



Agenda
Huntington Planning Commission
Tuesday, July 6, 2021 – 5:30pm

1. Preliminaries
2. Call to Order
3. Roll Call
4. Approval of the June 2021 Minutes
5. New Business

PC-21-REZ-03

Issue: A petition to rezone property to C-1 Neighborhood Commercial District from R-2 Residential District. The property is located to the south of Jefferson Avenue and north of Jefferson 1/2 alley and includes all parcels beginning with 1825 Jefferson Avenue and heading west to 19th Street West.

Petitioner: IBEW #317 Building Corporation, 1848 Madison Avenue, Suite A, Huntington, WV 25704

6. Old Business

Issue: A proposal amending, modifying, and adopting the Planning Commission Rules and Procedures for the orderly disposition of business.

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

Minutes
Huntington Planning Commission
June 7, 2021

A meeting of the City of Huntington Planning Commission was held on June 7, 2021 at 5:30 p.m. in the City Hall Council Chambers. *Ms. Walling* called the meeting to order.

Members Present: Jennifer Wheeler, Stephanie Vlahos Bryant, Gerry Holley, Sarah Walling, Carl Eastham, Sharon Pell

Members Absent: Ursulette Ward, Sean Hornbuckle, Brian Gallagher

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

Ms. Pell made a motion to approve the May 3, 2021 Minutes as presented; *Mr. Eastham* seconded the motion. All were in favor, and the Minutes were approved.

PC 21-REZ-02

A petition to rezone property to C-2 Commercial District from R-2 Residential District, the property is located on Virginia Avenue between 18th Street West and the 17th Street Bridge, Cabell County Tax District 7, Map 40, Parcels 125, 126, 127, 128, 129, 130, 131, 132, 144, 146, 147, and 148.

Petitioner: B&B Holdings, P.O. Box 1926 Ashland, KY 41105.

James Blankenship presented the petition. Mr. Blankenship informed the Commissioners that his company is the owner of several warehouses on both sides of the 14th Street Bridge and have recently purchased nine parcels on the south side of Virginia Ave between 18th and 17th St W. Several of their tenants need more parking for their businesses and a location to build an additional office.

Mr. Blankenship asked how it would be determined what zoning designation the property will become.

Ms. Lockman presented the Staff Report, stating that the petition is to rezone the properties from R-2 Residential to C-2 Commercial and pointed out that it would be an expansion of current C-2 zone to the south of the petitioned properties. The properties to be rezoned between 17th and 18th St. W. are undeveloped save one abandoned structure; the properties to the east of 17th St. W. consists of three single-family homes. The C-2 district was chosen for the rezoning as it would accommodate the uses that were proposed by the petitioner at the time of submittal without up-zoning too much from a single-family residential zone.

Mr. Blankenship requested that Ms. Lockman clarify what was stated to her by the agent that submitted the application. Ms. Lockman elaborated on the information that was provided at the time of submittal which were plans to create an off-site parking lot for overflow parking. Mr. Blankenship verified that this was accurate and added that another business that they lease to is in need of additional parking as well as a new building for their company.

Ms. Walling – It seems as if the scoop of the proposal has changed in the time since the petition was filed. Would there be a need for an amended petition?

Ms. Hernandez informed the Board that the petition advertised and noticed are for a change to C-2 zoning, and that property owners who signed off on the petition agreed to their property being rezoned to C-2. In order for the petition to allow for the zoning to be changed to I-1 Light Industrial, the process for advertising and notice would need to start over.

Mr. Blankenship asked if there was any way that the petition could move forward as it is currently and then come back to address rezoning the other parcels for the needs of the new tenant at a later time. There was discussion with Mr. Blankenship regarding what uses he was intending for the lots and whether or not they would be permitted in a C-2. Ms. Lockman, upon hearing what Mr. Blankenship described as the intended uses, stated that she would prefer to see plan for the proposal before giving a solid answer, but the proposed uses are either permitted outright or conditionally. Ms. Hernandez cautioned the Commissioners and Mr. Blankenship that approving the rezoning now and returning a few months later to rezone a different section would necessitate the area changing significantly between petitions to justify the rezoning. Mr. Blankenship asked how long the process would take to switch the petitions zoning designation to C-2.

Ms. Walling called for a recess of the meeting at 5:52 and ended the recess at 5:57.

Ms. Walling – In order for the petitioner to construct a parking lot they would need to apply for a conditional use permit with the BZA, correct? At the time of their request, they can request to only create a parking lot on the parcels that are intended for the lot?

Ms. Lockman verified that the BZA would be the deciding body on a request for an off-site parking lot and the petition for the lot would only need to be for the parcels intended for the lot. She assured the Commissioners that the process for the BZA is much shorter than a request with the Planning Commission.

