



**Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, February 7th, 2024
3:00 p.m.**

Agenda

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

Rezoning: Bill No. 8025 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-6 district to a C-8 district, the parcel of land identified as 403 53rd St SE, Kanawha City District, Tax Map 12, Parcel 138 in the City of Charleston, Kanawha County, State of West Virginia.

Subdivision: Preliminary plat approval of subdivision at 1013 Walnut Road.

- 4. Minutes of the January 10, 2023 MPC meeting**
- 5. Announcements**
- 6. Adjournment**

Presentation: Presentation and review of the 2023 Planning Department Annual Report

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

Bill No. 8025

Introduced in Council:

February 5th, 2024

Introduced by:

Bruce King

Adopted by Council:

Referred to:

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

1 **Bill No. 8025** – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia,
2 enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning
3 from a R-6 district to a C-8 district, the parcel of land identified as 403 53rd St SE, Kanawha City
4 District, Tax Map 12, Parcel 138 in the City of Charleston, Kanawha County, State of West
5 Virginia.
6

7 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA**
8 **THAT:**
9

10 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day
11 of January 2006, as amended, is hereby amended by rezoning from a R-6 district to a C-8 district
12 the whole of the following described lot or parcel of land:
13

14 Parcel No. 138 as shown on Kanawha City Tax Map No. 12. Subject parcel commonly
15 known as “PT LTS 15-16 BK 164 40X50 53RD ST 403” 403 53rd, Charleston, West
16 Virginia. Said tax map is of record on the Planning Office.
17

18 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby
19 amended in accordance with Section 1 of this Ordinance.
20

21 3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are
22 hereby repealed to the extent of said inconsistency.
23
24
25

**CITY OF CHARLESTON, WEST VIRGINIA
SUBDIVISION APPLICATION**

PRELIMINARY

FINAL PLAT

ADMINISTRATIVE

Filing Date: _____ Filing Fee Collected: \$49.00 Number of Lots Being Created: 4

Subdivision Name: 1013 Walnut

Subdivision Location: 1013 Walnut Road, Charleston, WV 25314

Tax Map and Parcel Number(s): Map 5, Parcel 142; Zoning District: Chas 15; Flood Plain Designation: Zone X

	ADDRESS	PHONE	FAX AND E-MAIL
Property owner: Lane Corporation	111 Wild Turkey Run Charleston, WV 25304	304 380 5358	tlane@bowlesrice.com
Developer: Lane Corporation	Same	Same	same
Licensed WV Surveyor: William R. Gunnoe, RPSurveyor No. 801	POB 1172 Clendenin, WV 25045	304 548 5324	gunnoesurveying@gmail.com
Attorney: J. Thomas Lane	111 Wild Turkey Run Charleston, WV 25314	304 380 5358	tlane@bowlesrice.com

For Preliminary Plats or Final Plats without preliminary approval, list (or attach) names and addresses of adjoining property owners, including across streets and alleys:

See attached list.

