



**TOWN OF ABINGDON, VIRGINIA  
PLANNING COMMISSION MEETING  
MONDAY, OCTOBER 22, 2018 – 5:30 P.M.  
ARTHUR CAMPBELL MEETING ROOM  
MUNICIPAL BUILDING**

*Welcome to the Town of Abingdon, Virginia Planning Commission Regular Meeting. We appreciate your interest and we encourage public participation in our meeting. Your comments are important to our decision making process. Please note that there will be opportunities during the meeting for you to address the Commission members. The first opportunity will come if there is a public hearing on the agenda, when the Chairman declares the hearing open for comment. The second opportunity to address the Commission will come near the end of the agenda when the Chairman will inquire if anyone wishes to address the members of the Commission. Anyone addressing the Commission will approach the podium; give your first and last name and your complete physical address. Comments must be limited to three minutes.*

- A. WELCOME – *Wayne Austin, Chair***
- B. ROLL CALL – *Jason Boswell, Interim Director of Planning***
- C. APPROVAL OF MINUTES**
  - September 24, 2018
- D. PUBLIC COMMENTS**
- E. CERTIFICATE OF APPROPRIATENESS**
  - 1. Application for Certificate of Appropriateness; *The Polished Diamond, LLC, Leap of Faith, LLC, Owner.* Melissa McConnell; Representative. COA request to change exterior paint color. Located at **909 West Main Street, Abingdon, VA 24210.** Tax Map No. (016-4-1).**
- F. OLD BUSINESS/MATTERS NOT ON THE AGENDA**
  - 1. Kroger Mid-Atlantic Division**
  - 2. Update on Comprehensive plan.**
- G. ANNOUNCEMENTS**
- H. ADJOURNMENT**

**TOWN OF ABINGDON  
PLANNING COMMISSION  
MONDAY, SEPTEMBER 24, 2018 – 5:30 PM  
ARTHUR CAMPBELL MEETING ROOM – MUNICIPAL BUILDING**

A meeting of the Abingdon Planning Commission was held on Monday, September 24, 2018 at 5:30 pm in the Arthur Campbell Meeting Room.

**A. Chairman Wayne Austin called the meeting to Order.**

**B. Roll Call – Jason Boswell, Interim Director of Planning**

**Members Present:**

Mr. James Anderson  
Mr. Scott Wilson  
Dr. Ramsey White  
Mr. Al Bradley  
Mr. Tony Sullivan  
Mr. Wayne Austin

**Comprising a quorum of the Commission**

**Members Absent:**

Mr. Kenny Shuman

**Administrative Staff Present:**

Mr. Tony Sullivan – Interim Town Manager  
Mr. Jason Boswell – Interim Director of Planning  
Mrs. Janice Dornon – Administrative Assistant

**C. APPROVAL OF MINUTES**

Approval of Minutes: Regular Meeting, September 24, 2018

**On motion of Mr. Bradley, seconded by Mr. Sullivan the minutes of August 27, 2018 were accepted as presented.**

**The roll call vote was as follows:**

<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mr. Wilson</b>	<b>Abstain (wasn't present at the</b>
<b>Dr. White</b>	<b>Aye 8-27-18 meeting)</b>
<b>Mr. Bradley</b>	<b>Aye</b>
<b>Mr. Sullivan</b>	<b>Aye</b>
<b>Mr. Austin</b>	<b>Aye</b>

**D. PUBLIC COMMENTS:**

**1. Judy Johnson – 1059 Empire Drive, Abingdon, VA 24210**, Ms. Johnson is concerned with the opening of storage units in her neighborhood, a community with elderly citizens. Her concern is heavier traffic; they are already experiencing heavy traffic and speeding on Empire Drive now. The road is not safe now without the added commute of people to their storage units. If the property is zoned to MI, it will allow several different types of business to move onto Empire Drive. She stated that Mr. Noonkester or any of the board members live in this neighborhood so safety and security are not an issue for him. She is concerned about decreased property values. If this property is rezoned there should be another way available to get to this property.

**2. Susan Gamel – 1077 Empire Drive, Abingdon, VA 24210**, the property in question adjoins her property. She has an 11-year-old daughter and is concerned about her safety with people they do not know coming onto the property next door. She has all sorts of people coming into her driveway now without the added traffic that the storage units could generate. This could lower her property value if approved. She said she was not willing to put her child at risk. Police do not patrol the neighborhood.

**3. Sadie Anderson – 1053 Empire Drive, Abingdon, VA 24210**, she is concerned about putting storage units in the neighborhood. More traffic, cars in and out at all hours. If approved it would need to have another way in. Ms. Johnson said that she has been on route 11 and seen cars at all hours coming and going into the storage units located there.

**4. Gordon Johnson – 1059 Empire Drive, Abingdon, VA 24210**, he is also concerned about putting storage buildings in his neighborhood. He said that people put drugs and whatever else in storage units. The police cannot patrol 24 hours a day. You do not know who will be at the storage units. From his research, he thought that a property could not be zoned MI without more than 50 acres or more. People will be parking and drinking. Could create break-ins in the neighborhood.

**5. Ramzy Gamel, 1077 Empire Drive, Abingdon, VA 24210**, he said that his neighbors had covered all the basis. Mr. Noonkester wants to start a business to make money. If the board gives him what he wants, why can't I change the zoning on my house to commercial zoning and start a business. Mr. Gamel stated that he was sorry to sound like this but that is what it is.

## **E. PUBLIC HEARING: APPLICATION FOR REZONING & ZONING TEXT AMENDMENT**

**1. Public Hearing: Application for Rezoning & Zoning Text Amendment: Michael C. & Lori B. Noonkester, owner, 1103 Empire Dr. SW, currently zoned O&I, (Office & Institutional District). Request to rezone two parcels to M-1 Limited Industrial and to allow mini/self-storage facility as a permitted use. Tax Map No. 106-20-1 & Tax Map No. 106-20-2.**

Mr. Noonkester represented the property at 1103 Empire Drive, Abingdon, VA 24210.

Mr. Austin opened the public hearing.

Mr. Austin asked Mr. Boswell to give an overview of the rezoning and nature of the request. Mr. Boswell told the board that Mr. Noonkester approached the Planning Department wanting to put storage units on the property on Empire Drive. He explained that as zoned that this is not a permitted use. There are no storage unit facilities in the town of Abingdon. Current zoning will not allow this type of business.

Mr. Noonkester owns storage units at another location and the traffic is not a problem. Property at one time was zoned MI and is now OI. In order to have gotten the re-zoning it would have had to come in front of the Planning Commission. He bought the property as an investment; he stated that he is in a financial bind because he cannot sell this property. Empire Drive is considered a service road being visible from interstate. If self-storage units cannot be placed on the property what is he supposed to do with the property. When he purchased the property windows were broken out of the building, broken doors, graffiti written on the outside and the building had not had power for several years. He bush hog the property to keep it maintained. If the units were allowed, they would have shrubs, fencing for landscaping and security and a buffer zone at the back of the property. Property is located on a dead end street.

Mr. Noonkester told his neighbors attending the meeting that about one year ago he had a buyer for the property for \$235,000. About two weeks before the property closing Town Attorney Deb Icenhour called to advise him as to who he would be selling the property to, it would be sold to be used to build a Methadone Clinic. With the current zoning, the town could not stop this from taking place; he was the only one that could. Therefore, he stopped the sell. He cannot put in retail stores, what is he supposed to do with this property. He does not want to hurt anyone.

Mr. Austin opened the meeting for additional opposing comments and stated that the comments from the previous public comment session to be considered at this time.

**1. Judy Johnson, 1059 Empire Drive, Abingdon, VA 24210**, if the property was rezoned at the time that the greenhouse was sold why were they not notified. This property sat on the market for years before it was sold to Mr. Noonkester. They live in a residential neighborhood.

**2. Susan Gamel – 1077 Empire Drive, Abingdon, VA 24210**, she stated that her car has been broken into twice and that she is not willing to put her child at risk. The property is listed as industrial; no one wants to live beside of an industrial park.

Mr. Austin closed the public hearing.

Mr. Boswell noted that the existing zoning is reasonable, options are available as zoned. Comprehensive plan suggests future land usage to be zoned as residential. Spot zoning is illegal. Staff would recommend that this re-zoning be denied.

Dr. White read the following from the Spot Zoning information furnished to the board per Mr. Boswell:

“Spot Zoning is when the purpose of the zoning amendment is solely to serve private interest of the land owner(s) rather than the general welfare of the community”.

Mr. Bradley said that he could not support the rezoning. Current zoning is not correct it should be residential. He appreciated Mr. Noonkester situation but the OI zoning is for single-family dwelling, no apartment building. Mr. Boswell can give Mr. Noonkester a copy of the OI zoning code as a reference. He could build a general business office. Mr. Noonkester stated that statics say that traffic at storage units is low.

