

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 24, 2014 – 5:30 P.M.

The Regular meeting of the Abingdon Planning Commission was held Monday, February 24, 2014 at 5:30 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Matthew T. Bundy, Chairman, called the meeting to order. Mr. Jackson called the roll.

ROLL CALL

Members Present: Mr. Matthew T. Bundy, Chairman  
Mr. Wayne Austin, Vice-Chairman  
Mr. Wayne Craig  
Mr. Robert M. Howard  
Mr. Gregory W. Kelly  
Mr. Gary Kimbrell  
Mr. Kenneth Shuman

Comprising a quorum of the Commission

Members Absent: None

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

Visitors: Mr. Gary Roark  
Mrs. Levonda Roark  
Mr. Helm  
Mr. Langley Shazor

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(2) Approval of Minutes: Regular meeting, October 28, 2013

A motion was made by Mr. Howard to approve the minutes of the Regular meeting, October 28, 2013, as presented. Mr. Kimbrell seconded. All in favor with the exception of Mr. Shuman who abstained due to absence.

Regular meeting, December 30, 2013

It was brought to the attention of Planning Commission members that the meeting date was incorrect in the minutes of the Regular meeting, December 30, 2013. A correction was made from **December 31, 2013 to December 30, 2013.**

Mr. Shuman made a motion that the minutes of the Regular meeting, December 30, 2013, be approved with that correction. Mr. Kelly seconded. All in favor, with exceptions of Mr. Austin and Mr. Kimbrell, who both abstained due to absence.

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(3) Public Hearing: **PROPOSED AMENDMENT** – Application to amend and reenact the Town of Abingdon Zoning Ordinance. **Repeal, Amend and Reenact Article 13, Section 13-1-2 through 13-1-6 and 13-1-11 through 13-1-13, Permitted uses By Right and Section 13-2, Special uses in the M-1 Limited Industrial District.**

Mr. Bundy read the proposed amendment. Mr. Jackson provided an overview of the amendment, the need for which was brought to staff attention approximately one and a half months ago when a local business moved in from the County to utilize an industrial site as a storehouse. Residents of that neighborhood were concerned, which prompted the addition of restrictions to the Zoning Ordinance to prevent the storage of hazardous materials from becoming a place where they are also processed and manufactured. Town staff worked with the M-1 Limited Industrial District uses in Article 13, and took previous Permitted uses By Right and changed them to Special uses. This means if a business would like to operate in those capacities it would be required to go through Public Hearings at both the Planning Commission level and Town Council level with notification to neighbors, prior to the issuance of a permit. The property owner where the business is located would be required to reapply for a Special use permit every eighteen (18) months to ensure compliance.

The following are eight uses proposed to be removed from Permitted uses By Right and changed to Special uses:

- 13-1-2 Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender work. This shall include other vehicles and mobile homes.
- 13-1-3 Manufacturing, compounding, processing, packaging or treating of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- 13-1-4 Manufacturing or assembling of products from the following materials; cellophane, canvas, cloth, cord, fiber, glass, leather, paper, plastic, straw, textiles, wood or yarn.
- 13-1-5 Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by gas or electricity.
- 13-1-6 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- 13-1-11 Laundry and dry cleaning plants.
- 13-1-12 Correctional institution.
- 13-1-13 Laboratories, pharmaceutical and/or medical.

Mr. Jackson then noted that MXI (Dominion Truss), the specific business for which this situation had surfaced, is not in violation of the Zoning Ordinance as it is now, but has made staff realize that revisions need to be made to the Zoning Ordinance with regards to industrial use restrictions, due to changes in the Town's makeup since the last zoning map was drafted.

Discussion ensued with additional suggested amendments including:

Remove **professional offices** from Special uses and add it to Permitted uses By Right after **general offices**;  
 Remove **specialty retail shops** from Special uses and add it to Permitted uses By Right; and  
 Remove **correctional institutions** completely.

At this time, Chairman Bundy opened the Public Hearing portion of the meeting, read the welcome and invited members of the public to come forward.

Mr. Gary Roark, 588 Lowry Drive, approached the podium and asked if hours of operation would be in the Ordinance.

Mr. Jackson responded that those restrictions could be put in Special use permits if the proposed amendments go through, however in the case of MXI (Dominion Truss) they are already vested in what they can do by the industrial site where they are located. Mr. Shuman pointed out that neighbors would be given notice if there was a Special use application. Mr. Kelly mentioned that there is also a noise ordinance in place and if violated, neighbors could call the police to have it addressed.

Mr. Roark also voiced concern for safety as he said trucks regularly stop in the middle of the road to open the gate before entering the loading yard. He said there are several things that need to be addressed to make him feel safer, that they had trouble all summer with getting the lawn mowed for fire purposes, and that they "worry at night about what's going on over there."

With no other members of the public wishing to address the Commission, Mr. Bundy closed the Public Hearing portion of the meeting and asked members for any additional discussion regarding the amendment.

Mr. Bundy asked what will happen to current businesses operating in the M-1 district. Mr. Kelly explained that they are grandfathered in, and this would only impact them if they ceased to operate in that particular location for two years, at which time if they intended to resume work, they would have to apply for a Special use permit.

Mr. Roark then re-approached the podium and asked if there is a restriction on what can be stored. Mr. Jackson responded that they can add that to the amendment. Mr. Kelly suggested adding additional verbiage to Permitted uses By Right, Section 13-1-2, wholesale businesses and storage warehouses, so that it reads "**storage of non-hazardous materials only**" and clarified that "hazardous" is defined by DEQ.

At this time, Mr. Shuman made a motion to recommend the amendments as presented, with the additional re-amendments discussed by Commission members, to Council. Mr. Kimbrell seconded. Vote taken with unanimous approval. The amendments are included in these minutes.

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(4) Discussion: Revision of Town Zoning Ordinance and Zoning Map to comply with the revisions to the Comprehensive Plan.

Mr. Jackson explained that Town planning staff has been meeting to address items in the Zoning Ordinance that require modification, as the last major update of the Ordinance was in 1986. Examples of where changes are taking place are a Historic District overlay, renaming the Commercial District the Gateway Office Commercial District, making the Flood Hazard District an overlay, adding a Virginia Creeper Trail Corridor overlay, amending the Airport Overlay Zone based on what is given by FAA, creating a Cemetery District, and a CDBG (Community Development Block Grant) overlay District. A draft will be brought in for the Commission to review once it is complete.

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(5) Membership: Mr. Shuman thanked the Commission for making his last eight years on the Commission pleasurable. Mr. Kimbrell thanked the Commission as well. Mr. Shuman and Mr. Kimbrell were thanked for their terms and services on the Commission. Due to a question regarding Mr. Bundy's appointment, staff will review his eligibility for further appointment.

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(6) Introduction: Mr. Jackson introduced new Town staff member, Jenny Carlisle, Administrative Assistant for the Planning, Public Works, and Public Services departments, as replacement for Pasty Owens who has retired.

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There being no further business, Mr. Kimbrell made a motion to adjourn. Mr. Bundy seconded, with unanimous approval. The meeting adjourned at 6:06 P.M.

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Matthew T. Bundy, Chairman

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Gregory W. Kelly, Secretary

\*\* Please note – after the meeting had been declared adjourned, Mr. Helm inquired about the French Moore Boulevard extension. Mr. Kelly responded that it is in the preliminary stages and that it will be two or three years before any construction begins, but that the Medical School project may fast track it. Mr. Kelly noted that the extension will probably go behind the warehouse that had been discussed this evening and go into Cook Street beside Kmart. These comments were not part of the official record of this meeting.