

Agenda

Huntington Planning Commission Monday, August 4, 2025 – 5:30pm

- 1. Preliminaries
- 2. Call to Order
- 3. Roll Call
- 4. Approval of the July 7, 2025 Minutes
- 5. Unfinished Business

PC 25-07

Issue: A petition to rezone from R-4 Two-family Residential to C-2 Highway Commercial the following parcels; 321 30th St & 2978 4th Ave, 2964-64 R 4th Ave, 2962 4th Ave, 2960 4th Ave, and 2958 4th Ave.

Property Location: 321 30th St & 2978 4th Ave, 2964-64 R 4th Ave, 2962 4th Ave, 2960 4th Ave, 2958 4th Ave

Petitioner/Property Owner: Huntington First Church of the Nazarene, 321 30th St., Huntington, WV 25702

6. New Business

PC 25-08

Issue: Site plan review of a public utility installation to include redevelopment of a wastewater treatment plant that is approximately 27.5 acres.

Property Location: 5010 Sunset Dr., Huntington, WV 25704

Petitioner: Huntington Sanitary Board, 555 7th Ave., Huntington, WV 25701

Property Owner: City of Huntington, P.O. Box 1659, Huntington, WV 25717

- 7. Good and Welfare
- 8. Other Business or Announcements
- 9. Adjournment

Minutes Huntington Planning Commission July 7, 2025

A meeting of the City of Huntington Planning Commission was held on July 7, 2025 at 5:30 p.m. in the City Council Chambers, 800 5th Avenue, Huntington, WV 25701.

Members Present: Holly Mount, Ford Rucker, Charles Shaw, Sharon Pell, and Jean Simmons

Members Absent: Sarah Walling, Ursulette Ward, CW Dolin, and Carl Eastham

Staff Present: Steve Curry, Associate Planner

Ericka Hernandez, Assistant City Attorney

Mr. Rucker made a motion to amend the June 2, 2025 minutes to replace "inaudible" to "…has there been any businesses interested in the property…" *Mr. Shaw* seconded the motion. All were in favor, Minutes were amended.

Mr. Shaw motioned to approve the amended June 2, 2025 minutes. *Mr. Rucker* seconded the motion. All were in favor, amended Minutes were approved.

Mr. Rucker made a motion to move PC 25-07 to the next meeting. *Ms. Simmons* seconded the motion. All were in favor, petition PC 25-07 was moved to the next meeting.

Old Business

PC 23-MS-13

Issue: **Extension of December 4, 2023 Decision regarding**: Plan review of a proposal to redevelop two parcels known as 2923 Park Avenue on a property that is approximately 4.827 acres into an indoor manufacturing and production business as well as a location for a Distribution Facility business. The property is located at the southeast corner of the intersection of Camden Road and Park Avenue and zoned I-1 Light Industrial/Commercial District.

Mr. Curry read the staff report.

Ms. Mount asked if the extension was due to the delay of the start of construction. Ms. Hernandez stated that development project plans are required to submit their final plans 18 months after their preliminary plans are approved.

Ms. Mount asked if anyone in the audience was present in support of the petition. No one responded.

Ms. Mount asked if anyone was present to speak in opposition of the petition. No one responded.

Mr. Rucker motioned to approve the extension of the plans. *Mr. Shaw* seconded. All were in favor, the extension was approved.

Appointment of Planning Director

Cathy Burns, Executive Director of Planning & Development, stated that Mayor Farrell has selected Zane Parsley for the role of Planning Director. Ms. Burns stated the search was exhaustive and Mr. Parsley has worked extensively to meet the job expectations to prepare for the role.

| Mr. Shaw asked how many people applied to the | position. Ms. Burns stated it was an extensive list. |
|---|---|
| Mr. Rucker motioned to appoint Zane Parsley to the F were in favor, Mr. Parsley was appointed to the Plann | Planning Director position. <i>Ms. Pell</i> seconded the motion. All ing Director position. |
| Meeting adjourned at 5:47 pm. | |
| Date approved: | |
| Chairperson: | Prepared by: |
| Holly Mount, Chair | Kenzie Roland, Planner I |

City of Huntington Planning Commission

July 7, 2025

Staff Report: A petition to rezone from R-4 Two-family Residential District to C-2 Highway Commercial District.

PC 25-07

Issue: A petition to rezone from R-4 Two-family Residential to C-2 Highway Commercial the following parcels; 321 30th St & 2978 4th Ave, 2964-64 R 4th Ave, 2962 4th Ave, 2960 4th Ave, and 2958 4th Ave.

Owners:

• Huntington First Church of the Nazarene, 321 30th St., Huntington, WV 25702

Petitioners:

• Huntington First Church of the Nazarene, 321 30th St., Huntington, WV 25702

Introduction

Huntington First Church of the Nazarene is the petitioner to this request to rezone five parcels from R-4 Two-Family Residential to C-2 Highway Commercial District.

Snapshot Overview

Existing zoning:

• R-4 Two-Family Residential

Proposed zoning:

• C-2 Highway Commercial

Future Land Use Map:

• Traditional Residential

Rezoning Standard

The Planning Commission must consider the following when reviewing a petition for rezoning:

- 1. Is the proposed rezoning consistent with the comprehensive plan?
- 2. If *not* consistent with the comprehensive plan, have there been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted?
- 3. If there have been major changes, have those changes substantially altered the basic characteristics of the area?

Use of the Future Land Use Map

The Future Land Use Map is a part of the comprehensive plan and illustrates the location, type, and character of future land uses as identified by an analysis of Huntington's existing conditions, historic context, evolving trends, future land use needs, and future priorities and goals.

However, *unlike a zoning map*, the Future Land Use Map is *not* intended to include elements such as sharp lot lines or parcels, because it is not intended to provide strict regulatory boundaries. Rather, the Future Land Use Map is a generalized vision that represents the development the community wishes to see overtime. As a result, *the edges of future land use areas will require detailed evaluation*.¹

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¹ Plan2035 Comprehensive Plan at p. 69.

Comprehensive Plan

The Plan2035 Future Land Use Map designates part of this area as Traditional Residential.

Characteristics include:

- A mix of housing type and uses interspersed throughout the primarily residential area
- A medium density of single-family and two-family homes between 6 and 11 units per acre
- Smaller lots with grid streets where parking primarily enters from the alley
- Sidewalks throughout
- Residential density per acre increases in areas of transition or busier corridors
- New development is incremental and designed to infill into the prevailing architectural standards of the district
- Commercial uses are sparse and with conditions

Existing Conditions

The five parcels are all owned and occupied by Huntington First Church of the Nazarene. The large parcel on the corner of 4th Ave and 30th St is where the church itself sits, along with a community center type structure. The remaining parcels contain a parking lot, two empty lots and a community garden area.

Proposed Conditions

The petitioners are proposing to rezone properties to a C-2 Highway Commercial District to allow for more permitted uses by right.

According to Article 1329.01, the purpose of the C-2 Highway Commercial District is "to

provide varied professional, personal, and retail services convenient to the neighborhoods in an attractive setting and considerate of traffic safety concerns resulting from location along the major corridors of the city."

The C-2 Highway Commercial District permits a variety of uses by-right that are mostly non-permitted in an R-4 District. A permitted uses comparison chart is included with the staff report.

Pictures



View of the lots proposed to be rezoned between 4th Ave and the alleyway between 4th Ave and 5th Ave from the intersection of 4th Avenue and 30th St.



View of the lots proposed to be rezoned between 4th Ave and 5th Ave Alleyway from the corner of the Alleyway intersecting 30th St.



View of the lots proposed to be rezoned from 4th Ave in between 29th St and 30th St.

Staff Comments

The petitioner, is requesting a zoning map amendment to rezone the subject property from R-4 Two-Family Residential to C-2 Highway Commercial to permit the operation of a coffee shop within the existing church building. The use is proposed as a community-serving amenity operated by or in partnership with the church.

The *Plan 2035* Future Land Use Map designates this area as **Traditional Residential**, which encourages the

preservation and enhancement of low- to moderate-density residential neighborhoods. The vision for these areas includes singlefamily homes, duplexes, and small-scale multifamily residences.

A small-scale, church-operated coffee shop may provide a community benefit and gathering space. This use is in line with the vision of the comprehensive plan to allow small sustainable development in residential neighborhoods that serve residential needs. However, in the event that the church vacates the property, the C-2 zoning would allow a broader range of commercial uses beyond the stated intent of the petitioner.

The request of the petitioner presents a unique situation in which a community-serving use is proposed within an institutional building, in a way that may align with neighborhood needs.

This presents both opportunities and concerns. Therefore, staff has a neutral recommendation.

Attachments

- Application
- Permitted Uses Comparison Chart
- Aerial Map
- Zoning Map
- Future Land Use Map

| For office use only | | | | |
|---------------------|---------------|--|--|--|
| Received: | Project Name: | | | |
| | | | | |



City of Huntington

Planning & Zoning

P.O. Box 1659 | Huntington, WV 25717

(304) 696-5540, option 3

planningdept@huntingtonwv.gov

Application for Petition for Zoning Map Amendment

| Applicant Name: Huntington 1st Church of the Nazarer | ne |
|--|---|
| Mailing Address (city, state, zip): 321 30th St. Huntingt | |
| Email: church@hfcnaz.com | |
| Current Zoning Classification: R-4 | |
| Proposed Zoning Classification: C-2 | |
| The number of property owners in the area requested: $\frac{1}{}$ | |
| Description of Properties: | |
| 321 30th St., 2978 4th Ave., 2964 4TH Ave., 2962 4TI | H Ave., 2960 4TH Ave., 2958 4TH Ave. |
| Address(es) Highlawn - 321 30th St. & 2978 4th (05 12009600 | 000000) 2979 4th Ave., 2964 4TH Ave., (05 1201010000000) |
| 2962 4TH Ave. (05 1201020000000) 2960 4TH Ave., 2958 4TH. | Ave. (05 12010300000000) 2958 4TH Ave. (05 1201040000000) |
| Legal description (district, tax map, parcel number(s), etc.) | |
| Your application represents that such reclassification as he and is consistent with the surrounding circumstances of the the City of Huntington would be served by the rezoning he | area concerned, and that the orderly development of |
| This application, requesting a petition for an amendment to Zoning Map, shall be presented to the office of the Planning (50%) or more of the real property area to which the applic | Commission duly signed by the owners of fifty percent |
| More Plas | May 4, 2025 |
| Signature of Applicant | Date |

*All applications to be submitted must be typed or legibly written in blue or black ink.

Application for Petition for Zoning Map Amendment

ATTACHMENT A

In making its decision to approve or deny a Zoning Map Amendment request, the Planning Commission must consider the following. Please provide a written statement on how the proposed Zoning Map Amendment will affect each of the following considerations:

| 1. | Is the proposed rezoning consistent with the comprehensive plan? Yes |
|----|---|
| | |
| 2. | If not consistent, have there been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted? |
| | Where as our church has always had the social nature of being neighborhood focused, we do hope to expand that |
| | social aspect to include a mobile Coffee Shop take-up residence on and off. |
| 3. | If there have been major changes, have those changes substantially altered the basic characteristics of the area? No |
| | |
| 4. | How will the new zoning classification complement the existing uses and zoning nearby? |
| | As our hope in rezoning allows us to do more in opening-up our space to the neighborhood, our plan is more low-ke |
| | which we believe fits well with the neighborhood. |
| 5. | Do the current zoning restrictions / permissions diminish the property values of the properties proposed for rezoning? |
| | I don't believe so, but not certain |
| | |
| 6. | How will the proposed rezoning benefit the public, including the public health, safety, and general welfare? |
| | From a neighborhood stance, it will allow people to gather and spend time together socially and meet professionally |
| | It will also add to the public health as our properties are very walkable and easily accessible |
| 7. | How is the current zoning a hardship to the property owner/s? |
| | Currently, we don't believe we can bring-in the mobile Coffee Shop as we are zoned residential, which we believe |
| | hasn't ever classified us correctly, as the nature of a church is based on social connectivity |
| | |

Application for Petition for Zoning Map Amendment

ATTACHMENT A Cont'd.

| It very simply fits within the parameters for social connectivity which fits perfectly with the |
|---|
| mission of the church |
| If the subject properties are vacant, how long have they been so? They are not vacant |
| |

For more information see: http://www.cityofhuntington.com/i-want-to/learn-about/plan-2025 at p. 127 of the pdf for future land use portion of the current comprehensive plan. The Future Land Use Map is on p. 133 of the pdf. Other future plans at p. 137 of the pdf; look for Actions & Strategies that include your district.

ATTESTATION OF ASSENT

AFFIDAVIT OF Huntington 1st Church of the Nazarene

(name of owner)

| State of West Virginia | |
|-------------------------------------|--|
| County of Cabell | 2964 4th Ave., 2962 4th Ave., 2960 4th Ave., 2 |
| | |
| | me, the undersigned Notary Public, the said affiant avers and says: |
| 1. I am the owner of property(| (ies) known and designated as 321 304 St., 2978 St./Ave.; |
| 2. I seek to amend the zoni | ing classification of my property(ies) from |
| C-2 | |
| 3. I certify that I have read and | examined the Application and Petition for Zoning Map Amendment and that |
| the statements of fact contained th | nerein are true; and |
| 4. I hereby authorize <u>Mar</u> | (lead petitioner) to represent this Petition on my behalf. |
| AND FURTHER THE AFFIANT SAITH | Affiant and Co-Petitioner |
| Acknowledged before me | this day of May by |
| GERSLA P. BELLORINI | 2025 |
| My commission expires | - DEAT 28: 2020 |
| | OFFICIAL SEAL NOTAMY PUBLIC STATE OF WEST VINGINIA Gerald Dalwayne Bellomy 1-07 Estate Office Offi |

PETITION AND ATTESTATION

| Hunting I certify that I am the owner of record of | ton 1st Church of the N | lazarene and I see | ek to amend the zoning |
|--|-------------------------|-----------------------|---|
| classification of the property(ies) listed herein from _ | R-4 | to | C-2. |
| certify that I have read and examined this documen | t and the attachment | s and say tl | hat all the information |
| provided are correct and true to the best of my knowledge. | edge. | | |
| (Applicant/Lead Petitioner to sign here) AND FURTHER THE AFFIANT SAITH NAUGHT. | | 1 | |
| | Affiant | | |
| Acknowledged before me this 6th, My commission expires 5407. 28, | day of May | | , (58) 2028 by |
| Notary Public | Seelon/ | <u> </u> | OFFICIAL SEAL NOTIATY PUBLIC STATE OF WEST VIRIGINIA Gerald DuMyayne Bullomy 147 Estate Dr Humfington WZ 5702 My Commission Expires September 28, 2 |



321 30th Street Huntington, WV 25702 304-525-6839 hfcnaz.com

May 15, 2025

Breanna Shell, Planning Director City of Huntington Planning and Zoning Huntington City Hall 800 Fifth Avenue, Rm 2 Huntington, WV 25717

Dear Ms. Shell

Huntington First Church of the Nazarene, as a Community Gathering and Community Garden, is requesting to be rezoned from R-4 Residential to C-2 (Commercial). Our local Church Board/Leadership Team voted unanimously on May 13, 2025, to authorize Reverend Price to request this change from the City of Huntington.

Thank you for your time and consideration.

Sincerely,

Reverend Marc Price, Lead Pastor

Lynda F. Turner, Church Board Secretary
Lynda J. June

Section 1320.04 Permitted Uses

The chart in this section lists all permitted uses, conditional uses, and use-specific standards.

| Legend | |
|------------------------------------|---|
| Permitted Use | • |
| Conditionally Permitted Use | 0 |
| Prohibited Use | |

| Table 1320.A: Permitted Uses | | | |] | Districts |
|---|-----|-----|------------|---------------------------|-----------|
| Use Type | R-4 | C-2 | (Reserved) | Use-Specific Standards | |
| Residential | | | | | |
| Single-Family Detached | • | | | | |
| Single-Family Duplex | • | | | 1323.03 | |
| Single-Family Attached (Townhouse) | • | | | 1341.48 | |
| Multi-Family Dwelling Units | | | | | |
| Home Occupations | • | | | 1341.22 | |
| Group Residential Facility | | • | | | |
| Dormitory | | | | | |
| Assisted Living or Congregate Housing | | • | | | |
| Halfway House | | 0 | | | |
| Manufactured / Mobile Home Park | 0 | 0 | | 1341.32 | |
| Live / Work Unit | | • | | | |
| Residential Flats Above | | • | | | |
| Lodging | | | | | |
| Boarding House | 0 | • | | | |
| Hotel / Inn | | • | | | |
| Motel | | • | | | |
| Civic / Community | | | | | |
| Cemetery | 0 | 0 | | 1341.29 | |
| Community Center | 0 | • | | | |
| Community Garden | • | • | | | |
| Cultural Institutions (Museum, library, cultural center, performance center, etc) | 0 | • | | | |
| Lodge, Private Club, or Social Hall | | • | | 1341.02 | |

| Use Type | | | (pa | ific ds |
|--|-----|-----|------------|---------------------------|
| | R-4 | C-2 | (Reserved) | Use-Specific Standards |
| Municipal or Government Facilities | 0 | • | | |
| Open Space | • | • | | |
| Penal or Correctional Institution | | 0 | | 1341.39 |
| Public Park and Recreational Facilities | • | • | | |
| Public Utility Installations | • | • | | |
| Redevelopment of Closed School, Public Building, Community Center, or Church | 0 | • | | 1341.51 |
| Religious Uses | 0 | • | | 1341.14 |
| School | 0 | • | | |
| School, Private | 0 | 0 | | |
| Shelter / Mission | | | | |
| Commercial | | | | |
| Adult Use | | 0 | | 1341.40 |
| Animal Boarding and Training | | • | | 1341.53 |
| Animal Hospital / Clinic | | • | | |
| Auto Service Station and Repair Shop | | • | | 1341.11 |
| Automotive and Other Vehicles Sales | | • | | |
| Banquet Halls or Conference Centers | | • | | |
| Bar | | 0 | | 1341.02 |
| Bar, Neighborhood | | 0 | | 1341.02 |
| Brewpub | | • | | 1341.02 |
| Carwash | | • | | 1341.10 |
| Commercial Greenhouse | | • | | |
| Communication Tower / Antennae | 0 | 0 | | 1341.12 |
| Commercial Recreational Facilities (Indoors) | | • | | |
| Commercial Recreational Facilities (Outdoors) | | 0 | | 1341.34 |
| Craft Production Facility (Microbrewery / Microdistillery / Microcidery) | | 0 | | 1211.02 |
| Data Centers | | • | | 1341.03 |
| Data Centers (Micro) | | • | | 1341.03 |
| Day Care (Child or Adult) | 0 | • | | 1341.09 & 1341.13 |
| Drive-In or Drive-Thru | | • | | 1341.08 |

| Use Type | R-4 | C-2 | (Reserved) | Jse-Specific Standards |
|---|-----|-----|------------|---------------------------|
| | | | (Re | Use. Sta |
| Financial Institutions | | • | | |
| Firearms Sales Establishments | | • | | |
| Flea Market | | 0 | | |
| Fuel Sales | | • | | 1341.54 |
| Funeral Home | | • | | |
| Hospitals | | 0 | | 1341.44 |
| Indoor Shooting Range | | | | 1341.52 |
| Laundromat | | • | | |
| Laundry and Dry Cleaning Pick-Up | | • | | |
| Laundry and Dry Cleaning Services | | • | | |
| Limited Video Lottery / Keno Establishment | | 0 | | 1341.47 |
| Limited Video Lottery / Keno, Incidental | | 0 | | 1341.47 |
| Manufacturing and Sales, Artisan | | • | | |
| Medical Clinic | | • | | |
| Medical Office | | • | | |
| Mobile Home Sales | | | | |
| Nanobrewery | | • | | 1341.50 |
| Offices | | • | | |
| Offices for Charitable Organizations | | • | | |
| Pawnshop | | 0 | | |
| Personal Services | | • | | |
| Pet Store / Pet Services | | • | | |
| Radio and Television Stations | | • | | |
| Repair Shop | | • | | |
| Retail Sales And Services | | • | | |
| Retail Sales and Services, Neighborhood | | • | | |
| Restaurant | | • | | |
| Restaurant Serving Alcoholic Beverages | | • | | 1341.02 |
| Self-Storage Development | | • | | 1341.15 |
| Self-Storage, Indoors | | • | | 1341.49 |
| Shopping Center | | • | | |
| Smoke Shop/Tobacco Store | | • | | 1341.55 |

| Use Type | R-4 | C-2 | (Reserved) | Use-Specific Standards |
|--|-----|-----|------------|---------------------------|
| | | | R | Use |
| Tattoo Parlor | | • | | 1341.41 |
| Trade or Business School | | • | | |
| Transportation | | | | |
| Airport | | | | |
| Barge Terminal | | | | |
| Bus Terminal | | • | | |
| Heliport | | | | 1341.28 |
| Marina | | 0 | | |
| Motor, Rail, or Air Freight Terminal | | | | |
| Parking Garage, Private | | 0 | | |
| Parking Lot, Off Site | | 0 | | |
| Railroad | | 0 | | |
| Industrial | | | | |
| Crematories | | | | |
| Distribution Facilities | | | | |
| Fuel Storage | | | | |
| Communications Network Facility, Headend, or Hub | | | | |
| Junk Yard or Salvage Centers | | | | 1341.30 |
| Laboratory | | • | | |
| Landfill or Dump | | | | |
| Manufacturing and Production (Heavy or Outdoors) | | | | |
| Manufacturing and Production (Indoors) | | 0 | | |
| Manufacturing and Production with | | | | |
| Caustic or Hazardous Materials Oil and Gas Exploration | | | | 1341.33 |
| Outdoor Material and Supply Bulk | | | | 10.1100 |
| Sales | | | | |
| Recycling Collection Center | | | | 1341.20 |
| Towing Services | | | | |
| Transfer Stations for Solid Waste | | | | |
| Warehousing, Light | | | | |
| Warehousing, Traditional | | | | |
| Warehousing, Heavy | | | | |
| Wholesale Business | | | | |

Aerial Map



3rd Ave & 4th Ave Cabell County Tax District 05, Map 12 Parcel 096, Parcel 101, Parcel 102, Parcel 103, Parcel 104 PC 25-07

A petition to rezone from R-4 Two-family Residential to C-2 Highway Commercial the following parcels; 321 30th St & 2978 4th Ave (5-12-96), 2964-64 R 4th Ave (5-12-101), 2962 4th Ave (5-12-102), 2960 4th Ave (5-12-103), 2958 4th Ave (5-12-104)



Zoning Map



3rd Ave & 4th Ave Cabell County Tax District 05, Map 12 Parcel 096, Parcel 101, Parcel 102, Parcel 103, Parcel 104 PC 25-07

A petition to rezone from R-4 Two-family Residential to C-2 Highway Commercial the following parcels; 321 30th St & 2978 4th Ave (5-12-96), 2964-64 R 4th Ave (5-12-101), 2962 4th Ave (5-12-102), 2960 4th Ave (5-12-103), 2958 4th Ave (5-12-104)



Future Land Use Map



3rd Ave & 4th Ave Cabell County Tax District 05, Map 12 Parcel 096, Parcel 101, Parcel 102, Parcel 103, Parcel 104 PC 25-07

A petition to rezone from R-4 Two-family Residential to C-2 Highway Commercial the following parcels; 321 30th St & 2978 4th Ave (5-12-96), 2964-64 R 4th Ave (5-12-101), 2962 4th Ave (5-12-102), 2960 4th Ave (5-12-103), 2958 4th Ave (5-12-104)



City of Huntington Planning Commission

Staff Report: Public Hearing for Preliminary Site Plan Review.

