



Planning, Streets and Traffic Committee

Monday, October 15, 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

Bill No. 8045 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft by 280 ft right-of-way located between Lots 11-19, Block 13, JB Walker Addition, Charleston West District, Kanawha County, West Virginia.

Bill No. 8046 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, by amending the regulations related to the adaptive reuse of structures listed on the National Register of Historic Places.

4. Discussion

5. Approval of the Minutes of the August 12, 2024, meeting

6. Adjournment



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

Applicant Information	Property Information
Name: Goodwill Industries of Kanawha Valley, Inc. Attn: Kassia Lilly, Chief Operating Officer	Street, Alley, or Right-of-way to be closed or abandoned: alley on west side of site between Virginia Street and Monongalia Street
Address: 209 Virginia Street West Charleston, WV 25302	Tax Map and Parcel: 25-379, 25-380, 25-381, 25-382, 25-383.2, and 25-384
Phone: (304) 346-0811	Agent's Name if Different from Applicant: Benjamin McMillan, PE ZMM Architects & Engineers

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.
- N/A If applicable, a request that the property be donated along with a determination of eligibility for donation.
- N/A 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: Kassia Lilly Date: 09-16-2024

PETITION TO CLOSE, ABANDON AND DISCONTINUE AS A PUBLIC RIGHT OF WAY, A 2,800 SQUARE FOOT PARCEL SITUATE NORTH OF, AND PERPENDICULAR TO, MONONGALIA STREET AND SOUTH OF, AND PERPENDICULAR TO, VIRGINIA STREET, WEST, IN THE CITY OF CHARLESTON, WEST VIRGINIA

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I

(Identity and Location of the Subject Right of Way)

Petitioner is Goodwill Industries of Kanawha Valley, Inc., a West Virginia corporation, whose property is adjacent to the public right-of-way or alley more particularly described as follows:

The ten (10) foot wide public right-of-way or alley that runs between and is perpendicular to Monongalia Street and Virginia Street, West, located in the Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia, as described in the accompanying Bill.

II

(Reason for Closure)

Petitioner owns all property along both sides of the subject right of way. Using its own funds, Petitioner has renewed, revitalized and improved this area of the West Side by constructing substantial improvements on its property located near the subject right of way. Petitioner plans to expand its operations and has recently completed the acquisition of four properties located on the north side of the subject right of way. Petitioner plans to construct new facilities on the recently acquired properties that will expand onto the subject right of way. It will be a disruption in Petitioner's operations to have its facilities dissected down the middle by the subject right of way.

Petitioner is renewing, revitalizing and improving the area around the subject right of way without using any of the City's funds.

Petitioner is the leading nonprofit provider of education, training, and career services for people with disadvantages, such as welfare dependency, homelessness, and lack of education or work experience, as well as those with physical, mental and emotional disabilities. Petitioner believes that work has the power to transform lives by building self-confidence, independence, creativity, trust and friendships. Everyone deserves a chance to have these, and Petitioner provides that chance. Petitioner's new facilities will enable the Petitioner to help more people in our area.

III

(Justification for Closure)

The subject right of way is not part of the City's pattern of roadways. Petitioner owns all property along both sides of the subject right of way. For motorists, there are close by, readily available alternatives to the subject right of way, i.e., Ohio Avenue and Tennessee Avenue. In addition, the Petitioner has previously constructed a building across the south side of the alley, so it is not accessible/usable by motorists.

IV

(Current Use)

The subject right of way is not currently a part of the City's pattern of roadways. The subject right of way currently ends at its intersection with Virginia Street, West. There is no corresponding alley on the other side of Virginia Street, West that allows traffic to continue advancing in a northeasterly manner. There is a corresponding alley on the other side of Monongalia Street, but the Petitioner has previously constructed a building across the south side of the alley cutting off access to the other side.

The subject right of way serves no one other than the Petitioner whose property completely surrounds it on both sides. It is of no future benefit to the public. Traffic can use both Ohio Avenue and Tennessee Avenue, which are both located a short distance from the subject right of way, to travel in the same directions of the subject right of way.

V

(Statement Identifying any Encroachment)

The Petitioner had previously constructed a building over the south end of the alley, covering about 123 feet of the alley.

VI

(Petitioner's Request for Closure)

Petitioner requests that the City of Charleston close, abandon and discontinue as a public right of way a 2,800 square foot parcel located between and perpendicular to Monongalia Street and Virginia Street, West, in order for Petitioner to expand its facilities over and across the subject right of way. The residents of the City of Charleston, Kanawha County and State of West Virginia will all benefit from the removal and revitalization of the West Side of Charleston and from the increased assistance Petitioner will be able to offer to peoples with disadvantages as set forth above.

VII

Annexed hereto are the following:

- a) A Bill to accomplish the requested closure, if passed by Counsel;
- b) A current certified appraisal prepared by J.R. Thornton showing \$13,000 for the property included in this petition;
- c) An original survey entitled "TOPOGRAPHIC DESIGN SURVEY SHOWING GOODWILL INDUSTRIES OF KANAWHA VALLEY, INC." made by Terradon, dated February 19, 2024 and last revised on July 31, 2024;
- d) A metes and bounds legal description of the property requested to be closed; and
- e) A check in the amount of \$125.00 for the filing fee.

Respectfully submitted the 16th day of September, 2024.

Goodwill Industries of Kanawha Valley, Inc.

By Benji McMillan

Benjamin McMillan

ZMM Architects & Engineers

222 Lee Street West

Charleston, WV 25302

Phone: (304) 342-0159

Fax: (304) 345-8144

Email: bmcmillan@zmm.com



EXECUTIVE SUMMARY

Subject Identification:	<p>The subject property is a 10' alley between Monongalia & Virginia Streets, in Charleston, West Virginia. The subject is located within Kanawha County, West Virginia. The property is in the Charleston MSA. The area is convenient to this overall region, interstate access and hence employment centers.</p> <p>The property is a 2,800-sf site that is currently an alley.</p> <p>Competent management and maintenance are assumed, and it appears that the current owner has maintained a diligent regimen of property maintenance.</p>
Existing Use of Real Estate:	Vacant land (corridor/alley)
Highest and Best Use:	Commercial
Zoning:	C-10
Occupancy:	Improved alley
Value:	As-is market value
Pertinent Dates:	
Date of Observation:	September 16, 2024
Date of Report:	September 16, 2024
Date of As-is Value:	September 16, 2024
Intended User:	ZMM Architects & Engineers & the City of Charleston
Intended Use:	Potential transfer-related decisions
Type of report:	Summary

Value Estimates:

Sales Comparison Approach	\$13,000
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Value Conclusion	\$13,000
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RECONCILIATION AND FINAL VALUE ESTIMATE

The purpose of this assignment is to develop and report the as-is market value opinion for the 10' alley between Monongalia & Virginia Streets, Charleston, West Virginia, for the purposes of assisting with decisions related to the potential transfer of the subject property. The value estimates are summarized as follows:

<i>Reconciliation</i>	
Sales Comparison Approach	\$13,000
Final Value	\$13,000

Source: *J. R. Thornton*

The subject property is identified as a downtown alley, essentially a corridor. The appraiser has utilized a modified form of the sales comparison approach, specifically tailored for corridors, known as "across-the-fence value." This method involves assessing the value by comparing the adjacent properties, in this instance, the neighboring bank property. Through this approach, the appraiser has successfully derived a pertinent and dependable estimate of value.

Based upon the above considerations, the analyses and conclusions contained within this report and subject to the assumptions, extraordinary assumptions and limiting conditions contained herein, the as-is market value opinion for the subject property as of the date of valuation, September 16, 2024, is:

• \$13,000 •
THIRTEEN THOUSAND DOLLARS
12+ MONTH MARKETING TIME



**Chapman
Technical
Group**

**LEGAL DESCRIPTION OF AN
EXISTING 10' WIDE ALLEY
SITUATE IN THE CITY OF CHARLESTON,
CHARLESTON WEST TAX DISTRICT,
KANAWHA COUNTY, WEST VIRGINIA**

Engineers
Architects
Interior Designers
Landscape Architects

10' WIDE ALLEY

All that certain lot, tract or parcel of land lying and being situate in the city of Charleston, Charleston West Tax District, Kanawha County, West Virginia, being more particularly bounded and described as follows:

Beginning at a point at the intersection of the Westerly side of Virginia Street West and the Northerly side of a 10' wide alley, said point also being the Southeastern corner to Goodwill Industries of Kanawha Valley, Inc., (Deed Book 2616 at page 211), from which a 3/4" iron pipe found bent bears S89°52'38"W at 0.40' and another 3/4" iron pipe found on the Westerly side of Virginia Street West bears N29°30'00"W at 430.00', thence with the Westerly side of Virginia Street West for the following course:

S29°30'00"E 10.00' to a point at the intersection of the Westerly side of said Virginia Street West and the southerly side of the 10' wide alley, thence leaving said Virginia Street West and with the Southerly side of the 10' wide alley for the following course:

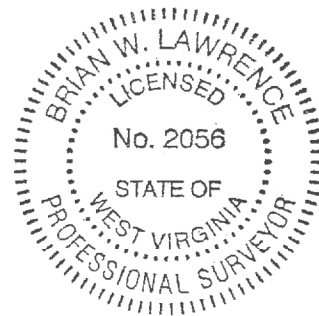
S60°30'00"W 280.00' to a point at the intersection of the Southerly side of said alley and the Easterly side of Monongalia Street, thence with the Easterly side of Monongalia Street for the following course:

N29°30'00"W 10.00' to a point at the intersection of the Easterly side of said Monongalia Street and the Northerly side of the 10' wide alley, thence leaving said Monongalia Street and with the Northerly side of the 10' wide alley;

N60°30'00"E 280.00' to the place of beginning, containing 2,800 square feet, more or less, more fully described on a plat prepared by Chapman Technical Group, hereto attached and made a part of this description.

200 Sixth Avenue
St. Albans, West Virginia
25177
Telephone
(304) 727-5501
Telefax
(304) 727-5580
Website Address

www.chaptech.com



CHAPMAN TECHNICAL GROUP

Brian W. Lawrence 2/04/08

Brian W. Lawrence
W. V. Professional Surveyor No. 2056

Bill No. 8045

Introduced in Council

Passed by Council

Introduced by

Michael Ferrell

Referred to

Municipal Planning Commission
Planning, Streets, and Traffic Committee
Finance Committee

1
2 A Bill closing, abandoning and discontinuing as a public right of way, a 10 foot wide by 280 foot
3 long public right of way located between Lots 11, 12, 13, 14, 15, 16, 17, 18, and 19, Block 13, J.
4 Brisben Walker Addition, situated in Charleston West District, Kanawha County, West Virginia.
5

6 **BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA**
7

8 1. The 10 foot wide by 280 foot long public right of way located between Lots 11, 12, 13,
9 14, 15, 16, 17, 18, and 19, Block 13, J. Brisben Walker Addition, situate in Charleston West
10 District, Kanawha County, West Virginia, as shown on that certain map entitled
11 "TOPOGRAPHIC DESIGN SURVEY SHOWING GOODWILL INDUSTRIES OF KANAWHA
12 VALLEY, INC" prepared by Mark C. Shamblin, WV Professional Land Surveyor No. 827, dated
13 February 19, 2024, revised July 31, 2024 and attached hereto as Exhibit A. The alley is more
14 particular described as follows:
15

16 Beginning at a point at the intersection of the Westerly side of Virginia Street West and
17 the Northerly side of a 10' wide alley, said point also being the Southeastern corner to
18 Goodwill Industries of Kanawha Valley, Inc., (Deed Book 2616 at page 211), from which
19 a 3/4" iron pipe found bent bears S89°52'38"W at 0.40' and another 3/4" iron pipe found
20 on the Westerly side of Virginia Street West bears N29°30'00"W at 430.00', thence with
21 the Westerly side of Virginia Street West for the following course:
22

23 S29°30'00"E 10.00' to a point at the intersection of the Westerly side of said Virginia
24 Street West and the Southerly side of the 10' wide alley, thence leaving said Virginia
25 Street West and the Southerly side of the 10' wide alley for the following course:
26

27 S60°30'00"W 280.00' to a point at the intersection of the Southerly side of said alley and
28 the Easterly side of Monongalia Street, thence with the Easterly side of Monongalia
29 Street for the following course:
30

31 N29°30'00"W 10.00' to a point at the intersection of the Easterly side of said Monongalia
32 Street and the Northerly side of the 10' wide alley, thence leaving said Monongalia
33 Street and with the Northerly side of the 10' wide alley;
34

35 N60°30'00"E 280.00' to the place of beginning, containing 2,800 square feet, more or
36 less, more fully described on a plat prepared by Chapman Technical Group, hereto
37 attached and made a part of this description.

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2. The City of Charleston hereby reserves a 10 foot utility easement for the purpose of construction, maintenance, repair, and removal of the drop inlets, manholes, and storm line. No person shall construct improvements or take any other actions which would interfere, or alter the present surface profile or contour of the subject easement without written permission of the City Engineer.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Goodwill Industries of Kanawha Valley, Inc., and their successors in office, all rights, title and interest in and to said real property as described in Section 1 above, for the consideration of Thirteen Thousand dollars and no cents (\$13,000.00).

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

Bill No. 8032

Introduced in Council:

Adopted by Council:

October 7, 2024

Introduced by:

Referred to:

Mary Beth Hoover

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

1 **Bill No. 8046** - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted
2 January 1, 2006, as amended, by amending the regulations related to the adaptive reuse of structures
3 listed on the National Register of Historic Places.

4
5 Be it Ordained by the Council of the City of Charleston, West Virginia:

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

8 **Sec. 2-020 Definition of Terms**

9 **Adaptive Reuse of Nonresidential Structures.** The process of reusing an existing building for a purpose
10 other than that for which it was built or designed.

11 **Adaptive Reuse of a Historic Structure.** The process of reusing a building listed on the National Register
12 of Historic Places for a purpose other than that for which it was built or designed.

13
14 **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.
<i>Adaptive Reuse of a Nonresidential Structure</i>	C	C	C	C														50
<i>Reuse of Structure</i>																		
<i>Adaptive Reuse of a Historic Structure</i>	C	C	C	C														40

15
16 **Sec. 3-060 Supplemental Regulations Pertaining to the Land Use Table**

17 40. The ~~re-use of a structure previously used for non-residential purposes and~~ listed on the National
18 Register of Historic Places shall comply with the following:

19 a. Uses shall be limited to the following:

20 (1) ~~Professional offices such as architects, brokers, counselors, clergy, engineers,~~
21 ~~insurance agents, real estate agents, lawyers, accountants, editors, publishers,~~
22 ~~journalists, salespersons, travel agents, and psychologists including such accessory uses~~
23 ~~that would permit the general public access to the historic structure for community~~
24 ~~events. Eligible reuses include:~~

25 Art Gallery, Bed and Breakfast, Event Venue, Multi-Family Dwelling, Museum,
26 Professional Service Establishment, Professional Office. For any other uses not listed,
27 the Board of Zoning Appeals shall determine whether the proposed use is similar as

28 those listed and similar in terms of impact on the neighborhood. A change in use from
29 one eligible use to another requires a new conditional use permit.

30 ~~(2) The BZA shall make the determination whether an unlisted use is similar to a listed~~
31 ~~permitted use.~~

32 b. The following performance standards shall be met:

33 (1) The use shall be maintained in an existing structure.

34 (2) Any exterior renovations shall be compatible and comply with the Secretary of the
35 Interior's Standards for Rehabilitation.

36 (3) No goods, wares, or merchandise shall be commercially stored, displayed, created,
37 exchanged, or sold on the premises.

38 (4) The use may not create a nuisance due to noise, vibration, smoke, electrical
39 interference, dust, heat, glare, or obnoxious odor.

40 (5) No outside storage of equipment or materials shall be permitted.

41 (6) Garbage collection areas shall be completely screened from view.

42 ~~(7) One monument sign not to exceed 12 square feet shall be permitted. The sign shall~~
43 ~~be reasonably landscaped and properly maintained.~~

44 (8) The BZA may limit the hours of operation.

45 (9) The BZA may limit the hours that delivery vehicles used to deliver goods are
46 permitted.

47 (10) Requirements for parking shall conform to parking and loading regulations.

48 50. An Adaptive reuse of a nonresidential structure in a residential district shall be regulated as
49 follows:

50 a. The Board of Zoning Appeals must determine the use is compatible with area.

51 b. The Board of Zoning Appeals may limit the hours of operation and/or impose other
52 conditions to fit the particular site under review.

53 c. The use shall be maintained in an existing structure. Additions must comply with the
54 setback requirements of the district in which the building is located.

55 d. No outside storage of equipment or materials is permitted.

56 e. The use shall not create a nuisance due to noise, vibrations, smoke, electrical
57 interference, dust, heat, glare, or obnoxious odor.

58 ~~f. The structure proposed for the adaptive reuse must have historic, architectural, or~~
59 ~~economic value to the City justifying renovation and preservation, as determined by the~~
60 ~~Board of Zoning Appeals.~~

61 g. The Board of Zoning Appeals must determine that the long-term benefits of the
62 proposed adaptive reuse outweigh any negative impact on the surrounding
63 neighborhood and on the City, as compared with the alternative of having the structure
64 demolished or remaining vacant and underutilized.

65 h. The use shall not create unacceptable congestion or traffic hazards on the neighboring
66 streets.

67 i. Eligible reuses include: Art Gallery, Assisted Living Facility, Bed and Breakfast, Medical
68 Clinic or Dental, Multi Family Dwelling, Laboratory, Museum, Nursing Home, Professional
69 Service Establishment, Professional Office. For any other uses not listed, the Board of
70 Zoning Appeals shall determine whether the proposed use is similar as those listed and
71 similar in terms of impact on the neighborhood. A change in use from one eligible use
72 to another requires a new conditional use permit.

73 ~~j. Renovations shall not be so extensive as to strip the building of its historic integrity.~~
74 ~~Character defining features of historic buildings shall remain intact.~~