



Planning, Streets and Traffic Committee
Monday, January 22, 2024, at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

AGENDA

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Annexation: Bill No. 8022 A bill providing for the annexation into the City of Charleston of parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

Rezoning: – Bill No. 8024 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, the parcel of land located at parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

Resolution: A resolution of support for a grant application to the Regional Intergovernmental Council for sidewalk repairs in the Central Business District.

- 4. Discussion**
Adding a handicapped space to the northeasterly side of the 100 block of Washington Street, West in front of D'Allesio & Sons Taylor shop on Washington Street, West.

Adding an additional parking meter to the southeasterly side of the 600 block of Tennessee Avenue.
- 5. Approval of the Minutes of the November 27, 2023, meeting**
Approval of the Minutes of the December 18, 2023, meeting
- 6. Adjournment**



PUBLIC HEARING NOTICE

Public Hearing – Notice is hereby given that the City of Charleston’s Municipal Planning Commission will hold a public hearing:

DATE: January 10, 2024

TIME: 3:00 p.m.

PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Annexation - Bill No. 8022 A bill providing for the annexation into the City of Charleston of parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

Rezoning – Bill No. 8024 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, the parcel of land located at parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

The file (including the application, plans and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

For more information, please call (304) 348-8105, email chad.webb@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

A handwritten signature in blue ink that reads "Chad Webb".

Chad Webb
Planner – City of Charleston



PETITION FOR ANNEXATION WITHOUT ELECTION

Pursuant to West Virginia Code § 8-6-4, we hereby petition the City of Charleston and its City Council for the annexation of additional territory by ordinance and without an election. The "Additional Territory" we request to be annexed into the City of Charleston is described as follows:

District 19, Map No. 9, Parcel No. 1.1, which was conveyed to the City of Charleston by a Deed recorded in Deed Book 2060 at Page 595 in the Office of the Clerk of Kanawha County. And which parcel is more particularly described as follows: BEGINNING at a point on the ridge at a jeep trail that divides the waters of Lick Branch from Cane Fork of Davis Creek, said point being located in the original west line S 33 02 W 3381.43 feet from Point "M", the beginning point in Lick Branch in D.B. 181, Page 504, and thence running with the ridge between Lick Branch and Cane Fork with four courses: S 87 35 E 550 feet; S 34 30 E 450 feet; N 82° 00' E 500 feet; S 25 30' E 550 feet to a point on the ridge between Venable Branch (Mission Hollow) and Cane Fork; thence following the ridge between Mission Hollow and Cane Fork S 55 02 E 1081.4 feet and S 38 00 E 480 feet to a high point on the ridge in the original eastern tract line S 32 19 W 3550.53 feet from point "D" in the original description; thence following the outside eastern tract line S 32 19 W passing at 2929.86 feet a stone, in all on this line 3180 feet to another stone marked "C"; thence continuing with the outer line of the tract N 55 11 W passing at 46.85 feet the call of a stake in all on this line crossing the left Fork of Cane Fork 3311.66 feet to a stone marked "L"; thence running with the western line of the tract N 32 20 3120 feet to the point on the jeep trail, the place of beginning, containing in all 252 acres, more or less.

Following this cover page are signature pages that include a majority of the qualified voters of the Additional Territory indicating their request to be annexed and signature pages that include a majority of all freeholders of the Additional Territory, whether they reside or have a place of business therein or not, indicating their request to be annexed.

We understand that qualified voters signatures include (1) any individual who is a resident of West Virginia and has been so for one year, is a resident of the Additional Territory and has been so for at least 60 days, and is duly registered to vote in Kanawha County; and (2) any firm or corporation, regardless of its status as a freeholder, that rents real property from a freeholder within the Additional Territory that signs by its manager, president, or executive officer after being duly designated in writing by the firm or corporation.

We understand that freeholder signatures include any person or entity with any ownership interest in real property, whether in fee, a life estate, mineral rights, or other interest, regardless of whether the person has a legal or equitable interest, a joint interest, that is authorized to sign on behalf of the interests of the parcel. Only one signature on the freeholder petition may be made with respect to a single parcel, therefore any freehold interest held by more than one individuals/entities is allowed to sign a petition only upon the approval by the majority of the individuals/entities that have an interest in the parcel of property. A person or entity with an easement, dower interest, right-of-way, or leasehold interest (other than minerals) has does not have a freeholder interest with respect to this petition.