August 4, 2025

PC 25-08

Issue: Site plan review of a public utility installation to include redevelopment of a wastewater treatment plant that is approximately 27.5 acres. The property is located at 5010 Sunset Dr.

Property Location: 5010 Sunset Dr., Huntington, WV 25704

Property Owner: City of Huntington, P.O. Box 1659, Huntington, WV 25717

Petitioner: Huntington Sanitary Board, 555 7th Ave, Huntington, WV 25701

Planning Commission Role

PC 25-08 is the public hearing for a preliminary site plan review. Because the site is over one (1) acre, the plan must be approved through a public hearing of the Planning Commission. The Planning Commission's responsibility includes:

- 1. Receiving recommendations from staff and responding agencies and utilities.
- 2. Reviewing the design of future developments early in its design.
- 3. Ensuring that the requirements of the development design standards in the development ordinance are met.
- 4. Conformity with the Comprehensive Plan.
- 5. Reviewing waiver requests, when applicable.

Planning Commission Duties

Upon presentation of the preliminary plan at the public hearing, the Planning Commission will review recommendations from staff, other agencies, and experts, if used, and then approve, disapprove, or require that the developer provide more information about the preliminary plans.

Planning Commission provides the final decision and the item will not go before City Council. If approved by the Planning Commission, full plan sets can be submitted for review for building permit applications, with no City Council action or approval.

Public Notification

- Property owners and tenants within a 400 ft. radius of this property were notified of the proposed development and hearing via letter.
- A legal ad was posted in the Herald Dispatch.

Introduction to the Petition

The Huntington Sanitary Board, hereinafter referred to as "HSB," is petitioning for the site plan review of a public utility installation to include the redevelopment of a wastewater treatment plant, hereinafter referred to as "WWTP." The site is approximately 27.5 acres. The property is located at 5010 Sunset Drive.

Existing Conditions/Background

A majority of the proposed site is currently operating as a wastewater treatment plant. The plant was constructed in 1964 and has not seen many upgrades since. The WWTP

serves customers in Huntington and its surrounding towns, with an average dryweather day flow of nine (9) to twelve (12) million gallons. It currently operates at 98% capacity, and experiences overloads during heavy rainfall events.¹

Because this site is over one (1) acre, plans need to be approved by Planning Commission through a public hearing process before applying for a building permit.

Proposed Conditions

The petitioner is proposing to redevelop the wastewater treatment plant located at 5010 Sunset Drive. Upgrades will include four (4) final clarifiers, a solids processing building, laydown yard, and modifications to existing buildings. HSB is pursuing acquisition of existing properties south of the WWTP for a new entrance road and construction laydown activities. All existing and proposed treatment processes and structures will be located on the existing WWTP parcel.²

Development Ordinance

The Development Ordinance designates any commercial development of one (1) acre or more as a major development, triggering special requirements and review.

Factors to consider when reviewing this type of development also include:

- suitability of the land for development due to natural condition, such as flooding, drainage, and topography
- public installations such as location of schools or transportation facilities

- conditions which may endanger health, life, or property
- conformity with the zoning district requirements
- conformity with the comprehensive plan

The Planning Commission may only consider evidence presented for the record which is relevant to authorized grounds for approval.³

If applicant meets all requirements, the Commission is required to approve the plat.⁴

Comprehensive Plan2035

Staff review finds that the proposed development is in conformity with the Future Land Use map of the comprehensive plan, Plan2035. Plan2035 designates this area as Traditional Residential, which is designed to preserve the historic, walkable neighborhoods within the flat river terrace. Public utility installations are permitted in all zoning districts under the Zoning Ordinance.

Pictures



View of the entrance to the WWTP looking in a western direction from Sunset Drive.

¹ Parker, A. (2025) "Expansion project for Huntington's wastewater treatment plant out for bid." Herald Dispatch.

² Strand Associates. Section 9.05 Land Use Planning and Management.

³ Kaufman v. Planning & Zoning Comm. Of Fairmont, Syl Pt. 5, 298 SE2d 148 (W.Va. 1982).

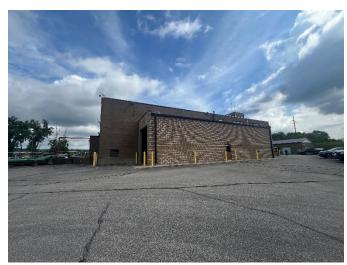
⁴ Id. at Syl. Pt. 8.



View of the aeration tanks looking in a westerly direction from Sunset Drive.



View of the proposed site for the final clarifier tanks looking in the southeast direction from Sunset Drive.



View of the administration building looking north from Sunset Drive.



View of the proposed laydown area looking east from Sunset Drive.



View of the current entrance road to the WWTP from the south side of the plant from Sunset Drive.



View of the proposed entrance location to the WWTP from Waverly Road looking north.

Department/Agency Comments

- Cabell Huntington Health Department: No comment.
- Public Works: No comment.
- Huntington Stormwater Utility: The stormwater management and sediment and erosion control portion of this project was appproved in December.
- Mountaineer Gas: No comment.
- Appalachian Power (AEP): No comment.
- West Virginia American Water (WVAW): No comment.
- Floodplain Administrator: A floodplain permit will be issued.

Staff Comments

In considering plans for new development, the Planning Commission and staff must consider compatibility with surrounding uses; impact on vehicular, freight, bicycle, and pedestrian traffic; capacity of existing utilities and city services, and zoning.

The project consists of the following components:

- 1. Demolition of existing structures;
- 2. Modifications to existing structures;
- 3. Construction of new administration building and final clarifiers;
- 4. Modifications and installation to yard piping;
- 5. Replacement or installation of new motor control centers, lighting, and instrumentation;
- 6. Replacement of interior and site lighting, gates, handrail, and grating on existing structures; and
- 7. Miscellaneous work, such as site grading, landscaping, paving,

plumbing work, HVAC, and finish work.

A detailed project description is available in the attachment titled *Final Title Opinion*.

The WWTP has seen very minimal upgrades since original construction in the 1960s. It serves customers in Huntington, as well as other surrounding areas, from Pea Ridge to Kenova, where it operates at 98% capacity on dry days. The proposed redevelopment of the WWTP will allow the infrastructure to properly handle the load on dry and wet days, as well as ensure the safety and efficacy of the facility and the population it serves.

Population growth and outdated plant equipment and processes can lead to the ineffective treatment of contaminated water and increase the amount of pollutants released into the environment. negatively affecting public health safety. 5 The proposed development will increase the average dry-weather day flow of nine (9) to twelve (12) million gallons to seventeen (17) million gallons, as well as increase the current wet-weather day capacity from fifteen (15) million gallons to up to sixty-four (64) million gallons. In addition to the increased infrastructure capabilities, the project is expected to create and support roughly 600 jobs and generate over five (5) million dollars in taxes paid to the City and state.6

⁵ Pacheco, E. (2025). "Wasterwater Plants: Overloaded by Stress and What Causes It."

⁶ "Huntington Sanitary Board taking bids on wastewater treatment plant expansion project." (2025). WCHS.

The facility is not open to the public, therefore, safety concerns for the surrounding areas are minimal. Existing buffer zones between the WWTP and existing commercial and residential properties will be maintained.⁷

Currently, employees at the WWTP must enter through residential areas to reach the facility. The proposed entrance will allow heavy vehicles to access the site directly from Waverly Road. The proposed development allows the employees and other vehicular traffic to avoid residential areas and create a more reasonable entrance and exit to and from the facility.

Staff Recommendation

Staff recommends approval of the proposed development due to the alignment with the Comprehensive Plan; compatibility with surrounding uses; impact on vehicular, freight, bicycle, and pedestrian traffic; capacity of existing utilities and city services; and zoning.

Attachments

- Application
- Aerial Map
- Zoning Map
- Future Land Use Map
- Site Plan

• Final Title Opinion

• Stormwater Management Approval

 $^{^{\}rm 7}$ Strand Associates. Section 9.05 Land Use Planning and Management.

800 5th Avenue Huntington, WV 25717-1659

This application should be used for a division of a tract/parcel of land that involves the following:

- Commercial, industrial, governmental, religious, non-profit or public, and multi-family residential developments of one (1) acre or more.
- Single-family residential developments of 4 or more lots. Single-family residential developments of 1-3 lots that fall under Article 1389 Hillside Regulations.
- Any development requiring any streets or extension of the local governmental facilities, or the creation of any public improvement.

Please complete and return this application along with a Plat/Survey of the subdivision, a Metes & Bounds Description prepared by a Certified Surveyor, two (2) copies of the Preliminary Plans and a \$100 processing fee to the Planning and Zoning Office located in Room 2 of City Hall.

The Planning Commission, Public Works Director, and Cabell County Health Department will review the application. If you have any questions, please contact the Planning Department at 304-696-5540 opt. 3 or by email at

PART ONE: PROPERTY INFORMATION

| Street Address of Subject Property (s): 5010 Sunset Drive, Huntington, West Virginia 25704 | |
|---|--|
| District: Huntington/Westmoreland Tax Map: Huntington Corp 01 Parcel(s): [see Table 9.05-1] | |
| Zoning Classification: R-2, Single Family Residential | |

PART TWO: APPLICANT/OWNER INFORMATION

| Name: Huntington Water Quality Bo | ard/Huntington Sanitary | Board, Brian Bracey, Executive Direc | tor |
|-----------------------------------|-------------------------|--------------------------------------|-----|
| Street Address: 555 7th Avenu | ue | | |
| _{City:} Huntington | State: WV | Zip Code: 25701 | |
| Telephone: 304-781-1902 | _{Email:} bbrac | cy@huntingtonsb.com | |

All plats/surveys are to be completed by a Registered Surveyor and shall meet the West Virginia Board of Professional Surveyors Minimum Standards for Boundary Surveys, which include, but are not limited to:

- Map Number and Parcels
- Lot Numbers
- Lot Dimensions
- Parent Tract Identification
- Name of Subdivision
- District or Municipality, County, and State
- Check of Error of Closure and Area
- Monumentation

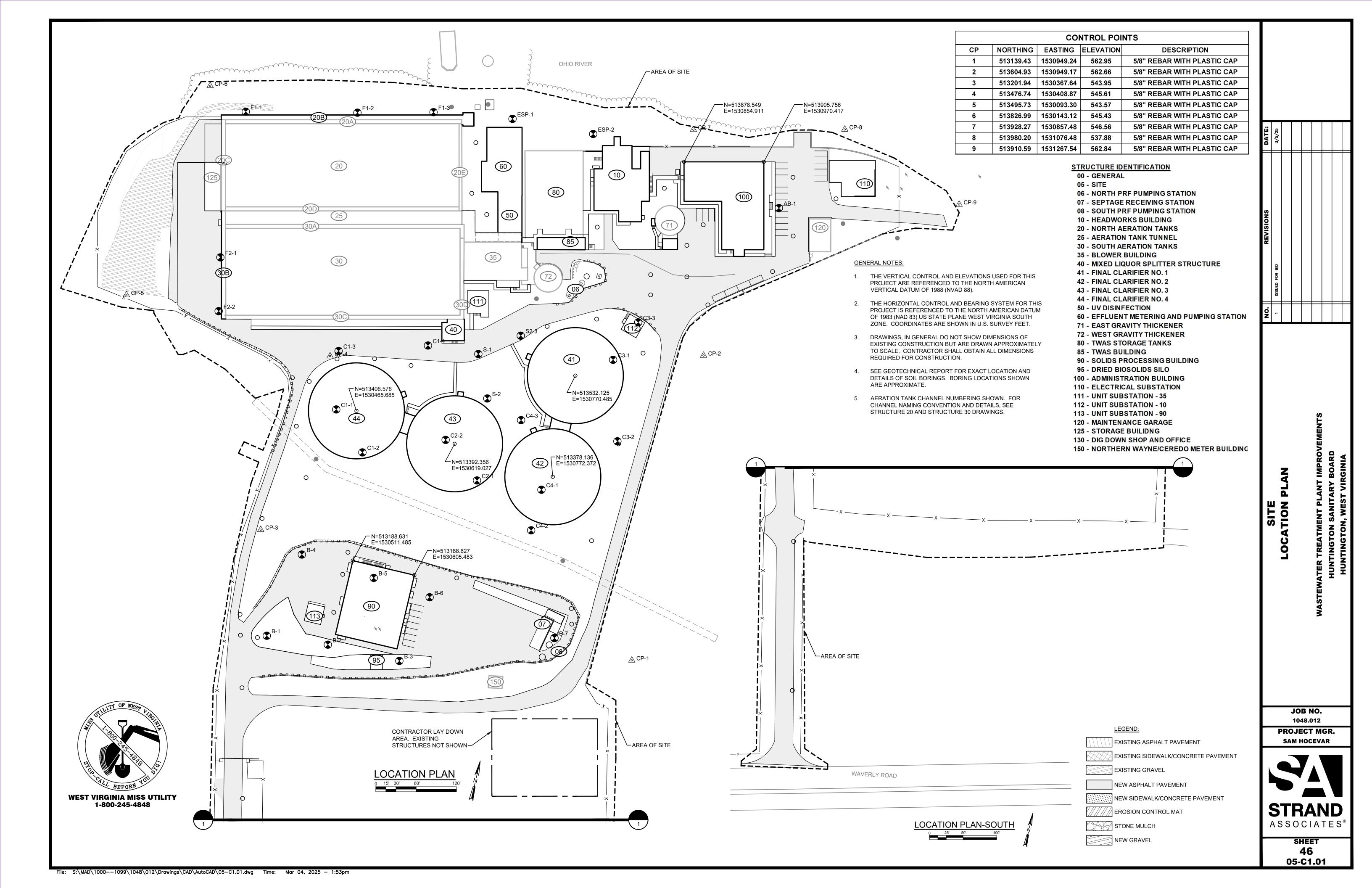
- Scale, North Arrow, Basis of Bearings
- Adjoining Owners Deed Reference
- Adjoining Subdivision(s) Plat Reference
- Name and Width of Adjoining Right-of-Ways
- Owner Name
- Name and Stamp/Seal of Registered Surveyor
- Date of Survey

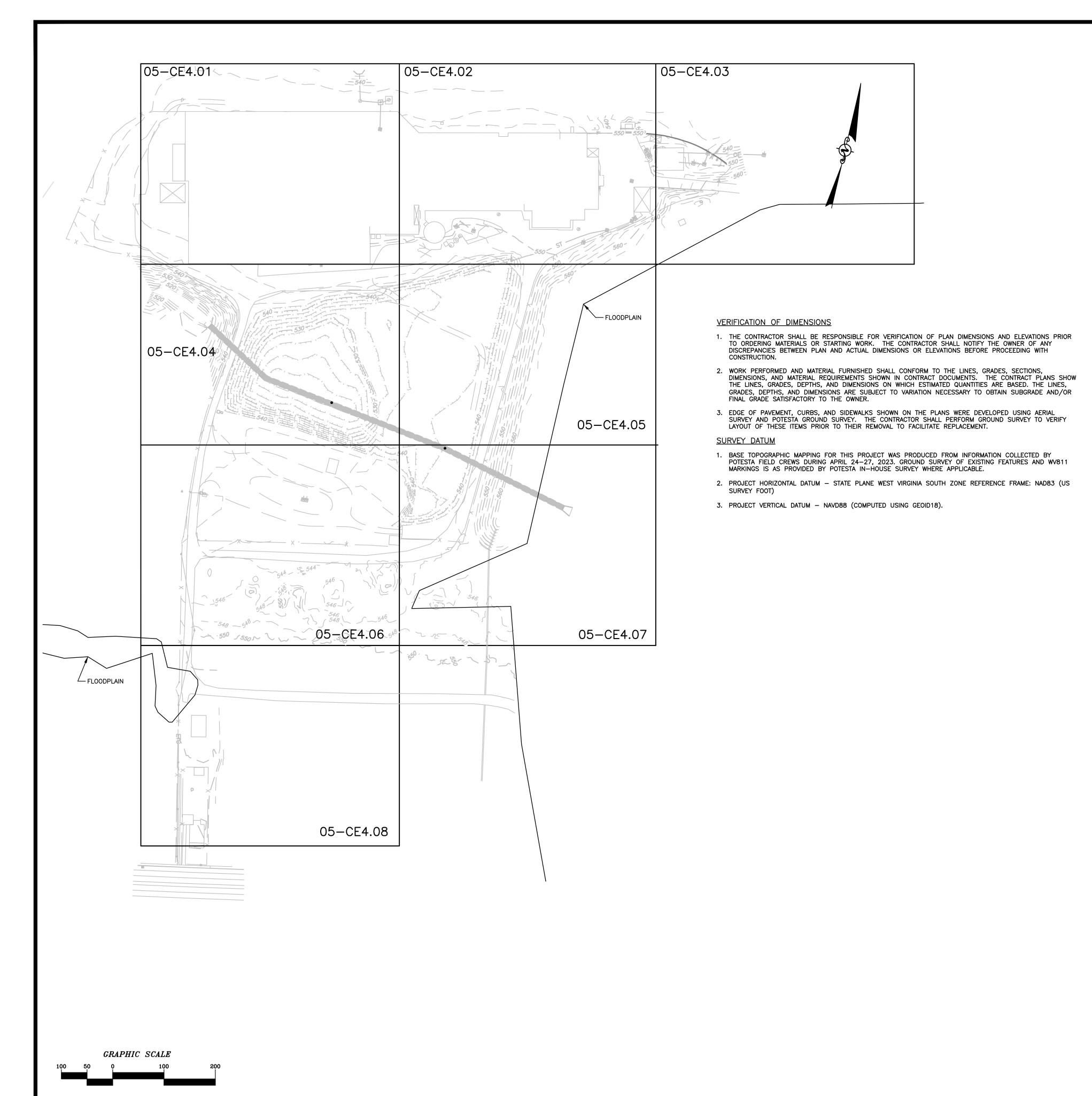
By signing below, the applicant agrees that they have read and completed the Major Subdivision Application, and to the best of their knowledge the information reflected here and in the Survey and Metes & Bounds Description is correct.

Brian J. Bracey

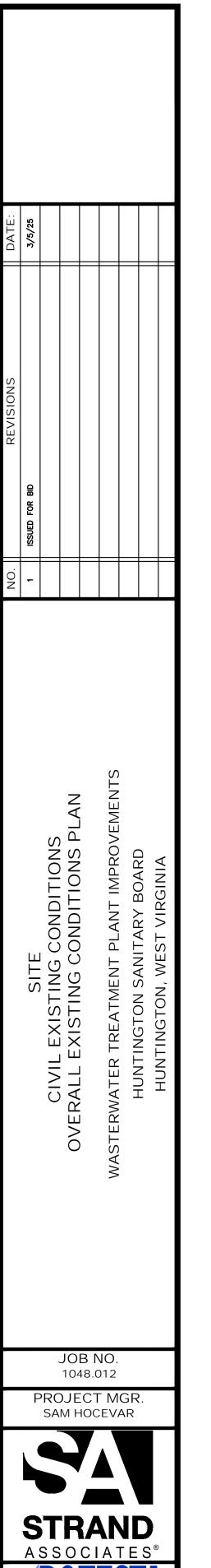
Digitally signed by Brian J. Bracey Date: 2025.06.26 14:51:53 -04'00'

