



Planning, Streets and Traffic Committee
Monday, January 13, 2025, at 5:00 p.m.

AGENDA

Join via internet at:

<https://us02web.zoom.us/j/85600017690?pwd=YtaSqrmlj4m56jWbug0mzDflAeDaa.1>

Or call: 312-626-6799 or 929-436-2866 or 346-248-7799

Meeting ID: 856 0001 7690

Password: 576506

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

Bill No. 8049 - 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.

4. **Discussion**
5. **Approval of the Minutes of October 15, 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: January 8th, 2025
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 Closure: Bill No. 8049 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft wide by 120 ft long alley across Block 21 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 288 & 292 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 at charlestonwv.civicclerk.com or in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

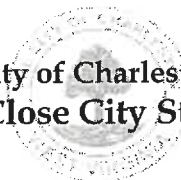
For more information, please call (304) 348-8105, email lori@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

Lori Brannon
Planner – City of Charleston

City of Charleston

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



Applicant Information	Property Information
Name: Cabin Creek Health Systems, Inc.	Street, Alley, or Right-of-way to be closed or abandoned: Alley-Lots 7, 4, 5 & 6 Bl. 21, J. Brisben Addy, Chas. West Dist.
Address: 104 Alex Lane Charleston, WV 25304	Tax Map and Parcel: Tm 25 / TP 288 & 292
Phone: (304) 654-3812	Agent's Name if Different from Applicant: Jonathan Nicol, Esq. 304-345-8900

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: Jonathan Nicol, Agent Date: 12-6-24

**Narrative Submitted with
Cabin Creek Health Systems, Inc.'s Application to Close Alley**

Applicant is in the process of renovating and revitalizing the former Post Office/Kroger building (the "Building") located at 303 Ohio Avenue to make it a health center to meet the medical and health service needs of the residents of Charleston and neighboring communities. See the attached photograph of the exterior of the renovated Building marked as Narrative Exhibit A. (Photographs of the Building before Applicant's renovation can be seen in Narrative Exhibit B.)

I. Statement Outlining the Reason for the Requested Closure. In the front of the Building facing Ohio Avenue, its block pillars and a portion of the sidewalk and porch roof encroach into a portion of an alley. Applicant is not requesting the closing of the entire length of the alley but only the portion of the alley that is in front of the Building (the "Subject Portion of the Alley"). The Subject Portion of the Alley has not been used by the public as an alley for decades (probably since the early 1960's). Originally, it was a portion of the Kroger parking lot and then a portion of the Post Office parking lot. The Post Office fenced off the Subject Portion of the Alley and built a concrete island across it. See the attached photographs marked as Narrative Exhibit B.

The proposed benefit to the public as a result of the closing is (i) to allow the health center to serve the medical and health service needs of the residents of Charleston and neighboring communities and (ii) to allow the surrounding neighborhood to benefit from the revitalization of the Building and the surrounding property owned by Applicant without the use of any of the City's funds.

II. Statement of Justification for the Proposed Closure. The Subject Portion of the Alley has not been used by the public as an alley for decades. Originally, it was a portion of the Kroger parking lot and then a portion of the Post Office parking lot. The Post Office fenced off the Subject Portion of the Alley and built a concrete island across it. See the attached photographs marked as Narrative Exhibit B. Further, the revitalization of the Building and the surrounding property owned by Applicant will benefit the surrounding neighbors and neighborhood.

III. Statement Regarding the Current Use of the Street or Alley or Right-of-way. The current use of the Subject Portion of the Alley is as a portion of a parking lot, and, as stated above, its former use for decades as been as a portion of a parking lot containing a concrete island barrier running perpendicularly across the alley.

The Subject Portion of the Alley is not currently, and has not been for decades, a part of the City's pattern of roadways.

IV. Statement identifying any encroachments on the subject property. In the front of the Building facing Ohio Avenue, its block pillars and a portion of the sidewalk and porch roof encroach into the Subject Portion of the Alley. See the attached photograph marked as Narrative Exhibit C.

