



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

Monday, September 25, 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. 8005** - 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 R-6 district to a C-8 district, the parcel of land identified as 2417 Hampshire Drive, North Charleston District, Tax Map 16, Parcel 47 in the City of Charleston, Kanawha County, State of West Virginia.

**Bill No. 8006** - 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 zoning the previously unzoned parcel to a R-4 district, that parcel of land identified as 2155 Presidential Dr, which is located at Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

**Bill No. 8011** - 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 zoning the previously unzoned parcels to a R-2 district, those parcels of land located at Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

**Bill No. 8009** – A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by updating section 3-070 relating to temporary construction fencing.

**Bill No. 8012** - A Bill to repeal Ordinance 7393 passed by Council 7/6/2009 creating a 15 Minute Parking Tow Away Zone on the westerly side of Buchanan Street from a point 98 feet south of Crescent Road to a point 120 feet south of Crescent Road 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**

- Bike Lanes

**5. Approval of the Minutes of the August 28, 2023, meeting**

**6. Adjournment**

**Bill No. 8005**

**Introduced in Council:**

**September 5, 2023**

**Introduced by:**

**Adopted by Council:**

**Referred to:  
Municipal Planning Commission  
Planning, Streets and Traffic**

**Bill No. 8005** – 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-6 district to a C-8 district, the parcel of land identified as 2417 Hampshire Drive, North Charleston District, Tax Map 16, Parcel 47 in the City of Charleston, Kanawha County, State of West Virginia.

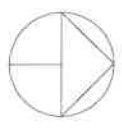
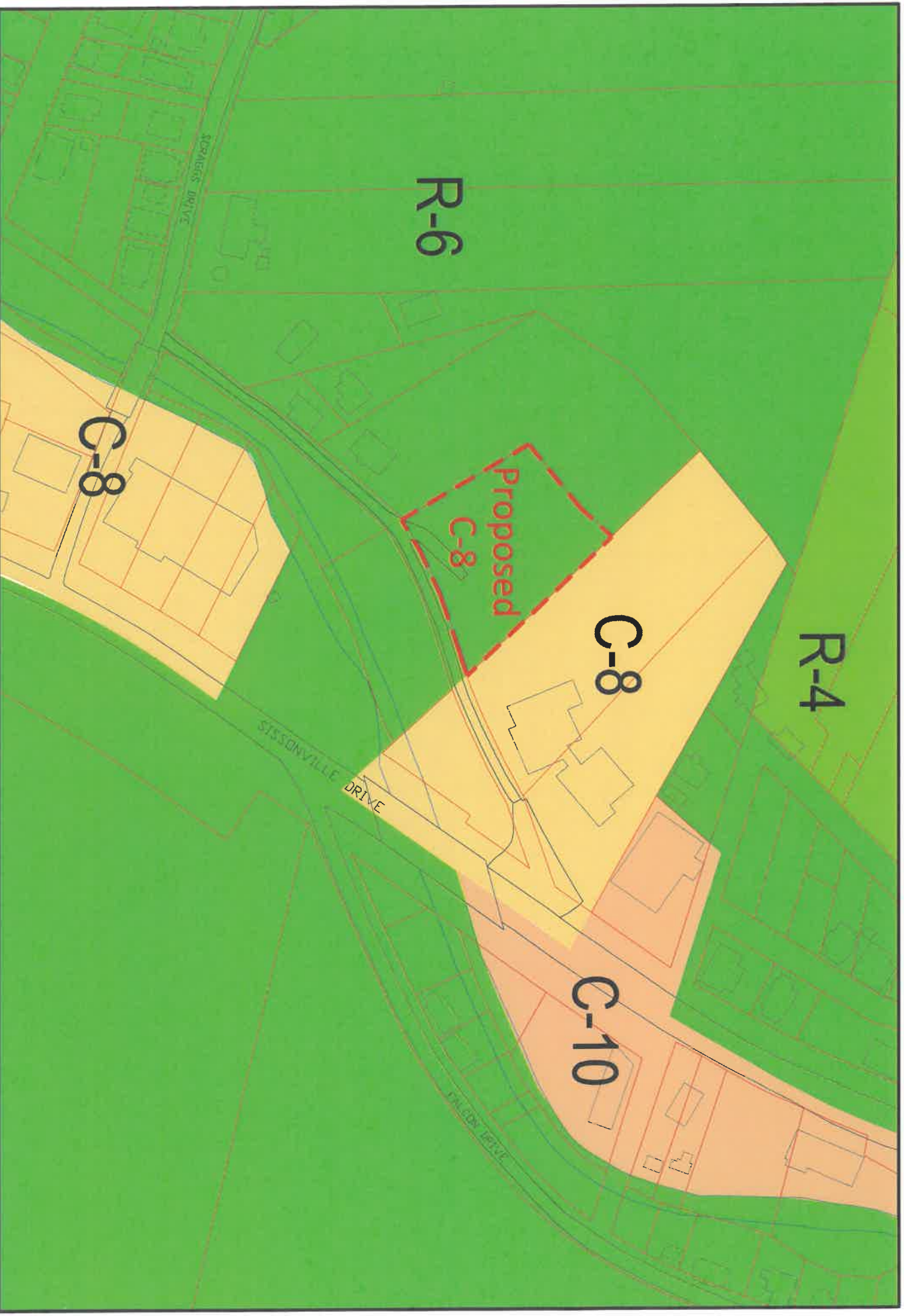
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA**  
**THAT:**

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January 2006, as amended, is hereby amended by rezoning from a R-10 district to a C-10 district the whole of the following described lot or parcel of land:

Parcel No. 324 as shown on West Charleston Tax Map No. 27. Subject parcel commonly known as "LTS 32-33 BK 7 BIGLEY-WALKER ADN 43X120" 812 Indiana Avenue, Charleston, West Virginia. Said tax map is of record on the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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



# REZONING FROM R-6 TO C-8

STAFF  
EXHIBIT

# 2417 Hampshire Dr



7/25/2023, 9:37:03 AM

Site Addresses - Current



Wards



Vacant Registry Site

Zoning Districts

R-6



Interstate Exits (Numbers)

C-8

C-10



Parcels

GIS Department, City of Charleston, West Virginia, East, Inc.



**Planning Streets and Traffic Committee**  
**Staff Analysis**  
**September 25, 2023**

**REQUEST:** Bill No. 8005 - 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-6 district to a C-8 district, the parcel of land identified as 2417 Hampshire Drive, North Charleston District, Tax Map 16, Parcel 47 in the City of Charleston, Kanawha County, State of West Virginia.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 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.

**HISTORY:**

The parcel in question is currently zoned R-6. The petitioner seeks to construct a garage for a proposed auto repair shop on the property.

**ANALYSIS:**

Existing Land Use and Zoning: The parcel in question is currently zoned R-8 and currently consists of an empty residential lot.

Surrounding Land Use and Zoning: The parcel currently resides in a Rural Neighborhood – as defined by the future land use plan – with pockets of Traditional Neighborhood around the main thoroughfare through the area.

Current Zoning: The current R-6 zoning allows for limited multi-family structures, single family homes, and some limited educational uses.

Proposed Zoning: The proposed C-8 zoning allows for "a village concept" that seeks to provide "a mix of residential uses adjacent to and/or above commercial uses to increase the intensity of the activity in the area." Looking at the increase in commercial uses to both the north and the south of the parcel in question, a C-8 zoning would conform to the proposed use of the land and wouldn't breach the prohibition against spot zoning by further solidifying the area's use as a village commercial corridor.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Rural Neighborhood. The intent in these areas is to maintain the rural character of the area while having more "flexible" standards than what's typical imposed in commercial areas and traditional neighborhoods. This expansion of the developing commercial area within a rural residential one conforms with this less restrictive intent.



Summary: Petitioner seeks to add further commercial activity to the village corridor region amongst rural neighborhoods. Such a change complies with the future land use map and the stated purpose of the proposed commercial zoning.

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

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

1. The rezoning is a minor expansion of an existing commercial node; therefore, the request is not a spot rezoning.
2. The rezoning is consistent with the future land use map which designates the area as a rural neighborhood with relaxed development standards, therefore the request is consistent with the Comprehensive Plan; and
3. The rezoning will allow a reasonable use of land without an adverse impact on the area.

