



**Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, November 8, 2023
3:00 p.m.**

Agenda

1. Call to Order

2. Unfinished Business

Text Amendment: Bill No. 8014 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Digital Display Sign to Section 2-020, amending sections 24-050, 24-060, and deleting section 24-080-07 relating to authorizing the use of digital display signs.

3. New Business

Major Development of Significant Impact: Major Development of Significant Impact proposed at 200 Kanawha Blvd E, Charleston, WV.

4. Minutes of the October 4, 2023 MPC meeting

5. Announcements

2023 10-Year Update to the City's Comprehensive Plan: Presentation of an initial draft of the update to the City's Comprehensive Plan for MPC Review

6. Adjournment

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

Bill No. 8014

Introduced in Council:

October 4, 2023

Introduced by:

Pat Jones

Adopted by Council:

Referred to:

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

1 **Bill No. 8014** - A Bill amending the Zoning Ordinance of the City of Charleston, West
2 Virginia, adopted January 1, 2006, as amended, by adding the definition of Digital
3 Display Sign to Section 2-020, amending sections 24-050, 24-060, and deleting section
4 24-080-07 relating to authorizing the use of digital display signs.

5
6 Be it Ordained by the Council of the City of Charleston, West Virginia:

7 The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1,
8 2006, is hereby amended as follows:

9
10 1) **Sec. 2-20 Definition of Terms**

11 **Digital Display Sign:** The portion of a sign message made up of internally
12 illuminated components capable of changing the message periodically. Digital
13 displays may include but are not limited to LCD, LED, or plasma displays.

14
15 ~~**Public Assembly Area, Major.** Any stadium, gymnasium, auditorium or~~
16 ~~performance hall with fixed seating for 1800 or more people and designed and~~
17 ~~generally used for the purposes of attending, participating or observing programs~~
18 ~~or events open to the public.~~

19
20 2) **Sec. 24-050 Prohibited Signs**

21 The following signs shall be prohibited in all districts, except as otherwise noted
22 herein:

23 A. Signs which incorporate in any manner flashing or moving lights or any
24 other visible moving or revolving part, attention attracting device, ~~except~~
25 ~~for time, temperature, or date signs.~~

26 B. Banners, pennants, flags, spinners, or streamers, except as permitted in
27 Sec. 24-070-03, Supplemental Regulations for Temporary Signs in
28 Residential Districts, and Sec. 24-080-03 Supplemental Regulations for
29 Temporary Signs Permitted in Commercial and Industrial Districts.

30 C. Signs which obstruct or impair the vision of drivers or obstructs or detracts
31 from the visibility of, or resembles, any traffic sign or traffic control device
32 on a public street or road, by reason of size, shape, location, color, or
33 illumination.

34 D. Signs which make use of words such as "STOP", "LOOK", "DANGER", or
35 other similar words, phrases, symbols, or characters in such a manner as

- 36 to imply the need or requirement of stopping or the existence of danger.
37 E. Sign which obstructs free ingress or egress for a door, window, fire
38 escape, or other exit way required by the Building or Fire Code.
39 F. Portable signs.
40 G. Signs containing graphics or lettering illustrating specified sexual activities
41 and/or specified anatomical areas, as defined within this ordinance.
42 H. Any sign which no longer advertises a bona fide business, activity,
43 campaign, service or product, including real estate signs.
44 I. Any sign not in compliance with regulations involving highway interstate
45 standards and specifications.
46 J. Roof signs.
47 K. Merchandise, equipment, products, vehicles, or other items not
48 themselves for sale and placed for attention-getting, identification or
49 advertising purposes.
50 L. Any sign erected on a tree or utility pole.
51 M. Any sign structure or frame no longer containing a sign.
52 N. Any sign that is structurally or electrically unsafe.
53 O. Temporary signs located in a public right-of-way.
54 ~~P. Digital, LED or similar signs, except for time, temperature, or date signs,~~
55 ~~except as permitted in Section 24-080-05.~~

56

57 3) **Sec. 24-060 General Sign Regulations**

- 58 A. All signs shall comply with the provisions of Section 21-030, Safety and
59 Vision.
60 B. A pole sign shall not extend over a public right-of-way.
61 C. A wall sign shall not extend above any roof line or further than twelve (12)
62 inches from the building, or part of the building, to which the sign is
63 attached.
64 D. No shingle sign or marquee sign shall be lower than nine (9) feet above
65 ground level.
66 E. No sign shall be permitted to be erected unless the back of such structure
67 is shielded from public view by a building, other structure, high planting, or
68 another sign of the same size (where permitted), or unless such back is
69 painted a neutral color or is enclosed in a solid metal backing that is
70 treated or painted against corrosion.
71 F. The painted portions of signs shall be periodically repainted and kept in
72 good condition.
73 G. The general area in the vicinity of a sign must be kept clear of weeds,
74 debris, trash and other refuse by the property owner.
75 H. The roofs of all marquees shall be properly guttered and connected by
76 down spouts to a sewer so that the water there from will not drip or flow
77 onto public property.
78 I. The allowed square footage of window signs in zoning districts R-O and
79 above shall not exceed 25% of the total square foot area of each window,
80 or up to 50% of the total square foot area of each window if there are no
81 wall signs on the premises. Window sign calculations shall include, but

82 not be limited to, informational signage such as hours of operation and
83 open/closed signs.

84 J. Digital display signs shall be static and nonanimated and shall remain
85 fixed for a minimum of 10 seconds. Messages must transition instantly,
86 with no transition graphics. The luminance may not exceed 5,000 nits
87 (candela per square meter) between sunrise and sunset or 250 nits during
88 nighttime hours.

89
90 4) **~~Sec. 24-080-07 Supplemental Regulations for electronic reader boards in~~**
91 **~~the Central Business District~~**

92 A. ~~Electronic message boards may be permitted in the Central Business~~
93 ~~District in lieu of a ground sign when accessory to a major public assembly~~
94 ~~area, provided the reader board displays:~~

- 95 1. ~~On-site events only and does not advertise products; and~~
96 2. ~~Motion or animation is limited to 10 seconds within any 60 second~~
97 ~~period.~~

98 B. ~~BZA #2095 authorized the Charleston Civic Center to erect two electronic~~
99 ~~reader boards. The signs shall be permitted to be replaced, provided that~~
100 ~~the signs are not removed for a period of more than 6 months and the~~
101 ~~height and area of the signs are not increased.~~

102
103 5) All prior ordinances or parts of ordinances, inconsistent with this ordinance are
104 hereby repealed to the extent of such inconsistency.
105
106

City of Charleston, West Virginia
TRANSMITTAL

TO: Building Department City Engineer
 Planning Department Sanitary Board
 Traffic Operations CURA
 Fire Department

FROM: Permit Coordinator
C/O Building Department

10/16/2023

PROJECT OWNER NAME: REMINGTON CHARLESTON CORP
PROJECT DESCRIPTION: Development of a Single Tenant Office Building at the former CASCI site.

