

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
MAY 29, 2013 - 5:30 P.M.
RESCHEDULED FROM MAY 27, 2013
(DUE TO MEMORIAL DAY HOLIDAY)

The regular meeting of the Abingdon Planning Commission was held Wednesday, May 29, 2013 at 5:30 P.M. (rescheduled from Monday, May 27, 2013). The meeting was held in the Municipal Building, downstairs meeting room.

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

ROLL CALL

Members Present: Mr. Matthew 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. Gregory W 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 (Absent)
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer
Mr. C. L. McGlothlin, Code Enforcement Officer (Absent)
Mr. John Holbrook, Officer, Abingdon Police Department (Absent)
Ms. Rebecca Moody, Environmental Planner and
Sustainability Coordinator

Visitors: Mr. J. D. Morefield

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(2) Approval of Minutes: Regular Meeting, March 25, 2013

Mr. Shuman made a motion to approve the minutes for the regular meeting, March 25, 2013, as presented. Mr. Austin seconded the motion.

VOTE:

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

The motion passed.

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- (3) Consideration of Final Plat For Proposed Subdivision - Proposed subdivision of property consisting of 6.07± acres owned by Kings Mountain Properties, LLC, (formerly Kealey Johnson Wholesale)), **located adjacent to the north side of Empire Drive, proposed to be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. Tax Map No. 106 (7) 1A.**

Mr. Bundy stated that due to a conflict of interest in this matter, as he is representing the client, he will be unable to vote in this matter.

Mr. Bundy explained that a preliminary plat for the referenced property was presented to the Planning Commission during the regular meeting of December 17, 2012.

The property to be subdivided is owned by Kings Mountain Properties, LLC, formerly owned by Kealey Johnson Wholesale. The proposed subdivision contains 6.07± acres and is currently zoned Office and Institutional District (OI). The property is located adjacent to the north side of Empire Drive and will be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. The Virginia Department of Transportation maintains the right-of-way of Empire Drive, with residential areas existing to the north and west, and farmland bordering the property to the east. The proposed subdivision includes extending the existing entrance off Empire Drive into a private road to serve all six (6) lots. Public sewer and water are available to the existing lot and will be extended to each individual lot. The proposed use, according to the final plat, is yet to be determined.

Mr. Smith, explained that per the Town's Subdivision Ordinance, Addendum C, this proposed subdivision is defined as "Regular" where some improvements and/or construction plans are required or may be required. Both, preliminary and final plats are required and are processed separately. As previously explained by Mr. Bundy, the preliminary plat was presented to the Planning Commission for review on December 17, 2012.

According to the Town's Subdivision Ordinance, the Subdivider is required to install and construct, at his cost, all improvements required by Article VI of the Subdivision Ordinance, which includes new streets, portions of existing streets, any easement, extension of drainage, sewer or water system, or right-of-way connecting two (2) public streets and shall be responsible for bringing roadway frontage up to standard for initial acceptance by the Department of Public Works.

To comply with the requirements of the Subdivision Ordinance, the pavement would have to be widened, curb, gutter, and sidewalk constructed according to the Town's standard; however, Empire Drive is a county roadway managed by the Virginia Department of Transportation. The Virginia Department of Transportation has confirmed that it will support the Town's requirement for road frontage improvements of sidewalk and curb and gutter as long as it meets the Virginia Department of Transportation standards.

The developer requested a variance to construct road widening and sidewalks, per letter from Mr. Matthew Bundy to Mr. Jim Smith, dated December 14, 2012

Pertaining to Private Streets, the proposed subdivision includes a private access street within the subdivision.

Sec. 5.18 (Private streets and reserve strips) of the Town's Subdivision Ordinance reads, *"Unless otherwise provided herein or in the town zoning ordinance, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street constructed to the standards of this code and accepted and maintained by the Town of Abingdon. There shall be no reserve strips controlling access to streets."*

The Subdivider requested a variance that will allow the platting, installation, and maintenance of a private street within the subdivision, per letter from Mr. Matthew Bundy to Mr. Jim Smith, dated December 14, 2012.

The requested variances include some improvements as required in Article VI and Se. 5.18 (Private streets and reserve strips) of the Subdivision Ordinance.

Under the 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 requirements.

Per the approved minutes of the December 17, 2012 regular meeting of the Planning Commission, “After discussion Mr. Kimbrell made a motion to approve the proposed subdivision with variances requested; single private access roads and with no improvements to Empire Drive because that would have to meet the requirements of the Virginia Department of Transportation. Mr. Howard seconded the motion.”

An additional exception request, per letter from Mr. Matthew Bundy to Mr. Jim Smith, dated May 16, 2013, the Subdivider requested that the final plat be reviewed by the Planning Commission and Town Council conditionally, with the final plat being held until the final engineering design of roads and sewer are provided.

The Subdivider also requested a private access road with a single entrance to Empire Drive be approved for the subdivision. On December 17, 2012, the Planning Commission made a motion to approve the proposed subdivision with single private access roads and with no improvements to Empire Drive. Generally, the Director of Public Works, as well as the Virginia Department of Transportation supports a single entrance to the proposed subdivision.

The Virginia Department of Transportation requested that the plat show the cross parcel access with a note added to indicate no additional entrances to be permitted on Empire Drive to serve the development, and also requested a signature block on the plat. These have been added to the plat.

The Virginia Department of Transportation expressed concerns that each individual lot will be responsible for their own storm water management and asked that the Town ensure this compliance before the Town issues a permit for development on each lot. Also, the department would like to verify the land use for each lot before the development is permitted; by doing so will ensure that the traffic numbers submitted for the commercial entrance permit remain within the limits.

A Land Use Permit will be required before any modifications can be made to the existing entrance. Permits are typically valid for six (6) months.

The Virginia Department of Transportation Access Management Regulations are as follows:

Article VIII, Sec. 8.3 (9) of the Ordinance requires private restrictive covenants be shown on the plat or in a separate instrument.

Article VIII, Sec. 8.3 (13) of the Ordinance requires the following plans and information shall be submitted with or prior to, the submittal of the final plat:

- Drainage plans
- Soil erosion and sediment control plans
- Street plans including cross sections and profiles, and other necessary data, as described in
- Article IX, Improvement Plans
- Natural gas, water supply and sewage disposal plans including drainage courses, existing sewers, water and gas mains and culverts and other underground structures, shown pipe sizes, invert elevations and grades

Sec. 4.3.” Said plat shall be accompanied by a fee which may be established by the town council from time to time.”

At this time, none of the above have been submitted. As previously noted, the Subdivider has requested the final plat be held until the final engineering design of roads and the sewer are provided. Also, per Mr. Bundy’s letter dated May 16, 2013, some of the above will be provided.

Also, per Mr. Bundy’s letter dated May 16, 2013, *“The plans have been reviewed by VDOT and their approval of the entrance has been forwarded to you directly...”* At this time the approved plans have not been received by the Town Engineer.

Mr. Smith explained that should the Planning Commission and Town Council choose to approve the requested variances and to conditionally approve the plat i.e. “the final plat being held until the final engineering design of roads and sewer are provided”, he would make the following recommendation:

A waiver to construct pavement widening, sidewalk, curb and gutter on Empire Drive and that every subdivided property be served from a private street with only one single entrance to Empire Drive and no additional entrances will be permitted on Empire Drive to serve development and the final plat be approved pending receipt of:

- 1) Virginia Department of Transportation’s written approval of the entrance
- 2) Private restrictive covenants
- 3) Fees
- 4) Bonds
- 5) Easements
- 6) All applicable improvement plans required by the Subdivision Ordinance as approved by the Town Engineer

After discussion Mr. Kimbrell made a motion to approve the final plat for the proposed subdivision with variances requested, subject to receipt of all pertinent requirements by the Town Engineer, as stated above.

Mr. Shuman seconded the motion

VOTE:

Mr. Kimbrell	Aye
Mr. Shuman	Aye
Mr. Howard	Aye
Mr. Austin	Aye
Mr. Bundy	Abstained

The motion passed.

(4) Comprehensive Plan Review – Environment and Quality of Life

The Comprehensive Plan Review included discussion and recommendations with action strategies (2017) for the “Environment and Quality of Life”. The recommendations discussed include -

1. Economic, Social and Environmental Value of Trees:
 - Revise the Zoning Ordinance to include an updated list of preferred tree species for landscaping development projects. *This needs to be incorporated into the Zoning Ordinance.*
 - *Maintain tree canopy goals that include standards for preservation and planting of native trees based on zoning district and density.*
2. Influence of Streams and Floodplains on Environmental Quality:
 - Protect Town creeks to enhance their scenic quality and protect water quality through conservation overlay and other appropriate tools.
 - Protect and stabilize creek banks by controlling storm water flow and preventing discharge through vegetative buffers, bioengineering, and other related methods.
 - Continue to oversee storm water system maintenance in clearing, cleaning, and maintaining the pipes and channels that make up the storm water drainage system. Also frequent street sweeping to minimize debris and pollutants that ends up in creeks and streams. The Town also installed and encourages others to utilize measures that help improve water quality, including rain garden, permeable pavers, and sediment trapping features as warranted.
3. Preservation *and Stewardship* of Soils:
 - Conservation of soil through continuing erosion prevention in requiring a plan that meets state standards.
 - Develop construction standards/regulation, in earth moving, to allow for the review and inspection by Town authorities.

- 4. Ecology and Wildlife:
 - Promote public education as a tool to raise awareness and protect significant wildlife species and sensitive habitats. Consider such things as a walking tour (*as developed and implemented at the Muster Grounds*), web site information, citizens’ or students’ environmental academy, and partnering with other local and state agencies on specific enhancement projects.
- 5. *Sustainable Efforts*:
 - Promote programs that raise awareness through efforts of the Sustain Abingdon Committee and related community partners to improve local environmental efforts in the areas of air, water, and land use through education, incentives, transit, and other related policies.
 - Make efforts to reduce the Town carbon footprint.
 - Encourage Town residents and businesses to perform building audits to lessen carbon footprint through the Town’s example of the same.
 - Consider use of clean burning fuels to enhance air quality. Move Town fleet in the direction of sustainable fuels.
 - Generate a greater percentage of power from sustainable sources such as wind, solar, geothermal, and natural gas.
 - Continue to offer and improve the Town’s recycling program.
 - Create policies that encourage reduce, reuse, and recycle initiatives.
- 6. Special Action Projects: Environment
 - *Urban Tree Canopy information to be provided by Town Arborist*

(5) Discussion and Public Forum Proposed - Town of Abingdon Downtown Revitalization

Mr. Jackson stated that the Town had been notified by Ms. Denise Ambrose, Virginia Department of Housing and Community Development (VA DHCD) that a \$20,000 Planning Grant for a feasibility study has been awarded to the Town for use toward the Town of Abingdon Downtown Revitalization’

He also explained the requirements for the 2013 Mixed-Use/Infill Development Feasibility Planning Grant. In addition to the completion of a management team meeting, public meetings and drafting of a Request for Proposal for professional services, East Tennessee State University Applied Social Research Lab in Johnson City, Tennessee, has been contracted to perform the data analysis for the demand surveys. All pertinent information will be submitted for review by the Virginia Department of Housing and Community Development.

There being no further business, Mr. Kimbrell made a motion that the meeting be adjourned. The motion was seconded by Mr. Shuman, with unanimous approval. The meeting was adjourned.

Matthew T. Bundy, Vice-Chairman

Gregory W. Kelly, Secretary