**Bill No. 8006**

**Introduced in Council:**

**September 5, 2023**

**Introduced by:**

**Sam Minardi**

**Adopted by Council:**

**Referred to:  
Municipal Planning Commission  
Planning, Streets and Traffic**

**Bill No. 8006** – 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 zoning the previously unzoned parcel to a R-4 district, that parcel of land identified as 2155 Presidential Dr, which is located at Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

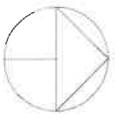
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA**  
**THAT:**

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January 2006, as amended, is hereby amended by zoning to a R-14 district the whole of the following described lot or parcel of land:

Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

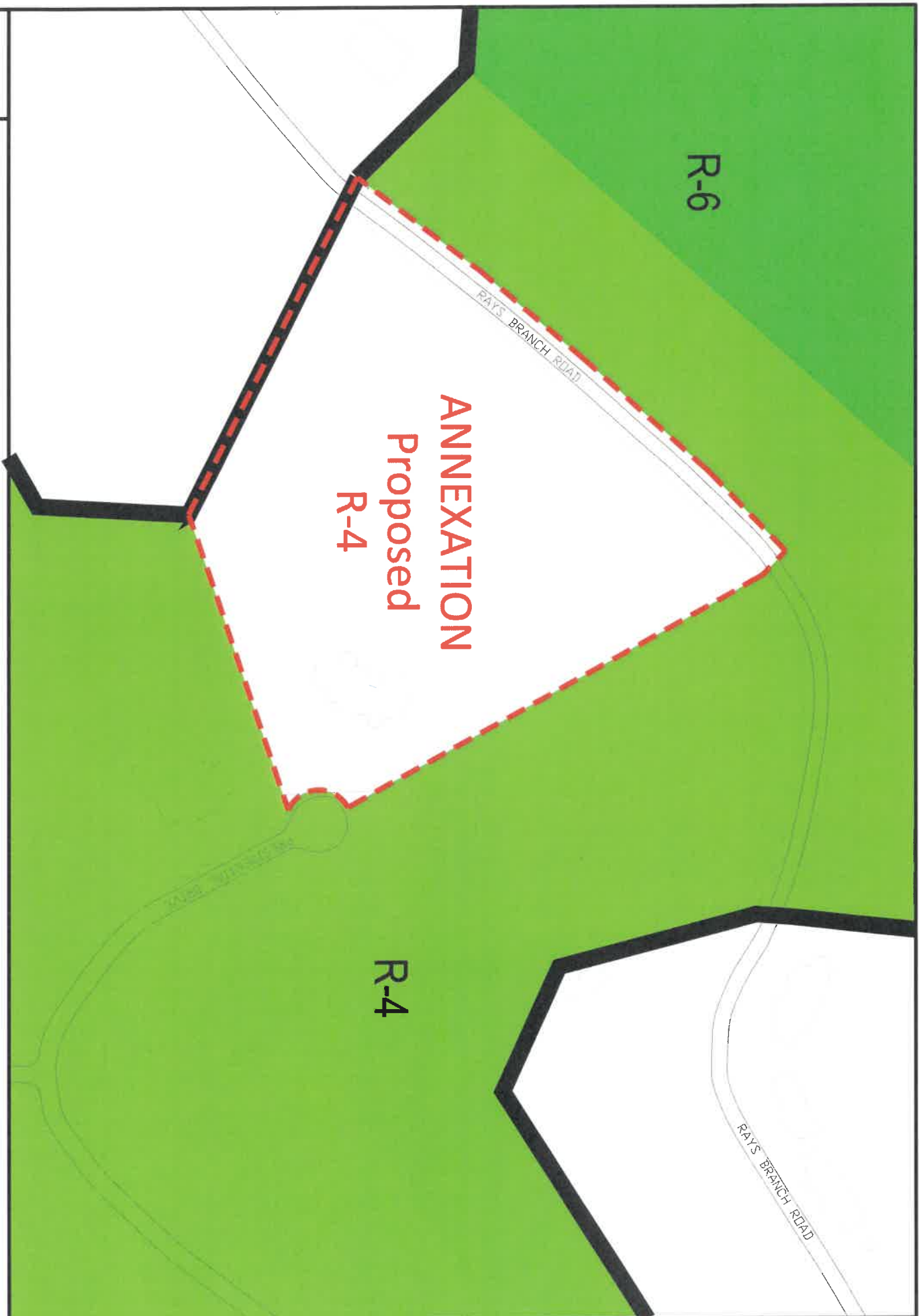
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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



# REZONE AN UNZONED PARCEL TO R-4

STAFF EXHIBIT



**Planning Streets and Traffic Committee**  
**Staff Analysis**  
**September 25, 2023**

**REQUEST:** Bill No. 8006 - 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 zoning the previously unzoned parcel to a R-4 district, that parcel of land identified as 2155 Presidential Dr, which is located at Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 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.

**HISTORY:**

The parcel in question was previously unincorporated and is now in the process of annexation. Therefore, it does not have a previous zoning designation.

**ANALYSIS:**

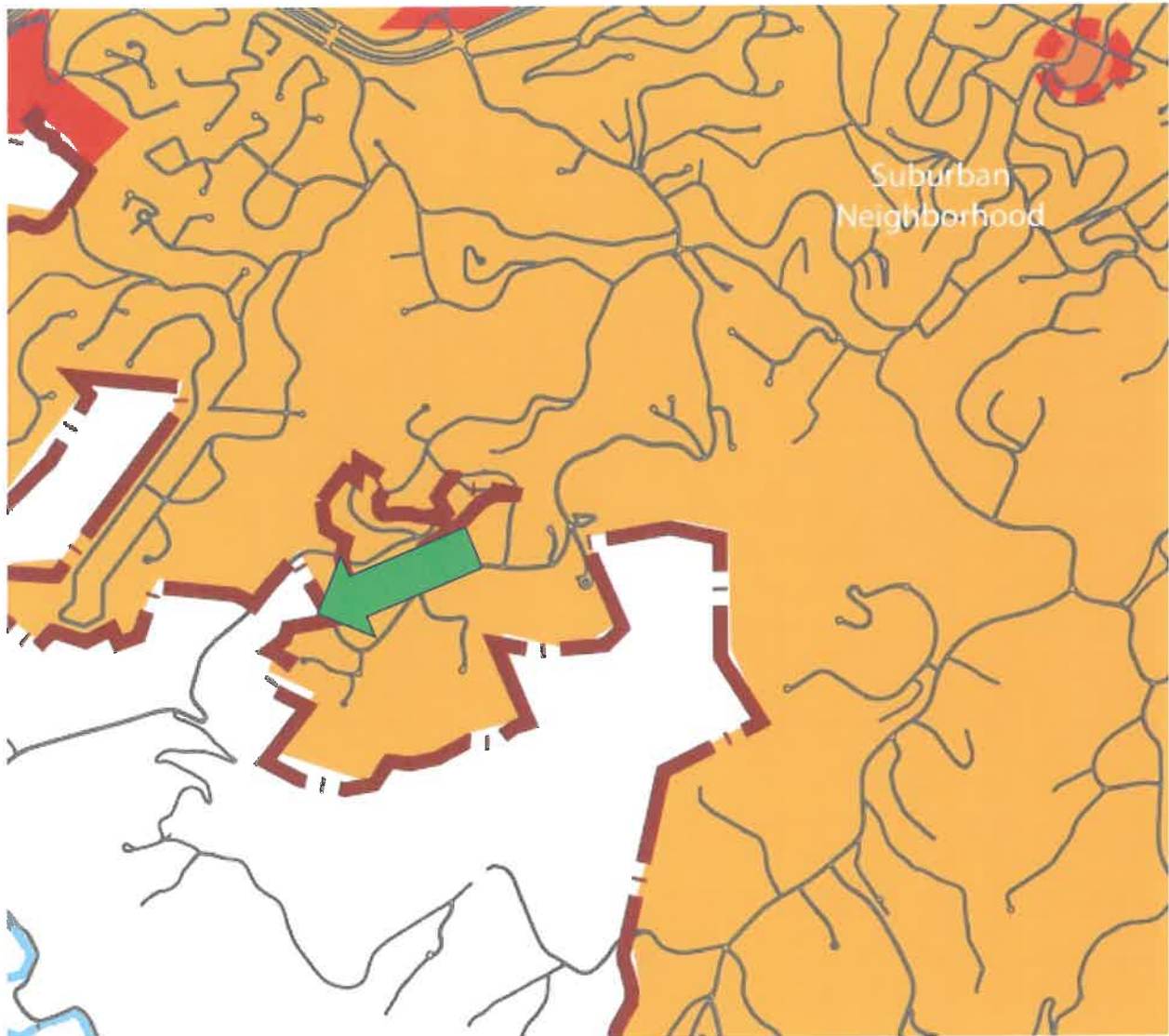
Existing Land Use and Zoning: The parcel in question is currently unzoned and consists of a single-family home.

Surrounding Land Use and Zoning: The parcel is currently a single-family home and the proposed zoning is R-4, which would make it the same as the surrounding single-family residences.

Current Zoning: As it has just been annexed, the parcel has no current zoning.

Proposed Zoning: The proposed R-4 zoning allows for the continued focus on single-family homes and the desirability of the surrounding neighborhood.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Suburban Neighborhood. The intent in these areas is to preserve a predominantly contemporary single-family area with less focus on walkability and more focus on larger, non-square lots. The current residence at 2155 Presidential fully conforms with the surrounding character of the neighborhood and the intent of the Suburban Neighborhood land use.



Summary: Petitioner seeks to add this now annexed parcel into the zoning map by zoning it R-4. Such a zoning fully complies with the purpose of the zoning designation and the parcels place in the future land use map.

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

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

1. The zoning is consistent with the future land use map in that it complies with the area's designation as a suburban neighborhood with a focus on single family homes and a more modern suburban character,
2. The proposed designation is the same as rest of the neighborhood which allows the parcel to be cohesively incorporated into the existing zoning map, and
3. The rezoning avoids spot rezoning since it's a minor expansion of an existing zoning district.

**Bill No. 8011**

**Introduced in Council:**

**September 5, 2023**

**Introduced by:**

**Sam Minardi**

**Adopted by Council:**

**Referred to:**

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

**Bill No. 8011** – 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 zoning the previously unzoned parcels to a R-2 district, those parcels of land located at Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

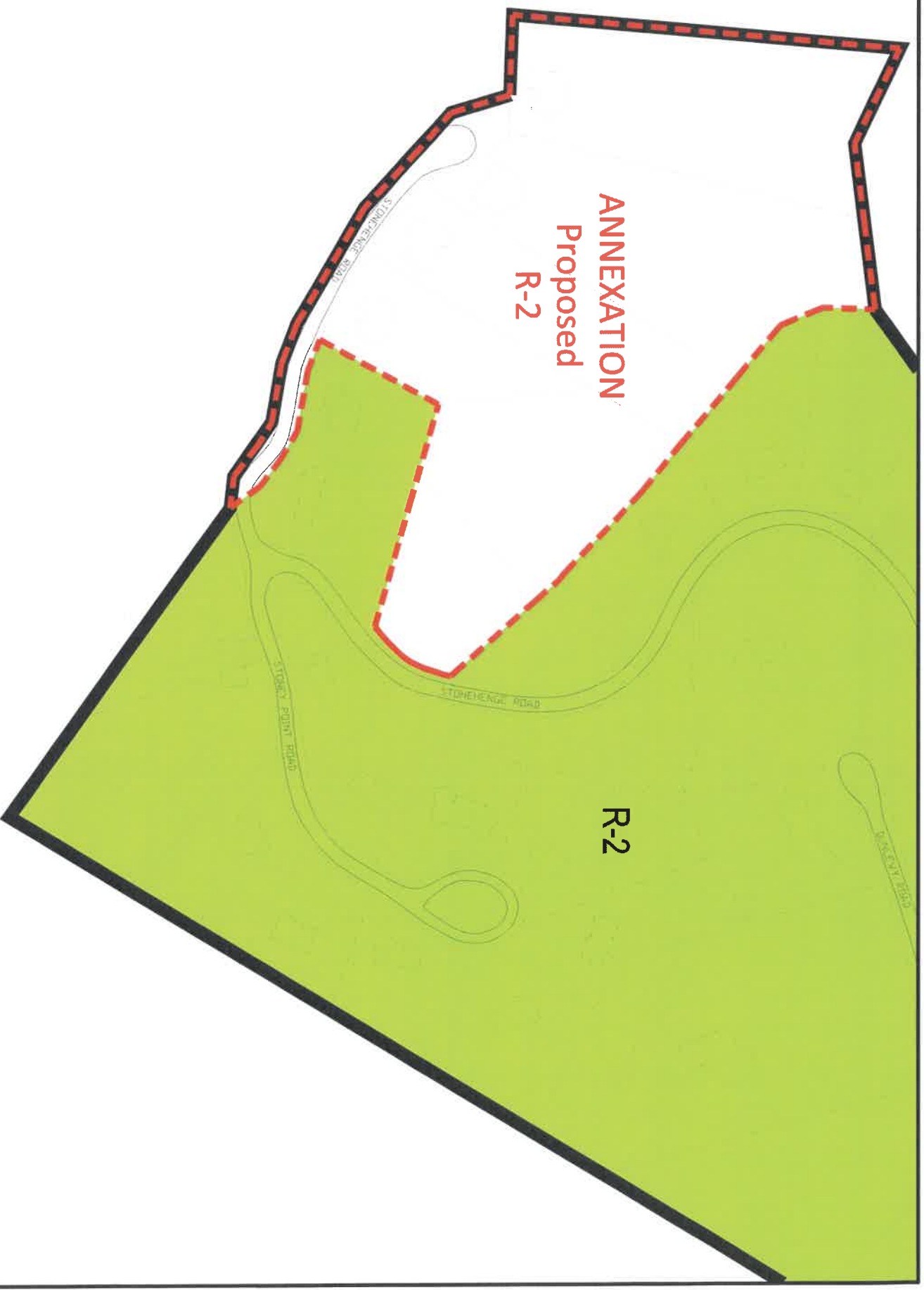
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA  
THAT:**

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January 2006, as amended, is hereby amended by zoning to a R-14 district the whole of the following described lots or parcels of land:

Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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



# REZONE UNZONED PARCELS TO R-2

STAFF  
EXHIBIT

**Planning Streets and Traffic Committee**  
**Staff Analysis**  
**September 25, 2023**

**REQUEST:** Bill No. 8011 - 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 zoning the previously unzoned parcels to a R-2 district, those parcels of land located at Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 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.

**HISTORY:**

The parcels in question were previously unincorporated and are now in the process of annexation. Therefore, they do not have a previous zoning designation.

**ANALYSIS:**

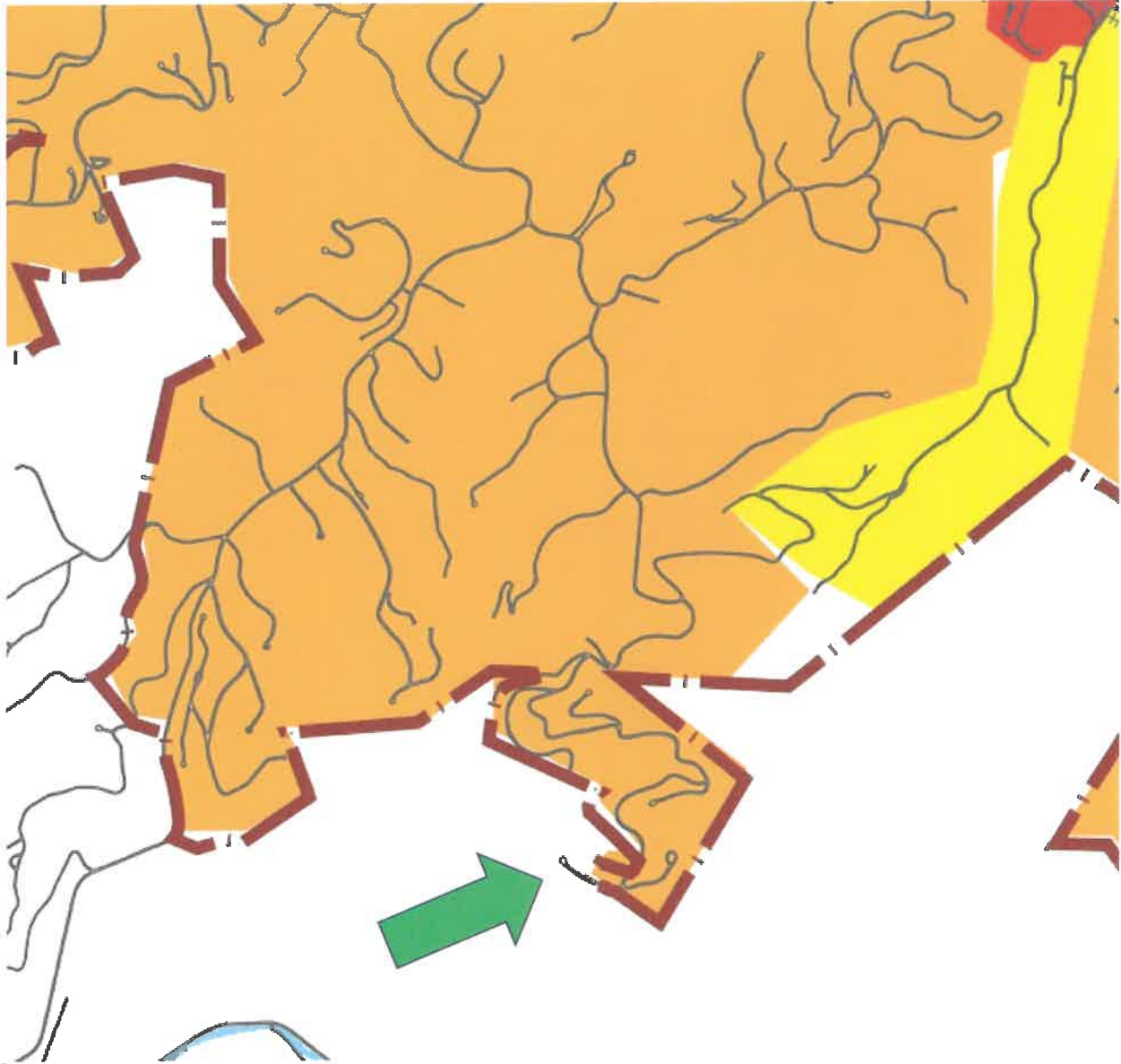
Existing Land Use and Zoning: The parcels in question are currently unzoned and consist of single family homes and one empty developable lot.