NARRATIVE EXHIBIT A



NARRATIVE EXHIBIT B







Google

NARRATIVE EXHIBIT C

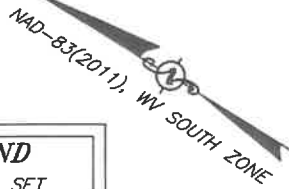


PLAT OF SURVEY

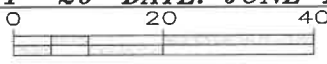
SHOWING

THE ABANDONMENT OF A PORTION OF AN ALLEY IN THE CITY OF CHARLESTON KANAWHA COUNTY, WEST VIRGINIA

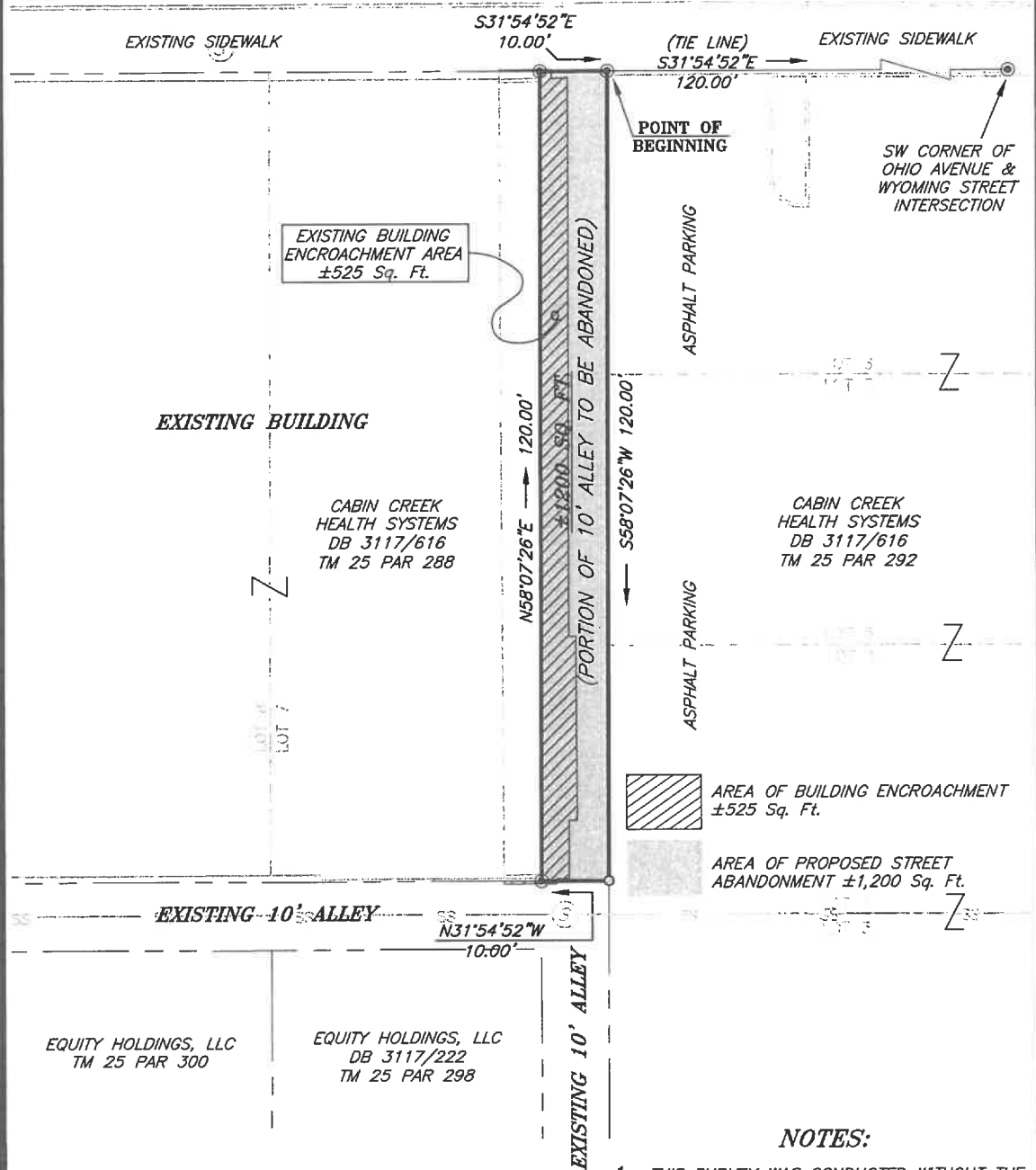
SCALE: 1"=20' DATE: JUNE 17, 2024





LEGEND	
●	P-K NAIL SET
○	CALCULATED POINT



WYOMING STREET



 AREA OF BUILDING ENCROACHMENT ±525 Sq. Ft.

 AREA OF PROPOSED STREET ABANDONMENT ±1,200 Sq. Ft.

NOTES:

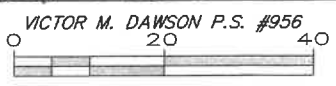
1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.
2. BY VISUAL ABOVE GROUND INSPECTION ONLY, THERE APPEAR TO BE NO UNDERGROUND UTILITIES WITHIN THE PROPOSED STREET ABANDONMENT AREA.

