

**TOWN OF ABINGDON  
REGULAR COUNCIL, JOINT  
MEETING WITH THE  
PLANNING COMMISSION  
WEDNESDAY, OCTOBER 7, 2015 – 7:30 P.M.  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council and the Planning Commission was held on Wednesday, October 7, 2015 at 7:30 p.m. in the Council chambers of the Municipal Building.

**A. WELCOME – *Mayor Morgan***

**B. ROLL CALL – Planning Commission, *Matthew Johnson, Director of Planning***

Members of Planning  
Commission Present: Mr. Wayne Austin, Chair of Planning Commission  
Mr. Kenny Shuman  
Mr. Gregory W. Kelly  
Mr. Richard E. Humphreys  
Mrs. Maggie Costello  
Mrs. Jan Reeves

Members of Planning  
Commission Absent: Chris Burcher

**C. ROLL CALL – Town Council, *Tonya Triplett, Deputy Clerk***

Members of Council Present: Edward B. Morgan, Mayor  
Mrs. Cathy Lowe, Vice Mayor  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard  
Mrs. Jayne A. Duehring

Administrative/Town Staff: Gregory W. Kelly, Town Manager  
Cecile Rosenbaum, Assistant Town Manager/Town Clerk  
Tonya Triplett, Deputy Clerk  
Chuck Banner, Dir. Of Finance  
Matthew Johnson, Dir. Of Planning  
John Dew, Dir. Public Services/Construction  
Kevin Costello, Dir. Of Tourism  
Stacey Reichler, Director of HR  
Jason Boswell, Code Enforcement Officer  
Tony Sullivan, Police Chief  
Tenille Montgomery, Public Relations Officer

At this time, Stacey Reichler, Director of Human Resources introduced the new Code Enforcement Officer, Jason Boswell, who started his new position on September 21.

#### **D. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jayne Duehring, Council Member

#### **E. PETITIONS AND PUBLIC HEARINGS – PLANNING COMMISSION**

Wayne Austin, Chair of the Planning Commission welcomed everyone to the joint meeting and noted that the Planning Commission would hold a public hearing regarding a proposed rezoning matter. Mr. Austin noted that the Planning Commission's role was to hear public comment, hold discussion and make a recommendation to Council about the matter.

Kenny Shuman, Planning Commission member disclosed that he had a conflict of interest. Mr. Shuman explained that his company supplies Workers Compensation insurance for K-VA-T Food Stores and noted that he will not be able to participate in the meeting and further abstain from voting on the proposed rezoning matter.

Matthew Johnson, Director of Planning stated the Planning Commission has received an application to rezone approx. 33 acres at 440 Green Spring Road which is currently owned by CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211. Mr. Johnson described the property as Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, from AFOS Agricultural, Forrestral, and Open Space District to B -2 General Business District.

Chairman Austin declared the public hearing open.

#### **Public Comment**

- Mr. Jeff Johnson, attorney for CEMA Corp., stated the rezoning request is only for the front 33 acres and that CEMA is making accommodations for Marathon Realty Corp., the company wishing to purchase the property.
- Steven Spangler, Marathon Realty Corp., stated only 33 of the 70 acres are requested for rezoning at this time.
- Joe Levine, 340 & 350 Green Spring Road, spoke in opposition.
- Barry Proctor, 927 Woodlawn Terrace, spoke in opposition.
- Janet Woolwine, 185 Crestview, questioned the map and what angle it was being viewed from.
- Michael Bragg, Legal Counsel for James and Cindy Patterson, 410 Green Spring Road, spoke in opposition of the project.

- Ann Proctor, 927 Woodlawn Terrace, spoke in opposition of the project.
- Margaret Greg, 113 Trailview Drive, spoke in opposition.
- Jamie Tubman, 111 Elder Spirit Court, spoke in opposition.
- Winona Hilt, owns the trailer park on Green Spring Road, and stated that she just found out about the rezoning a few days ago and that she needed more information on making decisions on whether to sell the trailer park or do upgrades.
- Richard Austin, 270 Lowland Street, spoke in opposition.
- Barbara Vanderpool, 20303 Josh Allen Drive, spoke in opposition.
- Wayne Miller, 367 Winterham Drive, is not opposed to the project but would like conditions that require planting more trees as a buffer.
- Matthew Johnson, Director of Planning, stated there was a typographical error in the paperwork and that a traffic impact analysis is required and will be performed.
- Nan Arrington Harmon, 498 Green Spring Road, spoke in opposition.
- James Groseclose, 488 Green Spring Road, reported that there is a cemetery on the property and that the tombstones are not in place.
- Jim Bundy, 321 West Main Street, spoke in opposition.
- John Allen, 162 Valley View Drive, spoke in opposition.
- Tristan Nelson, 136 Barter Drive, spoke in opposition.
- Ann Terrell, 104 Elder Spirit Court, spoke in opposition.
- Adam Matthews, 475 Green Spring Road, stated he would like to have more information and has concerns about rescue vehicles traveling on Green Spring Road.
- Tom Boyle, 100 Elder Spirit Court, spoke in opposition.
- Nick Procter 11090 Tree Line Drive, spoke in opposition.
- Greg Meade, 548 Cherry Hill Dr., spoke in opposition.
- Melissa McConnell, 534 Cummings Street, spoke in opposition.
- Alison Whitman 18325 Macedonia Road, spoke in opposition.

Chairman Austin asked if there were others who wished to speak, hearing none, he declared the public hearing closed.

After some discussion, Chairman Austin reopened the public hearing for additional comment.

- Jim Brown, 105 Clark Street, stated the road plan has been in the works with VDOT for 10-12 years and had only been deferred because of budget shortfalls and that the road improvements would significantly improve traffic flow. Mr. Brown also stated that none of the development joins the Virginia Creeper Trail directly and the closest property is two (2) football fields away from the trail. Mr. Brown stated this is a great project and that half the property is being preserving for public use.
- Steve Smith, 19042 Lake Road, agreed with Mr. Brown. Mr. Smith reported he has lived here since 1979 and has developed properties in four (4) states. He envisions a viable solution for a development that will be unique.

Wayne Austin, Chair of Planning Commission asked if there were others who wished to speak, hearing none, he declared the public hearing closed.

Rick Humphreys, Planning Commission Member questioned Kevin Costello, Director of Tourism and Economic Development about a study that was done that stated no additional lodging is needed.

Kevin Costello, Director of Tourism and Economic Development reported current occupancy averages in the high 50% range, but lodging needs may change if a sports complex is added.

Matthew Johnson, Director of Planning reported that at this time, he has no information on plans for the house.

Maggie Costello, Planning Commission Member questioned if Green Spring Road would require widening and how that would impact residents, as well as water runoff. She also questioned how lighting and noise would affect the residents.

Stephen Spangler, Marathon Realty Corp. reported his company is currently using LED and fixtures that force light down. He also stated his company would be willing to work with the Town Planner to create buffers for light and noise control. Mr. Spangler reported that Food City is dealing with an absentee landlord at their present location and remodeling and expansion is not an option. Mr. Spangler noted that KVAT was willing to help repurpose the current location and help fill the vacant spaces.

Jan Reeves, Planning Commission Member inquired about landscaping and the cemetery on the property.

Matthew Johnson, Town Planner stated that the town was not aware of the cemetery and that they would follow Virginia Law if a cemetery is found.

Chairman Austin inquired about the purpose for the rezoning and the future disposition of the property.

Matthew Johnson, Director of Planning explained the plans include two phases and Phase II is dependent on Phase I.

Ms. Reeves affirmed her support for the project and complimented the proposed design.

Mr. Kelly, Town Manger stated the town has been looking a long time at developing a sports complex and has had discussions in the past with Mr. Brown about his property. If the project moves forward, it will be an opportunity to enter into a public/private partnership and have a state of the art facility while protecting the Virginia Creeper Trail.

**On motion by Mrs. Reeves and seconded by Mr. Kelly, the Planning Commission recommended the approval of the application to rezone approx. 33 acres at 440 Green Spring Road and currently owned by CEMA CORP, 440 Green Spring Road, Abingdon, VA which property is described as Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, from AFOS Agricultural, Forrestal, and Open Space District to B - 2 General Business District.**

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

<b>Mrs. Costello</b>	<b>Nay</b>
<b>Mrs. Reeves</b>	<b>Aye</b>
<b>Mr. Austin</b>	<b>Aye</b>
<b>Mr. Shuman</b>	<b>Aye</b>
<b>Mr. Kelly</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>

Chairman Austin commented that the Planning Commission has received a request for a special use permit pursuant to Section 18-9 - Historic District Entrance Corridor Overlay District; Section 18-9-4 Zoning Ordinance, Article 3, AFOS Agricultural, Forrestal, and Open Space District, Section 3-2, Special Uses regarding CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less. Mr. Johnson stated that a special use permit for retail space over 50,000 sq. ft or greater.

Chairman Austin declared the public hearing open and welcomed public comment.

- Joe Levine, 350 Green Spring Road, questioned if the back wall, storage and loading areas and signage would be visible from the neighbors and the Virginia Creeper Trail.

Wayne Austin, Chair of Planning Commission declared the public hearing closed.

Matthew Johnson, Director of Planning, stated a special use permit states conditions that meet anticipated concerns and can be altered. If the project moves forward, a site plan must be submitted. At that time Planning Commission and Council can address lighting and buffer concerns.

**On motion by Ms. Reeves and seconded by Mr. Humphreys, the Planning Commission recommended to Town Council that the special use permit be approved pursuant to Section 18-9 - Historic District Entrance Corridor Overlay District; Section 18-9-4 Zoning Ordinance, Article 3, AFOS Agricultural, Forrestal, and Open Space District, Section 3-2, Special Uses regarding CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and being a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less.**

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

<b>Mrs. Costello</b>	<b>Nay</b>
<b>Mrs. Reeves</b>	<b>Aye</b>
<b>Mr. Austin</b>	<b>Aye</b>
<b>Mr. Shuman</b>	<b>Aye</b>
<b>Mr. Kelly</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>

**On motion by Mr. Kelly and seconded by Mrs. Reeves, the Planning Commission adjourned.**

**The motion carried unanimously.**

**At this time, Mayor Morgan declared a 5 minute recess.**

**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES – TOWN COUNCIL**

Mayor Morgan explained the Council would need to go through a similar process as Planning Commission just did and asked Matthew Johnson, Director of Planning to review the request and to address what types of businesses are currently allowed in B - 2 General Business District.

Mr. Johnson, Director of Planning reported that B-2 General Business District allows hotels, motels, restaurants, service stations, retail and grocery stores, banks, garden shops, car washes. Mr. Johnson stated the special use permit required for retail space over 50,000 sq. ft. adds another layer of review by Council and Planning Commission.

Mrs. Lowe, Vice Mayor asked Mr. Johnson to give a brief description of the Historical Overlay District.

Mr. Johnson, Director of Planning stated the Historic Overlay District is in place to help protect entrances to town and all entrances to town are included in the district. It allows Planning Commission to set guidelines and requires developers to come before the Planning Commission for a Certificate of Appropriateness. At that time, changes to building design, signage and landscaping could be addressed.

Mrs. Duehring inquired about the suitability of this location and stated we had heard many citizens concerns about the need for buffering in the area.

Mayor Morgan stated other localities have made significant investments in development and questioned if the Town has any investment in this project.

Mr. Kelly, Town Manger stated the Town of Abingdon is not subsidizing the development and there are no incentives for the development. Mr. Kelly noted that the town had been exploring the idea of a sports complex and the extension of Cook Street for about ten (10) years.

Mayor Morgan declared the public hearing open.

**Public comment**

- Joe Levine, 350 Green Spring Road, expressed concerns about rerouting Green Spring Road, Cummings and Cook Streets and questioned if increased traffic would require the road to be widened. Mr. Levine asked Council to consider other options.
- Barry Proctor, 927 Woodlawn Terrace, asked that the vote be postponed for 30-60 days, to provide information and to open it up for public comment.
- Nick Proctor, 11092 Treeline Drive, asked to postpone the vote and give the public more information about the project.
- Greg Meade, 548 Cherry Hill Drive, stated concerns about the view shed overlay for the Virginia Creeper Trail.
- Barbara Allen, 162 Valley View Drive, asked Council do more research and requested residents be included in the process.
- Michael Bragg, Counsel for the Patterson's, 410 Green Spring Road, recommended the project be approved as a whole.
- Larry Harley, 490 Court Street, asked Council to postpone the vote.

Mayor Morgan asked if there were any other comments and hearing none, he declared the public hearing closed.

Mrs. Lowe stated there are ordinances in place that will help protect surrounding properties and this is the beginning of the process. Mrs. Lowe further noted that Council values all town assets including the Virginia Creeper Trail and commented that the property directly adjacent to the property was not being considered for rezoning. Mrs. Lowe indicated she remembered similar opposition to the ElderSpirit development and that project was a success. Ms. Lowe went on to say that this is also true of Winterham and Meade Meadows and that there are ordinances in place that will protect those communities. Mrs. Lowe commented that there will be a second reading at the November 2<sup>nd</sup> meeting and encouraged citizens to reach out to Council and town staff for information. Ms. Lowe stated that the application for rezoning is the beginning of a lengthy process of negotiation with the town to see if the project is even feasible for the developer, as well as the town.

Mr. Humphreys stated if the project moves forward the designs will appear before Planning Commission and Council to be approved or denied and buffering can be addressed at that time.

Mr. Howard stated the town has been looking for property for a sports complex for fifteen (15) years and that this first step must be completed before the sports complex can even be considered.

Mrs. Duehring inquired about the location of the property and the timing of the application.

Steve Smith, K-VA-T Food Stores, stated he has attempted to work with his current landlord, but hasn't been successful in upgrading the property. Therefore, he has been looking at alternative properties for some time. Mr. Smith stated that available properties in town are limited and this property comes close to his vision and is the best place to serve his customers. His plan includes providing the town, his hometown,

with a state of the art development, as well as an athletic facility and is a win, win for everyone.

Mayor Morgan stated he is the coauthor of "A Guide to the Virginia Creeper Trail". He noted that he was on the front lines with Planning Commission and Council when Walmart wanted to develop at Exit 14, with some expense to the tax payers for infrastructure, which should have been the responsibility of the developer. At that time, ordinances were put into place to manage and control growth.

Mr. Kelly, Town Manger reported that at all the trainings and conferences he attends, private/public partnerships are most desireable and have the least impact on the tax payers. Mr. Kelly noted that the actual development would be overseen to make sure the town, as well as the view shed is protected.

Mrs. Lowe stated the Council typically receives a recommendation in a report from the Planning Commission and the meeting was held jointly so that both Planning Commission and Council could hear every concern from the citizens.

Mayor Morgan stated Abingdon is successful because of good planning and that Planning Commission members are required to go through a certification program. Mayor Morgan state the town is serious about planning and when we have a project like this there is only one opportunity to get it right and we will do our best to make sure it is done properly.

Hearing no further comment, Mayor Morgan declared the public hearing closed.

**On motion by Mrs. Lowe and seconded by Mr. Humphreys, the Council voted to accept the recommendation from the Planning Commission to approve the application to rezone approx. 33 acres at 440 Green Spring Road, owned currently by CEMA CORP, 440 Green Spring Road, Abingdon, VA and described as Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, a n d consisting of approximately 33.189 acres, more or less, from AFOS Agricultural, Forrestal, and Open Space District to B - 2 General Business District and noted that the matter will be back on the regular November agenda for second reading.**

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

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

Mayor Morgan stated we now have the special use permit to consider and declared the public hearing open.

### **Public Comment**

- Joe Levine, 350 Green Spring Road requested the backs of the buildings be included in the special use permit.

Mayor Morgan asked if there were other comments, hearing none he declared the public hearing closed.



**Upon advice of Council, the following motion was corrected as set forth below. The video of this meeting can be found in its entirety at [www.abingdon-va.gov/Town Council/Town Council meetings/October 3, 2015 video](http://www.abingdon-va.gov/Town Council/Town Council meetings/October 3, 2015 video):**

~~On motion by Mr. Humphreys and seconded by Mr. Howard, the Council accepted the Planning Commission's recommendation to issue the special use permit pursuant to Section 18-9 - Historic District Entrance Corridor Overlay District; Section 18-9-4 Zoning Ordinance, Article 3, AFOS Agricultural, Forrestral, and Open Space District, Section 3-2, Special Uses regarding CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less.~~

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

~~Mrs. Duehring — Aye  
Mr. Howard — Aye  
Mr. Humphreys — Aye  
Mrs. Lowe — Aye  
Mayor Morgan — Aye~~

On motion by Mr. Humphreys, seconded by Mr. Howard, the Council approved the minutes from the October 7, 2015 regular Abingdon, Virginia Town Council Meeting be amended for the purpose of accurately reflecting what actually occurred and what was said on 10/07/2015, in a detailed manner, to reflect the precise wording of the motion made and passed and to incorporate by reference the video made contemporaneously on 10/07/2015. This amendment is made pursuant to Virginia legal authority, which allows minutes to be amended and corrected, nunc pro tunc. I hereby move that Council accept the Planning Commission's recommendation of October 7, 2015 to issue the special use permit pursuant to Section 18-9 - Historic District Entrance Corridor Overlay District; Section 18-9-4 Zoning Ordinance, Article 3, AFOS Agricultural, Forrestral, and Open Space District, Section 3-2, Special Uses regarding CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, noting that the granting of this special use permit shall be contingent upon Council's approval of the rezoning upon the second reading.

The roll call vote was as follows:

Mr. Craig	Abstain (Mr. Craig was not on Council October 7, 2015)
Mrs. Patterson	Abstain (Mrs. Patterson was not on Council October 7, 2015)
Mr. Howard	Aye
Mr. Humphreys	Aye
Mayor Lowe	Aye

## H. APPROVAL OF MINUTES

- September 8, 2015 Work Session Meeting
- September 8, 2015 Regular Meeting
- September 16, 2015 Work Session Meeting

**On motion by Mrs. Duehring, seconded by Mrs. Lowe, the Council approved the minutes of the September 8, 2015 work session, September 8, 2015 regular meeting and September 16, 2015 work session minutes as presented.**

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

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**I. EMPLOYEE RECOGNATIONS – None.**

**J. SECOND READINGS OF ORDINANCES – None.**

**K. CONSIDERATION OF ANY BIDS – None.**

**L. REPORTS FROM THE TOWN MANAGER**

**M. OLD BUSINESS**

**N. MATTERS NOT ON THE AGENDA**

Greg Case and Alison Whitman expressed concerns about Appalachian Power Company running new lines and putting in a substation near the Virginia Creeper Trail in the Watauga Community. There

are right-of-ways already in place that could be used. They have many signatures in opposition. Mayor Morgan asked Mr. Kelly, Town Manager to notify Appalachian Power Company of concerns and to start a discussion on how this will impact town properties.

Mike Spiegler, with Abingdon High School Golf reported Abingdon has been awarded the 2015 3 & 4 A Golf Tournament, which will be held October 12-13 at Glenrochie Country Club. They are expecting 75 players and 300 attendees. Mr. Spiegler requested \$3,000 to help with meals for the players and other tournament expenses.

**On motion by Mrs. Lowe, seconded by Mr. Humphreys, the Council approved \$3,000 from Council contingency for the Abingdon High School Golf Team to help with tournament expenses.**

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

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

#### **O. APPOINTMENTS TO BOARDS AND COMMITTEES**

##### *Sustain Abingdon*

- Appointment of three members to the Sustain Abingdon Committee

##### *Fairview Committee*

- Appointment of one member to the Fairview Committee

##### *Tree Commission*

- Appointment of one member to the Tree Commission

Council tabled appointments until the November 2, 2015 regular meeting.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Tonya H. Triplett, Deputy Clerk