Applicant's Signature Date

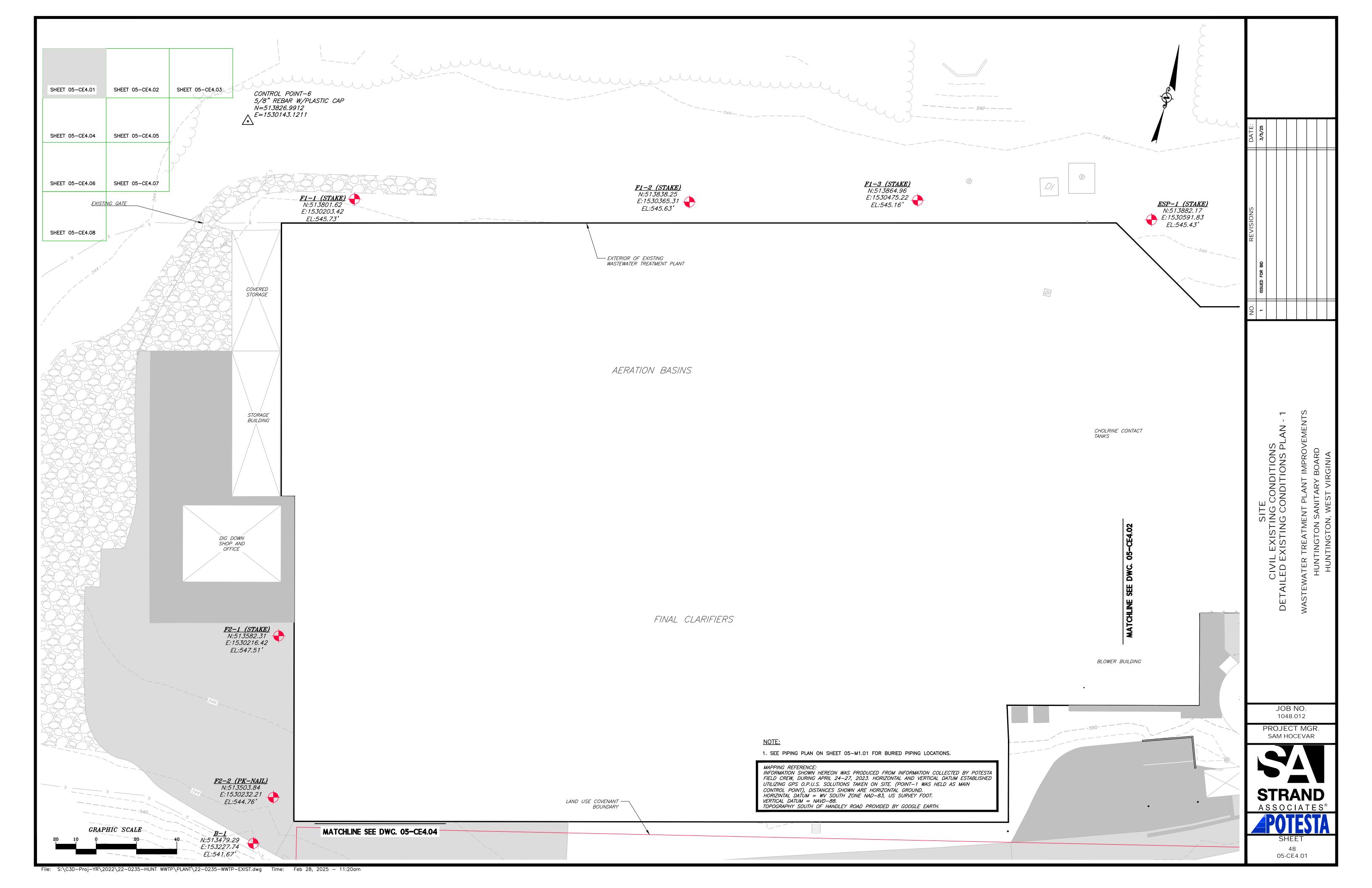


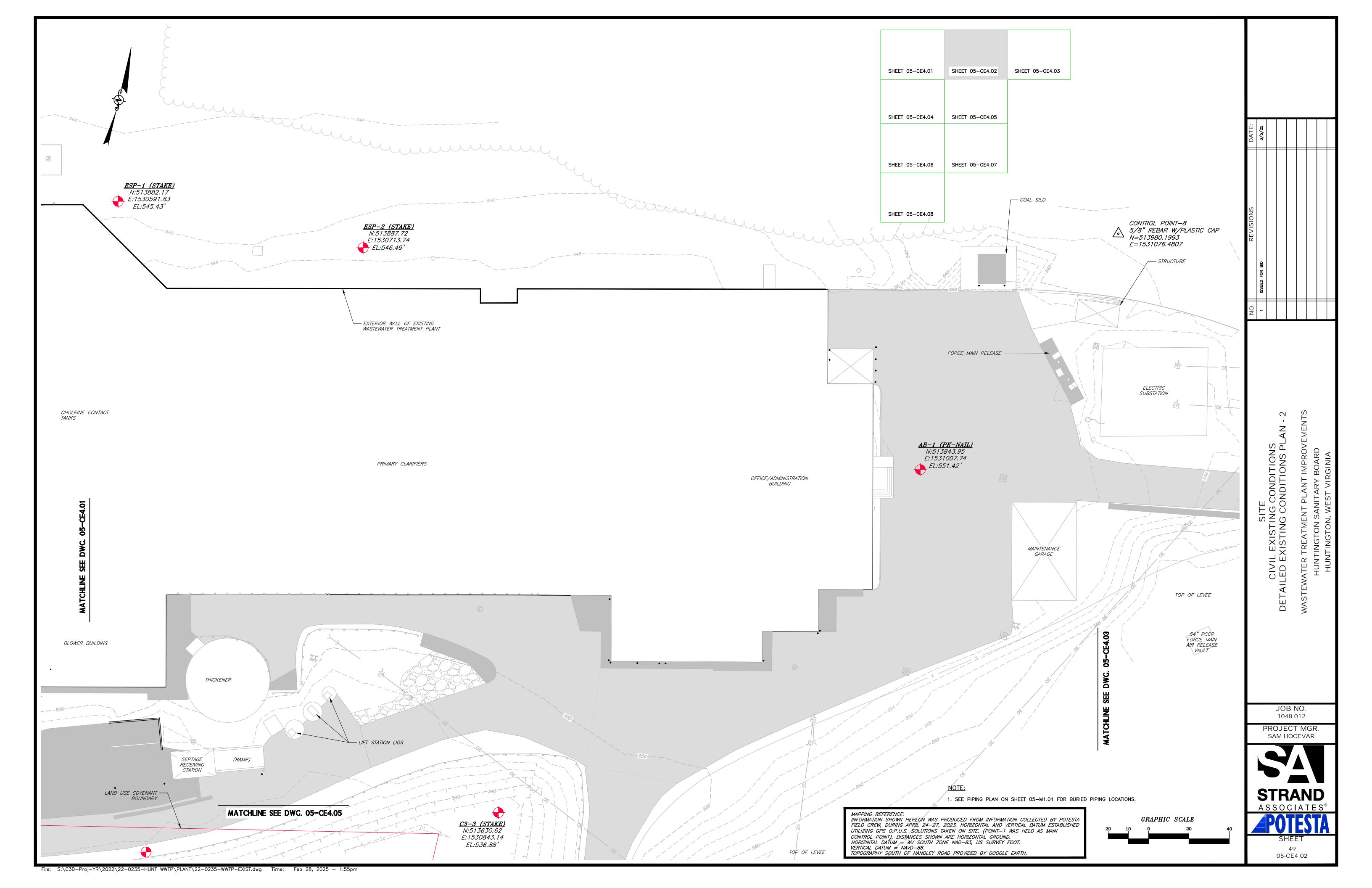


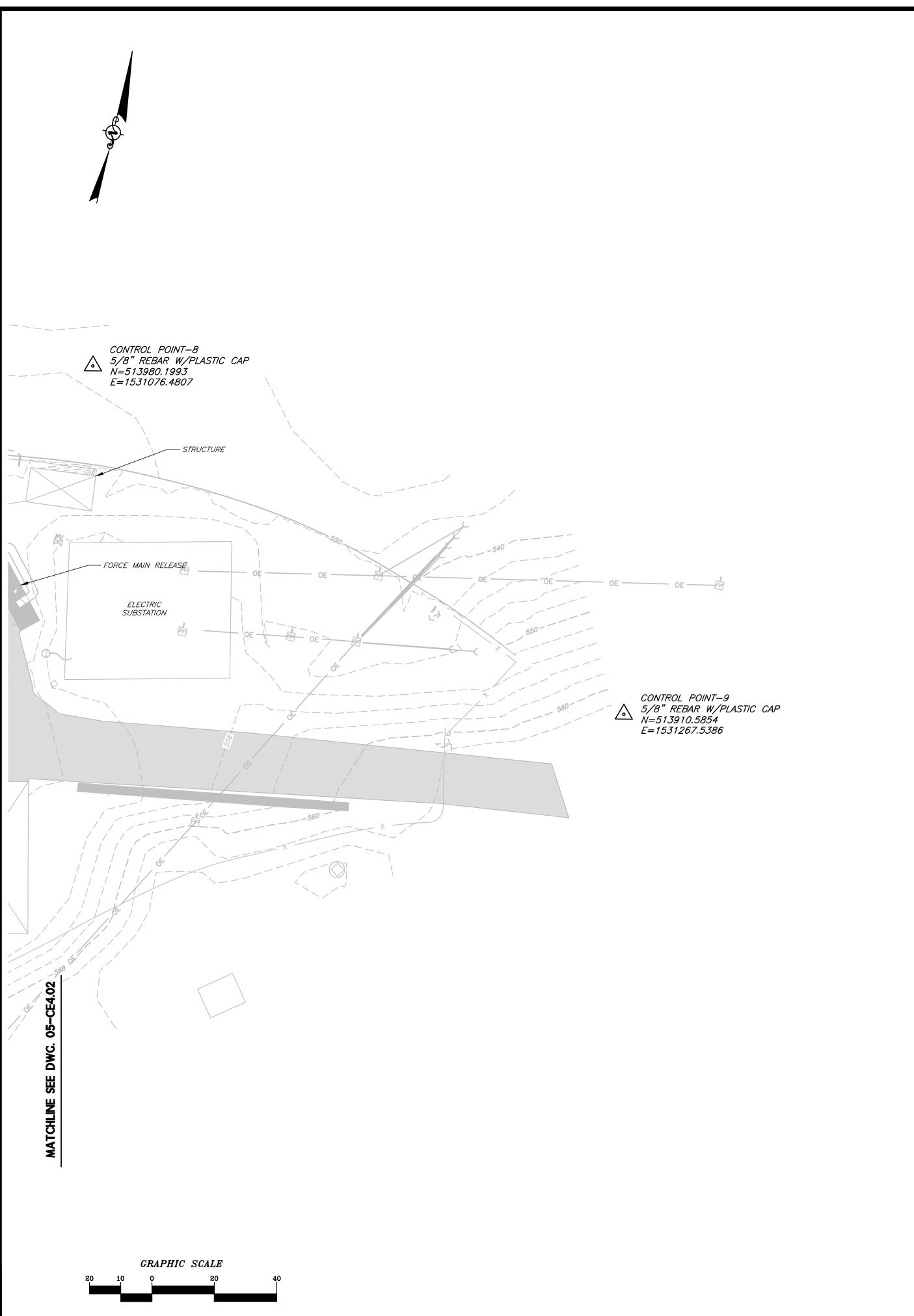
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| | EXISTING SIDEWALK |
| R/W | EXISTING RIGHT-OF-WAY LINE |
| | EXISTING HOUSE OR BUILDING |
| X | EXISTING FENCE |
| | EXISTING TREE LINE OR BRUSH LINE |
| G | EXISTING GAS LINE |
| w | EXISTING WATER LINE |
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| OE | EXISTING OVERHEAD ELECTRIC |
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1. SEE PIPING PLAN ON SHEET 05-M1.01 FOR BURIED PIPING LOCATIONS.

MAPPING REFERENCE:
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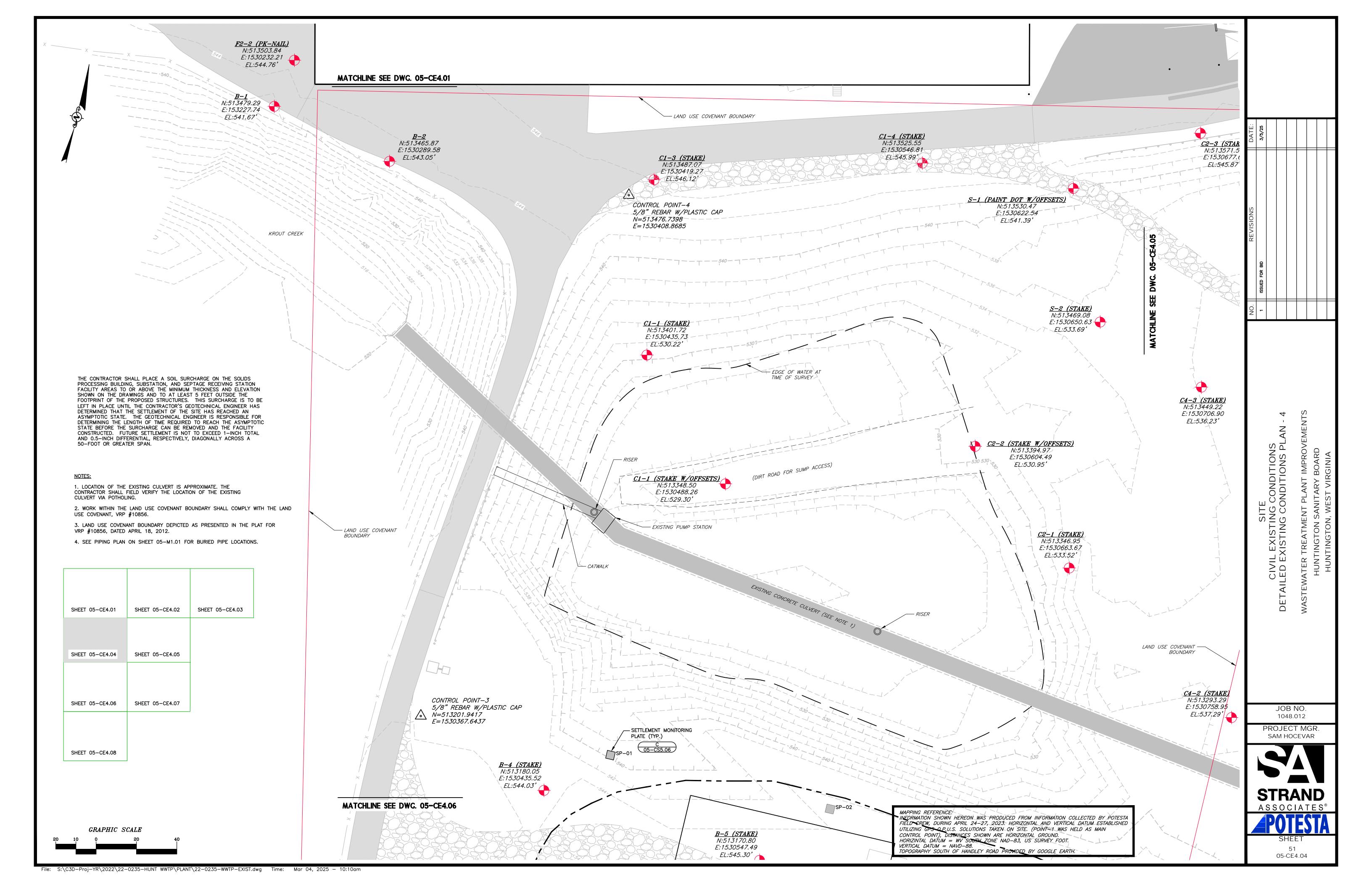
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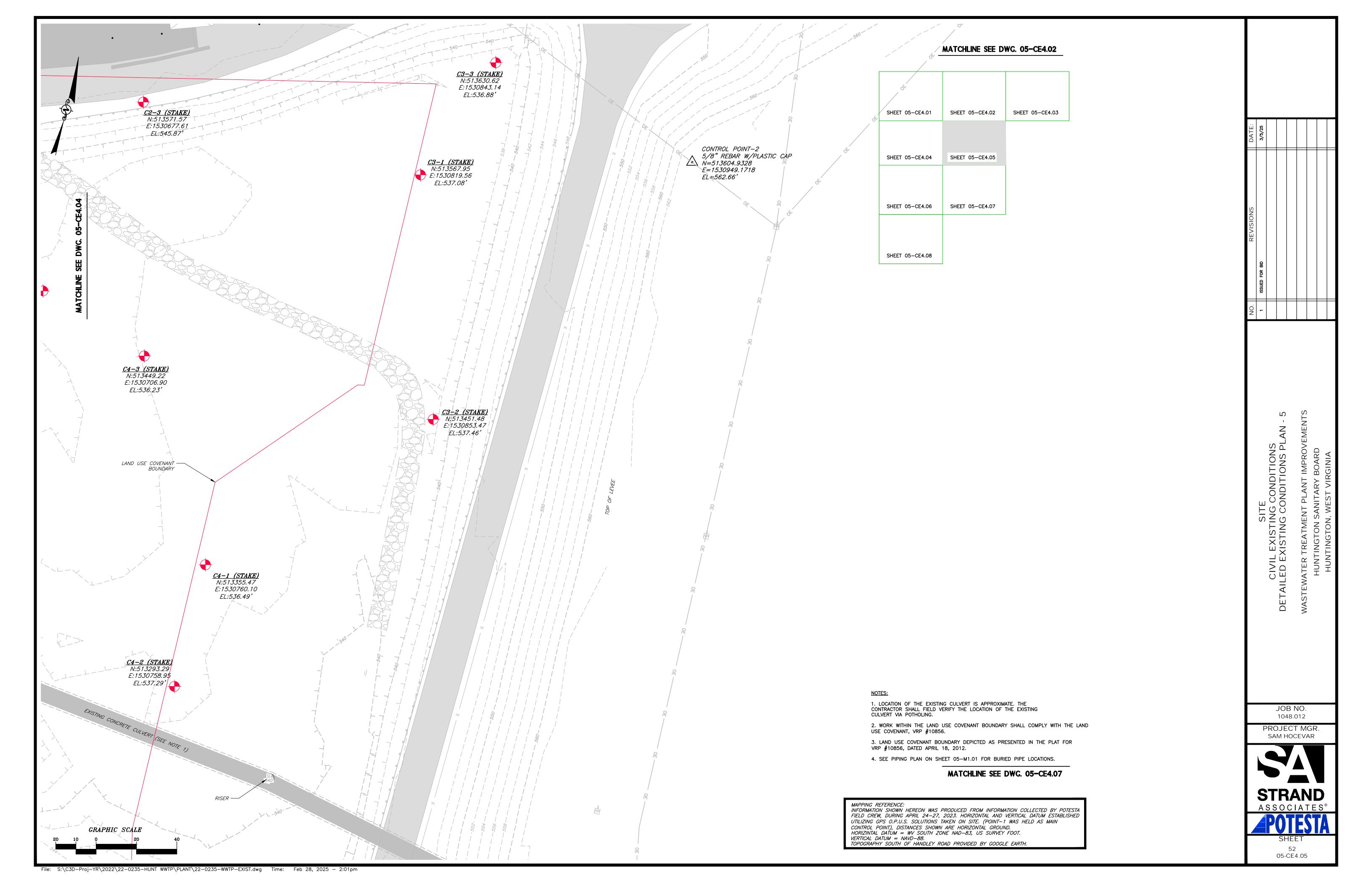
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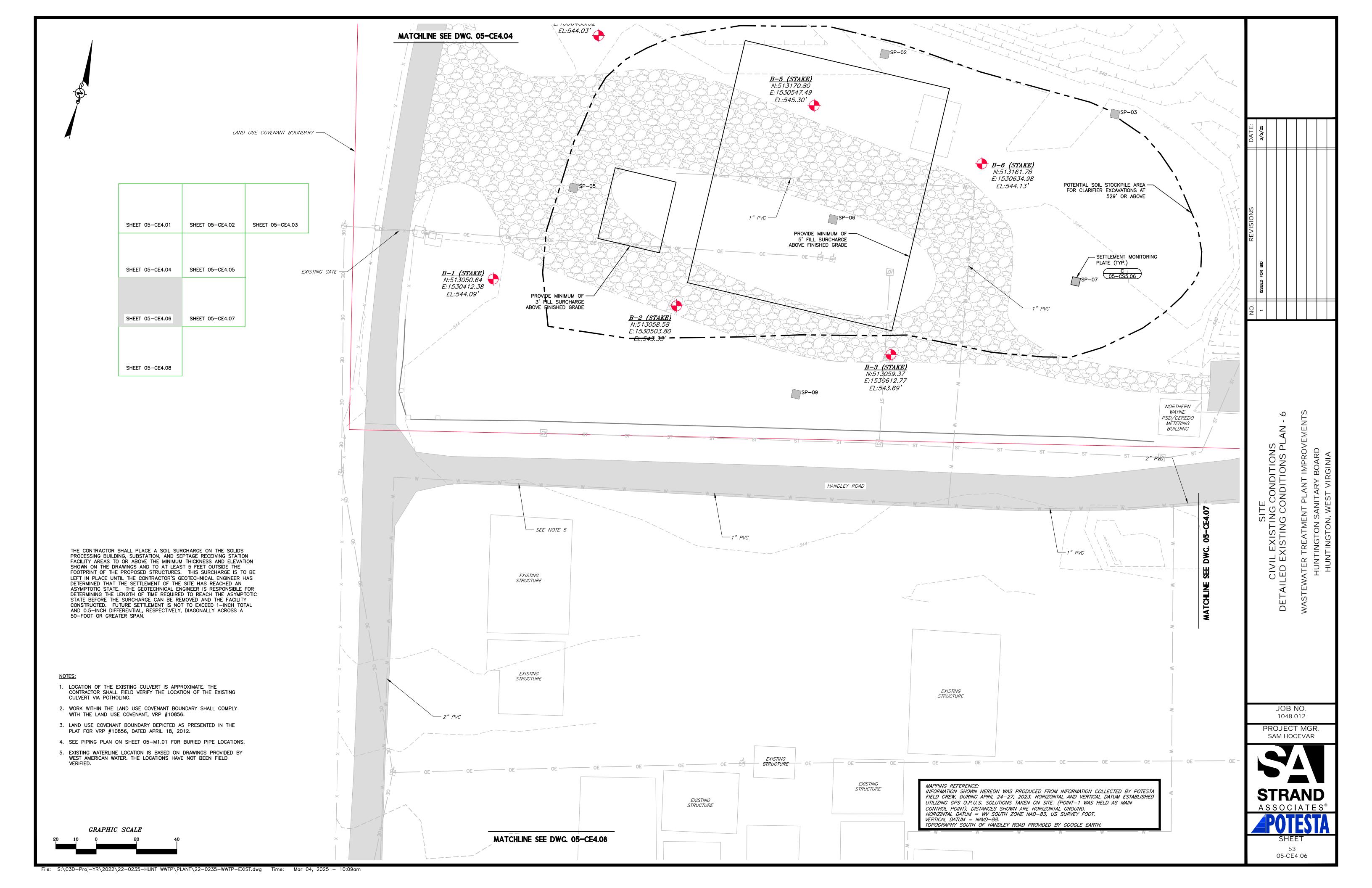
SAM HOCEVAR

