



Planning, Streets and Traffic Committee

Monday, June 15, 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. 7995 - A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East to Quarrier 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.
Drive

Bill No. 7996 - A Bill to create no parking on pavement zone on the eastern side of Savory from Woodward Drive to the End of Savory Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

4. Discussion

5. Approval of the Minutes of the May 22, 2023, meeting

6. Adjournment

1 **Bill No. 7995**

2 Passed by Council:

3 Introduced in Council

4 **June 5, 2023**

5 Introduced by:

Referred to

6 **Mary Beth Hoover**

Planning, Streets and Traffic

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8 **Bill No. 7995** - A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East
9 to Quarrier Street and amending the Traffic Control Map and Traffic Control File,
10 established by the code of the City of Charleston, West Virginia, two thousand and
11 three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to
12 conform therewith.

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

14 Section 1. A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East to
15 Quarrier Street

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

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21 repealed to the extent of said inconsistency.

1 **Bill No. 7996**

2 Passed by Council:

3 Introduced in Council

4 **June 5, 2023**

5 Introduced by:

Referred to

6 **Pat Jones**

Planning, Streets and Traffic

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8 **Bill No. 7996** - A Bill to create no parking on pavement zone on the eastern side of
9 Savory Drive from Woodward Drive to the End of Savory Drive and amending the Traffic
10 Control Map and Traffic Control File, established by the code of the City of Charleston,
11 West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division
12 2, Article 4, Chapter 114, to conform therewith.

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

14 Section 1. A Bill to create no parking on pavement zone on the eastern side of Savory
15 Drive from Woodward Drive to the End of Savory Drive

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

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

Planning, Streets and Traffic Committee
Monday, May 22, 2023 at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover, Chair
Jennifer Pharr
Becky Ceperley
Kathy Rubio
John Gianola
Pam Burka

Staff Present

Sgt. Oldham
Terri Allen
Matt Hartline
Brent Webster
Dan Vriendt

Members Absent

Bobby Haas

Public Attendees

Bill Lodzinsky (Bill No. 7986)
Beth Kerns (Bill No. 7986)

1. Call to Order

2. Unfinished Business

3. New Business

Bill No. 7986 - A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by adding Section 24-100-11 relating to off-premises electronic message boards.

Dan Vriendt introduced the representatives from WV Outdoor. They are the ones who brought this idea to the city and to the administration, as off-premises electronic message boards are becoming common in other cities. Charleston's zoning ordinance is very strict where billboards or where off-premises advertising is concerned. It is very difficult to put up a new billboard anywhere in the city. There are almost no places left that are zoned for them. However, there are several non-conforming billboards that exist until they basically rot in place and collapse. Structural alterations are not permitted. Some modifications are permissible. Basically, when the signs become a safety hazard, they have to be taken down.

What other communities are doing is balancing the needs of billboard companies wanting to use the latest technology with digital billboards. They receive more revenue from a digital billboard than they can from paper or vinyl wrap billboard, which allows cities to achieve their goal of reducing sign clutter.

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged with reviewing the recommendation of the Planning Commission and forwarding a recommendation to the City Council for final action. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY:

The idea behind the request was presented to the city by WV Outdoor. Staff worked with WV Outdoor over the last year to draft an ordinance that balances the desire of outdoor advertising companies to leverage the latest digital technology with the City's goal of reducing sign clutter and improving aesthetics.

The amendment proposes the following:

- Existing billboards can be converted to digital billboards if the petitioner removes nonconforming billboards of equal or greater sign area somewhere else in the city.
- New digital billboards may be erected if the petitioner removes nonconforming billboards with at least twice as much sign area somewhere else in the city.
- To address potential adverse impacts, the bill requires digital billboards to remain static and nonanimated for a minimum of eight seconds. Messages must transition instantly with no transition graphics. Additionally, digital billboards cannot exceed 5,000 nits between sunrise and sunset or 250 nits during nighttime hours.

ANALYSIS:

The bill creates an incentive for outdoor advertising companies to reduce the amount of sign clutter in the City. Similar amendments are becoming increasingly popular around the country.

RECOMMENDATION AND FINDINGS:

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

1. The amendment will encourage a reduction in the number of nonconforming billboards while requiring performance standards that maintain quality aesthetics and address distracted driver concerns.

A member of the committee brought up the matter of instances where the committee has had discussions concerning businesses that have requested digital signs but were prohibited by the zoning ordinance to have changing signs. Dan said there is a moratorium or prohibition of digital signs for on-premises advertising. Councilman Pat Jones has a bill that he brought before PS&T probably a year to a year and half ago. We had some discussion here at this committee. There was not any action taken at that time but he would like to bring it back up. A member of the committee said that some of the businesses in Kanawha

City have digital signs, referring to Horace Mann Middle School. Dan said there are a couple of exceptions. In this instance, schools are their own political subdivision and are not subject to the city ordinance.

John Gianola asked what is the purpose of making the sign static for a minimum of eight seconds? Dan said it was a matter of reducing the distraction to drivers. Since this is a new venture for the city, it seemed beneficial from a quality control aspect. Dan also stated that it may be a DOH requirement, but he was not sure. Bill Lodzinski said eight second minimum is an industry standard established through the federal government. Dan said that applies to digital billboards. Off-premises signs are subject to different rules than on-premises signs.

John Gianola asked if this only applies to active non-conforming billboards, but what about replacing all non-conforming billboards with digital ones. The question is in reference to line 13 of the bill. Dan said if a billboard remains inactive for a certain number of years it loses its grandfathering rights and could not be reusable. Dan said those signs are coming down regardless.

Councilwoman Kerns mentioned that the church on Summers Street was wanting to do a different kind of signage, The sign they have is marquis type, old signs with the letters up on it. It is in very bad disrepair. She wanted to meet with Pat Jones on that matter. There is a need concerning signs such as these. Technology has changed and repair is difficult or impossible, in some instances.

MOTION AND VOTE: A motion was made by Becky Ceperley in support of Bill No. 7986. The motion was seconded by Jennifer Pharr and the committee voted 5-1 in favor of Bill No. 7986.

Bill No. 7989 - 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 combination of a R-O and C-8 districts to a solely C-8 district, the lots 15 and 16 of the parcel situated at 4415 MacCorkle Ave SE, Charleston, WV and Tax Map 16, Parcel 123 of Kanawha City.

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to make a recommendation to the City Council. 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.

HISTORY:

The parcel in question is currently zoned both C-8 and R-O. The division of this property's zoning occurred when previous ordinances No. 3063 and No. 3728 changed previous parcels – which had different borders and incorporated different lots – into a unified zone of then C-6, now C-8, zoning amongst the R-O corridor along MacCorkle Ave SE. The petitioner seeks to fix this split zoning by having the current parcel zoned exclusively C-8.

ANALYSIS:

