

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 25, 2013 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, February 25, 2013 at 5:30 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

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. Mathew T. Bundy, Vice-Chairman
Mr. Robert M. Howard
Mr. Kenneth Shuman
Mr. Wayne Austin
Mr. Gary Kimbrell

Comprising a quorum of the Commission

Members Absent: Mr. Greg Kelly

Administrative Staff: Mr. W. Garrett Jackson, Assistant Town Manager
Director of Planning/Zoning
Mr. Sean Taylor, Assistant Director of Planning/Zoning
Mrs. Deborah Icenhour, Town Attorney
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
Ms. Rebecca Moody, Environmental Planner and
Sustainability Coordinator (Absent)

Visitors: Mr. L. Ken Addison, Addison Surveyors
Mr. Williams, New Peoples Bank

- (2) Approval of Minutes: Regular Meeting, January 28, 2013
(Minutes incomplete due to recording malfunction)

- (3) Request by Addison Surveyors to Replat the S. F. Hurt Subdivision
Ole Towne Village Subdivision, New Peoples Bank, Owner
Boundary Line adjustment of Parcel Nos. 08-21-1 through 018-21-5, Nos. 018-21-11 through 018-21-16,
and Parcel Nos. 018-6-12A1, 018-6-A2 and 018-6-12A3.

Mr. Ken Addison gave a thorough history of this property and explained that it is being requested by the owner/applicant that the lots previously designed for townhouses be combined and that Lot Nos. 5, 11, 12, 18, 19 and 24 be used for single family residences; also requesting exemption to the construction of street widening, curb, gutter, and sidewalks along Colonial Road, Fugate Street and Hurt Street. There will be one (1) residence on Colonial Road, one (1) residence on Fugate Street and one (1) residence on Hurt Street.

Mr. Jim Smith, Director of Wastewater Operations and Town Engineer, also provided information and explained that on Monday, June 27, 2005, the Planning Commission approved the final plat drawn by Holbrook Surveyors

for the “Olde Town Village” Subdivision and later on July 5, 2005 the Town Council approved the final plat with waivers. The property owner and developer at that time was Prestige Properties of Abingdon, LLC.

The initial plan of development included townhouse construction on Lots 1 through 16. The development of Lots 18, 19, and 24 was delayed for another phase of development. The developer completed construction of five (5) townhouses located on Lots 6 through 10. Village Court was constructed according to plans approved by the Department of Public Works and utilities were installed. Also, Hagy Street improvements including pavement widening, sidewalk, curb and gutter have been completed according to plan.

Colonial Road improvements, including pavement expansion to 18 feet from centerline and curb and gutter CG-6 were **not** completed.

Mr. Smith stated that the current owners, New Peoples Bank, Inc., of the previously subdivided property, have requested replating or boundary line adjustments of the lots in order to create new lots adequate for single family residences. The new plat combines Lots 1 through 5 into Lot 5, Lots 11 through 13 into Lot 11, and Lots 14 through 18 into Lot 12. Lot lines along Fugate Street have been moved to provide a 10 feet right-of-way dedication to the Town on the east side of Fugate Street. This dedication provides a total width of 25 feet for the street.

Mr. Smith’s opinion is that this is more than a replat of existing lots; it is a continuation of the plan of development of the previously approved subdivision. Action on the previous developer’s request regarding the width of Fugate Street and improvements to Fugate Street and Hurt Street was delayed until future development of additional phases of the project.

Mr. Smith explained that the current owner has requested exemptions to the construction of street widening, curb, gutter, and sidewalks along Colonial Road, Fugate Street and Hurt Street.

He further explained that per the following conditions set forth in Sections 10.1, 10.2, 10.3 and 10.4 of the Subdivision Ordinance, the Planning Commission may recommend to the Town Council a waiver or modification of requirement:

Sec. 10.1. Modification of requirements.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance, with the requirements of these regulations, would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, peculiar to this site, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the planning commission may recommend to the town council a waiver or modification of a portion or portions of these requirements so that substantial justice may be done and the public interest secured; provided, that such variance, notification, or waiver will not have the effect of nullifying the intent and purpose of these regulations. Any such waiver or modification, authorized under the provisions of this section, shall be stated in writing, on the plat, by the subdivider, with the reasoning set forth on which the waiver or modification was justified.

Sec. 10.2 Minimum easing of requirements.

In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan or be in conflict with any zoning ordinance, resolution, or map.

Sec. 10.3. Vote required.

Such variance and waivers may be granted only by the affirmative vote of a majority of the members of the town council present and voting.

Sec. 10.4. Conditions

In granting variances and modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

An Erosion and Sediment Control Plan was required for the construction of the Olde Towne Village Subdivision. A stormwater detention facility was required under the Virginia Erosion and Sediment Control Law and Regulations for stormwater management of the subdivision. 4VAC50-30-40. Minimum Standard 19.b.2.f. reads, "If the applicant chooses an option that includes stormwater detention, he shall obtain approval from the locality of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance." The approved plan contained maintenance requirements for the detention basin and, according to the Owner, "the responsible person or persons for the long term maintenance of the detention basin located in the Olde Towne Village subdivision will be Olde Towne Village Homeowners Association".

Because of the above requirements, a copy of the declaration of covenants and restrictions for the Olde Towne Village was required that included the Homeowners Association responsibility to maintain the basin (common property). A draft copy of the covenants were reviewed and suggested revisions were submitted to the Owner. To Mr. Smith's knowledge, the document was never recorded.

It would appear that the owner of Lot 24 would have the sole responsibility of maintaining the detention basin. Mr. Smith suggested that the Planning Commission address this situation and require that the name of the person(s) responsible for maintenance and the maintenance requirements of the detention basin be shown on the plat as allowed by the following section of the subdivision ordinance.

Subdivision Ordinance Sec. 8.3. (9) – Contents: *Private restrictive covenants and their period of existence. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument; reference shall be made thereto on the plat.*

After a lengthy discussion, Mr. Austin made a motion to approve this request with waiver, conditioned upon the fact that any further conveyances or any conveyances of these lots which are included in this request, would contain a covenant or a restriction requiring the joint maintenance of the detention pond which is shown on Lot 24. Mr. Bundy seconded the motion.

VOTE:

Mr. Austin	Aye
Mr. Bundy	Aye
Mr. Howard	Aye
Mr. Shuman	Nay
Mr. Kimbrell	Aye
Dr. White	Aye

The motion passed.

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(4) Presentation – C. L. McGlothlin, Investigator, Abingdon Police Department

A presentation for the proposal to adopt the Virginia Maintenance Code and Rental Inspection District Program was given by C. L. McGlothlin, Investigator, Abingdon Police Department. The information presented was derived from the Virginia Department of Housing and Community Development.

After discussion Mr. Kimbrell made a motion that the presentation given by Officer McGlothlin, regarding the Maintenance Code and Rental Inspection Program be referred to the Town Council, with recommendation that it be approved. Mr. Shuman seconded the motion.

VOTE:

Mr. Kimbrell Aye
Mr. Shuman Aye
Mr. Howard Aye
Mr. Austin Aye
Mr. Bundy Aye
Dr. White Aye

The motion passed.

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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 6:35 P.M.

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary