

**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:

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

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:

Mr. Anderson	Aye
Mr. Wilson	Aye
Dr. White	Aye
Mr. Bradley	Aye

Mr. Sullivan	Aye
Mr. Austin	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:

Mr. Anderson	Aye
Mr. Wilson	Aye
Dr. White	Aye
Mr. Bradley	Aye
Mr. Sullivan	Aye
Mr. Austin	Aye

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 in 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:

Mr. Anderson	Aye
Mr. Wilson	Aye
Dr. White	Aye
Mr. Bradley	Aye
Mr. Sullivan	Aye
Mr. Austin	Aye

Adjourn Time: 6:15 P.M.



Wayne Austin, Chairman



Tony Sullivan, Secretary

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