

City of Huntington Planning Commission

July 17, 2020

Staff Report: Rezoning to I-2 Heavy Industrial District from I-1 General Industrial District, general between 13th Street and 22nd Street north of Commerce Avenue up to the Ohio River; and rezoning to I-1 Light Industrial and Commercial District from C-2 Highway Commercial between 19th Street and 20th Street north of Commerce Avenue and south of 2nd Avenue.

PC 20-15

I-2 Heavy Industrial District from I-1 General Industrial District, the properties are located generally between Downtown and Highlawn as follows: all parcels from Commerce Avenue to the Ohio River between 13th Street and 17th Street, excluding land owned by the United States of America north of the flood wall, commonly known as Harris Riverfront Park; and all parcels from 2nd Avenue to the Ohio River between 17th Street and the centerline of 21st Street when continued to the Ohio River; and the +/- 31.6 acre parcel owned by CSX Transportation Inc. along the Ohio River between 15th Street and 22nd Street. In addition, to rezone parcels to I-1 Light Industrial District from C-2 Highway Commercial District, the properties located between Commerce Avenue and 2nd Avenue between 19th Street and 19 1/2 Alley, and two parcels located at the corner of 2nd Avenue and 20th Street more specifically Cabell County Tax District 5, Map 9, Parcels 60 and 61.

Petitioner: City of Huntington

Introduction

The City of Huntington is the applicant for the rezoning of the industrial properties between Downtown and Highlawn. The rezoning of these properties is to allow for heavy industrial and similar land uses to operate as permitted uses rather than conditionally permitted uses. This is in conjunction with the former I-1 General Industrial District being amended into the I-1 Light Industrial and Commercial District, which transforms I-1 into an indoor and light manufacturing and commercial district with lower bulk and area regulations as well as new development standards more conducive to being adjacent to residential districts. I-2 Heavy Industrial District will be a new district that has the bulk and area requirements of the former I-1 General Industrial District and does not contain the same development standards as the I-1 Light Industrial and Commercial District.

This petition will separate heavier or higher nuisance manufacturing and heavy warehousing into their own district to allow for them to operate under different standards.

This petition is intended to compliment the pending creation of the Light Industrial and Commercial District and the Heavy

Industrial District. Those ordinances are currently waiting at City Council.

Existing Conditions

The petitioned properties are currently zoned I-1 General Industrial. These properties contain a multitude of uses to include steel recycling, manufacturing, warehousing, distribution facilities, commercial businesses, financial institutions, offices, and other similar uses.

Adjacent to the proposed Heavy Industrial district are more commercial businesses ranging from restaurants to medical offices, financial institutions, Marshall University's campus and other facilities, a power substation, 75 or more apartments, and other uses.

Proposed Conditions

The majority of the properties would become I-2 Heavy Industrial. This district is similar to the former I-1 General Industrial except that Heavy Industrial will allow for most uses without a Conditional Use Permit and notice to the public, a reduction in noise and nuisance standards so that heavy industrial may operate more freely, and an increase in how high buildings can be built.

Other properties, per the request of Steel of West Virginia, are being proposed to be rezoned to I-1 Light Industrial and Commercial to help reduce the setback requirements for SWVA's newly rezoned Heavy Industrial property to the north. These properties are between 19th Street and

20th Street north of Commerce Avenue and contain offices, a drive thru, and parking lots.

Comprehensive Plan

The Future Land Use Map located within the City of Huntington Comprehensive Plan, Plan 2025 the petitioned properties are designated as "light industrial" and "heavy industrial".

Light Industrial is described as:

Provides a lower intensity industrial district that allows creative reuse of industrial sites that can complement certain residential areas.

Characteristics include:

- Medium sized lots near railroad or riverfront
- Industrial properties that are close to residential uses
- Allows mixed light industrial, commercial and residential uses
- Industry surveyed to see if properties are underutilized
- Transition large industry to smaller industrial uses if viable

Heavy Industrial is described as:

To provide higher intensity districts that allow industrial sites to be separated from residential uses.

Characteristics include:

- Larger lots near railroad and riverfront
- Leave heavy industrial properties
- Primarily separated from residential areas
- Allows for higher intensity industrial uses

The proposed rezoning is in line with the future land use map but with changes made to which parcels are “heavy industrial” and which are “light industrial” based upon a multitude of factors such as current land use, adjacent land use, Highlawn Brownfield Redevelopment Plan, and conversations with property and business owners.

Staff Comments

These changes will accommodate existing Heavy Industrial uses within the area in a significant number of ways. It will allow for companies such as Steel of West Virginia to construct newer and larger structures for their steel manufacturing, such as a new caster tower. It will allow for large scale warehousing as a primary use within this district. It also includes new transportation uses such as a Barge Terminal to help clarify allowed use of the property along the Ohio River.

Changes to the nuisance standards will allow for louder impulsive noises not to be in violation of the city nuisance ordinance. Uses within Heavy Industrial will also be permitted to release odor due to property maintenance during certain business hours. This is a necessary change because retention and detention type water areas on the property help filter contaminants but need to be drained and cleaned from time to time. This activity always produces odor that can be smelled for hundreds if not thousands of feet away, which would make necessary maintenance an automatic violation unless these changes are adopted and applied to

places such as Steel of West Virginia's primary facilities.

It should be noted, this rezoning map varies significantly from the map proposed to the Planning Commission by the Planning and Zoning Office in June of 2019. The Heavy Industrial District is designed to be buffered by the Light Industrial and Commercial District so that the reduction in restrictions within Heavy Industrial is less likely to negatively impact other uses within the city.

The original proposal accounted for this and had everything immediately north of Commerce Avenue as Light Industrial to better protect the properties along 3rd Avenue. However, after over one year of delay and significant dialog, it has been requested the Heavy Industrial be proposed to be adjacent to Commerce Avenue to accommodate the potential expansion of heavier uses within the area.

This expansion may: further decrease property values, create an increase in noise and other nuisances that are legal, negatively impact all residential uses in the area potentially causing some to become permanently vacant, and force some commercial uses to relocate if changes in the built conditions occur.

Relevant Factors

The relevant factors in considering a change in zoning include the following:
(1) existing uses and zoning of nearby property;

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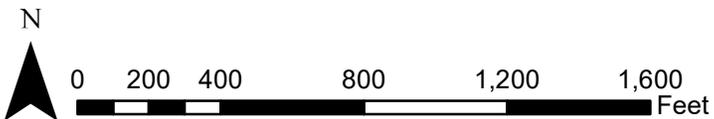
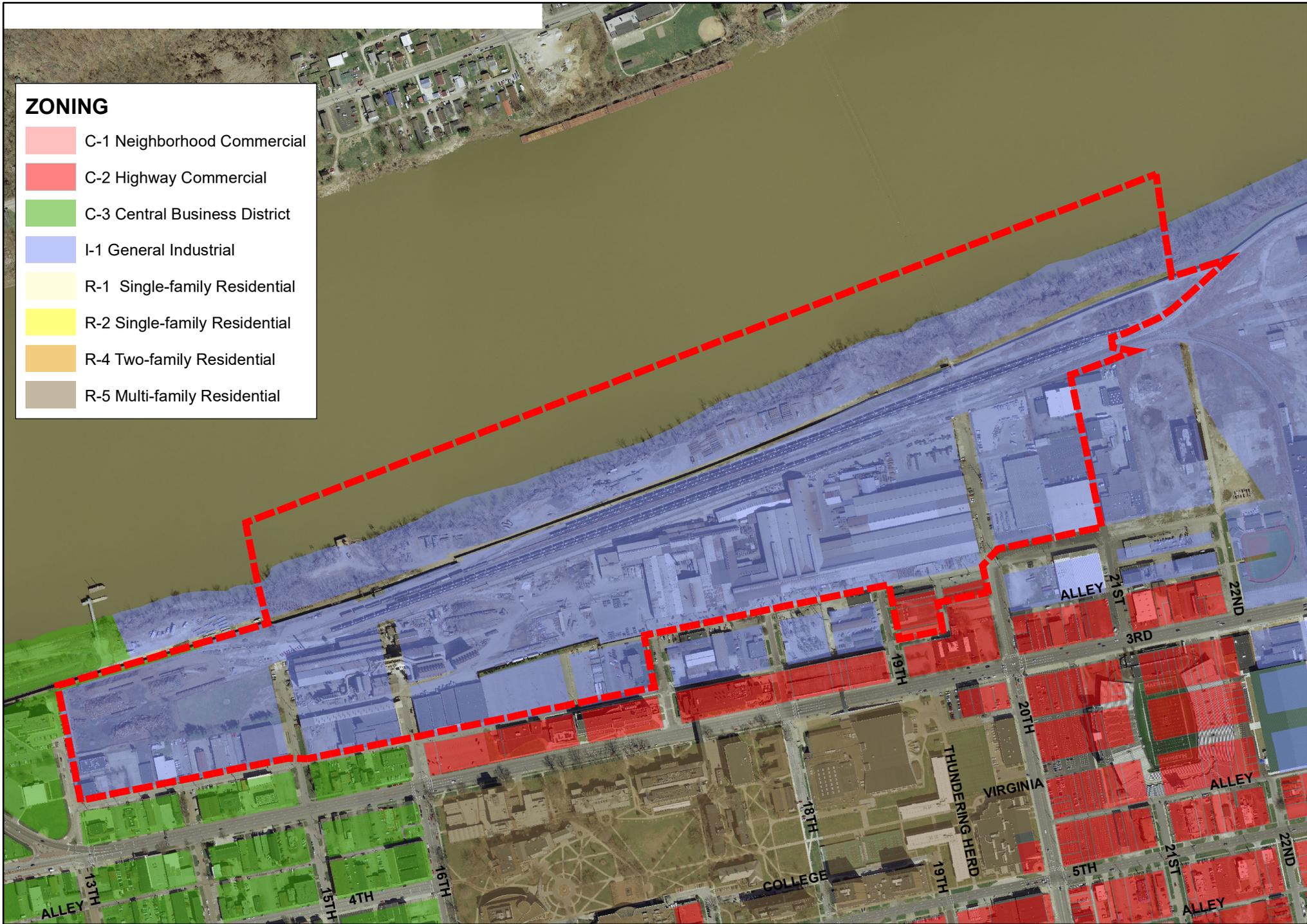
- (2) the extent to which **property** values are diminished by the particular zoning restrictions;
- (3) the extent to which the destruction of **property** values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
- (4) the relative gain to the public, as compared 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**.

Attachments

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

ZONING

- C-1 Neighborhood Commercial
- C-2 Highway Commercial
- C-3 Central Business District
- I-1 General Industrial
- R-1 Single-family Residential
- R-2 Single-family Residential
- R-4 Two-family Residential
- R-5 Multi-family Residential

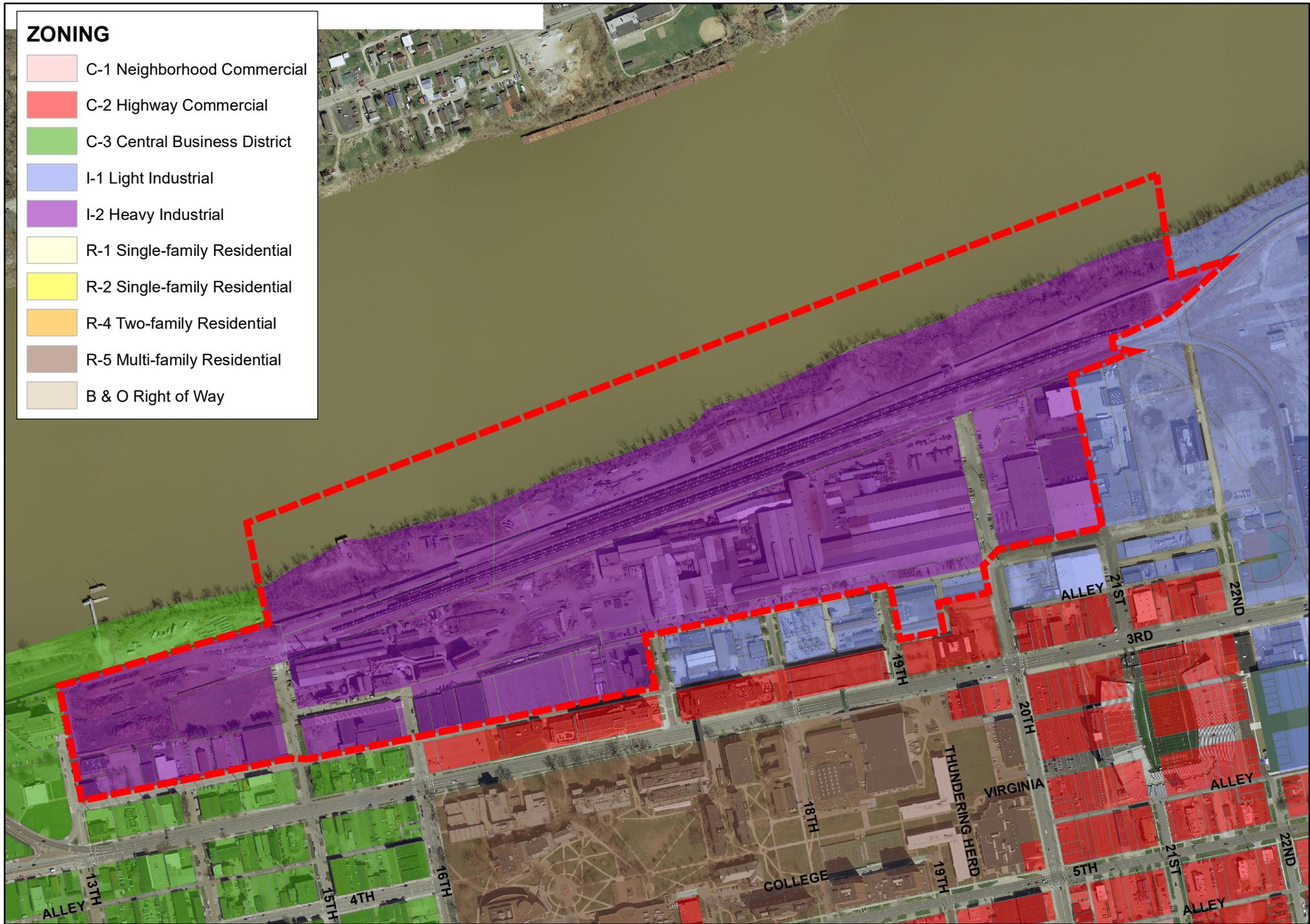


Curent Zoning - Downtown to Highlawn



ZONING

- C-1 Neighborhood Commercial
- C-2 Highway Commercial
- C-3 Central Business District
- I-1 Light Industrial
- I-2 Heavy Industrial
- R-1 Single-family Residential
- R-2 Single-family Residential
- R-4 Two-family Residential
- R-5 Multi-family Residential
- B & O Right of Way



Heavy Industrial Rezoning - Downtown to Highlawn