A previous sitting Planning Commission board would have changed the OI zoning.

**On motion of Mr. Sullivan, Seconded by Mr. Anderson, Planning Commission members recommended that this be denied due to spot zoning. The board told Mr. Noonkester that he has the opportunity to appeal this decision to the Abingdon Town Council.**

**The roll call vote was as follows:**

<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mr. Wilson</b>	<b>Aye</b>
<b>Dr. White</b>	<b>Aye</b>
<b>Mr. Bradley</b>	<b>Aye</b>

**Mr. Sullivan**  
**Mr. Austin**

**Aye**  
**Aye**

Application for Rezoning & Zoning Text Amendment was unanimously denied due to spot zoning.

**F. CERTIFICATE OF APPROPRIATENESS**

- 1. Application for Certificate of Appropriateness; Holiday Inn Express & Suites, Falcon Hospitality, 625 Loreto Dr. Wytheville, VA 24382; Owner. Matthew Bundy, Bundy Architecture and Engineering, Inc.; Representative. Construction of a New Holiday Inn Express & Suites with parking, to be located at the Meadows.**

Mr. Bundy represented the Holiday Inn Express & Suites. Per his research of the bylaws of the Meadows subdivision, they require that the first floor have 50% stone façade. The first floor of the structure will be 100 % stone and glass.

**On motion of Mr. Bradley, Seconded by Mr. Sullivan, Planning Commission members recommended the approval of the COA as presented.**

**The roll call vote was as follows:**

<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mr. Wilson</b>	<b>Aye</b>
<b>Dr. White</b>	<b>Aye</b>
<b>Mr. Bradley</b>	<b>Aye</b>
<b>Mr. Sullivan</b>	<b>Aye</b>
<b>Mr. Austin</b>	<b>Aye</b>

COA was unanimously approved.

Note: Mr. Boswell is to send a copy of the Reciprocal agreement to all board members.

**G. UPDATES FROM STAFF AND PLANNING COMMISSION MEMBERS**

- 1. Comprehensive Plan Review – Update**

Mr. Boswell told the board that the submission end date for the Comprehensive proposal will be September 28, 2018. Once all submission are in the entries will be narrowed down. Mr. Boswell told the board that they would be welcomed to sit in on the interview process. Mr. Wilson said he would be interested in sitting on the interviews.

**2. Kroger Mid-Atlantic Division:** Mr. Camron Bell was not available to be at this meeting to discuss the letter written by him due to a court case. He will try to attend the next Planning Commission meeting. Mr. Austin said that Mr. Shuman would want to be present for this discussion. Mr. Austin also mentioned that if the Planning Commission put special condition in an approved COA that they should be enforced.

**H. ADJOURN**

**On motion of Dr. White, Seconded by Mr. Bradley, recommended the meeting be adjourned with no further business to address.**

**The roll call vote was as follows:**

<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mr. Wilson</b>	<b>Aye</b>
<b>Dr. White</b>	<b>Aye</b>
<b>Mr. Bradley</b>	<b>Aye</b>
<b>Mr. Sullivan</b>	<b>Aye</b>
<b>Mr. Austin</b>	<b>Aye</b>

**Adjourn Time: 6:15 P.M.**

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Wayne Austin, Chairman

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Tony Sullivan, Secretary

**Next regularly scheduled meeting will be October 22, 2018 at 5:30 pm in the Arthur Campbell Room, 1<sup>st</sup> floor of the Town Municipal Building.**

# Abingdon, Virginia IMPORTANT NOTE:



The complete application along with a \$50.00 administrative fee must be filed with the Town of Abingdon's Office of Planning and Zoning. Applications are due on the first Monday of the month in order for the application to be placed on that month's agenda. The staff needs to have sufficient time to review site plans & post public notices per VA code section §15.2-2204. Applications received after the deadline will be heard at the following month's meeting. If the application is not complete, it will not be included on the next meeting's agenda. To avoid delays, it is recommended that applicants meet with staff before the deadline to review the COA application.

## APPLICATION FOR ENTRANCE CORRIDOR, CERTIFICATE OF APPROPRIATENESS Town of Abingdon, Virginia

Town of Abingdon Planning Commission  
133 East Main Street · P. O. Box 789 · Abingdon, VA 24212  
Phone (276) 628-3167 · Fax (276) 698-3412

Location of Property: <u>909 West Main Street</u>	Zoning District:	
Business Name: <u>The Polished Diamond, LLC</u>	Tax Map No:	<u>016-4-1</u>

Applicant/Property Owner Name <u>Liapof Faith, LLC</u> (PRINTED): <del>Melissa McConnell</del>	Representative Agent(s) Name: <u>Melissa McConnell</u>
Signature: <u>Melissa McConnell</u>	Firm:
Mailing Address: <u>909 West Main Street</u>	Mailing Address:
City: <u>Abingdon</u>	City:
State/Zip: <u>VA 24210</u>	State/Zip:
Phone/Fax Number: <u>276-356-4777</u>	Phone/Fax Number:
Email: <u>thepolisheddiamond@yahoo.com</u>	Email:

(Check The Appropriate Boxes – Check all that Apply)

<input checked="" type="checkbox"/> Exterior Change	<input type="checkbox"/> Addition	<input type="checkbox"/> Relocation
<input type="checkbox"/> Wall/Fence	<input type="checkbox"/> Deck/Porch	<input type="checkbox"/> Demolition
<input type="checkbox"/> Driveway/Parking Area	<input type="checkbox"/> New Structure/Building	<input type="checkbox"/> Grounds/Landscaping
<input type="checkbox"/> Dumpster/HVAC, screen, et.	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

The above named person(s)/firm has permission to represent me regarding this request for architectural review. I understand that I or my representative agent(s) must be present at the Planning Commission Meeting on the date assigned by staff, typically the 4<sup>th</sup> Monday of each month at 5:30 p.m., to present my proposal and that failure to attend may result in denial of my proposal by the Commission due to insufficient information. No material change in the appearance of my property, that is viewable from any public street, shall be performed before receiving a Certificate of Appropriateness. I further understand that approval by the Planning Commission for any modification to homes, buildings, landscaping, or grounds including fences, driveways, and parking areas shall expire 12 months from the date of approval. I hereby authorize town staff and/or members of the Planning Commission the right to enter my property during normal business hours for the purposes of investigating my request for a Certificate of Appropriateness. I further authorize Town staff to notify any adjoining property owners of this application for Certificate of Appropriateness.

Signed: Melissa McConnell Date: 10/12/18



**PLEASE READ:**

Applicants are encouraged to submit completed applications with sufficient information to enable a clear understanding of the proposal by the Planning Commission members and Planning Department staff. Applications that do not clearly communicate the proposed new construction, alterations or changes will result in delays. Planning Department staff will periodically inspect properties for compliance with the COA. Failure to comply may also result in delays in the issuance of a Certificate of Occupancy, fines, or other enforcement actions.

**FULL DESCRIPTION OF PROPOSAL:** (please attach more sheets if necessary)

Change paint color of existing structure from Bright pink & lime green to a light gray with black trim.

**REQUIRED INFORMATION TO BE SUBMITTED WITH APPLICATION:**

Each item submitted is to be INITIALED by the applicant. If you are not submitting any of the requested information, please indicate "not applicable" and explain in the space provided why it is not necessary for this project.

- N/A  Sketch, drawing and/or elevations showing the proposed changes or improvements
- Site plan or plat of property (attached)
- Photographs showing property, work in question, and the area of the proposed project
- A list of material that identifies the type and quality of materials to be used in the Proposed Project  
no structural changes, just paint ~~to~~ to existing outside structure.

Other (please list)

\$50.00 application fee

Applicants may refer to a typical submissions kept at the Department of Planning and Zoning of the Town of Abingdon, on the lower floor of the Town Hall, located at 133 West Main Street for illustrations of how to present the required information.

**To be Completed/Initialed by Planning Department Staff**

- AS COA application has been reviewed and deemed to be complete.
- AS List of adjoining property owners notified of this COA application has been attached to this application.
- AS An administrative fee of \$50.00 is attached with this application.
- All modifications requiring further review: \$25.00.

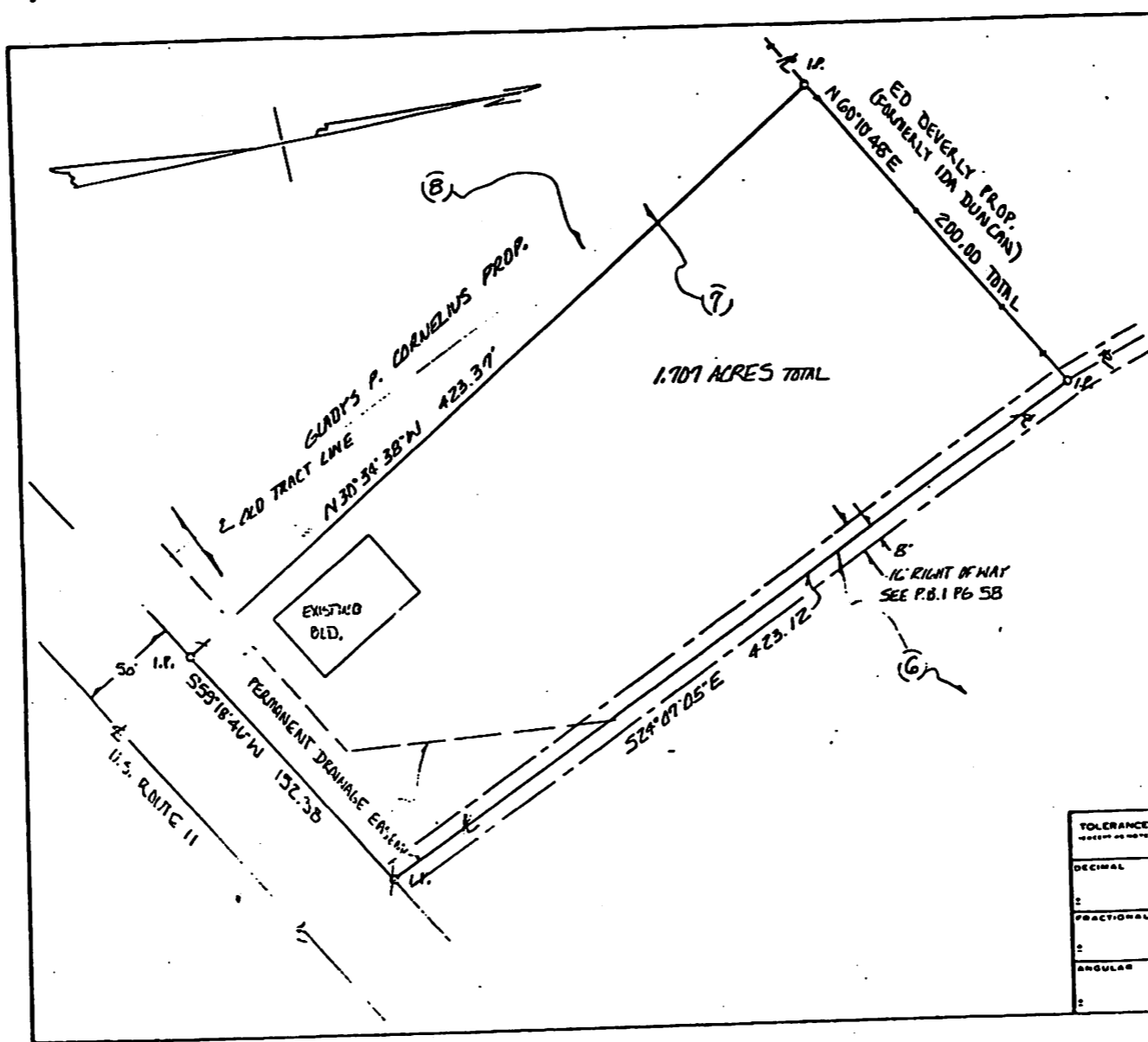
Town of Abingdon

10/15/18 16:02 MISCELLANEOUS PERMIT

909 WEST MAIN STREET  
COA

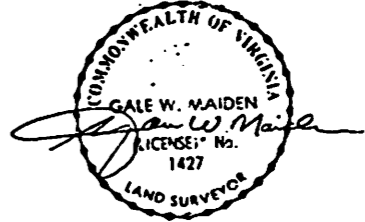
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Batch Id: COUNTERA  
Ref Num: 30005 Seq: 49 to 49

Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00
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Total:	50.00



DATE	BY	REVISION RECORD	AUTH	OR	CR

— PLAT —  
 SHOWING A PART OF THE  
 GLADYS P. CORNELIUS PROPERTY  
 BEING A PART OF TRACT NO. 7 AS  
 SHOWN ON A PLAT ENTITLED "SCOTT AND  
 BELL FARM" P.B. 1 PG 58  
 REF: WB 77 PG 23  
 LOCATED TOWN OF ABINGDON,  
 WASHINGTON CO. VIRGINIA



TOLERANCES UNLESS OTHERWISE SPECIFIED		SCALE 1 INCH 50 FT	DRAWN BY G. W. MAIDEN
DECIMAL			
FRACTIONAL	TITLE	APPROVED BY	
ANGULAR	DATE AUG 13, 1955	DRAWING NUMBER	

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