

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 26, 2007 - 7:00 P.M

The regular meeting of the Abingdon Planning Commission was held Monday, February 26, 2007, at 7:00 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

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

ROLL CALL

Members Present: Mr. Gary Kimbrell, Chairman  
Mr. Gregory W. Kelly  
Mrs. Harriett DeBose  
Dr. H. Ramsey White, Jr.  
Mr. Kenneth Shuman

Comprising a quorum of the Commission

Members Absent: Mrs. Cathy Lowe (due to death in family)  
Mr. Matthew T. Bundy

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning

Visitors: Mr. Robert M. Salyer  
Ms. Melanie Brown  
Mr. Craig Sutherland  
Mr. Jerry Arnold  
Mr. Bill G. Snodgrass, Sr.  
Ms. Charlene Truhlick  
Mr. Andrew Hargroves  
Mrs. Jan Hurt  
Mr. Sam Hurt  
Ms. Angela Huffman  
Others

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(2) Approval of Minutes: Regular Meeting, January 22, 2007

Mr. Shuman made a motion that the minutes of the regular meeting, January 22, 2007 be approved as presented. Mrs. DeBose seconded the motion, with unanimous approval.

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(3) PUBLIC HEARING (PROPOSED REZONING) - **Robert Morris Salyer**, 13150 Lindell Road, Meadowview, VA 24361; application to rezone property located at 808 Colonial Road on the south side of such street, with total acreage being .41, from Residential District (R-2) to General Business District (B-2). **Tax Map No. 19 (1) 43.**

This is a request to rezone Lot 43 located at 808 Colonial Road, from Residential District (R-2) to General Business District (B-2). It is the property owner’s desire to construct a garage on the site, with a personal fitness studio to be located on the upper level of the garage. The studio would have as many as one to two customers at a time, with Mr. Salyers and his wife being instructors. Parking requirements can easily be met and would not constitute a significant modification in the normal driveway.

This property, though zoned Residential District (R-2), is located across from a General Business District (B-2), would not be spot-zoning as the boundary could be adjusted.

Several adjoining and adjacent property owners in this area were in attendance at this meeting in opposition of the proposed rezoning. They voiced their concerns regarding the narrow street that serves the property, parking area problems, as well as safety for the neighborhood children at the individual properties.

After a lengthy discussion, Mr. Kelly made a motion that it be recommended to Town Council that the requested proposed rezoning be denied, stating that in light of this neighborhood and the people who came to the meeting to speak, while at some point in time in the future it might be appropriate to rezone the property, at the current time it is not appropriate, giving the nature and character of the neighborhood. Mr. Shuman seconded the motion, with unanimous approval.

VOTE:

Dr. Ramsey White	Aye
Mrs. Harriett DeBose	Aye
Mr. Kenneth Shuman	Aye
Mr. Gary Kimbrell	Aye
Mr. Gregory W. Kelly	Aye

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- (4) **PUBLIC HEARING (PROPOSED REZONING) - Clifton-Stewart Rentals, LLC, Jimmy Stewart, Representative**, 16325 Taylor Place, Abingdon, VA 24211-7486; application to rezone property located between Russell Road and Campus Drive on the south side of such street and known as lot number 11 of the Campus Development, with total acreage being 1.65, from Residential District (R-2) to Office and Institutional District (O&I). **Tax Map No. 104 (11) 11.**

This is a request to rezone a lot on Russell Road from Residential District (R-2) to Office and Institutional District (O&I), to be used as additional acreage for The Campus development. The lot was not originally rezoned as the former owner continued to live there, for a time, while The Campus was being built.

After discuss, Dr. White made a motion that the request for proposed rezoning of this property from Residential District (R-2) to Office and Institutional District (O&I) be recommended to Town Council for approval. The motion was seconded by Mr. Kelly, with unanimous approval.

VOTE:

Dr. Ramsey White:	Aye
Mrs. Harriett DeBose	Aye
Mr. Kenneth Shuman	Aye
Mr. Gary Kimbrell	Aye
Mr. Gregory W. Kelly	Aye

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- (5) **PUBLIC HEARING (PROPOSED AMENDMENT) - Sam and Jan Hurt, Andrew and Barbara Hargroves, James and Andrea Strine, and Gary and Susan Kimbrell**, applicants and property owners; application to amend **Article 8, Section 8-2**, of the Zoning Ordinance, to create a new sub-district within the Town of Abingdon Old & Historic District (O&H) and eliminating professional offices as a permitted use in the new sub-district. **Tax Map No. 13 (1) 15, 13 (1) 16, 13 (1) 17, 13 (1) 35 and 13 (1) 36.**

The following property owners, Sam and Jan Hurt, Andrew and Barbara Hargroves, James and Andrew Strine, and Gary and Susan Kimbrell, located in the Old & Historic District (O&H), Sub-District 7, are requesting their respective properties be made into a newly created sub-district for the purpose of eliminating professional offices as a permitted use in the new sub-district.

Mrs. Jan Hurt stated that this is a request to remove professional offices from the referenced properties, with all other uses to remain the same, to include bed & breakfast, home occupations, infrastructure, lofts, neighborhood parks, professional studios, single-family dwellings, townhouses, and professional offices.

Mr. Shuman stated that he did not see the rational for this request because according to the current zoning in the Old & Historic District, property owners can decide not to sell for that purpose anyway.

