



Agenda
Huntington Planning Commission
Tuesday, September 6, 2022 – 5:30pm

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

PC 22-RZ-08

Issue: A petition to rezone property to C-2 Highway Commercial District from I-1 Light Industrial District and I-2 Heavy Industrial District. This property is located along the south side of 5th Avenue and west of 25th Street and includes Huntington Gideon District Tax Map 20 Parcels 90 (2445 5th Avenue a/k/a 2425 5th Avenue), 91 (vacant-no address), 210 (vacant-no address), and a portion of 98.1 (2400 5th Avenue).

Petitioner: Huntington WV 0422, LLC. 1000 Grand Central Mall, Vienna, WV

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

**Minutes
Huntington Planning Commission
July 5, 2022**

A meeting of the City of Huntington Planning Commission was held on July 5, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Gallagher* called the meeting to order.

Members Present: Gerry Holley, Sharon Pell, Sean Hornbuckle, Stephanie Vlahos Bryant, Sarah Walling, Ursulette Ward, Carl Eastham, Holly Smith Mount

Members Absent: Brian Gallagher

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

Ms. Mount made a motion to approve the June 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

Tom Elkins, 105 N. Ridge Dr., St. Albans, representative of JTH Rentals, presented the petition. He informed the Commissioners that John Thomas Handley, property owner, is a Marshall graduate and very familiar with the Huntington area. He bought the Emmons property several years ago and would like to rezone the property to construct affordable, multi-family housing that is intended to be owner occupied. He explained that the maintenance of the property would be taken care of for the owners. They are considering three to four structures with four to six units each with driveway access from the alley and the parking in the rear. The original retaining wall on 4th Ave. would remain. A large amount of the property would be reserved for green space and stormwater management, and for the residents to have a common area to use.

Mr. Eastham – How many stories would each building have?

Mr. Elkins claimed two is the intent right now, but no more than three.

Ms. Mount – The development would have off-street parking?

Mr. Elkins confirmed there would be off-street parking in the rear. He passed around a conceptual drawing to the Commissioners and the public, a copy of which has been included in the record.

Ms. Walling – Does Mr. Handley have any other properties in the area?

Mr. Elkins explained that Mr. Handley does not have other properties in the area other than his own residence and for children in college.

Ms. Mount – You stated these would be owner occupied, but the company has “rentals” in the name?

Mr. Elkins explained it is just the name Mr. Handley went with when the company was started many years ago. Mr. Handley has other owner occupied properties elsewhere.

Ms. Shell presented the Staff Report.

M. Walling – This hearing is just for a rezoning to allow for other uses for future development must come back before this Commission for approval?

Ms. Shell confirmed, yes, the petition is for a rezoning only which would allow for more uses. The development of a property which is over an acre, such as this, must come before this commission for approval; and added that any proposed plans presented this evening would not be binding.

Pat Jones, 2564 3rd Ave., had many of his questions from the first meeting answered, but is concerned about funding of the project and the lots to the west, which have been included into the rezoning request. He wonders why this rezoning does not include housing to the south, and believes it should be. He additionally has concerns about the properties becoming rentals, access from the alley, vacant housing in neighborhood, and that it would be hard to sell property in this area.

Sarah Dolin, 2739 4th Ave, across the street from the petitioner's property, mentioned the downward trend in neighborhood; concerns about construction traffic, parking, and speeding on 4th Ave.; the poor infrastructure in the area; the narrow alley being proposed as an access point for the property; maintenance of the property and sufficient green space; and management of foot and vehicle traffic. She also expressed concern that if the project were to fail, who would buy the property and the possibility of excess multi-family housing.

Sarah Deeming, 2736 4th Ave., whose property is part of the proposed rezoning, express similar concerns about infrastructure, stormwater management, the poor quality of the alley, and maintenance. She added that the area has major issues with the sewage lines and believes 12-16 more units would be hard to support. She reminded the Commissioners this an area of mostly families with kids and those types of people should be in those homes.

Anthony Scriven, 2760 Highlawn Ave., shares concerns of his neighbors, but stated that "without change how can we expect things to get better?" Mr. Scriven is in favor of the project.

Mr. Elkins confirmed that JTH Rentals has plenty of capital and the ability to acquire financing for the project, and there would be no issue finishing the project. He admitted that the issues brought be the neighborhood have yet to be addressed, but would be taken care of during the design process; the alley, capacity of the sewer and other infrastructure, and maintenance of the property. It is important for them to know what can be built prior to investing in studies and plans that will address all of the issues discussed. Mr. Elkins is familiar with the major subdivision process and assured that the proposal presented to them will steam out these issues. In regards to the maintenance, all units will be part of an HOA with monthly fees for maintenance of the property; homeownership will be condition of the deed and a stipulation of the purchase.

Ms. Walling reiterated Mr. Elkins claim that this issues brought forward by the public are issues that would be addressed in the design process and cannot be addressed at this time without knowing what type of development will be allowed.

Public comment was closed.

Mr. Eastham gave a history of the sewer and water systems and the alley in this area of the city in his experience as a fire fighter.

Ms. Walling assured the public that ARPA funds have been dedicated to updating of the utility systems in that area of the city.

There was discussion among the Commissioners to send the proposal to Council with a neutral recommendation which was discouraged by Ms. Hernandez as the Planning Commission is an advisory board and a neutral recommendation would not be a recommendation.

Mr. Eastham made a motion to forward the petition with a favorable recommendation to City Council; *Mr. Hornbuckle* seconded the motion. Motion passed to forwarded a favorable recommendation by a vote of 8 Yes to 0 No.

Good and Welfare

| | |
|---|--------------------------|
| City of Huntington Planning Commission | September 6, 2022 |
| Staff Report: A petition to rezone property from I-1 & I-2 Industrial District to C-2 Commercial District. | |

PC 22-RZ-08

Issue: A petition to rezone property to C-2 Highway Commercial District from I-1 Light Industrial District and I-2 Heavy Industrial District. This property is located along the south side of 5th Avenue and west of 25th Street and includes Huntington Gideon District Tax Map 20 Parcels 90 (2445 5th Avenue a/k/a 2425 5th Avenue), 91 (vacant-no address), 210 (vacant-no address), and a portion of 98.1 (2400 5th Avenue).

Petitioner: Huntington WV 0422, LLC.
1000 Grand Central Mall, Vienna, WV

Introduction

Huntington WV 0422, LLC is petitioning to rezone property from I-1 Light Industrial District and I-2 Heavy Industrial District to C-2 Highway Commercial District. The property is located on 5th Avenue and the intersection with 25th St. and consists of vacant property and the current location of Stewart’s Hot Dogs.

Existing Conditions

Part of the property proposed to be rezoned went before the Planning Commission in June 2022 and was approved for a major subdivision that created two 1.04 acres parcels.

The property proposed to be rezoned is currently vacant land and the location of Stewart’s Hot Dogs. This area is zoned I-1 Light Industrial & Commercial, however the vacant parcels created through the major

subdivision have a small portion zoned I-2 Heavy Industrial. This property also includes an alley that was abandoned in 1971. These properties are across the street from property zoned C-2 Highway Commercial.

Proposed Conditions

The petitioner is proposing to rezone this property to C-2 Highway Commercial District.

According to Article 1329, “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 consider traffic safety concerns resulting from location the major corridors of the City.”

The C-2 Highway Commercial District is the most permissive commercial zoning district in the city, allowing a variety of commercial uses by right. The C-2 Highway Commercial District also allows for more auto-centric development, allowing for larger signs, larger front yard setbacks that permit front yard parking, and main entrances off of side yards. Please see the attached Permitted Use Chart Comparison and Differences in Development Requirements chart.

Pictures



Vacant property that is part of rezoning. Stewart's Hot Dogs parking lot pictured on right edge.



Vacant parcel that is part of the proposed rezoning.



Vacant property at 5th Ave. & 25th St.

Comprehensive Plan

The Future Land Use map of the Plan2025 Comprehensive Plan designates this area as Convenience Commercial District. This designation provides for higher intensity commercial uses that are primarily accessed by car. Characteristics of this district include low density development, large lots, on-site or shared parking, and larger scale commercial uses that serve the region.

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

This area is designated as Convenience Commercial District in Plan2025. This designation corresponds with the C-2 Highway Commercial District in the City of Huntington Zoning Ordinance. In addition, this rezoning will make an existing commercial business, Stewart's Hot Dogs more conforming, and allow current or

PC 22-RZ-08 Staff Report

future owners more flexibility to expand, if desired.

In addition to this rezoning bringing this property in line with the Future Land Use map of the Comprehensive Plan, staff believes that the Planning Commission could justify this rezoning under the following relevant factors:

(1) existing **uses** and zoning of nearby **property**; - This property is across 5th Ave. and 25th St. from property that is zoned C-2 Highway Commercial. Stewart's Hot Dogs, a drive-in restaurant is part of this rezoning. Drive-in/drive-thru restaurants are conditionally permitted in the I-1 District, and permitted by-right only in the C-2 and I-2 Districts. In the I-1 District, a drive-in restaurant would need to go before the Board of Zoning Appeals in order to expand a conditional use.

(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**. – The majority of the property on this petition is currently vacant as industrially zoned. There are a number of other industrially zoned properties in this area located closer to rail and river transport that are currently vacant, such as BASF and the ACF property.

Attachments

- Aerial Map
- Zoning Map
- Future Land Use Map
- Permitted Uses Chart
- Differences in Development Chart

Section 1320.04 Differences in Permitted Uses – C-2 and I-1 Districts

| Legend | |
|-----------------------------|---|
| Permitted Use | ● |
| Conditionally Permitted Use | ○ |
| Prohibited Use | |

| Table 1320.A: Permitted Uses | | | | Districts | | | |
|---------------------------------------|-----|-----|------------------------|---|-----|---|---------|
| Use Type | C-2 | I-1 | Use-Specific Standards | | | | |
| | | | | C-2 | I-1 | | |
| Residential | | | | Civic / Community | | | |
| Single-Family Detached | ● | ○ | | Cemetery | ○ | ○ | 1341.29 |
| Single-Family Duplex | ● | ○ | 1323.03 | Community Center | ● | ● | |
| Single-Family Attached (Townhouse) | ● | ○ | 1341.48 | Community Garden | ● | ● | |
| Multi-Family Dwelling Units | ● | ○ | | Cultural Institutions (Museum, library, cultural center, performance center, etc) | ● | ● | |
| Home Occupations | ● | ● | 1341.22 | Lodge, Private Club, or Social Hall | ● | ● | 1341.02 |
| Group Residential Facility | ● | ● | | Municipal or Government Facilities | ● | ● | |
| Dormitory | ● | ● | | Open Space | ● | ● | |
| Assisted Living or Congregate Housing | ● | ● | | Penal or Correctional Institution | ○ | | 1341.39 |
| Halfway House | ○ | ○ | | Public Park and Recreational Facilities | ● | ● | |
| Manufactured / Mobile Home Park | ○ | | 1341.32 | Public Utility Installations | ● | ● | |
| Live / Work Unit | ● | ● | | Redevelopment of Closed School, Public Building, Community Center, or Church | ● | ● | 1341.51 |
| Residential Flats Above | ● | ● | | Religious Uses | ● | ● | 1341.14 |
| Lodging | | | | School | ● | ○ | |
| Boarding House | ● | ● | | School, Private | ○ | ○ | |
| Hotel / Inn | ● | ○ | | Shelter / Mission | | ○ | |
| Motel | ● | | | | | | |

| Use Type | C-2 | I-1 | Use-Specific Standards | | C-2 | I-1 | |
|--|-----|-----|------------------------|--|-----|-----|---------|
| Commercial | | | | Commercial | | | |
| Adult Use | ○ | ○ | 1341.40 | Laundry and Dry Cleaning Pick-Up | ● | ● | |
| Animal Boarding and Training | ● | ○ | 1341.53 | Laundry and Dry Cleaning Services | ● | ● | |
| Animal Hospital / Clinic | ● | ○ | | Limited Video Lottery / Keno Establishment | ○ | ○ | 1341.47 |
| Auto Service Station and Repair Shop | ● | ○ | 1341.11 | Nanobrewery | ● | ● | 1341.50 |
| Automotive and Other Vehicles Sales | ● | | | Offices | ● | ● | |
| Banquet Halls or Conference Centers | ● | ● | | Offices for Charitable Organizations | ● | ● | |
| Bar | ○ | ○ | 1341.02 | Pawnshop | ○ | | |
| Bar, Neighborhood | ○ | ○ | 1341.02 | Personal Services | ● | ● | |
| Brewpub | ● | ● | 1341.02 | Pet Store / Pet Services | ● | ● | |
| Carwash | ● | ○ | 1341.10 | Radio and Television Stations | ● | | |
| Commercial Greenhouse | ● | ● | | Repair Shop | ● | ● | |
| Communication Tower / Antennae | ○ | ○ | 1341.12 | Retail Sales And Services | ● | ○ | |
| Commercial Recreational Facilities (Indoors) | ● | ● | | Retail Sales and Services, Neighborhood | ● | ● | |
| Commercial Recreational Facilities (Outdoors) | ○ | ○ | 1341.34 | Restaurant | ● | ● | |
| Craft Production Facility (Microbrewery / Microdistillery / Microcidery) | ○ | ● | | Restaurant Serving Alcoholic Beverages | ● | ● | 1341.02 |
| Day Care (Child or Adult) | ● | ● | 1341.09 & 1341.13 | Self-Storage Development | ● | ○ | 1341.15 |
| Drive-In or Drive-Thru | ● | ○ | 1341.08 | Self-Storage, Indoors | ● | ○ | 1341.49 |
| Financial Institutions | ● | ● | | Shopping Center | ● | ○ | |
| Firearms Sales Establishments | ● | | | Tattoo Parlor | ● | ● | 1341.41 |
| Flea Market | ○ | ● | | Trade or Business School | ● | ○ | |
| Fuel Sales | ● | ○ | 1341.54 | | | | |
| Funeral Home | ● | ● | | | | | |
| Hospitals | ○ | ○ | 1341.44 | | | | |
| Indoor Shooting Range | | ○ | 1341.52 | | | | |
| Laundromat | ● | ● | | | | | |

| Use Type | C-2 | I-1 | Use-Specific Standards | | C-2 | I-1 |
|---|-----|-----|------------------------|--|-----|-----|
| | | | | | | |
| Transportation | | | | | | |
| Airport | | | | | | |
| Barge Terminal | | ○ | | | | |
| Bus Terminal | ● | ○ | | | | |
| Heliport | | | 1341.28 | | | |
| Marina | ○ | ○ | | | | |
| Motor, Rail, or Air Freight Terminal | | ○ | | | | |
| Parking Garage, Private | ○ | ○ | | | | |
| Parking Lot, Off Site | ○ | ○ | | | | |
| Railroad | ○ | ● | | | | |
| 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) | ○ | ● | | | | |
| Manufacturing and Production with Caustic or Hazardous Materials | | | | | | |
| Oil and Gas Exploration | | | 1341.33 | | | |
| Outdoor Material and Supply Bulk Sales | | ● | | | | |
| Recycling Collection Center | | ○ | 1341.20 | | | |
| Towing Services | | ○ | | | | |
| Transfer Stations for Solid Waste | | | | | | |
| Warehousing, Light | | ● | | | | |
| Warehousing, Traditional | | ● | | | | |
| Warehousing, Heavy | | | | | | |
| Wholesale Business | | ● | | | | |

Differences in Development Requirements Chart

| I-1 Light Industrial District | | | C-2 Highway Commercial District |
|---|-------------------------|--|---|
| | Commercial or Mixed-Use | Multi-family Dwellings (others follow R-5 requirements) | Commercial or Mixed-Use (All residential follows R-5 requirements) |
| Lot | | | |
| Lot area (min) | 2,500 SF | 2,500 SF | 2,500 SF |
| Lot width (min/max) | 25' / None | 25' / 160' | 30' |
| Lot coverage (max) | 100% | 90% | 90% |
| Building coverage (max) | 90% | 75% | 75% |
| Setbacks | | | |
| Front yard (min/max) | 0' / 15' | 6' / 18' | 15' / 75' |
| Build-to percentage, front façade (min) | 60% | 60% | 30% |
| Side yard if adjoining a residential district (min) | 20' | 5' | 15' |
| Side yard if not adjoining a residential district (min) | 0' | 0' | 5' |
| Rear yard if adjoining a residential district (min) | 20' | 15' | 15' |
| Rear yard if not adjoining a residential district (min) | 0' | 0' | 15' |
| Building Height | | | |
| Building height, principal uses (max) | 5 stories / 55' | | 10 stories / 150' |
| Finished ground floor height (min/max) | 0'/2' | 0'/4' | 0'/2' |
| Transparency | | | |
| Ground floor transparency, front facade (min) | 50% | 20% | 60% |
| Ground floor transparency, corner side facade (min) | 40% | 20% | 40% |
| Ground floor blank wall width, front façade (max) | 10' | - | 30' |
| Ground floor blank wall width, corner side façade (max) | 30' | - | 50' |
| Upper floors transparency, front facade (min) | 20% | 20% | 25% |
| Upper floors transparency, corner side facade (min) | 20% | 20% | 25% |
| Façade Separation | | | |
| Façade bay width, front façade (max) | 40' | 60' | 40' |

| | | | |
|---|--------------|-----|--|
| Façade bay width, corner side façade (max) | 40' | 60' | 40' |
| Building Orientation & Pedestrian Access | | | |
| Main entrance location for non-residential uses (required) | Front facade | - | Front façade, or side façade facing a parking area on the same lot |

| Façade Materials | | |
|---|--|---|
| | C-2 | I-1 |
| Front Façade Requirements: | All building walls facing a street, residential district line, or significantly visible from the public right of way shall be suitably finished for aesthetic purposes. | Façade Materials: All building walls facing a non-industrial district line, excluding walls facing an alley, shall be suitably finished for aesthetic purposes. |
| Preferred building materials: | Brick, Decorative Concrete Block, Wood, Stone, Architectural metal panels, Other natural materials. | Brick, Decorative Concrete, Block, Wood, Stone, Architectural metal panels, Other natural materials |
| Prohibited materials on street and residential district line facing walls: | Vinyl siding, Unpainted or painted smooth, gray, non-decorative block, Metal sheeting on ground floor façade; this shall include gable ends of one (1) story structures. | Vinyl siding, Unpainted or painted smooth, gray, non-decorative block, Metal sheeting |

This chart highlights differences between development requirements for the current zoning for this area (I-1 Light Industrial District) and the proposed zoning for this area (C-2 Highway Commercial District).

For full development requirements for both zoning districts, visit:
https://www.cityofhuntington.com/assets/pdf/Huntington_Zoning_Ordinance_1998_REVISED_7-12-2022.pdf



Location of Proposed Rezoning
I-1 Light Industrial to
C-2 Highway Commercial

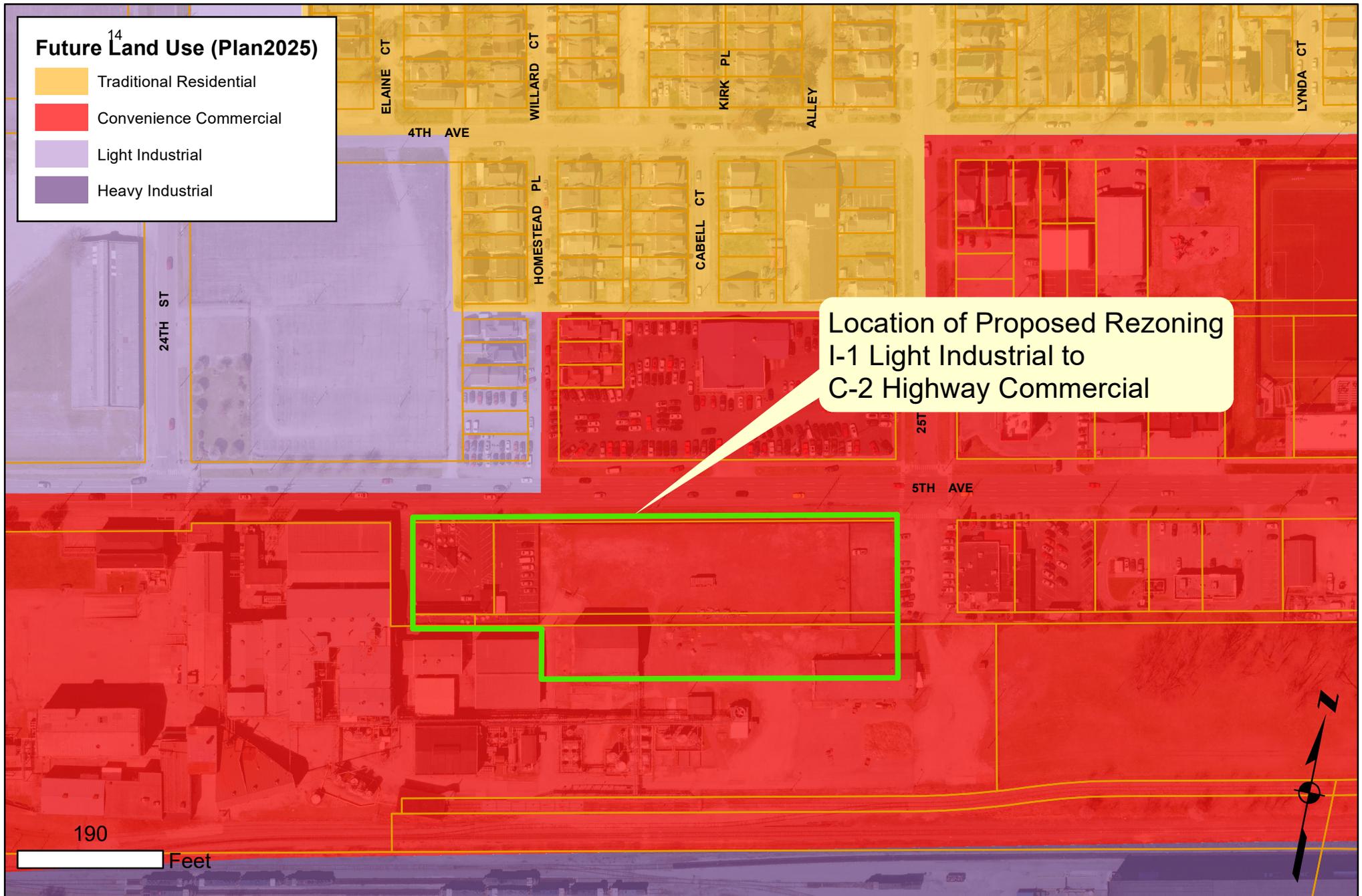
PC 22-RZ-06

**Rezone from I-1 Light Industrial District
to C-2 Highway Commercial District
South Side of 5th Avenue and West of 25th Street**



¹⁴
Future Land Use (Plan2025)

-  Traditional Residential
-  Convenience Commercial
-  Light Industrial
-  Heavy Industrial



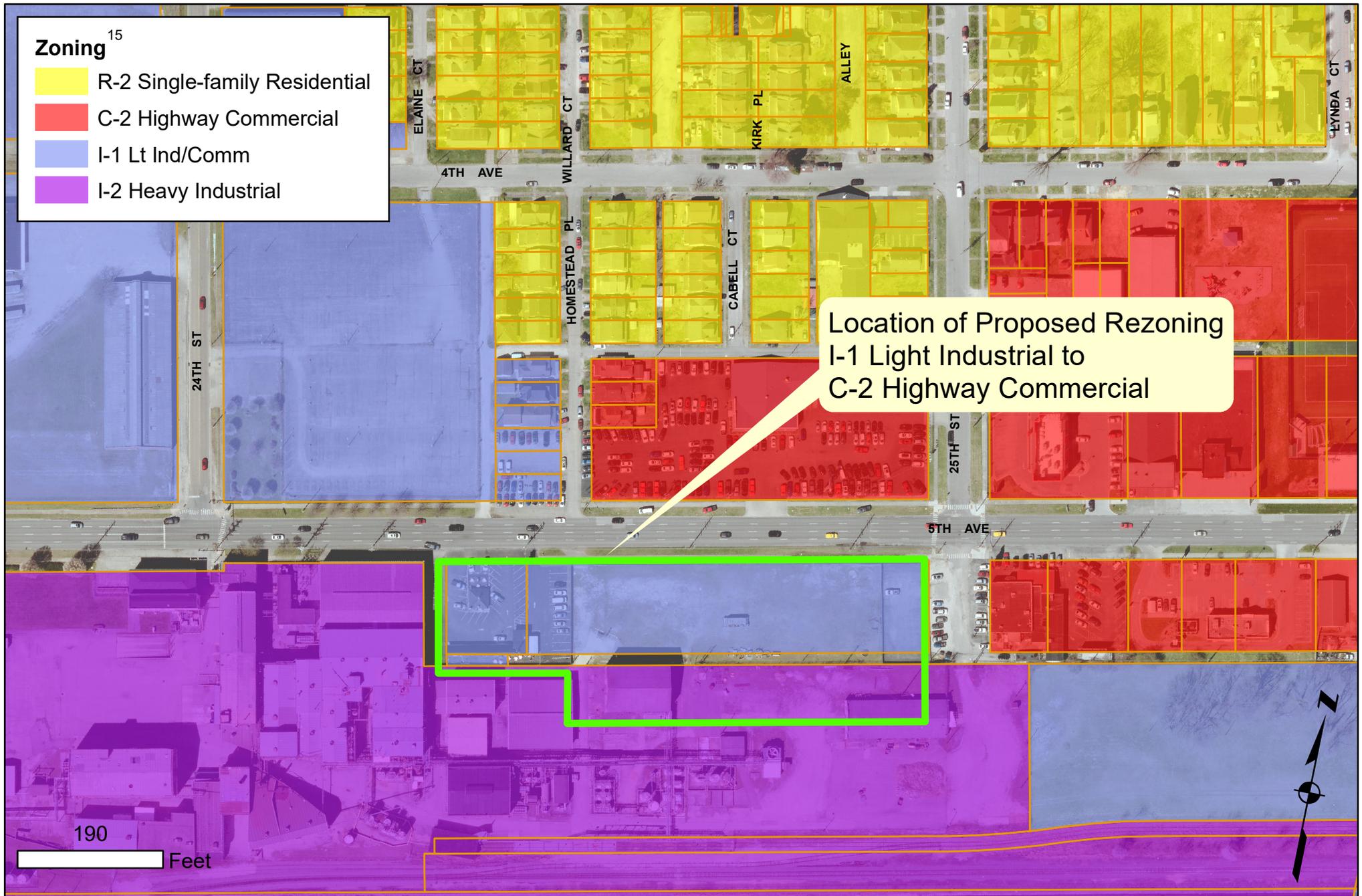
PC 22-RZ-06

**Rezone from I-1 Light Industrial District
to C-2 Highway Commercial District
South Side of 5th Avenue and West of 25th Street**



Zoning¹⁵

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



PC 22-RZ-06

**Rezone from I-1 Light Industrial District
to C-2 Highway Commercial District
South Side of 5th Avenue and West of 25th Street**



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



PLANNING & ZONING

City of Huntington
Planning & Zoning
 P.O. Box 1659 | Huntington, WV 25717
 (304) 696-5540, option 3
 planningdept@huntingtonwv.gov

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

Rezoning Petition

Applicant Name: Huntington WV 0422, LLC Phone: 304-494-6966
Mailing Address (city, state, zip): Attn: Jared Decker, 1000 Grand Central Mall, Vienna, WV 26105
Email: jared@thepmcompany.com
Current Zoning Classification: Partly I-1; Partly I-2
Proposed Zoning Classification: C-2

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.

Description of Properties:

Please see attached for a copy of Applicant's ALTA Survey;

Address

p/o 5-20-91; p/a 5-20-98

Legal description (district, tax map, parcel 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.)

J. Decker
 Signature of Applicant

7/1/22
 Date

| Property Owner | Signature | Address | Phone Number |
|----------------|-----------|---------|--------------|
| | | | |
| | | | |
| | | | |
| | | | |

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

Current Property Owner's Signature
 Approving the Rezone : Breeta Hazel