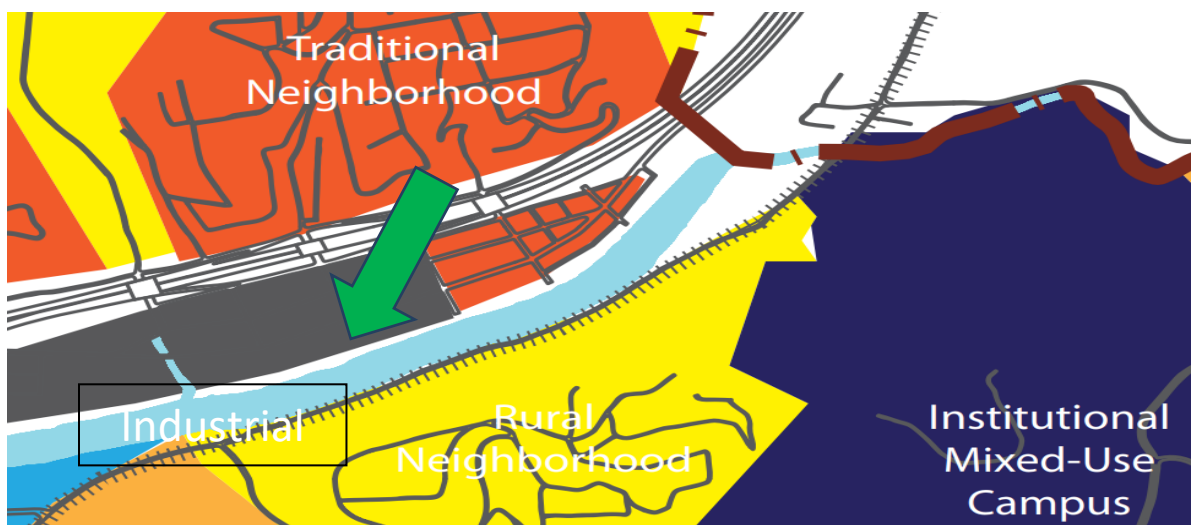
Surrounding Land Use and Zoning: The properties reside on the northern part of the 1800 block of Bigley Avenue, which are all currently zoned for Single-Family Residential use. To the west and east of this block, along Bigley Ave, are expanding zones of C-8 Village Commercial District. These developments 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.

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.

Mary Beth Hoover asked if there were any questions from the committee members.

Becky Ceperley asked if the church and the house were for sale. Dan responded that the property in question would be purchased and demolished and turned into a storage yard.

John Gianola asked why is the proposed zoning C-10 and not C-8. Dan responded that C-8 does not permit outdoor storage unless it is accessory to the use that is on that parcel. With this being directly across the street, it is not on their parcel. If it was all continuous it could be C-8. Technicall, it is considered offsite storage.

Mary Beth asked for questions from public attendees.

Beth Kerns, Councilwoman for Ward 7, stated that Sunbelt has been a wonderful tenant in both locations they have occupied on Charleston's west side. Sunbelt is near the interstate exit for Westmoreland. It is beneficial for other businesses in the area for the traffic that comes to do business at Sunbelt. Councilwoman Kerns further stated that Sunbelt keeps their facility neat and they are not noisy. As far as the buildings that are being purchased to accommodate Sunbelt's expansion, the church is dilapitated and has not been used for 25 years. The activity building behind the church is also in disrepair. The two houses on Bigley and the other one on Odell are currently rented. The owner of those buildings has other rental property that he is supposed to offer those tenants. O.V. Smith & Sons, the owner of the property, will allow the tenants to live rent-free up until the point in time construction begins.

Motion and Vote: A motion was made by Becky Ceperley to approve Bill No. 7982. The motion was seconded by Bobby Haas and unanimously passed by a vote of 7-0.

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

This is a request from Councilman Salango.

Matt Hartline addressed the committee on this matter. The resident at 804 Laurel Road and a few other nearby residents are being forced to use a city-owned alley to access their parking spaces and garages. The parking along the subject area is prevent the resident at 804 Laurel Road from being able to make the turn. There are retaining walls that also make the situation more difficult.

The idea is to put up No Parking signs that will be located 30 feet in two different locations from the intersection. This is permitted because the city codes states that there can be no parking within an intersection. Moreover, the city code also prohibits parking that blocks access to an alley. The request is for permission to place the signs. However, it is enforceable with or without the signs.

Motion and Vote: A motion was made by Becky Ceperley to approve the request to add No Parking signs in an area adjacent to 804 Laurel Rd where it meets and unnamed alley. The motion was seconded by John Gianola and unanimously passed by a vote of 7-0.

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.

This is a request that came through Councilman Emmett Pepper.

Terri Allen had her staff do an evaluation of the area and presented the findings to the committee. Terri stated that over the course of a four-week period, their officers randomly visited the street in front of the facility in order to gain an accurate assessment of the situation. The visits took place during morning, afternoon and evening hours. On the average, there are three to four cars parked there at any given time. There are approximately 9-10 available spaces between the parking lot exit that Terri assumes is owned by the Salvation Army.

Where use is concern, Terri stated it would seem feasible to possibly add a coupled of non-metered timed-spaces, i.e., 15-minute drop-off. Terri is not suggesting that it would be exclusive-use, because typically they are not exclusive-use spaces. Short-term parking

is advised in this particular situation. The Salvation Army's main concern in making this request is for the safety of children in their after-school programs when they are being picked up and dropped off.

Mary Beth sent an email concerning this matter to Councilman Michael Ferrell, Ward 6 representative. This matter will have to be drafted into a bill.

Greendale parking.

This involves an area between Swarthmore Avenue and Price Street that is "no parking". Several neighbors in this area are parking in front of the No Parking signs almost on a daily basis. One particular neighbor has sent members of city council and Sgt. Oldham emails and photos of what is taking place. There have also been several parking citations issued. Recently Matt and his staff placed several "No Parking" signs in that area. However, that has not deterred the situation so the problems still exist. This has been long time problem.

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

Motion and Vote: A motion was made by Becky Ceperley to approve the minutes of the December 12, 2022 meeting. The motion was seconded by Bobby Haas and unanimously passed by a vote of 7-0.

6. Adjournment

Motion and Vote: A motion was made by Becky Ceperley to adjourn the January 23, 2023 Planning, Streets and Traffic Committee meeting.