



Planning, Streets and Traffic Committee

Thursday, May 30, 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

Right-of-Way Closure: Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, located on Tax Map 13 Parcel 119.2 Charleston West District, Kanawha County, West Virginia.

Right-of-Way Closure: Bill No. 8034 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

Text Amendment: Bill No. 8032 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, by eliminating restrictions on firearms sales and amending the administrative sections relating to the duration of approval process for development projects.

4. Discussion

5. Approval of the Minutes of the April 22, 2024, 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: May 8, 2024

TIME: 3:00 p.m.

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

CASE DESCRIPTION

Right-of-way Closing: Bill No. 8033 – A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, located on Tax Map 13 Parcel 119.2 Charleston West District, Kanawha County, West Virginia.

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 lori@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 "Lori Brannon".

Lori Brannon
Planner – City of Charleston

Bill No. 8033

Introduced in Council:

Adopted by Council:

May 6, 2024

Introduced by:

Referred to:

Municipal Planning Commission

Finance Committee

Jeanine Faegre

Planning, Streets and Traffic

Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right of way a 10-foot strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, which is located on Tax Map 13, parcel 119.2, Charleston West District, Kanawha County, West Virginia.

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

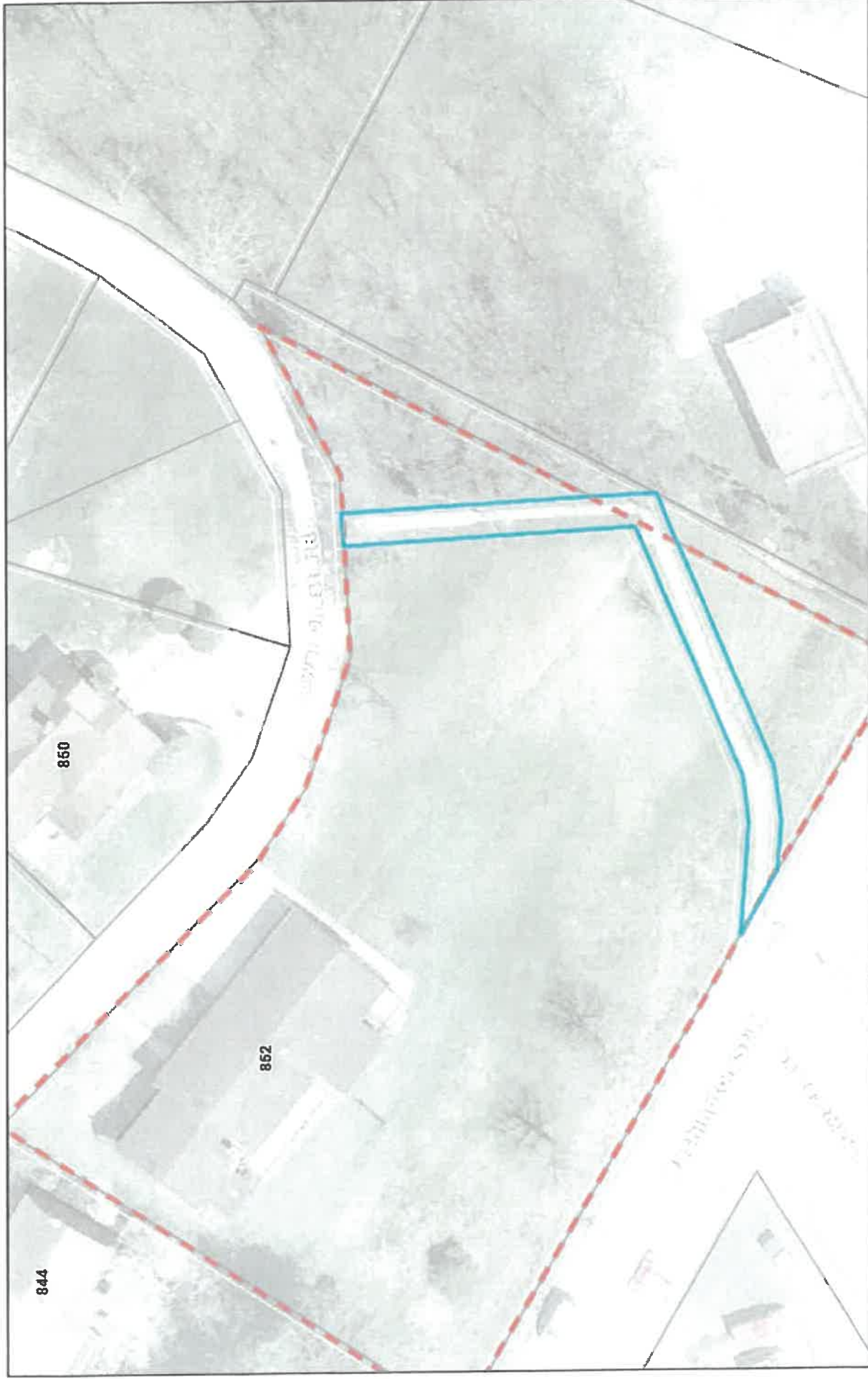
1. A parcel of land being a 10-foot-wide right-of-way, as shown on map entitled "Exchange of Lands Between The City of Charleston and Gay Marie Watson" dated July 1986, as recorded in Deed Book 2135 at page 275 of the Kanawha County Public Registry, situate in the municipality of the City of Charleston, South Annex District, Kanawha County, West Virginia, and attached hereto as Exhibit A. The right of way is more particularly described as follows:

BEGINNING in the southerly right-of-way line of Lower Chester Road; thence leaving said southerly right-of-way line of Lower Cheater Road and running in a direction towards Washington Street, West S 06°11'59.9" E 12.04 feet to a point; thence S 05 °26'31.08" W 78.265 feet to a point; thence S 80°27'2.3 W 46.604 feet to a point; thence N 87 °10'20" W 71.46 feet to a point; thence N 82 °15' W 16 feet to a point; and being the center line of a 10 foot strip of land across lot 6 of the Woodrum Addition, and having an area of approximately 2247 square feet.

2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying from the City of Charleston, a West Virginia public body, to Jerry Lacy Jr, all rights, title and interest in and to said real property as described in Section 1 above, for the consideration One Hundred Dollars and no cents (\$100.00).

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

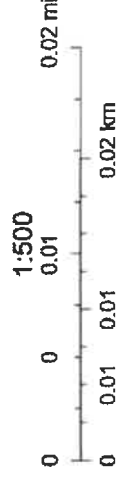
852 Lower Chester Road



3/21/2024, 11:35:56 AM

Site Addresses - Current

Parcels



Adam Cottrell, GIS Manager - GIS Department, Charleston, WV | Pictometry,
Adam Cottrell, GIS Manager - GIS Department, Charleston, WV

Author
For Internal Use

Jerry Lacy, Jr.
852 Lower Chester Road
Charleston, WV 25302

March 29, 2024

Application to Close Concrete Steps Right of Way on 852 Lower Chester Road, Charleston, West Virginia

This document is a supplement to the official City of Charleston Checklist for application to Close City Streets, Alleys, or Right-of Way.

APPLICANT INFORMATION

Jerry Lacy, Jr.
852 Lower Chester Road
Charleston, WV 25302

The Property Information is found in *DEED BOOK 2135 PAGES 272-2754*

***“Being a strip of land 10 feet in width, designated as a walkway between Washington Street, West and Lower Chester Road. BEGINNING at a point in a northerly curblineline of Washington Street West, and in the center of said walkway and running with the existing deteriorated concrete steps and walkway up the hill in a direction towards Lower Chester Road to a point in the southerly line of Lower Chester Road right-of-way line, being a strip of land ten (10) feet wide, five (5) feet on each side of subject center line.*”**

The Application is being filed on this date: to comply with the Municipal Planning Commission Deadline of April 15, 2024; and for the MPC meeting scheduled to be held on May 8, 2024; with a subsequent review by the PST Committee in May 2024. Other Committees of City Council may want to review this application, but review is desired by approval of the City Council in June, 2024. {These dates are subject to change.}

The Application also contains the attached \$125 check for the filing fee.

JUSTIFICATION

The Applicant requests the City of Charleston to coordinate the dissolution of a certain Right-of-Way Easement of dangerous, unsafe and hazardous conditions of the deteriorated concrete steps on said “heading - uphill from RT 60 West/Washington Street West (formerly known as Charleston Street) to the top of Lower Chester Road {formerly known as Woodrum Drive.}

The proposed benefits to the public as a result of the abandonment are provided below:

- 1. Unsafe "deteriorated" crumbled concrete.**
- 2. Entrance/Exit is to step directly onto Route 60 West (known as) Washington Street West.**
- 3. No sidewalk to enter/exit steps create a true safety hazard.**
- 4. No safety walkway across busy vehicle roadway.**
- 5. Not handicapped accessible.**
- 6. Heavy vehicle traffic of ingress & egress across from Dairy Tractor Traylor Entrance.**
- 7. No signage of steps on major highway to warn oncoming vehicle traffic of pedestrians.**
- 8. Very steep climb to top of steps with unstable and missing railing.**
- 9. Scene of neighborhood complaint filing of vagrants with CRW Police Department.**
- 10. Scene of recent drug-induced trespasser arrested in neighborhood - harassing residents.**
- 11. Potential unsafe concrete steps personal liability litigation for the property owner.**
- 12. Potential unsafe concrete steps personal liability litigation for the City of Charleston.**

The current pedestrian use of the of the Right-of-Way for the concrete steps is negligible, probably because of the unsafe and hazardous condition for pedestrians.

It is important to note that the latest easement of Right-of-Way on the Lacy property was executed in 1986 by the City of Charleston to Gay M. Watson in consideration of payment of one dollar (\$1). That was 38 years ago. Vehicle traffic in the area was light and safe access to close-by public transportation was questionable. At that time children and workers used the steps. That is no longer the case. The Bus Stops have been moved, but are at close distance on either side of the concrete steps (which are no longer frequently used). The Bus is easily accessible from a Bus Stop next to Route 60 West/West Washington Street at the foot of Springdale Drive & Edgewood Drive - with a resting bench and plenty of room for standing.

Adjacent property owners and nearby neighbors to the concrete steps will testify that the steps are rarely used – if at all - anymore by school children, workers, walkers, or residents. To the contrary, the public safety of the neighborhood is endangered by non-resident vagrants accessing the concrete steps for drug abuse, alcohol abuse, smoking abuse, illicit paraphernalia, sexual activity, and littering. These activities are a current menace to the neighborhood.

It is unknown by the Applicant as to if the property is currently a part of the City's pattern of roadways. But it is doubtful, since we are dealing with a Right-of-Way for concrete steps – not roadways. However, the roadway adjacent to the concrete steps could definitely be considered a safety hazard for pedestrians and vehicles, because of a lack of sidewalk – standing area – or seating area -at the bottom of the concrete steps emptying onto the busy highway.

There is no encroachment of buildings, fences etc.) on the subject property.

BILL FOR CITY COUNCIL

It is the understanding of the Applicant that a Bill Draft is not necessary to be provided with this Application because Ward 5 Council Member Jeanine Faegre has already requested the City Planning Department to prepare a Bill and for her to be listed as the leading sponsor. At the appropriate time, the Applicant would request the opportunity to review and, make comments on the Bill Draft with Council Member Jeannine Faegre before its introduction.

On a final note, please know that it is a pleasure to work with the great staff at the Planning Commission. Their courtesy and consideration are exemplary. Their advice and assistance are invaluable.

Right of Way Closing Bill No. 8033

Kelly Wymer <kellywymer4@yahoo.com>

Tue 5/7/2024 2:48 PM

To: Brannon, Lori <lori.brannon@cityofcharleston.org>

This Email Originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to: helpdesk@cityofcharleston.org

Good afternoon,

My name is Kelly Wymer and I am a the property owner of 850 Lower Chester Road. My driveway is across the street from the steps (right-of-way) which can be accessed from West Washington Street.

I am in favor of the closure of this Right-of-Way.

Without going into much detail the "steps" have allowed foot traffic in our neighborhood that time and time again have ultimately ended in trouble in our area and many calls to 911.

I appreciate your time and I look forward to the Planning Departments favorable decision.

Kelly Wymer
Resident

Sent from my iPhone

Planning Streets and Traffic Committee
Staff Analysis
May 30, 2024

REQUEST:

Bill No. 8033 closing, abandoning, and discontinuing as a public right-of-way a 10 ft strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, located on Tax Map 13 Parcel 119.2 Charleston West District, Kanawha County, West Virginia.

APPLICABLE CODE:

City Code and City of Charleston's Guidelines for Closing of Street and Rights of Way.

STANDARD OF REVIEW:

To ensure that the right of way is not needed as part of a pattern of streets, either now or in the future; that the closure will not negatively affect access to other parcels of land; and the City's standards for closure are met. The Commission should also take into consideration the various City Department's comments and impose or maintain easements for utilities.

HISTORY:

None.

ANALYSIS:

The petitioner owns and resides on the property located at 852 Lower Chester Road, which surrounds the right-of-way in question. Concrete stairs were installed nearly 40 years ago to allow pedestrian access from the neighborhood down to West Washington Street. At that time, children and workers used the steps regularly. The petitioner and his neighbors claim the steps are rarely used today, except by vagrants and drug users. The stairs end abruptly at West Washington and do not tie into a sidewalk system.

EXHIBITS:

The images below show the right-of-way in context and illustrate current condition of the steps and their intersection with West Washington Street.





DEPARTMENTAL REVIEWS:

The Sanitary Board has no interest in the subject right-of-way and therefore supports the closure.

The Engineering Department has no objection to the closure.

Traffic Operations provided no comments.

The Public Works Department has agreed to remove the steps if the request for closure is approved.

We have received no opposition to the request and the Planning Commission unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

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

1. Closure of the right-of-way will not disrupt the existing pattern of streets and sidewalks nor negatively impact traffic flow.
2. The deterioration of the steps and their abrupt stop at the edge of West Washington Street make for unsafe conditions for which the petitioner and the City of Charleston could bear legal responsibility.

City of Charleston
Checklist for Application to Close City Streets, Alleys or Rights-of-Way

Applicant Information	Property Information
Name: <u>RANDOLPH ST BAPTIST</u>	Street, Alley, or Right-of-way to be closed or abandoned:
Address: <u>213 RANDOLPH ST CHARLESTON, WV 25302</u>	Tax Map and Parcel:
Phone: <u>(304) 741-5049</u>	Agent's Name if Different from Applicant: <u>Russ Bonasso</u>

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: 1) a narrative justification to close the right-of-way, including the information outlined below; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) supporting documentation; and 4) a \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

JUSTIFICATION

The following information must be included in a written justification for the closure:

- _____ A statement outlining the reason for the requested closure. This statement includes the proposed benefit to the public as a result of the abandonment.
- _____ A statement of justification for the proposed closure. This statement will include circumstances pertaining to the subject property such as topography, limited access, or other physical restraints.
- _____ A statement regarding the current use of the street or alley or right-of-way. This statement includes information as to whether or not the property is currently a part of the City's pattern of roadways.
- _____ A statement identifying any encroachment (buildings, fences, etc.) on the subject property.
- _____ If applicable, a request that the property be donated along with a determination of eligibility for donation.
- _____ If applicable, documentation that the petitioners are low to moderate income.

BILL

A Bill must be submitted along with the above justification.

- _____ Name of sponsoring member of City Council.
- _____ Formatting exactly as shown on the attached sample bill. Use Arial 12 pt type and line numbering. The Planning Department will acquire a bill number.

SUPPORTING DOCUMENTATION

The following supporting documentation must also be submitted with this application:

- _____ A current certified appraisal.
- _____ A survey map of the property requested to be closed. The survey map must provide the names and tax map and parcels numbers of all adjacent property owners.
- _____ A metes and bounds legal description of the property requested to be closed.

Applicant Signature: _____

Russ Bonasso
304-741-5049

Date: _____

4/15/24

Bill No. 8034

Introduced in Council:

May 6, 2024

Introduced by:

Michael Ferrell

Adopted by Council:

Referred to:

Municipal Planning Commission

Planning, Streets and Traffic Committee

Finance Committee

Bill No. 8034 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

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

1. The public right-of-way located between Lots 20, 19 and 18, Block 12, and along Lots 10, 9, 8, and 7 situate in Charleston West District, Kanawha County, West Virginia, as show on the map entitled "PLAT SHOWING A PROPOSED ABANDONEMENT OF PART OF A 10' ALLEY IN BLOCK 12, J.B. WALKER ADDITION TO WEST CHARLESTON IN THE CITY OF CHARLESTON KANAWHA COUNTY, WEST VIRGINIA PREPARED FOR RANDOLPH STREET BAPTIST CHURCH SCALE: 1"= 30' MARCH 2, 2024," prepared by William R. Gunnoe, dated March 2, 2024, and attached hereto as Exhibit A. The alley is more particularly described as follows:

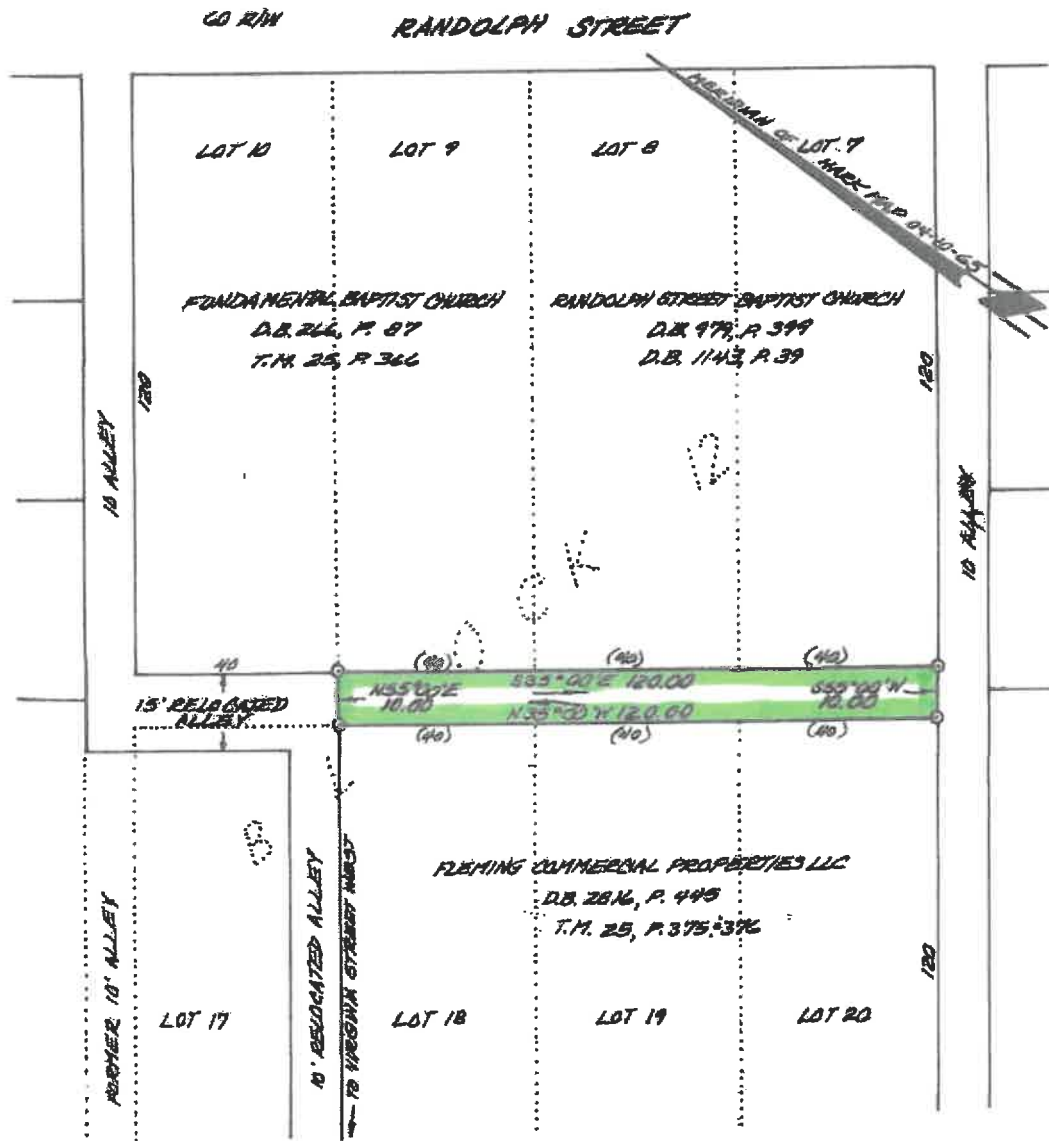
BEGINNING at a point at the intersection of two ten foot wide alleys at the easternmost corner of Lot 20, Block 12 of the J.B. Walker Addition to West Charleston as presently owned by Fleming Commercial Properties, LLC in Deed Book 2816, Page 445, thence N35-00 W 120.00 feet, running with the said alley and Lots 20, 19 and 18 of Block 12 to a point at the common corner of Lots 17 and 18 of said Block 12; thence N55-00E 10.00 feet, leaving the said Lots 17 and 18 and crossing the said 10 foot alley to a point at the corner of Lots 10 and 9 of said Block 12 as owned by Fundamental Baptist Church in Deed Book 266, Page 87; thence S35-00E 120.00 feet, leaving the said Lot 10 and running with the said alley along Lots 9, 8 and 7 to a point at the intersection of the aforementioned two 10 foot alleys, also a corner of property owned by Randolph Street Baptist Church in Deed Book 979, Page 399 and Deed Book 1143, Page 39; thence S55-00W 10.00 feet, leaving the said Lot 7 and running across the said alley to the point of beginning, containing in all approximately 1,200 square feet.

2. The City of Charleston hereby reserves a sanitary and storm sewer easement for the full width and length of the above-described right of way for the purpose of construction, maintenance, repair and removal of sanitary and storm sewer lines. No person shall construct improvements or take any other actions which would interfere with this easement, or alter the

33 present surface profile or contour of the subject right of way by more than one (1) foot without
34 written permission of the City Engineer and the Charleston Sanitary Board.

35
36 3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute,
37 acknowledge and deliver a proper deed conveying to Randolph Street Baptist Church and their
38 successors, all rights, title and interest in and to said real property as described above for the
39 consideration of Three Thousand Six Hundred Dollars and no cents (\$3,600.00).

NOTES: SEE MAP OF WEST CHARLESTON, MAP OF LOTS 7-8-9-10, BLOCK 12 BY J. LEWIS HARK DATED APRIL 19, 1965 AND TAX MAP 25, CHARLESTON WEST.



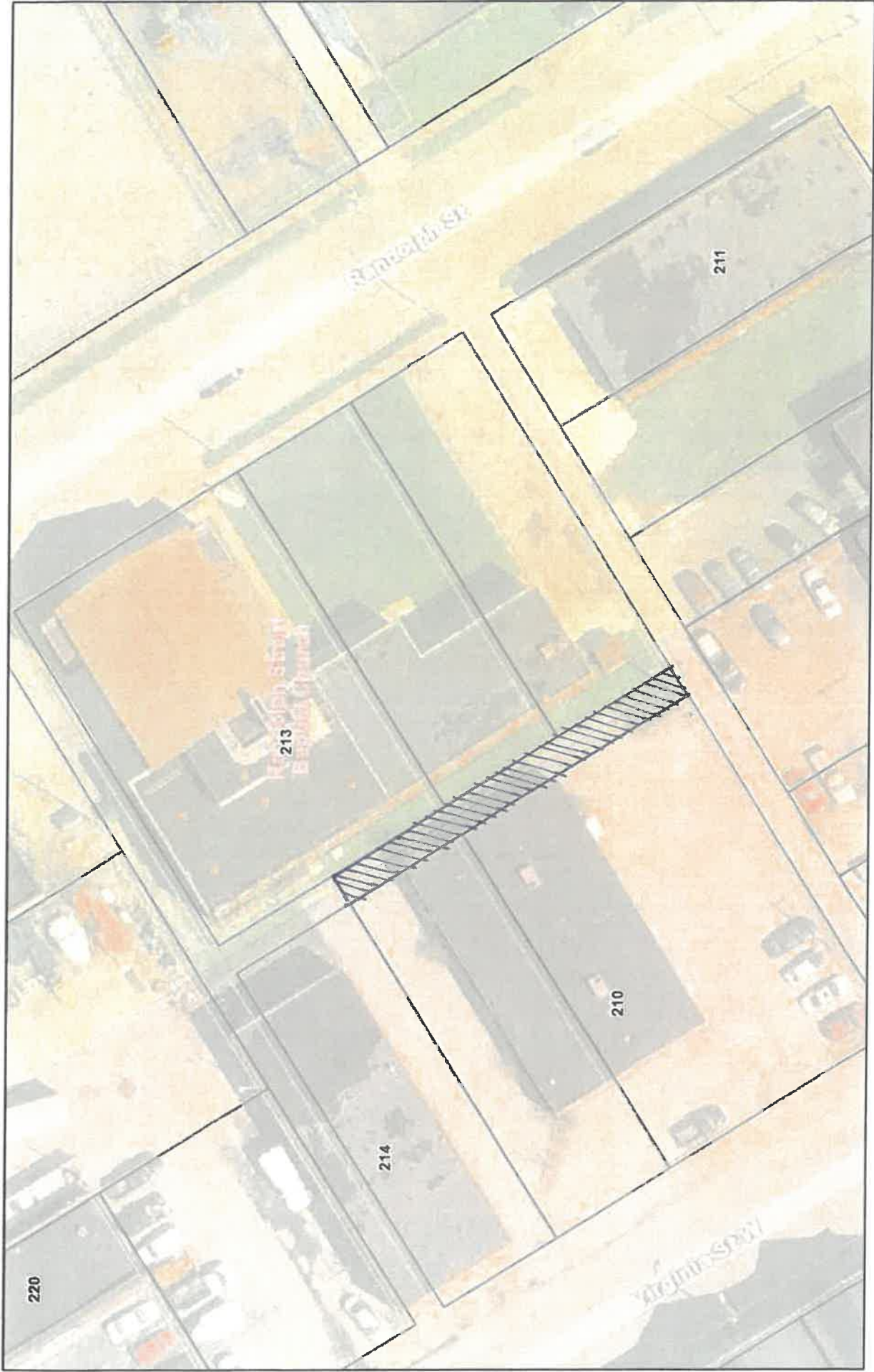
PLAT SHOWING

A PROPOSED ABANDONMENT OF PART OF A 10' ALLEY IN
BLOCK 12, J.B. WALKER ADDITION TO WEST CHARLESTON
IN THE CITY OF CHARLESTON
KANAWHA COUNTY, WEST VIRGINIA
PREPARED FOR

RANDOLPH STREET BAPTIST CHURCH
SCALE: 1"=30' MARCH 2, 2024

WILLIAM R. GUNNOE
LICENSED
REGISTERED PROFESSIONAL SURVEYOR NO. 801
CLINTON, WV

Randolph St Baptist Church Alley Closing



4/30/2024, 12:34:50 PM

- Site Addresses - Current ● pending - - - Wards C-10
- ZAD Permits ● final Parcels Zoning Districts ○ Interstate Exits (Numbers) C-8

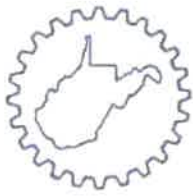
Monday, March 4, 2024

Application to Close City Alley

Justification

- A statement outlining the reason for the requested closure. This statement includes the proposed benefit to the public as a result of the abandonment.
 - The City Alley is located between a building currently owned by Randolph Street Baptist Church (213 Randolph Street), and a building that will be owned by Randolph Street Baptist Church following the property's closing (210 Virginia Street) in June 2024. When the 210 Virginia Street Property closes, the requesting party will be the owner of the two properties directly abutting the alley requested to be closed. The property owner plans to build a structure within the City Alley to connect the two structures, while preserving the City's easement. As to the second leg of the alley, all property owners adjacent to the City Alley have consented in the request for its closure.
- A statement of justification for the proposed closure. This statement will include circumstances pertaining to the subject property such as topography, limited access, or other physical restraints.
 - In addition to the reasons stated above, if the closure is permitted, a portion of the alley will be converted to an outdoor space to be used by the requesting party's invitees. The property will be cleaned and aesthetically improved.
- A statement regarding the current use of the street or alley or right-of-way. This statement includes information as to whether or not the property is currently a part of the City's pattern of roadways.
 - The City Alley is not currently part of the City's pattern of roadways, nor is it currently used for any productive purpose. Instead, it has been used by individuals who have accessed surrounding properties for purposes of vandalism and/or theft. Closure of the property will not result in loss of significant or productive use by the general public, as the Alley does not provide a unique path for transportation. Closure of the Alley will not impose any undue burden on any member of the public, as there are several alternative routes to traverse around and access the surrounding properties.

- A statement identifying any encroachment (buildings, fences, etc.) on the subject property.
 - None.
- If applicable, a request that the property be donated along with a determination of eligibility for donation.
 - Not applicable.
- If applicable, documentation that the petitioners are low to moderate income.
 - Not applicable.



WEST VIRGINIA TRACTOR COMPANY

CONSTRUCTION, MINING, MUNICIPAL & INDUSTRIAL EQUIPMENT

P.O. BOX 473, 214 VIRGINIA ST. W., CHARLESTON, WV 25322/25302 • (304) 346-5301

March 6, 2024

To Whom it May Concern:

We would like to make known our intention to the City of Charleston in regard to the proposed abandonment of part of the 10 foot city alley adjacent to our property located on the west side of Charleston at:

West Virginia Tractor
214 Virginia St W
Charleston, WV 25302

Please be advised this is pertaining to the relocated city alley in between lot 17 and 18 off Virginia Street referenced in the Kanawha County Assessors Office deed book 2816, page 445, tax map 25. The portion of the relocated alley is 10 feet wide by 130 feet long (on the north side of the alley) and 120 feet long (on the south side of the alley). Please reference the attached map for the exact dimensions.

We here at West Virginia Tractor do hereby relinquish and release any claim, rights or ownership to said property. We do welcome the request made by Randolph Street Baptist Church to abandon and close this portion of the alley.

Thank you for your attention in this matter. Please feel free to reach out to me at 304-389-7082 with any questions.

Sincerely,

Michael P. Grady
Vice President

**Planning Streets and Traffic Committee
Staff Analysis
May 30, 2024**

REQUEST:

Bill No. 8034 closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

APPLICABLE CODE:

City Code and City of Charleston's Guidelines for Closing of Street and Rights of Way.

STANDARD OF REVIEW:

To ensure that the right of way is not needed as part a pattern of streets, either now or in the future; that the closure will not negatively affect access to other parcels of land; and the City's standards for closure are met. The Commission should also take into consideration the various City Department's comments and impose or maintain easements for utilities.

ANALYSIS:

The petitioner owns property located at 213 Randolph Street and is under contract to purchase the abutting property located at 210 Virginia Street. Closing on this real estate transaction is anticipated in June 2024. At that time, the applicant would own the only properties abutting the right-of-way to be closed. If approved, the applicant would limit access to the property and construct a connector between the two structures.

EXHIBITS:

The image below shows the right-of-way in context. The yellow line represents the right-of-way currently of record. The green line represents the right-or-way as originally platted. The orange line represents the portion of right-of-way to be closed.



DEPARTMENTAL REVIEWS:

The Sanitary Board has an existing sanitary sewer that runs through the alley. An easement, including ingress and egress, is required so the CSB can maintain, repair, and/or replace the infrastructure.

The Engineering Department has no objection to the closure.

Traffic Operations provided no comments.

We have received no opposition to the request and the Planning Commission unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

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

1. Closure of the portion of right-of-way will not disrupt the existing pattern of streets or negatively impact traffic flow.
2. The properties west of the proposed closure will maintain alley access via the portion of the alley connecting Randolph and Virginia Streets.
3. Closure of this portion of the alley will allow the petitioner to clear the space of waste and prevent vagrants from using the alley for illicit activity.

Bill No. 8032

Introduced in Council:

May 20, 2024

Adopted by Council:

Introduced by:

Mary Beth Hoover

Referred to:

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

Bill No. 8032 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by eliminating restrictions on firearms sales and amending the administrative sections relating to the duration of approval process for development projects.

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

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

Sec. 2-020 Definitions of Terms

~~**Firearms Sales Establishment.** An establishment primarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.~~

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									P	P	P							

Sec. 30-050 Expiration of Conditional Use Permit

In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended to ~~eighteen (18) months~~ upon prior written request of the Board. The word "used" shall mean that the approved Conditional Use Permit has been activated as evidenced by permits, construction, or required licenses.

Sec. 31-030 Procedures for Variance Approval

Applications for variance approval shall be considered in accordance with the following procedures.

- D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least ~~thirty (30)~~ **fifteen (15)** days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.

Planning Streets and Traffic Committee
Staff Analysis
May 30, 2024

REQUEST: Bill No. 8032 – A bill to amend the Zoning Ordinance of the City of Charleston, as amended, by eliminating restrictions on firearm sales and amending the administrative sections relating to the duration of the approval process for development projects.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 3, Sec. 3-070.

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged with reviewing the Planning Commission's decision and forwarding a recommendation to City Council. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

EXPLANATION:

Before you today is a proposed text amendment to make the following changes:

1. Section 2-020 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to eliminate the definition of Firearm Sales Establishment.
2. Section 3-050 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to eliminate Firearms Sales Establishment from the Land Use Table.
3. Section 30-050 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to allow for the Board of Zoning Appeals to grant extensions on Conditional Use Permits by more than 18 months.
4. Section 31-030 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to reduce the requirement for legal advertisement of variance requests by 15 days.

ANALYSIS:

During the recent legislative session, two bills were adopted that impact land use regulation. First, HB 4782 requires zoning regulations to treat Firearms Sales Establishments no differently than standard retail uses. The proposed text amendment eliminates additional regulations placed on Firearms Sales Establishments within our zoning ordinance. Second, SB 782 states that any application for development in a county or municipality must be reviewed and a decision made within 60 days. Failure to make a decision by day 60 results in automatic approval of the project. The proposed text amendment shortens the duration of the legal advertisement requirement by 2 weeks in order to accommodate the tightened time frame. Additional measures are being taken within the department that do not require legislation.

Planning Commission voted 4-3 with one person abstaining to recommend approval of the request.

RECOMMENDATION AND FINDINGS:

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

1. The proposed changes to the zoning ordinance are required for compliance with newly adopted laws at the State level.



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, May 8, 2024
3:00 P.M.

Members Present

Aric Margolis, Architect
Adam Krason
Cory Stout
Lisa Fischer-Casto
Mary Beth Hoover
Alice Hypes
Shannon Ferrari
Alex Zurbuch
J. D. Stricklen, Kanawha County Representative

Members Absent

Quintie Smith
Shawn Taylor
Brady Campbell
Doug Hartley
Justin Marlow
JoEllen Zacks

Staff Present

Dan Vriendt
Lori Brannon

1. Call to Order

2. Unfinished Business

3. New Business

Right-of-Way Closure: Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, located on Tax Map 13 Parcel 119.2 Charleston West District, Kanawha County, West Virginia.

MOTION AND VOTE: A motion was made by Adam Krason to approve Bill No. 8033. The motion was seconded by Shannon Ferrari and passed unanimously by a vote of 8-0.

Right-of-Way Closure: Bill No. 8034 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

MOTION AND VOTE: A motion was made by Adam Krason to approve Bill No. 8034. The motion was seconded by Shannon Ferrari and passed unanimously by a vote of 8-0.

Text Amendment: Bill No. 8032 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, by eliminating restrictions on firearms sales and amending the administrative sections relating to the duration of approval process for development projects.

MOTION AND VOTE: A motion was made by AlexZurbuch to approve Bill No. 8032. The motion was seconded by Cory Stout and passed by a vote of 4-3-1. Lisa Fischer-Casto, Alice Hypes and Aric Margolis voted in opposition to Bil No. 8032 and Aam Krason abstained from the vote.

4. Minutes of the April 3, 2024 MPC meeting
5. Announcements
6. Adjournment

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

Members Present

Mary Beth Hoover, Chair
Jennifer Pharr - via phone
Pam Burka
Becky Ceperley
John Gianola - (late – joined for Bill No. 8021)

Staff Present

Dan Vriendt
Lori Brannon
Chad Webb
Matt Hartline
Terri Allen

Others Present:

Chad Robinson – Council Member-Ward 20 (Frontage Road Discussion)

1. Call to Order

2. Unfinished Business

3. New Business

Request for Frontage Road in Kanawha City to be reduced to 25 MPH.

There is a speeding problem on Frontage Road. Originally, the request was for a stop sign, which is not warranted in that area. The request now is to change the speed limit from 30 MPH to 25 MPH.

MOTION AND VOTE: A motion was made by Becky Ceperley to approve the request for the speed limit on Frontage Road in Kanawha City to be reduced to 25MPG. The motion was seconded by Pam Burka and passed by a unanimous vote of 4-0.

Bill No. 8021– A Bill adopting a revision of the comprehensive plan and downtown redevelopment plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code titled “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan”. Said revisions to the plans are to guide the city to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.

Lori Brannon and Chad Webb presented the revision of the Comprehensive Plan and Downtown Redevelopment Plan for the City of Charleston, West Virginia, to the PS&T Committee.

MOTION AND VOTE: A motion was made by Becky Ceperley to adopt Bill No. 8021. The motion was seconded by Pam Burka and passed unanimously by a vote of 5-0.

Rules for loading zones – Midtown

MOTION AND VOTE: Mary Beth asked for a voice vote from the committee of those in favor of the changing the rules for the loading zones. The committee voted unanimously in favor of changing the loading zone rules by a vote of 5-0.

4. Discussion

5. Approval of the Minutes of the February 26, 2024, meeting

MOTION AND VOTE: A motion was made by Becky Ceperley to adopt the minutes of the February 26, 2024 PS&T meeting. The motion was seconded by John Gianola and passed by a unanimous vote of 5-0.

6. Adjournment

Becky Ceperley made a motion to adjourn the April 22, 2024 PS&T meeting.