



**Planning, Streets and Traffic Committee**  
Monday, November 3, 2025, at 6:00 p.m.  
City Hall, 501 Virginia Street – AV Room #308

## **AGENDA**

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

**Bill #8063** – 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 an I-2 Light Industrial District to a C-8 Village Commercial District the parcel of land identified as 1319 Bigley Avenue, Charleston North District, Tax Map 29, Parcel 24 in the City of Charleston, Kanawha County, State of West Virginia.

**Bill No. 8064** - A Bill to establish a 20 MPH Speed Limit on Garvin Avenue from Washington Street West to Gilbert Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

- 4. Discussion**
- 5. Approval of the Minutes of August 11, 2025, meeting**
- 6. Adjournment**



Municipal Planning Commission

# Checklist for Application for Rezoning

MPC Hearing Date: \_\_\_\_\_

Bill #: \_\_\_\_\_

Applicant Information	Property Information
<b>Name:</b> Derrick K Miller	<b>Address:</b> 1319 Bigley Avenue, Charleston 25302
<b>Address:</b> 267 Stoney Creek Dr. Ripley, WV 25271	<b>Tax Map and Parcel:</b> Map 29 Parcel 24
<b>Phone:</b> 304-941-2102	<b>Zoning District:</b> I-2
<b>Agents Name, Address, Phone (If other than Applicant):</b>	<b>Property Owner and Mailing Address:</b> (if other than applicant)

### IMPORTANT:

This application must be typed or legibly printed and filed with the Office of Development Services in person or by mail at 915 Quarrier Street, Suite 1 Charleston, WV 25301. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

The following items must accompany this application: 1) a narrative justification to rezone including the information outlined below; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) a map of the area proposed for rezoning, drawn to scale; 4) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston.

You or your representative must be present at the scheduled public hearing to present your request and answer questions.

### JUSTIFICATION

The following shall be included in a written justification for the request for rezoning:

- \_\_\_\_\_ Statement of petitioner's identity as contract purchaser, agent or owner.
- \_\_\_\_\_ Property Address including Kanawha County Tax map and Parcel No.
- \_\_\_\_\_ Description of the use for which a rezoning is being requested and specific district being requested (eg. R-6 Medium Density Residential District or C-10 General Commercial District).
- \_\_\_\_\_ Statement of compliance with the City's Comprehensive and Neighborhood Plans, OR justification for variance from the City's Comprehensive and Neighborhood Plans.
- \_\_\_\_\_ Statement that a map of the subject property that is attached.

### 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 Office of Development Services will acquire a bill number.

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

9-8-25  
 \_\_\_\_\_  
 Date

**Bill No. 8063**

**Introduced in Council:**

October 6, 2025

**Introduced by:**

Beth Kerns

**Adopted by Council:**

**Referred to:**

Municipal Planning Commission  
Planning, Streets and Traffic

1 Bill No. 8063 – 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 an I-2 Light Industrial District to a C-8 Village Commercial District the parcel of land identified  
4 as 1319 Bigley Avenue, Charleston North District, Tax Map 29, Parcel 24 in the City of Charleston,  
5 Kanawha County, State of West 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 1<sup>st</sup> day  
11 of January 2006, as amended, is hereby amended by rezoning from an I-2 Light Industrial District  
12 to a C-8 Village Commercial District the parcel of land:

13  
14 Parcel No. 24 as shown on Charleston North Tax Map 29. Subject parcel commonly known  
15 as 1319 Bigley Avenue, Charleston, West Virginia. Said tax map is of record on the  
16 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.

R-6

CRESCENT ROAD

1-77 SOUTH BOUND

1-77 NORTH BOUND

C-10

I-2

SPRING STREET

C-8

C-8

**PROPOSED**  
C-8

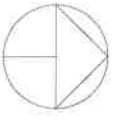
ASH STREET

DIETZ AVENUE

C-8

C-10

I-2



# REZONING FROM I-2 TO C-8

STAFF  
EXHIBIT



## **PUBLIC HEARING NOTICE**

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

DATE: October 8th, 2025  
TIME: 3:00 p.m.  
PLACE: City Services Center, 915 Quarrier Street,  
On the 1<sup>ST</sup> Floor of Municipal Parking Building

### **CASE DESCRIPTION**

**Rezoning:** Bill #8063 – 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 an I-2 Light Industrial District to a C-8 Village Commercial District the parcel of land identified as 1319 Bigley Avenue, Charleston North District, Tax Map 29, Parcel 24 in the City of Charleston, Kanawha County, State of 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 City’s Office of Development Services 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 at [charlestonwv.civicclerk.com](http://charlestonwv.civicclerk.com) or in the Office of Development Services, City Service Center, 915 Quarrier Street, Suite 1.

