

VOTE:

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

The motion passed.

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(3) PUBLIC HEARING

REQUEST FOR SPECIAL USE - Senior Services Center, Inc. (Abingdon Senior Center) dba Virginia Ballroom, application for Special Use Permit pursuant to Article 6, Sections 6-2-2 and 6-2-3, Special Uses, of the Zoning Ordinance, in the R-3 Residential District, of the Town of Abingdon, to operate party houses and clubs. Tax Map No. 5 (6) 1.

The Chairman of the Planning Commission declared the public hearing open and invited comments from persons in the audience wishing to speak.

Ms. Deveena Sextion, Executive Director, Abingdon Senior Center & Virginia Ballroom, explained that this application is a request to modify the existing Special Use Permit, granted December 8, 2008, which authorizes the Abingdon Senior Center to operate as a ballroom, a club, and a party house. More specifically, this application respectfully requests that restrictions related to the sale of alcohol be rescinded. One stipulation prohibits the Center from obtaining a license to serve alcoholic beverages; a second precludes the serving of alcoholic beverages by Center employees. Removal of these restrictions would enable the Center to increase earned income from facility rentals and events and provide a higher level of service to rental customers (who must now purchase their own banquet license and provide their own serving staff). There would be no material change in whether alcohol is or is not available at events as a result of this action.

Mr. Jackson explained that December 8, 2008 there was a joint public hearing of the Planning Commission and the Town Council at which time consideration of a Special Use Permit for the Senior Services Center, Inc. was held. A number of people spoke at that public hearing, with the following motion being made:

“On motion of Mrs. Lowe, seconded by Mr. Morgan, the Council agreed with the recommendation of the Planning Commission to grant the special use permit for the Senior Center’s application for designation as a ballroom, a club, and a party house, and further request that you take the following actions:

- **That the Center provide adequate access for emergency vehicles at all times**
- **That the Center refrain from obtaining a license to serve alcoholic beverages**
- **That the Center refrain from allowing employees of the Center to serve alcoholic beverages**
- **That the Center obey the noise ordinance at all times**
- **That the Center refrains from advertising the Café as a public restaurant.**

At that time, Mr. Morgan commented that the Center was thriving and appeared to be well managed.

Mr. Berry made one further comment, followed by the roll call vote as follows:

- Mr. Berry Aye
- Mrs. Lowe Aye
- Dr. Moore Aye
- Mr. Morgan Aye
- Mayor Humphreys Aye

The motion carried.”

At this time, Dr. White invited other comments from the audience.

- Roseanna C. Eller who lives in Abingdon Green Apartments indicated that she was opposed to the modification of the current special use permit because of limited parking availability and the safety of the residents of the Abingdon Green Apartments. She described several events having occurred in the past which either presented or could have presented hazardous conditions to the residents of this complex. She is concerned that the sale of alcohol will increase these conditions.
- Cathy Lowe, Council Member appointed to the Senior Center Board, stated that she was aware of the parking issues and noise complaints, however her concerns was the “control” of these issues. She stated that if the request to serve alcohol was granted, the Senior Center will be required to abide by the rules of the Alcoholic Beverage Control (ABC) and the rules of the Town of Abingdon’s Special Use Permit. She suggested that if the Senior Center would have someone outside to control the parking, someone to check identifications, those serving and controlled the amount of alcohol served, they (Senior Center) would have “control”, which would be beneficial to the Senior Center and would eliminate some of the problems that the neighborhood has been having. Ms. Lowe further stated that she realizes the Senior Center needs to make more money, due to the lost of \$40,000 in United Way funding.
- Ashby Dickerson, not a member but as a volunteer at the Senior Center, explained that he had been in attendance, at the Senior Center, for a number of functions where alcohol was served but he had never observed any of the problems mentioned. He stated that his understanding is that the concern of some of the neighbors and other citizens is the fear of having a situation with a bar where alcohol would be served on a regular basis. He stressed that no one at the Senior Center is interested in making it an alcoholic bar. He further commented that he felt that having controlled parking might be a good suggestion, especially for large parties.
- Polly Wirt, 207 Mountain View Drive, Abingdon, VA, stated that she is not a member of the Center but has spoken before this group on several occasions; 1988 when the subdivision plat was completed, sidewalks and guttering work completed; 1999 when building permits were issued and at that time was quizzed very much regarding the possibilities of seeking alcohol permits in the future. She stressed that this Center was supposed to be strictly a service organization, strictly for seniors and never to be open for the public. The vision of the Center was never intended to be a restaurant or to serve alcohol, but simply to be used for respite care, a sanctuary, a place of learning, a helping place, for socialization and for seniors working on projects they had selected to carry out. She further stated that in the fall 2007 the Membership Council was disbanded and later when the Grand Room was finished, chandeliers replaced ceiling fans which were suppose to help with the solar aspect of the operation. Ms. Wirt also referenced several other programs having been abandoned. She stated that the culture of self imposed ignorance is evident and as of July 20, 2012 there is a \$175,000 debt with not a single pledge to cover that debt. She further stated the new Executive Director hasn’t read any past minutes, doesn’t want to know any of the problems and she is in no position to speak as to the vision of this property. Ms. Wirt continued to refer to numerous occasions, not being related to the Special Use Permit. She stated that she was requesting that the Special Use Permit for “party house” be entirely withdrawn and vacated, and that the Senior Center go back to being a group and organization that is truly a service to the seniors. Due to the current status of the Center, it is only enabling the public, not taking care of their responsibilities and seeing no liabilities to the Senior Center.
- Gay Leonard, President of Abingdon Senior Services, Inc., Chairman, Board of the Directors, is a citizen, a senior citizen, a member and board member of this organization in fairly long standing. Ms. Leonard stated that she didn’t want to belabor any points made, she heard some things that were relevant and pertinent, and some things have nothing to do with the situation. The vision of service to the senior community has not been abandoned but making the biggest efforts ever made to serve that purpose. The building and ballroom are assets to the Senior Center and for 40 years Abingdon Senior Center has been with its hand out to the Washington County Board of Supervisors, Abingdon Town Council, or to whomever that would give the Senior Center a grant or opportunity. Ms. Leonard stated that the ballroom now accommodates family reunions, school class reunions, bridal shower events, dinners, breakfasts,

nutrient groups, Renaissance Fair, St. Patrick Day events, dinners and breakfasts and the persons being served at these functions are seniors. There was a reception for the Mayor of Abingdon England and the Rotary Club of Washington County had a wine tasting event. Ms. Leonard explained that the Senior Center has to be able to survive financially in order to continue service to the public who are not only the seniors of the Town but the entire region. Ms. Leonard stated that a Special Use Permit will give the Senior Center a greater control of the facilities and guests. She further stated that there isn't a problem with parking, a totally separate issue. The times there have been problems with parking have not been times when alcohol was being served. There was once a 400+ Cattlemen Association group which parked large trucks everywhere; a lot of the people attending this event were senior citizens. Ms. Sexton, as well as Ms. Leonard invited the people to meet with the executive committee. This is all about being able to control and police persons attending events; the Senior Center wants to be able to do it, are willing to accept the responsibility and the liability with it. It is the Senior Center's desire to not want to have hands out forever, it just wants to have enough money to do other things for seniors and Ms. Leonard stress that none of the other events interfere with those plans. She stated that the Senior Center wants to be a good neighbor...and is a good neighbor!

- James Counts, 415 Summers Street, lives directly across from the Senior Center, explained that some things that have been mentioned have been said weren't relevant, what he is going to say is relevant. Mr. Counts stated that on Friday, Ms. Sexton called a meeting for the area residents to the Senior Center's request and to hear the concerns of the residents. This was a good faith action on her part and as she has stated, the Senior Center wants to be a good neighbor. Mr. Counts, after having spoken with area neighbors and speaking on their behalf wants to be a good neighbor too. In that meeting a lot of good things came out of it. On the following Tuesday, another meeting was held with three members of the executive committee but as a result, feelings were not as positive about the situation. Mr. Counts stated that some of the concerns were might light of and there was more of a dismissive approach. He further stated that no one can blame Ms. Sexton for the past mismanagement...it was floundering. The past Administrator dug it into a hole but now is the time the mend some of these errors because a lot of damage has been done over the years. Mr. Counts referred to the earlier comments by Mr. Jackson referencing the 2008 meeting as follows:

1. Senior Center was to provide access for emergency vehicles at all times...this did not happen at all times.

2. Senior Center was to obey the noise ordinance at all times...this did not happen at all times.

Mr. Counts referred back to the same meeting in 2008, stating that Mr. Berry also had concerns regarding the monitoring of the facility and that did not happen. There was also to be decisions regarding parking, with no parking to be allowed in the Abingdon Green Apartment area and parking in that area has happened. Mr. Counts stated that noise has been a factor and has increased significantly since alcohol was introduced in 2008. He stated that the greater issue, more important than alcohol and noise; he is not speaking about current administrator, but there has been total disrespect, disdain and contempt for former volunteers and area residents. He explained that anyone who objected to things that happened was looked at as someone in left field, who did not have a clue as to what was going on. Mr. Counts stated that he realizes this request is for money; he does not feel that allowing the Special Use Permit will correct the \$175,000 problem. It is his belief that if the requested Special Use Permit is denied and the previous one rescinded, there would be a return of past volunteers, people who were offended and driven away. If the Senior Center is returned to an alcohol free facility, there would be more people inclined to pay rent for the use of the facility. Alcohol doesn't make problems go away; it just makes them more so. He stated that the ballroom and the facility aren't the biggest assets to the community; the people are the greatest asset to the community.

Dr. White asked if there was anyone else wishing to speak on this public hearing, further explaining that the only two issues before the Planning Commission in this request are as follows:

1. **that the Senior Center be allowed to obtain a license to serve alcoholic beverage**
2. **that the employees of the Senior Center be allowed to serve alcoholic beverages**

both which were made a part of the Special Use Permit in 2008 and now being requested to be removed.

At that time he asked if any member of the Commission or anyone else had questions regarding this request.

Mr. Jackson stated he wanted to clarify that the other three restrictions...

1. **that the Center provide adequate access for emergency vehicles at all times**
2. **that the Center obey the noise ordinance at all times**
3. **that the Center refrains from advertising the Café as a public restaurant**

which were made a part of the Special Use Permit in 2008 remain as previously stated. These are still concerns of the Planning Commission, however they were not asked to be removed from the Special Use Permit.

Mr. Austin asked Ms. Sexton if this modification is not recommended by the Planning Commission to the Town Council for approval, what impacts she foresees or would be expected regarding additional events, number and size of events since the original Special Use Permit in 2008 would still be in effect. Ms. Sexton replied that a review of recent events revealed very few of the rentals used alcohol and it is her belief that would continue; a number of the events held including receptions, weddings and class reunions have indicated that it would be easier for the renter and would be a more financial benefit to the Senior Center as well.

Mr. Austin asked if the Special Use Permit request is granted, how many more events per year, maybe 15 or 20, could be expected. Ms. Sexton replied that she did not know but she thought it would be a positive impact, not an adverse impact; regardless, the Senior Center wants to continue to be a good neighbor.

Mr. Austin asked "Have you ever had anyone come and ask to rent the facility that said I'm not going to rent it but I would rent it if you sold the alcohol vs. the organization having the alcohol license and doing it themselves?" Ms. Sexton replied "That personally has not been said to me."

Ms. Marilyn Dene explained that two years ago when she was Assistant Director of the Senior Center she conducted most of the banquets; of approximately 82 events held at the Senior Center and she recalls only one non-alcohol event that could not be controlled and that being a problem when guests were going outside to their vehicles consuming alcohol. If the Senior Center had held an Alcoholic Beverage License at that time, the Center could have had control by telling those persons that they could not be doing this, however, with no permit there was be no control of the situation; the safety could have been so much better.

Mr. Shuman asked, "Assuming that any given event where alcohol is served what would be the economic impact to the Senior Center for them serving the alcohol vs. being served by someone else? Ms. Sexton replied that there isn't much money made on food which is the only service they are currently able to provide to the rentals but there is a larger markup with alcohol. Mr. Shuman replied by saying, "So you would have an increased amount coming into your budget even without more events, if you served alcohol at the events that were scheduled at this moment." Ms. Sexton replied, "We believe that is correct, yes."

Mr. Kimbrell asked if there were plans to serve alcohol only at planned events or on all occasions, including Virginia Ballroom events. Ms. Sexton stated there it will not just be facility rentals but there will be some select programming of the Virginia Ballroom events such as the St. Patrick's Day event or other events that are fitting.. Dr. White asked who would make that decision and Ms. Sexton stated that she and the Planning Commission would make that decision.

Mr. Howard asked what percentage of time is the Virginia Ballroom is being used at nights; Ms. Sexton stated that the room was currently used three nights per week. Mr. Howard further asked if extra help would be hired or would the current staff be sufficient; Ms. Sexton stated that extra help would probably be needed but any extra help would be trained.

