

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
JANUARY 24, 2011 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, January 24, 2011, at 5:30 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Gary Kimbrell, Chairman, called the meeting to order. Mr. Garrett Jackson called the roll.

ROLL CALL

Members Present: Mr. Gary Kimbrell, Chairman
Mr. Kenneth Shuman, Vice-Chairman
Mr. Robert M. Howard
Dr. H. Ramsey White, Jr.
Ms. Francine Ivery
Mr. Matthew T. Bundy

Comprising a quorum of the Commission

Members Absent: Mr. Gregory W. Kelly

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning
Mr. Sean Taylor, Assistant Director of Planning/Zoning
Mrs. Deborah Icenhour, Town Attorney

Visitors: Mr. J. J. Jesse, Bristol Signs
Mr. Michael Vaughn, Capital Pizza Hut
Mrs. Susan Howard, Advance Abingdon (Main Street)

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(2) Approval of Minutes: Regular Meeting, November 22, 2010

Mr. Shuman made a motion that the minutes of the regular meeting, November 22, 2011, be approved as presented. Mr. Howard seconded the motion.

VOTE:

Mr. Shuman Aye
Mr. Howard Aye
Mrs. Ivery Abstained
Mr. Bundy Aye
Dr. White Aye
Mr. Kimbrell Abstained

The motion passed.

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(3) REVIEW AND DISCUSSION - Interpretation of Sign Ordinance

There was a review and discussion of the “Interpretation of Sign Ordinance”, as a result of a decision made by the Board of Zoning Appeals. January 11, 2011, regarding a variance request from the requirements of Article 21, Section 21-6-6, Sign Size submitted by Capital Pizza Huts located at 535 Cummings Street.

Mr. Jackson explained that this was a request from Article 21, Section 21-6-6, Sign Size, as contained in the Zoning Ordinance for property located at 535 Cummings Street, within one-fourth mile of Interstate 81.

He stated that on December 3, 2010, Town Staff was alerted to a “large sign” being installed at 535 Cummings Street, doing business as Pizza Hut. The staff spoke with Mr. J. J. Jesse of Bristol Sign Company, as they were on the site to install the sign. Mr. Jesse indicated that “he had spoken with Town Staff and gotten permission to install it”. Upon questioning other staff members it was discovered Mr. Jesse had not discussed this particular sign with them, nor had he applied for a Sign Permit.

Mr. Jesse indicated to the staff that the size of the proposed sign was to be 11.5’ x 12.5’, bringing the total square footage to 142.5 square feet, per side.

The Town’s Sign Ordinance specifically states:

- 21-3-13 Sign area calculations: The following method shall be utilized in the calculation of sign area:
 - a. **All sign surfaces and faces visible from a public right-of-way or place and used for display shall be included in the calculation of sign area.**

The calculation of the proposed sign is a total of 287.5 square feet.

The total allowed for the B-2 Zone is:

- 21-6-6 B-2, B-3, and M-1 Districts The total area of all freestanding and projecting signs permitted for any business establishment shall not be greater than sixty (60) square feet and shall be located on the premises. Other provisions of this ordinance to the contrary notwithstanding, planned commercial developments other than shopping centers which require a site plan under Article 18 of this ordinance within the B-2 zoning district and located within a one-quarter (1/4) mile radius of Interstate Route 81 may be allowed up to two hundred (200) square feet of aggregate sign area and a height of twenty-five (25) feet from surface to the upward most portion of the sign; the sizes and locations of such signs to be specified within the site plan of such development and approved by the Planning Commission prior to finalization of such site plan [**Adopted 2 Oct. 1989; Effective 2 Nov. 1989**]

The applicant is requesting a variance of **43.5% increase in the allowed amount**. Mr. Vaughn indicated that all signage has been removed from the Pizza Hut building, so this would be the only sign for the building.

Mr. Cameron Bell, Chairman of the Board of Zoning Appeals, explained to the applicant at the January 11, 2011 meeting that the Board of Zoning Appeals, per the Code of the Commonwealth of Virginia, is to base its decision on the “Three Part Test”, as follows:

No such variance shall be authorized by the board unless it finds:

- (a) That the strict application of the ordinance would produce undue hardship.
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

Mr. Vaughn, District Manager, of Capital Pizza Huts explained to the Board of Zoning Appeals that the size of the original sign, which was removed, did not fall within the current Guidelines; the sign was damaged (broken) and was considered to be a safety hazard. He further stated that since the proposed new sign was

approximately the same size of the original sign it was believed to fall within the Guidelines. The proposed sign was ordered from another company and Bristol Sign Company was selected to install the sign.

Mr. Jesse explained to members of the Board of Zoning Appeals that it was an oversight on his part, not having contacted Mr. Jackson and offered his apologies.

After discussion and reviewing the applicant's request for the variance, Mr. Shuman expressed his sympathy and concerns in the situation, emphasizing the facts that Mr. Jesse did not contact Mr. Jackson regarding the sign and the sign was not conforming to the Guidelines. He stated that the Board must support the 3-step process as required by the Guidelines. Therefore, the Board of Zoning Appeals voted to NOT approve the requested variance, based on the fact that it was not considered an undue hardship to the applicant.

Mr. Jackson explained that the Town Staff and Town Attorney met with a corporate representative from Pizza Hut, as well as Mr. J. J. Jesse on Wednesday, January 19, 2011 to discuss the appeal process and another route Pizza Hut would like to pursue.

The staff indicated to Pizza Hut that several factors were responsible, the main being that a sign was ordered and ready to install without proper approval and permitting. Pizza Hut holds Bristol Signs responsible for this and has been very cooperative with the Staff. They offered to use only one side of the sign, blocking the other, in order to meet Town sign area requirements. Although not specifically spelled out in the ordinance, the Staff sees this as a violation of the INTENT of the ordinance, specifically:

*Permit reasonable legibility and effectiveness of signs and to prevent their over-concentration, improper placement and **excessive height, bulk, density, and area.***

Mr. Jackson stated that Bristol Signs is presenting this same case, again, with a request that it meets the following section of the ordinance:

21-3-12 Replacement or consolidation of existing signs. When existing signs are replaced or consolidated, the maximum total sign surface area of the replacement or consolidated sign shall be:

- (a) Thirty percent (30%) less than the total sign surface area of the signs being replaced or consolidated, or*
- (b) The area permitted by section 21-2-4, whichever is greater.*

Mr. Jackson also explained that Pizza Hut maintains they removed the former "rooftop" lettering in late November 2010, but did not include this in any previous discussions on sign area. The staff asked Pizza Hut to submit a new Sign Permit, asking to be included in this section and appear before the Planning Commission.

It was noted that another factor was, Bristol Signs has brought up a previous Sign Permit, issued by this office, allowing the replacement of signage at Holiday Inn (Exit 19). They failed to mention at the Board of Zoning Appeals meeting, they misrepresented the application to staff, saying only that the new signage would be "slide of existing steel". Instead, a new sign system was installed.

The Sign Permit presented to the Planning Commission by Pizza Hut, again is misrepresented, stating "simple sign face replacement". This is not such an action, but an entirely new sign cabinet and face system.

Mr. Jackson explained that the staff feels the intent of the ordinance is what needs to be determined in this case and the Planning Commission needs to determine if such a large sign in the zone can be allowed and at such a height as already exists? The ordinance does require signs to be brought to the 25 ft. in height requirement, within one-fourth (1/4) mile of Interstate 81.

After a lengthy discussion, Dr. White made a motion to approve the new proposed sign request, based on the fact that the sign does meet the 70% allowance and that no other signage be allowed at this place of business. Mr. Bundy seconded the motion.

VOTE:

- Dr. White Aye
- Mr. Bundy Aye
- Mr. Howard Aye
- Ms. Ivery Aye
- Mr. Shuman Aye
- Mr. Kimbrell Aye

The motion passed.

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(4) DISCUSSION - Proposed Town Districts and Guidelines

There was a continued discussion of the proposed Town Districts and Guidelines that have been previously reviewed and discussed.

Mr. Jackson presented a narrative with description of the Town Districts as presented previously to the Planning Commission. This information was shared with the Advance Abingdon (Main Street) group, who seemed to have approved the plan but have since commented that there are too many districts.

As discussed with the Planning Commission during previous meetings, these districts are to assist visitors, as well as locals, in their orientation and location in Town, and should include all commercial districts of Town, from Exit 19 in the east, to the far western boundary of Town. Each area has its own specific description and is noticeable to visitors and locals as they can relate them to the names proposed.

Mr. Jackson explained that the Planning Commission needs to decide if a district is needed and or wanted for the Abingdon High School and Washington County School Board Campus area. It was the consensus of the Planning Commission members that the Abingdon High School and Washington County School Board Campus area be designated as a district.

This discussion will continue at the next meeting.

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(5) Strength, Weaknesses, Opportunities and Threats (SWOT) Session

There was a discussion of some of the strengths, weaknesses, opportunities and threats that need to be recognized and considered for future planning.

Mr. Kimbrell stated that he would like to recognize Tonya Triplett, employed by the Town of Abingdon Tourism. The work that she is doing, in getting all the information out regarding every activity that goes on in the Town of Abingdon, is phenomenal.

Mr. Kimbrell further stated that he would like to see a distribution of an “events calendar” where one can check local events on a regular basis.

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There being no further business, Dr. White made a motion that the meeting be adjourned. Mr. Shuman seconded the motion, with unanimous approval.

Gary Kimbrell, Chairman

Gregory W. Kelly, Secretary