Applicant's Signature

304 380 5358

Applicant's Phone Number

FILING INSTRUCTIONS

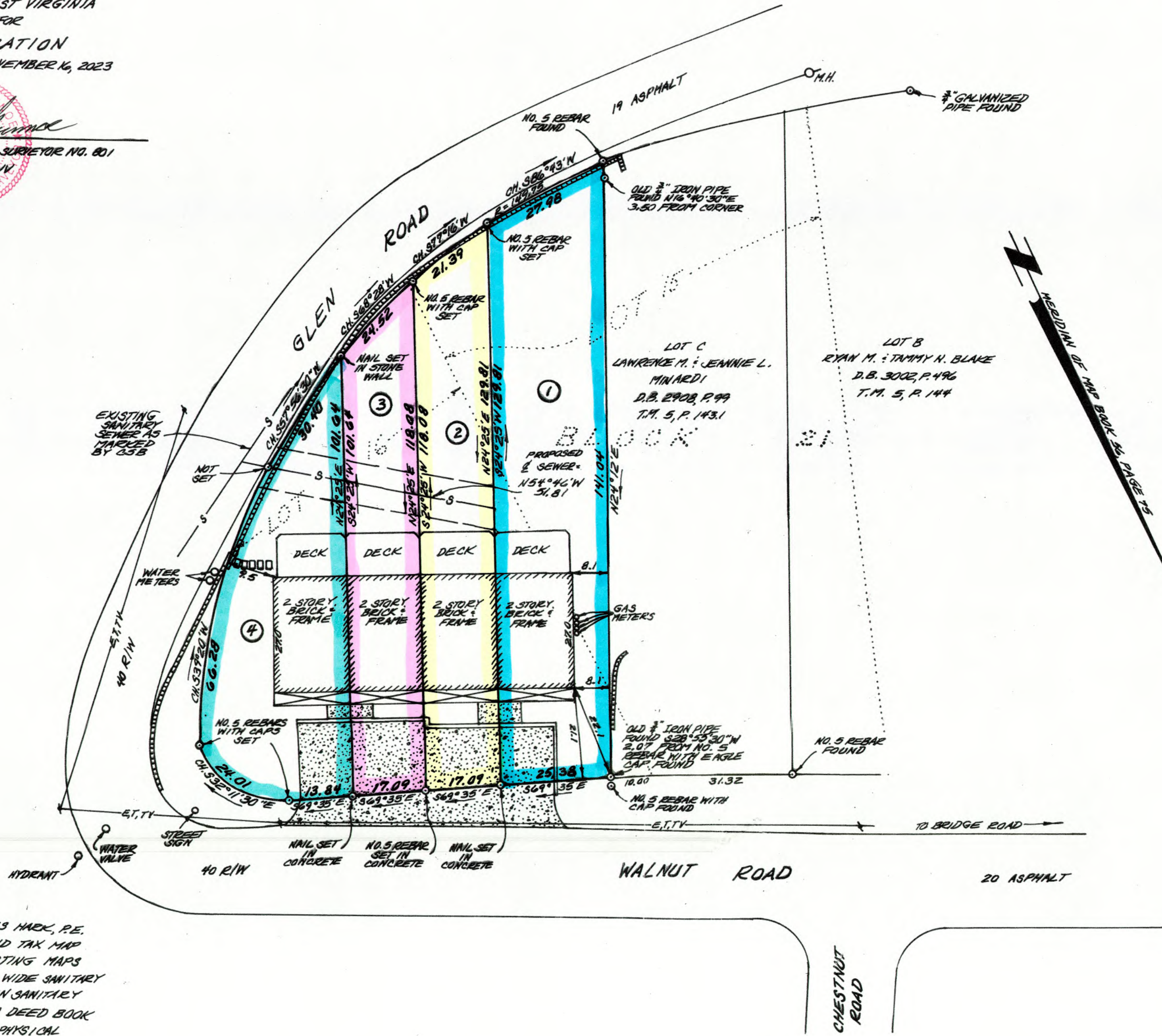
- Preliminary Plat: Eight (8) maps signed and stamped by a WV Registered Surveyor and two (2) street and sewer profiles filed at minimum of 35 working days prior to a public hearing held by the Municipal Planning Commission.

OWNER AND DEVELOPER:
 LANE CORPORATION
 P.O. BOX 1886
 CHARLESTON, WV 25325

PLAT SHOWING
 RESUBDIVISION OF PARTS OF LOTS 15 & 16, BLOCK 21,
 SOUTH CHARLESTON IMPROVEMENT CO.
 IN THE CITY OF CHARLESTON
 KANAWHA COUNTY, WEST VIRGINIA
 SURVEYED FOR
 LANE CORPORATION
 SCALE: 1" = 20' NOVEMBER 16, 2023

William R. Linnick
 REGISTERED PROFESSIONAL SURVEYOR NO. 801
 CLENDENIN, WV

LOT AREAS SET OUT:
 LOT 1 = 0.078 ACRE
 LOT 2 = 0.049 ACRE
 LOT 3 = 0.043 ACRE
 LOT 4 = 0.053 ACRE



NOTES: SEE MAP BOOK 56, PAGE 75, MAPS BY J. LEWIS HADK, P.E. DATED APRIL 26, 1965 AND SEPTEMBER 15, 1966 AND TAX MAP 5, 15th WARD. CALLS SHOWN ARE BASED ON EXISTING MAPS AND CURVE DATA DERIVED THEREFROM. TEN FOOT WIDE SANITARY SEWER EASEMENT TO BE CONVEYED TO CHARLESTON SANITARY BOARD. LOTS 1 THRU 4, INCLUSIVE ARE FROM DEED BOOK 2147, PAGE 337 AND TAX MAP 5, PARCEL 142. PHYSICAL ADDRESS OF SUBJECT PROPERTY IS 1013 WALNUT ROAD, CHARLESTON WV 25304.

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

1/24/2024

PROJECT OWNER NAME: LANE CORPORATION
PROJECT DESCRIPTION:

PERMIT NUMBER: SUB-23-0573
PROJECT ADDRESS: 1013 WALNUT RD CHARLESTON, WV 25314
CONTRACTOR:
APPLICANT: LANE CORPORATION

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

City of Charleston, West Virginia
TRANSMITTAL

TO: Building Department City Engineer
 Planning Department Sanitary Board
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CONTRACTOR:
APPLICANT: LANE CORPORATION

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: w/ comments

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

COMMENTS:

• Exceeds D:W Ratio of 3:1 max, & min. width of 33'
(Sub. Ord. Sec. 4-050.B.5.a+b)

Samuel Stuchland
Reviewed By

1/25/2024
Date



CHARLESTON SANITARY BOARD
APPROVAL CONDITIONS

PROJECT NAME: 1013 Walnut Road, Admin. Subdiv.

OWNER: Tom Lane

PERMIT NUMBER: SUB-23-0573

DATE: January 26, 2024

Conditionally approved, as noted:

1. CSB has previously corresponded with the owner concerning this new subdivision. CSB's approval herein is conditioned upon the owner granting CSB an easement and entering into a sewer main agreement with CSB (both on CSB's form).

A handwritten signature in blue ink, appearing to be "T. Haapala", written over a horizontal line.

Tim G. Haapala, P.E.
Operations Manager

A handwritten date "1-26-2024" in blue ink, written over a horizontal line.

Date

Cc: Mark Justice, CSB Asst, OM—Collection System
Travis Bostic, CSB Maint. Dept. Supt.



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, January 10, 2023
3:00 P.M.

Members Present

Aric Margolis, Architect, Chairman
Quintie Smith
Shawn Taylor
Cory Stout
Lisa Fischer Casto
Mary Beth Hoover
Alice Hypes
Shannon Ferrari
Terri Allen, Mayors Designee
Brady Campbell
Doug Hartley
Alex Zurbuch
J.D. Stricklen, Kanawha Co. Representative

Members Absent

Adam Krason
JoEllen Zacks
Justin Marlow

Staff Present

Dan Vriendt

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.

Dan presented the staff analysis and recommendation to the MCP.

This involves city-owned property that is currently located outside the city limits. It is located behind the landfill. There has been a lot of discussion about the landfill closing in a couple of years due to being at capacity. There has been discussion about the landfill being used as a transfer station and to haul everything to a landfill in Putnam County.

Aric asked at what point could the landfill be buildable property, if ever. Dan said he did not think it could ever be buildable due to the restrictions. There may be a possibility of using this property for recreation purposes, such as walking trails, pavilions, etc., due to the Wallace Hartman Nature Preserve in that area and Graff Lane Land Company also owns property in the area. They have entertained the idea of allowing connectivity between their property and the Wallace Hartman Nature Preserve, with the goal of building a trail all the way to Kanawha State Forest.

The question was asked about an isolated island that would be created if the trail was built and if there was an up or down-side to that. Dan said that property is owned by the Union Mission. It is one parcel that connects to their campus. Dan has a call into them to see if they would agree to be

annexed. There are no legal issues, and all the development potential is in the city limits. It makes it much cleaner having it within the city limits. He is hoping the Union Mission will agree. There are various ways to accomplish annexation. There is annexation by election, an annexation without election and annexation by minor boundary adjustment. Planning is doing annexation by petition, which requires a majority of the freeholders and a majority of the qualified voters in favor of the annexation.

Recommendations and Findings by the Staff:

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.

Aric asked if there was any information for the staff. Hearing and seeing none, Aric asked that motion be made.

Motion and Vote: Doug Hartley made a motion to approve Bill No. 8022. The motion was seconded by Shannon Ferrari and passed by a unanimous vote of 10-1, with Quintie Smith abstaining from the vote.

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.

Dan presented the staff analysis and recommendation to the MPC.

Aric brought up the restrictions on building now or in the future and asked how long those restrictions would be applicable. Dan said he does not know how long the restrictions remain in place. Recreational use is permitted. Residential use is prohibited for health and safety reasons. Although it is zoned R-4, it can never be used for housing. Dan said park spaces is permitted use in an R-4 district.

Aric asked if there were any questions for the staff.

There was a question concerning the inability to use the landfill for housing. Aric stated that housing was a restricted use on property that had been a former landfill. Dan said it was also a prohibited use according to the deed restrictions.

J.D. pointed out that it was better zoned as an R-4 because it is easier to zone up than zone down.

Aric asked if there were any further questions for Dan. Hearing and seeing none the case was closed and Aric asked that a motion be made.

Recommendations and Findings by the Staff:

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.

Motion and Vote: Shawn Taylor made a motion to approve Bill No. 8024. The motion was seconded by Cory Stout and passed by a unanimous vote of 10-1, with Quintie Smith abstaining from the vote.

4. Minutes of the December 6, 2023 MPC meeting

A motion was made by Shawn Taylor to adopt the minutes of the December 6, 2023 MPC Meeting. The motion was seconded by Quintie Smith and the motion passed by a unanimous vote of 11-0.

5. Announcements

6. Adjournment