EQUITY HOLDINGS, LLC
TM 25 PAR 300

EQUITY HOLDINGS, LLC
DB 3117/222
TM 25 PAR 298



Victor M. Dawson



POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
potesta@potesta.com



200 Civic Center Drive, 14th Floor
 Columbus, Ohio 43215
 T (614) 430-5096

www.cbre.com/valuation

Date of Report: September 11, 2024

Mr. Jake VanHorn

CABIN CREEK HEALTH SYSTEMS
 104 Alex Lane
 Charleston, West Virginia 25304

RE: Appraisal of: Land
 303 Ohio Avenue
 Charleston, Kanawha County, West Virginia
 CBRE File No.: CB24US059321-1

Dear Mr. VanHorn:

At your request and authorization, CBRE, Inc. has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Appraisal Report.

The subject property consists of an existing 10' unimproved alley to be abandoned by the City of Charleston. It is located between Randolph and Wyoming Streets and adjacent to parcels 20-12-0025-0292-0000 and 20-12-0025-0288-000 that have the address of 303 Ohio Avenue, Charleston, Kanawha County, West Virginia.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
As Is - Land	Fee Simple Estate	September 9, 2024	\$7,000
Compiled by CBRE			

The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), and the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. It also conforms to Title XI Regulations and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989

(FIRREA) updated in 1994 and further updated by the Interagency Appraisal and Evaluation Guidelines promulgated in 2010.

The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. As a condition to being granted the status of an intended user, any intended user who has not entered into a written agreement with CBRE in connection with its use of our report agrees to be bound by the terms and conditions of the agreement between CBRE and the client who ordered the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by any party to any non-intended users does not extend reliance to any such party, and CBRE will not be responsible for any unauthorized use of or reliance upon the report, its conclusions or contents (or any portion thereof).

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES



Eric Lazear, CCIM
Vice President
Phone: (614) 430-5096
Email: eric.lazear@cbre.com



Michael Leahy, MAI
Director
Phone: (412) 471-2366
Email: Michael.leahy@cbre.com

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

REQUEST:

Bill No. 8049 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft by 120 ft alley across Block 21, JB Walker Addition, adjacent to map 25, parcels 288 & 292 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:

The original structure on the site, formerly the home of USPS, encroached into the subject alley when it was built. After some years of vacancy, Cabin Creek Health Systems bought the property and made improvements to the structure. These also encroach into the right-of-way. Approval of the request would simply update tax records and mapping to reflect current conditions.

ANALYSIS:

The alley is not part of the City's pattern of roadways and the petitioner is the only affected neighbor because they own all the property abutting the alley under consideration. Randolph and Wyoming Streets and Ohio Avenue provide sufficient access to properties nearby. Also, a portion of the alley serving the rear yards of adjacent properties will remain open.

EXHIBITS:



Bill No. 8049

Introduced in Council

Passed by Council

January 6, 2025

Introduced by

Referred to

Councilman Michael Ferrell

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

1 A Bill closing, abandoning and discontinuing as a public right-of-way, a 10 foot wide by
2 120 foot long alley across Block 21 of the JB Walker Addition, adjacent to Tax Map 25
3 Parcels 288 & 292 Charleston West District, Kanawha County, West Virginia.
4
5

6 **BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA**
7
8

9 1. The 10 foot wide by 120 foot long public right located between Lot 7 and Lots 4, 5
10 and 6 Block 21, J. Brisben Walker Addition, situate in Charleston West District, Kanawha
11 County, West Virginia, as shown on the that certain map entitled "PLAT OF SURVEY
12 SHOWING THE ABANDONMENT OF A PORTION OF AN ALLEY IN THE CITY OF
13 CHARLESTON KNAWHA COUNTY, WEST VIRGINIA" prepared by Victor M. Dawson,
14 P.S. #956, dated June 17, 2024, and attached hereto as Exhibit A. The alley is more
15 particular described as follows:
16

17 The northern portion of a 10 foot alley situate between Wyoming
18 Street and Randolph Street and west of Ohio Avenue in the J. Brisben
19 Walker Addition to West Charleston in the City of Charleston, Kanawha
20 County, West Virginia, and being more particularly described as follows:
21

22 Beginning at a P-K nail set in the eastern line of a 10 foot alley and
23 in the southern line of Wyoming street, at the northwest corner of Cabin
24 Creek Health Systems, recorded in Deed Book 3117 at Page 616 and
25 designated as Tax Map 25 Parcel 292, from which a P-K nail set at the
26 southwest corner of the Ohio Avenue and Wyoming Street intersection
27 bears S31°54'52"E at 120.00 feet, thence leaving the southern right of way
28 line of Wyoming Street and running with said Cabin Creek Health Systems
29 along the eastern line of said 10 foot alley S58°07'26"W, 120.00 feet to a
30 calculated point, thence crossing through said 10 foot alley N31°54'52"W,
31 10.00 feet to a P-K nail set in the western line of said 10 foot alley and at
32 the southeast corner of land owned by the aforementioned Cabin Creek
33 Health Systems and designated as Tax Map 25 Parcel 288, thence
34 continuing with the western line of said 10 foot alley and Cabin Creek Health

35 Systems N58°07'26"E, 120.00 feet to a P-K nail set in the southern line of
36 Wyoming Street, thence leaving said Parcel 288 and running with the
37 southern line of Wyoming Street S31°54'52"E, 10.00 feet to the POINT OF
38 BEGINNING, containing 1200 square feet, more or less.

39
40
41 2. The Mayor of the City of Charleston be, and is hereby authorized and directed to
42 execute, acknowledge and deliver a proper deed conveying to Cabin Creek Health
43 Systems, Inc., a West Virginia non-profit corporation, and its successors and assigns, all
44 right, title and interest in and to said real property as described in Section 1 above, for the
45 consideration of Seven Thousand and 00/100 Dollars (\$7,000.00).

46
47 3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are
48 hereby repealed to the extent of such inconsistency.

Planning, Streets and Traffic Committee
Tuesday, October 15, 2024, at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover, Chair
Bobby Haas
Becky Ceperley
John Gionola
Pam Burka

Staff Present

Dan Vriendt

Public

Cory Stout
Maria Belcher

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.

Dan presented the staff notes. This is the second time that PS&T is going through an alley-closing process. This is an “H” alley that had the horizontal portion of the “H” closed a long time ago. Another portion of the alley was closed approximately 20 years ago. It went through all the proper channels, had an appraisal and was approved by Council. A building permit was issued, and a building was built over top the alley. Payment was never made, and a deed was never prepared. The paperwork was never finalized. Now, in the process of wanting to do additional work at this location, Goodwill Industries realized that this alley was never formally vacated. For this reason, the alley-closing is going through the process again. It is worth noting that there is a building over half the portion of the alley. The alley was appraised at \$13,000 or \$4.50 per square foot. All the relevant city departments have reviewed and approved the request. The bill is making a provision for a 10’ storm sewer easement that runs through the property. Staff recommends closing the alley since it does not disrupt the existing patterns of streets or sidewalks and does not negatively impact traffic flow. The petitioner is the sole property owner on both sides of the alley.

MOTION AND VOTE: A motion was made by Becky Ceperley to approve Bill No. 8045. John Gionola seconded the motion. The motion passed by a unanimous vote of 5-0.

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.

Dan presented the staff notes. In the interest of full disclosure, this bill is a change to the zoning ordinance, so it is a policy change. This involves The Ruffner at 1500 Kanawha Boulevard at the corner of Ruffner and Kanawha Boulevard. It is a large stately stone house. Cory Stout and Maria Belcher are partners in this project, and they are in attendance if the committee has any questions.

Currently, this property is zoned R-10. It is zoned for multi-family residential and can also be used as a professional office. These big houses are really hard to maintain as a single-family dwelling. This same issue occurred with Governor MacCorkle's Sunrise Mansion. The purpose of Bill No. 8046 is to modify that original bill, which was an adaptive reuse of a historic structure. It was through a conditional use permit that Farmer, Campbell, Cline law offices ended up in a historic structure in a residential neighborhood.

With The Ruffner, the owners are proposing to do a bed and breakfast and event space. Those categories are not permitted in the Land Use Table for an adaptive reuse of a historic structure. However, it this use does seem to fit well with this house and other houses in the city appropriate for this type of use. Basically, a bed and breakfast and event venue is being added to the adaptive use of a historic structure. Also, additional language is being modified to make it consistent with an adaptive use of a non-residential structure. The reuse of a structure is being renamed to an adaptive reuse of a historic structure. These two entities are very similar processes that they end up next to each other in the Land Use Table.

There is some clean up also involved with the amendment such as a monument sign not to exceed 12', which is already covered in the sign regulations. Basically, this is expanding what you can ask for with a historic structure as a conditional use permit.

The owners of The Ruffner are going to make application for a conditional use permit before the Board of Zoning Appeals where a public hearing will be held, and they will get all the input from the neighborhood. They will have to address parking.

The staff recommends approval of Bill No. 8046.

MOTION AND VOTE: A motion was made by Beckey Ceperley to approve Bill No. 8046. The motion was seconded by John Gionola. The motion passed unanimously by a vote of 5-0.

4. Discussion

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

MOTION AND VOTE: A motion was made by Beckey Ceperley to adopt the minutes of the August 12, 2024 meeting. The motion was seconded by John Gionola. The motion passed unanimously by a vote of 5-0.

6. Adjournment