

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
JANUARY 28, 2013 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, January 28, 2013 at 5:30 P.M. The meeting was held in the Municipal Building, Council Chambers.

Dr. H. Ramsey White, Chairman, called the meeting to order. Mr. Jackson called the roll.

ROLL CALL

Members Present: Dr. H. Ramsey White, Chairman
Mr. Robert M. Howard
Mr. Gregory W. Kelly
Mr. Kenneth Shuman

Comprising a quorum of the Commission

Members Absent: Mr. Mathew T. Bundy, Vice-Chairman
Mr. Wayne Austin
Mr. Gary Kimbrell

Administrative Staff: Mr. W. Garrett Jackson, Assistant Town Manager
Director of Planning/Zoning
Mr. Sean Taylor, Assistant Director of Planning/Zoning (Absent)
Mrs. Deborah Icenhour, Town Attorney (Absent)
Mr. John Dew, Director of Public Services and Construction
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer
Mr. C. L. McGlothlin, Code Enforcement Officer (Absent)
Ms. Rebecca Moody, Environmental Planner and
Sustainability Coordinator (Absent)
Officer Jon Holbrook (Abingdon Police Department)

Visitors: Mr. Stephen Browning, Engineer Representing Shoney's Site Plan
Mr. Fenton Childers, Representative, Kroger

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- (2) Approval of Minutes: Regular Meeting, December 17, 2012
(Rescheduled from December 24, 2012, due to Christmas Holiday)

Mr. Shuman made a motion that the minutes of the regular meeting, December 17, 2012, be approved with the following amendment:

Page 12-49, Paragraph 7

FROM:

Mr. Howard made a motion to approve the request for the fuel center, subject to the colors being muted, with brick matched in height with same style of the Shoney's structure, stucco or brick columns. Mr. Kelly seconded the motion, however before vote by the Planning Commission, Mr. Kelly requested discussion of the delivery time that the fuel would be delivered, due to the safety concerns previously discussed.

TO:

Mr. Howard made a motion to approve the request for the fuel center, subject to the colors being muted, with brick matched in height with same style of the Shoney’s structure, stucco or brick columns. **Before vote by the Planning Commission, Mr. Kelly asked Mr. Howard to withdraw his motion to allow** discussion of the delivery time that the fuel would be delivered, due to the safety concerns previously discussed.

Mr. Howard seconded the motion.

VOTE:

Mr. Shuman Aye
Mr. Howard Aye
Mr. Kelly Aye
Dr. White Aye

The motion passed.

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- (3) **CERTIFICATE OF APPROPRIATENESS - New Shoney’s Restaurant, Young Investments, LP, Chad Messer, Representative, Real Estate Specialist, Kroger Mid-Atlantic Marketing Area, P. O. Box 14002, Roanoke, VA 24038-4002; application for Certificate of Appropriateness requesting approval to amend time for fuel deliveries approved December 17, 2012 for the proposed Gas N Go to be located at 480 Cummings Street. Tax Map No. 20 (10) 2.**

On December 17, 2012, the Planning Commission conditionally approved Kroger’s request to build a Gas N Go fuel center adjacent to the new Shoney’s Restaurant. The Commission had concerns regarding fuel deliveries and the traffic on Cummings Street however, after a lengthy discussion fuel deliveries were approved but limited between 10:00 P.M. and 6:00 A.M., one time per week.

By letter dated January 17, 2013 from Chad Messer, Real Estate Specialist, Kroger Mid-Atlantic, the Town Staff and Planning Commission received a request for a variance from the delivery hours previously approved by the Planning Commission on December 17, 2012 for the proposed fuel center.