Surrounding Land Use and Zoning: The parcels are currently a part of a subdivided development, and the neighborhood consists of solely single-family homes.

Current Zoning: As it has just been annexed, the parcel has no current zoning.

Proposed Zoning: The proposed R-2 zoning allows for the continued focus on single-family homes and the desirability of the surrounding neighborhood.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Suburban Neighborhood. The intent in these areas is to preserve a predominantly contemporary single-family area with less focus on walkability and more focus on larger, non-square lots. The current residences at along Stonehenge Drive fully conform with the surrounding character of the neighborhood and the intent of the Suburban Neighborhood land use.



Summary: Petitioner seeks to add these now annexed parcel into the zoning map by zoning it R-2. Such a zoning fully complies with the purpose of the zoning designation and the parcels place in the future land use map.

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

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

1. The zoning is consistent with the future land use map in that it complies with the area's designation as a suburban neighborhood with a focus on single family homes and a more modern suburban character,
2. The proposed designation is the same as rest of the neighborhood which allows the parcels to be cohesively incorporated into the existing zoning map, and
3. The rezoning avoids spot rezoning since it's a minor expansion of an existing zoning district.

**Bill No. 8009**

**Introduced in Council:**

**Adopted by Council:**

**August 7, 2023**

**Introduced by:**  
**Mary Beth Hoover**  
**Chad Robinson**

**Referred to:**  
**Municipal Planning Commission**  
**Planning, Streets and Traffic**

**Bill No. 8009** - A BILL to amend the Zoning Ordinance of the City of Charleston, as amended, by updating section 3-070 relating to temporary construction fencing.

**Now, therefore, be it ordained by the Council of the City of Charleston:**

That Section 03-070 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to read as follows:

**Sec. 3-070 Temporary Uses**

**A. Intent**

Temporary Uses shall be permitted by the granting of a Temporary Zoning Permit issued by the Planning Director in accordance with the requirements of this section.

**B. General Provisions**

1. The duration of the temporary period is stated hereinafter, provided, however, renewal of the permit may be requested. The Planning Director is not obligated to renew such permits if doing so leads to a defacto permanent use.
2. Temporary Uses shall be subject to all the regulations of the applicable district in which they are located.

**C. Permitted Temporary Uses**

1. Temporary office, model home or model apartment, and related signs, both incidental and necessary for the sale, rental, or lease of real property in the district. Maximum duration: 18 months.
2. In any zoning district, temporary construction fencing may be authorized to enclose an active construction site if necessary to protect materials and equipment, to prevent unauthorized entry to the site, or to mitigate a threat to public safety. The fence shall be removed when construction activity

has been completed or discontinued or the hazard has been resolved.  
Maximum duration: 90 days or as otherwise required by the Planning Director.

23. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum duration: 18 months.
34. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum duration: 18 months.
45. Parking lot designated for a special event in a district. Maximum duration: 3 days.
56. Parking of recreational vehicles in the front yard for visitation. Maximum duration: 7 consecutive days, with a maximum total of 14 days per year. A permit shall not be required for this temporary use.
67. Mobile home as a temporary office during the period of construction and development. Maximum duration: 18 months.
78. Moving and storage containers parked in the front yard. Maximum duration: 30 days. A permit shall not be required for this temporary use.
89. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions and safeguards as the Board may deem necessary.

D. Standards

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted in a residential district.
3. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. Signs shall not flash or blink or resemble traffic and emergency warning signals, and shall be limited in size to twenty (20) square feet each in number to three signs.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

**Planning Streets and Traffic Committee**  
**Staff Analysis**  
**September 25, 2023**

**REQUEST:** Bill No. 8009 – A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by updating section 3-070 relating to temporary construction fencing.

**APPLICABLE CODE:**

Charleston Zoning Ordinance, adopted November 21, 2005, Article 3, Sec. 3-070.

**STANDARD OF REVIEW:**

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged with conducting a public hearing and making a recommendation to 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 text amendment proposes limiting temporary construction fencing to 90 days.

“In any zoning district, temporary construction fencing may be authorized to enclose an active construction site if necessary to protect materials and equipment, to prevent unauthorized entry to the site, or to mitigate a threat to public safety. The fence shall be removed when construction activity has been completed or discontinued or the hazard has been resolved. Maximum duration: 90 days or as otherwise required by the Planning Director.”

**ANALYSIS:**

At the request of Council Members Chad Robinson and Mary Beth Hoover, staff was asked to draft an amendment that would limit construction fencing to a limited time frame.

The proposed change would allow for full temporary fencing around construction sites for the purpose of securing equipment left on site or for mitigating a threat to public safety. Such an accommodation would be in the best interest of both the city and the citizens involved in such construction jobs because it still limits temporary fencing from being left up permanently and provides the level of security necessary.

**RECOMMENDATION AND FINDINGS:**

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

1. The amendment provides aesthetics controls by limiting the application of temporary fencing.
2. The amendment allows for a reasonable application of temporary fencing; and
3. The amendment affords flexibility at the discretion of the Planning Director.

1 **Bill No. 8012**

2 Passed by Council:

3 Introduced in Council

4 **September 18, 2023**

5  
6 Introduced by:

7 **Michael Ferrell**

Referred to:

**Planning, Streets and Traffic**

8  
9 **Bill No. 8012** - A Bill to repeal Ordinance 7393 passed by Council 7/6/2009 creating a  
10 15 Minute Parking Tow Away Zone on the westerly side of Buchanan Street from a  
11 point 98 feet south of Cresent Road to a point 120 feet south of Cresent Road and  
12 amending the Traffic Control Map and Traffic Control File, established by the code of  
13 the City of Charleston, West Virginia, two thousand and three, as amended, Traffic  
14 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

16 Section 1. A Bill to repeal Ordinance 7393 passed by Council 7/6/2009 creating a 15  
17 Minute Parking Tow Away Zone on the westerly side of Buchanan Street from a point  
18 98 feet south of Cresent Road to a point 120 feet south of Cresent Road

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

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



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

**Members Present**

Aric Margolis, Chair  
Quintie Smith  
Adam Krason  
Shawn Taylor  
Cory Stout  
Lisa Fischer Casto  
Mary Beth Hoover  
JoEllen Zacks (Joined by phone @ Bill No. 8009)  
Alice Hypes  
Shannon Ferrari  
Terri Allen, Mayor's Designee (Joined @ Bill No. 8009)  
J.D. Stricklen, Kanawha County Representative  
Brady Campbell  
Doug Hartley  
Alex Zurbuch

**Members Absent**

Justin Marlow  
Brady Campbell

**Staff Present**

Dan Vriendt  
Chad Webb

**1. Call to Order**

Aric introduced Doug Hartley, a new member of the Municipal Planning Committee.

**2. Unfinished Business - None**

**3. New Business**

**Rezoning:** Bill No. 8005 - 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 R-6 district to a C-8 district, the parcel of land identified as 2417 Hampshire Drive, North Charleston District, Tax Map 16, Parcel 47 in the City of Charleston, Kanawha County, State of West Virginia.

Dan explained Bill No. 8005. The subject property is along Route 21, where there is a lot of commercial property and there is an equal amount of residential property. The Hampshire Drive property is a vacant lot. It is a consolidated lot, and he is requesting that it be rezoned. Aric asked if he owned the property beside him. Dan said he did not own the adjacent lot. He is wanting to do a small auto repair shop on that lot. Aric mentioned that the road is very narrow.

Dan further stated there are three houses on the road and a business. It is a narrow road, but a very lightly used road.

Chad presented the staff analysis and recommendation.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 R-6. The petitioner seeks to construct a garage for a proposed auto repair shop on the property.

**ANALYSIS:**

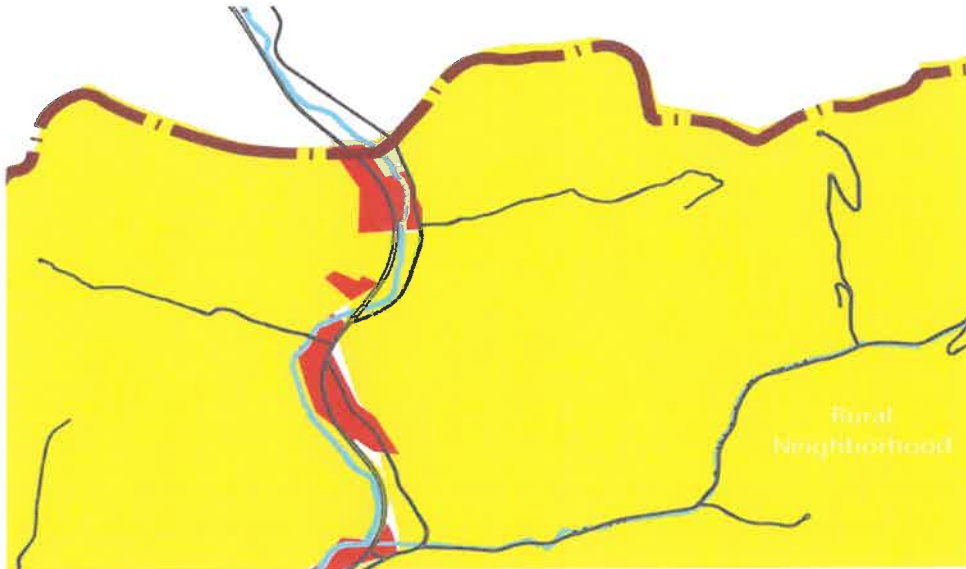
Existing Land Use and Zoning: The parcel in question is currently zoned R-8 and currently consists of an empty residential lot.

Surrounding Land Use and Zoning: The parcel currently resides in a Rural Neighborhood – as defined by the future land use plan – with pockets of Traditional Neighborhood around the main thoroughfare through the area.

Current Zoning: The current R-6 zoning allows for limited multi-family structures, single family homes, and some limited educational uses.

Proposed Zoning: The proposed C-8 zoning allows for “a village concept” that seeks to provide “a mix of residential uses adjacent to and/or above commercial uses to increase the intensity of the activity in the area.” Looking at the increase in commercial uses to both the north and the south of the parcel in question, a C-8 zoning would conform to the proposed use of the land and wouldn't breach the prohibition against spot zoning by further solidifying the area's use as a village commercial corridor.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Rural Neighborhood. The intent in these areas is to maintain the rural character of the area while having more “flexible” standards than what's typical imposed in commercial areas and traditional neighborhoods. This expansion of the developing commercial area within a rural residential one conforms with this less restrictive intent.



Summary: Petitioner seeks to add further commercial activity to the village corridor region amongst rural neighborhoods. Such a change complies with the future land use map and the stated purpose of the proposed commercial zoning.

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

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

1. The rezoning is consistent with the future land use map in that it complies with the area's designation as a rural neighborhood with relaxed development standards versus core neighborhoods and commercial nodes,
2. The rezoning allows for the development of further commercial uses in the area, and
3. The rezoning avoids spot rezoning by conforming the proposed commercial zoning to the surrounding development trends along the main artery of the area and maintains a confluence between the commercial and residential zones.

Aric asked if there was any knowledge as to why the petitioner was not present. Chad said he did not. Aric asked if Chad had received any calls about this rezoning. Chad said he had not received any calls from anyone concerning the rezoning.

Aric asked if anyone had any questions. Questions were asked by council and answered. One question pertaining to cars parked in the business's yard and if the neighborhood would have an issue with that. Aric and Dan both pointed out there would be fencing requirements to hide the cars from the view of residents in that neighborhood. Dan said if the car is having engine work, the ordinance provides that it can sit outside a fence. The code says if the car has body damage, it can only sit out for 48 hours. Otherwise, it must be behind the fence. The fence has to be opaque.

Aric said that when the MPC reviews a rezoning request, the review is supposed to take in every aspect of what could possibly go in a particular location. Anything that is approved in a C-8 can go in this location, regardless of the applicant's stated intentions. Therefore, the MPC looks at everything that can be permitted in a C-8 district for the purpose of determining if there is any permitted use for a C-8 that they do not want in that area.

A question was asked by a member of the MPC concerning parking requirements. Dan explained that the ordinance does have onsite parking requirements that are based on the size of the square foot and use of the building, which is in addition to any parking needed to conduct business.

Dan said there is three houses and a business that use this street. It is a substandard street but it has low utilization. It is not a dead-end street.

Aric closed the case and entertained a motion.

**MOTION AND VOTE:** A motion was made by Adam Krason to adopt Bill 8005. The motion was seconded by Quintie Smith and passed by a majority vote of 8-2.

**Rezoning:** Bill No. 8006 - 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 zoning the previously unzoned parcel to a R-4 district, that parcel of land identified as 2155 Presidential Dr, which is located at Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

Chad presented the staff analysis and recommendation.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 was previously unincorporated and is now in the process of annexation. Therefore, it does not have a previous zoning designation.

**ANALYSIS:**

**Existing Land Use and Zoning:** The parcel in question is currently unzoned and consists of a single-family home.

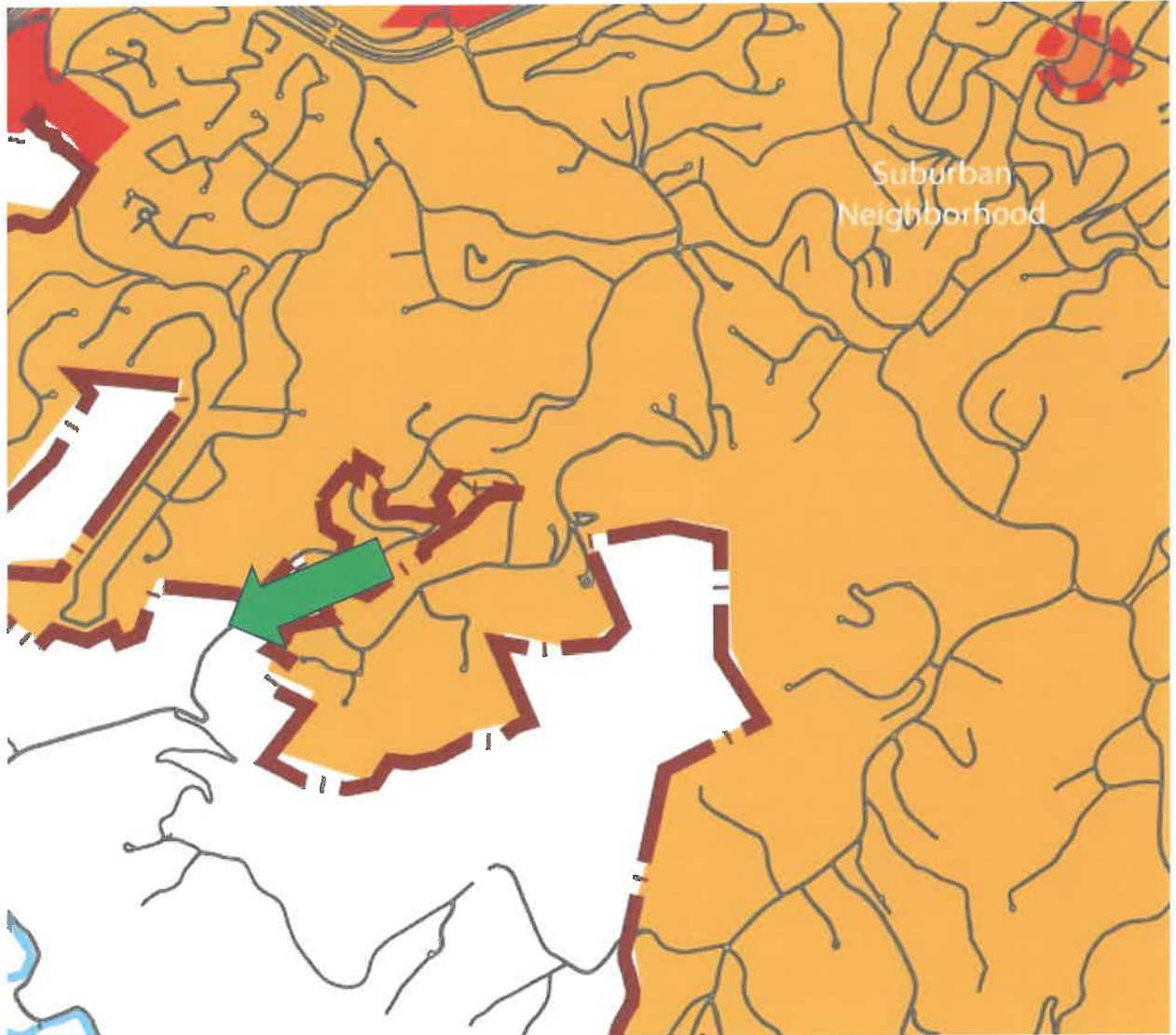
**Surrounding Land Use and Zoning:** The parcel is currently a single-family home, and the proposed zoning is R-4, which would make it the same as the surrounding single-family residences.