FREEHOLDERS PETITION

We, the undersigned, a majority of freeholders of the Additional Territory, hereby petition the City of Charleston that the Additional Territory, as set forth in the Petition for Annexation without Election, be annexed into the City of Charleston by ordinance.

Signature

Printed Name: Benjamin Mishoe
City Manager, City of Charleston

Freehold Address: No mailing address

Property description is in petition and property
is commonly referred to as the City Landfill,
located near the road known as Landfill Pt.

Date: 12-7-2023

Bill No. 8022

Introduced in Council:

December 18, 2023

Introduced by:

Chad Robinson

Adopted by Council:

Referred to:

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

Bill No. 8022 - A BILL providing for the annexation into the City of Charleston of parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

WHEREAS, the City of Charleston has received a petition for annexation without election pursuant to W.Va. Code § 8-6-4 from the sole qualified freeholder in territory near Landfill Pt. that is contiguous to the City of Charleston; and

WHEREAS, a description by metes and bounds of the additional territory proposed to be annexed to the corporate limits is attached hereto as Exhibit 1; and

WHEREAS, the Council of the City of Charleston has reviewed the petition for annexation, as well as subdivision records, maps and information from the Kanawha County Assessor's Office concerning the territory to be annexed, voter registration information concerning qualified voters in the additional territory, and other relevant information; and

WHEREAS, the Council of the City of Charleston did enumerate and verify the total number of eligible petitioners, in each category, from the territory to be annexed and determined that a majority of all freeholders of the additional territory filed the petition and there are no qualified voters in the additional territory; and

WHEREAS the Council of the City of Charleston found and does hereby certify that the requisite number of petitioners has filed the petition, that the petition is sufficient in all respects, and the petition complies with W.Va. Code § 8-6-4; and

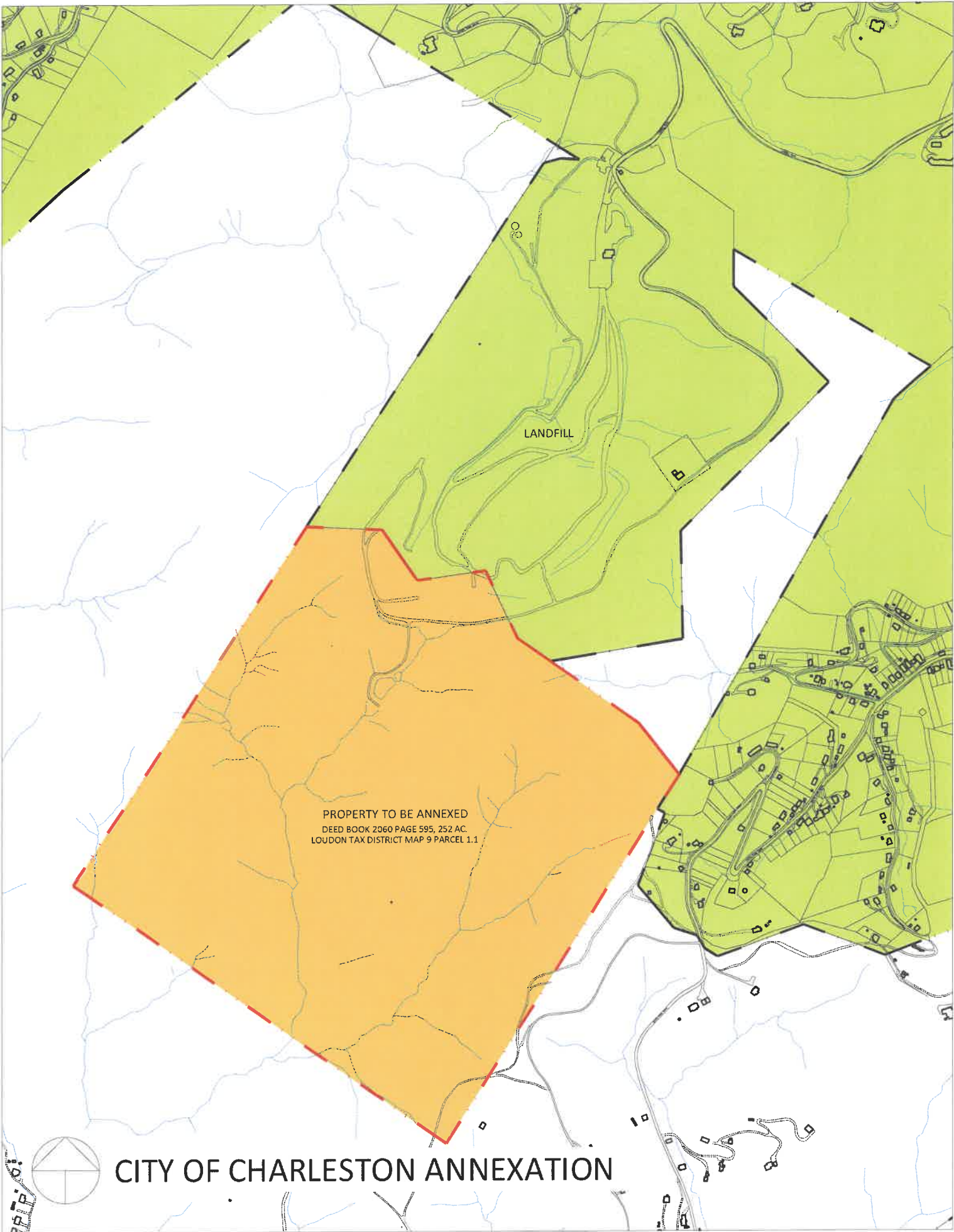
WHEREAS, the City of Charleston hereby provides for and consents to the annexation of the additional territory without ordering a vote on the questions, which changes the corporate limits of the City of Charleston.

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

The Council of the City of Charleston, in compliance with W.Va. Code § 8-6-4, having previously enumerated and verified the total number of eligible petitioners, in each category, from the additional territory to be annexed, is satisfied that the petition for

annexation is sufficient in every respect. By passage of this ordinance, as a certification to such fact of the sufficiency, the City Council shall enter this annexation upon its journal. A certified copy of this ordinance shall be forwarded to the Kanawha County Commission for entry of an order.

The City of Charleston does hereby provide for the annexation of additional territory without ordering a vote on the questions, and hereby does consent to and does annex the territory commonly referred to as the City Landfill near the road known as Landfill Pt. as described in Exhibit 1 (attached hereto). By said annexation, and upon entry of an appropriate order by the Kanawha County Commission, the corporate limits of the City of Charleston shall be set forth to include this additional territory as part of Ward 20.



LANDFILL

PROPERTY TO BE ANNEXED
DEED BOOK 2060 PAGE 595, 252 AC.
LOUDON TAX DISTRICT MAP 9 PARCEL 1.1

CITY OF CHARLESTON ANNEXATION

Planning Streets and Traffic Committee
Staff Analysis
January 22, 2024

REQUEST: Bill No. 8022 A bill providing for the annexation into the City of Charleston of parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

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

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

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

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

HISTORY: The parcel in question is the property of the City of Charleston and, therefore, the sole owner has petitioned for annexation.

ANALYSIS: The proposed annexation contains one unoccupied parcel containing 252 acres of land as described in the petition, of which all acres are located outside the city limits.

The City of Charleston is the sole owner and petitioner on this annexation.

All the relevant city departments have reviewed and approved the application.

There has been no expressed opposition and the MPC unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

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

1. The petitioner is the sole property owner; therefore, the request meets the majority rule for annexation without an election.
2. The property to be annexed is already integrated with a vital city service.
3. The City will be able provide city services to the area without any undue burden.

Bill No. 8024

Introduced in Council:

January 3, 2024

Introduced by:

Mary Beth Hoover

Adopted by Council:

Referred to:

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

Bill No. 8024 – 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, the parcel of land located at parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