Mr. Fenton Childers, Real Estate Manager with Kroger Mid-Atlantic and representing Mr. Messer, due to him not being unable to attend the Planning Commission meeting, explained that he wanted to clarify one point from the previous meeting; that being the frequency of deliveries by tankers would be once per day, also proposed some architectural renderings that hopefully would be complimentary to the Shoney’s plan. The letter received explained that limiting fuel deliveries between 10:00 P.M. and 6:00 A.M. on a busy day would result in the fuel center running out of gas. Also, the fuel center would likely operate from 6:00 A.M. to 11:00 P.M. and Kroger would not have staff on hand to ensure the fuel is delivered safely.

Kroger is aware of the Planning Commission’s concerns regarding fuel delivery trucks exiting the fuel center, especially when making left turns during the busier parts of the day. Rather than restricting fuel deliveries to between the hours of 10:00 P.M. and 6:00 A.M., Kroger proposed restricting deliveries between 7:00 A.M. and 9:00 A.M. and between 3:00 P.M. and 7:00 P.M. This restriction would keep fuel delivery trucks from adding to the traffic along Cummings Street during the busier parts of the day, while providing Kroger with the flexibility to receive fuel when needed.

Mr. Jackson stated that he had met with Mr. Childers on this date, January 28, 2013, at approximately 4:30 P.M., regarding his letter requesting the variance and clarified that, **Kroger is proposing restricting deliveries between 7:00 A.M. and 9:00 A.M. and between 3:00 P.M. and 7:00 P.M.** Mr. Childers clarified that they were willing TO NOT DELIVER if they could be relieved from the 10:00 P.M. to 6:00 A.M. restriction. Mr. Jackson further explained that they also discussed a third addition to that; **lunch hours would be restricted from 11:00 A.M. to 1:00 P.M. therefore the hours would be 9:00 A.M. to 10:59 A.M. and 1:00 P.M. to 2:59 P.M.**

Therefore these would be the delivery hours outside of the rush hours of morning traffic, lunch traffic and afternoon commute. Mr. Childers explained that the home office is in agreement with the lunch hour restrictions.

Mr. Kelly once again expressed his concerns regarding this request, based on the fact that this location is on the busiest entrance into the Town of Abingdon. A tremendous number of cars travel to and from the interstate and a lot of accidents occur on this street. Basically, a number of problems having built up over a period of years and the traffic is especially difficult on a Friday afternoon. He explained that it was due to these reasons he suggested the restricted delivery time of 10:00 P.M. to 6:00 A.M. With this in mind he was hoping his previous recommendation would help keep tractor trailers off the busiest street in Town, during the busiest times of the day. Due to the reasons listed and safety concerns mentioned, Mr. Kelly stated that he has hesitation in supporting this requested variance and would like to express his concerns to the Commission in hearing this request, because it does add a lot more congestion the area.

Mr. Stephen Browning, Design Engineer, stated that Mr. Frank Stophel has had semi-tractor trailer trucks working on this construction site over the past six months and has observed no traffic problems entering and exiting this site. He also offered suggestions as to how the fuel trucks could enter and exit the site eliminating traffic congestion.

Mr. John Dew, Director of Public Services and Construction, stated that he rather not see the trucks make a right turn onto Cummings Street, in order to eliminate added congestion on Main Street.

Mr. Kelly explained the he felt the restricted hours previously approved was an adequate compromise and does not feel the variance request should be granted.

Mr. Shuman stated he was opposed to this variance request for the same reasons discussed and for other reasons in the design, therefore he could not vote in favor of this request.

After a lengthy discussion Mr. Kelly made a motion to deny the variance request, as presented. Mr. Shuman seconded the motion.

VOTE:

Mr. Kelly	Aye
Mr. Kelly	Aye
Dr. White	Nay
Mr. Howard	Nay

Due to there being a tie vote, the variance request was denied.

The applicants were advised that they have a right to appeal this decision by filing a letter with the Town Manager within 30 days, stating they wish to appeal the decision to refuse to grant the variance. The Town Manager will bring it to the attention of the Town Council.

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There being no further business, a motion was made and duly seconded that the meeting be adjourned. The meeting was adjourned at 6:00 P.M.

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary