

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
MARCH 28, 2016 – 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, March 28, 2016, at 5:30 p.m. The meeting was held in the Municipal Building, Council Chambers.

Mr. Wayne Austin, Chairman, called the meeting to order. Mr. Mathew Johnson called the roll.

ROLL CALL

Members Present: Mr. Wayne Austin, Chairman  
Mr. Kenneth Shuman, Vice-Chairman  
Mr. Gregory W. Kelly, Secretary  
Councilman Rick Humphreys  
Ms. Maggie Costello  
Ms. Janice Reeves  
Dr. Chris Burcher

Comprising a quorum of the Commission

Members Absent: None

Administrative Staff: Mr. Matthew Johnson, Director of Planning  
Mrs. Deborah Icenhour, Town Attorney  
Mr. John Dew, Director of Public Services  
Mrs. Jenny Carlisle, Planning Department

Visitors: Mr. Stephen Spangler  
Mr. Barry Proctor  
Mr. Nick Proctor  
Ms. Amy Bowie  
Ms. Nan Harmon  
Mr. Wayne Craig  
Mr. Chris Benner  
Mr. Luther Cain  
Mr. Joe McCoy  
Mr. Joe LeVine  
Ms. Cindy Patterson  
Mr. Steve Jett  
Others from the community

\* \* \* \* \*

(2) Approval of minutes: Regular meeting, February 22, 2016

Ms. Costello made a motion to approve the minutes from the regular meeting, February 22, 2016, amended to include her sentiments about the design of Food City’s building and her desire to see landscaped medians instead of rocks. Second by Mr. Shuman. All in favor. Motion approved.

\* \* \* \* \*

**(3) Public Hearing: PROPOSED REZONING – Jesse L. and Lisa D. Owens, owners. Application to rezone property located at 325 Cummings Street, consisting of .33 acres, from O & I, Office and Institutional to B-2, General Business District. Tax Map No. 020-2-14.**

Mr. Johnson introduced the public hearing. The applicant is seeking rezoning for this property in order to obtain a greater signage allowance for the property. Currently they are allowed just 12 square feet for the building, not per occupant. They wish to add tenant signage to the Farmers Market side of the building. Staff does not have a specific recommendation for this application because rezoning requests typically deal with land use and not signage. The list of permitted uses By Right for the B-2 zone is broader than O & I and allows for uses such as vehicle sales, grocery stores, equipment rental stores, etc.; many uses which would potentially have greater parking requirements and higher traffic than the permitted uses By Right for the O & I zone.

Councilman Humphreys addressed the Commission stating that he used to own this building and they specifically had it zoned O & I because there isn't a signal light at the intersection, as well as to add protection to the residential neighborhood it is an entrance to. Ms. Costello stated that aside from signage, they are talking about land use and the potential for a change in land use.

At this time, the Public Hearing portion of the meeting was opened. Members of the public were invited to speak on this application.

Nick Proctor stated that he does not think the property should be rezoned because of the land use change potential.

Amy Bowie, owner of a childcare center adjacent to the property, voiced concern for how this rezoning will potentially affect the children in her care with the broader land uses permitted in B-2.

The applicant, Mr. Owens, had no comments.

Public Hearing portion was closed.

Mr. Shuman made a motion to table the application until they learn how large the current sign is, reasoning that if it is close to the 60 square feet B-2 would allow already, then this approval could have little to no impact on the signage allowance for this property. Second by Dr. Burcher. Staff to find out the square footage of the current sign.

Mr. Austin commented that he thinks they're missing the point with this application. He stated that although signage may be the motivation for the request, the only thing before the commission is the rezoning. Signage is a by-product of the rezoning. Ms. Costello agreed, and stated that they are considering land use, not a hardship variance.

Roll call vote on the standing motion was taken:

Dr. Burcher- Nay  
Ms. Reeves- Nay  
Mr. Shuman- Nay  
Ms. Costello- Nay  
Councilman Humphreys- Nay  
Mr. Kelly- Nay

Motion to table the application denied.

Discussion then took place regarding what the proper avenue should be in this case. Mr. Johnson stated that the alternative would be to alter the sign code. There isn't a hardship created by the site, so it isn't appropriate to be heard by the Board of Zoning Appeals.