**Current Zoning:** As it has just been annexed, the parcel has no current zoning.

**Proposed Zoning:** The proposed R-4 zoning allows for the continued focus on single-family homes and the desirability of the surrounding neighborhood.

**Compliance with the Comprehensive Plan:** The comprehensive plan's future land use map designates this property as being part of a Suburban Neighborhood. The intent in these areas is

to preserve a predominantly contemporary single-family area with less focus on walkability and more focus on larger, non-square lots. The current residence at 2155 Presidential fully conforms with the surrounding character of the neighborhood and the intent of the Suburban Neighborhood land use.



Summary: Petitioner seeks to add this now annexed parcel into the zoning map by zoning it R-4. Such a zoning fully complies with the purpose of the zoning designation and the parcels place in the future land use map.

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

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

1. The zoning is consistent with the future land use map in that it complies with the area's designation as a suburban neighborhood with a focus on single family homes and a more modern suburban character,

2. The zoning allows for the parcel to be cohesively incorporated into the existing zoning map, and
3. The rezoning avoids spot rezoning by conforming the proposed residential zoning to the development trends of the residential area surrounding it.

Aric closed the case and entertained a motion.

**MOTION AND VOTE:** A motion was made by Cory Stout to adopt Bill 8006. The motion was seconded by Doug Hartley and passed by a unanimous vote of 10-0.

**Rezoning:** Bill No. 8011 - 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 zoning the previously unzoned parcels to a R-2 district, those parcels of land located at Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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 were previously unincorporated and are now in the process of annexation. Therefore, they do not have a previous zoning designation.

**ANALYSIS:**

Existing Land Use and Zoning: The parcels in question are currently unzoned and consist of single-family homes and one empty developable lot.

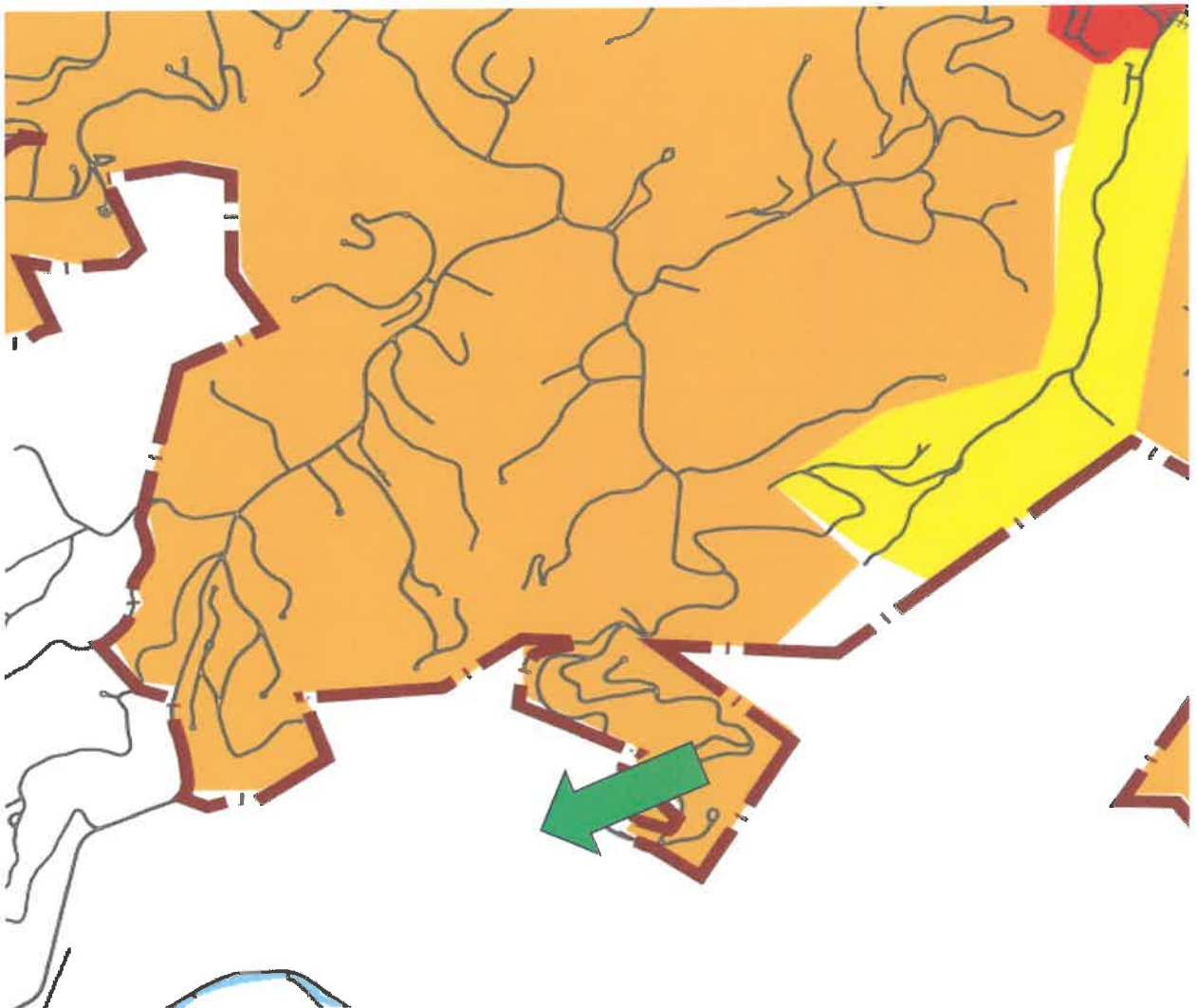
Surrounding Land Use and Zoning: The parcels are currently a part of a subdivided development, and the neighborhood consists of solely single-family homes.

Current Zoning: As it has just been annexed, the parcel has no current zoning.

Proposed Zoning: The proposed R-2 zoning allows for the continued focus on single-family homes and the desirability of the surrounding neighborhood.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Suburban Neighborhood. The intent in these areas is to preserve a predominantly contemporary single-family area with less focus on walkability and more focus on larger, non-square lots. The current residences at along Stonehenge Drive fully

conform with the surrounding character of the neighborhood and the intent of the Suburban Neighborhood land use.



Summary: Petitioner seeks to add these now annexed parcels into the zoning map by zoning it R-2. Such a zoning fully complies with the purpose of the zoning designation and the parcels place in the future land use map.

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

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

1. The zoning is consistent with the future land use map in that it complies with the area's designation as a suburban neighborhood with a focus on single family homes and a more modern suburban character,
2. The zoning allows for the parcels to be cohesively incorporated into the existing zoning map, and
3. The rezoning avoids spot rezoning by conforming the proposed residential zoning to the development trends of the residential area surrounding it.

Aric entertained a motion.

**MOTION AND VOTE:** A motion was made by Cory Stout to adopt Bill 8011. The motion was seconded by Doug Hartley and passed by a unanimous vote of 10-0.

**Text Amendment:** Bill No. 8009 – A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by updating section 3-070 relating to temporary construction fencing.

Mary Beth Hoover presented the reason behind the proposal for Bill No. 8009. Mary Beth stated that matter regarding temporary fencing, especially in the downtown area, was brought to the attention of herself and Chad Robinson.

Adam Krason suggested 90 days after construction is halted or no activity is concerned, temporary fencing shall be removed. Dan said the aforementioned 90-day period is a requirement of the Building Commission.

Aric asked delay on a job due to an unforeseen condition, such as a DEP requirement, influence this 90-day period. Dan said there is an existing provision that states that the maximum duration is 90 days or as other required by the Planning Director. This provision allows for latitude in granting an extension of the 90-day period due to unforeseen circumstances.

Adam Krason asked what the recourse was if the fence is not removed. Dan said it would be a zoning violation, which could be a \$300/per day fine or any other remedy necessary, including filing a lawsuit in circuit court.

JD inquired about the same requirement on residential structures in disrepair and require demolition. Could a lien be placed on the property? Dan said it would be an option of last resort. Dan said the city would pursue their options in court first.

Dan stated that, if this bill passes, the company would be put on notice that the fence has to come down and provide them with the language from the code that the site is supposed to be reclaimed.

Chad went over the staff's analysis and recommendations.

**APPLICABLE CODE:**

Charleston Zoning Ordinance adopted November 21, 2005, Article 3, Sec. 3-070.

**STANDARD OF REVIEW:**

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

**HISTORY:**

Before you today is a proposed text amendment to make the following change:

1. That Section 3-070(c)(2) of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to read as follows:

“In any zoning district, temporary construction fencing may be authorized to enclose an active construction site if necessary to protect materials and equipment, to prevent unauthorized entry to the site, or to mitigate a threat to public safety. The fence shall be removed when construction activity has been completed or discontinued or the hazard has been resolved. Maximum duration: 90 days or as otherwise required by the Planning Director.”

2. Correct the numbering of the following subsections of Section C.

**ANALYSIS:**

At the request of Council Members Chad Robinson and Mary Beth Hoover, we considered what would be the easiest solution for construction site managers and the City. The proposed change would allow for full temporary fencing around construction sites for the purpose of securing equipment left on site. Such an accommodation would be in the best interest of both the city and the citizens involved in such construction jobs because it still limits temporary fencing from being left up permanently and provides the level of security necessary.

**RECOMMENDATION AND FINDINGS:**

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

1. The proposed change to temporary uses suits both the city and residences best interests and
2. Puts no substantial burden on the city from effectively enforcing its zoning ordinances.

**MOTION AND VOTE:** A motion was made by Adam Kraus to adopt Bill 8009. The motion was seconded by Quintie Smith and passed by a unanimous vote of 10-0.

**4. Minutes of the August 9, 2023 MPC meeting**

**MOTION AND VOTE:** A motion was made, seconded and passed by a unanimous vote to approve the minutes from the August 9, 2023 MPC meeting.

**5. Announcements**

**6. Adjournment**

**Planning, Streets and Traffic Committee**  
Thursday, August 28, 2023 at 5:00 p.m.  
City Service Center – 915 Quarrier Street – Conference Room

**Members Present**

Mary Beth Hoover, Chair  
Jennifer Pharr, Vice Chairperson  
Kathy Rubio  
Bobby Haas

**Staff Present**

Dan Vriendt  
Terri Allen  
Matt Hartline

**Members Absent**

John Gianola  
Pam Burka  
Becky Ceperley

**Others Present**

Beth Kerns  
Sam Richardson, RIC  
Jake Smith, RIC

**1. Call to Order**

**2. Unfinished Business**

**3. New Business**

**Bill No. 7999** - A bill providing for the annexation into the City of Charleston of territory along Presidential Drive.

Dan presented the following staff analysis and recommendation:

**APPLICABLE CODE:** Chapter 8, Article 6, Section 4 of the West Virginia Code, as amended.

**STANDARD OF REVIEW:** The City may annex property without an election if: (1) A majority of the qualified voters of the additional territory file with the City a petition to be annexed; and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the City a petition to be annexed. A "qualified voter of the additional territory" includes firms and corporations in the additional territory regardless of whether the firm or corporation is a freeholder. A qualified voter of the additional territory who is also a freeholder of the additional territory may join only one petition of the additional territory.

It is the responsibility of the Planning Commission to enumerate and verify the total number of eligible petitioners, in each category, from the additional territory.

If the Committee is satisfied that the petition is sufficient in every respect, the Committee shall forward their recommendation to City Council. City Council will review the recommendation and will enter that fact upon its journal and forward a certificate to the Kanawha County Commission. The Kanawha County Commission shall enter an order. After the date of the order, the corporate limits of the City shall be as set forth therein.

**HISTORY:** On February 27, 2023, the Planning Department and the City Attorney's Office obtained the signature of the sole Voter involved in this annexation.

**ANALYSIS:** The proposed annexation contains one occupied lot (2155 Presidential Drive – Loudon Tax District (19), Map 4, Parcel 181.7) on 6.04 acres of land, of which all 6.04 acres are located outside the city limits.

The petitioners, William M. Tiano and Noelle A. Starek, are the sole property owners of the land and have nonexclusive rights of way and easements for ingress and egress along Presidential Drive and Teter Road.

All the relevant city departments have reviewed and approved the application. There was no opposition to the request at the Municipal Planning Commission meeting. The Commission unanimously recommended approval.

**RECOMMENDATION AND FINDINGS:**

The Planning Department recommends **approval** for the following reasons:

1. The petitioners are the sole property owners; therefore, the request meets the majority rule for annexation without an election.
2. The property to be annexed is only accessible through the city limits.
3. The City will be able provide city services to the area without any undue burden.

Mary Beth asked if there were any questions from the PS&T Committee.

Hearing and seeing none, a motion was entertained.

**MOTION AND VOTE:** A motion was made by Jennifer Pharr to adopt Bill No. 7999. The motion was seconded by Bobby Haas and passed unanimously by a vote of 4-0.

**Bill No. 8000** - A bill providing for the annexation into the City of Charleston of territory along Stonehenge Rd.

Dan presented the following staff analysis and recommendation:

**APPLICABLE CODE:** Chapter 8, Article 6, Section 4 of the West Virginia Code, as amended.

**STANDARD OF REVIEW:** The City may annex property without an election if: (1) A majority of the qualified voters of the additional territory file with the City a petition to be annexed; and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the City a petition to be annexed. A "qualified voter of the additional territory" includes firms and corporations in the additional territory regardless of whether the firm or corporation is a freeholder. A qualified voter of the additional territory who is also a freeholder of the additional territory may join only one petition of the additional territory.

It is the responsibility of the Committee to enumerate and verify the total number of eligible petitioners, in each category, from the additional territory.

If the Committee is satisfied that the petition is sufficient in every respect, the Committee shall forward their recommendation to City Council. City Council will review the recommendation

and will enter that fact upon its journal and forward a certificate to the Kanawha County Commission. The Kanawha County Commission shall enter an order. After the date of the order, the corporate limits of the City shall be as set forth therein.

**HISTORY:** On February 27, 2023, the Planning Department and the City Attorney's Office obtained the signatures of all eligible Voters and Freeholders involved in this annexation.

**ANALYSIS:** The subdivision contains six buildable lots on 10.46 acres of land, of which 10.46 acres are located outside the city limits.

The petitioners are the voters and freeholders of the parcels included in this proposed annexation. Those being the following:

1. Ignacio Bernardo Jr. and Laurie Choby – Vacant Lot – Loudon Tax District, Tax Map 8, Parcel 90.20
2. Tim and Dina Thistlethwaite – 1609 Stonehenge Road - Loudon Tax District, Tax Map 8, Parcel 90.15
3. Katherine and Patrick Leggett – 1625 Stonehenge Road - Loudon Tax District, Tax Map 8, Parcel 90.16
4. Jack and Joy Rossi – 1627 Stonehenge Road - Loudon Tax District, Tax Map 8, Parcel 90.17
5. Glenn and Pamela Goldfarb – 1629 Stonehenge Road - Loudon Tax District, Tax Map 8, Parcel 90.18
6. William and Lisa Gerwig – 1631 Stonehenge Road - Loudon Tax District, Tax Map 8, Parcel 90.19

The street is in good conditions and the city has been plowing and salting the street as the snowplows need to reach the cul-de-sac in order to turn around.

All the relevant city departments have reviewed and approved the application. There was no opposition to the request at the Municipal Planning Commission meeting. The Commission unanimously recommended approval.

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

The Planning Department recommends **approval, as a committee substitute**, for the following reasons:

1. The petitioners are the sole property owners; therefore, the request meets the majority rule for annexation without an election.
2. The property to be annexed is only accessible through the city limits.
3. The City will be able provide city services to the area without any undue burden.

Mary Beth asked if there were any questions from the PS&T Committee.

Hearing and seeing none, a motion was entertained.

**MOTION AND VOTE:** A motion was made by Jennifer Pharr to adopt Bill No. 8000 as a committee substitute. Kathy Rubio seconded the motion, and it was unanimously approved by a vote of 4-0.

**Bill No. 8001** - A Bill to establish a no parking zone on the southernmost side of Washington Street East from Leon Sullivan Way to a point 515 feet east of Leon Sullivan Way 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 presented the request before the PS&T Committee.

There is section of road by the Clay Center on Washington Street, East is approximately 16'. When people park in this area it creates a bottleneck and causes difficulty for other traffic. Usually this is only used for special event parking at the Clay Center. This need to be made a "No Parking" zone so that it can be enforced properly. Parking citations have been issued, while parking has been permitted on other occasions. Matt recommends this area be made a "No Parking" zone.

