

Minutes
Huntington Planning Commission
April 03, 2023

A meeting of the City of Huntington Planning Commission was held on April 03, 2023 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Gallagher* called the meeting to order.

Members Present: Brian Gallagher, Sarah Walling, Sharon Pell, Carl Eastham, Ursulette Ward, Holly Smith Mount

Members Absent: Gerry Holley, Stephanie Vlahos Bryant

Staff Present: Breanna Shell, Planning Director
Ericka Hernandez, Assistant City Attorney
Patricia Usher, Zoning Officer

Mr. Eastham made a motion to approve the February Minutes as presented; *Ms. Mount* seconded the motion. All were in favor, and the Minutes were approved.

PC 23-RC-01

A petition to rezone property to C-1 Neighborhood Commercial District from R-1 Single-Family Residential District. This property is located west of 722 22nd St. W., and includes the southern portion of 2303 Jefferson Ave. and all of Cabell County District 7 Map 55 Parcel 56.1 – a parcel adjacent to the southern portion of 2303 Jefferson Ave.

Petitioner: Tia Rumbaugh, 529 6th Ave. Huntington, WV

Ms. Shell presented the Staff Report.

Mr. Gallagher – What is the condition that would allow a greenhouse opposed to what is permitted by right in residential and Commercial districts?

Ms. Shell stated that in every district there are uses that are allowed by right and uses that are allowed through the City's Conditional Use process, which means a public hearing with the Board of Zoning Appeals.

Mr. Gallagher – Is the access to the property from Madison Avenue?

Ms. Shell stated that one parcel does not have direct access from Madison Avenue and would be reached by going through the other parcels that do front on Madison Avenue.

James Rumbaugh, 3600 Oakview Drive, is requesting to rezone property to C-1 Neighborhood Commercial from R-1 Single-Family Residential District. Mr. Rumbaugh stated that they had started their commercial greenhouse business in 1995 and now they are one of the only businesses in the City where you can get a lot of your plant growing necessities.

Ms. Walling – It was mentioned that Creed Warner is going to be leasing property to provide additional services, do you know what those services will be?

Mr. Rumbaugh stated that Mr. Warner will be offering shrubbery, small trees, and assisting clients with Landscaping.

Creed Warner, Tri-state Lawn and Landscape Pros, 2205 South Inwood Drive, stated that their business had grown out of their older facility on Piedmont Road. They then stated that this location is a perfect place to continue and grow their business for the betterment of the community.

Tia Rumbaugh, 529 6th Avenue, mentioned how their family had been at this location for many years and now her family is looking to retire. She states that Mr. Warner has been the location manager since December and has

already done great things for the property, allowing a rezoning would give him a better chance to grow and succeed.

Ms. Mount made a motion to forward the petition with a favorable recommendation to City Council, *Ms. Walling* seconded the motion.

Roll Call; Mr. Gallagher, Yes; Ms. Walling, Yes; Ms. Pell, Yes; Ms. Ward, Yes; Mr. Eastham, Yes; Ms. Mount, Yes.

Motion passes to forward a favorable recommendation by a vote 6 Yes to 0 No.

PC 23-AB-02

A petition to abandon a portion of 22nd Street located north of 2nd Avenue running northwest approximately 484' towards the Ohio River, and a 30' wide unimproved portion of the northern part of 2nd Avenue beginning at the intersection with 22nd St. and running approximately 299' southwest.

Owner: City of Huntington, 800 5th Avenue, Huntington, WV

Petitioner: Marshall University Board of Governors, 1 John Marshall Drive, Huntington, WV 25755

Ms. Shell presented the Staff Report.

Ms. Mount – Asked for clarification on the fee or the amount stated in the Staff Report.

Ms. Shell states that it is not a fee rather the appraised cost of the Right of Way being proposed to be abandoned. She then states that the request is that instead of paying the appraised cost of \$130,100.00, they instead would pay \$250.

Ms. Mount – Did we waive this last time for the previous abandonment?

Ms. Shell stated that the appraisal cost for the 24th Street abandonment was waived due to the fact that Marshall University would invest in a portion of the Right of Way for improvements.

Ms. Walling – What is being requested is not the waiving of a fee acquired to do the appraisal but the actual cost of the land after the appraisal was done?

Ms. Shell stated that is correct. Ms. Shell also mentions that the previous abandonment of 24th Street also had no exchange of money; however, it was a trade in kind for land.

