

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
JUNE 27, 2016 – 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, June 27, 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. Gregory W. Kelly, Secretary
 Councilman Rick Humphreys
 Ms. Janice Reeves
 Ms. Maggie Costello
 Mr. Chris Burcher
 Mr. Kenneth Shuman, Vice-Chairman

Comprising a quorum of the Commission

Members Absent: None

Administrative Staff: Mr. Matthew Johnson, Director of Planning
 Mr. Sean Taylor, Assistant Town Planner
 Ms. Cecile Rosenbaum, Assistant Town Manager
 Mrs. Deborah Icenhour, Town Attorney
 Mr. John Dew, Director of Public Services

Visitors: Mr. Stephen Spangler
 Mr. Steve Smith
 Mr. Lou Scudere
 Mr. Tim Kuykendall
 Ms. Cindy Patterson
 Mr. Matthew Bundy
 Mr. Michael Noonkester
 Mr. Barry Proctor
 Mr. Joe Levine
 Ms. Donna Levine
 Mr. Lewis Hagy
 Mr. Nick Proctor
 Ms. Nan Harman
 Mr. Wayne Craig
 Mr. Jim Moore
 Mr. Damean Mathews, Bristol Herald Courier

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- (2) Approval of minutes: Regular meeting, May 23, 2016.

Mr. Kelly moved to accept the minutes, as presented. Second by Councilmember Humphreys. All in favor with Mr. Shuman abstaining due to absence. None opposed. Motion carried.

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- (3) Preliminary Subdivision Plat Review: **Michael Noonkester, owner**, 28357 Osceola Road, Abingdon, VA 24211; **Matthew Bundy, representative**, 321 W Main Street, Abingdon, VA 24210. Proposed 4 lot subdivision, 1103 Empire Drive, zone OI (Office & Institutional), **located at Tax Map No. 106-7-1A.**

Mr. Johnson explained the preliminary plat request which will allow the applicant to subdivide his property into four (4) separate lots. The Code requires the applicant to bring a request for a preliminary plat to the Planning Commission for their approval. Once the Planning Commission grants approval, the applicant may proceed with preparing a final plat which will be brought before both the Planning Commission and the Town Council for their approval prior to the applicant being permitted to record the document at the Circuit Court.

Mr. Shuman asked what would the existing building be used for and the applicant, Mr. Noonkester, approached the dais. Mr. Noonkester stated that he would be continuing his current business of taxidermy in the existing building. He indicated that he was interested in subdividing his property into four lots for future sale. Mr. Noonkester also indicated that he has spoken to quite a few of the neighbors in the adjoining residential subdivision.

Mr. Humphreys noted that the Subdivision portion of the Code of the Town of Abingdon requires improvements such as curb and gutter, sidewalks, etc. Mr. Kelly commented on this and recalled that this property has come before the Commission in previous years for subdivision. Mr. Johnson affirmed that the property had indeed been approved by both the Planning Commission and Town Council, but the applicant at the time had not recorded the subdivision at the Court and the statute of limitations has expired. Mr. Kelly went on to describe that during the previous request for subdivision, the Town had addressed the issue of street improvements along Empire Dr. Due to the fact that Empire Dr. is not within the Town's jurisdiction, the staff did not believe that the Town could require any improvements in the right-of-way. Mr. Dew confirmed that VDOT would be the appropriate entity to require any improvements.

Chairman Austin requested clarification about the matter of requiring street improvements from Mr. Johnson. Mr. Johnson confirmed that Empire Drive was outside of the Town's corporate limits and, thus, outside of the Town's jurisdiction to require improvements. Councilmember Humphreys reiterated that the fact that Empire Dr. was outside of the Town's jurisdiction had proved to be problematic over the years.

Mr. Matthew Bundy, engineer for the applicant, addressed the Planning Commission and indicated that this request was nearly identical to the subdivision which was previously approved. The one exception is that the easternmost lots had been combined into one lot from the previously approved three lots.

Mr. Kelly moved to accept the preliminary plat, as presented. Second by Mrs. Costello.

Roll call vote as follows:

- Mr. Kelly- Aye
- Councilman Humphreys- Aye
- Ms. Costello- Aye
- Chairman Austin- Aye
- Ms. Reeves- Aye
- Mr. Burcher – Aye
- Mr. Shuman - Aye

All in favor. Motion to recommend approval of the preliminary plat was approved. This item will come before the Planning Commission as a final plat at a future meeting.

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Mr. Shuman requested that he be excused from participating in the discussion of and voting on items 4 and 5 due to a conflict of interest. Mr. Shuman is an employee of HealthSmart which services K-VA-T/Food City with insurance benefits. As such, Mr. Shuman derives a portion of his income from K-VA-T/Food City and, having properly disclosed this on his Economic Impact Statement, requested to be excused pursuant to the Virginia Conflicts of Interest Act. Mr. Shuman indicated that he would rejoin the Commission for item 6, Public Comment. Mr. Austin excused Mr. Shuman. Mr. Shuman took a seat in the audience.

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- (4) Preliminary Subdivision Plat Review: **Marathon Realty Corp., owners**, P.O. Box 518, Abingdon, VA 24212; **Stephen Spangler, representative**, P.O. Box 518, Abingdon, VA 24212. Proposed 10 lot subdivision, property located near 440 Green Spring Road, commonly known as the “Meadows” development project, zoned B-2 (General Business). **Including all or portions of Tax Map Numbers 105-A-39, 021-1-5B, & 021-1-5.**

Mr. Johnson explained the preliminary plat request which will allow the applicant to subdivide his property into ten (10) separate lots. The Code requires the applicant to bring a request for a preliminary plat to the Planning Commission for their approval. Once the Planning Commission grants approval, the applicant may proceed with preparing a final plat which will be brought before both the Planning Commission and the Town Council for their approval prior to the applicant being permitted to record the document at the Circuit Court.

Mr. Stephen Spangler spoke to the Commission to confirm that they had prepared the plat in accordance to the Town Code and with input from the Town’s staff.

Chairman Austin asked to clarify that the purpose of the Commission’s review was to ensure compliance with the Town’s Subdivision Code. Mr. Johnson responded in the affirmative and indicated that the town staff had been reviewing these documents for compliance and feels comfortable that the

preliminary plat meets the requirements of the Code. Mr. Johnson also clarified that the final plat, when it comes before the Commission, may include additional information.

Councilman Humphreys asked some questions about the design of the retail component. Mr. Spangler responded that he would address that during the request for the Certificate of Appropriateness (COA) request, which is item 5.

Councilman Humphreys inquired of Mr. Johnson whether or not the properties, once subdivided, would remain within the Historic District Entrance Corridor Overlay District. Mr. Johnson responded affirmatively, indicating that the entire property was subject to a Special Use Permit (SUP) and that one of the conditions of the SUP was that each lot created by any subdivision be subject to the Entrance Corridor requirements. Mr. Johnson indicated that he had received a letter from Mr. Joe Levine asking that the Commission consider that request. Mr. Johnson also indicated that he had provided each of the Commissioners with a copy of the letter, but would not read the letter verbatim.

Councilman Humphreys moved to accept the preliminary plat, as presented. Second by Ms. Costello.

Roll call vote as follows:

Mr. Kelly- Aye
 Councilman Humphreys- Aye
 Ms. Costello- Aye
 Chairman Austin- Aye
 Ms. Reeves- Aye
 Mr. Burcher – Aye
 Mr. Shuman - Abstain

All in favor, none opposed, Mr. Shuman abstaining due to conflict. Motion carried. Mr. Johnson indicated that the Commission will be seeing a final plat for this area at a future meeting.

- (5) Certificate of Appropriateness: **Marathon Realty Corp., owners**, P.O. Box 518, Abingdon, VA 24212; Application for Certificate of Appropriateness for new construction, roads, landscaping, signage, **located near 440 Green Spring Road, Abingdon, VA 24210, including all or portions of Tax Map Numbers 021-1-5B.**

Mr. Johnson introduced the application for the Certificate of Appropriateness (COA) and indicated that normally, a COA would be approved at the Planning Commission level and that signage would be approved administratively. However, since this property is subject to a Special Use Permit (SUP), the Code requires the Commission to make a recommendation to Town Council who will be the decision-making body. In addition, Mr. Johnson indicated that the applicant wished to make application for a Comprehensive Signage Plan under Section 21 of the Code. As such, the signage information presented tonight was for discussion purposes only and the applicant plans to submit a request for a Comprehensive Signage Plan to the Commission for recommendation to Town Council at the July 25, 2016, Planning Commission meeting. Both the COA request and the Comprehensive Signage Plan would tentatively be scheduled to be heard by Town Council at the August 1, 2016, Council meeting.

Mr. Spangler presented the request for the COA by showcasing several PowerPoint slides highlighting the site plan, lighting plans, landscaping plans, architectural plans, and signage plans. Mr. Spangler was clear that they had attempted to address all of concerns voiced by the public, town staff, and Commissioners.