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

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

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

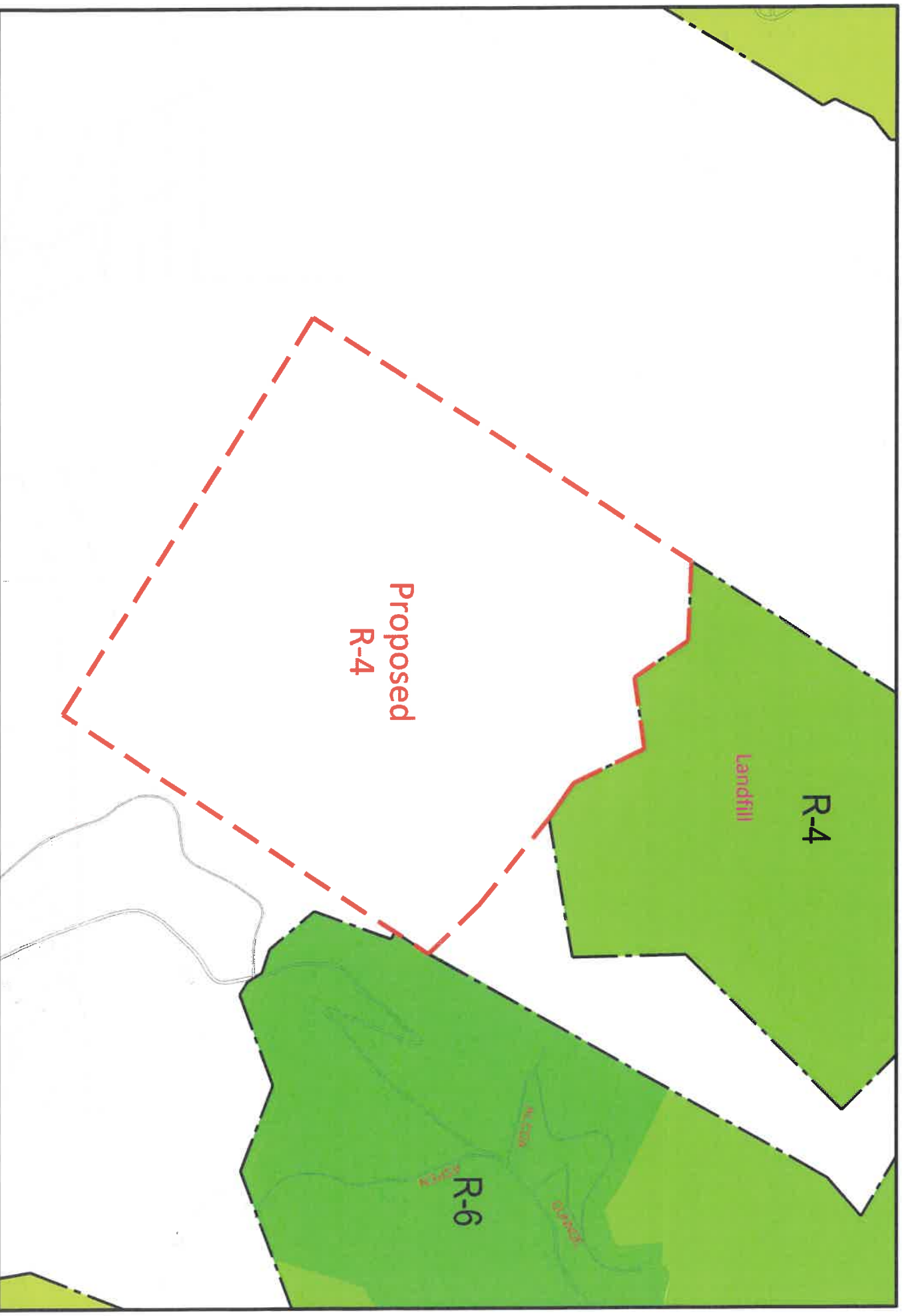
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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



ZONE TO R-4

STAFF
EXHIBIT



Planning Streets and Traffic Committee
Staff Analysis
January 22, 2024

REQUEST: Bill No. 8024 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, the parcel of land located at parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

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

STANDARD OF REVIEW: A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to review the MPC's decision and make a recommendation to City Council. The Committee should determine if the request is spot zoning and if it is consistent with the Comprehensive Plan. A rezoning is considered spot zoning when all the following factors are present: A small parcel of land is singled out for special and privileged treatment; The singling out is not in the public interest but only for the benefit of the landowner; the action is not in accordance with the comprehensive plan. If a request is inconsistent with the comprehensive plan, the commission should consider if the original zoning classification was in error, or if the character of the area has changed significantly since the adoption of the comprehensive plan. Proposed uses should be treated with care, because once rezoned, any use that is permitted within the district would be permitted 'by right' with no review by the Commission.

HISTORY:

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

ANALYSIS:

Existing Land Use and Zoning: The parcel in question is currently unzoned and consists of an unoccupied 252 acre tract.

Surrounding Land Use and Zoning: The parcel is currently unoccupied, 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.

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 parcel's place in the future land use map.

There has been no expressed opposition and the MPC unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

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

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