

Planning, Streets and Traffic Committee
Thursday, September 25, 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
Becky Ceperley, via phone
John Gianola, via phone
Pam Burka

Staff Present

Dan Vriendt
Terri Allen
Matt Hartline
Brent Webster
Sgt. Oldham

Others Present

Perry Bryant – Bike Lane Discussion
Ryan Hough – Bike Lane Discussion

1. Call to Order

2. Unfinished Business

3. New Business

Discussion on Bike Lanes – Mary Beth asked the Committee to move this discussion to the beginning of the meeting.

Perry Bryant, a resident of the City of Charleston, introduced Ryan Hough. Mr. Hough attended the meeting to go over the community's proposal on bike lanes. Ryan has 10 years of experience in traffic engineering. He has a bachelor's degree from WVU and Civil Engineering and is doing graduate work on urban planning with the University of Florida. He is a certified engineer both in Pennsylvania and West Virginia.

Mr. Hough introduced himself to the PS&T Committee. He is a resident of Charleston and loves the city and wants to remain in Charleston. Mr. Hough presented his plan to the PS&T Committee.

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 is 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 addressed the committee concerning Bill No. 8005. The effected area is located in Councilman's Bobby Haas' ward. He has spoken with the neighbors and the son of the property owner, and he approves this request.

The subject area has pockets of residential properties and pockets of commercial properties. The owner would like to move his auto repair shop to this location from St. Albans. The Municipal Planning Commission recommend the request by a vote of 8-2 in favor of approving the request. In spite of it being a narrow road, it is a low traffic generating area.

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:

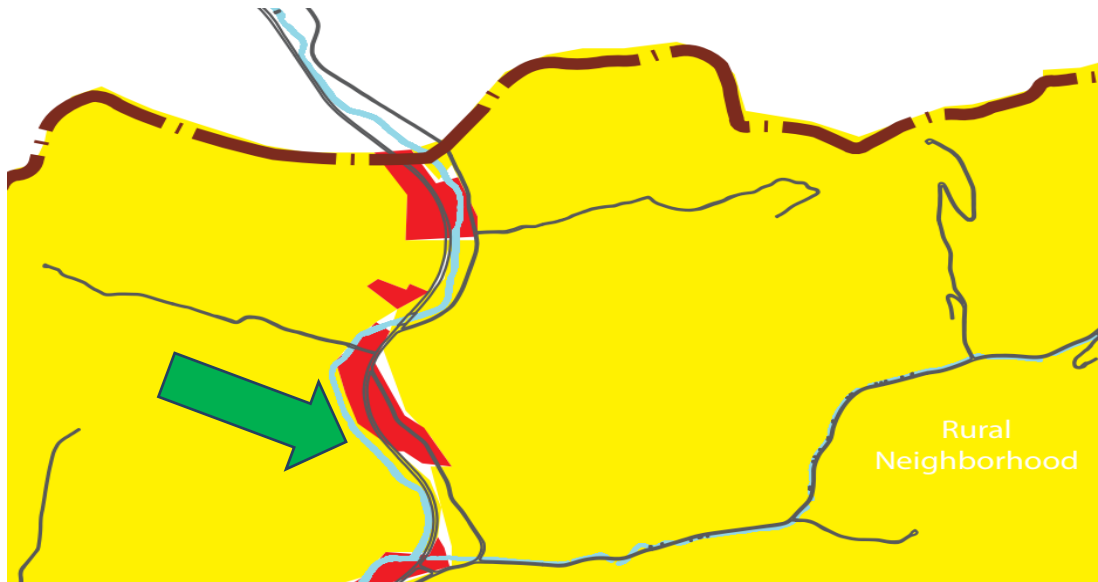
Existing Land Use and Zoning: The parcel in question is currently zoned R-8 and currently consists of an empty residential lot.

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 typically 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.

MOTION AND VOTE: A motion was made by Bobby Haas to adopt Bill No. 8005. The motion was seconded by Kathy Rubio and passed unanimously by a vote of 7-0.

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.

Dan presented the request for Bill No. 8006 to the committee.

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:

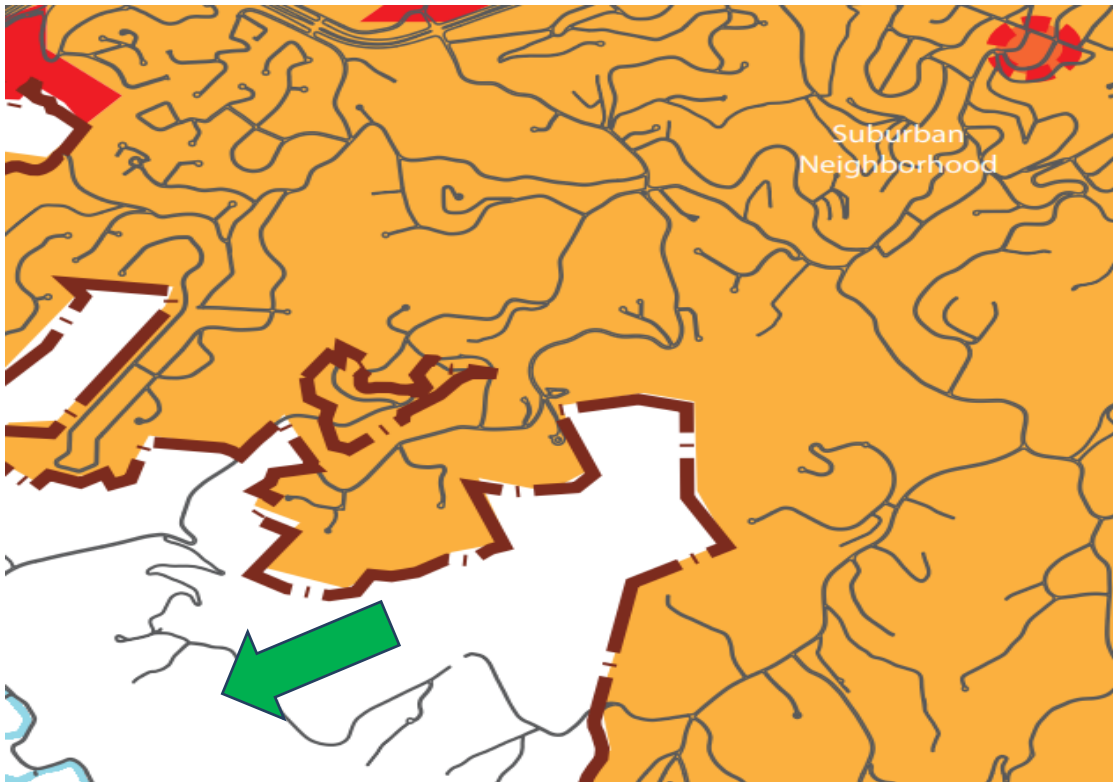
Existing Land Use and Zoning: The parcel in question is currently unzoned and consists of a single-family home.

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:

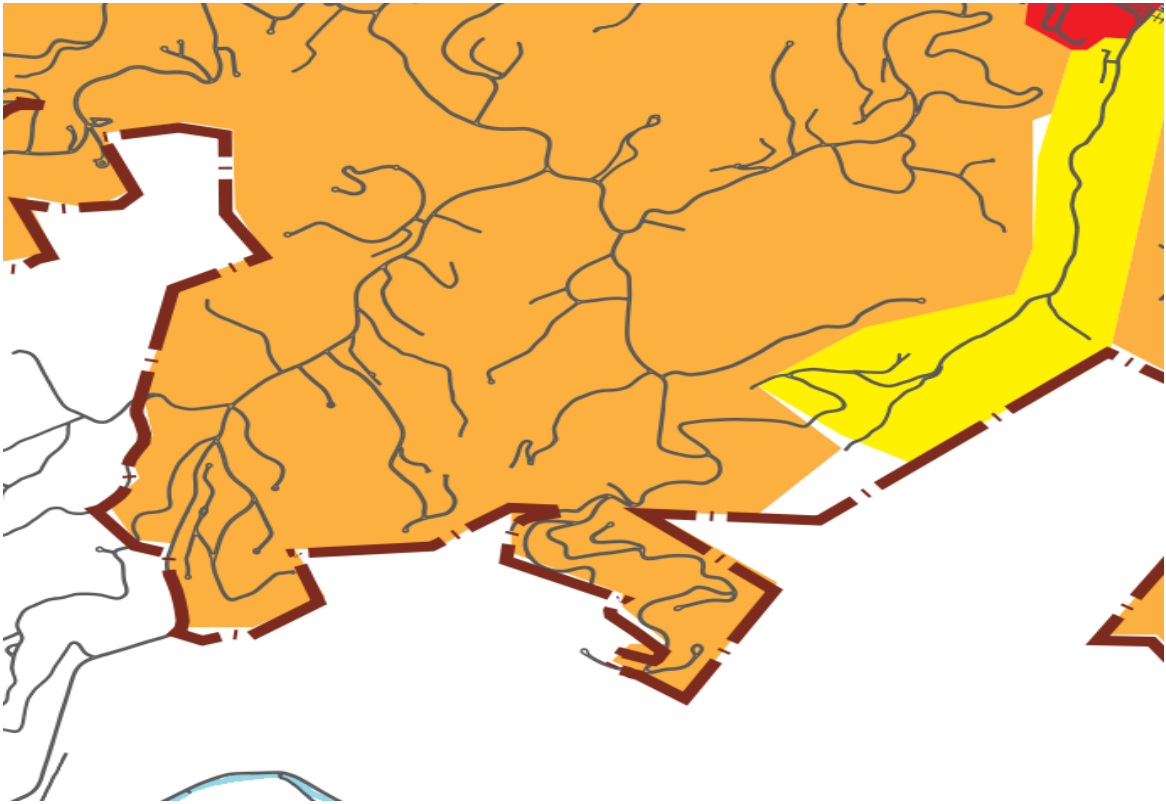
Staff recommends **approval** for the following reasons:

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.

MOTION AND VOTE: A motion was made by Jennifer Pharr to adopt Bill No. 8006. The motion was seconded by Pam Burka and passed unanimously by a vote of 7-0.

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.

Dan presented this request to the committee. It was similar to Bill No. 8006.



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 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.

MOTION AND VOTE: A motion was made by Jennifer Pharr to adopt Bill No. 8011. The motion was seconded by Kathy Rubio and passed unanimously by a vote of 7-0.

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.

Dan presented the request for Bill No. 8009 to the committee. The bill is supported by Mary Beth Hoover. Currently, the city's Zoning Ordinance does not limit temporary fences. The bill provides for an amendment to limit temporary construction fences to 90 days along with other rules.

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.

MOTION AND VOTE: A motion was made by Jennifer Pharr to adopt Bill No. 8009. The motion was seconded by Kathy Rubio and passed unanimously by a vote of 7-0.

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.

Matt Hartline presented the bill to the Committee. Councilman Ferrell was approached by the owner of this property. It was formerly a hair salon. There is one space for 15-minute parking in front of the building. The owner wants to turn the former salon into an Airbnb. She wants the space removed so that it can be used for long term parking.

MOTION AND VOTE: A motion was made by Jennifer Pharr to adopt Bill No. 8012. The motion was seconded by Bobby Haas and passed unanimously by a vote of 7-0.

4. **Additional Discussion:** Becky Ceperley brought up questions concerning the bike trail discussion. She asked if the Bike Trail would remain on the agenda. Mary Beth told her it would. Becky also asked about the sidewalk repairs. Mary Beth said she had nothing to report on it at this time.

Beth Kerns requested speed signs for specific streets in her ward.

Beth Kerns informed Mary Beth she sent her an email today about a parking situation occurring at Oakmont & Birch.

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

MOTION AND VOTE: A motion was made by Jennifer Pharr to adopt the minutes of the August 28, 2023 meeting. The motion was seconded by Kathy Rubio and passed unanimously by a vote of 7-0.

6. **Adjournment**

MOTION AND VOTE: A motion was made by Jennifer Pharr to adjourn the meeting. The motion was seconded and passed unanimously by a vote of 7-0.