Ms. Walling motions to consider the three petitions from Marshall University together, *Mr. Eastham* Seconded the motion.

There was no objection by members of the Planning Commission, therefore all three petitions are considered together for this meeting.

Toney Stroud, 1 John Marshall Drive, General Counsel for Marshall University, previously the Marshall University Baseball stadium was going to be located at the 5th Avenue site; however, for various factors and more research they decided on the 2nd Avenue site. Mr. Stroud stated they are now asking to abandon 22nd Street and reopen 24th Street. He then went on to say that Marshall University did pay the cost to have the Right of Way appraised at 22nd Street. Lastly, Mr. Stroud stated that they will have to move a gas line that runs down the middle of the street and this will cost more than the appraised value of the Right of Way.

Ms. Mount and *Ms. Walling* made comments appreciating the explanation from Mr. Stroud that the cost to work on the gas line would cost much more than the appraised value of the Right of Way.

Ms. Walling made a motion to forward the petition with a favorable recommendation to City Council, *Ms. Mount* seconded the motion.

Roll Call; Mr. Gallagher, Yes; Ms. Walling, Yes; Ms. Pell, Yes; Ms. Ward, Yes; Mr. Eastham, Yes; Ms. Mount, Yes.

Motion passes to forward a favorable recommendation by a vote 6 Yes to 0 No.

PC 23-MS-03

A proposal to develop an indoor recreation facility on a property that is approximately 4.11 acres. The property is located south of Madison Avenue on Cheshire Way at the intersection with Park Avenue and zoned C-1 Neighborhood Commercial District.

Ms. Shell presented the Staff Report.

Ms. Mount – Is this large dome going to be 5ft away from the apartment complex?

Ms. Shell, stated that not every property line is at the 5ft setback mark, 5ft is the closest point to a section of one of the adjacent parcel's line. She also mentioned that not all of the walls of the dome are 67ft tall just the highest point in the center of the structure.

Ms. Walling – Were the occupants of the adjacent apartment complex notified of the previous BZA meeting?

Ms. Shell confirmed letters were sent to all adjacent property owners and residents for the previous BZA meeting as well as this meeting. She mentioned that some citizens attended the BZA meeting though she was unsure if any residents from the apartment complex attended the meeting.

Bryan Richter, CNI Design, 101 Southeast Parkway, Franklin TN, stated that the structure will actually be about 70ft to 80ft away from the apartment complex. Mr. Richter mentioned that with regards to snow, when it lands on the dome it should melt and roll down the sides like rain; this has also been taken into account with the properties storm water design. Lastly, he mentioned that with the elevation certificate they submitted to the Planning and Zoning office, their development should not affect the floodplain.

Ms. Mount – Is the dome a large bubble? Want to understand how it is inflated?

Mr. Richter explained that the generator being used is very quiet and when fully functioning only produces less than 60 decibels. He then stated that the purpose of the generator is to make sure that the structure does not come down.

Ms. Walling made a motion to approve the plans presented, *Mr. Eastham* seconded the motion. Motion passed to approve the plans by a vote of 6 Yes to 0 No.

Comprehensive Plan

A proposal to adopt procedure for public participation during the Comprehensive Plan update process.

Ms. Shell presented the procedures for public input reflecting the changes that were adopted at the February 06, 2023 Planning Commission meeting.

Ms. Walling made a comment that she felt very confident that after hearing plans for public engagement from Planning and Zoning staff, public comment will truly be taken into consideration.

Ms. Shell presents the findings thus far since the release of the City's Comprehensive Plan survey.

Ms. Mount motioned to adopt the procedures as they were presented, *Ms. Walling* seconded the motion.

Roll Call; Mr. Gallagher, Yes; Ms. Walling, Yes; Ms. Pell, Yes; Ms. Ward, Yes; Mr. Eastham, Yes; Ms. Mount, Yes.

Motion passes to adopt the procedures for Public Engagement by a vote 6 Yes to 0 No.

Ms. Mount motioned to adjourn the meeting, *Ms. Walling* seconded.

Roll Call; Mr. Gallagher, Yes; Ms. Walling, Yes; Ms. Pell, Yes; Ms. Ward, Yes; Mr. Eastham, Yes; Ms. Mount, Yes.

Meeting adjourned at 6:40 P.M.

Date approved: 5/1/23

Chairperson: Brian Gallagher
Brian Gallagher, Chair

Prepared by: Nate Crum
Nate Crum, Planning Technician