For more information, please call (304) 348-6833, email [lori@cityofcharleston.org](mailto: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,

Lori Brannon  
Planner – City of Charleston

September 8, 2025

Derrick Miller  
267 Stoney Creek Drive  
Ripley, WV 25271  
304-941-2102

City of Charleston  
Planning Department  
915 Quarrier Street, Suite 1  
Charleston, WV 25301

Dear Members of the Planning Department,

I am writing to formally request a zoning change for the property located at 1319 Bigley Ave, from I-2 to C-8. As a business owner and the property owner, I believe this change will greatly impact on the capability to utilize this property in a manner that will benefit the community and align with the city's long-term vision for sustainable development.

The current structure on the property is a very old home that will be extremely costly to refurbish. For example, I-2 zoning would not allow a new residential structure, such as a rental home or duplex, to be built in its place if the structure was removed. Amending the zoning from I-2 to C-8 would allow for this type of development.

I have attached all relevant documents, including maps and supporting materials, for your review. I am happy to provide any additional details needed and plan to attend the upcoming meeting regarding same, on Wednesday, October 8<sup>th</sup>.

Thank you for considering this request. I look forward to discussing this matter further at your next meeting.

Sincerely,



Derrick Miller

**Municipal Planning Commission**  
**Staff Analysis**  
**October 8, 2025**

**REQUEST:** Bill No. 8063 – 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 an I-2 Light Industrial District to a C-8 Village Commercial District the parcel of land identified as 1319 Bigley Avenue, Charleston North District, Tax Map 29, Parcel 24 in the City of Charleston, Kanawha County, State of West Virginia.

**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 Commission’s role is to make a recommendation to Planning Committee with final action being at City Council. The Commission 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 is currently zoned I-2 Light Industrial District. Much of the neighborhood has transitioned over time from Light Industrial to Village Commercial, including the parcels beside and across Bigley Avenue from the subject property. The petitioner is seeking to do the same.

**ANALYSIS:**

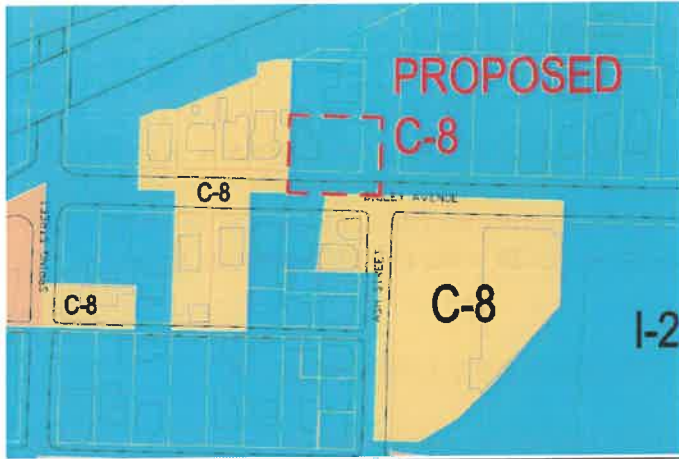
Existing Land Use and Zoning: The parcel in question is currently zoned I-2 Light Industrial District.

Surrounding Land Use and Zoning: The parcel is currently surrounded by properties zoned I-2 and C-8. Uses in the immediate vicinity include recreational, retail, and residential.

Current Zoning: The current I-2 zoning allows for many uses that are not compatible with the surrounding neighborhood due to the noise and odor they may produce.

Proposed Zoning: The proposed C-8 zoning allows for “a village concept” that seeks to provide “a mix of residential uses adjacent to and/or above commercial uses to increase the intensity of the activity in the area.” The uses permitted in a C-8 are meant to support the residential properties nearby.

Compliance with the Comprehensive Plan: The comprehensive plan’s future land use map designates this area a combination of Downtown Transition and Consumer Commercial. The intent in these areas is to provide a transitional buffer between the intense downtown core and nearby neighborhoods. Additionally, the Comprehensive Plan calls for smaller-scale uses of former industrial sites appropriately screened from view.



**RECOMMENDATION AND FINDINGS:**

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

1. The rezoning is consistent with the future land use map in that it supports the transition from the core downtown to a mixed use neighborhood.
2. The rezoning allows for future uses compatible with other properties and uses in the area.
3. The rezoning is consistent with the evolving character of the neighborhood and with other rezonings granted by the Commission.

1 **Bill No. 8064**

2

Passed by Council:

3 Introduced in Council

\_\_\_\_\_

4 **October 6, 2025**

5 Introduced by:

Referred to

6 **Chuck Overstreet**

**Planning, Streets and Traffic**

7

8

9 **Bill No. 8064** - A Bill to establish a 20 MPH Speed Limit on Garvin Avenue from Washington  
10 Street West to Gilbert Drive and amending the Traffic Control Map and Traffic Control File,  
11 established by the code of the City of Charleston, West Virginia, two thousand and  
12 three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to  
13 conform therewith.

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

15 Section 1. A Bill to establish a 20 MPH Speed Limit on Garvin Avenue from Washington  
16 Street West to Gilbert Drive

17 Section 2. The Traffic Control Map and Traffic Control File, established by the code  
18 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic  
19 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are  
20 amended, to conform to this Ordinance.

21 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby  
22 repealed to the extent of said inconsistency.