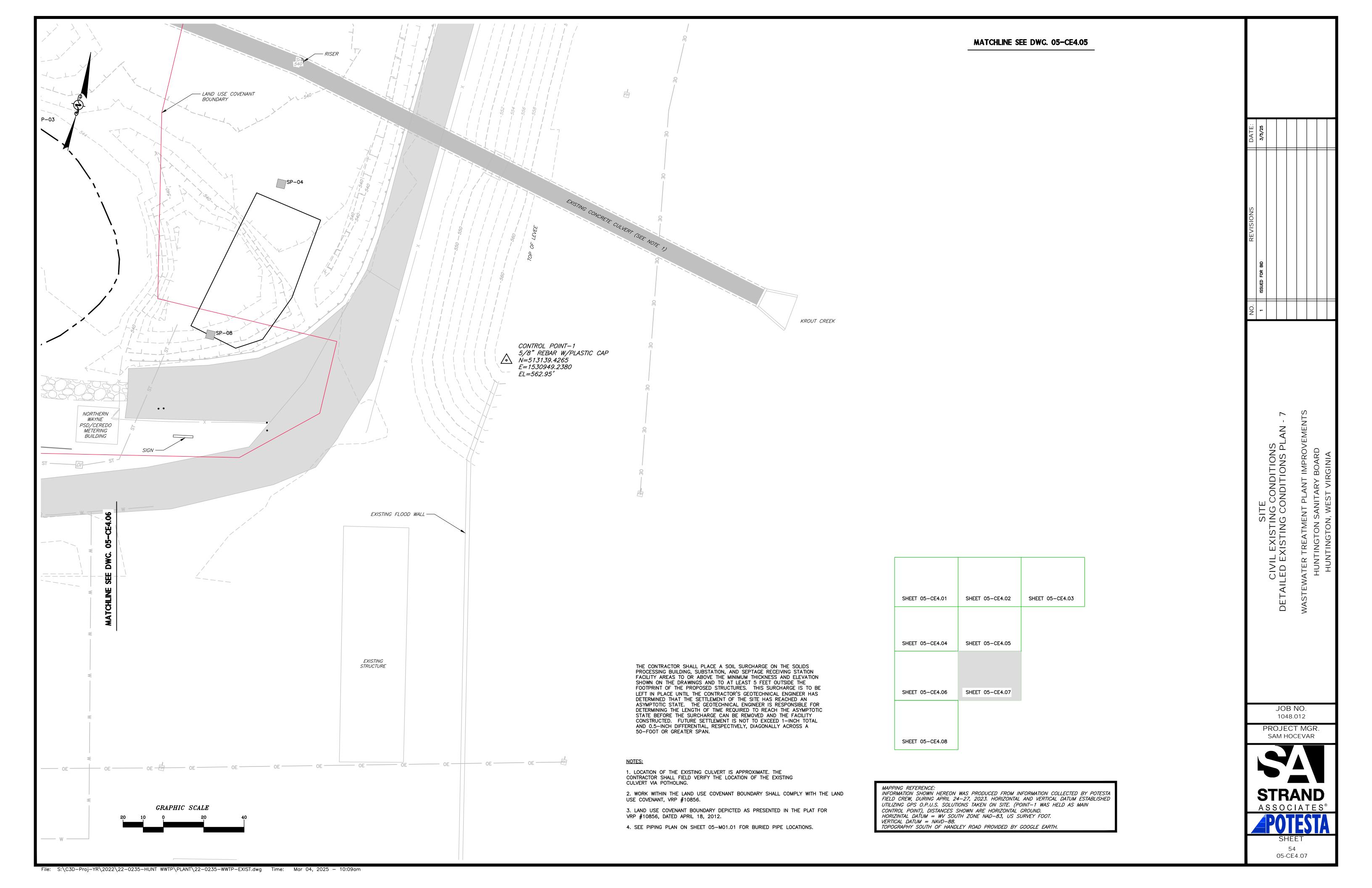


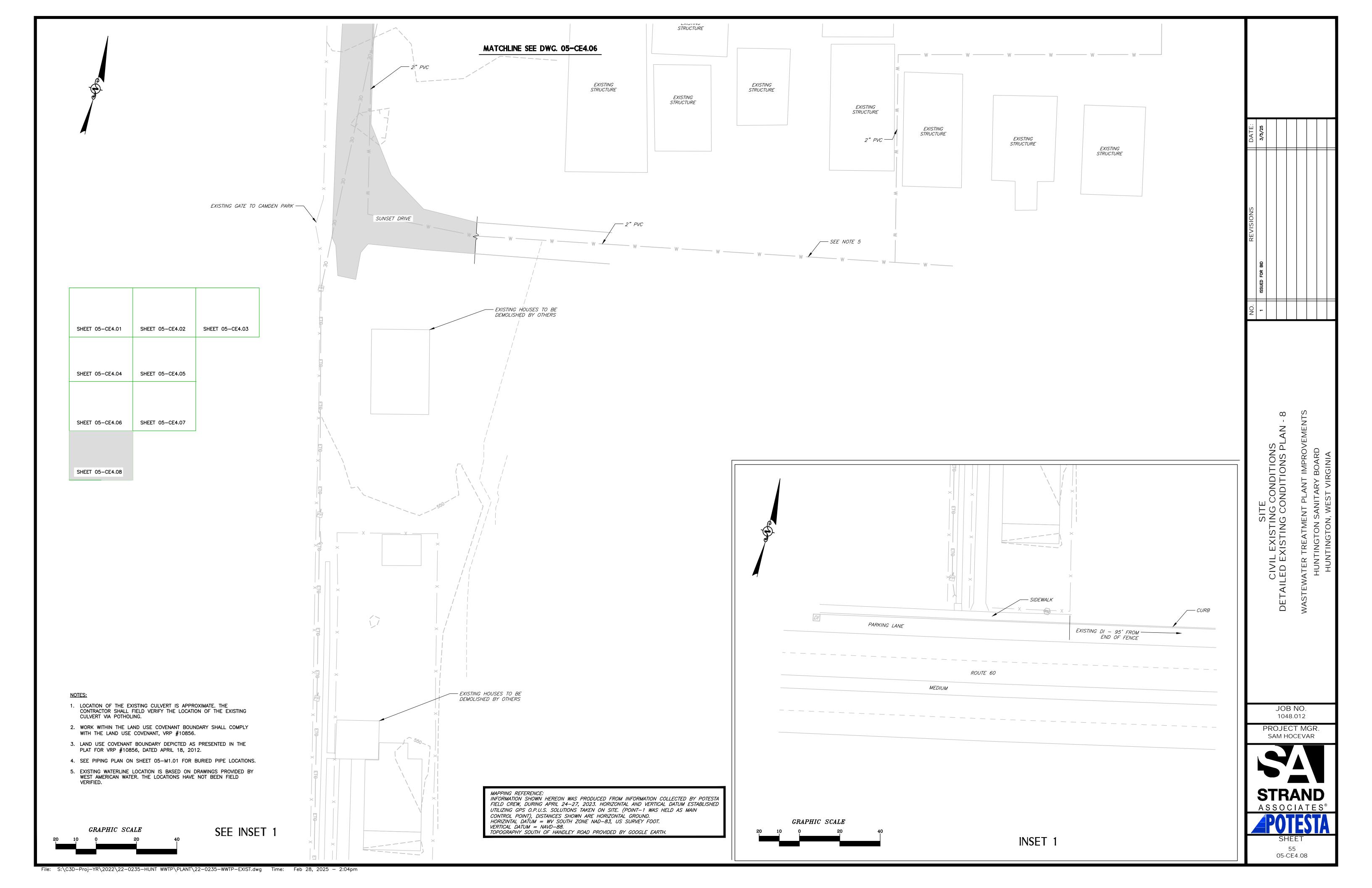
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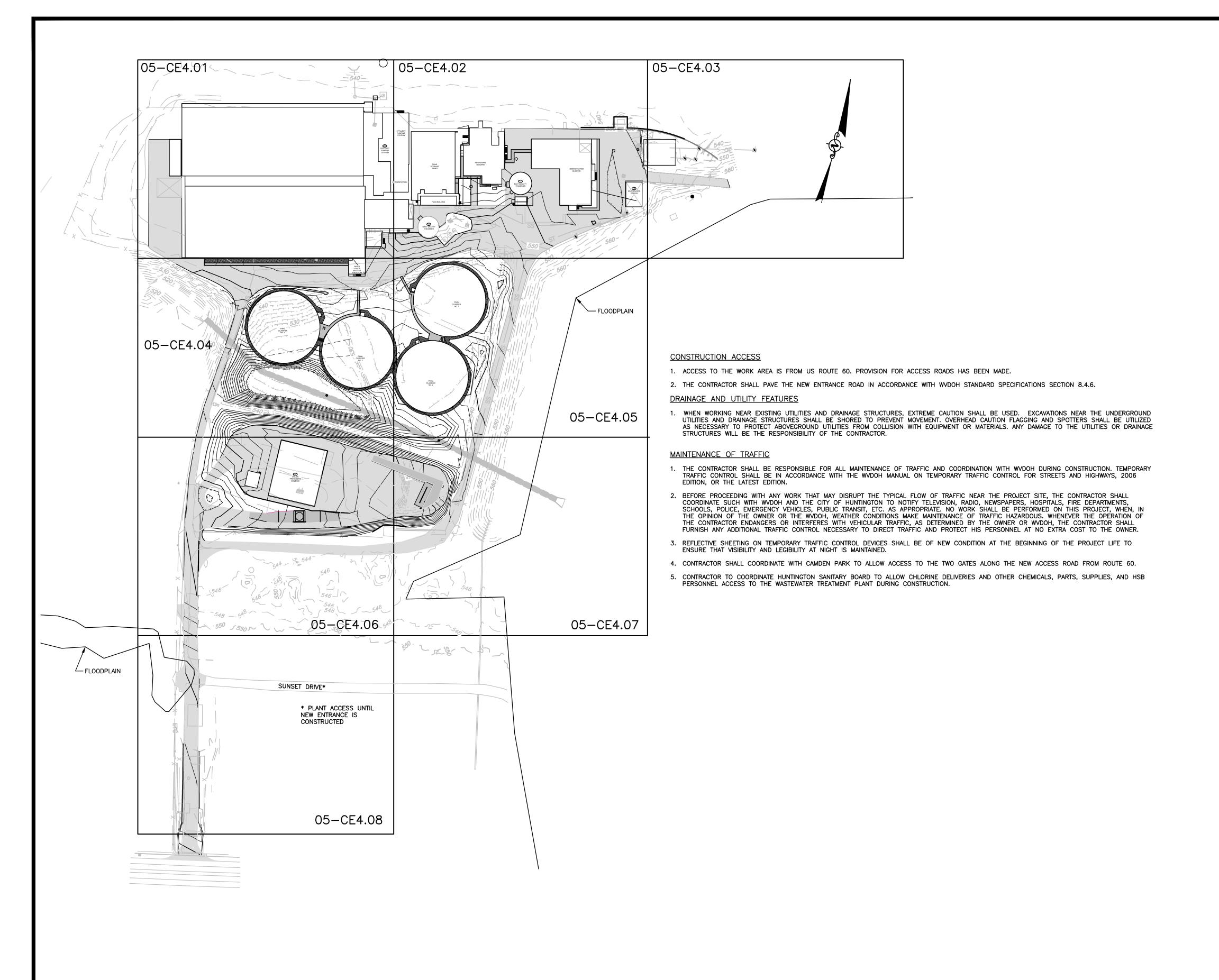




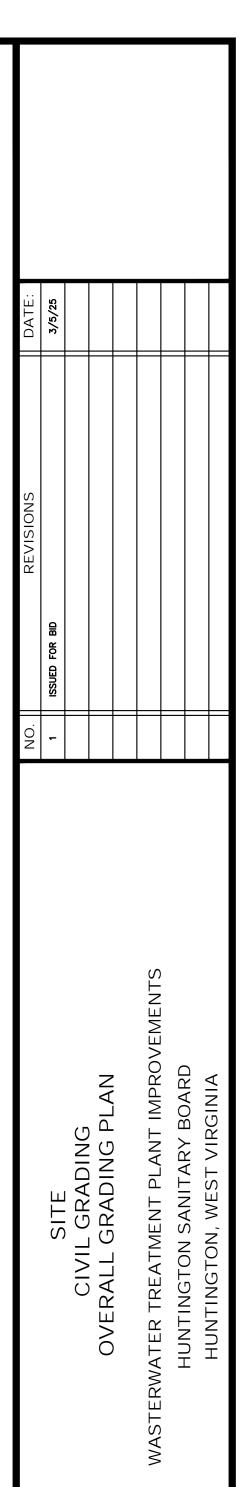








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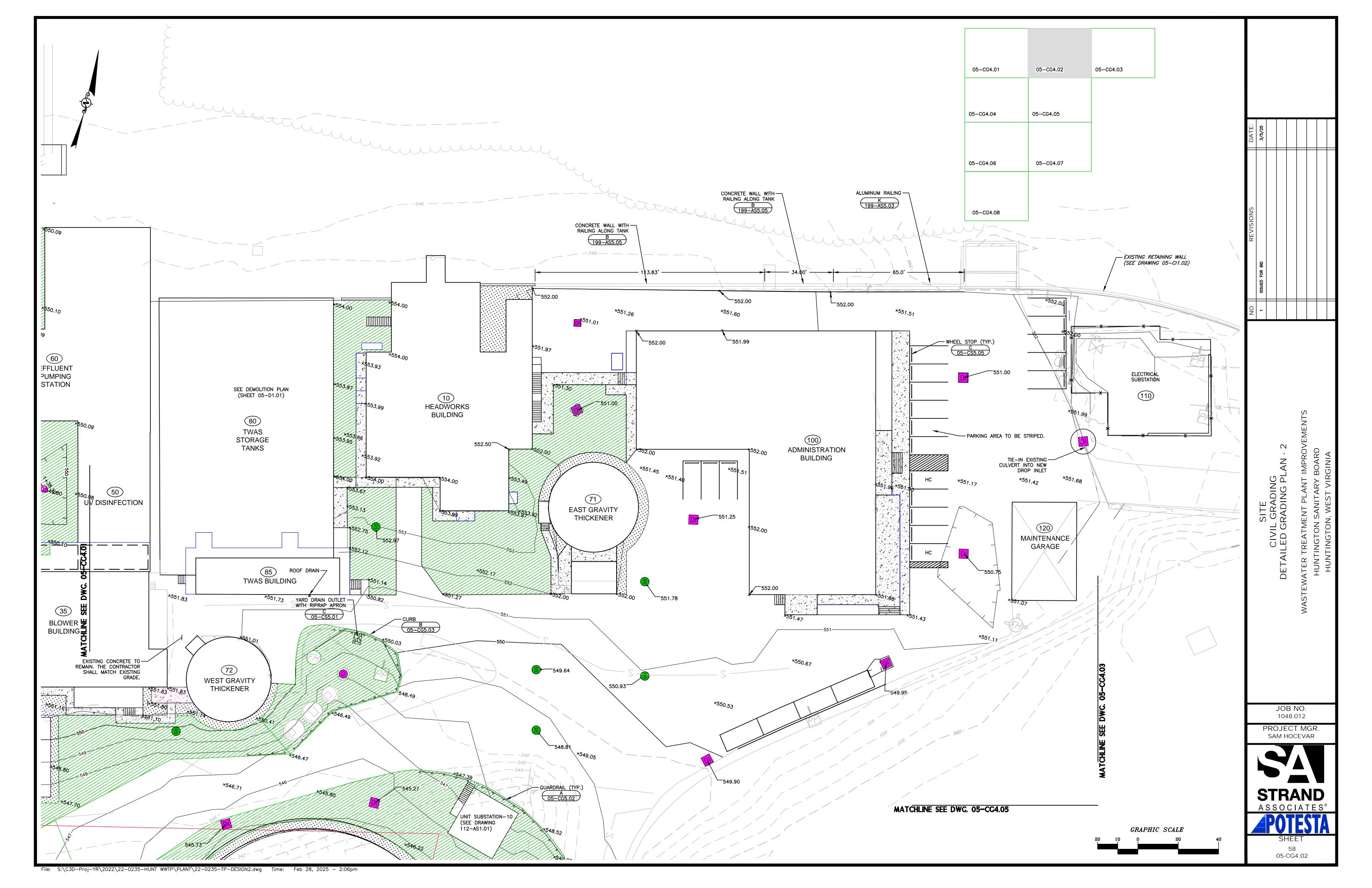
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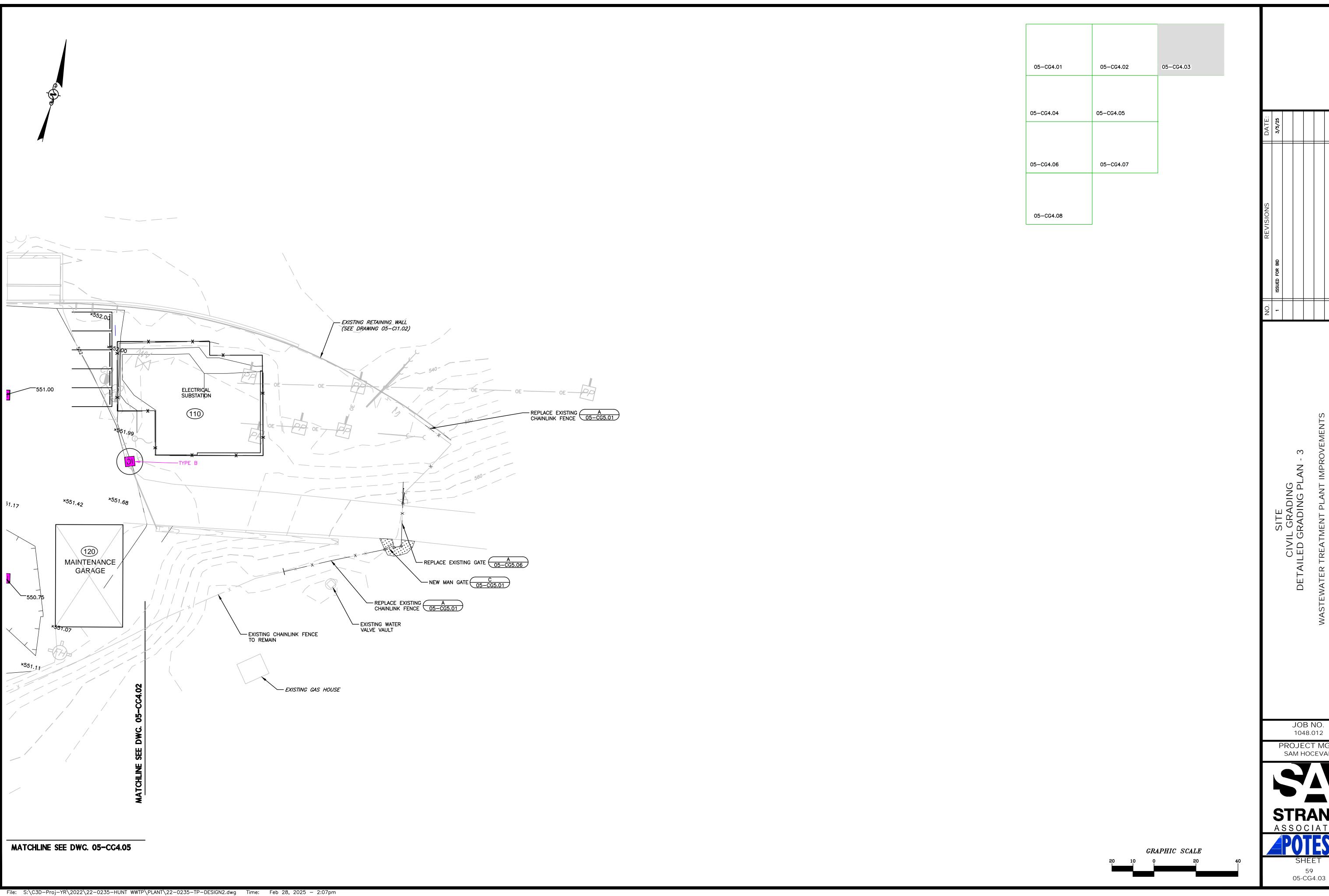
SAM HOCEVAR

STRAND
ASSOCIATES®

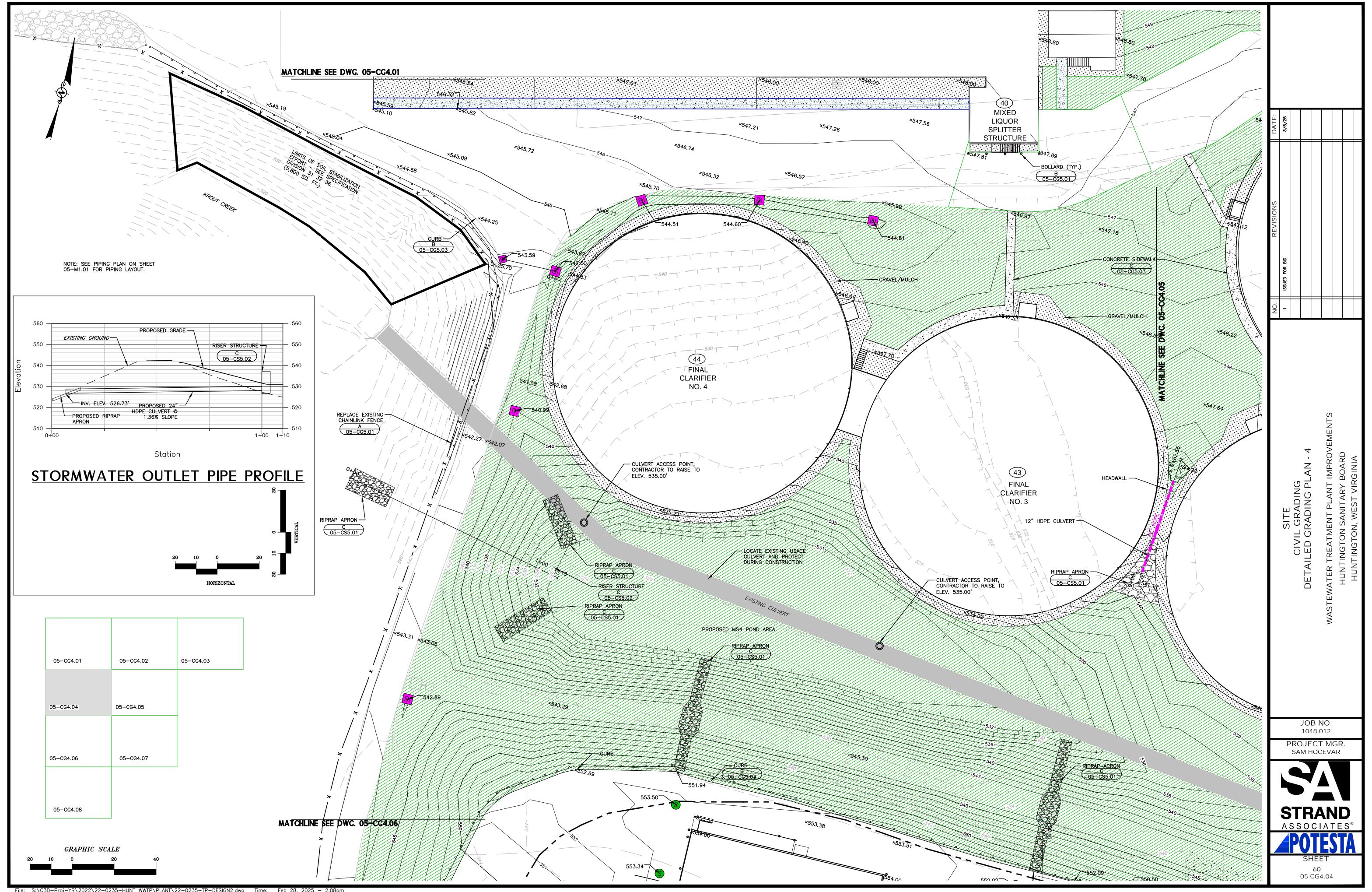
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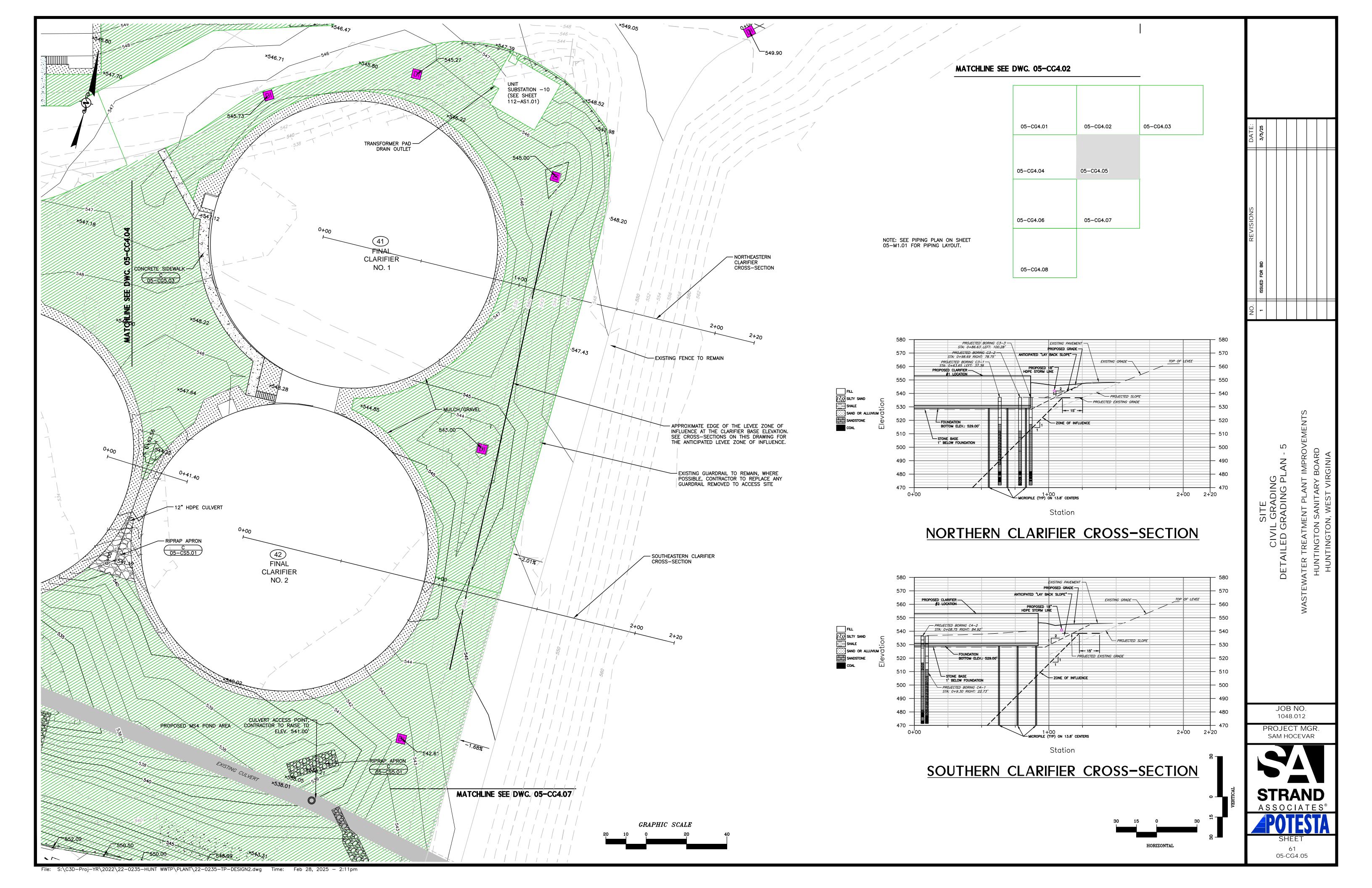


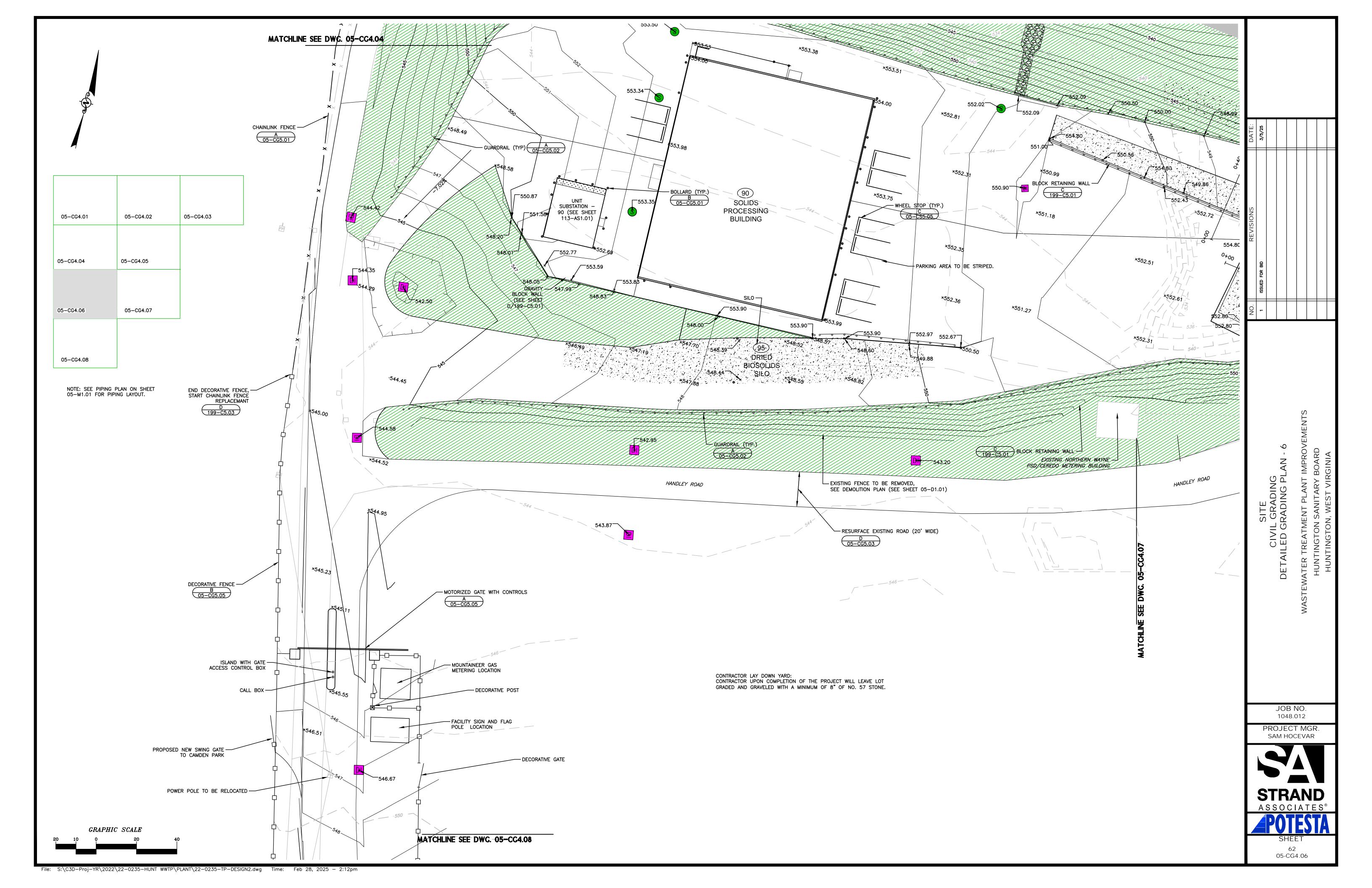


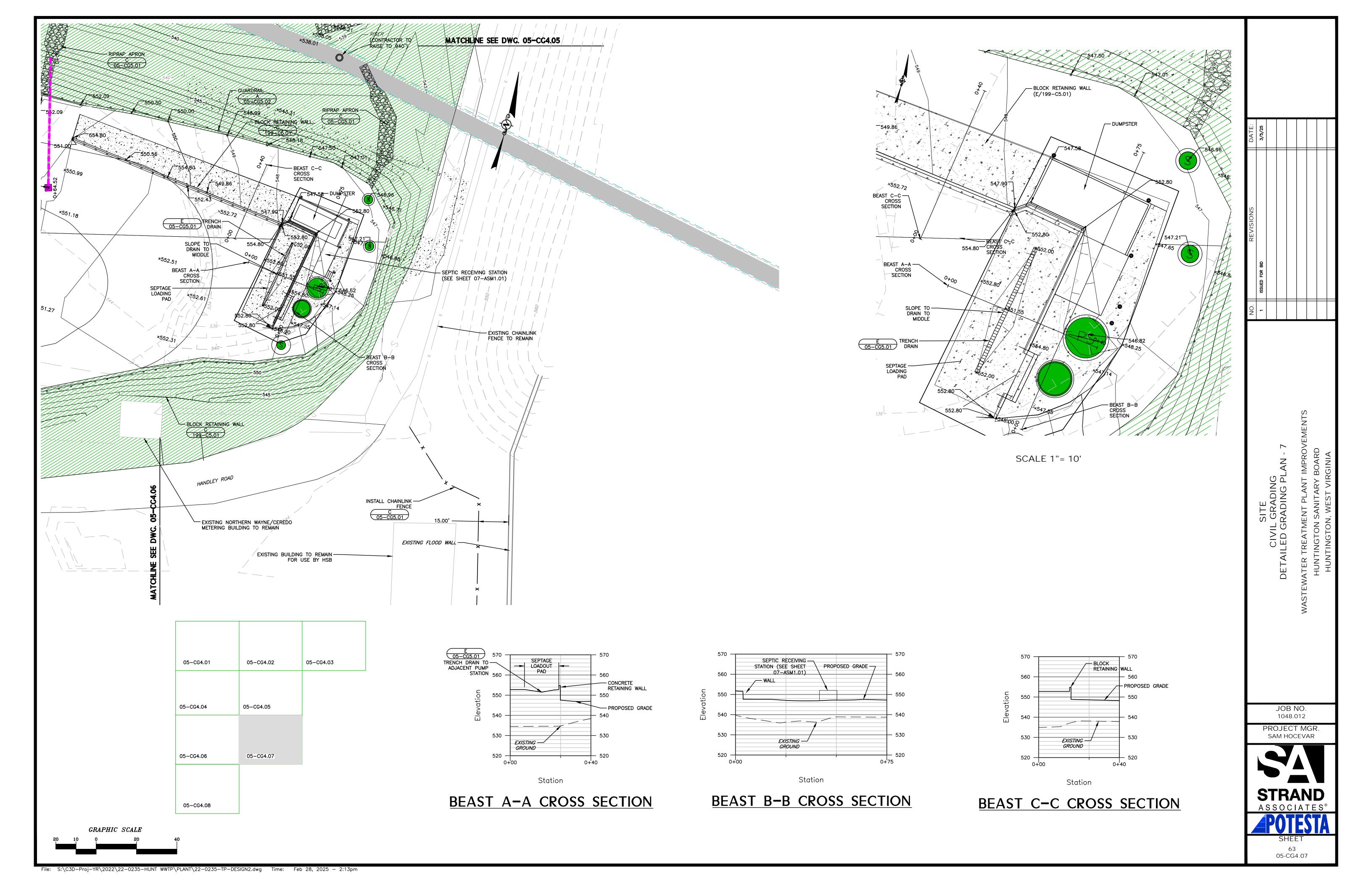


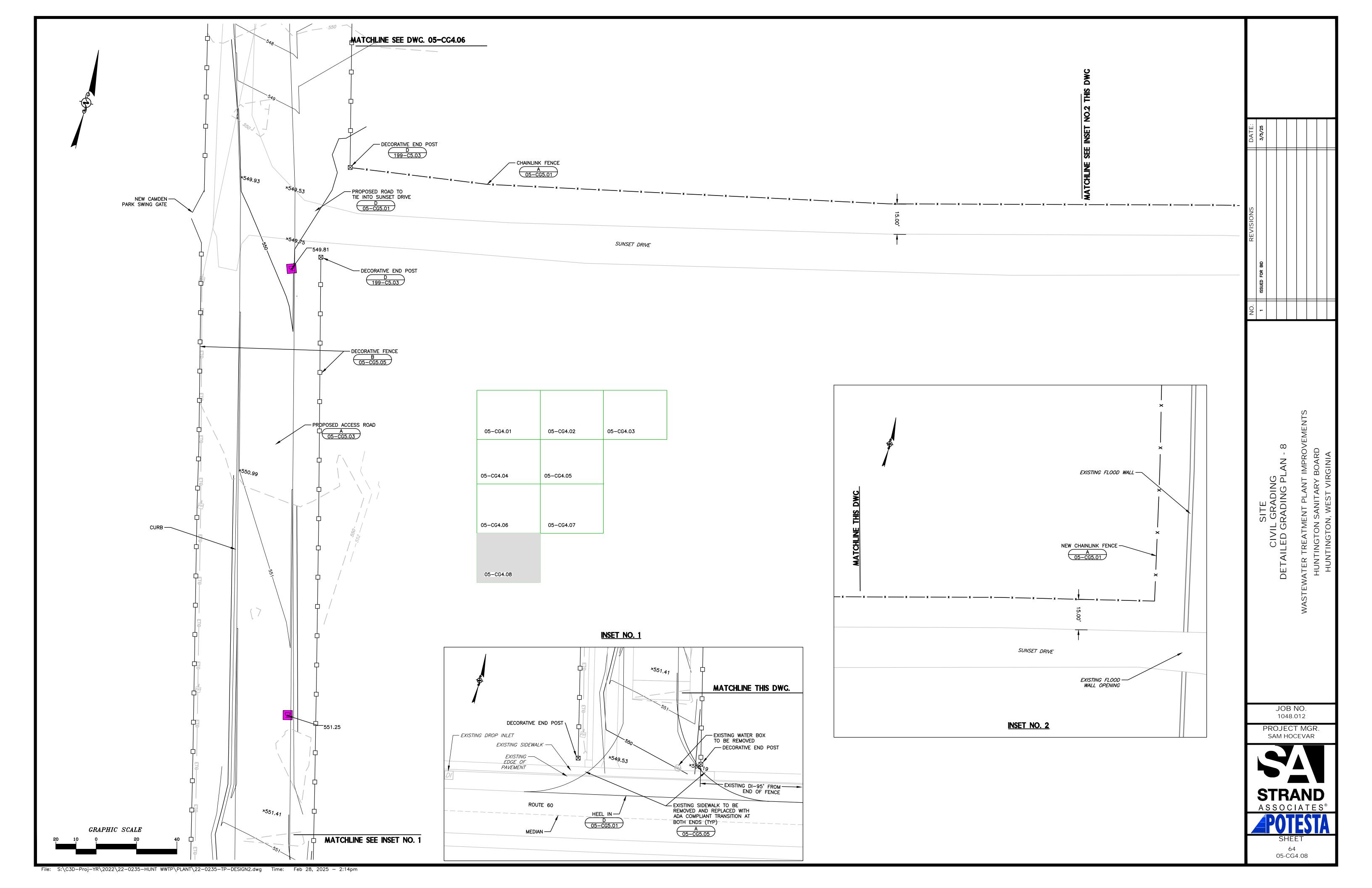
PROJECT MGR. SAM HOCEVAR STRAND ASSOCIATES®











| Huntington S | anitary Bo | ard, West | Virginia |
|--------------|------------|-------------|------------|
| Nastewater T | reatment F | Plant Facil | ities Plan |

9.05 LAND USE PLANNING AND MANAGEMENT

A. General

Because the existing improvements will occur on the WWTP site, this project conforms to existing land use plans. No large areas of existing vacant land will be subject to increased development pressure.

B. <u>Vacant Land and Population Changes</u>

While there is reserve capacity built into the WWTP design criteria (as discussed in Section 3), the WWTP will not have an initial reserve capacity greater than 50 percent of its design average.

The United States Department of Agriculture–Natural Resources Conservation Service was contacted to determine the potential impacts of this project on prime farmland in the project area. Because of the urban nature of the project, no impact was identified. A copy of the correspondence has been included in Appendix I.

C. <u>Socioeconomic Environment</u>

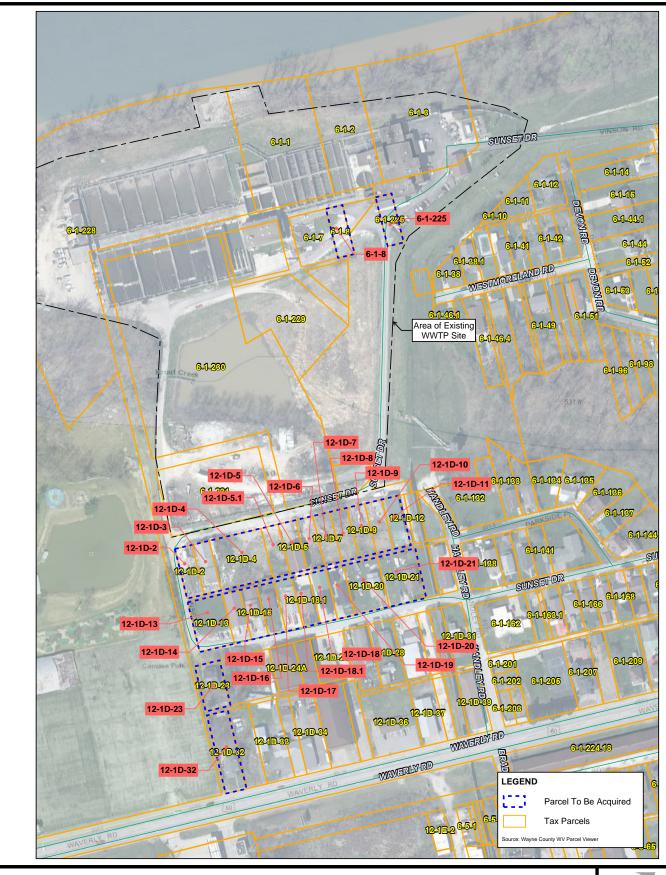
Given the nature of the site and concerns surrounding safety and impacts to the operation of the treatment processes, the site is not open to the public. Existing buffer zones between the WWTP site boundary and existing commercial and residential properties will be maintained.

This project is not expected to have significant impacts to recreation and open spaces, as the project will be confined to the existing WWTP site. Additionally, during planning for the project, HSB identified two parcels on the existing WWTP site that do not list HSB as the parcel owner. HSB is in the process of resolving this issue and believes it may be related to clerical errors in past sales of adjacent properties.

HSB is pursuing acquisition of existing properties south of the existing WWTP for the construction of a new entrance road to the WWTP and for construction laydown activities. All existing and proposed treatment processes and structures will be located on the existing WWTP parcel.

Figure 9.05-1 shows the parcels that are subject to HSB acquisition. Table 9.05-1 summarizes select parcel information, including the existing land use.

Many targeted properties are not improved. The value of property compensation has not been determined. All property acquisitions completed for this project shall comply with the Uniform Relocation Act. Documentation of this coordination will be provided to WVDEP upon completion of the property acquisition.



PARCEL ACQUISITION

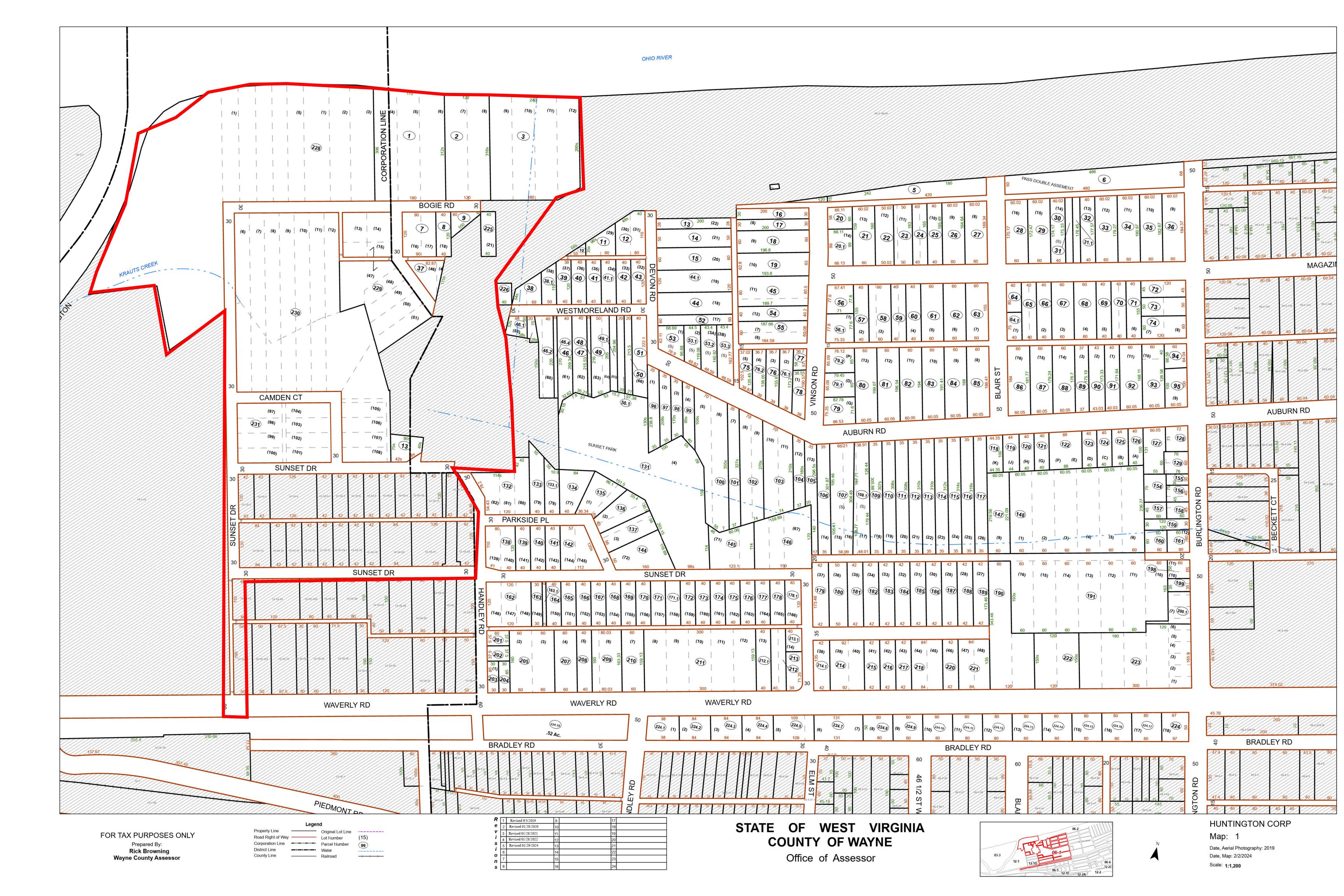
WASTEWATER TREATMENT PLANT FACILITIES PLAN
HUNTINGTON SANITARY BOARD
HUNTINGTON, WEST VIRGINIA



| ID | Parcel Number | Legal Description | Parcel Size (acres) | Existing Land Use |
|------------|-------------------|---|---------------------------|----------------------------|
| 12-1D-2 | 12 1D000200000000 | LOT 109 HALE & TAYLOR Z4 | 0.12 | Not Improved |
| 12-1D-3 | 12 1D000300000000 | LOT 110 FEE HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-4 | 12 1D00040000000 | LOTS 111, 112 & 113 FEE HALE & TAYLOR | 0.35 | Not Improved |
| 12-1D-5.1 | 12 1D000500010000 | LOT 114 HALE & TAYLOR Z4 | 0.12 | Not Improved |
| 12-1D-5 | 12 1D000500000000 | LOT 115 HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-6 | 12 1D000600000000 | LOT 116 FEE HALE & TAYLOR Z5 | 0.12 | Not Improved |
| 12-1D-7 | 12 1D000700000000 | LOT 117 HALE & TAYLOR Z4 | 0.12 | Not Improved |
| 12-1D-8 | 12 1D000800000000 | LOT 118 HALE & TAYLOR Z5 | 0.12 | Not Improved |
| 12-1D-9 | 12 1D000900000000 | LOT 119 FEE HALE & TAYLOR | 0.12 | Not Improved |
| 12-1D-10 | 12 1D001000000000 | LOT 120 HALE & TAYLOR Z5 | 0.12 | Not Improved |
| 12-1D-11 | 12 1D001100000000 | LOT 121 HALE & TAYLOR Z4 | 0.12 | Commercial |
| 12-1D-13 | 12 1D001300000000 | LOTS 124 & 125 HALE & TAYLOR Z4 | 0.23 | Not Improved |
| 12-1D-14 | 12 1D001400000000 | LOT 126 FEE HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-15 | 12 1D001500000000 | LOT 127 HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-16 | 12 1D001600000000 | LOT 128 FEE HALE & TAYLOR Z5 | 0.12 | Residential (2br/1ba) |
| 12-1D-17 | 12 1D001700000000 | LOT 129 HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-18.1 | 12 1D001800010000 | LOT 130 FEE HALE & TAYLOR | 0.12 | Commercial |
| 12-1D-18 | 12 1D001800000000 | LOT 131 HALE & TAYLOR | 0.12 | Residential (2 br/1 ba) |
| 12-1D-19 | 12 1D001900000000 | LOT 132 FEE HALE & TAYLOR Z5 | 0.12 | Residential (2 br/1 ba) |
| 12-1D-20 | 12 1D002000000000 | LOTS 133 & 134 FEE HALE & TAYLOR | 0.23 | Residential (3 br/1 ba) |
| 12-1D-21 | 12 1D002100000000 | BLK E LOTS 135, 136 & 137 FEE HALE & TAYLOR SUB | 0.35 | Residential (2 br/1 ba) |
| 12-1D-23 | 12 1D002300000000 | BLK 2 LOT 1 DUPONT PLACE | 0.15 | Residential (3 br/2 ba) |
| 12-1D-32 | 12 1D003200000000 | LOT 1 FEE SUB OF 15, 16 & 17 HUMPHRIES SUB | 0.22 | Residential (4 br/2 ba) |
| 6-1-8 | 06 1000800000000 | LOT 18 PLAT 1 HALE & TAYLOR Z4 | 0.11 | WWTP |
| 6-1-225 | 06 1022500000000 | Z5 BLK 82; LOT 21 SUB 4 | 0.11 | WWTP |

br=bedroom ba=bathroom

Table 9.05-1 Parcel Data for Proposed Land Acquisition



Aerial Map



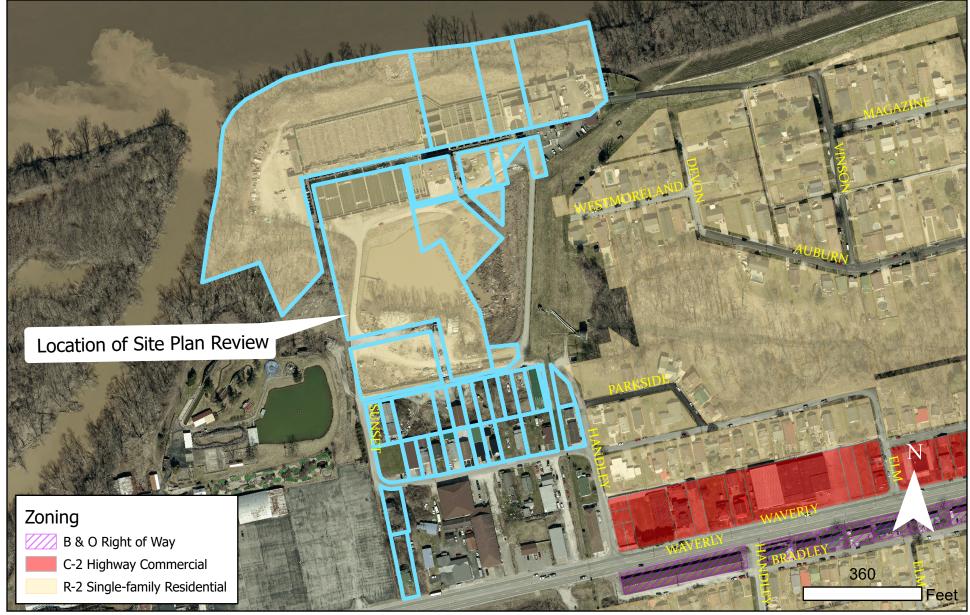
5010 Sunset Drive

Wayne County Tax District 6, Map 1 Parcel 1-3, Parcel 7, Parcel 8, Parcel 225, & Parcel 228-231 Wayne County Tax District 12, Map 1D Parcel 2-23 & Parcel 32 PC 25-08



Site plan review of a public utility installation to include redevelopment of a wastewater treatment plant that is approximately 27.5 acres. The property is located at 5010 Sunset Dr.

Zoning Map



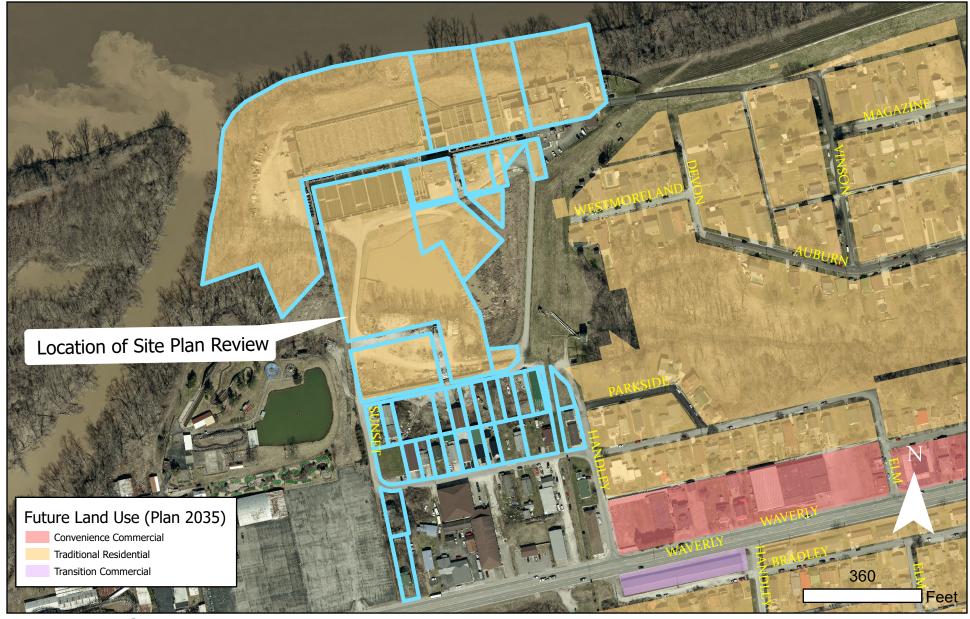
5010 Sunset Drive

Wayne County Tax District 6, Map 1 Parcel 1-3, Parcel 7, Parcel 8, Parcel 225, & Parcel 228-231 Wayne County Tax District 12, Map 1D Parcel 2-23 & Parcel 32 PC 25-08



Site plan review of a public utility installation to include redevelopment of a wastewater treatment plant that is approximately 27.5 acres. The property is located at 5010 Sunset Dr.

Future Land Use Map



5010 Sunset Drive

Wayne County Tax District 6, Map 1 Parcel 1-3, Parcel 7, Parcel 8, Parcel 225, & Parcel 228-231 Wayne County Tax District 12, Map 1D Parcel 2-23 & Parcel 32 PC 25-08

Site plan review of a public utility installation to include redevelopment of a wastewater treatment plant that is approximately 27.5 acres. The property is located at 5010 Sunset Dr.



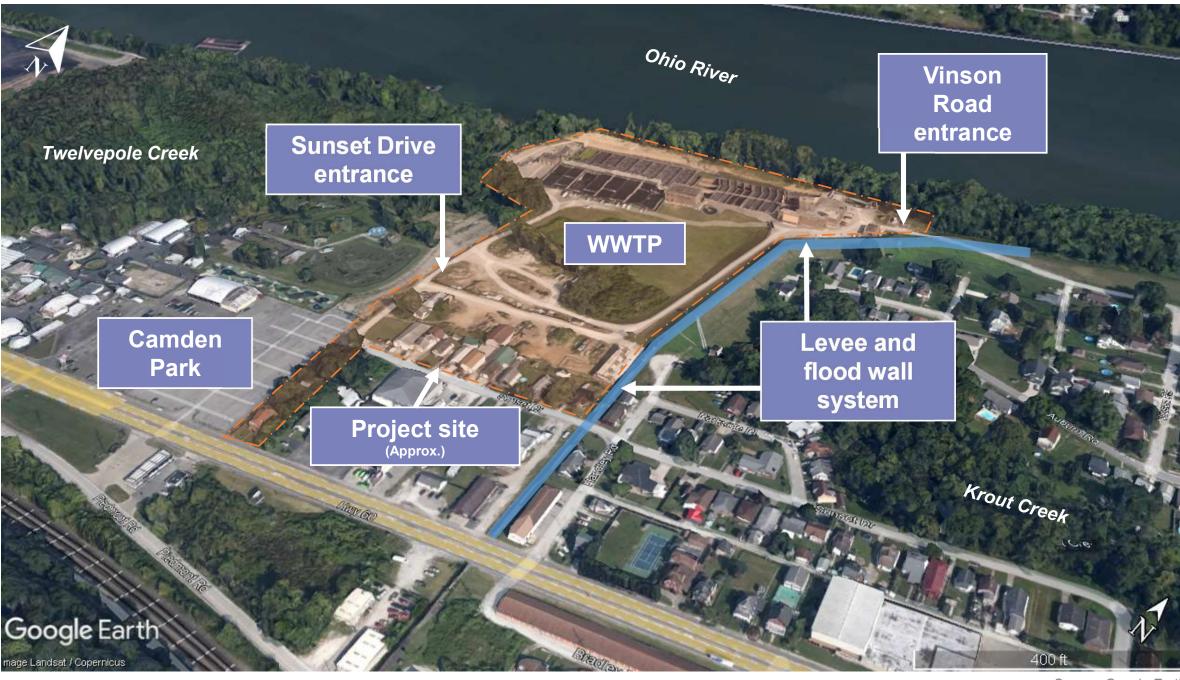


Excellence in Engineering SM

Huntington Sanitary Board
Wastewater Treatment Plant Site Changes

Project Site and Existing Facilities

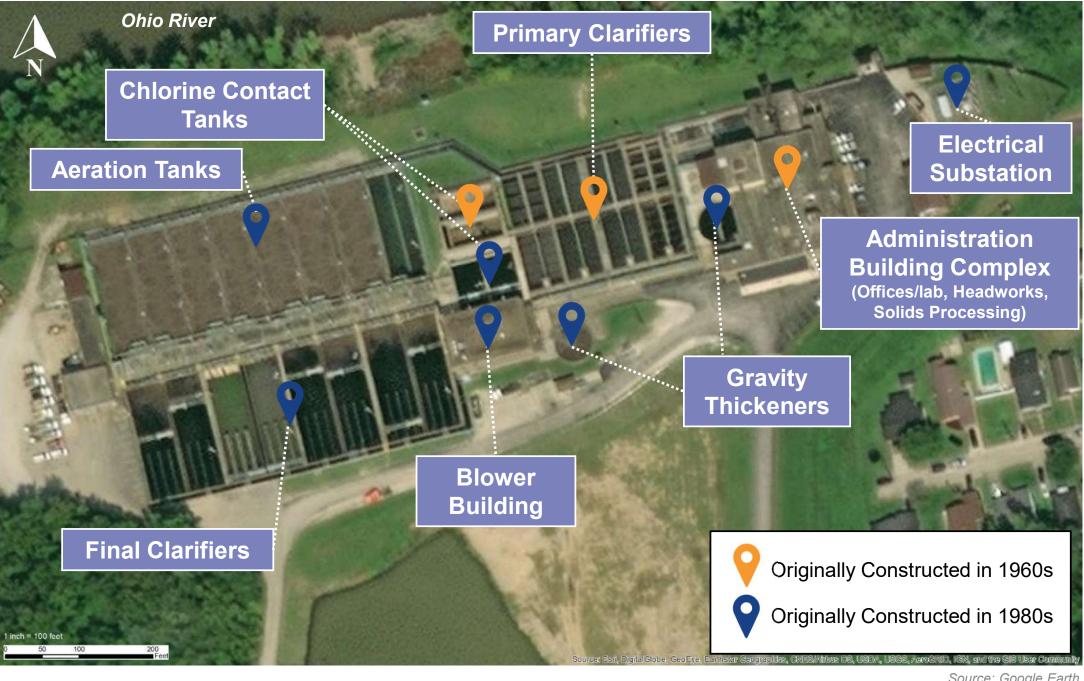
- Site address:
 - 5010 SunsetDrive
 - Wayne County)
- Access:
 - From Highway60/SunsetDrive





Source: Google Earth

Project Site and Existing Facilities

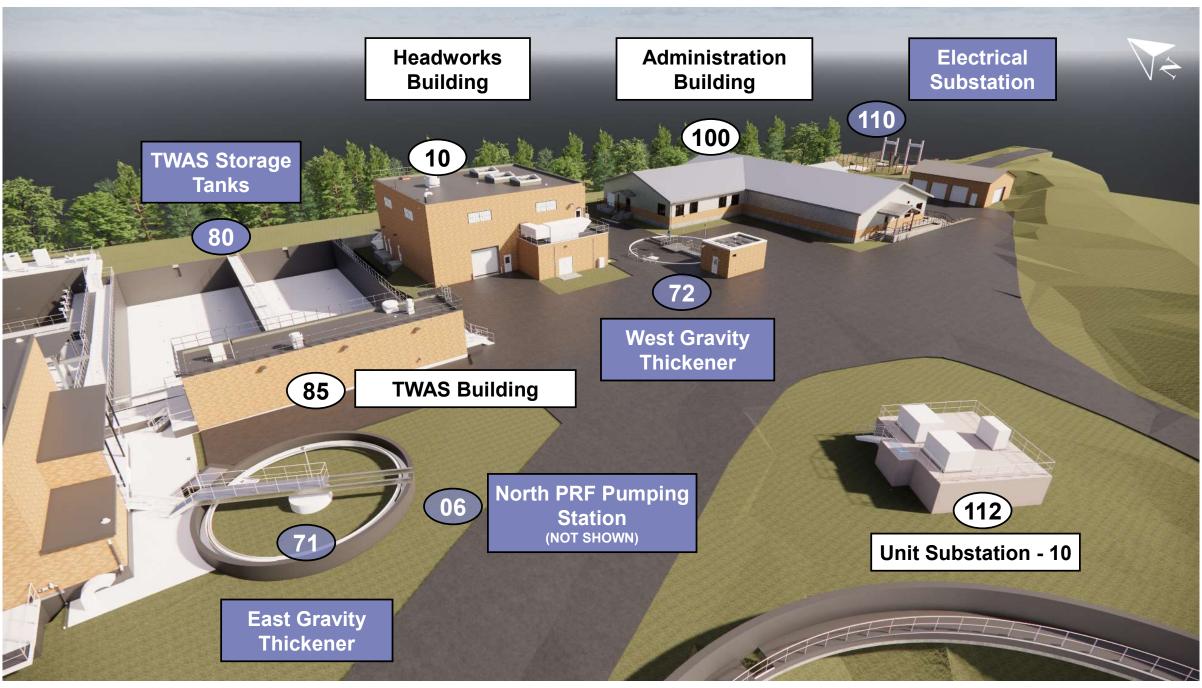




Source: Google Earth

Structure
Changes
(3D View)







Project site North, looking Northeast

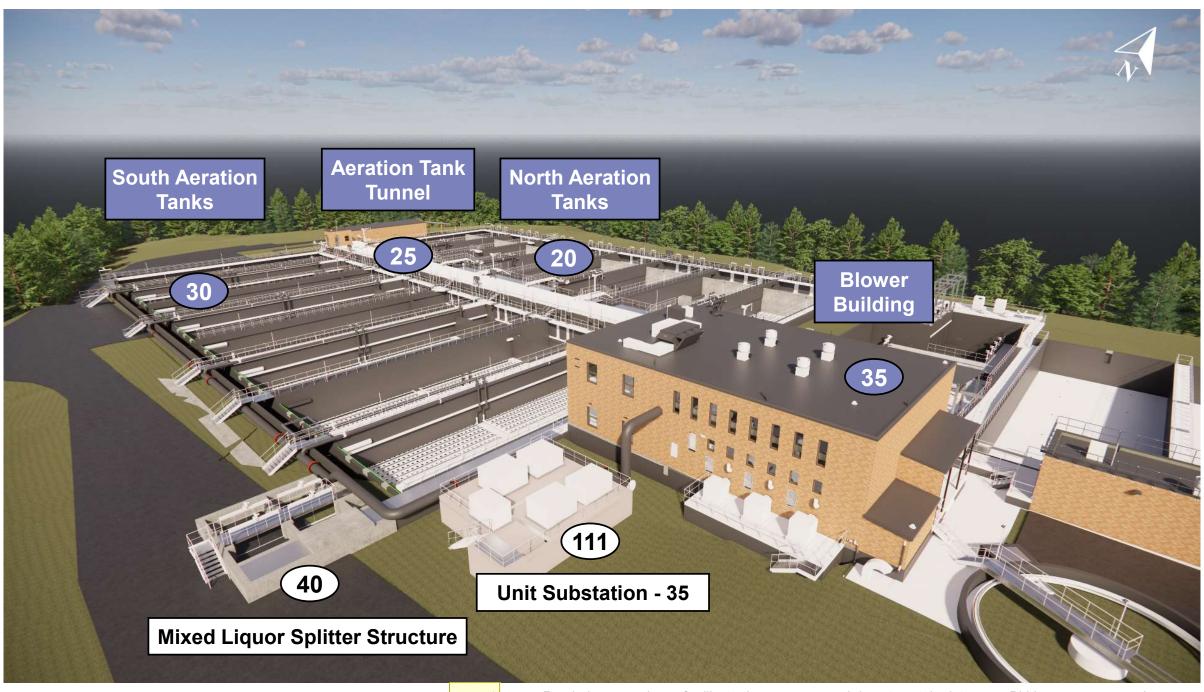
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<u>Key</u>

New

Modify

existing





Project site North, looking Northwest

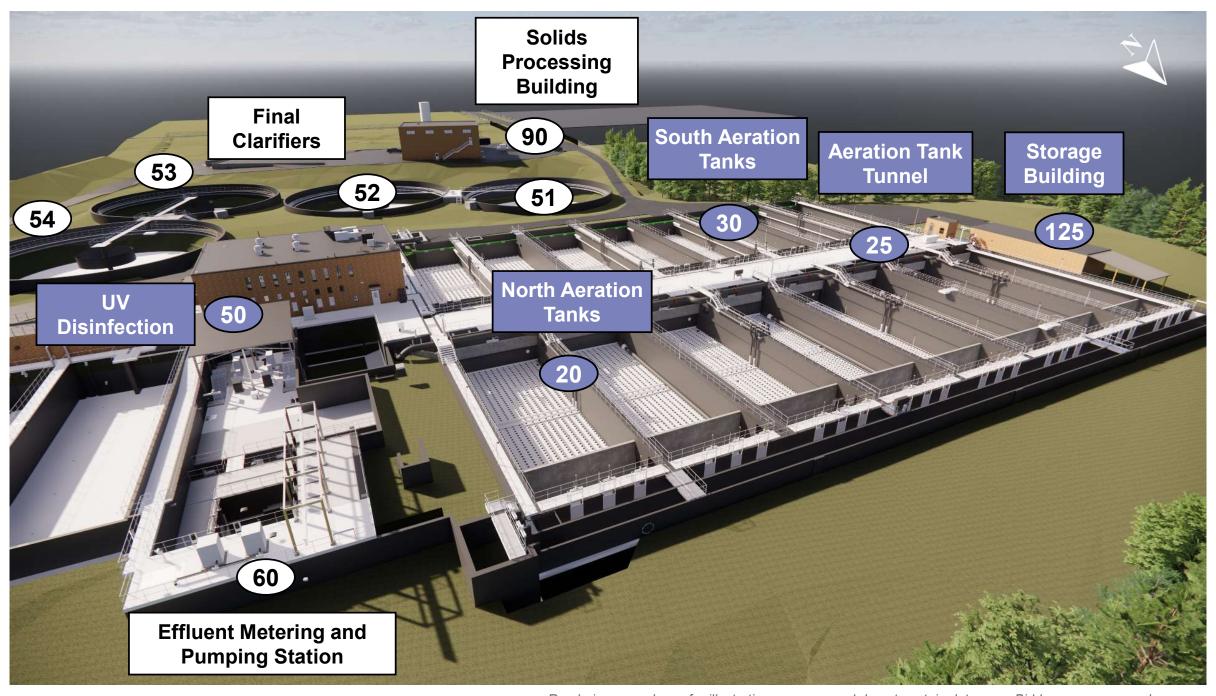
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Renderings are shown for illustrative purposes and do not contain data upon Bidders may use or rely upon.

<u>Key</u>

Modify existing

New





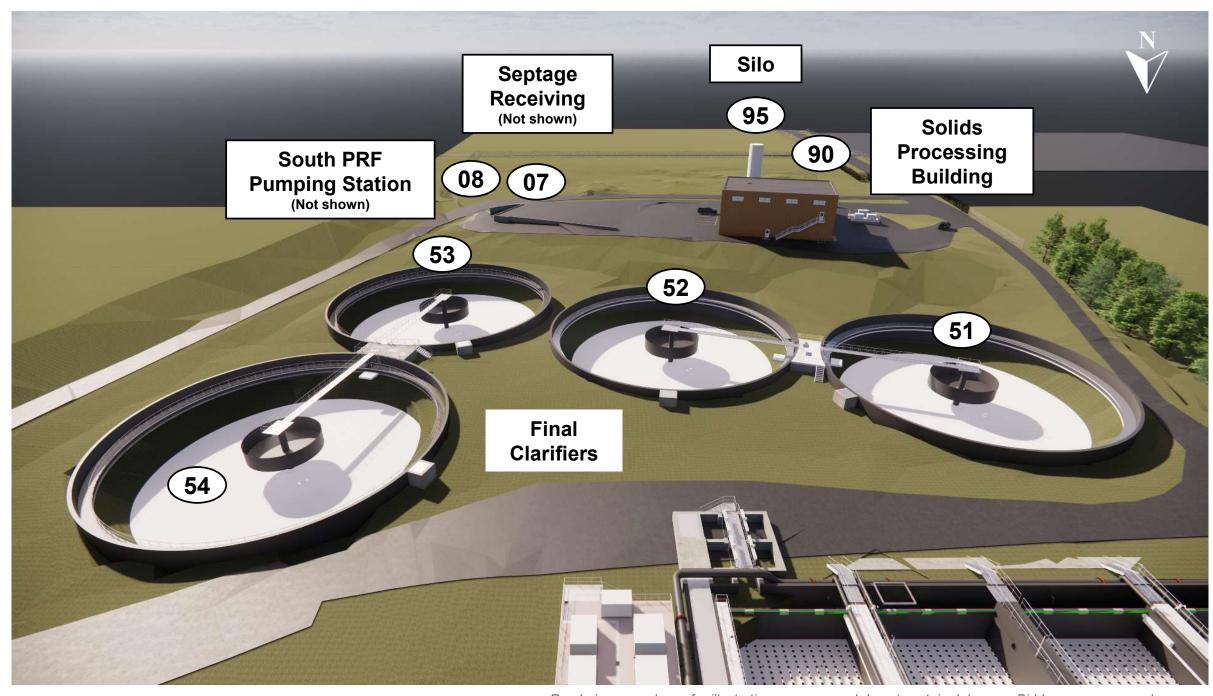
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<u>Key</u>

Modify existing

New



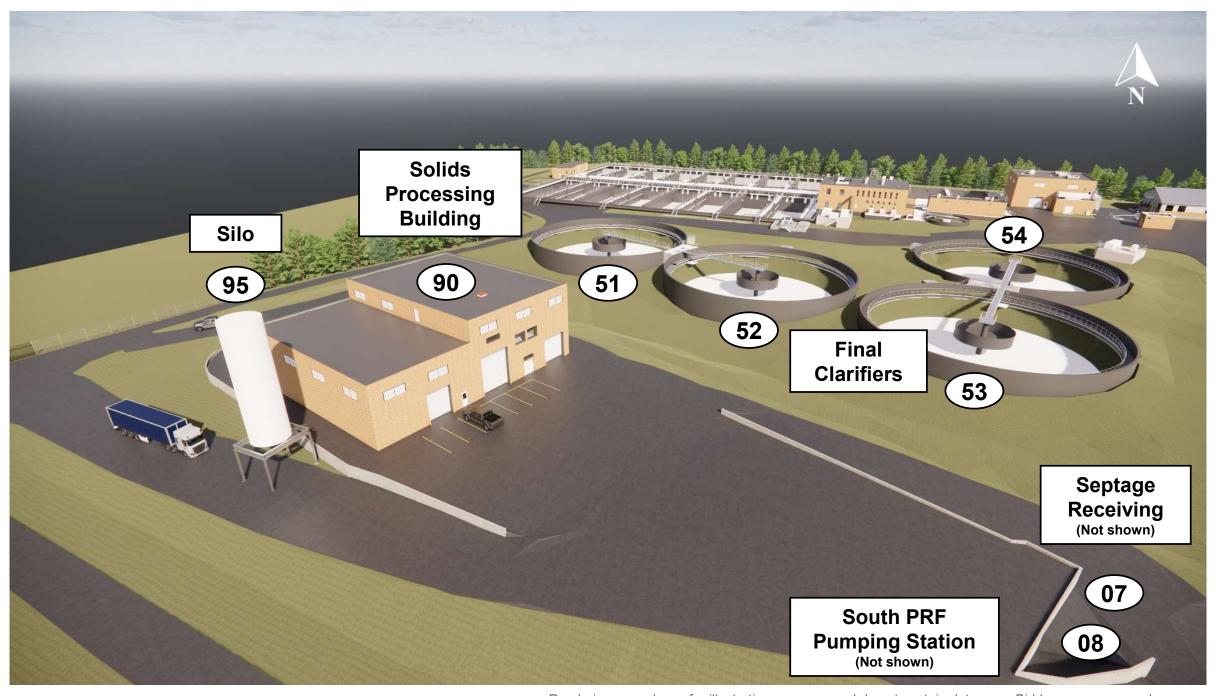


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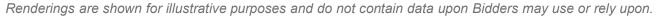
Modify existing