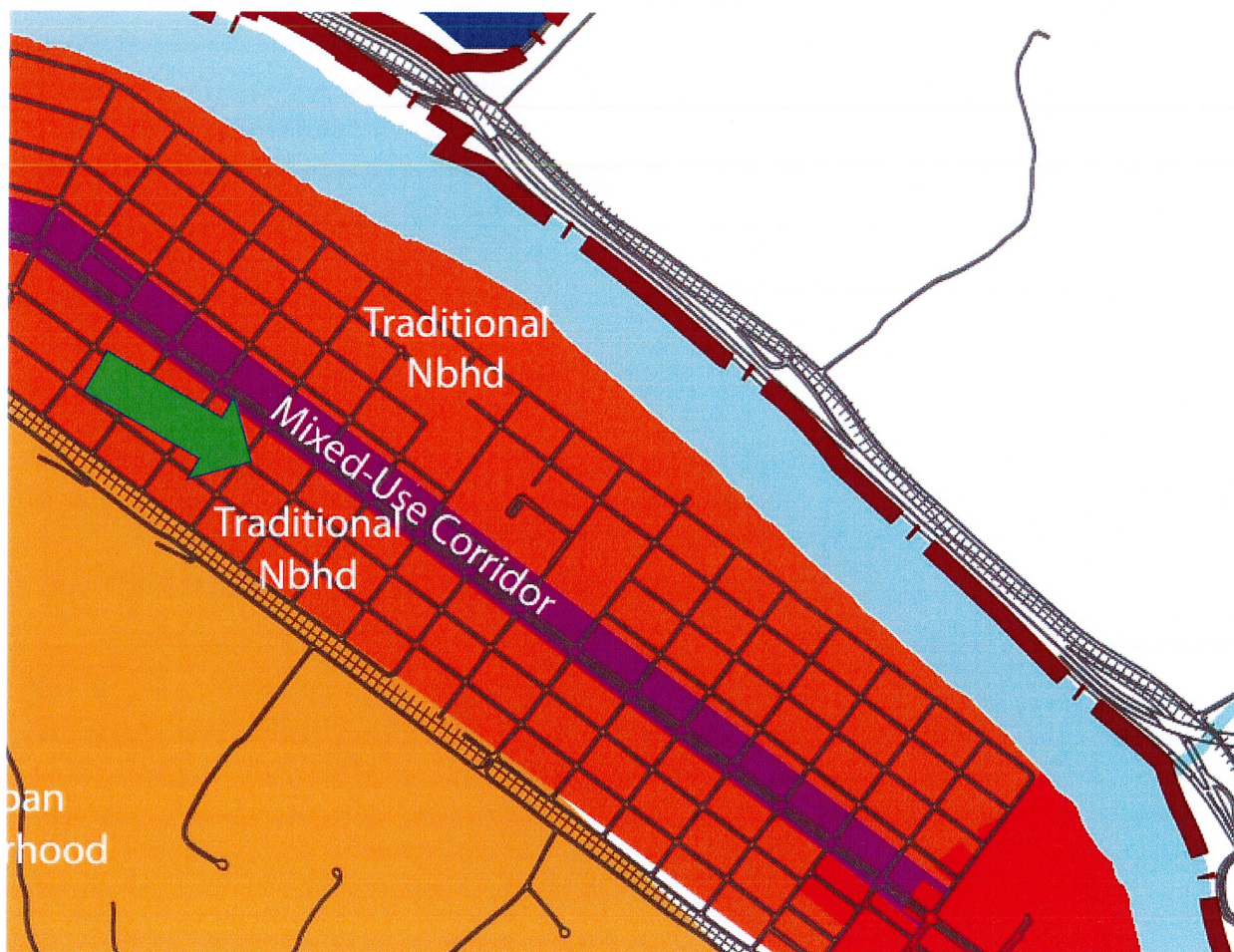
Existing Land Use and Zoning: The parcel in question is currently zoned both C-8 and R-O and currently consists of a single commercial structure.

Surrounding Land Use and Zoning: The property resides on the southern side of the 4400 block of MacCorkle Ave SE. The parcels abutting MacCorkle in this area of Kanawha City have been zoned R-O for quite some time and is currently designated as a Mixed-Use Corridor amongst the Traditional Neighborhood block of Kanawha City.

Current Zoning: The current R-O and C-8 split zoning of the parcel severely limits further commercial development due to the inherent confusion over proper application of zoning restrictions. At present, the proper application would most likely be of the more restrictive R-O designation.

Proposed Zoning: The C-8 Village Commercial District designation would allow for a greater variety of commercial development of the parcel.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a mixed-use corridor within the greater residential Traditional Neighborhood area in Kanawha City. Elsewhere on the corridor, R-O zoning complies with this utilization, but since the early 1980's this part of the 4400 block of MacCorkle has been designated a zone of commercial development. This clarification of zoning designation would therefore be in compliance with the current land use plan as an area leaning more towards commercial development and less residential and an area with a clear precedent of commercial zoning.



Summary: Applicant seeks to fix the split zoning of her parcel by having it be all C-8. This complies with both the historical commercial zoning of the immediate area and the Land Use Plan's designation as part of a Mixed-Use Corridor.

RECOMMENDATION AND FINDINGS:

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

1. The rezoning is a minor expansion of the C-8 district and will make the entire block uniform. Thus, the request is not a spot rezoning and is in conformity with the Comprehensive Plan.
2. Approximately one third of the parcel is zoned C-8 while the other two thirds is zoned R-O, the rezoning will make the zoning uniform across the development parcel and thus permit a reasonable use of land.