Mr. Jackson stated that as Zoning and Planning Director, he wanted the audience to know he has no vote on this, he just wanted to ask if the Planning Commission would consider working with Abingdon Green Apartments in regards to signage that prohibits parking in that area and the Planning Commission was in agreement.

There being no further discussion, Dr. White closed the public hearing by reminding everyone that this request is to amend the December 2008 Special Use Permit as a "party house" in order to allow the Abingdon Senior Center, Inc. to obtain a license to serve alcoholic beverages; a second which precludes the serving of alcoholic

beverages by Senior Center employees and asked if there was a motion from the Planning Commission. Mr. Shuman made a motion to accept the amendment as requested, and recommend it to Town Council for approval because it is his personal belief that the issue “control” is very important and that by allowing it would be best for the Senior Center and its patrons. Mr. Kimbrell seconded the motion.

VOTE:

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

The motion passed.

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(4) VARIANCE REQUEST CONCERNING REQUIREMENT OF CURRENT VIRGINIA EROSION SEDIMENT CONTROL LAW/REGULATIONS - Shady Grove Church

Mr. Clissco, representative, explained that this is a variance request regarding Minimum Standard (MS) #6 and MS #19 pertaining to the Shady Grove Church located near the intersection of Shady Street and Arnold Street. The project consists of constructing a new building with approximately 3,750 square feet of floor space and some additional gravel parking. He further explained the plans proposed for this construction and the reasoning for the requested variance.

Mr. Smith stated that the calculations provided by the Design Engineer, the post construction peak rate of runoff would be increased very slightly by 0.02 cubic feet per second. The Design Engineer has proposed the construction of two level spreaders to keep flow in a sheet flow condition.

He further explained Minimum Standards of the Virginia Erosion Sediment Control Regulations as follows:

(MS) #6

MS 6 of the (VESCR) Section 4VAC50-30-40.6 provides for the protection of downstream properties by the use of sediment traps or sediment basins.

“Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.

- a. The minimum storage capacity of a sediment trap shall be 134 cubic yards per acre of drainage area and the trap shall only control drainage areas less than three acres.
- b. Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin...”

The request regarding MS #6 is based on:

- 1. The area to be disturbed is a very small area
- 2. There is no outlet channel in the area; therefore concentrating the flow can cause erosion
- 3. Sediment fence and check dams can filter the sediment while preventing erosion.

MS #19

MS 19 of the (VESCR), Section 4VAC50-30-40.19 provides criteria for the protection of properties and waterways downstream from development sites. *“Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion, and damage due to increase in volume, velocity, and peak rate of stormwater runoff...”*

- Part (a) of MS 19 states that, “Concentrated stormwater runoff leaving a development site shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system...”
- Part (b) provides the criteria for determining the adequacy of all channels and
- Part (c) provides generic solutions to improvement of inadequate channels.

The request regarding MS 19 is based on:

1. The post construction flow will only increase 0.02 cubic feet per second, which is very minor
2. There are no channels in the area in which to discharge and
3. Level spreaders on site will be utilized to return the water flow to sheet flow.

According to **4VAC50-30-50, Variances**, of the Erosion and Sediment Control Regulations, “the plan-approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
3. The plan-approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.”

After discussion, Mr. Bundy made a motion that we grant the request for a variance regarding Minimum Standard #6 and Minimum Standard #19 as presented. Mr. Howard seconded the motion.

VOTE:

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

The motion passed.

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(5) INTRODUCTION - C. J. McGlothlin, Code Compliance Officer

Mr. Jackson introduced C. J. McGlothlin, who was recently appointed as Code Compliance Officer for the Town. He explained that Mr. McGlothlin is a member of the Abingdon Police Department and will be working directly with the Town Attorney, Director of Planning and Assistant Director of Planning, for better enforcement of all Town Codes.

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(6) Review of Comprehensive Plan

The Planning Commission discussed Transportation Improvements and how proposed improvements would be beneficial. Mr. Dew discussed some of the issues he described as priorities regarding the Transportation Improvements. These issues are as follows:

1. Connection from US 140 (Jonesboro Road), to US 19 (Porterfield Highway)
 - a. Becomes more difficult with time if properties fragment/subdivide
 - b. Bridge over railroad required
 - c. