



Agenda
Huntington Planning Commission
Monday, July 5, 2022 – 5:30pm

1. Preliminaries
2. Call to Order
3. Roll Call
4. Approval of the June 2022 Minutes
5. New Business

PC 22-RZ-05

Issue: A petition to rezone property to R-5 Multi-Family Residential District from R-2 Single-Family Residential District. This property is located along the north side of 4th Avenue and west of 28th Street and includes 2736, 2738, 2742, and 2746 4th Avenue.

Petitioner: JTH Rentals, LLC. 1 Official Plaza, Madison, WV

6. Good and Welfare
7. Other Business or Announcements
8. Adjournment

Minutes
Huntington Planning Commission
June 6, 2022

A meeting of the City of Huntington Planning Commission was held on June 6, 2022 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, Stephanie Vlahos Bryant, Carl Eastham, Holly Smith Mount

Members Absent: Sean Hornbuckle, Ursulette Ward, Gerry Holley

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

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

PC 22-RZ-05

A petition to rezone property to R-5 Multi-Family Residential District from R-2 Single-Family Residential District. This property is located along the north side of 4th Avenue and west of 28th Street and includes 2736, 2738, 2742, and 2746 4th Avenue.

Petitioner: JTH Rentals, LLC. 1 Official Plaza, Madison, WV

Ms. Shell presented the Staff Report.

Ms. Smith Mount – Any development that would happen here would have to come back before this Commission for approval because of the size of the development?

Ms. Shell confirmed that in addition to meeting the requirements of the district, development on this property would need to come before this Board for approval.

The petitioner was not present to present the petition.

Ms. Walling – Are there any plans for us to review to understand what the petitioner intends to do with the property?

Ms. Shell was hesitant to speak for the petitioner and explained that a rezoning does not restrict a petitioner to the type of development proposed at a rezoning hearing; if approved, all uses in the R-5 District would be allowed regardless of what is claimed as the intent prior to a rezoning approval.

She explained that there have been discussions about multi-family uses, such as condominiums, but there have not been any plans submitted for site layout as the project is contingent on a rezoning approval.

Ms. Walling requested unanimous consent to allow for the public to speak on the petition. There were no objections.

The Commissioners discussed laying over the petition.

Sarah Deeming, whose property falls within the rezoning area, has spoken with the property owner, John Handly, and the property planner, Mr. Dempsy, and claimed they spoke of building rental townhouses. She informed the Commissioners that the neighborhood is predominately elderly and school age children and is located near an elementary. She described the neighborhood as troubled by crime and lacking in support from the local police

department. She believes a large residential development will bring more traffic and the alley is too tight for two lane traffic. She does not feel an R-5 Zone would be beneficial to the area.

Ms. Walling – Do you have any idea when the Emmons School was torn down?

Ms. Deeming informed the Commissioners the Emmons Elementary building was demolished in 2000 and gave a detailed history of the ownership.

Ms. Smith Mount mused aloud information from the Staff Report that 16 homes could fit in this location and that the property has been vacant for many years.

Mr. Eastham asked Ms. Deeming if she requested to be part of the rezoning since her property is included in the rezoning proposal.

Ms. Deeming stated that she did not and reached out to the petitioner to ask why her property was included in the rezoning. She was told that 50% of the property owners in an area to be rezoned must sign off on the petition and her signature was not needed.

Mr. Gallagher explained to the members of the public that the petition would be laid over to the next meeting since the petitioner is not present to address the Commission. He assured the public that anyone who wishes to provide testimony may do so this evening with the understanding that any questions about the proposed project could not be addressed by the Commission members. He also advised them to attend the next meeting, so they may hear from the petitioner what they intend for the property if the rezoning is approved.

Angela Harshburger, 2529 3rd Ave., informed the Commissioners that the police response in Highlawn is low and questioned how adding more people would impact the already poor response by the police. She pointed out that the prevalence of flooding in the city and the quality of water, and questioned why the city would allow more housing without first addressing the problems for the existing residence. She does not believe that the city has the resources to add more people to the community.

Ms. Walling informed the public of measures being taken by the city to address the sewer and stormwater issues in the Highlawn neighborhood.

Sarah Dolan, 2739 4th Ave., echoing Ms. Harshburger's concerns for safety, crime, and infrastructure, added that the traffic in the neighborhood is an issue and questioned where all these new residents would park.

Dee Jenkins, 2717 3rd Ave., believes the alley cannot handle the amount of traffic that this property would generate. If the property were divided up for the development of single-family homes, she calculated roughly 60 additional people to the block. She told the Commissioners she believes that the current infrastructure could not handle that. She asked what would happen if the rezoning was approved and the petitioner backed out of the project.

The Commissioners confirmed the rezoning would be for the life of the property and it would not revert back to single-family district if it were to be sold after a rezoning.

Zane Parsley, 2668 Collis Ave., stated that he spoke to the property owner about his intentions and was told at the time the intent was to build townhouses, not condominiums. He described the Emmons lot as elevated 25 ft. over the houses across the road and questioned adding a 5-story building that would dwarf those homes. He told the Commissioners that Huntington is in need of quality, high-density housing. He is disappointed that the petitioner did not show up to represent their proposal and is not comfortable with the idea of a project moving forward without questions from the neighborhood being addressed. He asked for clarification on the process for this lot mentioned by staff.

Ms. Shell confirmed that due to the size of the lot, the Subdivision Regulations would apply and thus any development would have to come back before the Planning Commission to review. She also address the concerns brought by others regarding the infrastructure stating that any project for this lot would have to be reviewed by several departments, as well as the Planning Commission, where many of the infrastructure concerns would be addressed.

Linda Blough, 2741 Collis Ave., agrees with the sentiments of the other residents of the neighborhood. She told the Commissioners that Highlawn is already over 50% rental and, of those rental units, most of them are owned by uncaring property owners who do not maintain their properties. She is concerned that if the petitioner is proposing rentals over owner occupied units, a multi-family project at this location would add to the decline of the neighborhood.

Pat Jones, 2564 3rd Ave., is disappointed that the petitioner is not here to address the questions of the public and, as a City Council member, he will want those questions answered before casting a vote for the rezoning.

Anthony Scriven apologized for his tardiness and expressed his concern with infrastructure, traffic, and the petitioner's intentions. *Mr. Gallagher* confirmed that his concerns were discussed.

Ms. Smith Mount made a motion to layover the petition to the next meeting; *Mr. Eastham* seconded the motion.

Roll Call: Brian Gallagher, Yes; Sarah Walling, No; Sharon Pell, Yes; Stephanie Vlahos Bryant, Yes; Carl Eastham, Yes; Holly Smith Mount Yes.

Motion passed to layover the petition to the next meeting by a vote of 4 Yes to 1 No.

Ms. Shell informed the Commissioners the next meeting would be Tuesday, July 5, 2022.

PC 22-MS-06

A petition to subdivide an approximately 2.08 acre parcel into two 1.04 acre parcels. The property is located on the south side of 5th Avenue and west of 25th Street.

Owner: Everett Hannah Prop II, P.O. Box 277, Varney, WV

Petitioner: Jared Decker, 1000 Grand Central Mall, Vienna, WV 26105

Ms. Shell presented the Staff Report.

Jared Decker, 1000 Grand Central Mall, Vienna, WV, was present to present the petition. He informed the Commissioners that he and his company are commercial retail and office space developers. He asserted the site as it exists now is eye sore, but has bright future for commercial development. He explained the site has contamination that must be mitigated and asked that the commission approved their proposal.

Ms. Vlahos Bryant – Do you have any examples of past developments?

Mr. Decker told the Commissioners that his company has built medical facilities, fast food restaurants, hardware stores, Walmart's, retail stores, and office buildings.

M. Gallaher – What would an approval tonight give you that you need now?

Mr. Decker explained they need the survey finalized, so they could submit their remediation plan to the DEP. He told the Commissioners they will be back at a later date for a possible rezoning and site plan approval.

M. Walling made a motion to approve the subdivision; *M. Vlahos Bryant* seconded the motion. Motion passed to approve the subdivision by a vote of 5 Yes to 0 No.

PC 22-RZ-07

A petition to rezone property to I-1 Light Industrial District from C-1 Neighborhood Commercial District. This property is located north of 8th Avenue between Hal Greer Boulevard and 17th Street.

Petitioner: City of Huntington, 800 5th Ave., Huntington, WV

Staff Report: A petition to rezone from R-2 Single Family Residential District to R-5 Multi-Family Residential District.

PC 22-RZ-05

Issue: A petition to rezone property to R-5 Multi-Family Residential District from R-2 Single-Family Residential District. This property is located along the north side of 4th Avenue and west of 28th Street and includes 2736, 2738, 2742, and 2746 4th Avenue.

Petitioners: JTH Rentals, LLC. 1 Official Plaza, Madison, WV; Westley Johnston, 2738 4th Ave. Huntington, WV; Patrick Webb, 2742 4th Ave. Huntington, WV

Introduction

JTH Rentals LLC., Patrick Webb, and Westley Johnston are petitioning to rezone the above mentioned area from R-2 Single-Family Residential District to R-5 Multi-Family Residential District.

Existing Conditions

This area is currently zoned R-2 Residential District. Properties across 4th Ave. and 28th St. are also zoned R-2 Residential District, although two properties on this block are zoned C-1 Neighborhood Commercial.

The purpose of the R-2 District is to establish and maintain areas of low-density single family housing with 5-9 units per acre.

The proposed rezoning area contains the location of the former Emmons Elementary School, two single-family dwellings, and a non-conforming multi-family building.

Proposed Conditions

This petition proposes rezoning 2736, 2738, 2742, and 2746 4th Avenue to R-5 Multi-Family Residential District.

If the petition is granted, JTH Rentals LLC., the primary petitioner, plans to build condominiums at this location, however, this rezoning could allow for other types of multi-family residential development, as well as single-family or two-family residential development.

The purpose of the R-5 Multi-Family Residential District is to accommodate, in central locations convenient to services and City institutions, higher density multi-family housing consisting of three or more units.

The R-5 Multi-Family District permits a variety of residential uses including:

- Single-family Detached
- Single-Family Duplex
- Single-Family Attached (townhouse)
- Multi-family dwelling units
- Group Residential Facility
- Dormitory
- Assisted Living or Congregate Housing
- Boarding House
- Community Center
- Community Garden
- Public Park and Recreational Facilities
- Public Utility Installations
- Religious Uses
- Shelter/Mission

PC 22-RZ-05 Staff Report

In addition, the R-5 Multi-Family Residential District conditionally permits a number of uses that would not be permitted in an R-2 District. Uses that are conditionally permitted must be approved through a public hearing in front of the Board of Zoning Appeals, which must consider the impact of the proposed use on surrounding properties in making a decision. The following is a list of conditional uses in an R-5 District that would not be permitted in an R-2 District:

- Halfway House
- Manufactured/Mobile Home Park
- Commercial Recreational Facilities (indoors)
- Commercial Recreational facilities (outdoors)
- Offices for Charitable Organizations

In addition to changing uses permitted in this area, the proposed rezoning would change some of the requirements for new development in this area. These changes include allowing buildings up to 5 stories, or 55' high, allowing for 10% more lot coverage, smaller lot sizes, and varying setbacks based on dwelling type. Please see the attached "Differences in Development Requirements: R-2 Residential District & R-5 Residential District" chart for a comparison of development requirements that differ between the existing R-2 District and R-5 District.

Comprehensive Plan

According to the Future Land Use Map of the Plan 2025 Comprehensive Plan, the petitioned property is designated as "traditional residential." Traditional Residential is designed to preserve the

historic, walkable residential character in flat, valley areas.

Characteristics include:

- Medium density
- Small lots with grid streets where parking enters from the alley
- Sidewalks throughout
- Residential density per acre increases in areas near transitions
- Primarily single family. Commercial uses are sparse and with conditions
- New development maintains single-family character

The Plan2025 section for Highlawn highlights the neighborhood's potential for additional mid-range housing because of its walkability and accessibility to employment and services. The Plan further says that there may be parts of Highlawn where denser housing types such as town homes may be appropriate to serve people who work in neighborhood.

Pictures



Western corner of the rezoning, note single-family house and non-conforming multi-family house.



Vacant Emmons School property proposed to be rezoned



28th St. and Emmons School property



Vacant Emmons School property proposed to be rezoned



Eastern corner of the rezoning, Emmons School property

Relevant Factors

The relevant factors in considering a change in zoning include the following:

- (1) existing **uses** and zoning of nearby **property**;
- (2) the extent to which **property** values are diminished by the particular zoning restrictions;
- (3) the extent to which the destruction of **property** values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
- (4) the relative gain to the public, as compared to the hardship imposed upon the individual **property** owner;
- (5) the suitability of the subject **property** for the zoned purposes; and
- (6) the length of time the **property** has been **vacant** as zoned, considered in the context of land development in the area in the vicinity of the **property**.

Staff Comments

The Plan 2025 Comprehensive plan calls out the need for a variety of housing types across all neighborhoods. The proposed condo-style multi-family development could appeal to young professionals looking to

PC 22-RZ-05 Staff Report

purchase a starter home without the maintenance of a yard, or allow older residents looking to downsize from a larger home with more maintenance responsibilities to stay in Huntington.

The R-5 Zoning district would allow for more flexibility of housing types to be built on this property, including multi-family, townhouses, duplexes, or single-family. However, the R-5 District could also allow for development up to 5 stories tall that may not fit with the character of the existing neighborhood.

Under existing R-2 zoning, the Emmons School property, which is 480' wide and 185' deep, could potentially be subdivided into up to sixteen (16) 30' wide by 185' deep lots and developed as single-family housing. However, single-family development has not occurred on the lot.

While this area is labeled as Traditional Residential in the Comprehensive Plan, staff believes that the board could justify this change in zoning based on the length of time the **property** has been **vacant** as zoned, considered in the context of land development in the area in the vicinity of the **property**. This property has been vacant with current zoning since the demolition of Emmons Elementary School.

Based on the size of this site, any new development would be considered a major subdivision, and would need to go before Planning Commission in a public hearing for site plan review and approval.

Attachments

- Aerial Map
- Zoning Map
- Future Land Use Map
- Differences in Development Requirements Chart



**A portion of the 2700 Block of 4th Avenue
PC 22-RZ-05
Rezoning from R-2 Single-Family Residential
to R-5 Multi-Family Residential**



Zoning

-  R-2 Single-family Residential
-  C-1 Neighborhood Commercial
-  C-2 Highway Commercial
-  I-1 Lt Ind/Comm

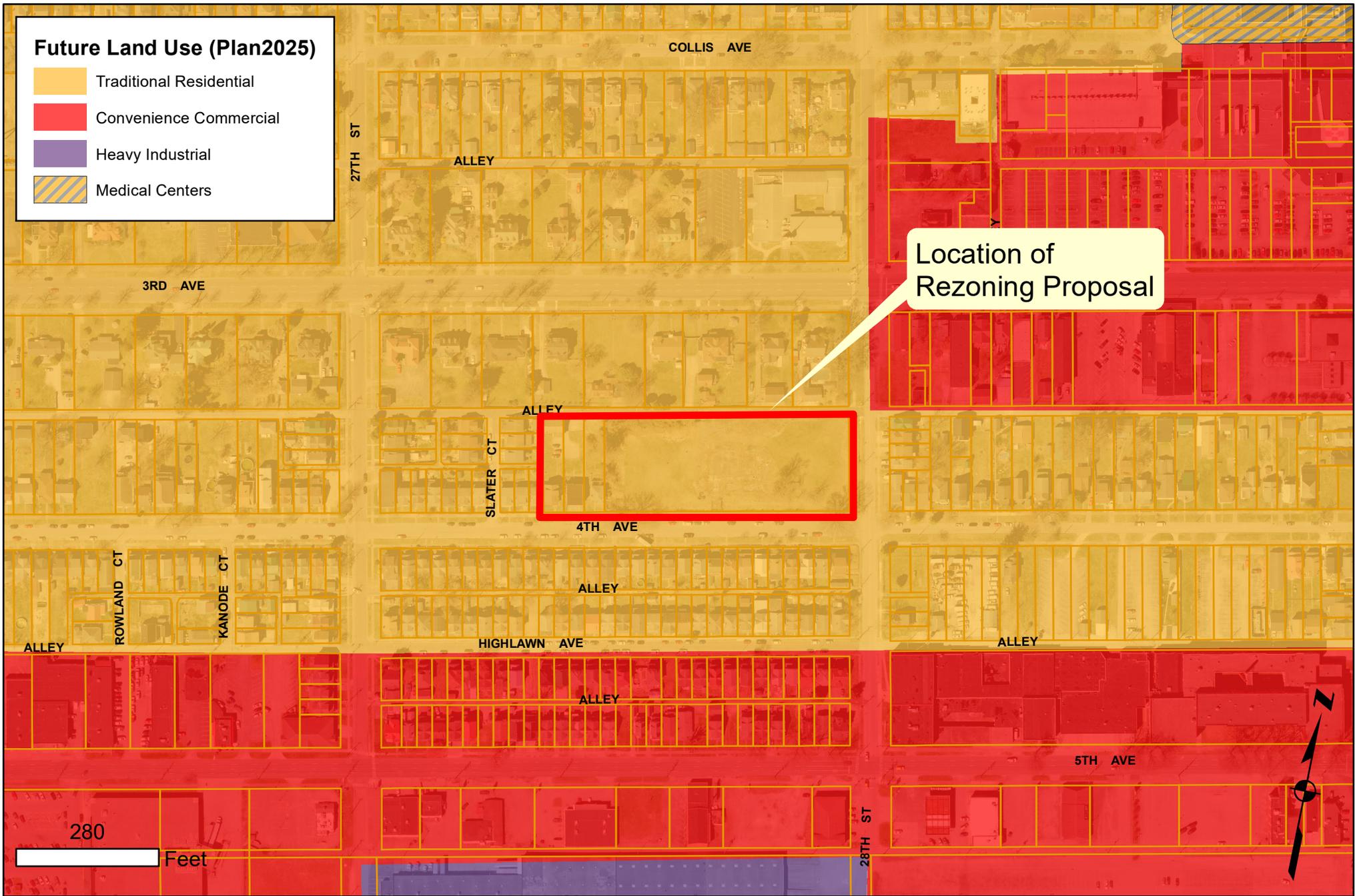


**A portion of the 2700 Block of 4th Avenue
PC 22-RZ-05
Rezoning from R-2 Single-Family Residential
to R-5 Multi-Family Residential**



Future Land Use (Plan2025)

-  Traditional Residential
-  Convenience Commercial
-  Heavy Industrial
-  Medical Centers



**A portion of the 2700 Block of 4th Avenue
PC 22-RZ-05
Rezoning from R-2 Single-Family Residential
to R-5 Multi-Family Residential**





REZONING PETITION

Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3

TO THE MEMBERS OF THE COUNCIL OF THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA

Property Owner Name: JTH Rentals, LLC Phone: 304-785-2451
Address (city, state, zip): 1 Official Plaza Madison, WV 25130
Email: jthandley@msn.com
Current Zoning Classification: R-2 per the zoning map and Planning Department assessment
Proposed Zoning Classification: R-5

PETITION OF THE PROPERTY OWNER TO THE CITY OF HUNTINGTON FOR ADOPTION OF AN ORDINANCE AMENDING THE "ZONING ORDINANCE" OF THE CITY OF HUNTINGTON, WEST VIRGINIA, DECEMBER 14, 1998, AND THE "ZONE MAP" WHICH IS A PART OF THEREOF, AS AMENDED, TO RECLASSIFY AN AREA LOCATED IN THE CITY OF HUNTINGTON.

Property description:

2746 4th Ave. Huntington, WV

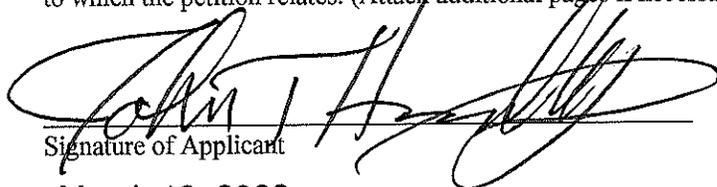
Address

Huntington - Gideon Corp 5, Map 11, Parcel 218, Lots 24-35 (Old Emmons Elementary)

Legal description (district, tax map, parcel, lot number, etc)

Your petition represents that such reclassification as herein requested would be a proper zoning classification and is consistent with the surrounding circumstances of the area concerned, and that the orderly development of the City of Huntington would be served by the rezoning herein proposed.

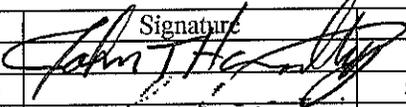
This petition, requesting an amendment to the City of Huntington Zoning Ordinance and Official Zoning Map, shall be presented to the office of the Planning Commission duly signed by the owners of fifty percent or more of the real property area to which the petition relates. (Attach additional pages if necessary.)


Signature of Applicant

March 18, 2022

Date

FOR OFFICE USE
Received: _____
Staff Initials: _____
Project Number: _____

Property Owner	Signature	Address	Phone Number
JTH Rentals, LLC		2746 4th Ave Huntington, WV	304-785-2451
Patrick G. Webb		2742 4th Ave. Huntington, WV	
Westley P. Johnston		2738 4th Ave. Huntington, WV	304-573-7343
Edward Wood		2738 4th Ave Huntington, WV	

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



REZONING PETITION

Planning and Zoning
Huntington City Hall
800 Fifth Avenue
P.O. Box 1659
Huntington, WV 25717
(304) 696-5540, opt 3

TO THE MEMBERS OF THE COUNCIL OF THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA

Property Owner Name: JTH Rentals, LLC Phone: 304-785-2451
Address (city, state, zip): 1 Official Plaza Madison, WV 25130
Email: jthandley@msn.com
Current Zoning Classification: R-2 per the zoning map and Planning Department assessment
Proposed Zoning Classification: R-5

PETITION OF THE PROPERTY OWNER TO THE CITY OF HUNTINGTON FOR ADOPTION OF AN ORDINANCE AMENDING THE "ZONING ORDINANCE" OF THE CITY OF HUNTINGTON, WEST VIRGINIA, DECEMBER 14, 1998, AND THE "ZONE MAP" WHICH IS A PART OF THEREOF, AS AMENDED, TO RECLASSIFY AN AREA LOCATED IN THE CITY OF HUNTINGTON.

Property description:
2746 4th Ave. Huntington, WV
Address
Huntington - Gideon Corp 5, Map 11, Parcel 218, Lots 24-35 (Old Emmons Elementary)
Legal description (district, tax map, parcel, lot number, etc)

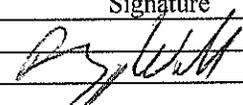
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This petition, requesting an amendment to the City of Huntington Zoning Ordinance and Official Zoning Map, shall be presented to the office of the Planning Commission duly signed by the owners of fifty percent or more of the real property area to which the petition relates. (Attach additional pages if necessary.)


