



**Agenda**  
**Huntington Planning Commission**  
**Monday, July 1, 2024 – 5:30pm**

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1. Preliminaries
2. Call to Order
3. Roll Call
4. Approval of the June 2024 Minutes
5. Old Business

**PC 24-04**

*Issue:* A petition to rezone property from R-1 Single-Family Residential District to C-2 Highway Commercial District. The properties are located on the southeastern corner of Washington Boulevard and Parkway Drive and consist of four parcels owned by ReClaim Church including the main building, fellowship center, and parking lot.

*Petitioner/Property Owner:* ReClaim Church, Inc., 3135 Washington Blvd., Huntington, WV 25705

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

**Minutes  
Huntington Planning Commission  
June 3, 2024**

A meeting of the City of Huntington Planning Commission was held on June 3, 2024 at 5:30 p.m. in the City Hall Council Chambers. Mr. Gallagher called the meeting to order.

Members Present: Brian Gallagher, Sharon Pell, Holly Smith Mount, Sarah Walling, Carl Eastham, Charles Shaw, Stephanie Vlahos Bryant, Russell “Ford” Rucker

Members Absent: Ursulette Ward

Staff Present: Stephanie Petruso, Senior Planner  
Ericka Hernandez, Assistant City Attorney  
Steve Curry, Associate Planner

*Ms. Mount* made a motion to adopt April 4, 2024 Minutes. *Ms. Walling* seconded motion. All were in favor, Minutes were approved.

**New Business**

The Planning Commission welcomed new member, Russell “Ford” Rucker to the board.

**PC 24-04**

*Issue:* A petition to rezone property from R-1 Single-Family Residential District to C-2 Highway Commercial District. These properties are located on the southeastern quadrant of the intersection of Washington Boulevard and Parkway Drive and consist of parcels owned by ReClaim Church.

*Petitioner:* ReClaim Church, 3135 Washington Blvd, Huntington, WV 2570

Mr. Curry read the Staff Report.

*Ms. Mount* questioned why petition for rezoning to C-2 rather than C-1 and then recommend against the C-2 rezoning.

Mr. Curry explained that rezoning to a C-2 in that area would be easier as C-2 already exists across the street.

*Mr. Gallagher* asked if anyone would like to speak in favor of the petition.

Mr. Curry read email staff received from Councilman Mike Shockley in which Mr. Shockley voiced his disapproval of the petition and his intent on voting against it when it goes before City Council.

Petitioner Corey Adkins introduces himself as the pastor and speaker on behalf of ReClaim Church. He disagrees with the staff report and clarified that he wants to partner with a local business that plans to operate in an unused facility the church owns. The church initially used the facility for a daycare which was unsuccessful. Pastor Adkins explained that the church has taken out a mortgage on the facility and believed that leasing it out will aid in recouping those funds while helping a local business.

Pastor Adkins said that staff advised him to rezone to commercial which he did not wish to do. He wished to have business operate under a conditional use which is impossible under current zoning. Petitioner also mentioned that he spoke to the Homeowner’s Association in the area and that *Ms. Mount* was present.

*Mr. Gallagher* asks if there are any questions for Pastor Adkins.

*Ms. Bryant* asks Pastor Adkins what his intentions are for the building.

Pastor Adkins wanted to lease the facility to Brand Yourself, a local screen-printing business, and informed the commission that the owners of the business were in attendance. He also explained that what they intend to do is more manufacturing-based rather than retail.

*Ms. Walling* explained the reasoning for zoning in the city and the process for conditional uses. She explained that rezoning is not whether or not the board likes or dislikes a business but rather the possible ramifications of the rezoning if the intended business does not continue after the rezoning occurs. She cited the failure of the daycare previously occupying the facility. The commission is required to consider what types of businesses are permitted in the new zoning if the potential tenant fails to continue occupying the facility.

Pastor Adkins reiterated that he want to help the community and local businesses as he wanted to do with the daycare. ReClaim Church has everything it needs in the main church building and does not require the space for church operation. He expressed that he is willing to do whatever he needs to lease the space. He said that the term “manufacturing” used to describe the planned tenant was not accurate to describe the business.

*Ms. Walling* asked petitioner when he bought the property.

Pastor Adkins says it was purchased in 1968 by the Wesleyan Church of which ReClaim is a part.

*Ms. Mount* explained her presence at the HOA meeting Pastor Adkins mentioned earlier. While there she answered questions regarding the rezoning process and had not seen the packet at the time of that meeting. She again asked why staff would advise a C-2 rezoning and then recommend against it. *Ms. Mount* asked why staff could not consider it a redevelopment of a closed church.

Pastor Adkins agreed that the classification of redevelopment of a closed school or church would be favorable to him if it were possible but reiterated that the city told him to rezone.

*Mr. Gallagher* asked staff why the determination was made to have the church go for rezoning.

*Ms. Mount* said she believes it is because C-2 is already nearby.

*Ms. Walling* and *Ms. Mount* discussed why the closed church designation may or may not be usable.

Pastor Adkins explained the building has been unused since the closure of the daycare.

*Ms. Walling* questioned what a closed church can or cannot be and if there are limits on what it can be.

*Ms. Hernandez* confirmed there are limits to what a closed church can become. She explained that closed churches are a hybrid of C-1 and home occupations.

*Ms. Mount* referenced the ordinance on her phone.

*Mr. Rucker* asks petitioner if he was told that C-1 would not be appropriate. *Mr. Rucker* continued that artisan manufacturing is a permitted use in both C-1 and C-2. *Mr. Rucker* asked if C-1 is not appropriate because there is not C-1 currently in the area. He commented that C-1 would give the BZA control of what uses are allowable.

Pastor Adkins agreed with *Mr. Rucker's* assessment.

*Mr. Gallagher* commented the commission is inexperienced in these types of matters and will be taking a training course after the meeting.

*Mr. Gallagher* stated that the petition does not align with Plan2025 and other issues need to be resolved. He said that it is incumbent upon the petitioner to do research on his petition. He stressed the importance of law and governance and that the commission will not approve something just because they like the idea. *Mr. Gallagher* continued that he had not seen a good reason to designate this area as C-2.

*Ms. Mount* asked if the commission can table the petition until the next month's meeting.

*Ms. Bryant* agreed with tabling the petition.

*Ms. Walling* and *Ms. Mount* believed the petition needs to be reformed.

Pastor Adkins reiterated his desire for a conditional use variance.

*Ms. Mount* informed Pastor Adkins that that would still require going before BZA.

*Ms. Walling* pointed out that manufacturing is not something that constitutes a conditional use in an R-1 district. She agreed to the idea of tabling the petition until next month but not before the commission heard from the community.

Pastor Adkins reiterated his desire to cooperate with a local business.

*Ms. Walling* expressed the idea of looking into another zoning classification if the petition is tabled.

*Mr. Gallagher* asked why C-2 rezoning was recommended to petitioner.

*Mr. Curry* explained that the area being rezoned is only 4 parcels and that C-2 is the only commercial district in the area. The City does not want this be considered spot rezoning.

*Mr. Gallagher* asked if the C-2 designation would also be spot rezoning.

*Ms. Petruso* explained that because neighboring parcels are C-2, it could be considered a zoning boundary adjustment rather than a complete change of zoning.

*Ms. Walling* asked why staff created a six page report recommending against the rezoning after telling Pastor Adkins to go for a rezoning.

*Ms. Hernandez* explained that is incorrect to say that staff recommended a rezoning. She explained that a rezoning is the only avenue petitioner could take to reach his goal.

*Mr. Shaw* asked if there is a way for the commission to table the petition and perhaps have the petitioner resubmit a rezoning application with a different classification.

*Ms. Walling* asked why the rezoning had to be C-2 and what the use classification was.

*Ms. Petruso* explained that it would fall under artisan sales and manufacturing. Although this use is permitted by right in a C-1 district, staff advised C-2 due to it being a boundary adjustment instead of a total rezoning which would align better with the comprehensive plan.

Nancy Adkins, a nearby resident living at 33 Parkway Drive, voiced concerns with noise pollution, traffic, and the nearby creek that rises when it rains. She believed these issues could be exacerbated if these properties become further developed.

Anthony Skolic, a nearby resident living at 26 Parkway Drive, asked if the intended use is more oriented towards retail or manufacturing.

*Mr. Rucker* expressed his desire to hear from Brand Yourself.

Kari Newman, an owner of Brand Yourself, explained her business is a screen printing shop. It is a mix of retail and artisan manufacturing that makes minimal noise. They are looking to move from their current location in downtown due to uncertainty regarding a new owner of their current location. The potential new location would be used to make and store items and sales would be done elsewhere. Parking would also be mainly used by the company's vehicles and visitors would only be there to pick up orders.

*Ms. Mount* appreciated the clarification that the operation will not make loud noises.

*Ms. Newman* insisted that her business would not be an intrusion on the neighborhood. She explained that the presence of her business at ReClaim would help the church with problems stemming from the nearby Goodwill.

*Ms. Walling* reinforced that screen printing makes minimal noise having worked near Brand Yourself's current location.

*Ms. Newman* mentioned that they are members of ReClaim Church and believes that her business will help them recover from losses accrued by the daycare and that the building would be perfect for their business.

*Ms. Mount* commented that the commission must take into account potential scenarios if the church ceases ownership.

*Ms. Walling* expressed concerns that the petition in its current state would likely have a difficult time getting through City Council.

*Mr. Gallagher* said that regardless of how good the current business is for the community, it does not change the potential buildings and uses that could arise in the future.

*Ms. Mount* asked if there was a process to determine use classification such as artisan manufacturing.

*Ms. Hernandez* explained that in the ordinance, there are definitions for all the use types and everything should closely align to a definition. In this case, screen printing matches artisan manufacturing.

*Ms. Walling* asked who makes the determination on use classification in circumstances where there is a grey area.

*Ms. Newman* asked about home businesses. She commented that her business is close to home business.

*Mr. Rucker* thinks a C-1 zoning would better fit the area with regards to Plan2025 which designates the area as Hills Residential.

Pastor Adkins returned to the podium and explained restrictions in place with what he can do with the property due to it being in a trust. He explained he had been trying to get a petition heard since March and has been paying a mortgage on the building for six months. Petitioner expressed he does not want to see Brand Yourself leave the city.

*Mr. Gallagher* asked for clarification on whether or not the church had closed previously.

Pastor Adkins explained that the church itself did not close but has declined in membership in 2015. ReClaim Church was located in Barboursville at the time and later merged with the church that was located on the parcels in the petition.

*Mr. Gallagher* reiterated that it falls on the petitioner to answer questions regarding how the petition can fall in line with the comprehensive plan and believes that the petition will have trouble getting through both the Planning Commission and City Council.

Pastor Adkins commented that the City recommended the rezoning in its current form.

*Mr. Gallagher* reminded petitioner that staff advised him that this was the option for accomplishing his goal and the City did not make any recommendation to him.

Pastor Adkins admitted that was correct.

*Ms. Walling* asked if the petition could be partially recommended with zone changed to C-1.

*Ms. Hernandez* explained difficulties as the public was noticed for C-2, not C-1.

*Ms. Walling* repeated her question.

*Mr. Gallagher* commented it is not good precedent for the Planning Commission to change the petition on the spot without notifying the public of the change.

Pastor Adkins said he is following what the City recommended and it has been a frustrating process that has been a burden on the operation of the church.

*Mr. Gallagher* recommended that staff tell petitioners to do research on what qualifications need to be met when it comes to a rezoning.

*Ms. Mount* motioned to table the petition until next month's meeting. *Ms. Walling* seconded.

*Ms. Walling* added that she believes that holding this petition over another month will actually be the quickest way to get the petition approved rather than getting it denied and being sent back to square one.

Motion passed.

*Mr. Eastham* asked what exactly constitutes a small tract of land in regards to the definition of spot rezoning.

*Ms. Walling* explained that it is not a set amount of land and it is up to judicial interpretation on a case-by-case basis.

*Ms. Hernandez* reiterated that was why C-2 was the easier rezoning option as a boundary adjustment looks less like spot rezoning as opposed to a new zone.

*Ms. Mount* asked if the 50% land ownership and coverage requirements play a role in whether something is spot rezoning.

*Ms. Hernandez* explained that ReClaim Church is the sole owner of property in this case and the 50% rule does not apply. That rule comes from state code.

*Ms. Walling* asked for the citation on that rule.

## **Good and Welfare**

Recess for 10 minutes prior to training.



## City of Huntington Planning Commission

July 1, 2024

**Staff Report Supplement:** A petition to rezone properties from R-1 Single-Family Residential District to C-2 Highway Commercial District.

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### PC 24-04

*Issue:* A petition to rezone property from R-1 Single-Family Residential District to C-2 Highway Commercial District. These properties are located on the southeastern quadrant of the intersection of Washington Boulevard and Parkway Drive and consist of parcels owned by ReClaim Church.

*Petitioner:* ReClaim Church, 3135 Washington Blvd, Huntington, WV 25705

*Staff Report Supplement:* Staff submits this supplemental report to include and make a part of the Planning Commission’s record on the subject zoning map amendment petition to address matters raised during the 03 JUN 2024 hearing.

### Petition Background

- Pastor Corey Adkins, representing ReClaim Church, contacted the Office of Planning & Zoning seeking approval to lease the church’s former accessory fellowship hall structure to a retail tenant. Pastor Adkins was advised that “Retail Sales and Services” and “Neighborhood Retail Sales and Services” uses are not permitted in the R-1 District either by-right or with conditional use approval by the Board of Zoning Appeals.
- Pastor Adkins was advised that the only path under the Zoning Ordinance for a

commercial use to occupy the former accessory fellowship hall structure was to obtain zoning map amendment approval under Section 1363.04 of the City’s Ordinance.

- Pastor Adkins was advised of the distinctions between the purposes of and permitted uses within the C-1 Neighborhood Commercial District and the C-2 Highway Commercial District. See attached Exhibit S-1 – C-1 & C-2 Permitted Land Use Comparison.
- Pastor Adkins was advised that the 2025 Comprehensive Plan designated the subject property as residential.
- Pastor Adkins was advised that seeking a zoning map amendment to reclassify the subject property from R-1 to C-1 might constitute “spot zoning” given the 2025 Comprehensive Plan’s residential designation of the subject property and the fact no other adjoining, adjacent, or nearby properties are currently zoned C-1.
- Pastor Adkins was advised that seeking a zoning map amendment to reclassify the subject property from R-1 to C-2 would constitute a minor zoning district boundary adjustment given adjoining and adjacent properties are currently zoned C-2.



- Staff made no recommendations to Pastor Adkins on whether to pursue the present zoning map amendment petition or which zoning reclassification to seek. Staff plainly provided the petitioner what steps are required under the law to pursue the petitioner’s stated development objectives.

Following the Planning Commission’s 03 JUN 2024 hearing, the Planning & Zoning Office requested the petitioner to provide written responses to the following questions to be included in and considered by the Planning Commission’s record.

1. Is the proposed rezoning consistent with the comprehensive plan?
2. If not consistent, have there been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted?
3. If there have been major changes, have those changes substantially altered the basic characteristics of the area?
4. How will the new zoning classification complement the existing uses and zoning nearby?
5. Do the current zoning restrictions / permissions diminish the property values of the properties proposed for rezoning?
6. How will the proposed rezoning benefit the public, including the public health, safety, and general welfare?
7. How is the current zoning a hardship to the property owner/s?

8. Explain how the subject properties are suitable for the proposed new zoning classification.

9. If the subject properties are vacant, how long have they been so?

In an email on 13 JUN 2024, Pastor Adkins noted that his responses would be the same he made on record during the Planning Commission’s 03 JUN 2024 hearing.

### Land Use Determinations

During the Planning Commission’s 03 JUN 2024 hearing, the question was raised on who determines land use classification. Section 1320.03 “Use Determination and Unlisted Uses” provides the following:

- A. The Planner shall make the determination if a proposed use is permitted, a conditional use, or a prohibited use under the provisions of this section.
- B. The Planner may determine that a proposed use is substantially similar to a use that is permitted or a conditional use established in Table 1320.A based on the proposed use activities, character of the business, similarity to existing uses within the city, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the Planner finds that the proposed use is substantially similar to a use established in Table 1320.A, the application shall be

processed in the same manner as the similar use.

- C. In finding that a proposed use is similar to a use established in Table 1320.A, the Planner shall make a note of the similar use in the approved application form.
- D. If the Planner makes the determination that a use is prohibited, the application shall not be processed.
- E. If the applicant disagrees with the Planner’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
  - 1. The applicant may appeal the determination of the Planner to the BZA; or
  - 2. The applicant may present their case to the Planning Commission and/or City Council to request that the city initiate a text amendment to address the proposed use and applicable standards.

**Artisan Manufacturing & Sales**

During the Planning Commission’s 03 JUN 2024 hearing, the petitioner’s desired commercial tenant, Brand Yourself, provided testimony that their intent is not to offer retail sales at the petitioner’s former accessory fellowship hall structure. Ms. Kari Newman stated their intent is to produce screen printed and other promotional products at the site for off-site sale and also allow customers to pick up orders previously placed by phone or online.

Section 1315.02(M) provides the following definition for “Artisan Manufacturing and Sales” uses:

*The manufacturing, processing, fabrication, packaging, or assembly of products within a fully enclosed structure which includes retail sales for the products produced within the same structure. Retail sales may include products produced offsite. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration beyond its lot line. Retail space may be included on site and shall be located at the primary entrance of the structure.*

It is the opinion of the Planning & Zoning Office that, based on the testimony offered during the 03 JUN 2024 hearing and the stated description of planned activities and character of the business, Ms. Newman’s proposed use would be substantially similar to an “Artisan Manufacturing and Sales” use. This is based primarily on the fact Ms. Newman stated that the production of screen printing and other promotional products would be the primary focus and activity at the site and that retail sales would not be pursued. However, Ms. Newman noted customers would be permitted to visit the site to pick up previously placed orders, which amounts to secondary retail sales in terms of customer access, traffic generation, etc.

“Artisan Manufacturing and Sales” uses are permitted by-right in both the C-1 Neighborhood Commercial District and the C-2 Highway Commercial District.

Staff reiterates its position stated in its report presented during the 03 JUN 2024 hearing that zoning map amendment petitions should be evaluated on their land-use merits alone. The petitioner's development intentions are extraneous, and the Planning Commission and City Council should consider the request on its merits as a long-term land-use decision.

In conducting such an analysis, the Planning Commission and City Council should determine if a different zoning classification is the most appropriate classification for the subject property, weighing all possible permitted future development and land use scenarios and with the current Comprehensive Plan's conceptual growth and land management designations for the subject site and surrounding area.

### **Redevelopment of Closed...or Church**

During the Planning Commission's 03 JUN 2024 hearing, questions were raised on how the "Redevelopment of Closed School, Public Building, Community Center, or Church" tool might apply to the petitioner's property, particularly the church's former accessory fellowship hall structure.

As stated in Section 1341.51, the purpose of this tool is to provide options for redevelopment of community and public structures that are surrounded by residential structures and within residential zoning districts. The intent is to protect the residential character without allowing these structures to become dilapidated and/or abandoned.

As the real estate footprint of neighborhood schools and places of worship that served as community centers and landmarks continue to shrink across the country, redevelopment tools to incentivize adaptive reuse of older and significant buildings are essential in stabilizing neighborhoods, mitigating prolonged abandonment and blighting conditions, and preserving older buildings at risk of being demolished for new development.

However, both the stated purpose and intent of the City of Huntington's redevelopment tool is to protect and preserve the residential character of the surrounding community.

It is the opinion of the Planning & Zoning Office that this redevelopment tool is neither appropriate nor applicable to the petitioner's present desire to lease the church's former accessory fellowship hall structure for occupancy by a use not permitted either by-right or with conditional use approval in the R-1 District.

Although legislative intent is not clear, it is the opinion of the Planning & Zoning Office, as a faithful agent in the public interest, that a conservative interpretation and application of the City's redevelopment tool is prudent. Specifically,

- The petitioner's principal use of the property has not been closed or abandoned.
- This redevelopment tool is intended and properly utilized when the entire closed school, public building, community center, or church property is considered

for adaptive reuse, including all principal buildings and accessory structures situated thereon. This is not the case in the present matter.

### **Planning Commission Recommendation**

During the 03 JUN 2024 hearing, the question was raised on whether the Planning Commission could submit a recommendation to City Council to deny the petitioner's request to reclassify the subject property from R-1 to C-2 and approve a zoning map amendment to reclassify the subject property from R-1 to C-1. Yes, the Planning Commission may make this recommendation.

However, staff reminds the Planning Commission that West Virginia State Code §8A-7-8(a) provides the following guidance when amending the zoning ordinance:

*“Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”*

### **Staff Recommendation**

Staff preserves its position stated during the 03 JUN 2024 hearing advising the Planning Commission to forward a recommendation to City Council to deny the petitioner's request to reclassify Parcels 67, 68, 72, and 114 of Tax Map 50, District 5 from R-1 Single-Family Residential District to C-2 Highway Commercial District.

Staff offers no recommendation on whether the Planning Commission should recommend that City Council instead approve a zoning map amendment to reclassify the subject property from R-1 Single-Family Residential District to C-1 Neighborhood Commercial District.

### **Attachments**

- Exhibit S-1 – C-1 & C-2 Permitted Land Use Comparison

# EXHIBIT S-1 – C-1 & C-2 Permitted Land Use Comparison

(isolated from Table 1320.A Permitted Uses)

NOT PERMITTED	CONDITIONAL USE	PERMITTED BY RIGHT	
Use Type		C-1	C-2
<b>Residential</b>			
Single-Family Detached			
Single-Family Duplex			
Single-Family Attached (Townhouse)			
Multi-Family Dwelling Units			
Home Occupations			
Group Residential Facility			
Dormitory			
Assisted Living or Congregate Housing			
Halfway House			
Manufactured / Mobile Home Park			
Live / Work Unit			
Residential Flats Above			
<b>Lodging</b>			
Boarding House			
Hotel/Inn			
Motel			
<b>Civic/Community</b>			
Cemetery			
Community Center			
Community Garden			
Cultural Institutions			
Lodge, Private Club, or Social Hall			
Redevelopment of a Closed...Church			
Religious Uses			
School			
School, Private			
<b>Commercial</b>			
Adult Use			
<b>Commercial</b>			
Animal Boarding and Training			
Animal Hospital/Clinic			
Auto Service Station and Repair Shop			
Automotive and Other Vehicles Sales			
Banquet Halls or Conference Centers			
Bar			
Bar, Neighborhood			
Brewpub			

Use Type	NOT PERMITTED	CONDITIONAL USE	PERMITTED BY RIGHT
			C-1 C-2
Carwash			
Commercial Greenhouse			
Commercial Recreational Facilities (indoor)			
Commercial Recreational Facilities (outdoor)			
Craft Production Facility			
Day Care (Child or Adult)			
Drive-In or Drive Thru			
Financial Institutions			
Firearms Sales Establishments			
Flea Market			
Fuel Sales			
Funeral Home			
Hospitals			
Laundromat			
Laundry and Dry-Cleaning Pick-Up			
Laundry and Dry-Cleaning Services			
Limited Video Lottery/Keno, Establishment			
Limited Video Lottery/Keno, Incidental			
Manufacturing and Sales, Artisan			
Medical Clinic			
Medical Office			
NanoBrewery			
Offices			
Offices for Charitable Organizations			
Pawnshop			
Personal Services			
Pet Store/Pet Services			
Radio and Television Stations			
Repair Shop			
Retail Sales and Services			
Retail Sales and Services, Neighborhood			
Restaurant			
Restaurant Serving Alcoholic Beverages			
Self-Storage Development			
Self-Storage, Indoors			
Shopping Center			
Smoke Shop/Tobacco Store			
Tattoo Parlor			
Trade or Business School			

**City of Huntington Planning Commission**

**June 3rd, 2024**

**Staff Report:** A petition to rezone properties from R-1 Single-Family Residential District to C-2 Highway Commercial District.

**PC 24-04**

*Issue:* A petition to rezone property from R-1 Single-Family Residential District to C-2 Highway Commercial District. These properties are located on the southeastern quadrant of the intersection of Washington Boulevard and Parkway Drive and consist of parcels owned by ReClaim Church.

*Petitioner:* ReClaim Church, 3135 Washington Blvd, Huntington, WV 25705

**Introduction**

Pastor Corey Adkins is the representative of ReClaim Church who is the lead petitioner to a request to petition to rezone its properties on the corner of Washington Boulevard and Parkway Drive from R-1 Single Family Residential District to C-2 Highway Commercial District, which includes Parcels 67, 68, 72, and 114 of Tax Map 50, District 5. See attached Exhibit 1 – Zoning.

The petitioner recently requested that he be allowed to lease the space that was formerly the church’s fellowship hall for retail uses. The property’s current R-1 Single-Family District zoning classification does not permit this type of use.

On April 12<sup>th</sup>, Corey Adkins, on behalf of ReClaim Church, submitted a zoning map amendment petition to reclassify the subject property to C-2 Highway Commercial,

similar to other commercial properties in the surrounding area.

ReClaim Church owns 100% of the parcels petitioned for the rezoning, which meets the required 50% land area requirement and the 50% unique landowners’ requirement.

**Existing Conditions**

The subject parcels are currently zoned R-1 Single Family Residential Commercial, and consist of property owned by ReClaim Church that includes:

- ReClaim Church (principal structure)
- The former ReClaim Church fellowship hall (accessory structure)
- Driveway/parking area between the church and the fire station.

According to Article 1321.01, the purpose of the R-1 District is to:

*“The purpose of the R-1...[district] is to establish and maintain areas where the use consists of largely single-family residential use at low densities generally in a range of five to nine units per acre. These areas are to be developed compatible and respectful of the scale, texture and quality of existing housing and related uses.”*

See attached Exhibit 2 – Aerial Map and Exhibit 3 – Existing Land Uses illustrating

the existing conditions within the immediate built environment in terms of development pattern, density, intensity, and land uses.

### Proposed Conditions

The petitioner seeks to reclassify the subject parcels 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 considerate of traffic safety concerns resulting from location along the major corridors of the City.”*

The petitioner seeks to lease the accessory structure that was previously used as a fellowship hall associated with the principal Religious Use for an unspecified retail use.

If the zoning map amendment is approved by City Council, retail occupancy of the accessory structure must first be reviewed under the Building and Fire Code to determine what building improvements might be necessary to convert the structure’s use and occupancy.

Retail sales and services uses are not permitted in the R-1 District. Reclassification of the subject property to C-2 Highway Commercial District would expand how the property could developed.

### Land Uses

Attached Exhibit 4 – Permitted Land Use Comparison assesses the different land uses

between the existing R-1 District and requested C-2 District.

### Permitted Land Use Observations

- The C-2 Highway Commercial District permits significantly higher by-right residential densities and intensities than the R-1 Single-Family Residential District permits and at scales that might not be compatible with the neighboring single-family homes or R-1 District.
- The C-2 Highway Commercial District permits a long list of by-right nonresidential uses not permitted in the R-1 Single-Family Residential District, which would not be required to go through the public notification and resident participation process of conditional use approval before the Board of Zoning Appeals.
- The C-2 Highway Commercial District by-right permitted commercial uses might not be compatible with neighboring homes or the R-1 Single-Family Residential District.
- Reclassifying the subject property to the C-2 Highway Commercial District appears to diminish benefits established by the natural landform’s transitional buffer between the hillcrest single-family neighborhood and the lower land auto-oriented commercial uses along U.S. Route 60. See attached Exhibit 5 – Landform Illustration.



- U.S. Route 60 is considered a major corridor of the City, which is further evidenced when comparing WVDOH's 2022 Annual Average Daily Traffic (AADT) counts for Route 60 and Washington Blvd. Specifically, Route 60 had an AADT of 23,500 while Washington Blvd had an AADT of 6,600. The C-2 Highway Commercial zoning classification along U.S. Route 60 appears more appropriate for auto-oriented land uses than it would along Washington Blvd., particularly when considering the Article 1329 stated purpose of the C-2 District. See attached Exhibit 6 – 2022 WVDOT AADT.
- Reclassifying the subject property to the C-2 Highway Commercial District appears to advance more intense commercial use creep into the R-1 District that is intended to protect and preserve lower density residential neighborhoods.

### Massing and Scale Comparison

The maximum building height permitted in the R-1 District is 2 ½ stories or 35 feet while the maximum building height standard in the C-2 District is 10 stories or 75 feet.

The maximum lot coverage permitted in the R-1 District is 60% while the maximum lot coverage standard in the C-2 District is 90%.

The maximum building coverage permitted in the R-1 District is 40% while the maximum

building coverage standard in the C-2 District is 75%.

The minimum side yard setback in the C-2 District if adjoining a residential district is 15 feet, as is the minimum rear yard setback.

Front yard setback standards in the R-1 District are contextual to prevailing residential front setbacks within the surrounding residential built environment. The front yard setback standard for the C-2 District is between 15 feet and 75 feet, regardless of existing development or setback patterns.

### Development Patterns

The C-2 Highway Commercial District is the most permissive commercial zoning district in the City. Not only is a variety of commercial uses permitted by-right, uses are more auto-oriented to capture higher traffic volumes along major corridors. To support commercial activity, permitted development patterns in the C-2 Districts include larger signage, larger front yard setbacks, front yard parking, main entrances from side yards, etc.

### **Comprehensive Plan Consistency**

The Future Land Use Map for Walnut Hills provided on Page 54 of the City's 2025 Comprehensive Plan designates the subject property as Hills Residential. See attached Exhibit 7 – Walnut Hills Future Land Use Map - 2025 Comprehensive Plan.

This designation preserves the historic residential areas where development is

## PC 24-04 Staff Report

defined by the terrain. Characteristics include:

- Medium density.
- Small and medium lots.
- Mix of grid and curvilinear streets defined by the terrain.
- Sidewalks interspersed.
- Housing intermixed with dense woodlands.
- Primarily single-family.

### Relevant Factors

Relevant factors when considering amending the zoning classification of property include:

- (1) What are the existing **uses** and zoning classification of nearby **property**;
- (2) Has the petitioner's **property** values been diminished by the existing zoning restrictions and by what extent;
- (3) Does potential impairment to the petitioner's **property** values promote the health, safety, or general welfare of the public;
- (4) What is the relative gain to the public, as compared to the potential hardship imposed upon the individual **property** owner;
- (5) What is the suitability of the subject **property** for the zoned purposes;
- (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**;  
and

- (7) The **Comprehensive Plan** regarding this site and surrounding area.

### Spot Zoning

The “classical” definition of spot zoning is “the process of singling out a small tract of land for use classification totally different from that of the surrounding areas for the benefit of the owner of such property and to the detriment of other owners.”

Alternatively, the petitioner's property adjoins the C-2 Highway Commercial District to the north which could be deemed a zoning district boundary adjustment.

When considering zoning map amendments, the Planning Commission must not only determine whether the petitioner has satisfactorily responded to the traditional standards in support of the petition, but it should also closely scrutinize whether a potential exists for spot zoning. In doing so, the Planning Commission and City Council should look to the Comprehensive Plan for guidance and the surrounding uses to the property at issue.

The image to the right illustrates the configuration of the subject property.



### Staff Comments

Zoning map amendment petitions should be evaluated on their land-use merits alone. The petitioner's development intentions are extraneous, and the Planning Commission and City Council should consider the request on its merits as a long-term land-use decision.

In conducting such an analysis, the Planning Commission and City Council should determine if C-2 Highway Commercial District is the most appropriate zoning classification for the subject property, weighing all possible permitted future development and land use scenarios and with the current Comprehensive Plan's conceptual growth and land management designations for the subject site and surrounding area.

The 2025 Comprehensive Plan's Future Land Use map identifies the petitioner's property as Hills Residential, which is not aligned with C-2 Highway Commercial District designation of Convenience Commercial. Therefore, this zoning map amendment petition is not consistent with the 2025 Comprehensive Plan.

West Virginia State Code §8A-7-8(a) provides the following guidance when amending the zoning ordinance:

*“Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major*

*changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”*

### Standard of Review & Staff Analysis

In considering the factors relevant for determining if the petitioners request to reclassify the subject property from R-1 Single-Family Residential District to C-2 Highway Commercial District, staff respectfully submits the following:

- **Is the proposed zoning map amendment consistent with the 2025 Comprehensive Plan?**

It is the opinion of staff that the subject petition is not consistent with the Walnut Hills Future Land Use Map or the Hills Residential designation intended to preserve and protect the stated character of the historic residential areas where development has been defined by the terrain.

- **Have there been major changes of an economic, physical, or social nature not anticipated when the 2025 Comprehensive Plan was adopted?**

It is the opinion of staff that there have been no changes in the stated factors affecting the property or within the immediate area since the adoption of the current plan that would otherwise warrant a re-evaluation of R-1 Single-

Family Residential District zoning classification of the petitioner's property.

- **Would the requested zoning reclassification result in spot-zoning**

Although the subject zoning map amendment would provide for a zoning district boundary adjustment, it is the opinion of staff that such adjustment would benefit the owner of a small tract of land to the potential detriment of other owners.

- **Consideration of existing uses and zoning of nearby property**

It is the opinion of staff that the petitioner's zoning map amendment represents the potential of a significant increase in by-right land use intensity and residential and commercial density that would be incompatible with the established low density single-family development pattern within the immediate area.

Further, should the existing Religious Use cease to operate, the redevelopment of a closed church would not undergo the public notification and resident participation process of conditional use review and approval before the Board of Zoning Appeals under a C-2 zoning classification that would otherwise be required under the existing R-1 zoning classification.

- **Consideration of the relative gain to the public, as compared to the hardship imposed upon the individual property owner**

It is the opinion of staff that allowing the full spectrum of by-right land uses and development intensities permitted in the C-2 Highway Commercial District would potentially introduce incompatible uses and development adjoining existing single-family homes. Reclassifying the petitioner's property to C-2 would permit regional-scaled commercial creep into an established low density single-family area. The stated purpose of the R-1 District is to protect and preserve from intense commercial intrusion the existing residential property values, investment, and expected quality of life.

The C-2 zoning classification is rightly positioned along the major corridor of U.S. Route 60. Washington Blvd serves as a gateway to the Anita Heights, Beverly Hills, and other residential neighborhoods and does not meet the stated purpose or the spirit and intent of the C-2 Highway Commercial District.

- **Consideration of the suitability of the subject property for the zoned purposes**

It is the opinion of staff that the petitioner's property is neither located or contains a property boundary

configuration suitable to mitigate potential adverse impacts that by-right C-2 permitted land uses and densities could have on adjoining single-family homes and the R-1 District.

- **Consideration of the length of time the property has been vacant as zoned, within the context of land development in the vicinity of the property**

It is the opinion of staff that the petitioner’s property continues to serve the community as a Religious Use intended when the property was developed. The petitioner’s property has not suffered nor is there a prevalence of vacancies within the immediate area warranting re-evaluation of existing zoning classifications. Religious, civic, and community uses have successfully benefited residential areas, particularly as transition zones and buffer uses between intense commercial development and lower density residential neighborhoods. The petitioner’s property is at the edge of the C-2 Highway Commercial District and is property classified as R-1 for such buffering purposes.

68, 72, and 114 of Tax Map 50, District 5 from R-1 Single-Family Residential District to C-2 Highway Commercial District.

### Attachments

- Zoning Map Amendment Petition
- Exhibit 1 – Zoning Map
- Exhibit 2 – Aerial Map
- Exhibit 3 – Existing Land Uses
- Exhibit 4 – Permitted Land Use Comparison
- Exhibit 5 – Landform Illustration
- Exhibit 6 – 2022 WVDOT Annual Average Daily Traffic (AADT)
- Exhibit 7 – Walnut Hills Future Land Use Map – 2025 Comprehensive Plan

### Staff Recommendation

Based on the analysis and findings presented herein, Staff respectfully advises the Planning Commission to forward a recommendation to City Council to deny the petitioner’s request to reclassify Parcels 67,

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

## Application for Petition for Zoning Map Amendment

Applicant Name: Cory Adkins Phone: 304-544-4290  
Mailing Address (city, state, zip): 3135 Washington Blvd. Huntington, WV 25705  
Email: Cory@reclaimchurch.org  
Current Zoning Classification: R-1  
Proposed Zoning Classification: C-2  
The number of property owners in the area requested: 1

### Description of Properties:

3135 Washington Blvd. Huntington, WV 25705  
Address(es)  
5-50-114 / 5-50-72 / 5-50-67 / 5-50-68  
Legal description (district, tax map, parcel number(s), etc.)

Your application 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 application, requesting a petition for 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 (50%) or more of the real property area to which the application relates. (Attach additional pages if necessary.)

Cory Adkins  
Signature of Applicant

4/12/24  
Date

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

**PETITION AND ATTESTATION**

I certify that I am the owner of record of 3135 Washington Blvd. and I seek to amend the zoning classification of the property(ies) listed herein from R-1 to C-2. I certify that I have read and examined this document and the attachments and say that all the information provided are correct and true to the best of my knowledge.

*Corey Adkins*  
(Applicant/Lead Petitioner to sign here)  
AND FURTHER THE AFFIANT SAITH NAUGHT.

*Corey Adkins*  
Affiant

Acknowledged before me this 12, day of April, 2024, by Corey Adkins.  
My commission expires January 7, 2025.











*Laura E. Armstrong*  
Notary Public

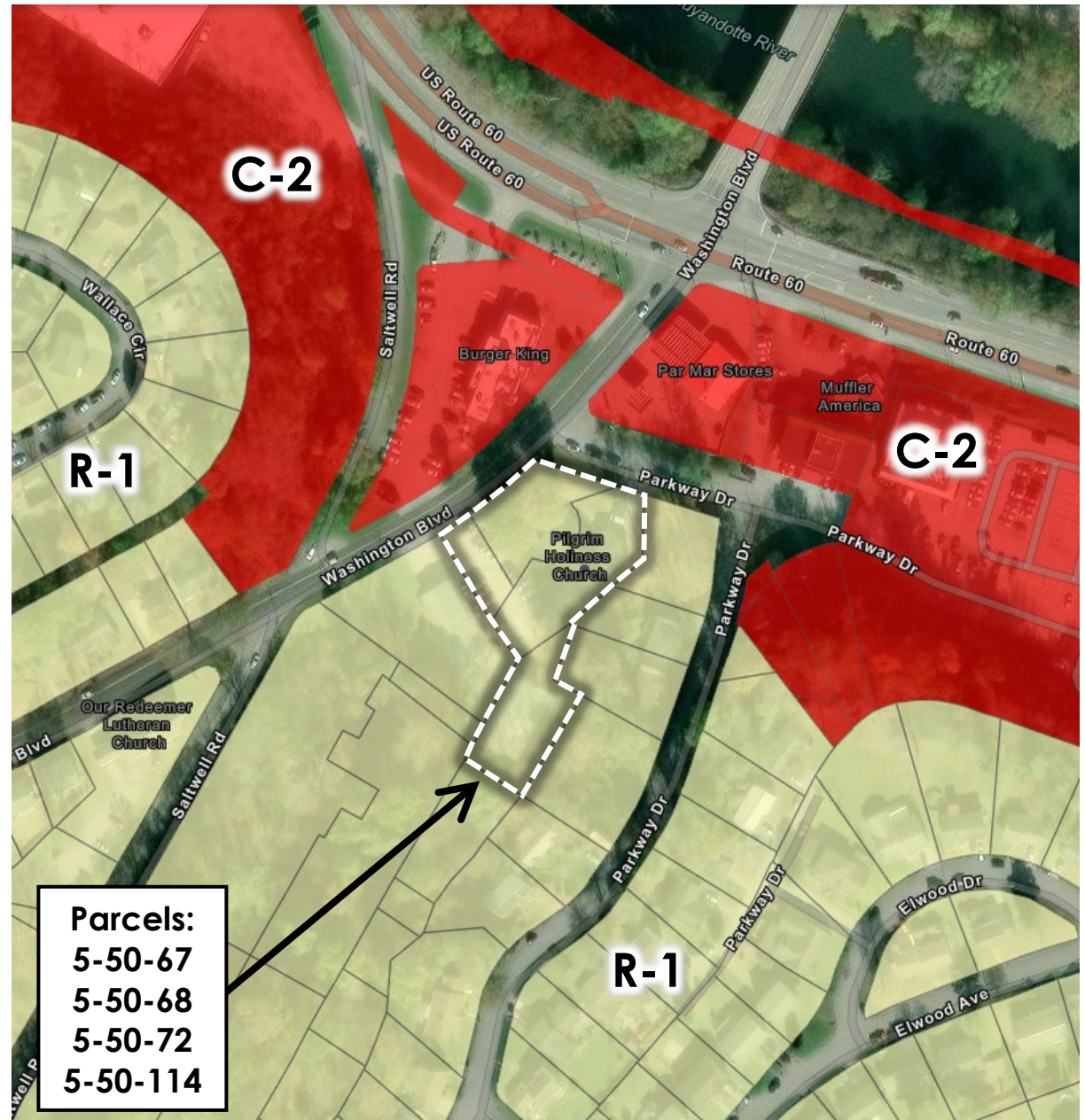


# EXHIBIT 1 – ZONING MAP

(enhanced)

**Zoning Districts**

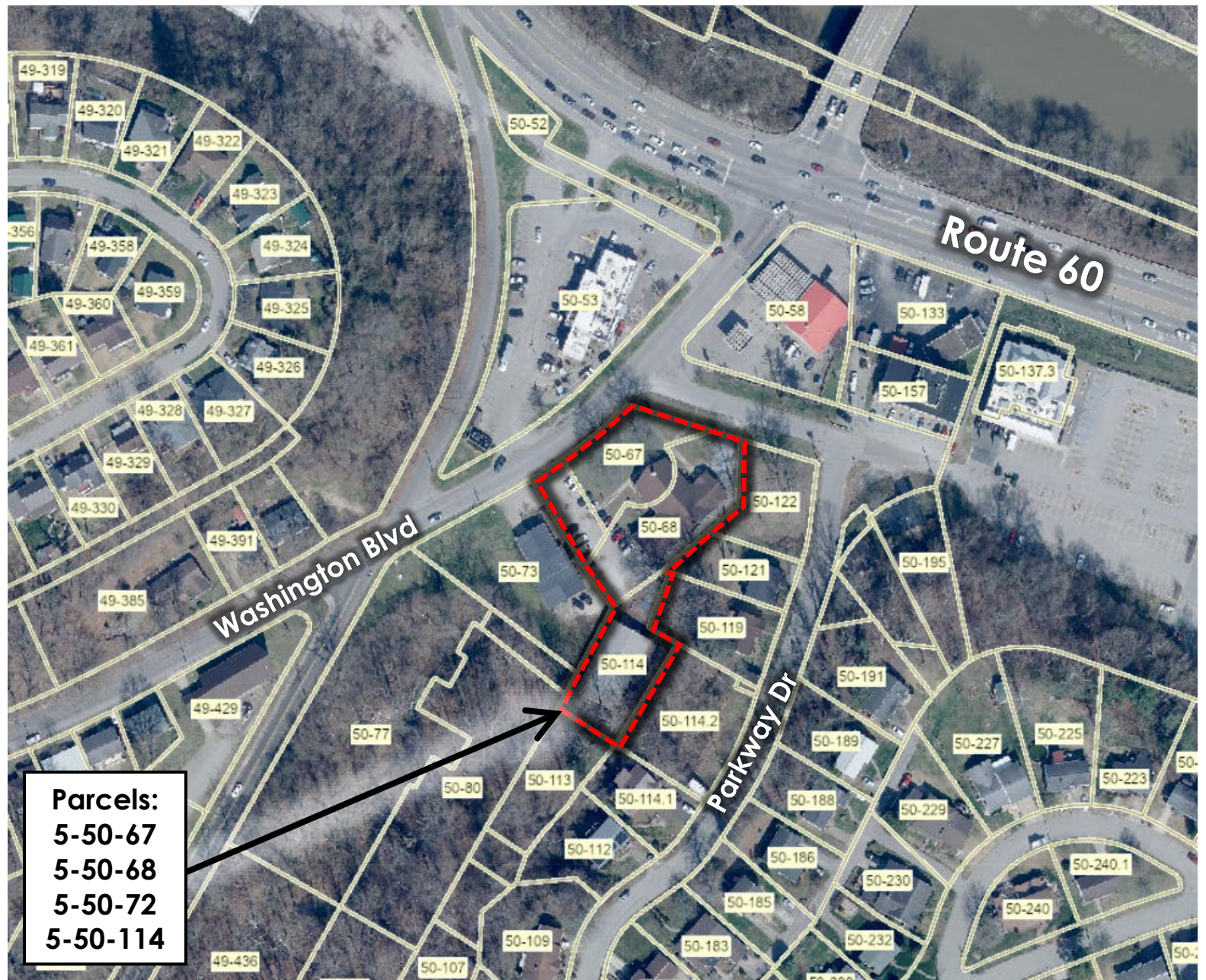
-  R-1 Single-family Residential
-  R-2 Single-family Residential
-  R-4 Two-family Residential
-  R-5 Multi-family Residential
-  C-1 Neighborhood Commercial
-  C-2 Highway Commercial
-  C-3 Central Business District
-  I-1 Lt Ind/Comm
-  I-2 Heavy Industrial
-  B & O Right of Way





## EXHIBIT 2 – AERIAL MAP

(enhanced)



### EXHIBIT 3 – Existing Land Uses

(subject property)



### EXHIBIT 3 – Existing Uses

(subject property)



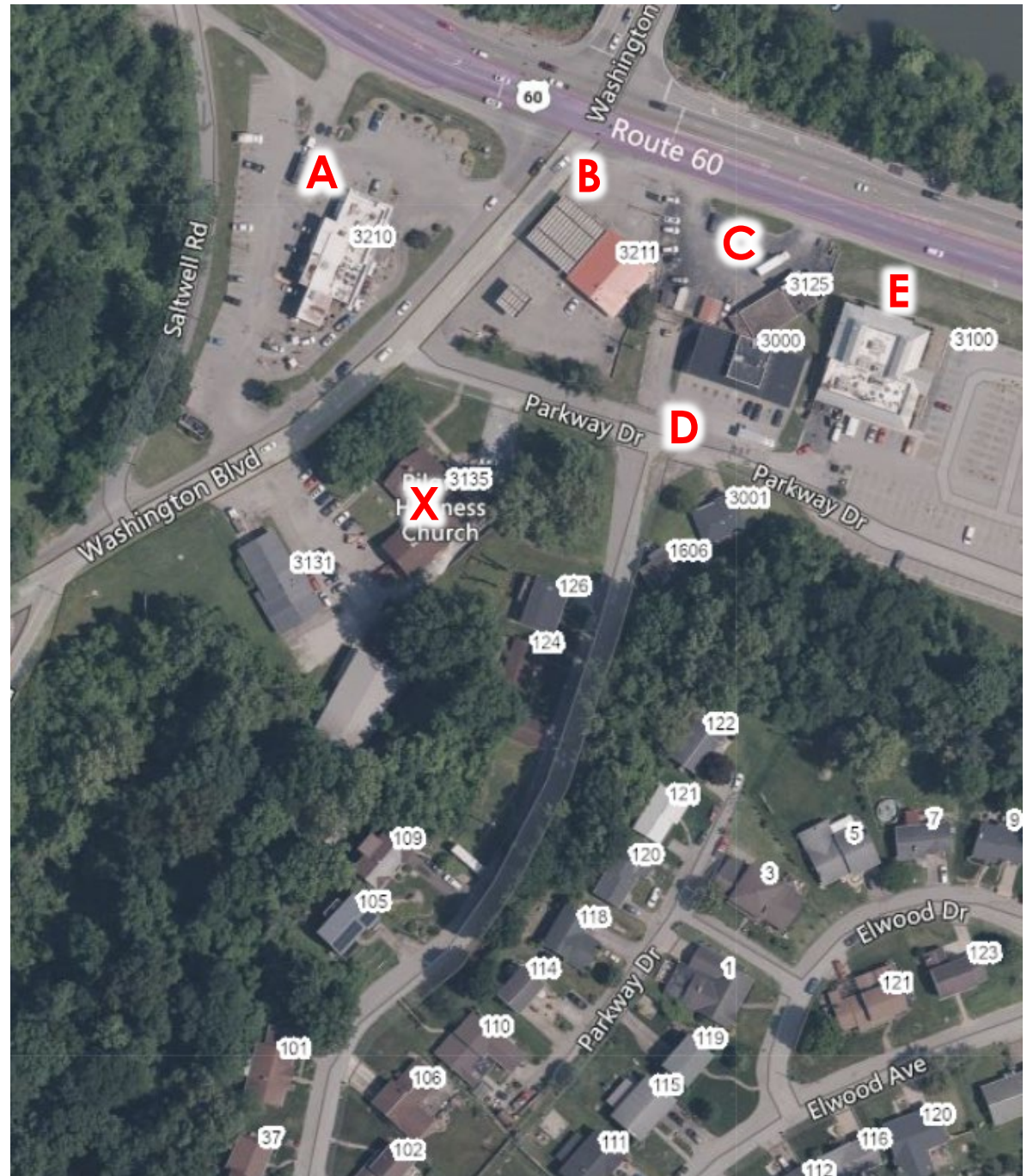
Accessory Structure located south-southwest of the Principal Structure and behind Huntington Fire Station No. 10

**EXHIBIT 3 – Existing Uses**  
(surrounding C-2 District properties)

**X Reclaim Church (petitioner)**

**Non-Residential Uses in the C-2 District**

- A** 3210 Washington Blvd  
Burger King
- B** 3211 Washington Blvd  
Par Mar Store & Gas Station
- C** 3125 US-60  
Muffler America
- D** 3000 Parkway Dr  
Goodwill
- E** 3100 US-60  
Texas Roadhouse



### EXHIBIT 3 – Existing Uses (surrounding C-2 District properties)



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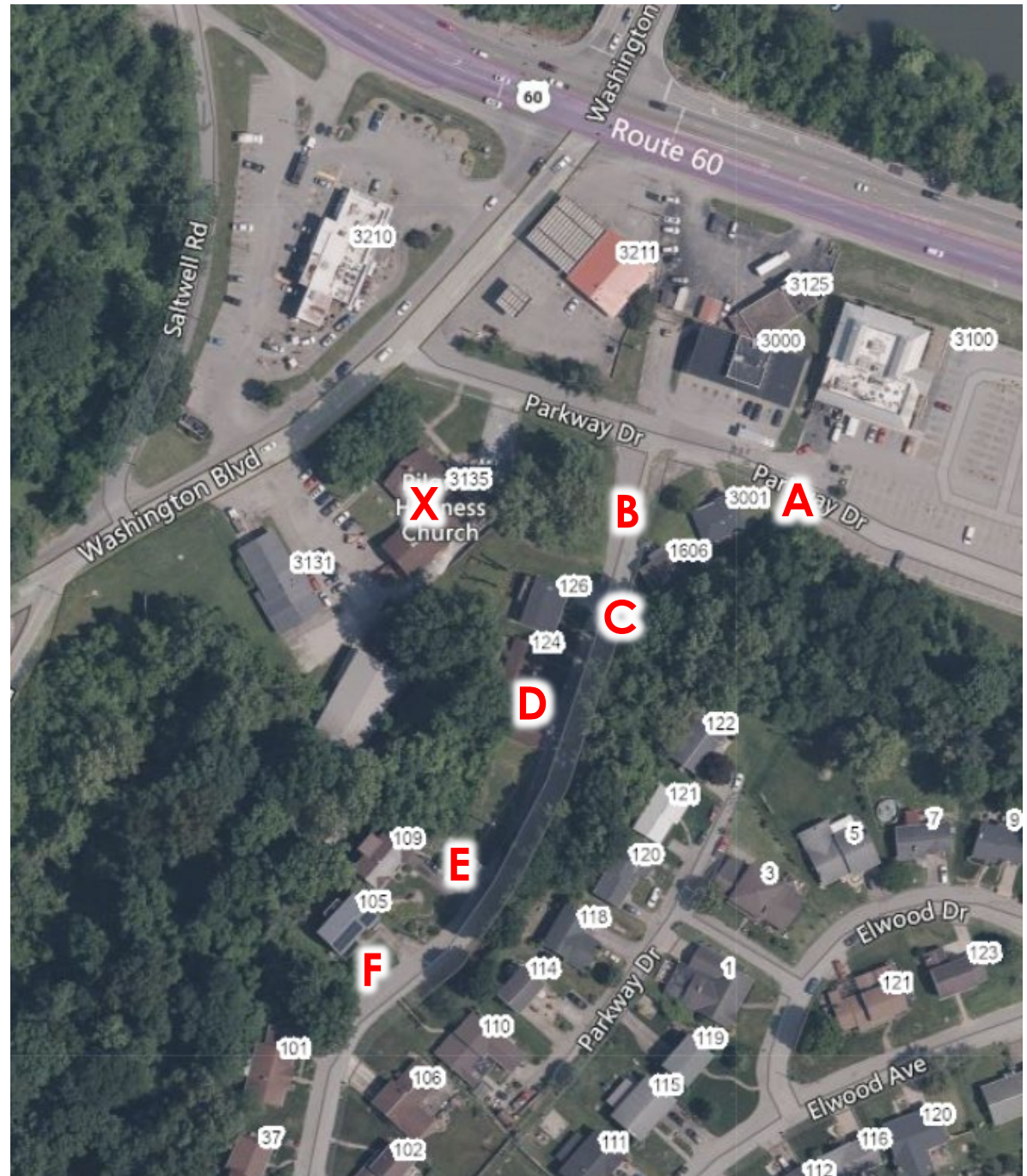


### EXHIBIT 3 – Existing Uses (surrounding residential properties)

#### X Reclaim Church (petitioner)

#### Surrounding Residential Properties

- A 3001 Parkway Dr
- B 1606 Parkway Dr
- C 126 Parkway Dr
- D 124 Parkway Dr
- E 109 Parkway Dr
- F 105 Parkway Dr



### EXHIBIT 3 – Existing Uses (surrounding residential properties)



### EXHIBIT 3 – Existing Uses (surrounding residential properties)



## EXHIBIT 4 – Permitted Land Use Comparison

(isolated from Table 1320.A Permitted Uses)

NOT PERMITTED		CONDITIONAL USE		PERMITTED BY RIGHT	
Use Type	R-1	C-2	Use Type	R-1	C-2
<b>Residential</b>			<b>Commercial</b>		
Single-Family Detached			Craft Production Facility		
Single-Family Duplex			Day Care (Child or Adult)		
Single-Family Attached (Townhouse)			Drive-In or Drive Thru		
Multi-Family Dwelling Units			Financial Institutions		
Home Occupations			Firearms Sales Establishments		
Group Residential Facility			Flea Market		
Dormitory			Fuel Sales		
Assisted Living or Congregate Housing			Funeral Home		
Halfway House			Hospitals		
Live / Work Unit			Laundromat		
Residential Flats Above			Laundry and Dry-Cleaning Pick-Up		
<b>Lodging</b>			Laundry and Dry-Cleaning Services		
Boarding House			Limited Video Lottery/Keno, Establishment		
Hotel/Inn			Limited Video Lottery/Keno, Incidental		
<b>Civic/Community</b>			Manufacturing and Sales, Artisan		
Community Center			Medical Clinic		
Community Garden			Medical Office		
Cultural Institutions			NanoBrewery		
Lodge, Private Club, or Social Hall			Offices		
Redevelopment of a Closed...Church			Offices for Charitable Organizations		
Religious Uses			Pawnshop		
School			Personal Services		
<b>Commercial</b>			Pet Store/Pet Services		
Adult Use			Radio and Television Stations		

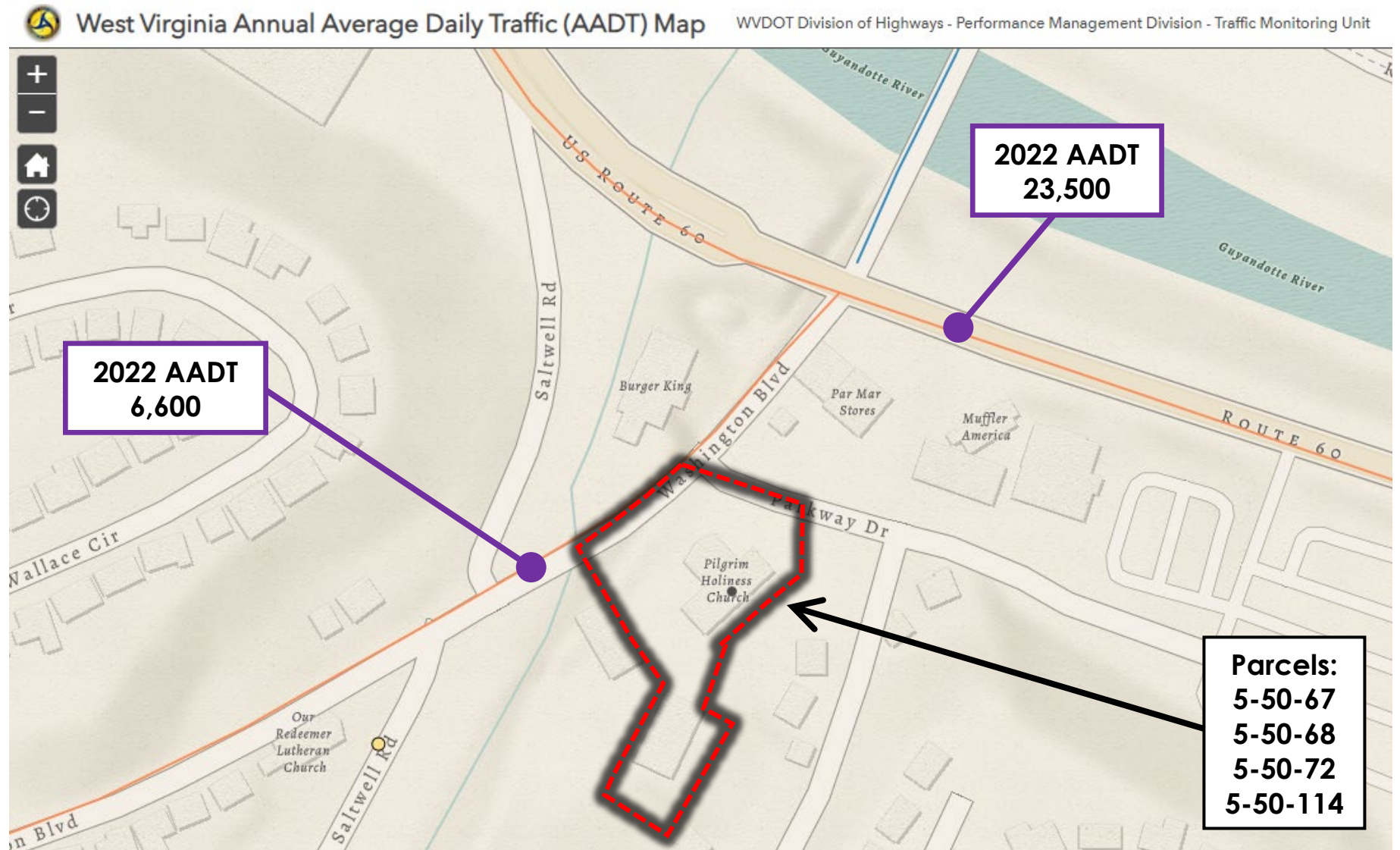
NOT PERMITTED	CONDITIONAL USE		PERMITTED BY RIGHT		
Use Type	R-1	C-2	Use Type	R-1	C-2
<b>Commercial</b>			<b>Commercial</b>		
Animal Boarding and Training			Repair Shop		
Animal Hospital/Clinic			Retail Sales and Services		
Auto Service Station and Repair Shop			Retail Sales and Services, Neighborhood		
Automotive and Other Vehicles Sales			Restaurant		
Banquet Halls or Conference Centers			Restaurant Serving Alcoholic Beverages		
Bar			Self-Storage Development		
Bar, Neighborhood			Self-Storage, Indoors		
Brewpub			Shopping Center		
Carwash			Smoke Shop/Tobacco Store		
Commercial Greenhouse			Tattoo Parlor		
Commercial Recreational Facilities (indoor)			Trade or Business School		
Commercial Recreational Facilities (outdoor)					

## EXHIBIT 5 – Landform Illustration



# EXHIBIT 6 – 2022 WVDOT Annual Average Daily Traffic (AADT)

(enhanced)



# EXHIBIT 7 – Walnut Hills Future Land Use Map - 2025 Comprehensive Plan

(enhanced)

