



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, 8, 2023
3:00 P.M.

Members Present

Aric Margolis, Chair
Quintie Smith (via phone) (*abstained from DSI*)
Brady Campbell
Adam Krason (*Attended as presenter only. Not as member*)
Shawn Taylor
Lisa Fischer Casto
JoEllen Zach (via phone)
Alice Hypes
Shannon Ferrari
Brady Campbell
Doug Hartley
Terri Allen, Mayor's Designee (Joined @ Bill No. 8009)
J.D. Stricklen, Kanawha County Representative

Members Absent

Cory Stout
Mary Beth Hoover
Justin Marlow
Alex Zurbuch

Staff Present

Dan Vriendt
Chad Webb

Others Present

Pete Williams
Rodney Pauley – ZMM
Adam Krason – ZMM
Mayor Goodwin
Matt Sutton
Ben Mishoe
Andrew Workman
Sydney

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.

Councilmember Pat Jones presented Text Amendment Bill No. 8014 on behalf of Ward 1. Councilmember Jones has been working with Dan for over a year to accommodate a request from the churches in his ward to have digital signs replace metal signs that require manual change. The intent is that the digital signs would be placed in the same location as the existing metal signs. The metal signs are being vandalized by changing the sign to messages inappropriate for a church and the neighborhood. Councilmember Jones said they are not asking for a billboard, but

comparable in size to the existing signs. The intent is that the service times at a church would be displayed on the digital signs.

Aric asked if the request involved changing text or movable text. Councilmember Jones said that would be up to Dan.

A member of the MPC asked who manufactured digital signs. Dan said Paris Signs could most likely get them through a distributor.

Councilmember Jones said he did not want these signs on a trailer, he wanted them on a permanent structure.

Chad presented the staff notes to the MPC.

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 therefrom 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 set reasonable limitations on digital signage for content-neutral safety concerns.

Recommendation:

Given that this was a City Council initiated proposal, the Planning Department makes no recommendation for or against this bill at this time.

Dan stated that tailoring this request to what Councilmember Jones wants, could be accomplished by making this applicable to only monuments and ground signs, excluding wall signs. Dan encourages everyone to take a look at the digital billboard that went up at Kanawha City at 3810. It is very similar to this ordinance; in that it is limited to so many nits per day and night and it

changes every eight seconds. There are only plans for two billboard signs. However, if there were several signs on the corridor changing messages every ten seconds, that could be a lot.

Dan further stated that for the purpose of on-premise signs, the focus should be that they remain static for 60 seconds to an hour. It may be a message that would change daily, but it is not a message that would be changed multiple times in a minute.

Lastly, there is a certain aesthetic downtown. So digital signs would be excluded from the central business district. If it is limited to monument signs, that reduces the number of monument signs in the central business district.

Aric said that the idea of getting a bunch of wall signs leans more to Vegas strip or Time Square appearance.

Dan said the MPC could wait a month and give everyone an opportunity to take a look at the sign on MacCorkle Avenue and use it as a gauge.

Quintie Smith said that sign draws a lot of attention. It is directly outside his office. It is visible as far down as the Supreme Court Annex.

One of the members asked if the language was amended to monument size limited to 4'x 6', it would make a huge difference.

Dan said that a number of years ago the ordinance allowed for digital signs as long as they did not change. It was a difficult to enforce. The argument was that the city allowed for digital signs but prohibited places from using to its full potential. When a digital sign changes faster than what the ordinance permits or is brighter than what is allowed, it is treated as a zoning violation and prosecuted in Municipal Court.

Councilmember Jones said that coming through Dunbar there is a digital sign at the Dunbar Mountain Mission, it is one column, and it is not flashy. It has the minister's name and service times. That sign is a perfect example of what Councilmember Jones is requesting. The members of his church who are requesting the digital sign, the basic monument sign is probably 4' x 3'. It is not a huge sign. Councilmember Jones stated further that Kanawha City is more comfortable to Los Vegas than the particular digital signs for the churches in his ward.

Aric said that the MPC recognizes that a simple monument sign with a simple display is a non-issue. What the MPC wants to avoid is opening up a can of worms by approving this text amendment.

Aric suggests that the text amendment be revised so that it only involves monument signs. Dan said that this will be for both monument and ground signs. Aric asked if the text amendment could be limited to monument signs only with a further limit on the size.

JD Stricklen stated that the monument sign would be a good starting place because it would limit the business located downtown since they have no room for a monument sign.

Aric asked if anyone else on the commission had any suggestions.

Lisa Fischer-Casto asked how often the Clay Center changed their sign. Dan said what the Clay Center does with their sign falls under a special carve-out on the code.

Councilman Jones said there are not many churches that can afford to do it, but they should have the option to have a digital sign if they can afford it.

Aric asked if there was anyone else in the audience to speak in favor of the application. There was no response. Arick asked if there was anyone in the audience to speak in opposition of the application. Hearing and seeing no response, Aric asked that a motion be entertained.

MOTION AND VOTE: A motion was made to table Text Amendment Bill No. 8014 until the next meeting. The motion was seconded and passed by a unanimous vote of 10-0.

3. New Business

Major Development of Significant Impact: Major Development of Significant Impact proposed at 200 Kanawha Blvd E, Charleston, WV. *(Quintie Smith abstained. He is the realtor representing the purchaser of this property.)*

Adam Krason, an architect, and a principal at ZMM Architects & Engineers, 222 Lee Street, West, Charleston, WV. ZMM and their team, which includes Terradon, has been working on an exciting project in downtown Charleston. Throughout the development of the project, they have been working closely with the city and the Planning Department to ensure that the proposed development enhances the urban fabric of Charleston, while meeting the needs of the client.

The project being presented today is a proposed single-tenant office building, located at 200 Kanawha Boulevard, East in Charleston. This property is often referred to as the CASCI property. The developer for the project is Remington Development Corporation located in Calgary. Their US based entity is Remington Charleston Corporation.

Remington Development Corporation has been a fixture in Alberta's development industry for decades. The company is renowned for its ability to transform private land into private business locations within their communities.

The project will include the demolition of the existing 110,000 square foot CASCI building. The CASCI building was originally a 3-story Sears Roebuck retail store that was completely renovated and expanded to provide space for corporation headquarters in 1990. The proposed development includes a total of 137,993 square feet. This includes 120,207 square feet in a contemporary 4-story steel frame structure with a metal panel and glass exterior skin. The building will accommodate more than 500 employees. The remaining 17,786 square feet will be an adjacent annex, which is a one-story steel frame structure with architectural pre-cast concrete and exterior wall panels. The annex will also include a 1,500 square-foot roof-top patio.

As shown in the plans, the proposed building is located at the intersection of Clendenin and Virginia Streets and is oriented toward Kanawha Boulevard but also includes an entrance from Virginia Street.

The proposed development has been designed to enhance a key gateway to the city of Charleston. The project site is zoned in the central business district. There is no minimum lot size requirement or frontage requirement. The maximum lot coverage is 100%. No parking is required, although 124 spaces are being provided on site. The site also includes landscaping, underground stormwater detention and loading docks for the annex.

Terradon then gave their presentation. Along Clendenin Street there is the tire center and Wendy's. Across from this location was the old Sears Auto Center. The Municipal Auditorium is in another area and car wash. It has a locked and coded escape route. There is a driveway access along the back that will be maintained for parking. The site that Terradon is working with is approximately three acres. The project will add more green space and vegetation than is currently in this space. Access to the site is maintained off Virginia Street and Kanawha Boulevard. There is a main employee access area and a secondary access area.

In regard to vehicular access, there is planned access off of Virginia Street primarily for delivery vehicles only. There will be signage designating this area.

In terms of utilities for the project, the project stormwater will comply with MS4 ordinances as required by the city. There will be underground storage below the parking lot. There will also be other utilities such as gas, electricity, sanitary and water.

Chad reminded the MPC that their role in a Development of Significant Impact request is to conduct more in-depth review in order to mitigate negative impact that a project of this size would have on the community and other local tenants in the area. Primarily, the staff looks for oversight from the MPC and also receiving feedback from different city agencies concerning impacts, primarily stormwater, sanitation, and traffic.

Aric asked if there were any questions from the MPC before hearing the staff notes.

Dan spoke up in regard to the orientation to the riverfront. When you come down Virginia Street, there is a giant hole between this and the old Sears property. This building would fill that hole. The building is oriented to the river, so the river is not seeing the back of the building. The primary façade faces the river.

Chad presented the staff notes to the MPC.

REQUEST: Development of Significant Impact - DSI-23-0033 - Application of Remington Development Corporation requesting approval for a Major Development of Significant Impact to construct a four-story office structure – with adjoining annex - at the location of the former CASCI building on 200 Kanawha Blvd East.

LOCATION: Charleston East Tax Map 3, Parcels 22-24 & 26

ZONING: CBD – Central Business District

APPLICABLE CODE: City of Charleston Zoning Ordinance, Effective January 1, 2006, as amended.

DEVELOPMENT OF SIGNIFICANT IMPACT AND MAJOR DEVELOPMENT OF SIGNIFICANT IMPACT:

Any proposed development whose characteristics warrant a more in-depth review by the Planning Commission in order to mitigate the negative impact these characteristics may have on surrounding land uses in particular and on the surrounding neighborhood in general. Such projects could include, among other things, regional shopping centers, airports and large-scale residential developments. Any proposed residential or non-residential development which meets or exceeds any of the following criteria shall be determined to be a Development of Significant Impact and will require a complete development plan to be submitted and reviewed by planning staff and the Planning Commission:

Land Use Category	D.S.I	Major D.S.I
Office/Institutional	40,000 square feet of gross floor area	100,000 square feet of gross floor area

HISTORY: Demolition of existing structure and building a four-story office building with adjoining annex with 120,207 square feet of office space, 17,786 of annex storage facilities, and a small loading dock. The total development site area is 3.24+ acres.

SITE PLAN SUMMARY:

The property is zoned CBD – Central Business District. The proposal will construct a new structure on the combined parcels after demolition of the former CASCI building.

The responsibility of the Municipal Planning Commission is to consider the impact of the proposed project and review the site plan to determine that the plan meet the requirements of the Zoning Ordinance and are in general compliance with the Comprehensive Plan. If the commission is satisfied that the applicant has satisfied the requirements of the Zoning Ordinance relating to DSI

projects and that the project complies with the Comprehensive Plan the application should be approved. Action is final at MPC.

DEPARTMENTAL REVIEWS:

- | | |
|-------------------|---|
| City Engineer: | Approved with Comments:
1. Development must use the City’s Curb & Sidewalk details – walks 5” thick, driveway 8” thick, curb height 4-6” with two #3 bars.
2. Place Orifices 6”-12” above outfall invert
3. Developer must install erosion and sediment controls prior to construction, and
4. A Storm Structure Inspection will be required prior to covering. |
| Traffic Engineer: | Approved pending an agreement reached between the developer and the Traffic Operations Office. |
| Sanitary Board: | Approved. CSB will issue formal review comments after it receives, and reviews plans from the Building Commission. |
| Fire Department: | Pending |

RECOMMENDATION AND FINDINGS:

Staff recommends approval for the following reasons:

1. The Plan is in compliance with the provisions of the Zoning Ordinance.
2. City infrastructure is projected to be able to support the development, pending approval.
3. The project is in compliance with the Comprehensive Plan of the City.

Aric asked if there was anyone in the public to speak in favor of this request.

Mayor Goodwin addressed the MPC with her support of this DSI. She sees this project filling as filling in a lot of empty parking space as one enters Virginia Street. Mayor Goodwin also stated that this project fits well within the City’s Comprehensive Plan. Mayor Goodwin sees the project complimenting the proposed sports complex center and the amazing work that has taken place at the Coliseum and Convention Center, along with future plans to renovate the Municipal Auditorium.

Nicole Christian, the President and CEO of the Charleston Area Alliance, the economic and community development organization for Kanawha County. The owner of the property is actually an affiliate so, for full disclosure, Enterprise Properties, Inc. is an affiliate of the Charleston Alliance. However, as the economic development organization, they are fully in favor of this project. The fact that this project is part of the gateway to the city will most likely encourage more development.

Lisa Fischer-Casto asked Adam Krason how long it would take to complete the construction of this project. Rodney Pauley, also with ZMM, responded that there are two construction phases, with the annex building being constructed first. Currently, they hope to completing the drawing in the Spring of 2024, which would result in an 18-month completion schedule, which would be the Fall of 2025.

Aric asked when the existing building would be demolished. Adam said there is a purchase agreement in place. The developer is waiting on an environmental clearance. Once the

environmental clearance is received, they will finalize the purchase. From that point there is a 60-day window built into the lease for the current tenant. After that 60-day window has passed, the demolition will take place immediately. Adam said, barring any unforeseen circumstances, somewhere around March demolition would begin on the CASCI building.

Aric asked if anyone else wanted to speak in favor of the DSI. There were no responses.

Aric asked if anyone wanted to speak in opposition of the DSI. Hearing and seeing none, Aric asked to entertain a motion on the DSI.

MOTION AND VOTE: A motion was made by Shawn Taylor to approve the DSI. The motion was seconded by Doug Hartley and passed unanimously by a vote of 9-0.

4. Minutes of the October 4, 2023 MPC meeting

MOTION AND VOTE: A motion was made by Doug Hartley to adopt the minutes of the October 4, 2023 MPC Meeting. The motion was seconded by Lisa Fischer-Casto and passed by a unanimous vote.

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