New

<u>Key</u>







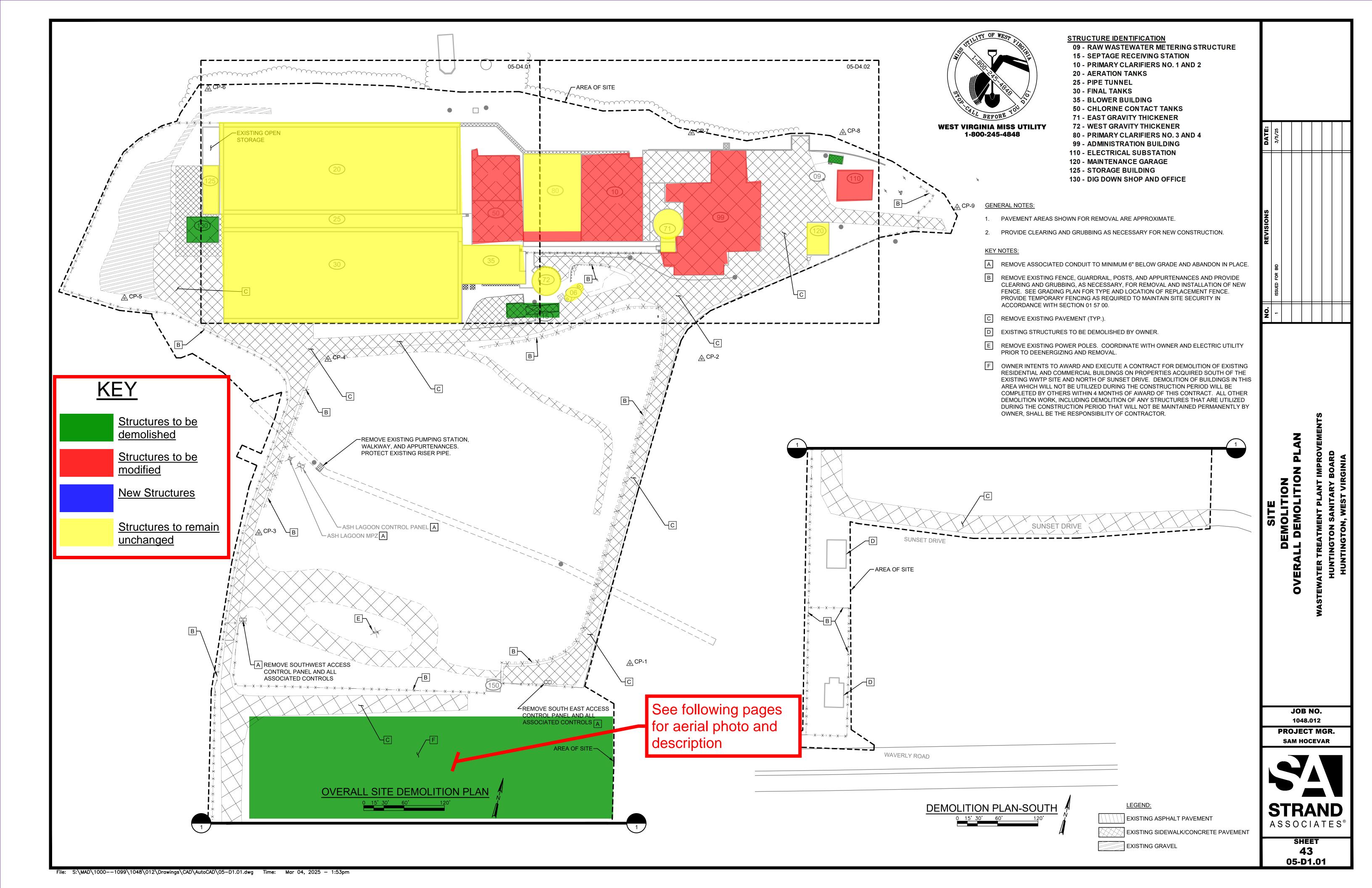


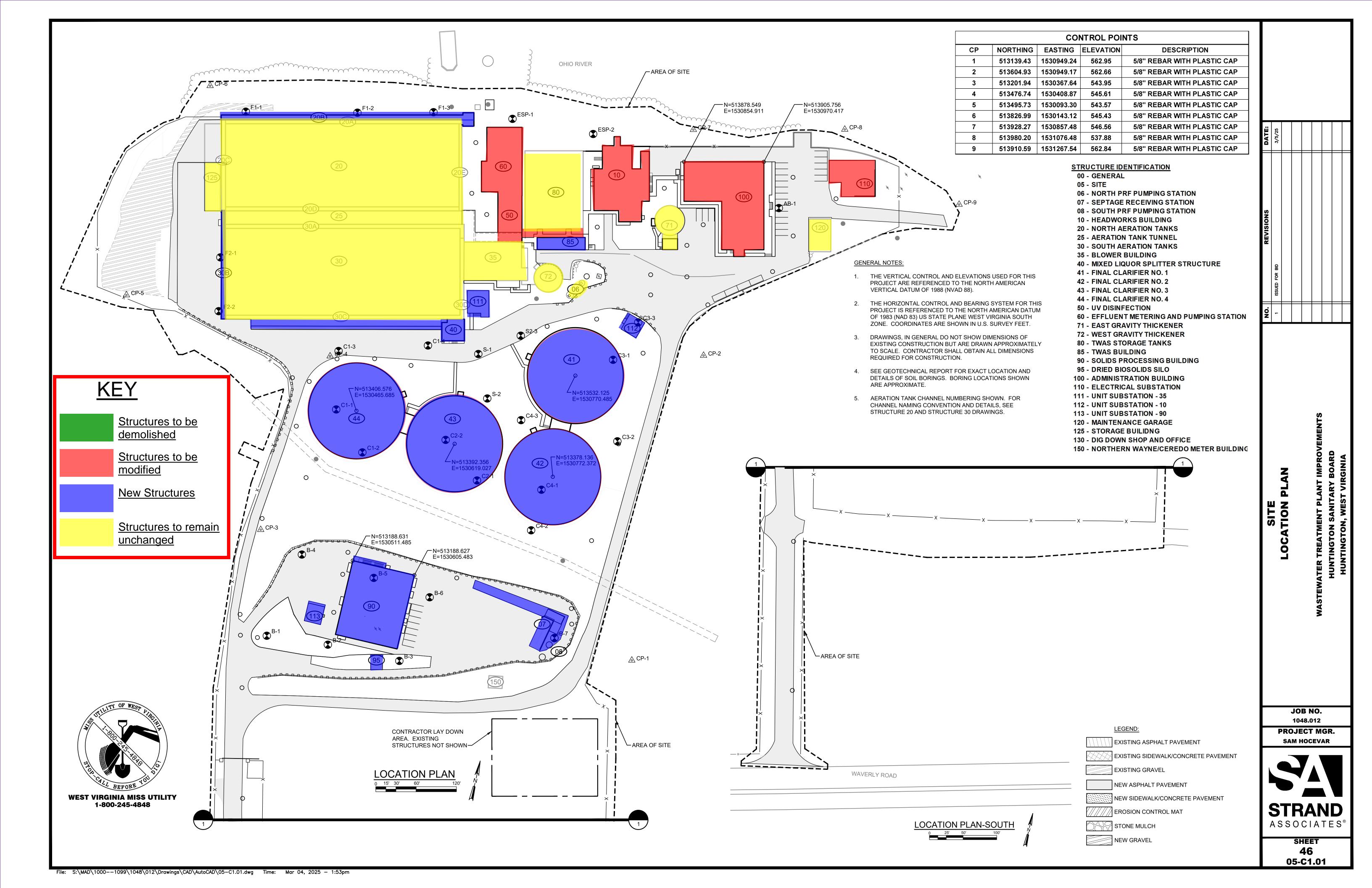
<u>Key</u>

Modify existing

New

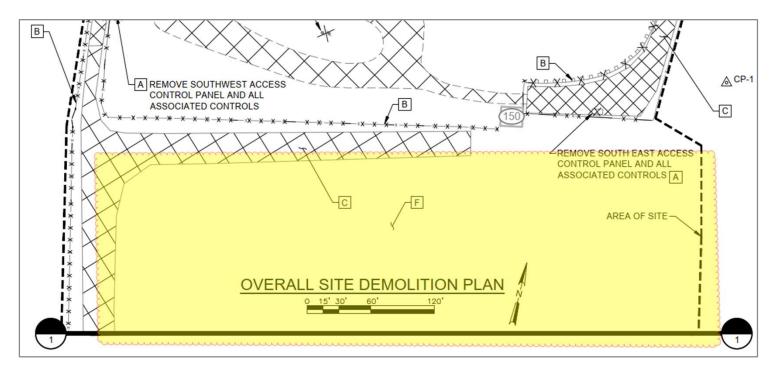
Structure
Changes
(Plan View)





Contractor Laydown Area South of WWTP

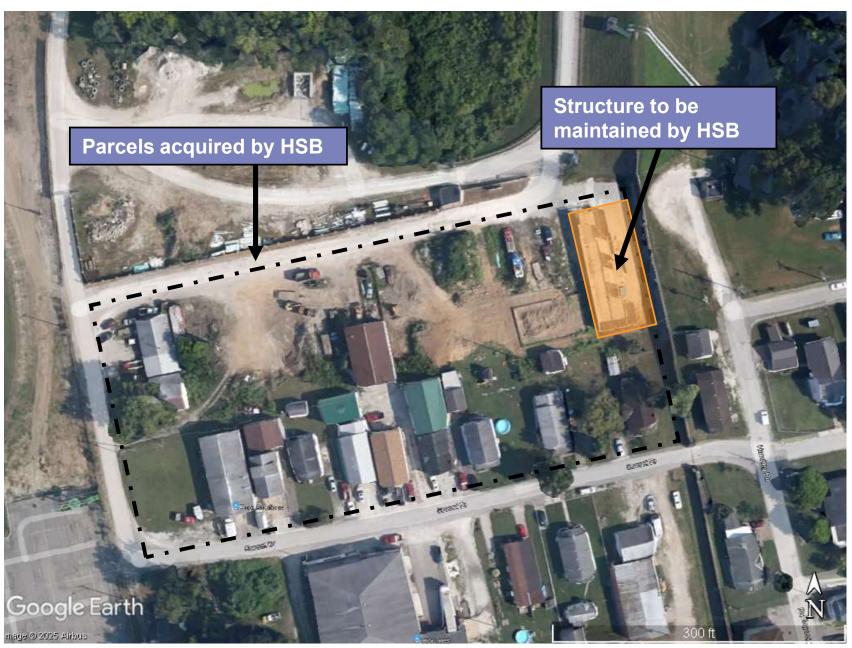
- OWNER has purchased properties south of the existing WWTP site for use by Contractor as a laydown yard
- OWNER intends to award and execute a contract for demolition of existing buildings south of the existing WWTP and north of Sunset Drive. This work will be completed by others.



OWNER INTENTS TO AWARD AND EXECUTE A CONTRACT FOR DEMOLITION OF EXISTING RESIDENTIAL AND COMMERCIAL BUILDINGS ON PROPERTIES ACQUIRED SOUTH OF THE EXISTING WWTP SITE AND NORTH OF SUNSET DRIVE. DEMOLITION OF BUILDINGS IN THIS AREA WHICH WILL NOT BE UTILIZED DURING THE CONSTRUCTION PERIOD WILL BE COMPLETED BY OTHERS WITHIN 4 MONTHS OF AWARD OF THIS CONTRACT. ALL OTHER DEMOLITION WORK, INCLUDING DEMOLITION OF ANY STRUCTURES THAT ARE UTILIZED DURING THE CONSTRUCTION PERIOD THAT WILL NOT BE MAINTAINED PERMANENTLY BY OWNER, SHALL BE THE RESPONSIBILITY OF CONTRACTOR.



Contractor Laydown Area South of WWTP

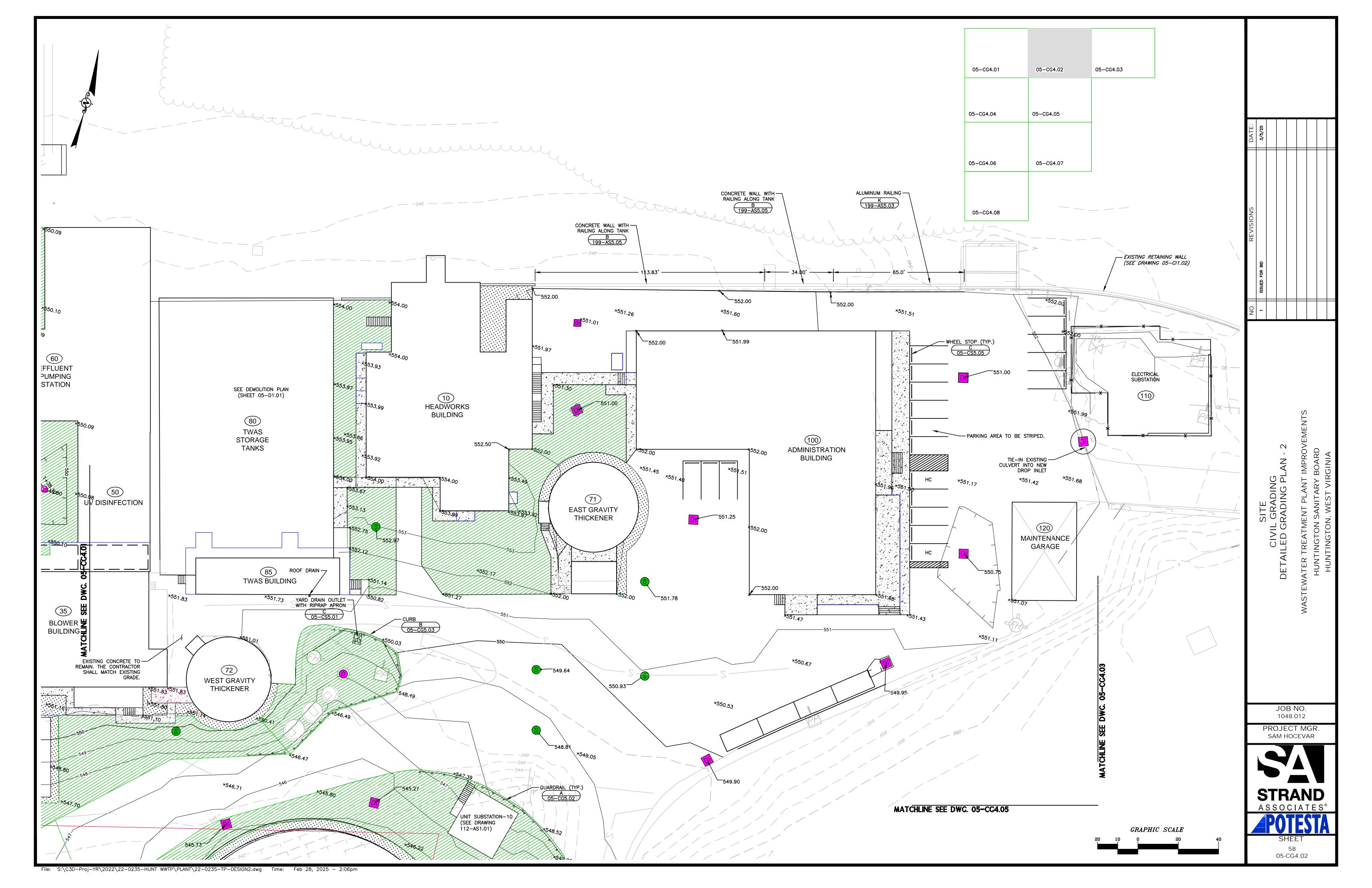


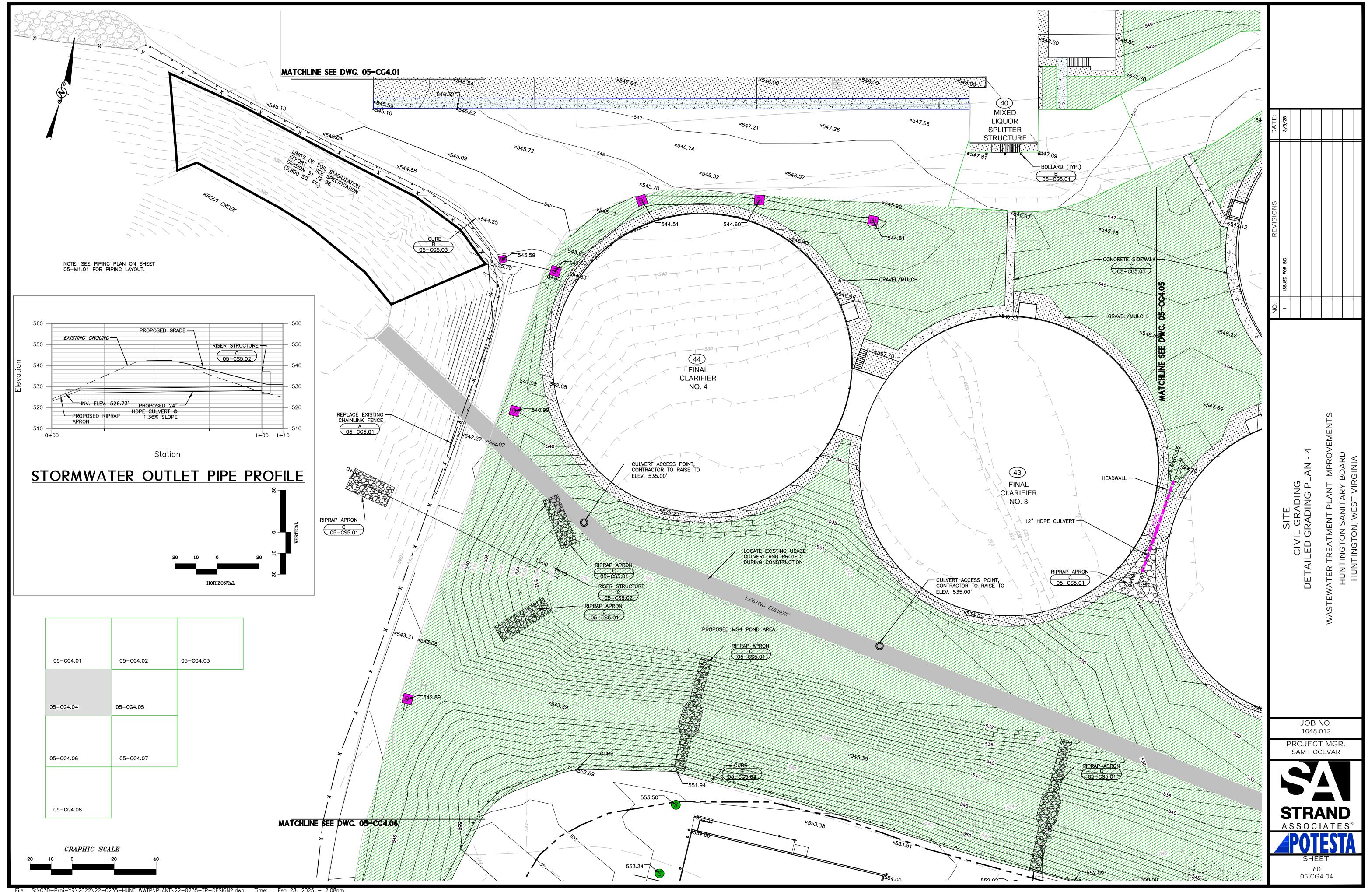
Note: Aerial imagery may not be representative of current conditions