Mrs. Costello indicated that she was still interested in seeing grass planted in the landscaping islands near the parking areas rather than rock. Additionally, Mrs. Costello indicated that she would like to have seen more renderings showing views of the development from areas like the Virginia Creeper Trail. Mrs. Costello inquired about the ability to have a comprehensive landscaping and lighting plan for the other lots outside of the one in question this evening. Mr. Johnson responded that those would come before the Commission and Council for consideration of separate COA's in the future and the Commission (and Council) could consider uniformity with other lots at that time.

Mrs. Costello asked several questions about pedestrian access to the lot in question and Mr. Spangler indicated where sidewalks and crosswalks would be installed. Mrs. Costello asked that the applicant consider making the site as pedestrian-friendly as possible.

Mr. Johnson indicated that the applicant would like to request a reduction in the required parking from 470 spaces down to 416. This would be more environmentally-friendly and would yield a better product from the aspects of stormwater management.

Mr. Burcher asked several questions about the stormwater management plan and Mr. Spangler indicated that a stormwater management plan was under review by the Town at this time.

Mrs. Reeves moved to recommend approval of the Certificate of Appropriateness with the conditions that 1) the applicant shall request a Comprehensive Signage Plan within three (3) months of the June 27, 2016, Planning Commission meeting date; and 2) that a reduction in the amount of parking as required by the Code be permitted (from 470 spaces down to 416 spaces). Second by Councilman Humphreys. Mr. Kelly asked for a point of clarification that the request for a Comprehensive Signage Plan would be heard at the July 25, 2016, Planning Commission meeting. Mr. Johnson confirmed that it is the intent.

Roll call vote as follows:

Mr. Kelly- Aye

Councilman Humphreys- Aye

Ms. Costello- Aye, on the condition that the Code permits this particular design.

Chairman Austin- Aye

Ms. Reeves- Aye

Mr. Burcher – Aye

Mr. Shuman - Abstain

All in favor, none opposed, Mr. Shuman abstained. Application for Certificate of Appropriateness recommended to Town Council for approval with conditions listed above.

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Mr. Shuman resumed his seat on the Commission

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(6) Public Comment.

Nick Proctor, 11092 Treeline Drive, approached the podium and spoke about the inconsistencies with the light posts which will be 24' posts on 3' concrete bases. Mr. Proctor also expressed concerns that the landscaping will not reach mature heights until 7-15 years in the future. Finally, Mr. Proctor indicated that none of the renderings addressed screening concerns from the Virginia Creeper Trail, I-81, or Cummings St. Mr. Proctor suggested that digital models be created to address those concerns.

Nan Harman, 498 Green Spring Road, stated that she's concerned about drainage. She indicated that nobody had been in touch with her to discuss items with her related to grading, drainage, or utilities. Ms. Harman indicated that she should possibly begin working to develop her property for commercial purposes as well. Chairman Austin suggested that Ms. Harman request a meeting with town staff or the applicant if she had questions about the development.

Cindy Patterson, 410 Green Spring Road, restated that she has concerns about grading, fencing, and stormwater, similar to Ms. Harman, and how those would impact her business.

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(7) SWOT analysis.

Councilman Humphreys indicated that there is a great need to update our Codes and Ordinances. Mrs. Costello and Mr. Shuman concurred. Councilman Humphreys asked that staff begin to consider consultants which might be engaged to determine costs for such a project. Mr. Kelly reminded the Commission that he and Ms. Rosenbaum worked for several months with staff to update the Subdivision Code 'in-house' and agreed that it would be reasonable to begin looking at costs for updates to the Code.

Mrs. Reeves requested that staff update the Commission on transportation issues. A discussion ensued regarding setting up a subcommittee for such. Mr. Johnson requested that the Commission allow him to bring some suggestions to the next meeting with would not require additional staff meeting time as a subcommittee would.

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(9) Director of Planning Report.

Mr. Johnson indicated that Mrs. Reeves had attended the Certified Planning Commissioner's training in Roanoke and asked her to comment on it.

Mrs. Reeves explained that she had been happy to participate in the CPC program and highly recommends it for all. She indicated that there would be a great deal of work – several books to read, essays to write, and homework to perform – to complete the program, but she was looking forward to completing the program in August.

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There being no further business, Mr. Shuman moved to adjourn. Second by Mrs. Reeves. All in favor, the meeting adjourned at 6:55 p.m.

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Mr. Gregory W. Kelly, Secretary

Wayne Austin, Chairman

NOT APPROVED