Mr. Hargroves replied that many studies have been done by professionals for the Town, the latest being the Thomason Study. These studies have determined that to maintain tourism and to create the proper type of growth in the Town, the residential nature of Valley Street should be maintained. Professional offices require parking lots, with hope of major traffic. Mr. Hargroves further stated he feels that one needs to read this study, if they haven't done so. Mr. Shuman replied that Mr. Hargroves is indicating that the study has not been read and he felt that is a bit insulting because he and Mr. Kimbrell both were a part of that special commission when it was discussed in detail.

Dr. White stated that he is in favor of the request because he feels that if these property owners are willing to protect their properties, the Planning Commission needs to stand behind them.

Mr. Hargroves stated that deed restrictions could be considered for these properties that would keep them residential forever, however, it is felt this is not a wise thing to do, it is too severe. These property owners would like to maintain residential nature and it is felt that through zoning which can be changed, deed restrictions require all parties to agree and in future generations this will be a more difficult thing to change as the nature of the neighborhood may change.

Mr. Kelly gave an example of another property adjacent to the Old & Historic District that a deed restriction was placed on and now the uses of that property cannot be modified.

Mr. Kelly stated that he, as Town Attorney, has dealt with this subject in excess of two years. The original draft for changing the zoning of the Old & Historic District had a Special Use Permit provision within it that would have removed professional offices as a matter of right but allowed them with a Special Use Permit. He stands behind that, and contends that if the special use concept had been used from the start we wouldn't be here at this stage today dealing with this issue. If we could go back in time, he thought everyone on that committee might very well see this point. Nevertheless, since we didn't, we are forced to deal with this issue tonight.

After discussion, Dr. White made a motion to recommend to Town Council that a new sub-district be created, eliminating professional offices, as a permitted use for the following properties: **Tax Map No. 13 (1) 15, 13 (1) 16, 13 (1) 17 13 (1) 35 and 13 (1) 36.** Mr. Kelly replied that he would consider seconding the motion,

if the motion would reflected the possibility of Special Use Permit for professional offices. Dr. White amended his motion to include, subject to Special Use Permit. The motion carried.

VOTE:

Dr. Ramsey White:	Aye
Mrs. Harriett DeBose	Aye
Mr. Kenneth Shuman	Nay
Mr. Gary Kimbrell	Abstained
Mr. Gregory W. Kelly	Aye

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- (6) CERTIFICATE OF APPROPRIATENESS - **Angie’s Wholesale Tobacco, James and Angela Huffman, Applicants/Owner**, 20348 Delano Drive, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of signage **to be located at 664 West Main Street. Tax Map No. 17 (1) 10.**

This is a request for approval of a sign to be located at 664 West Main Street. The size of the proposed sign will be 2 ft. x 4 ft. (8 sq. ft., 16 sq. ft. double sided), non-lighted and will hang from the existing pole structure. The sign meets the requirements of the Sign Ordinance for the B-2 Zoning District and will not be over the height limit of 15 ft, set forth in the Entrance Corridor Overlay District.

After discussion, Mr. Shuman made a motion that the requested signage be approved, as presented. Mrs. DeBose seconded the motion, with unanimous approval.

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- (7) CERTIFICATE OF APPROPRIATENESS - **CITGO (General Energy Corporation), 598 Cummings Street, Abingdon, VA, Bristol Sign Company, Inc., Representative**, P. O. Box 5511, Bristol, VA 24203; application for Certificate of Appropriateness for approval of signage **to be located at 598 Cummings Street. Tax Map No. 105A (1) 2. (Tabled from January 22, 2007 meeting).**

The applicant was notified that the previous application exceeded the allowed square footage and has brought back the following information. There will be 3-sides of the awning which will contain the word “SUNOCO”. Calculating the square footage of the name only, this measures to 61.68 sq. ft. The freestanding sign will retain the replacement “Sunoco” sign face, measuring 49 q. ft. and the logo, “OFFICIAL FUEL OF NASCAR” face, measuring 25 sq. ft. The Gas Pump signage is covered under exempt signage (signs measuring 1 sq. ft. or less) in the sign ordinance due to its small amount, however, the “SUNOCO” word and logo are to be calculated

After discussion, Dr. White made a motion that the signage be approved, as presented. Mr. Shuman seconded the motion, with unanimous approval.

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- (8) CERTIFICATE OF APPROPRIATENESS - **Abbey C. Pratt, P.C., Attorney at Law, Abbey C. Pratt, P.C, Owner, Perry Cook Signs, Representative**, 360 East Main Street, Abingdon, VA, 24210; application for Certificate of Appropriateness for approval of signage **to be located at 360 East Main Street. Tax Map No. 13 (1) 82A.**

This is a request for approval of a sign to be located at 360 East Main Street. The size of the proposed sign will be 18 in. x 42 in., having gray background with blue lettering and border. The sign will be mounted

adjacent to sidewalk on a 4 in. x 4 in. treated post with a 4 ft. extended cross-arm. The sign will read “Abbey C. Pratt, P.C. Attorney at Law”.

After discussion, Mr. Kelly made a motion that the signage be approved, as presented. Mrs. DeBose seconded the motion, with unanimous approval.

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SIGN ORDINANCE REVISIONS

Mr. Jackson thanked Planning Commission members for attending the work session held Monday, February 12, 2007. He stated that he will have a draft of the changes made, for their review, at a later date.

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

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Gary Kimbrell, Chairman

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Gregory W. Kelly, Secretary