PERMIT NUMBER: DSI-23-0034
PROJECT ADDRESS: 200 KANAWHA BLVD E CHARLESTON, WV 25301
CONTRACTOR:
APPLICANT: ZMM ARCHITECTS AND ENGINEERING

Please review the attached materials and return your comments with the necessary approvals or conditions. **Plans should be stamped by your department, signed and dated, and comments returned on this form or an attachment.**

REVIEW: _____

This project is approved as submitted:

This project requires the following/or attached revisions or additional information:

COMMENTS:

Reviewed By

Date



Municipal Planning Commission
Application and Checklist for DSI

MPC Hearing Date: Nov. 8, 2023

DSI _____ or Major DSI X

Applicant Information	Property Information
Name: Remington Charleston Corporation	Address: 200 Kanawha Blvd. East, Charleston, WV 25301
Address: 251 Little Falls Drive, Wilmington, DE 19808	Tax Map and Parcel: TM: 3, Parcels 22, 23, 24 & 26
Phone: (403) 899-1437	Zoning District: Central Business District
Agents Name, Address, Phone (If other than Applicant): Adam Krason, AIA ZMM Architects & Engineers 200 Lee Street West Charleston, WV 25302 (304) 342-0159	Property Owner and Mailing Address: (if other than applicant)

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application:

A. Developments of Significant Impact

Applications for permits for Developments of Significant Impact (DSI), as defined by the ordinance shall be accompanied by a site plan drawn to scale that includes the following for the use of the Planning Director:

1. The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia
2. The exact sizes and locations of existing structures on the lot, if any
3. The location, square footage, and dimensions of the proposed structure or alteration
4. The location of the lot with respect to adjacent rights-of-way
5. The existing and proposed uses of the structure and land
6. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate
7. The location and dimensions of off-street parking and means of ingress and egress for such space
8. Height of structure
9. Setbacks
10. Buffer yard and screening, if applicable
11. Location of garbage collection area and screening
12. Street typical for internal roadways
13. Location and size of drainage structures
14. Location of stormwater detention system, if applicable
15. Utility lines and easements
16. Signature of applicant
17. Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets
18. If applicable, design of stormwater detention system and drainage calculations that bear the name, address,

and seal of a registered professional engineer and that meet the requirements of Article 24 of this ordinance and the design standards of the United States Natural Resource Conservation Service

19. Parking plan
20. Landscaping plan
21. Sign plan
22. Approved WV Division of Highways Access Permit, if applicable
23. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
24. Any other such information concerning the lot or neighboring lots as may be required by the Planning Director to determine conformance with, and provide for the enforcement of, this ordinance; where deemed necessary, the Planning Director may require that in the case of accessory structures or minor Additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia.
25. Where the Planning Director determines that any of the items listed above is unnecessary, he or she may waive its requirement.
26. No site plan shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto.
27. The Planning Director may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The Planning Director, where deemed appropriate, may require the same for accessory structures or minor Additions. In any case, it shall be the owner's responsibility to ensure that a structure is placed on his property according to the approved site plan.
28. Site plans approved by the Planning Commission authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Commission shall not prevent the Planning Director from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on when in violation with this ordinance.
29. One copy of the site plan submitted for a permit as required above for the Planning Commission shall be returned to the applicant after the Planning Commission has marked such copy as either approved or denied as to the provisions of this ordinance and attested to same by the signature of the Planning Director. The original, similarly marked, shall be retained by the Planning Department.

B. Major Developments of Significant Impact

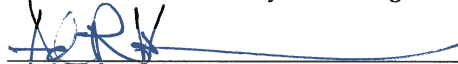
Major Developments of Significant Impact (MDSI), as defined by the ordinance, are those that are of such scope and scale that they have an impact on the region in terms of the transportation network, the environment, the schools, etc. Such projects include regional shopping centers and large scale residential developments. All applications for a MDSI shall be accompanied by a site plan, submitted under the seal and signature of a professional engineer licensed to practice by the State of West Virginia, and shall observe the following format:

1. Sheet One (Title Sheet)
 - a. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references
 - b. Name of the Project
 - c. Name and address of the owner, developer, and person who prepared the plans
 - d. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings
 - e. Existing zoning of the subject land and all adjacent lands
 - f. Boundary lines of adjacent tracts of land, showing owners of record
 - g. A key or vicinity map at a scale of one inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located
 - h. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project

- c. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.
 - d. The direction of drainage flow and the approximate grade of all existing or proposed streets.
 - e. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing the drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.
 - f. A description of the methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
 - g. Measures for soil erosion and sediment control which must meet or exceed the methods and standards adopted by the West Virginia Department of Natural Resources and/or set forth in the West Virginia Handbook For Erosion Control in Developing Areas and which must comply with the design principles, performance standards, and requirements set forth.
 - h. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.
 - i. Copies of the letter of intent and response from the Kanawha County Soil and Water Conservation District office for compliance, when required.
 - j. Any other information reasonably required by the Commission or Planning Director to properly evaluate the plan.
5. Sheet Five (Landscape Plan)
- A landscape plan prepared to the standards specified in this zoning ordinance.
6. Sheet Six (Plat-like dedication sheet, if necessary)
- The following information shall be submitted if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Planning Commission:
- a. Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans.
 - b. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings.
 - c. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.
7. All sheets shall contain the following information:
- a. The proposed name by which the project shall be legally and commonly known.
 - b. Date of survey, scale, and north point.
 - c. All lots or out lots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
 - d. Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans.
 - e. Such other information as may be deemed necessary for proper review of the site plan by the Planning Director, City Engineer, or Planning Commission.
 - f. All necessary reference points tying the subject property to the appropriate section corners.
 - g. Each sheet shall be sealed and signed by the professional engineer preparing the drawings.
 - h. All sheets shall be tied to state plane coordinates for horizontal and vertical controls.
 - i. Names and addresses of the parties within 200 feet of the property.
 - j. The applicant must provide stamped, self-addressed envelopes in sufficient quantities to provide

notification to the parties identified in the item above.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.


Signature

16 · OCT · 2023
Date

Planning Department Use Only	
Comments:	
Information pertaining to the property proposed for rezoning:	
Application reviewed by:	
MPC Action: <input type="checkbox"/> Recommended <input type="checkbox"/> Not recommended	
Planning Official Signature and Title	
Date	

MDSI SUBMITTAL MUNICIPAL PLANNING COMMISSION

SINGLE - TENANT OFFICE BUILDING

REMINGTON DEVELOPMENT CORPORATION
CHARLESTON, WEST VIRGINIA

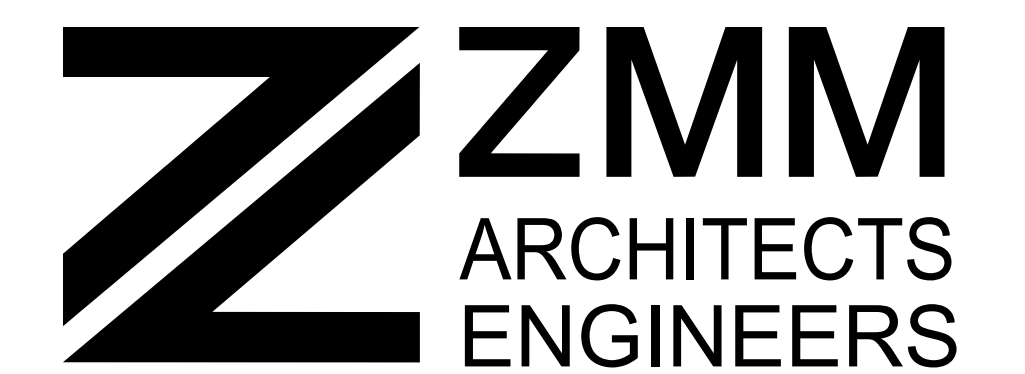
16 OCTOBER 2023

OWNER



Remington Development Corporation
Suite 300, 200 Quarry Park Blvd SE
Calgary, AB T2C 5E3

ARCHITECT AND ENGINEER



222 Lee Street, West
Charleston, West Virginia 25302
Phone: 304.342.0159
Fax: 304.345.8144

www.zmm.com

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LOCATION MAP



DRAWING INDEX

SHEET NO.	SHEET NAME	SHEET NO.	SHEET NAME	SHEET NO.	SHEET NAME
GENERAL					
G000	COVER SHEET				
CIVIL					
V100	SITE SURVEY				
C100	DEMOLITION PLAN				
C200	LAYOUT PLAN				
C300	GRADING PLAN				
C400	DRAINAGE & UTILITY PLAN				
C500	E & S CONTROL PLAN - PHASE 1				
C501	E & S CONTROL PLAN - PHASE 2				
C502	E & S CONTROL PLAN - PHASE 3				
C503	E&S CONTROL PLAN - MISC. DETAILS & NOTES				
C600	MISCELLANEOUS DETAILS				
C601	MISCELLANEOUS DETAILS				
C700	LANDSCAPING PLAN				
ARCHITECTURAL					
A121	FIRST FLOOR PLAN - OVERALL				
A122	SECOND FLOOR PLAN - OVERALL				
A131A	FIRST FLOOR DIMENSIONED PLAN - OFFICE BUILDING				
A132A	FIRST FLOOR DIMENSIONED PLAN - ANNEX BUILDING				
A133A	SECOND FLOOR DIMENSIONED PLAN - OFFICE BUILDING				
A134A	SECOND FLOOR DIMENSIONED PLAN - ANNEX BUILDING				
A135A	THIRD FLOOR DIMENSIONED PLAN - OFFICE BUILDING				
A136A	FOURTH FLOOR DIMENSIONED PLAN - OFFICE BUILDING				
A137	PENTHOUSE PLAN - OFFICE BUILDING				
A138	ROOF PLANS				
A311	OFFICE BUILDING ELEVATIONS				
A312	OFFICE BUILDING ELEVATIONS				
A313	ANNEX BUILDING ELEVATIONS				
A314	ANNEX BUILDING ELEVATIONS				
A331	WALL SECTIONS				
A332	WALL SECTIONS				