Mr. Eastman expressed that he is perplexed at the need for a Conditional Use Permit for a parking lot when a new medical office would be required to have parking and wondered why there would be extra steps for this company building a parking lot. *Ms. Walling* explained that the need for the Conditional Use Permit is due to the fact that the parking lot would be for a business that is not located on the same lot and off-site parking lots are Conditional Uses in this district.

Ms. Wheeler – I am in support of this proposal as this area has not been thriving as a residential district and this is an opportunity to help a business thrive in the area.

Ms. Bryant – Has any of the residents in the area reached out or had any input about the proposed plans?

Mr. Blankenship explained that he has reached out to the neighbors and they are not opposed to the rezoning.

Upon hearing this, *Ms. Bryant* echoed the statements made by Ms. Wheeler regarding continued development in the area.

Ms. Wheeler made a motion to forward the petition with a favorable recommendation to City Council; *Mr. Eastman* seconded the motion. Motion passed to forwarded with a favorable recommendation by a vote of 6 Yes to 0 No.

The meeting adjourned at 6:03 p.m.

Date approved: _____

Chairperson: _____ Prepared by: _____
Brian Gallagher, Chair Patricia Usher, Zoning Officer

Staff Report: Rezoning from R-2 Single Family Residential District to C-1 Neighborhood Commercial District, property located on Jefferson Avenue between 19th St. West and 1825 Jefferson Avenue.

PC 21-REZ-02

Issue: A petition to rezone property to C-1 Neighborhood Commercial District from R-2 Residential District. The property is located to the south of Jefferson Avenue and north of Jefferson 1/2 alley and includes all parcels beginning with 1825 Jefferson Avenue and heading west to 19th Street West.

Petitioner: IBEW #317 Building Corporation, 1848 Madison Avenue, Suite A, Huntington, WV 25704

Introduction

IBEW #317 Building Corporation and Jerry Aldridge are petitioning to rezone the above mentioned area to C-1 Neighborhood Commercial District. If the petition is granted, IBEW #317 Building Corporation, the primary petitioner, plans to expand the Huntington Electrical Joint Apprenticeship Training Committee's (JATC) Training Center and build a technical school at this location.

Existing Conditions

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

To the rear of the property is the IBEW #317 offices and current training center for

the JATC. This area is zoned C-1 Neighborhood Commercial.

Proposed Conditions

This petition proposes rezoning the above mentioned properties to C-1 Neighborhood Commercial District. If granted, the primary petitioner plans to expand the Huntington Electrical Joint Apprenticeship Training Committee's (JATC) Training Center and build a technical school at this location.

The purpose of the C-1 Neighborhood Commercial District is to conveniently provide goods and services to residents while maintaining and promoting the sense of community provided by the commercial hub located in the neighborhood.

The C-1 Neighborhood Commercial District permits a variety of residential and commercial uses including:

- Single-family dwellings
- Multi-family dwelling units
- Day care
- Financial Institutions
- Laundromat
- Medical Office
- Offices
- Personal Services
- Repair Shops
- Restaurants

PC 21-REZ-03 Staff Report

The petitioner will need to apply for a conditional use from the Board of Zoning Appeals for a Trade or Business School in a C-1 Zone, as Trade or Business Schools are a conditional use in a C-1 Zone.

Staff Comments

The Future Land Use map of the Plan2025 Comprehensive Plan labels this area as Traditional Residential. The Plan2025 section for West Huntington calls for careful planning that ensures that commercial districts spur economic development while also protecting the character of neighborhood residential area.

Staff believes that the benefits of granting this rezoning for the applicant's intended purpose, especially as it pertains to Plan2025's goal of spurring economic development, outweigh any potential negative consequences of up-zoning from single-family residential to commercial. Staff does not believe that rezoning this portion of block from R-2 to C-1 will detract from the residential character in this area.

The proposed use for this site would provide a local training site for jobs, contribute to a skilled workforce within the city, and allow for redevelopment and expansion of an existing facility within city limits.

Comprehensive Plan

According to the Future Land Use Map located within 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

As a trade or business school is a conditional use in a C-1 neighborhood district, this rezoning is in line with the vision for commercial uses within the Traditional Residential future land use. Other uses allowed in the C-1 neighborhood district tend to be smaller in scale and would ideally serve neighboring residents. The expansion of C-1 proposed is approximately 0.9 acres on the eastern portion, smaller than the entire block due to avoid diminishing the residential uses on the eastern side of this block.

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;

PC 21-REZ-03 Staff Report

- (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**.

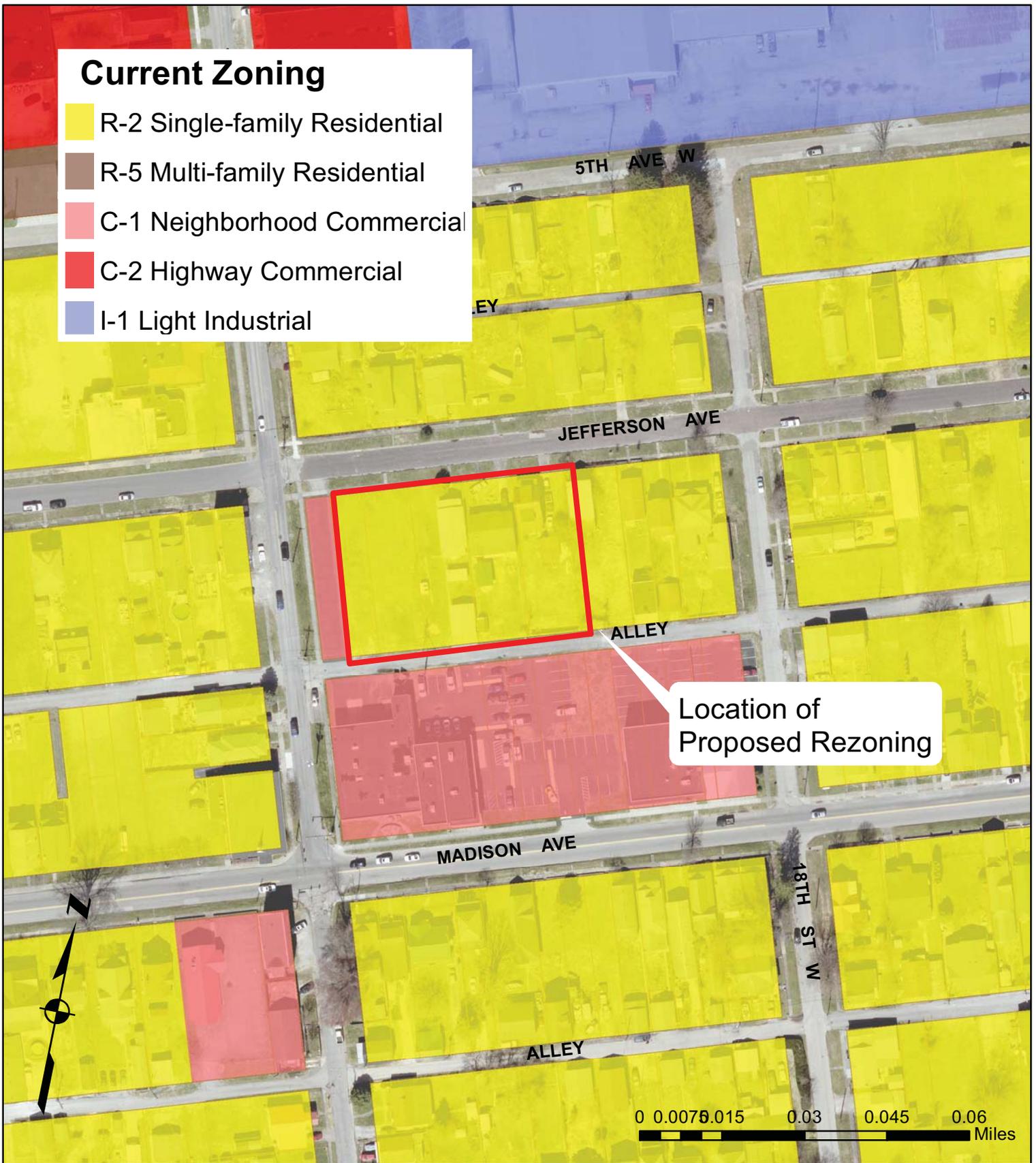
Attachments

Please see attached Aerial, Location, and Zoning Maps for reference.



Rezoning from
R-2 Single-Family Residential to
C-1 Neighborhood Commercial



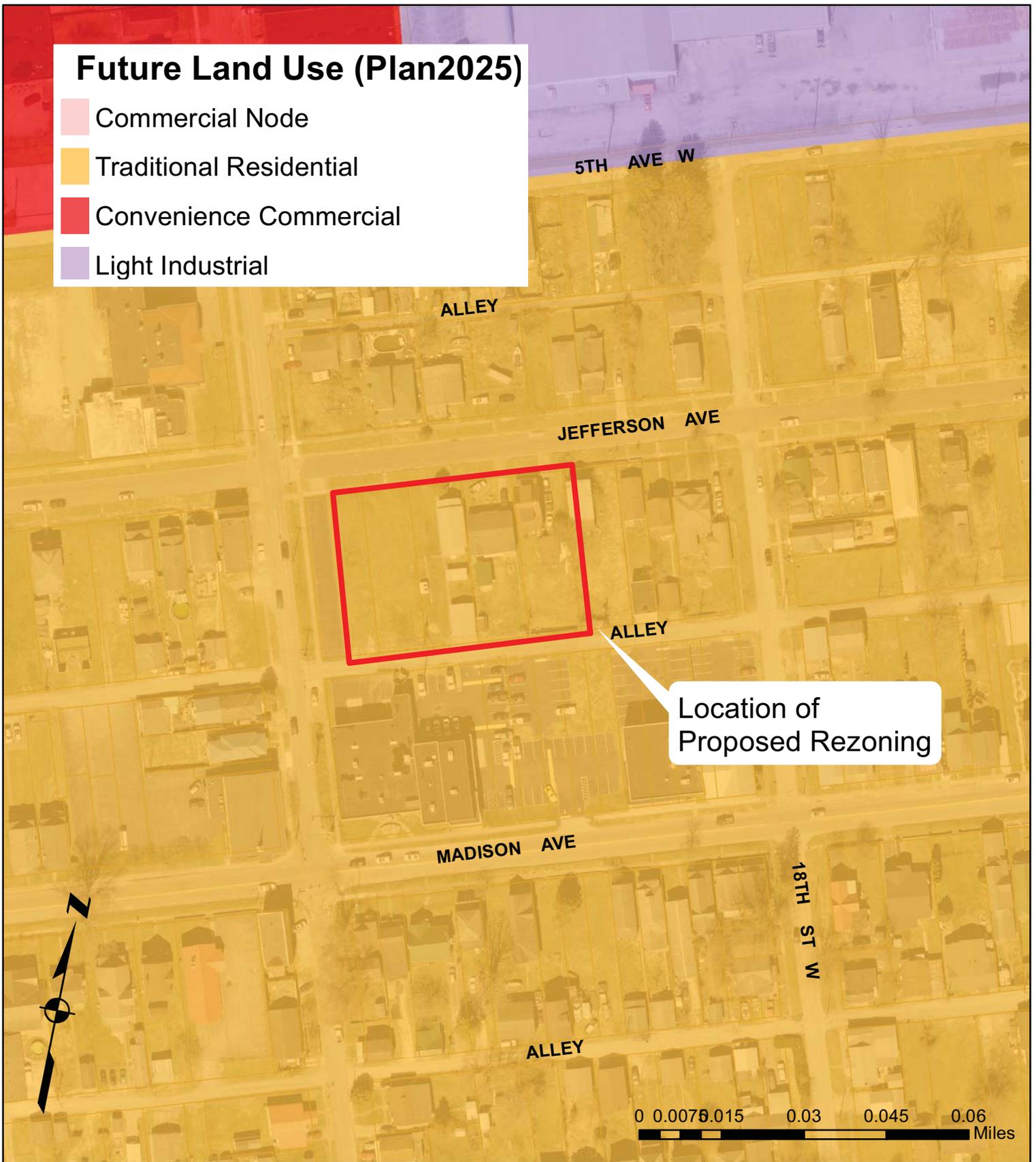


Rezoning from
 R-2 Single-Family Residential to
 C-1 Neighborhood Commercial



Future Land Use (Plan2025)

- Commercial Node
- Traditional Residential
- Convenience Commercial
- Light Industrial



Rezoning from
R-2 Single-Family Residential to
C-1 Neighborhood Commercial





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: IBEW #317 BUILDING CORP. Phone: 304-429-5013

Address (city, state, zip): 1848 MADISON AVENUE, SUITE A

Email: buildingcorp@ibew317.net

Current Zoning Classification: R-2

Proposed Zoning Classification: C-1

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:

1835-1861 JEFFERSON AVENUE HUNTINGTON, WV 25704
Address

07-40-437, 07-40-436, 07-40-435, 07-40-434
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] IBEW 317 BUILDING CORP

Signature of Applicant

5/19/2021
Date

FOR OFFICE USE
Received: <u>5-24-2021</u>
Staff Initials: <u>PU</u>
Project Number: _____

Property Owner	Signature	Address	Phone Number
BUILDING CORP 317	[Signature]	1835 JEFFERSON	304-429-5013
BUILDING CORP 317	[Signature]	1839 JEFFERSON	304-429-5013
BUILDING CORP 317	[Signature]	1855 JEFFERSON	304-429-5013
BUILDING CORP 317	[Signature]	1859 JEFFERSON	304-429-5013
BUILDING CORP 317	[Signature]	1861 JEFFERSON	304-429-5013
JERRY ALDRIDGE	[Signature]	1822 JEFFERSON	304-208-6999

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





DEPARTMENT OF DEVELOPMENT AND PLANNING

City Hall, P.O. Box 1659, Zip 25717
Phone (304) 696-4438
Fax (304) 696-5941

MEMORANDUM

TO: City of Huntington Planning Commissioners

FROM: Janney Lockman, Planner

DATE: June 25, 2021

RE: July 6, 2021 Planning Commission Rules and Procedures Agenda Item

In response to prior Planning Commission discussions about the Rules and Procedures, the Planning Department has researched the practices of other planning commissions and developed several alternatives for language to address the Commission's concerns about Rule 6.O - Ex Parte Contact.

At the July 6, 2021 Planning Commission meeting, we will be revisiting the Rules and Procedures and the discussion about ex parte contact. The commission does not need to take a vote on this matter at the meeting, however, I respectfully ask that you review the following document entitled Ex Parte Contact Options prior to our meeting.

I appreciate your service to the city in this important role and look forward to our discussion on the 6th. Please don't hesitate to reach out to me via email at lockmanj@huntingtonwv.gov or via phone at 304-696-5540 ext. 2093 if you have any questions or would like to discuss further.

RULE 5. MEETINGS O. EX PARTE CONTACT OPTIONS

OPTION 1: ORIGINAL: EX PARTE CONTACT. It is the policy of this Commission that no member shall discuss the merits of any pending petition with any person having an interest in the case prior to the public hearing. Any interested party wishing to provide information to the Commission prior to the public hearing must do so in writing (including electronic mail) by providing such information to the Planning and Zoning Office where it will be included in the public record. In the event a Commission member has spoken to by a citizen about an impending petition, the Commission member shall first inform the citizen that he/she may not discuss the petition, inform the citizen of his/her right to appear before the Commission or submit a written statement, and disclose the information to the whole Commission at the time of the hearing. Notwithstanding, all written statements shall be subject to §D of these Rules.

OPTION 2: EX PARTE CONTACT. Members of the public are entitled to know and examine the source of information used by the commission in its decision-making. As such, it is the policy of this Commission that no member shall discuss the merits of any pending petition with any person having an interest in the case prior to the public hearing to avoid ex parte communication. Ex parte communication (from a Latin term meaning “one side only”) occurs whenever someone attempts to influence or secure the vote of a public official that occurs outside of a public meeting. This can occur formally or informally, in person or in writing.

Ex parte communication shall not be considered in decision-making unless it is disclosed and made part of the official record. In the event a Commission member is spoken to by a citizen about an impending case, the Commission member shall first inform the citizen that he/she may not discuss the case, inform the citizen of his/her right to appear before the Commission or submit a written statement, and disclose the information to the whole Commission at the time of the hearing. Should an ex parte communication occur, the Planning Commission member participating shall disclose at the public hearing.

This rule does not preclude commissioners from speaking with members of the public about general or legislative matters. However, discussing any quasi-judicial matters that are currently before the public forum (e.g. rezoning, abandonment), is considered ex parte communication.

OPTION 3: EX PARTE CONTACT. Ex parte communication may not be considered in decision-making unless it is disclosed and made part of the official record. It is the policy of this Commission that commissioners must disclose any discussion of any pending petition with any person having an interest in the case prior to the public hearing with the whole Commission at the time of the hearing. Any interested party wishing to provide information to the Commission prior to the public hearing may also do so in writing (including electronic mail) prior to the public hearing by providing such information to the Planning and Zoning Office where it will be included in the public record. Notwithstanding, all written statements shall be subject to §D of these Rules.

Option 4: REMOVE ENTIRE STATEMENT (BUT PROVIDE TRAINING ON EX PARTE Rules)

OPTION 5: STATEMENT OF COMMISSION ETHICAL STANDARDS: As appointed public officials, Planning Commissioners are subject to the West Virginia Ethics Act and the Minimal Ethical Standards. Planning Commissioners are expected to familiarize themselves with these standards and perform their duties as such.

OPTION 6: OTHER?

RESOURCES:

[https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Chapter 4 -
_Planning Commission Membership Organization Meetings and Conduct.pdf](https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Chapter_4_-_Planning_Commission_Membership_Organization_Meetings_and_Conduct.pdf)

<https://www.edinamn.gov/DocumentCenter/View/6909/Bylaws---Planning-Commission-PDF>

<http://co.routt.co.us/DocumentCenter/View/4942/Planning-Commission-Handbook>

http://www.ca-ilg.org/sites/main/files/file-attachments/resources_PCH_sec2.pdf

<https://fyi.extension.wisc.edu/landusetraining/ex-parte-communicaton/>

**THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA
PLANNING COMMISSION
ADOPTED (DATE)**

RULES OF PROCEDURE

RULE 1. PURPOSE AND AUTHORITY:

The purpose of these rules is to provide the City of Huntington Planning Commission (hereinafter “Commission”) with such written procedures necessary for the orderly disposition of the business as required by West Virginia Code §8A-2-11, the City of Huntington Charter §8.4, and the Zoning Ordinances of the City of Huntington, West Virginia, (hereinafter “City Code”) by codifying the means by which that business is to be transacted. These rules shall, where applicable, clarify ambiguous language of the Commission’s enabling laws as well as specify the procedure in situations not addressed in the West Virginia Code or the Zoning Ordinances.

RULE 2. ORGANIZATION:

A. OFFICERS.

1. The Officers of the Commission shall consist of a Chairperson and a Vice-Chairperson. The Chairperson shall preside at the hearings and meetings, shall decide all points of order, shall see that proper procedure is followed, and shall sign the Minutes of the Commission, or in the absence of the Chair, the Vice-Chairperson shall assume all duties of the Chair. If necessary, an acting-Chair may be designated by the Chair.
2. Duties of Officers. The duties and powers of the officers of the Planning Commission are as follows:
 - a. Chair:
 1. To preside at all meetings of the Planning Commission;
 2. To call meetings of the Planning Commission;
 3. To set the agenda; and
 4. To sign documents of the Planning Commission.
 - b. Vice Chair: During the absence, disability, or disqualification of the Chair, or upon the request of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair. The Vice Chair shall also maintain any other responsibilities that are assigned to him/her by the Chair.
 - c. The Chair and Vice Chair and other officers shall be elected by a majority vote of the Planning Commission at the first regular meeting of the calendar year, and may be reelected.
 - d. Temporary Chair: If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.

- e. Chairing the Meetings: The person chairing the meeting shall make every effort to facilitate the orderly discussion of the Planning Commission and to guide the Commission in providing direction to staff and making recommendations to the City Council.
- B. **CONTACT INFORMATION.** The Office of the Commission is the Planning and Zoning Office, Room 2, City Hall, 800 Fifth Avenue, Huntington, West Virginia, 25701 and shall be open for the transaction of business from 8:30 a.m. to 4:30 p.m. each weekday. All communications to the Commission shall be addressed to the Planning Commission. Electronic mail may be sent to the City Planner whose contact information is available on the City website.

RULE 3. ATTENDANCE

Per Article 14.17 of the City Code, should a Commissioner fail to attend sixty (60) percent of the regularly scheduled meetings of the Commission within a calendar year, that office may be declared vacant and a new Commissioner may be appointed by the Mayor and affirmed by the Huntington City Council.

RULE 4. COMMENCEMENT OF ACTION

- A. **APPLICATION.** Any person who wishes to bring an item before the Planning Commission under the provisions of West Virginia and/or City Code must do so, in writing, on a form provided by the Office of Planning and Zoning. Such application shall be filed in the Office of Planning and Zoning Office with the City Planner and be accompanied by the appropriate filing fee and required documentation. All applications must be submitted at least six weeks prior to the meeting at which the petition is to be heard. Application forms are available from the Planning and Zoning Office.
- B. **FILING FEE.** The filing fee shall be in compliance with City Code § 1357. All filing fees and costs shall be paid by the Petitioner before the matter will be noticed. The filing fee is nonrefundable.
- C. **SITE PLANS.** For Minor Development(s) and Major Development(s), in addition to the application(s), a detailed site plan drawn to scale with the direction of North clearly indicated on the drawing must be submitted by the Petitioner. Major Development(s) site plan submission shall also be subject to the rules of the Development Ordinance within City Code.
- D. **AGENDA.** Each petition that is properly filed with the required information and filing fee, and accepted by the planner, shall be numbered serially for placement on the agenda and placed upon the calendar of the Commission by the City Planner for the appropriate meeting date. Once the file is complete, the City Planner or designee shall assign a number to the petition.

Matters shall not be placed on the agenda unless all required information, prerequisites, and filing fee are provided. A checklist will be provided by the staff to aid in the submittal process.

RULE 5. MEETINGS

A. TIME AND PLACE.

1. Regular Meetings

Regularly scheduled meetings will commence on the first Monday of each month at 5:30 p.m. in City Council Chambers unless modified by a majority of the Commission Members in accordance with §8A-8-5 of the West Virginia Code. Meetings shall be held not less than once every other month, Charter §8.4.

2. Special Meetings

The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission. Notice for a special meeting must be in writing, include the date, time and place of the special meeting, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.

3. Open and Televised Meetings

The meetings shall be conducted in accordance with the Televised Meetings Ordinance, City of Huntington Ordinance §535.

B. QUORUM. The Planning Commission must have a quorum to conduct business. A quorum is a majority of the members including vacant positions. At the designated time for the meeting the Chair or Vice-Chair shall call the meeting to order. If a quorum of members is not seated at that time, the Chair will declare a recess for up to fifteen (15) minutes. At the end of this period the Chair will call the meeting to order and have the City Planner, or designee, make a roll call of all the members' names and make record of those present. If a quorum is not present at this time, the Chair will announce when the scheduled agenda shall be heard and declare the meeting adjourned until the next regularly scheduled meeting or until an agreed upon time by the Commission and Petitioner(s). Special Call Meetings will be held in accordance with § 8A-2-7. (b) or (c) of the West Virginia Code.

C. NOTICE.

1. The City Planner, or designee, shall be responsible for providing notice of all petitions before the Commission.
2. Notice shall state the date, time and place of the hearing, the names and addresses of all Petitioners, and the matters to be considered by the Commission at the hearing.
3. Notice of all hearings before the Commission shall be published in accordance with W.V. State Code in a newspaper of general circulation.
4. Notwithstanding any other notice requirements, the City Planner shall cause written notice to be to be served as follows:
 - a. Zoning Ordinance Text Amendments: Staff shall make reasonable efforts to serve notice to known interested parties by first class mail.
 - b. Rezoning, Major Development Site Plan Reviews, Appeal of the Planner's Decision on a Major Development Site Plan Requirements, or Abandonments: Written notice

shall be served via first class mail on all property owners and all residents, if they be different from the property owners, within a 400-foot radius of the subject property.

- c. Annexation or adoption of Right-of-way: Written notice shall be served via first class mail on all property owners and all residents, if they be different from the property owners, within a 400-foot radius of the subject property.
5. The City Planner, or designee, will provide informal notice to the best of their ability via first class mail, electronic mail, or hand delivery to the City of Huntington City Council, the Huntington Police Department, the Huntington Fire Department, and any neighborhood associations known to exist in the affected district. Notice also may be published on the City of Huntington website and any social media sites where the City of Huntington maintains an official presence.

D. ORDER OF BUSINESS.

The Order of Business at regular meetings shall be substantially as follows:

1. Call to order.
2. Roll call.
3. Minutes.
4. Hearing of Unfinished Business.
5. Hearing of New Petitions.
6. Good and Welfare
7. Announcements and/or discussion.
8. Adjournment.

All applications and appeals shall be heard in the order noticed unless otherwise ordered by the Commission.

E. SPEAKING ORDER. After the chair brings up a petition for consideration, the testimony shall be made in the following order:

- Applicant or his/her agent
- Staff Report
- Other Persons in Favor
- Persons in Opposition
- Rebuttal by the Applicant
- Closing of Public Comment and Open Discussion by Commission

Except for a spokesperson that is coordinating presentations, no one may speak a second time until all other persons wishing to speak have been heard. Once the applicant, staff and all persons in favor of and in opposition to the application have been heard, the Chair shall close public comment. The Commission may then hold discussion on the application and consider amendments. Following the discussion, the Chair shall ask for a motion, second on the motion and a roll call.

F. APPLICANT AND STAFF RESPONSIBILITIES. It shall be the applicant's responsibility to prepare and present their case to the commission. Staff shall not be expected to present or influence an application for either side, but shall be expected to exercise independent and professional judgment when presenting the staff report.

G. EVIDENCE. After a hearing is completed, no further public comment or other evidence shall be received, unless (a) the evidence is specifically requested by the commission; or (b) the hearing is re-opened by the commission and opportunity is provided to other persons to respond.

H. SUBMITTING EVIDENCE. Persons wishing to submit reports or studies relating to a matter before the commission should submit sufficient copies to staff for public inspection and distribution to commission members at least two weeks prior to the hearing to allow time for the study or report to be distributed to the commissioners for their review. However, the commission will not allow the late filing of material to be used as a delay tactic that infringes upon the rights of people on the opposite side of an issue.

I. ABSENCE OF A RULE. When an issue arises that is not specifically covered by the West Virginia Code, City Code, or these rules, the Commission will be governed by the edition of Robert's Rules of Order currently used by the Huntington City Council.

J. WITHDRAW OR FAILURE TO APPEAR. Prior to relevant notices being printed by the Planning and Zoning Office, a petition may be withdrawn by the Petitioner/Appellant without penalty. After notice has issued, a petition may only be withdrawn after the matter is called for hearing by request to the Commission, upon motion of a Commission Member, and filing fee will be forfeited.

Upon request of the Petitioner and motion by a Commission member, a petition's hearing may be moved to a different date after the case is called. However, no initial petition hearing may be laid over longer than 110 days after advertised notice.

Alternatively, upon the will of a majority of the Commissioners, an item may be taken up by the Commission without the Petitioner present.

K. METHOD OF VOTING.

A rolling roll call vote shall be used at each Commission meeting where a roll call vote is required to be used under these rules. A rolling roll call vote shall mean that at the first roll call vote of the meeting, the City Planner, or designee, shall call the roll in alphabetical order except that the Chairperson's name is called last. Upon each subsequent roll call vote taken at the same meeting, the City Planner, or designee, will then begin the roll call with the next person's name in alphabetical order, so that the same person shall not be required to vote first on all issues: Provided, that the Chairperson shall always vote last.

Items requiring a roll call vote include assessment of quorum, final decision on petitions, requested by the chair, or other Commission members or any time the results of a voice vote is unclear. A voice vote or consensus vote may be used for all other matters.

L. PUBLIC COMMENT. The Planning Commission will enter into the public record all public comments, and any attachments or other supporting materials, including any business or personal information that is provided. All parts of the public record are subject to disclosure under the West Virginia Freedom of Information Act.

The Planning Commission shall receive public comment in two ways: either by in-person attendance of the public meeting or by written comment submitted prior to the meeting.