Signature of Applicant

January 28, 2022
Date

FOR OFFICE USE
Received: _____
Staff Initials: _____
Project Number: _____

Property Owner	Signature	Address	Phone Number
JTH Rentals, LLC		2746 4th Ave Huntington, WV	304-785-2451
Patrick G. Webb		2742 4th Ave. Huntington, WV	<u>304-633-1239</u>
Ronald Edmonds		2738 4th Ave. Huntington, WV	
Edward Wood		2736 4th Ave Huntington, WV	

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

ARTICLE 1325
R-5 RESIDENCE DISTRICT

ARTICLE 1325 - R-5 RESIDENCE DISTRICT

Section 1325.01 Purpose

The purpose of the R-5 district is to accommodate, in central locations convenient to services and City institutions, higher density multi-family housing consisting of three or more units.

Section 1325.02 Development Requirements

	Single Family Detached	Single Family Duplex	Multi-family Dwellings	Townhouses
Lot				
Lot area (min)	2,400 SF	3,200 SF	3,000 SF	1,600 SF
Lot width (min/max)	30' / 80'	40' / 100'	30' / 200'	20' / 40'
Lot coverage (max)	80%	80%	80%	80%
Building coverage (max)	60%	60%	60%	60%
Setbacks				
Front yard (min/max)	Prevailing Setback (min & max) See 1315.06.B.	Prevailing Setback (min & max) See 1315.06.B.	Prevailing Setback (min & max) See 1315.06.B.	Prevailing Setback / Prevailing Setback + 10'; See 1315.06.B.
Built-to percentage, front façade (min)	50%	60%	60%	80%
Side yards (min total/min each side)	20% of lot width / 3'. See also Section 1315.06.6	20% of lot width / 4'. See also Section 1315.06.6	20% of lot width / 5' plus 2' for each story above 3 stories. See also Section 1315.06.6	20% of lot width / 5' when not adjacent to another townhouse. 0' when adjacent to another townhouse.
Rear yard (min)	15'			20'
Building Height				
Building height, principal uses (max)	3 stories / 35'	3 stories / 35'	5 stories / 55'	3 stories / 35'
Building height, accessory buildings (max)	15'			
Finished ground floor height (min/max)	0'/4'			
Transparency				
Ground floor transparency, front facade (min)	20%		20%	20%
Ground floor transparency, corner side facade (min)	20%		20%	20%
Upper floors transparency, front facade (min)	15%		20%	20%
Upper floors transparency, corner side facade (min)	15%		20%	15%
Transparency, all other ground floor and above facades (min)	15%		15%	15%; Common walls shared between

			buildings are exempt
Building Orientation and Pedestrian Access			
Main entrance location (required)	Front facade		

Section 1325.03 Supplementary Regulations

- A.** A Site Plan shall meet the following requirements, in addition to the requirements set forth in this Ordinance:
 - 1. In the event that more than one building is proposed, they shall be designed to be located so that not more than two (2) buildings are in a straight, unbroken line. Each multi-family use building shall be designed with setbacks or breaks of not less than six (6) feet to all exterior walls for every two (2) building units. Each apartment complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design, such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights, and changing types of windows, shutters, doors, porches, colors, and vertical or horizontal orientation of the facades, singularly or in combination of each dwelling unit.
- B. Single-Family Conversions.** Regulations found in Section 1323.03 shall apply for Residential Conversions of Single-Family Detached Dwellings.
- C. Parking.** See Article 1343.
 - 1. Location. Off-street parking areas shall only be permitted in the side or rear yards.
 - 2. Access. Vehicle access to off-street parking areas on lots with alley access shall be from such alley to the maximum extent practicable.
- D. Signs.** See Article 1345.