Councilman Humphreys then made a motion to deny rezoning the property to B-2 because there isn't a compelling reason to do so, adding that he would like the Commission to go out of their way to help the applicant, if possible. Second by Ms. Reeves.

Roll call vote as follows:

Dr. Burcher- Aye  
Ms. Reeves- Aye  
Mr. Shuman- Aye  
Ms. Costello- Aye  
Councilman Humphreys- Aye  
Mr. Kelly- Aye

All in favor to deny rezoning request and recommend denial to Town Council.

\* \* \* \* \*

- (4) Discussion topic: Preliminary designs, Captain D's; 555 Cummings Street. Owner: Trident Holdings LLC; Chris Benner, representative.

Chris Benner, representative to the discussion topic introduced their design concept stating that Captain D's looks different than it did in years past. The new image of the restaurant is cleaner and less cluttered and they have changed from the shipwrecked theme to a beach theme. They are looking to locate this restaurant in the old KFC building. A directional sign on Cummings Street would have a better angle for visibility and they may approach Pizza Hut with the idea of a joint sign to utilize the location. The fluorescent tube lights on the roof are pointed down onto the metal roof, and they probably won't light the parking lot. They will be allowed by corporate to use the existing building and not demolish the whole thing. The orange is obviously part of the franchise image but if that color won't work for the commission, they are open to suggestions to take back to the corporate decision makers. Discussion continued with conversation about the entrance being private vs. public. Being a discussion topic only, no action was taken.

\* \* \* \* \*

- (5) Discussion topic: Preliminary designs, Meadows Complex; Green Spring Road. Owner: K-VA-T Food Stores, Inc.; Stephen Spangler, representative.

Mr. Stephen Spangler introduced this discussion topic stating that they want feedback regarding the final plat before they present it in April. He described the plat, including the detention area, Retail Road 1, etc. He stated that what they want feedback on is the hydrology reports in the parcel 7 area. If the Town is willing to work with them, they'd like to do a boundary line adjustment, allowing them to do additional grades into the residences. This would allow for more transition for parcel 7, more options to contain the house where it is right now, and gives greater clearance for the historic structure. He mentioned that they purposely over design their projects and work backwards from there.

Mr. Kelly stated that it has been recommended for the Town to approve this plan because of the historic structure. Discussion continued. Being a discussion topic only, no action was taken.

\* \* \* \* \*

- (6) Public Comments.

Mr. Austin opened the floor for members of the public who wished to address the commission.

Barry Proctor voiced concern that a member of Town Council and the Town Manager are both voting members of the Planning Commission, which appears as a conflict of interest. He asked that they consider whether or not it is appropriate to have this conflict.

Nick Proctor asked who will own the land if the boundary line is adjusted. The answer being Marathon Realty.

Nan Harmon asked if she could obtain a copy of the hydrology report since her animals get water from the big pond. She stated that she is worried about pollution and how that is going to be controlled. She also asked who is responsible if her barn gets flooded.

Joe LeVine made comments relating to the 40 acres the Town owns, and suggested placing it into the Historic District. He said he would like to have the Planning Commission consider that it is a historic site and that placing it into the district would be a tremendous protection to it.

Cindy Patterson mentioned that the prospective baseball field is in the vicinity of Interstate 81. She stated that there are lots of negative health factors from people breathing pollution from freeways, especially younger people. She affirmed that she is for the building of a sports complex, but not in this particular area. She cited heart conditions, asthma, cancer and other health issues as dangers coming from emissions in close proximity to the Interstate.

Stephen Jett stated that he endorses what Joe LeVine said about creating a park and having an overlay district for the property. He said he doesn't see anything in the contract about protecting the 40 acres from spoil from the shopping center project.

No further comments from the public.

\* \* \* \* \*

(7) SWOT analysis.

Ms. Costello asked how the public comments will be addressed after this meeting. The answer was that it depends on who was addressed by them; Mr. Spangler for K-VA-T, staff for the Town, etc.

She also asked that the letter commissioners and staff received from Wayne Craig be addressed. John Dew stated that he is not prepared to speak on it tonight.

\* \* \* \* \*

There being no further business, Mr. Shuman moved to adjourn. Second by Councilman Humphreys. All in favor, the meeting adjourned at 6:46 p.m.

\* \* \* \* \*

\_\_\_\_\_  
Gregory W. Kelly, Secretary

\_\_\_\_\_  
Wayne Austin, Chairman