Mary Beth asked if there were any questions from the PS&T Committee.

Beth Kearns said that she volunteered at the Clay Center as an usher regularly. She believes the problem is the result of the handicap parking spaces. Beth is not objecting to Bill No. 8001. She was sharing her experiences in support of Bill No. 8001.

Hearing no further questions or comments, a motion was entertained.

**MOTION AND VOTE:** A motion was made to adopt Bill No. 8001. The motion was seconded and passed by a unanimous vote of 4-0.

**Bill No. 8003** - 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 R-10 district to a C-10 district, the parcel of land identified as 812 Indiana Ave, in the City of Charleston, Kanawha County, State of West Virginia.

Dan presented the staff's analysis and recommendation:

**APPLICABLE CODE:** Charleston Zoning Ordinance, adopted January 1, 2006, Article 29.

**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. 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.

**HISTORY:** The parcel in question is currently zoned R-10. The petitioner, who owns the adjoining lot at 810 Indiana Avenue, seeks to expand their existing electrical worker training facilities on to 812 Indiana Ave.

**ANALYSIS:**

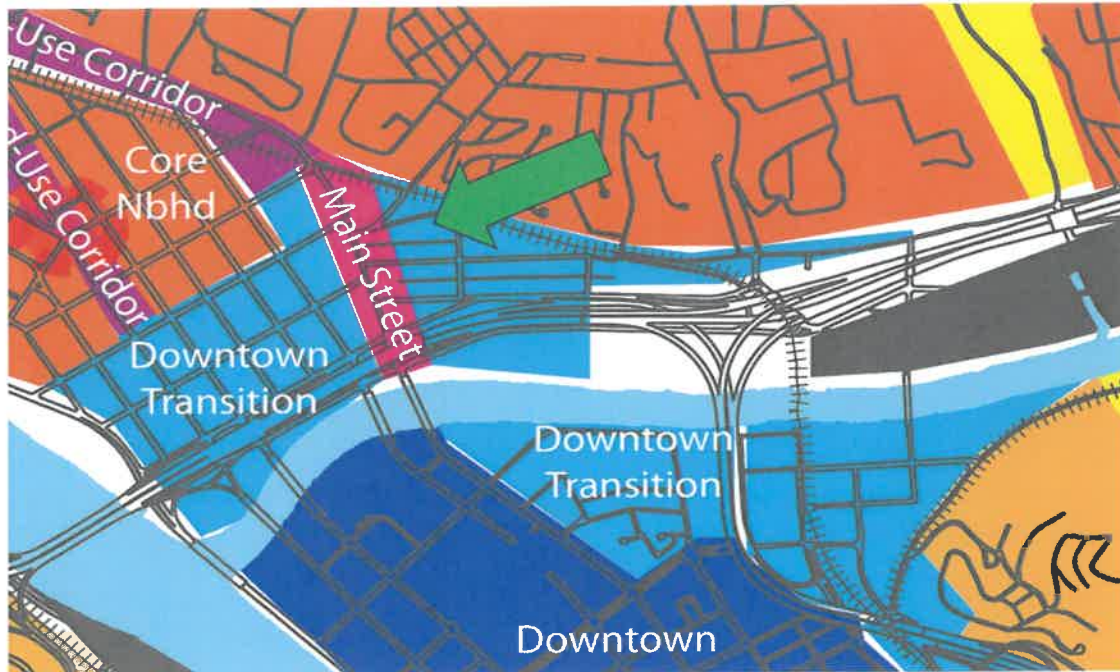
Existing Land Use and Zoning: The parcel in question is currently zoned R-10 and currently consists of an empty residential.

Surrounding Land Use and Zoning: The property resides on the southern side of the 800 block of Indiana Avenue. It currently sits at the border between a block of residential development and a large area of commercial utilization.

Current Zoning: The current R-10 zoning allows for multi-unit residential development and some limited educational uses.

Proposed Zoning: The proposed C-10 zoning allows for vocational education usage as one permitted by right instead of a conditional use and allows for outdoor storage of equipment as the facility matures. Additionally, the adjoining block of commercially zoned properties are exclusively C-10. So, to prevent spot zoning, rezoning to C-10 would just be an expansion of existing commercial zoning.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates this property as being part of a Downtown Transition area between the Downtown area around the Coliseum and Convention Center on the south side of the Elk River and the large areas designated as Core Neighborhoods on the north side. Given that future use was contemplated as an area of mixed transitional usages, making an adjustment to the demarcation between the large C-10 commercial area and the R-10 residential area would seem to be expressly permitted by the Comprehensive Plan.



**Summary:** Applicant seeks to expand current industrial vocation education facilities to an adjoining lot they have purchased. In order to conform with existing commercial zoning and allow for future development of the facility, the petitioners seek to change the property from R-10 to C-10.

There was no opposition to the request at the Municipal Planning Commission meeting. The 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 in that it complies with the area's designation as a transitional area between downtown commercial space to highly residential space,
2. The rezoning allows for the commercial and educational usages of the surrounding area, and
3. The rezoning avoids spot rezoning as it is a minor expansion of the commercial district.

Mary Beth asked if there were any questions from the PS&T Committee.

Hearing and seeing none, a motion was entertained.

**MOTION AND VOTE:** A motion was made by Jennifer Pharr to adopt Bill No. 8003. The motion was seconded by Kathy Rubio and passed unanimously by a vote of 4-0.

**Bill No. 8004** - A Bill closing, abandoning, and discontinuing as a public right of way a portion of Hayes Avenue, consisting of 0.190 acres, which is located between Tax Map 16, Parcel 1 and Tax Map 17, Parcel 3, Parcel 4, and Parcel 222, Charleston South Annex Corp. District, Kanawha County, West Virginia.

Dan presented the staff's analysis and recommendation:

**APPLICABLE CODE:** City Code and City of Charleston's Guidelines for Closing of Street and Rights of Way.

**STANDARD OF REVIEW:** To ensure that the right of way is not needed as part a pattern of streets, either now or in the future; that the closure will not negatively affect access to other parcels of land; and the City's standards for closure are met. The Commission should also take into consideration the various City Department's comments and impose or maintain easements for utilities.

**LOCATION:**



**ANALYSIS:**

The area proposed for closure is 0.190 acres as shown on the submitted survey. An appraisal dated July 24, 2023 by Real Property Consulting placing a value of \$4,000 on the area.

The petitioner owns both properties adjacent on either side of the proposed closure at 401 Fort Hill Drive. The alley does not provide for through traffic presently so this will not be adversely affected. All other users of the alley will not be disturbed by the closure.

There was no opposition to the request at the Municipal Planning Commission meeting. The Commission unanimously recommended approval.

## **RECOMMENDATION AND FINDINGS:**

The Planning Department recommends **approval** for the following reasons:

1. Closure of the right-of-way will not disrupt the existing pattern of streets or negatively impact traffic flow.
2. All adjacent properties are owned by the applicant.
3. Closing the right-of-way will reduce the City's liability.
4. An official appraisal of the property has been conducted therefore fair and adequate consideration of the value has been established.

**The Planning Department further recommends the bill be referred to Finance Committee.**

Mary Beth asked if there were any questions from the PS&T Committee.

Hearing and seeing none, a motion was entertained.

**MOTION AND VOTE:** A motion was made by Jennifer Pharr to adopt Bill No. 8004 with the condition that Bill No. 8004 be referred to the Finance Committee. The motion was seconded by Bobby Haas and passed unanimously by a vote of 4-0.

## **4. Discussion**

Mary Beth provided the committee with some information on the bike lane request, as discussed during the August 21, 2023 PS&T Committee meeting. She hopes to be able to discuss this matter at the next MPC meeting. Dan expressed concern over the practicality of the bike lane request. Matt Hartline asked Mary Beth to send him the information she passed out. Mary Beth said she would just forward it on to everyone involved.

Mary Beth attended the Downtown BID meeting. The same group of individuals were at the meeting making the same request known during the BID meeting.

Dan mentioned that partners from the Regional Intergovernmental Council (RIC) attended this meeting. Sam Richardson, Senior Transportation Planner with RIC MPO introduced himself. Mr. Richardson oversees transportation plans and development in Kanawha and Putnam Counties and discussed the planning support that could be offered to the City of Charleston through (RIC). Jake Smith, a planner with RIC, also attended the meeting.

## **5. Approval of the Minutes of the August 21, 2023, meeting**

**MOTION AND VOTE:** A motion was made by Bobby Haas to approve the minutes of the August 21, 2023 PS&T meeting. The motion was seconded by Kath Rubio and passed unanimously by a vote of 4-0.

## **6. Adjournment – A motion was made, seconded and unanimously passed to adjourn.**