MOTION AND VOTE: A motion was made by Becky Ceperley in support of Bill No. 7989. The motion was seconded by Pam Burka and the committee voted unanimously 6-0 in favor of Bill No. 7989.

Bill No. 7990 - A Bill to repeal and replace Chapter 91, Article II of the Code of the City of Charleston, as amended, relating to updating the floodplain regulations.

LOCATION: The Incorporated City of Charleston, WV

APPLICABLE CODE: Chapter 91, Article II of the Code of the City of Charleston

HISTORY: FEMA created new flood insurance rate maps for Kanawha County after the devastating Clendenin flooding. The new maps do not change anything in Charleston other than the publish date on the maps. However, FEMA requires local governments to update their ordinances to reflect the new map date. The last major revision to the regs was in 2007. Staff reviewed the State's latest model floodplain ordinance and are proposing changes based on their recommendations. Most of the changes relate to expanding the list definitions, adopting best practices, taking advantage of new technological advances with the mapping.

SUMMARY:

This proposal will bring the City's current flood ordinances into current compliance with mandates from FEMA and into parity with the State's Model Ordinance.

RECOMMENDATION AND FINDINGS:

Staff still recommends approval for the following reasons:

1. The adoption of updated map dates is necessary for federal compliance and insurance purposes, and
2. Bringing the City's flood ordinances into parity with the model State ordinances updates the code to the latest best practices in floodplain management.

MOTION AND VOTE: A motion was made by Becky Ceperley in support of Bill No. 7990. The motion was seconded by Pam Burka and the committee voted unanimously 6-0 in favor of Bill No. 7990.

Bill No. 7993 - A Bill to Amend and reenact Ordinance 7371 by establishing two-hour parking from 8:00am to 5:00pm, Monday through Saturday on the northerly side of Bigley Avenue from a point 43 feet west of Cora Street to a point 165 feet west of Cora 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.

Councilwoman Kerns presented this request before the committee. The building has the Compton Company on one end. They have all the street parking and the end of the building along Cora Street. There are a couple of businesses at the two-hour parking signs. The reason the parking signs were placed in that location was because there were a number of residents that were parking along there and they needed to assure that their customers could come in

and out. The second floor of that building contains a number of apartments. These apartments have been empty for years and now Gary Borstein, who owns the building, is attempting to be a landlord. These apartments are medium-priced, \$700-900 / month. The two-hour parking only signs decrease the number of available parking spaces for use by the tenants. He has parking on the other side of the building. He has a parking lot. This request would allow him a couple more spaces. Councilwoman Kerns said she and Mr. Borstein came up with the plan of having it from 8:00 a.m. to 5:00 p.m., with a two-hour parking restriction. After 5:00 p.m. these spaces are available for tenant use until 8:00 a.m. Monday – Saturday.

MOTION AND VOTE: A motion was made by Becky Ceperley in support of Bill No. 7993. The motion was seconded by John Gianola and the committee voted unanimously 6-0 in favor of Bill No. 7993.

4. Discussion

- Meters on Brooks Street on the corner of Brooks and Kanawha Blvd. – *Committee was not in support of moving the meters.*
- Police parking downtown. *Terri Allen presented this matter before the committee. There are two spaces they believe they can give up because they are very unused. One of them is on the 300 block of Capitol Street, next to Davis Park at the corner of Lee Street and the other one being at 300 Dickinson Street, closest to Lee Street, both being marked as "Police Parking Only".*
- Convert police parking space on 300 Capitol Street to a public metered parking space next to Davis Park (closest to Lee Street). *PS&T agreed to convert this meter.*
- Convert police parking space on 300 Dickinson Street to a public metered parking space next to USPS (closest to Lee Street). *PS&T agreed to convert this meter.*
- Convert KRT bus parking space on 100 West Washington to metered public parking. *PS&T agreed to convert this meter.*

5. Approval of the Minutes of the April 24, 2023, meeting

MOTION AND VOTE: A motion was made by Becky Ceperley to approve the minutes from the April 24, 2023 PS&T meeting. The motion was seconded by Jennifer Pharr and the committee voted unanimously 6-0 to approve the minutes.

6. Adjournment