1. Oral comments. The Chair shall permit any person to make a brief oral presentation at the meeting. Comments are limited to three (3) minutes per speaker unless otherwise authorized by the Chair. The speaker shall give his/her name, address, and indicate if he/she is representing an organization. All comments and questions shall be directed to the Chair. The Planning Commission members may question a speaker on any matter related to his/her comments.
 - a. Time Limits. There shall be a three (3) minute time limit for all parties that address the commission as either the applicant or parties speaking in favor or opposition to a case. The commission may, at their discretion and upon a majority vote of the members present, modify time limit.
 - b. Addressing the Commission. Formal rules of evidence do not apply at the commission meetings. Anyone may appear and speak at a hearing. However, no person may speak until recognized by the chair of the hearing.
 - c. Manner of Addressing the Commissions. Each person addressing the commission shall speak clearly into the microphone located at the lectern and give his/her name and address for the record. All testimony shall be addressed to the commission or president of the hearing.
 - d. Personal and Slanderous Remarks. The chair may declare out of order and terminate testimony that is repetitious, irrelevant, abusive or not within the commission's jurisdiction.
2. Written comments. Any person wishing to comment on an item may do so by submitting his/her written comments to the Planning Office before the meeting or to the Chair during the meeting. These comments will become part of the official record and shall be considered by the Planning Commission in its action.

M. MINUTES AND RECORDS. The City Planner, or designee, shall cause written minutes of each petition heard by the Commission to be created. The City Planner, or designee, shall maintain a permanent written record of all Commission determinations that shall be available to the public upon request. The Commission shall review and approve of said meeting by vote. All hearings shall be recorded and that record shall be retained for a minimum of six (6) years.

N. CONFLICT OF INTEREST. No Commission member shall take any official action as a member of the Commission, including participating in and voting upon, any matter in which the Commission member, or a member of his or her immediate family, or an organization with which the Commission member is associated, has a substantial financial or personal interest. Any Commission member who may have an interest in the issues in a given case shall publicly state that fact on the record at the commencement of the public hearing so that the Petitioner or a Commission member may object to their further participation in the case. Notwithstanding this rule, if a Commission member steps down from participating in a case due to an actual or apparent conflict of interest, said member retains all his/her rights as a citizen of the City of Huntington to address the Commission at the podium as a member of the public. Said Commission member shall not make reference to his/her status as a member of the Commission or make reference to any previous decisions or other current petitions.

O. EX PARTE CONTACT. It is the policy of this Commission that no member shall discuss the merits of any pending petition with any person having an interest in the case prior to the

public hearing. Any interested party wishing to provide information to the Commission prior to the public hearing must do so in writing (including electronic mail) prior to the public hearing by providing such information to the Planning and Zoning Office where it will be included in the public record. In the event a Commission member is spoken to by a citizen about an impending case, the Commission member shall first inform the citizen that he/she may not discuss the case, inform the citizen of his/her right to appear before the Commission or submit a written statement, and disclose the information to the whole Commission at the time of the hearing. Notwithstanding, all written statements shall be subject to §D of these Rules.

P. SITE VISITS. The Commission will base its decisions only on information presented in the public hearing and in the record. Notwithstanding this, a Commission member, at their option, may visit a site that is the subject of an appeal to gather information and perspective on the case. If any information is gathered that is not included in the evidence presented at the hearing, yet pertinent to the decision, the same shall be disclosed to the whole Commission at the hearing. Said visit shall be disclosed in the public hearing and any information learned shall be entered into the record by the Commission member. In no case shall two or more members visit the site together. Commission members shall make reasonable effort to refrain from speaking to anyone on-site at the time of the visit about the pending case.

RULE 6. SUSPENSION OF RULES

The Commission may suspend these Rules by a majority vote of its members present.

RULE 7. RULES TO BE KEPT ON FILE

A true and correct copy of these Rules shall be kept and maintained in the Planning and Zoning Office and shall be available to the public for inspection or copy during normal working hours.

RULE 8. INTERPRETATION OF THE COMMISSION'S RULES

The Commission is the final authority as to the meaning of these Rules. The Commission may, from time to time, make an exception in these rules for extraordinary cases, setting out the reasons therefor.

RULE 9. AMENDMENTS

These rules of procedure and policy may be amended or altered by a majority vote of the Commission and affirmed by the Huntington City Council.

RULE 10. EFFECTIVE DATE

These Rules shall take effect immediately upon their passage by their approval by the City of Huntington City Council and shall remain in full force and effect until further action by the Commission.

RULE 11. REPEAL OF PREVIOUS RULES OF PROCEDURE

Any other Rules of Procedure previously adopted are hereby repealed.

These Rules are hereby adopted, ratified, approved and confirmed by the Planning Commission of the City of Huntington, Cabell and Wayne Counties, West Virginia, on this the _____ day of _____ 2020.

THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA

By _____
Brian Gallagher, Chair

By _____
Sarah Walling, Vice-Chair

By _____
Mayor Steve Williams, Commissioner

By _____
Jennifer Wheeler, Commissioner

By _____
Ursulette Ward, Commissioner

By _____
Gerry Holley, Commissioner

By _____
Sean Hornbuckle, Commissioner

By _____
Stephanie Vlahos-Bryant, Commissioner

By _____
, Commissioner