

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
MAY 26, 2009 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Tuesday, May 26, 2009, at 5:30 P.M. (rescheduled from Monday, May 25, 2009). The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Kenneth Shuman, Chairman, called the meeting to order. Mr. Jackson called the roll.

ROLL CALL

Members Present: Mr. Kenneth Shuman, Chairman  
Mrs. Cathy Lowe  
Mr. Gary Kimbrell  
Dr. Todd Pillion  
Dr. H. Ramsey White, Jr.

Comprising a quorum of the Commission

Members Absent: Mr. Matthew T. Bundy, Vice-Chairman  
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  
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer  
Mr. John Dew, Director of Public Services & Construction

Visitors: Mr. Carl Jessee, 6870 Gate City Highway, Bristol, VA  
Mr. Kenneth Reynolds  
Mr. Steve Browning, Engineer and County Resident

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(2) Approval of Minutes: Regular Meeting – April 27, 2009  
(Minutes Incomplete)

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(3) PUBLIC HEARING  
PROPOSED AMENDMENT - Application to Repeal, Amend and Reenact Article 26, Definitions of the Town of Abingdon Zoning Ordinance

Mr. Shuman declared the Public Hearing as being open and asked if anyone present would like to address the Definitions, as submitted.

Mr. Jackson explained that the State Code of Virginia requires the Zoning Ordinance for the Town of Abingdon to have definitions to explain the Ordinance. Previously there were 86 definitions, however, those definitions didn't explain a lot in the best way. In the process of revising the entire Zoning Ordinance it was decided to begin with the Definitions which now contain a total of 394; this total includes the original 86, simply defined

in a better manner. The wording for the Definitions was taken from Charlottesville, Leesburg and from the Commonwealth of Virginia Code. Mr. Shuman stated that these Definitions have been discussed in great detail.

Mr. Shuman asked if there was anyone else to speak for or against the Proposed Amendment. There being no one else to speak, Mr. Shuman declared the public hearing closed and asked if there was a motion in terms of the Proposed Amendment.

There being no further discussion, Mrs. Lowe made a motion that it be recommended to Town Council, to include Definitions into Article 26 as presented to Planning Commission. Mr. Kimbrell seconded the motion, with unanimous approval.

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- (4) **REQUEST TO OPEN PREVIOUSLY UNOPENED OR UNACCEPTED RIGHT-OF-WAY - Burley Tobacco Festival and Farm Show, Inc. (Fairgrounds), Charles Meade and Kenneth Reynolds, Representatives, 17046 Fairground Drive, Abingdon, VA 24210; request to open right-of-way, with property being located adjacent to Forest Hills Memory Gardens between Hill Street and the Fairgrounds, with no tax map number assigned.**

The is a request from Mr. Charles Meade and Mr. Kenneth Reynolds on behalf of the Burley Tobacco Festival and Farm Show, Inc. (Fairgrounds), to open a previously unopened or unaccepted right-of-way located adjacent to Forest Hills Memory Gardens between Hill Street and the Fairgrounds.

The purpose of opening this right-of-way is to provide a secondary means of access to the Fairgrounds property during designated events and is not intended for general traffic circulation on a daily basis.

Mr. Reynolds stated that the Fairground programs continue to grow and when there are large groups, it's difficult to get people in and out of the grounds in an orderly time frame, which tends to create quite a bottleneck of traffic. The Fairgrounds staff and their Engineer, Mr. Steve Browning, have been working for some time in order to accomplish this request. Mr. Reynolds continued to explain that the Burley Tobacco Festival and Farm Show, Inc./Fairground, has received grant funding from the Virginia Tobacco Commission and monetary funding from Washington County.

Mr. Browning, explained that the plans will be in two phases. Phase I will be to open the right of way to be used as an alley, having a 20-ft. width of asphalt, with future plans, Phase II, to construct the alley into a full 30-34 ft. width inside curb. If the alley is not accepted at this time, the immediate funding for a full width road is not feasible. He further explained that the storm water drainage plans will continue at a later date.

Mr. Smith explained that Section 62-36 of the Town Code allows for the acceptance on petition of the owners of any footage abutting any previously unopened or unaccepted right-of-way 30 feet in width or wider, platted or dedicated for public use under certain conditions. One condition is that the design standards and improvements shall be in accordance with the requirements of the Town Subdivision Ordinance. In order to avoid the costs associated with some of the design standards (i.e. pavement width, curb and gutter, sidewalk, etc. ) of a local service street, the Fairgrounds has requested the right-of-way be opened as an alley. Waivers have also been requested.

The Fairgrounds has been asked to provide a petition from the abutting landowners.

Mr. Smith continued to explain that Section 62-37 of the Town Code permits acceptance of an alley and it also shall conform to the requirements of the Town Subdivision Ordinance for alleys and shall be constructed in accordance with those standards. The cost of all activities necessary to effect the improvement of such alley shall be borne by the petitioners. The right-of-way shall be accepted by the Town when all required

improvements have been completed by the petitioners and so reported to the Town Council by the Town Manager, and his report recorded in the minutes of the Council.

Generally, the preliminary drawings reference design standards for the proposed alley profile and section as the Virginia Department of Transportation, 2005 Subdivision Street Design Standards. The proposed drawings and supporting design intend for Phase 1 to include construction of a 20-foot wide asphalt paved surface, crushed stone shoulders and grass-lined ditches/swales. The existing right-of-way (50 feet) is to be graded during Phase 1 to the requirements of a local service street.

The Subdivision Ordinance requires an alley to; provide a secondary means of access to abutting properties and not intended for general traffic circulation, a right-of-way width of not less than twenty (20) feet, dead end alleys shall be provided with adequate turn-around facilities, grade shall not exceed twelve (12) percent, have a minimum pavement width of 16-feet, graded to the full right-of-way width unless the Town Council permits a lesser graded width, and the centerline of the roadway shall coincide with the centerline of the dedicated right-of-way. The ordinance does not require a sidewalk, a 34-foot wide pavement and does not specify the style of the turnaround; therefore the requested waivers are unnecessary regarding these structures.

At this meeting time, the proposed construction plans and the erosion and sediment control plans have not been approved by the Director of Public Works.

After discussion, Dr. Pillion made a motion to recommend to the Town Council, to accept the alley, contingent upon the approval of the Erosion and Sediment Control Plans and the improvement plans by the Public Works Department and that it be closed and locked at the discretion of the Town Manager. Mrs. Lowe seconded the motion, with unanimous approval.

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- (5) **CERTIFICATE OF APPROPRIATENESS - Bayrock Energy, John Howren, Owner, dba Wendy’s Restaurant, Bristol Sign Company, Inc., Representative, 499 Cummings Street, Abingdon, VA 24210; revised application for Certificate of Appropriateness for approval to remove existing marquee sign and replace it with an electronic message center located at 499 Cummings Street. Tax Map No. 20 (12) 7.**

The Planning Commission considered an application for the referenced request at the April 23, 2009 meeting, at which time the application was denied as presented. After reviewing the application the Planning Commission authorized the applicant to bring back a new application that complied with the Sign Ordinance. A new application was re-submitted for reconsideration by the Planning Commission; however, it was the decision of the applicant that the revised application submitted be withdrawn until further notice.

A revised application has been received requesting approval to remove existing 5’ x 9’ marquee faces and replace the existing signage with a new marquee, 2’ x 3” x 8’ x 6” in size. The signage will be constructed of aluminum, with angle iron, color of units to be Amber. The background color of the sign will be Black, having Amber lettering, Black border and will be installed where marquee faces are, welded to steel with filler panels installed around the units. The message center will have a changeable message.

After discussion, Dr. White made a motion to approve this application in order for the applicant not to have to redesign the entire sign, because it falls within footprint of the existing sign, however, if applicant returns for a larger top for the sign, it must be in the footprint of the lower part. This motion was based on the fact that the signage fits within existing size of the sign, because the regulation requirements are 15 sq. ft., also because in the past the Commission has granted same to another applicant. Mr. Kimbrell seconded the motion, with unanimous approval.

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There being no further business, a motion was made and seconded, with unanimous approval, that the meeting be adjourned.

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Kenneth Shuman, Chairman

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Gregory W. Kelly, Secretary