BUILDING INFORMATION

USE AND OCCUPANCY CLASSIFICATION

PER 2018 INTERNATIONAL BUILDING CODE
OFFICE: BUSINESS, GROUP B (GM) WAREHA INCREASE
ANNEX: LOW HAZARD STORAGE, GROUP S-1 (S1)

2021 NFPA 101 LIFE SAFETY CODE
OFFICE: NEW BUSINESS, CHAPTER 38
ANNEX: NEW STORAGE (LOW HAZARD), CHAPTER 42

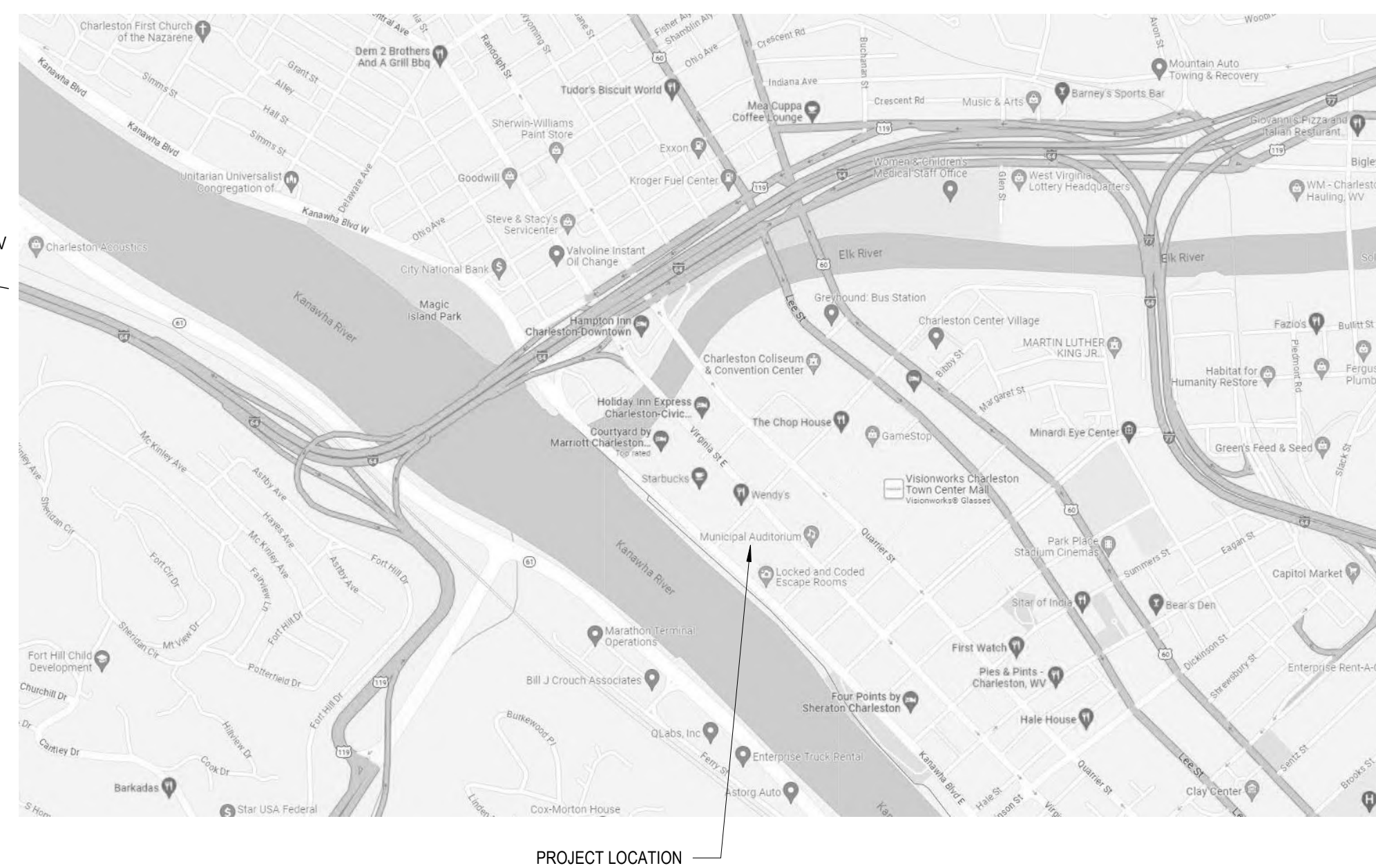
OCCUPANCY SEPERATION (OFFICE TO ANNEX): 2-HR

CONSTRUCTION CLASSIFICATION

PER 2018 INTERNATIONAL BUILDING CODE
OFFICE: TYPE IIA (1-HR), SPRINKLERED
ANNEX: TYPE IIB, SPRINKLERED

2021 NFPA 101 LIFE SAFETY CODE
OFFICE: (1,1,1) SPRINKLERED
ANNEX: (0,0,0) SPRINKLERED

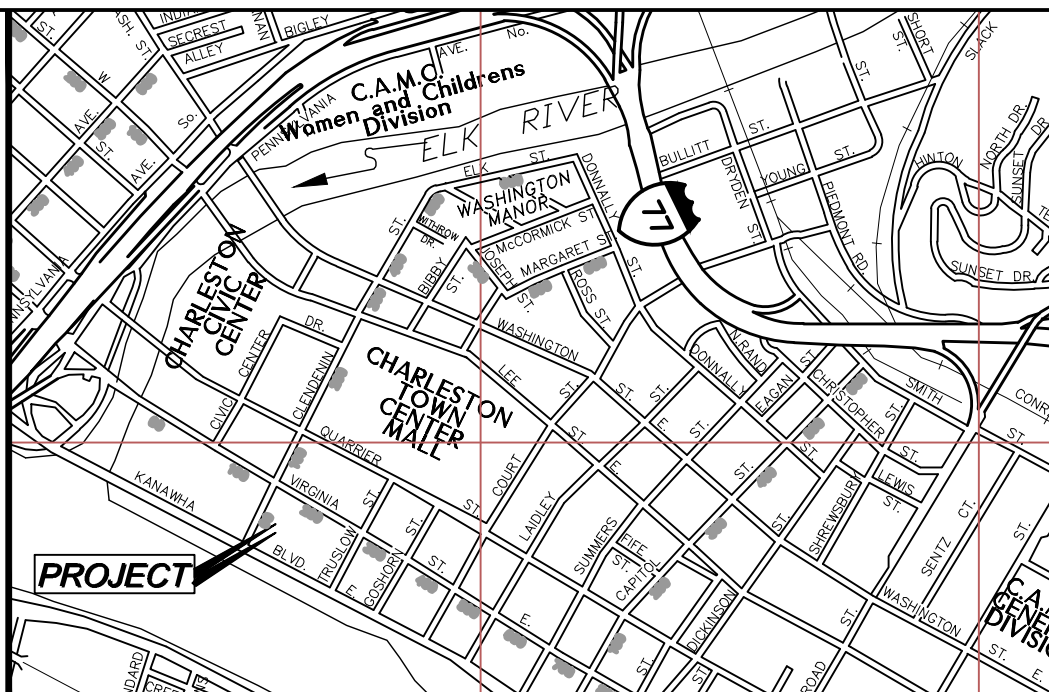
VICINITY MAP



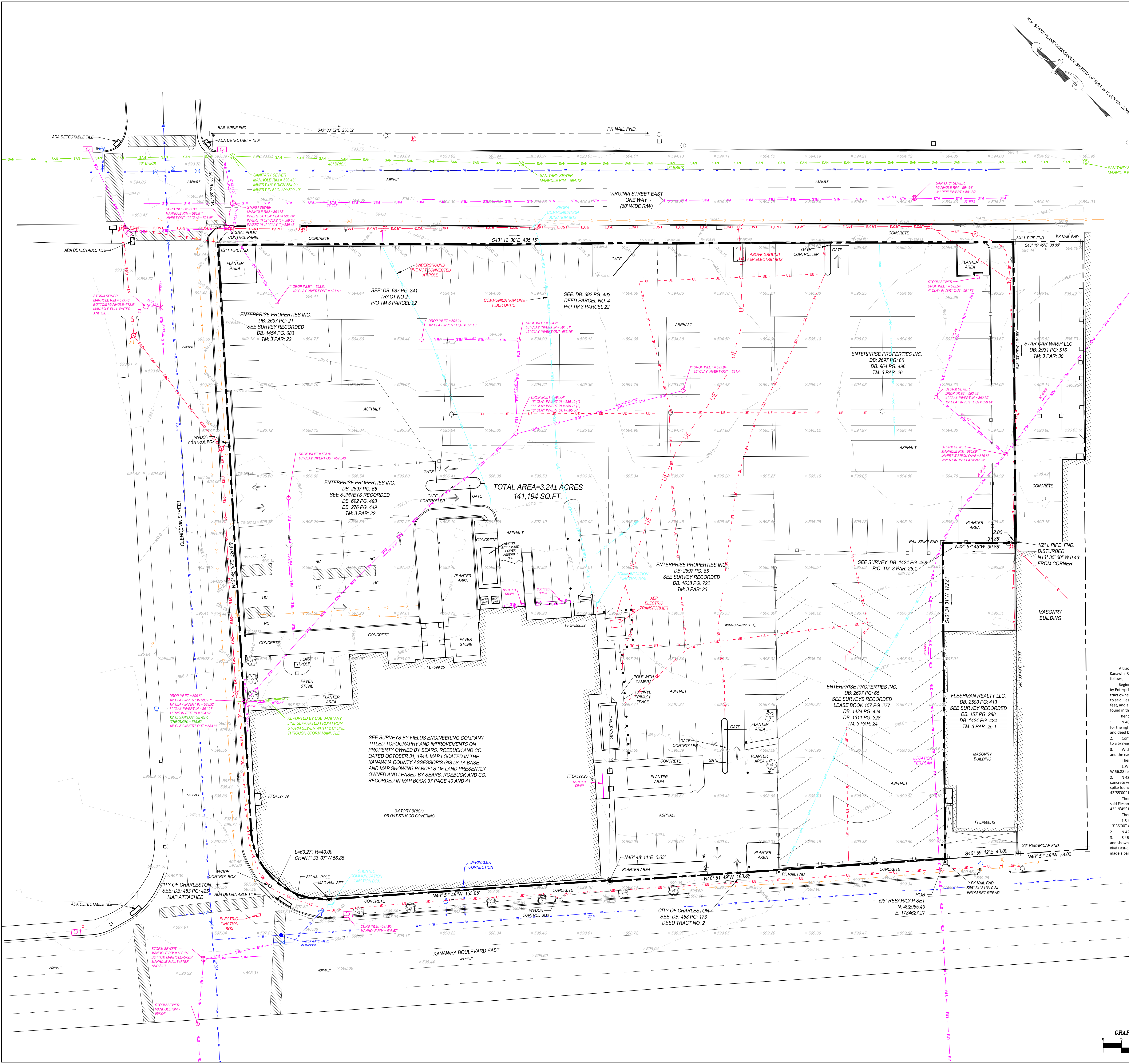
BUILDING AREA

	OFFICE BUILDING	ANNEX BUILDING
FIRST FLOOR	28,756 SF	16,448 SF
SECOND FLOOR	29,677 SF	1,338 SF (PATIO = 1,500 SF)
THIRD FLOOR	29,677 SF	
FOURTH FLOOR	29,937 SF	
PENTHOUSE	2,180 SF	
TOTAL	120,207 SF	17,786 SF

PROFESSIONAL SEALS



VICINITY MAP N.T.S.



LEGEND

- Surveyed Property Line
Tract Line
Other Property Lines
Surveyed Line
Easement Line
Right of Way
Stream/Ditch
Existing Fence Line
Existing Sanitary Sewer
Existing Storm Sewer
Existing Water Line
Existing Gas Line
Overhead Electric
Overhead Telephone
Overhead Cable
Overhead Electric/Telephone
Overhead Electric/Telephone
Underground Fiber
Underground Telephone
Underground Cable
Underground Electric/Telephone
Utility Unknown Marked by GPR
5/8" Rebar with Cap Set
Found Monumentation
Benchmark
Bollard
Existing Fire Hydrant
Existing Water or Gas Meter
Existing Water or Gas Valves
Telephone or Electric Riser
Utility Pole
Curb Wire
Light Pole
Existing Borehole
Existing Tree
Downspout
Guardrail
Sign
Shrub
Drawing Building
Existing Canopy Overhang
Drawn According to Record

- Surveyor's Notes:
1. Floodplain Information: This parcel is located in Zone Shaded X, the base flood elevation is 594.00, an area of 0.2% annual chance flood, as shown on Flood Insurance Rate Map Number 54099C0407E, effective date: February 6, 2006.
2. Vertical Datum Referenced NAVD 88 and was obtained by on site GPS observation at the time of this survey.

A tract of land located along Virginia Street East, Clendenin Street, and Kanawha Boulevard East, situate on the waters of the Kanawha River, in the City of Charleston, Charleston East District, Kanawha County, West Virginia, more particularly described as follows:
Beginning at a 5/8 inch rebar with a cap set in the north right-of-way line of Kanawha Boulevard East, corner to a tract owned by Enterprise Properties Inc., described in deed book 2697 at page 65 from which this legal description encompasses, and corner to a tract owned by Flesham Realty LLC, described in deed book 2500 at page 413, from which a 5/8 inch rebar with a cap set found corner to said Flesham tract and a tract owned by Star Car Wash LLC, described in deed book 2951 at page 518 bears S 40° 59' 42" E 40.00 feet, and a drill hole found in concrete, corner to said tract owned by Star Car Wash LLC, bears S 40° 5' 10" E 78.00 feet, and a PK nail found in the concrete sidewalk bears S 46° 34' 31" W 0.34 feet.
Thence with the right-of-way line of Kanawha Boulevard East, for three calls:
1. N 1° 35' 00" W 0.43 feet to a 5/8-inch rebar set in concrete sidewalk corner to two tracts conveyed to the City of Charleston for the right-of-way of Kanawha Boulevard East, described in deed book 458 page 173, deed tract number 2, and deed book 483 at page 425.
2. Continuing with said right-of-way line and City of Charleston tract described in deed book 483 at page 425 N 40° 48' 11" E 0.63 feet to a 5/8-inch rebar set in concrete sidewalk.
3. With same N 40° 51' 49" W 153.95 feet to a 5/8-inch rebar set in the concrete sidewalk at the intersection of said right-of-way and the east right-of-way line of Clendenin Street.
Thence with the east right-of-way line of Clendenin Street for two calls:
1. With a curve to the right having a radius of 40 feet, an arc length of 56.88 feet, a chord bearing and distance of N 01° 38' 07" W 56.88 feet to a 5/8-inch rebar set in the concrete sidewalk and corner said City of Charleston tract.
2. N 43° 45' 35" E passing a corner to said City of Charleston tract in all 320.85 feet to 1/2 inch iron pipe found at the corner of a concrete wall and at the intersection of said right-of-way and the south right-of-way line of Virginia Street East, from which a call spike found at the intersection of the north right-of-way line of Virginia Street and the east right-of-way line of Clendenin Street bears N 43° 50' 00" E 60.38 feet.
Thence with the south right-of-way line of Virginia Street S 43° 12' 30" E 435.15 feet to a 3/4-inch iron pipe found, corner to said Flesham tract, from which a PK nail found corner to said Flesham tract and in the line of said Star Car Wash tract bears S 43° 19' 45" E 38.00 feet.
Thence leaving Virginia Street East and with said Flesham tract for three calls:
1. S 46° 34' 49" W 164.65 feet to a point on the east side of a wall, from which a 1/2-inch iron pipe found disturbed, bears N 13° 30' 00" W 0.43 feet.
2. N 42° 5' 14" W crossing a 5/8-inch rebar set in the pavement at 2.00 feet, in all 39.88 feet to a call spike found.
3. S 40° 34' 31" W 172.81 feet to the place of beginning, containing 3.24 acres, more or less, as surveyed by TerraDon Corporation, and shown on a map titled "Topographic and Boundary Survey Showing the Enterprise Properties Inc. Property Located 200 Kanawha Blvd East City of Charleston, Charleston East, Kanawha County, West Virginia, dated 06/15/21", said map as referenced hereto and made a part of this description.

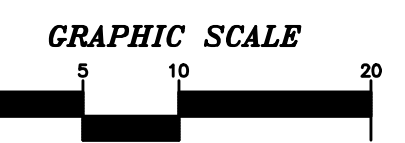
Table with columns: NO., REVISIONS, DESCRIPTION, DATE.

NEW
SINGLE - TENANT OFFICE BUILDING
REMINGTON DEVELOPMENT CORPORATION
CHARLESTON, WEST VIRGINIA
MDSI SUBMITTAL - MUNICIPAL PLANNING COMMISSION

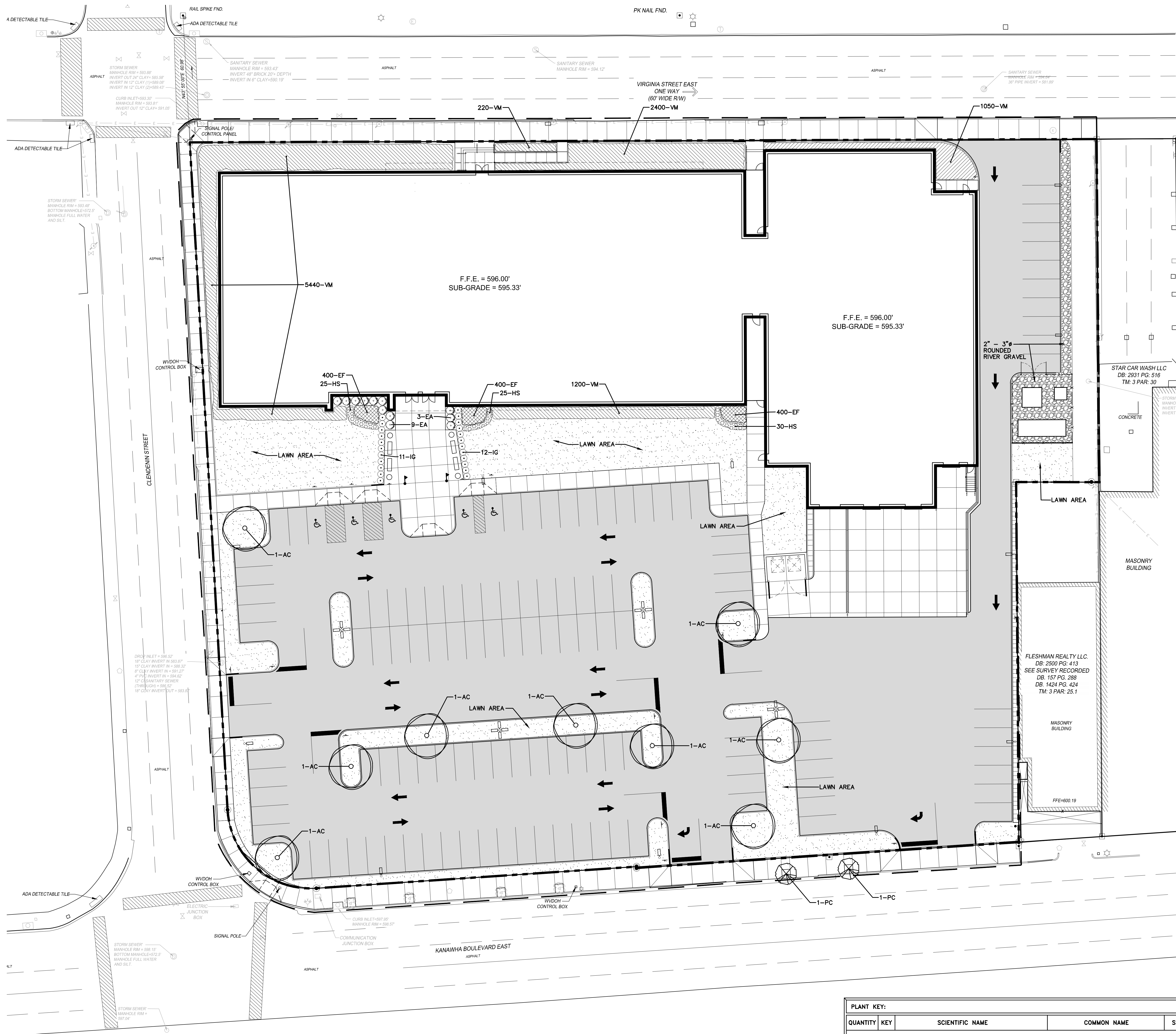
Table with columns: DRAWN (WLJ), CHECKED (PJW), DATE (13 OCT 2023), COMM. NO. (23058), V100.

PLOT DATE: 10/13/2023 9:30 AM P:\2023\2301-0145-003 - ZMM - CASCO-20-LD-DWG-PRODUCTION\SV100 SURVEY.DWG

PRELIMINARY NOT FOR CONSTRUCTION



PLOT DATE : 10/13/2023 11:35 AM P:\2023\2301-0145-003 - ZMM - CASO\20-145\DWG\PRODUCTION\SP\CT00 - LANDSCAPING - PLAN.DWG



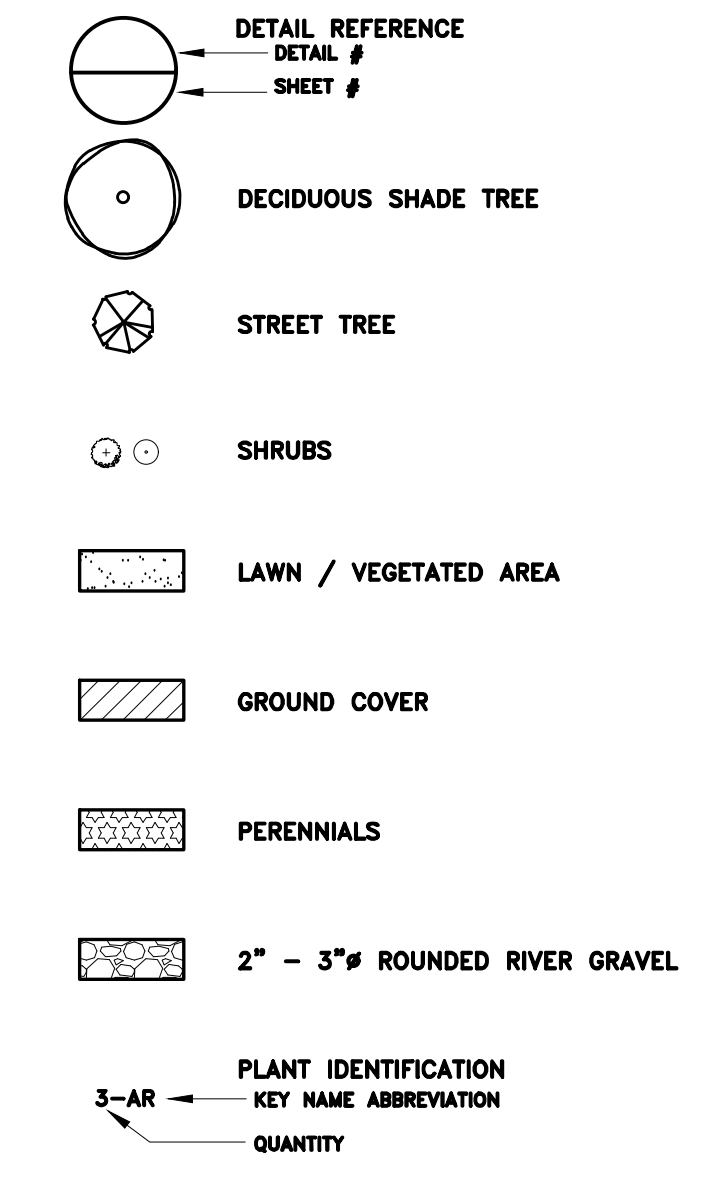
GENERAL NOTES:

- A. SURVEY WAS PROVIDED BY TERRADON CORPORATION, 409 JACOBSON DRIVE, POCA, WV 25159 PHONE: 304-755-8291.
- B. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATION OF EXISTING SUBSURFACE UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS FROM THE UTILITY OWNER, FROM UTILITY FIELD LOCATION SERVICES SUCH AS MISS UTILITY AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS EXACT OR COMPLETE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES. ANY CONFLICTS WITH INFORMATION SHOWN ON THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND THE ENGINEER IMMEDIATELY.
- C. ALL DIMENSIONS ARE TO FACE OF CURB OR TO FINISHED FACE OF BUILDING UNLESS NOTED OTHERWISE.
- D. ALL DISTURBED AREAS OF THE SITE ARE TO BE TEMPORARILY OR PERMANENTLY SEEDED BY CONTRACTOR.
- E. CONTRACTOR TO TAKE ALL PRECAUTIONS NECESSARY TO DRAIN SUBBASE GRADES FROM PONDING WATER, SUCH AS TEMPORARY RELIEF SWALES AND TEMPORARY DRAIN OPENINGS IN CATCH BASINS.
- F. ALL RADI ON PAVEMENT CORNERS SHALL BE 5'-0" UNLESS OTHERWISE NOTED.
- G. RELOCATION/ABANDONMENT, AND/OR DAMAGES TO EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR AND ALL ASSOCIATED COSTS SHALL BE PAID FOR BY THE CONTRACTOR.
- H. ALL EXISTING UTILITIES WITHIN THE LIMITS OF DISTURBANCE THAT ARE TO REMAIN SHALL BE PROTECTED AND KEPT IN SERVICE.
- I. CONTRACTOR SHALL COORDINATE ANY REMOVAL/RELOCATION OF ANY UNDERGROUND SERVICE WITH LOCAL UTILITY COMPANIES PRIOR TO START OF CONSTRUCTION.
- J. GENERAL CONTRACTORS AND SUBCONTRACTORS ARE REQUIRED TO PROCURE A FULL SET OF CONSTRUCTION DOCUMENTS FOR PROVIDING CONSTRUCTION SERVICES AND PRICING. THIS PROJECT DESIGN IS COMMUNICATED UTILIZING A COMPLETE SET OF DRAWINGS AND IN COMPLIANCE WITH ALL UTILITY PROVIDERS SPECIFICATIONS AND STANDARDS AS IDENTIFIED IN THE INDEX OF DRAWINGS.
- K. NEW CONCRETE CURB SHALL HAVE SAW CUT SCORE JOINTS EVERY 10' AND HAVE A COLD JOINT, OR FULL DEPTH SAW CUT EVERY 30'.

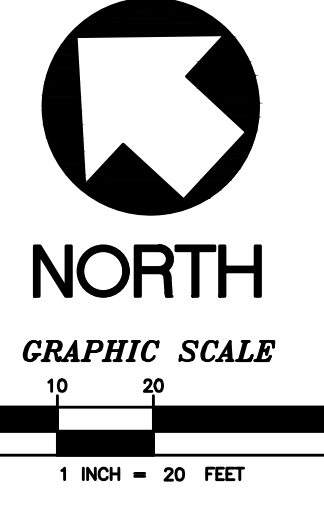
PLANTING NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR REVIEW OF ALL UTILITY LOCATIONS PRIOR TO EXCAVATION OR MATERIAL INSTALLATION.
2. ALL LANDSCAPE MATERIALS SHALL BE IN ACCORDANCE WITH THE 'AMERICAN STANDARD FOR NURSERY STOCK' AND SHALL BE INSPECTED PRIOR TO PLANTING.
3. CONTRACTOR IS RESPONSIBLE FOR SOIL PREPARATION, ADDITIVE OF NUTRIENT AND FERTILIZATION PER TESTING AS OUTLINED IN THE SPECIFICATIONS.
4. IF ANY DISCREPANCIES OCCUR BETWEEN QUANTITIES OF MATERIALS SHOWN ON THE PLAN AND QUANTITIES LISTED IN THE PLANT LIST, THE QUANTITIES SHOWN ON THE PLAN SHALL TAKE PRECEDENCE.
5. SOIL AMENDMENTS SHALL BE UNIFORMLY SPREAD AND ROTOTILLED INTO TOP 12 INCHES OF SOIL.
6. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY SOIL CONDITIONS THE CONTRACTOR CONSIDERS DETRIMENTAL TO THE PLANT GROWTH.
7. PLANT PIT SHALL BE BACK FILLED WITH SOIL MIX CONSISTING OF, ONE PART BY VOLUME OF COMPOSTED DAIRY COW MANURE WITH THREE PARTS QUALITY TOP SOIL.
8. ALL PLANT BEDS AND NEW TREES SHALL BE MULCHED WITH 4 INCH THICK LAYER OF CHIPPED HARDWOOD MULCH.
9. CONTRACTOR IS RESPONSIBLE FOR THE SOIL PREPARATION OF THE ENTIRE SITE & WILL SEED ALL LAWN AREAS WITH A KENTUCKY BLUEGRASS 20%, TALL FESCUE 75%, & PERENNIAL RYEGRASS 5% LAWN TURF SEED MIX BLEND.
10. CONTRACTOR IS RESPONSIBLE FOR THE RE-SPREADING A MINIMUM OF 6 INCHES IN DEPTH OF TOPSOIL IN ALL LAWN AREAS.

LANDSCAPE LEGEND



QUANTITY	KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	ROOT TYPE
TREES					
9	AC	Acer x 'Celebration' Celebration	Celebration Hybrid Maple	3"	B&B
2	PC	Pyrus calleryana 'Jazzam' Jack	Jack Dwarf Callery Pear	2 1/2"	B&B
SHRUBS					
12	EA	Euonymus alata 'Compacta'	Dwarf Burning Bush	36"	B&B
23	IG	Ilex glabra 'Chamzlin'	Compact Inkberry Holly	#7	CONT.
ORNAMENTAL GRASSES & PERENNIALS					
24	EF	Euonymus fortunei 'Colorata'	Purple Wintercreeper	Peat Pot 50/Flat	Bare Root
80	HS	Hemerocallis 'Stella D'Oro'	Stella D'Oro Daylily	#5	CONT.
207	VM	Vinca minor	Common Periwinkle	Peat Pot 50/Flat	Bare Root



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NO.	REVISIONS	DESCRIPTION	DATE

NEW
SINGLE - TENANT OFFICE BUILDING
REMINGTON DEVELOPMENT CORPORATION
CHARLESTON, WEST VIRGINIA

MDSI SUBMITTAL - MUNICIPAL PLANNING COMMISSION

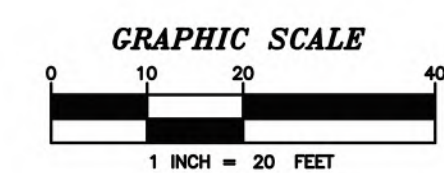
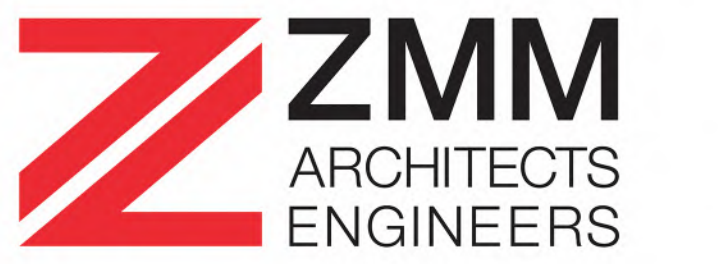
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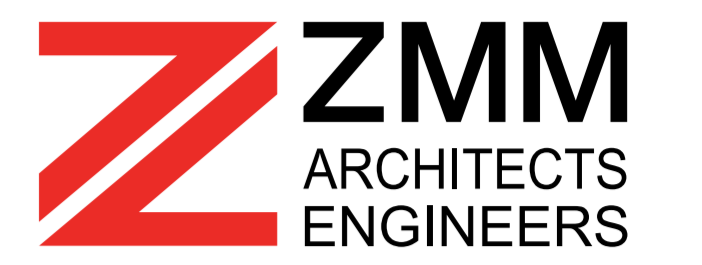
LANDSCAPING PLAN

DRAWN	WLJ	CHECKED	PJW
DATE	13 OCT 2023	COMM. NO.	23058

C700

PRELIMINARY NOT FOR CONSTRUCTION

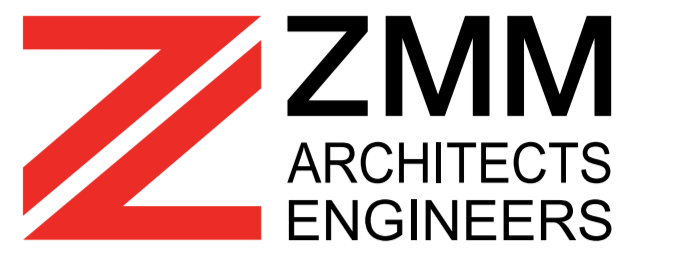


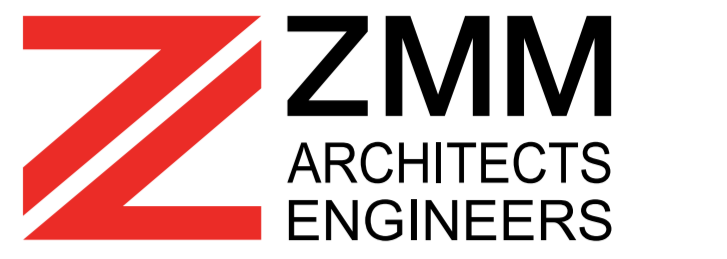


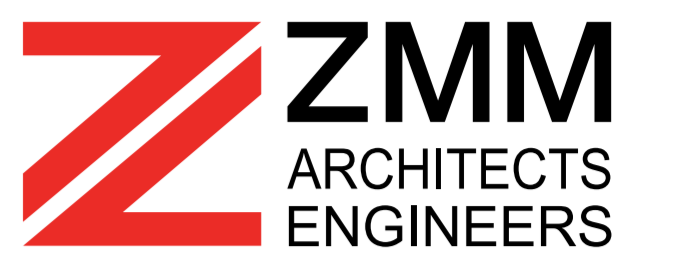


Single - Tenant Office Building

Charleston, West Virginia
10/16/23









Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, October 4, 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

Others Present

Linwood Hamilton – Text Amendment – Bill No. 8002

1. Call to Order

2. Unfinished Business

Text Amendment: Bill No. 8002 A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by allowing “Firearms Sales Establishments” as a conditional use in the C-8 Village Commercial District.

Petitioner, Linwood Hamilton of 403 Pennsylvania Avenue, Charleston, WV 25302, addressed the MPC. He again clarified that the sales from this establishment involved ammunition. It did not involve firearms.

Aric asked the petitioner if anything had changed from a couple of months ago when this matter was tabled by the MPC. Dan responded that part of the staff’s report involved included conditional use options.

Dan presented the staff report. Dan noted that this matter has been part of a two-part request. The reason this matter has come before the MPC is that, currently, firearm sales or even strictly ammunition sales, as the petitioner has made clear on more than one occasion is his intention, is subject to firearm sales within the City’s Zoning Ordinance. The petitioner asked what would be required for him to operate out of 403 Pennsylvania Avenue. It is zoned C-8. Currently, firearm sales are only permitted in C-10, C-12, and CBD. The only way to accomplish the request would be

to make a change to the land use table that would make firearm sales a permitted use or a conditional use in the C-8 zoning district. With matters that are controversial, the tendency is to make them a conditional use because the Board of Zoning Appeal's can review the requests on a case-by-case basis and make the determination to deny or approve the request site specific. Dan encouraged the petitioner to contact the council member for his ward to see if they would write the bill and sponsor the bill. The petitioner spoke with Councilman Michael Ferrell and Councilman Ferrell indicated that he would be here today, but he must be tied up at work. Councilman Ferrell is the one who is really championing this effort. The bill before the MPC today is for the purpose of making "Firearm Sales Establishments" a conditional use permit. The MPC tabled it at the last meeting to see if additional restrictions could be added, similar to what is done with other conditional uses.

On page three of the staff notes there is a spacing analysis to demonstrate what type of spacing requirements have been put in place for other uses. For example, tattoo studios are required to be 1,500' from another tattoo studio. Cell towers are required to be 2,000' from other cell towers. Adult entertainment is required to be 1,000' from other establishments for adult entertainment, 500' from a residential neighborhood, 500' from a church, school, library, or park. Gambling establishments are required to be 2,000' from other gambling establishments, 1,000' from a church, school, library, or community center. Oil and gas wells are required to be 5,000' from a dwelling unit, school, nursing home or hospital. Vape shops are required to be 1,500' from a another vape shop and 1,500' from an elementary, middle, or high school.

Dan shared with the MPC an illustration of C-8 areas designating various spacing of the C-8 areas to school parcels. Some areas are impacted more than others. There is C-8 throughout the entire city. It is considered "middle of the road" commercial. C-10 and C-12 are the highway commercial corridors with high auto volume. C-4 is "neighborhood commercial" and many times abuts residential, as with the businesses on Bridge Road. The C-8 is a buffer between the two.

The request before you today is not site-specific. The request before you today involve a change in the code that allows for these requests to be made throughout the entire C-8 district. Before the petitioner can go any further, the code will have to be changed and the petitioner will have to go before the Board of Zoning Appeals for the conditional use permit. The Board of Zoning Appeals can approve these requests on a case-by-case basis. They can also attach reasonable restrictions to the request to mitigate an adverse impact. Again, the petitioner does not want to sell firearms, he wants to sell ammunition and accessories (i.e., scopes) only.

Aric noted that even though the petitioner does not intend on selling firearms, the language in the text amendment allows for the sale of firearms. Dan said that it correct, on a case-by-case basis. Aric asked if the BZA could make the conditional use subject to the sale of ammunition and accessories only, prohibiting the direct sale of firearms. Dan said the BZA could approve a conditional use, subject to those conditions.

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 the 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 03-050 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to read as follows:

Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Firearms Sales Establishments								<u>C</u>	P	P	P							

ANALYSIS:

The proposed change would allow Firearm sales in C-8 Village Commercial Districts across the city. The Village Commercial District’s purpose is to “provide for a pedestrian-oriented commercial district compatible with a village concept,” “encourage a mix of residential uses adjacent to and/or above commercial uses,” and “integrate pedestrian access to provide linkages to nearby parks.” This commercial zoning district allows for non-residential uses, but plainly conceives of the area as having a high percentage of adjacent pedestrian and residential activity. Given the sensitivity of the proposed usage, allowing it as a conditional use would seem extremely necessary to determine if such a business placement is appropriate and the BZA would be best equipped to handle such determinations.

There was discussion from members of the MPC who were under the impression that this matter would not return to the MPC until there was a proposal providing for the sale of firearm ammunitions and accessories only. Chad said the motion from the MPC at the last meeting regarding this matter was to table the matter. Chad took notes of what was discussed in regard to spacing requirements. and in terms of creating an additional category specific to ammunition and gun accessories to the other four categories in the existing firearm sales definition pursuant to the city code. Chad further stated that staff cannot introduce a new bill.

RECOMMENDATION:

Given that this was a City Council initiated proposal, we make no recommendation for or against this bill.

The petitioner was asked by a member of the MPC if he owned other property in C-8. His response was that he did not own other property in the C-8 area. The same member asked the petitioner why he could not take this business to a C-10 or C-12 where it is allowed. The petitioner responded that he did not own a building in the C-10 or C-12 areas.

At this point, the petitioner retracted his request altogether and left the meeting. Dan will follow up with the petitioner to obtain in writing that he has dropped this request. No voting is required.

3. New Business

Text Amendment: Bill No. 8014 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Digital Display Sign to Section 2-020, amending sections 24-050, 24-060, and deleting section 24-080-07 relating to authorizing the use of digital display signs.

Dan addressed the MPC. He stated that this bill was initially brought forward by council member Pat Jones. Councilman Jones was reminded about today's meeting to attend if at all possible. Dan was not sure why Councilman Jones could not be in attendance today.

Mary Beth felt it was necessary to move forward with this bill, although Councilman Jones did not attend today's meeting because this board will affect the entire city, not just his ward.

Dan said there is a prohibition on digital signs. The exception is for the downtown with areas of major public assembly. This carve-out allows such signage at the Municipal Auditorium, Coliseum, Clay Center, and Appalachian Power Park. The other exception is for schools since schools are a political subdivision in and of themselves. Other than those few exceptions, there are no digital signs in the city. The Digital Billboard Ordinance was recently adopted in the vein of reducing sign clutter. This provides that if when digital sign conversion takes place, non-digital signage has to be removed in other areas. For new signs, twice as much signage must be removed.

Dan said this was not a pressing matter. Councilman Jones had a couple of churches in his area requesting digital message boards so that they could manually change their programming for the upcoming week.

One of the constitutional requirements for sign codes is that it has to be content neutral. We regulate time, place, and manner of signs, but we do not regulate content, including hate speech. Making the exception for churches is content based.

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 the 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 changes:

1) **Sec. 2-20 Definition of Terms**

Digital Display Sign: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

~~**Public Assembly Area, Major.** Any stadium, gymnasium, auditorium or performance hall with fixed seating for 1800 or more people and designed and generally used for the purposes of attending, participating or observing programs or events open to the public.~~

2) **Sec. 24-050 Prohibited Signs**

The following signs shall be prohibited in all districts, except as otherwise noted herein:

- A. Signs which incorporate in any manner flashing or moving lights or any other visible moving or revolving part, attention attracting device, ~~except for time, temperature, or date signs.~~
- B. Banners, pennants, flags, spinners, or streamers, except as permitted in Sec. 24-070-03, Supplemental Regulations for Temporary Signs in Residential Districts, and Sec. 24-080-03 Supplemental Regulations for Temporary Signs Permitted in Commercial and Industrial Districts.
- C. Signs which obstruct or impair the vision of drivers or obstructs or detracts from the visibility of, or resembles, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Signs which make use of words such as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
- E. Sign which obstructs free ingress or egress for a door, window, fire escape, or other exit way required by the Building or Fire Code.
- F. Portable signs.
- G. Signs containing graphics or lettering illustrating specified sexual activities and/or specified anatomical areas, as defined within this ordinance.
- H. Any sign which no longer advertises a bona fide business, activity, campaign, service or product, including real estate signs.
- I. Any sign not in compliance with regulations involving highway interstate standards and specifications.
- J. Roof signs.
- K. Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
- L. Any sign erected on a tree or utility pole.
- M. Any sign structure or frame no longer containing a sign.
- N. Any sign that is structurally or electrically unsafe.
- O. Temporary signs located in a public right-of-way.
- ~~P. Digital, LED or similar signs, except for time, temperature, or date signs, except as permitted in Section 24-080-05.~~

3) **Sec. 24-060 General Sign Regulations**

- A. All signs shall comply with the provisions of Section 21-030, Safety and Vision.
- B. A pole sign shall not extend over a public right-of-way.
- C. A wall sign shall not extend above any roof line or further than twelve (12) inches from the building, or part of the building, to which the sign is attached.
- D. No shingle sign or marquee sign shall be lower than nine (9) feet above ground level.
- E. No sign shall be permitted to be erected unless the back of such structure is shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), or unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.

- F. The painted portions of signs shall be periodically repainted and kept in good condition.
 - G. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash, and other refuse by the property owner.
 - H. The roofs of all marquees shall be properly guttered and connected by down spouts to a sewer so that the water there will not drip or flow onto public property.
 - I. The allowed square footage of window signs in zoning districts R-O and above shall not exceed 25% of the total square foot area of each window, or up to 50% of the total square foot area of each window if there are no wall signs on the premises. Window sign calculations shall include, but not be limited to, informational signage such as hours of operation and open/closed signs.
 - J. Digital display signs shall be static and nonanimated and shall remain fixed for a minimum of 10 seconds. Messages must transition instantly, with no transition graphics. The luminance may not exceed 5,000 nits (candela per square meter) between sunrise and sunset or 250 nits during nighttime hours.
- 4) ~~**Sec. 24-080-07 Supplemental Regulations for electronic reader boards in the Central Business District**~~
- ~~A. Electronic message boards may be permitted in the Central Business District in lieu of a ground sign when accessory to a major public assembly area, provided the reader board displays:

 - ~~1. On-site events only and does not advertise products; and~~
 - ~~2. Motion or animation is limited to 10 seconds within any 60-second period.~~~~
 - ~~B. BZA #2095 authorized the Charleston Civic Center to erect two electronic reader boards. The signs shall be permitted to be replaced, provided that the signs are not removed for a period of more than 6 months and the height and area of the signs are not increased.~~
- 5) All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

ANALYSIS:

The proposed change would alter the existing policy that only allowed digital signage only at areas of Major Public Assembly, which was limited largely to the area around the Convention Center, the baseball park, and the Clay Center. Given the development in quality and growing ubiquity of digital signage in other areas, this proposal aims to allow such signage everywhere conventional signage could be implemented – with restrictions. The restrictions apply mainly to visual distractions through rapid changes, animated transitions, and brightness during both daytime and nighttime.

The proposed changes would bring Charleston into parity with surrounding jurisdictions and establishes reasonable limitations on digital signage for content-neutral safety concerns.

Aric asked if there was anybody in the audience to speak in favor of the bill? Hearing and seeing no response, Aric asked if there was anybody in the audience to speak in opposition of the bill?

Councilwoman Kerns of Ward 7 was in attendance and said that she had been approached about a location in downtown Charleston in the first block of Summers Street on the left as you travel north. It is a church sometimes and they have performances. Aric identified it as the Capitol Theater. Councilwoman Kerns said the lighting on the old marquis is in disrepair and the parts are almost impossible to purchase because of its age. They were looking at some type of electronic sign that they could put up to advertise the services and upcoming performances. Councilwoman Kerns asked if that was permitted. Dan said it would be permitted if this text amendment is approved.

RECOMMENDATION:

Given that this was a City Council initiated proposal, we make no recommendation for or against this bill.

Motion and Vote: A motion was made, seconded and approved by a unanimous vote to table the Text Amendment to Bill No. 8014.

4. Minutes of the September 6, 2023 MPC meeting

Chad said there was one correction to be made to the spelling of Adam Krason's name.

Motion and Vote: A motion was made, seconded, and approved by a unanimous vote to adopt the minutes from the September 6, 2023 MPC meeting.

5. Announcements

Ten-Year update to 20-Year Comprehensive Plan by Staff

6. Adjournment