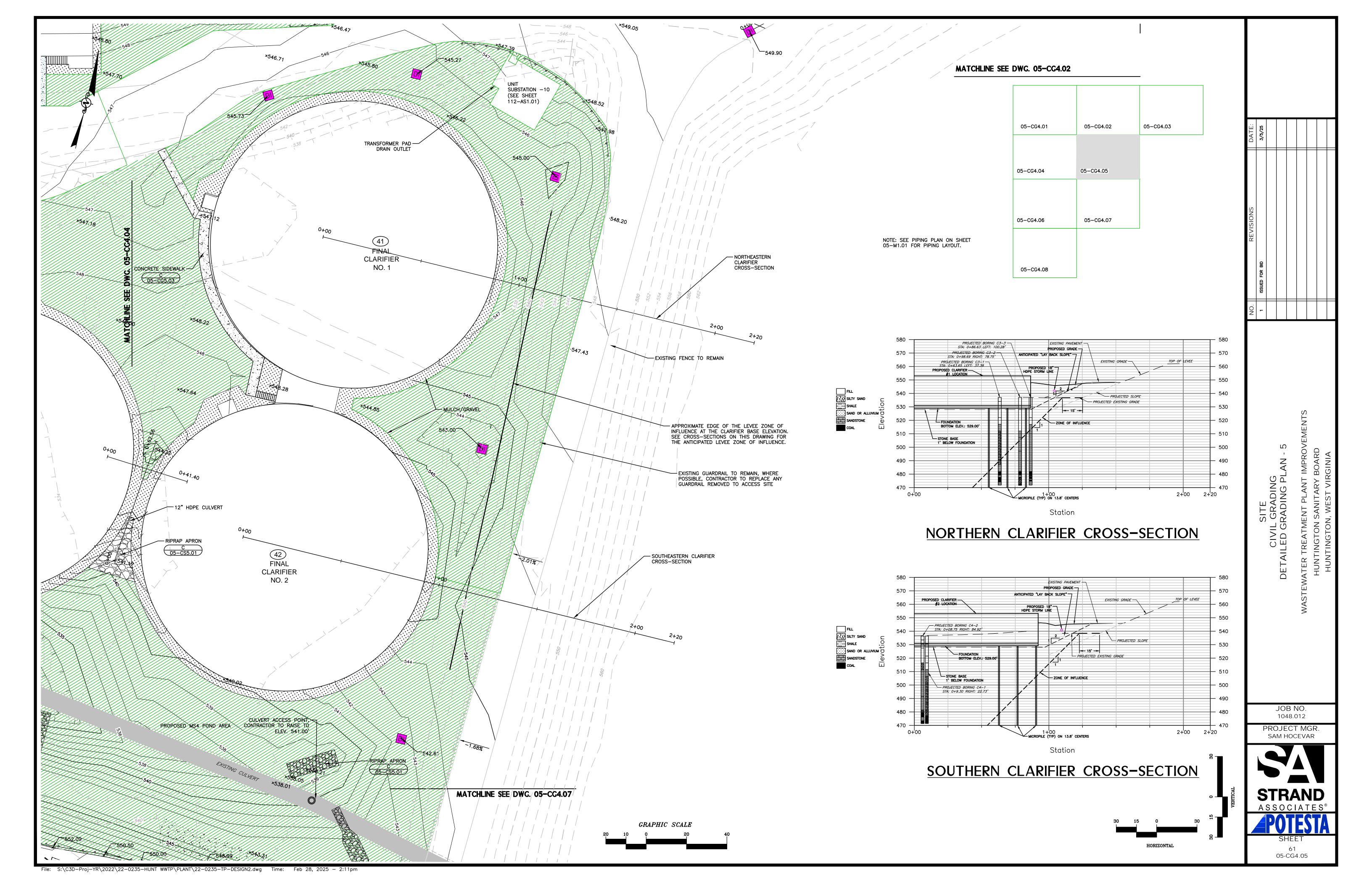


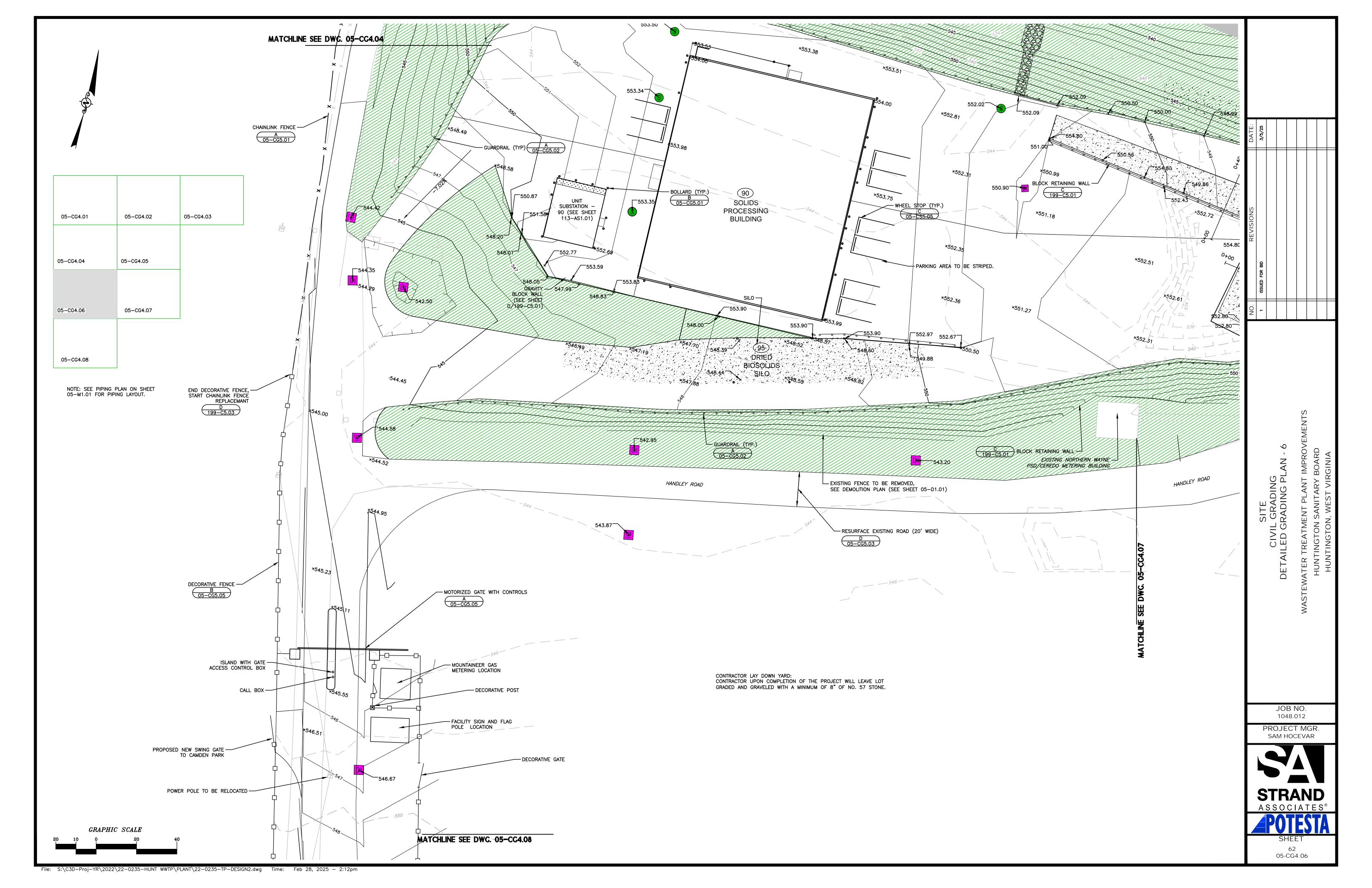
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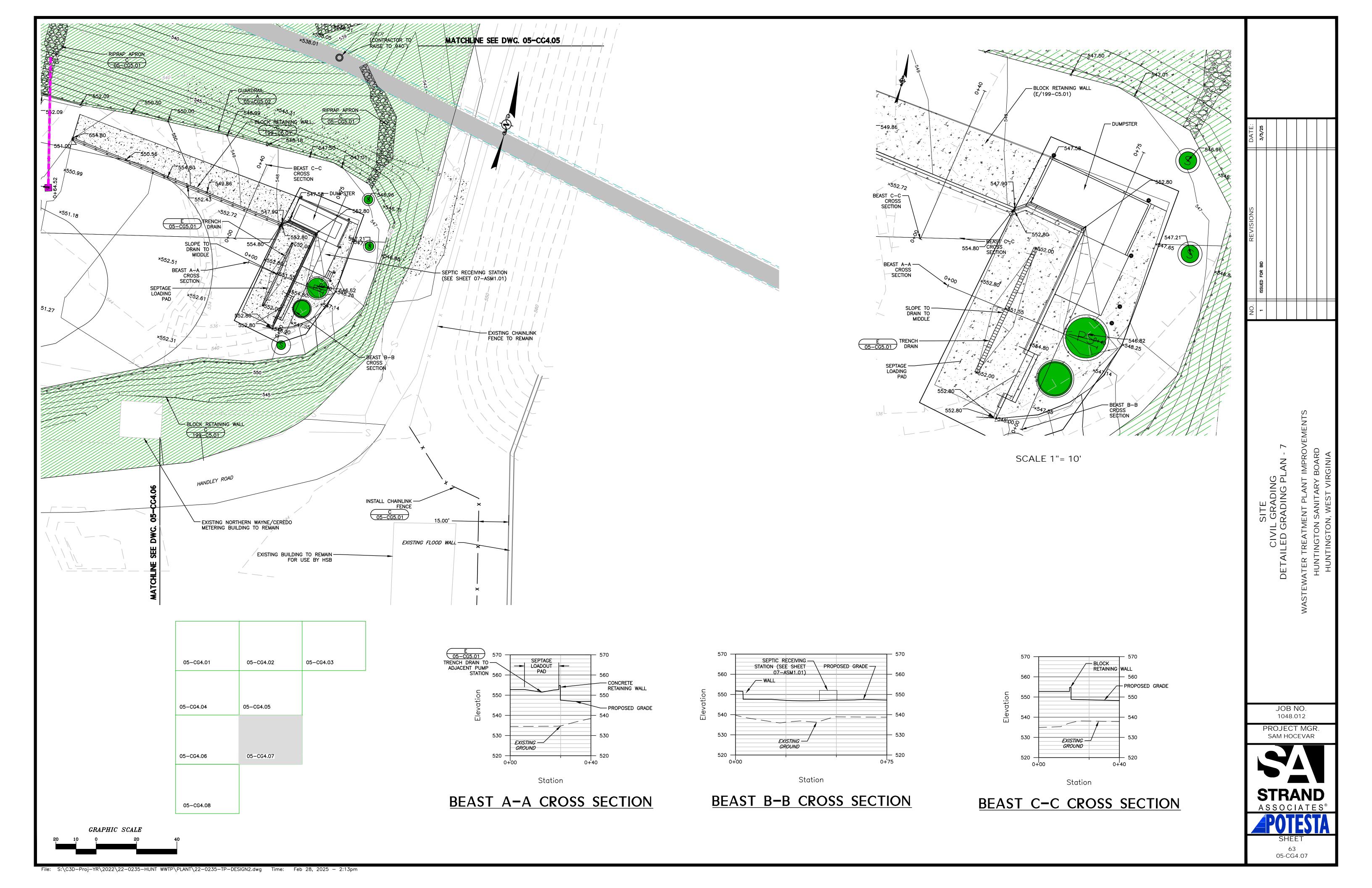












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February 25, 2025

West Virginia Department of Environmental Protection 601 57th Street Charleston, West Virginia 25304

Steptoe & Johnson PLLC Attn: John Stump 707 Virginia Street East Charleston, West Virginia 25301

Jackson Kelly, PLLC Attn: Samme Gee 500 Lee Street East, Suite 1600 Charleston, West Virginia 25301

West Virginia Infrastructure & Jobs Development Council 1009 Bullitt Street Charleston, West Virginia 25301

West Virginia Water Development Authority 1009 Bullitt Street Charleston, West Virginia 25301

City of Huntington 800 5th Avenue Huntington, West Virginia 25701

Huntington Sanitary Board 555 7th Avenue Huntington, West Virginia 25701

Re: Final Title Opinion for Huntington Sanitary Board Wastewater Treatment Plant Upgrade Project

WVIJDC Project No. 2022S-2245

Ladies and Gentlemen:

I am counsel to the City of Huntington by and through the Huntington Sanitary Board (the "Issuer") in connection with a proposed Wastewater Treatment Plant Upgrade Project.

The proposed project consists of the following elements: New Headworks Building

outfitted with three (3) fine mechanical screens and three vortex grit chambers; demolition of the existing primary clarifiers; expansion of the activated sludge process by converting the existing secondary clarifiers to activated sludge basins; construction of four (4) new secondary clarifiers; remediation of the existing fly ash pond site; demolition of the existing chlorination and dechlorination facilities and replacement with new Ultraviolet (UV) disinfection facilities; construction of a new effluent pump station and non-potable water system; installation of three (3) centrifuges with sludge drying facilities; construction of a new administration building; miscellaneous site grading, piping, landscaping, and paving work; heating, ventilation, and air conditioning work; interior process, plumbing, and fire protection piping and appurtenances; interior painting and finishing work; electrical substation, power distribution, and controls work; and demolition work;

This portion of the project will improve the treatment processes at the existing Wastewater Treatment Plant (WWTP) and increase the WWTP capacity. The proposed project consists of the following elements: demolition of existing structures and components including: secondary clarifier mechanisms and weir troughs and aeration blowers, piping, and diffusers; construction of a primary effluent control structure; modification of the existing activated sludge tanks, including installation of new diffusers, piping, recycle pumps, and baffles; conversion of the eight secondary clarifiers to activated sludge tanks and installation of new baffles and equipment; installation of new blowers and aeration piping in the existing Blower Building; construction of a new mixed liquor splitter structure and flumes; replacement of the existing electrical substation; installation of a SCADA system; modifications to existing yard piping and installation of new yard piping; replacement or installation of new motor control centers, lighting, and instrumentation; replacement of interior and site lighting; replacement of gates, handrail, and grating on existing structures which will remain in service; miscellaneous site grading, landscaping, and paving work; miscellaneous plumbing work; miscellaneous heating, ventilation, and air conditioning work; and miscellaneous interior painting and finish work; and

The proposed project consists of the following elements: demolition of existing structures and components including the abandoned coal silo tank, refuse tank, incinerator, and miscellaneous platforms; modifications to the existing sludge processing facilities to install new dewatering equipment and sludge dryer; rehabilitation of the existing gravity thickeners; construction of a new Administration Building; modifications to existing yard piping and installation of new yard piping; replacement or installation of new motor control centers, lighting, and instrumentation; replacement of interior and site lighting; replacement of gates, handrail, and grating on existing structures which will remain in service; miscellaneous site grading, landscaping, and paving work; miscellaneous plumbing work; miscellaneous heating, ventilation, and air conditioning work; and miscellaneous interior painting and finish work collectively, the "Project".

The Issuer is also acquiring tracts of lands situate on Sunset Drive for the purpose of a laydown yard as well as acquiring certain tracts of real property to provide increased access to the Wastewater Treatment Plant. In order to quiet title to the Wastewater Treatment Plant property it was necessary for the Sanitary Board to file Petitions for Eminent Domain as to unknown owners of property adjacent to the main treatment plant site. These have been filed and Rights of Entry

have been obtained and recorded. Other tracts which are deemed necessary for the operation of the Wastewater Treatment Plant have been acquired by either Deed, Sale and Purchase Agreement and/or Rights of Entry.

All purchases or acquisitions have been acquired by the Huntington Sanitary Board in compliance with the requirements of the Uniform Relocation Act.

- 1. I am of the opinion that the Issuer is a duly created and validly existing Sanitary Board possessed with all the powers and authority granted to Municipalities under the laws of the State of West Virginia to construct, operate and maintain the Project as approved by the West Virginia Department of Environmental Protection.
- 2. The Issuer has obtained all necessary permits and approvals for the construction of the Project.
- 3. I have investigated and ascertained the location of, and am familiar with the legal descriptions of the necessary sites, including easements, property acquisitions for the Wastewater Treatment Plant and/or rights of way, required for the Project as set forth in the plans for the Project prepared by Strand Associates, Inc., the Consulting Engineers for the Project.
- 4. I have examined the records on file in the Office of the Clerk of the County Commission of Wayne County, West Virginia, the County in which the Project is to be located, and, in my opinion, the Issuer has acquired all of the necessary site components for the Project as set forth below, including all Deed Acquisitions, Easements, Rights of Way, Rights-of-Entry or Sales Agreements sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance of the Wastewater Treatment Plant for the estimated life of the Project.

EXISTING WASTEWATER TREATMENT PLANT

- A. Tax Map 1 Parcel 1
 Deed Book 286-381
 Lots 2,3,4,5,6,9,10,11 Block 1 Dupont Place
 (Also includes 7.5 acre tract) see below as to Lot 12
 Lots 50, 51, 93, 95,96,97,98,99,100,101,102 Hale & Taylor
 Tax Ticket: Lots 4,5,6 Dupont Place
- B. Tax Map 1 Parcel 2
 Deed Book 286-378
 Lots 7-8 Dupont Place
 Tax Ticket: Lots 7-8

C. Tax Map 1 Parcel 3

Deed Book 286-381

Lots 9, 10, 11, 12 Dupont Place

Tax Ticket: Lots 9, 10, 11, 12 Dupont Place

see below as to Lot 12

D. Tax Map 1, Parcel 7

Deed Book 286-377 (Lot 16)

Deed Book 286-380 (Lot 17)

Tax Ticket: Lots 16-17 Hale & Taylor

E. Tax Map 1, Parcel 228 Dupont Place & Hale & Taylor

Deed Book 286-381 (Lots 2-3)

Deed Book 286-373 (Lot 1 Dupont Place)

Lots 1-3 Dupont lace

Lots 1-5 Hale & Taylor Appear to be part of 7.5 ac tract (see Deed Book 286-381)

F. Tax Map 1 Parcel 229 Hale & Taylor

Deed Book 286-369

Lots 13,14,15,47,48,49 Hale& Taylor

Note: Tax Ticket shows "Lot 5 Hale & Taylor Floodwall Board"

G. Tax Map 1 Parcel 30 Hale & Taylor

Deed Book 286-381 (Lots 6-12 H&T)

Deed Book 286-371 (Lots 89-90 H&T)

Deed Book 286-376 (Lots 105,106,107,108 H&T)

Deed Book 286-381 (Lots 93,95,96 H&T)

Deed Book 286-449 (Lots 91,92,94 H&T)

Tax Ticket: Lots 6-12 Hale & Taylor; 89-96; 105-108

H. Tax Map 1 Parcel 231

Deed Book 286-374 (Lots 103-104 Hale & Taylor)

Deed Book 286-381 (Lots 97,98,99,100,101,102 Hale & Taylor)

I. Tax Map 1 Parcel 37 (Unknown Owner)

Pt Lt 46 Hale & Taylor

Eminent Domain 24-C-118

ROE 779-392

J. Tax Map 1 Parcel 9 (Unknown Owner)

Eminent Domain 24-C-115

ROE 779-404

Order Vesting Title Deed Book 782-356

- K. Tax Map 1 Parcel 13 (Unknown Owner) Eminent Domain 24-C-119 ROE 779-396
- L. Tax Map 1 Parcel 3 (Lot 12 Dupont Place) Eminent Domain 24-C-121 ROE 779-400

ACQUISITIONS

- A. Martin Land Company
 Tax Map 1 Parcel 226
 Pt of Lot 4 Hale & Taylor
 Eminent Domain
 ROE 780-378
- B. Hydrocarbon Energies Inc.Tax Map 1 Parcel 225Lot 21 Hale & TaylorROE 780-491
- C. Steve Brumfield Estate
 Tax Map 1 Parcel 8
 Lot 18 Hale & Taylor
 ROE 781-472
- D. Camden Park Inc.
 Tax Map 1D Parcel 32
 Lot 1 Humphries Subdivision
 Sales Agreement Book 45, Page 970
- E. Nellie Henderson Estate
 Tax Map 1 D Parcel 23.1
 Lot 1 Block 2 Dupont Place
 Deed Book 778-977

ACQUISITIONS SUNSET DRIVE

A. Tax Map 1D Parcel 2
Lot 109 - Brass Ring, Inc.
Tax Ticket: Lot 109 Hale & Taylor Z4
Sales Agreement Book 45, Page 952

- B. Tax Map 1D Parcel 3
 Lot 110 David & Troy Houchin
 Tax Ticket: Lot 110 Fee Hale & Taylor
 Sales Agreement (Book 45, Page 922)
- C. Tax Map 1D Parcel 4
 Lots 111,112 and 113 Brass Ring, Inc.
 Tax Ticket: Lots 111,112,113 Fee Hale
 Sales Agreement Book 45, Page 960
- D. Tax Map 1D Parcel 5.1 Lot 114 - Camden Park Tax Ticket: Lot 114 Hale & Taylor Z4 Sales Agreement Book 45, Page 965
- E. Tax Map 1D Parcel 5
 Lot 115 Floor Solutions
 Tax Ticket: Lot 115 Hale & Taylor
 Sales Agreement (Book 45, Page 926)
- F. Tax Map 1D Parcel 6
 Lot 116 Jordan
 Tax Ticket: Lot 116 Hale & Taylor Z5
 Sales Agreement (Book 45, Page 913)
- G. Tax Map 1D Parcel 7
 Lot 117 Brass Ring, Inc.
 Tax Ticket: Lot 117 Hale & Taylor Z5
 Sales Agreement Book 45, Page 975
- H. Tax Map 1D Parcel 8
 Lot 118 Camden Park
 Tax Ticket: Lot 118 Hale & Taylor Z5
 Sales Agreement Book 45, Page 980
- Tax Map 1D Parcel 9
 Lot 119 Jordan
 Tax Ticket: Lot 119 Hale & Taylor
 Sales Agreement (Book 45, Page 917)
- J. Tax Map 1D Parcel 10
 Lot 120 Jordan
 Tax Ticket Lot 120 Hale & Taylor Z5
 Sales Agreement (Book 45, Page 917)

K. Tax Map 1D Parcel 11 Lot 121 - Conley Tax Ticket: Lot 121 Hale & Taylor Z4 Deed Book 782, Page 486

L. Tax Map 1D Parcel 13 Lots 124 & 125 - Brass Ring, Inc. Tax Ticket: Lots 124 & 125 Hale & Taylor Sales Agreement Book 45, Page 985

M. Tax Map 1D Parcel 14 Lot 126 - Houchin Tax Ticket: Lot 126 Fee Hale & Taylor Right of Entry 782, Page 523

N. Tax Map 1D Parcel 15 Lot 127 - Floor Solutions Tax Ticket: Lot 127 Hale & Taylor Sales Agreement (Book 45, Page 934)

O. Tax Map 1D Parcel 16 Lot 128 - Houchin Tax Ticket: Lot 128 Fee Hale & Taylor Z5 Sales Agreement (Book 45, Page 930)

P. Tax Map 1D Parcel 17 Lot 129 - Conley Tax Ticket: Lot 129 Hale & Taylor Deed Book 782, Page 488

Q. Tax Map 1D Parcel 18.1 Lot 130 - Conley Tax Ticket: Lot 130 Fee Hale & Taylor Deed Book 782, Page 488

R. Tax Map 1D Parcel 18 Lot 131 - Conley Tax Ticket: Lot 131 Hale & Taylor Deed Book 782, Page 488

S. Tax Map 1D Parcel 19 Lot 132 - Blanton Tax Ticket: Lot 132 Fee Hale & Taylor Deed Book 782, Page 496

Tax Map 1D Parcel 20
Lots 133 & 134 - Blanton
Tax Ticket: Lots 133 & 134 Fee Hale & Taylor
Deed Book 782, Page 493

U. Tax Map 1D Parcel 21 Lots 135,136,137 - Blanton Tax Ticket: Block E, Lots 135,136,137 Fee Hale & Taylor Sub. Deed Book 782, Page 490

- 5. There is no pending litigation that would affect the Project of which the undersigned Counsel is aware after due diligence. Further, there are no Judgment Liens or Federal or State Tax Liens of record in Wayne County against the Issuer.
- 6. All Deeds, Easements, Rights of Way, Rights-of-Entry and Sales Agreements which have been acquired to date by the Issuer have been duly recorded in the Office of the Clerk of the County Commission of Wayne County to protect the legal title to and interest of the Issuer.

Very truly yours,

Ronald J. Flora Attorney at Law

RJF/eh

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P.O. Box 7578 555 Seventh Avenue Huntington, WV 25777 304-696-4423

December 16, 2024

Huntington Sanitary Board 555 Seventh Avenue Huntington, WV 25701 Attn: Brian Bracey

RE: Huntington Sanitary Board improvements at the Wastewater Treatment Plant, Wayne County, Huntington, WV. Stormwater Management Approval

The Huntington Stormwater Utility (HSU) has completed the review of the stormwater management plan for the HSB Wastewater Treatment Plant improvements in Huntington, WV.

The Stormwater Utility received the application on October 25, 2024, and follow-up responses on December 8, 2024. The final revised plans and drawings describing the storm sewer infrastructure, bioretention cell, and sediment & erosion controls are hereby approved.

This project consists of the replacement and upgrades of various components of Huntington's existing wastewater treatment plant. Activities include filling and grading for a new headworks building, clarifiers, and access road. The stormwater infrastructure consists of collection inlets, pipes, and one bioretention cell. The bioretention cell storage volume is 14,400 cubic feet of water. The bioretention cell shall infiltrate water within 24 hours and the side slopes not exceed 3:1. Routine maintenance of the bioretention cell is required to maintain hydraulic capacity.

Sediment and erosion control measures shall be installed prior to grading and/or moving dirt and kept in place during construction.

The contributing drainage areas shall be stabilized prior to final construction of the bioretention cell.

The construction of each step of the bioretention cell shall be documented. This documentation is to be submitted with the as-built drawings. <u>As-built drawings of the stormwater infrastructure shall be submitted to the Utility within 60 days of completion</u>.

All stormwater controls are subject to inspection by Utility personnel at any time.

If you have any questions regarding this letter, please do not hesitate to call me at 304-781-1952 or email at sherry.wilkins@huntingtonswu.com.

Sincerely,

Sherry Wilkins Director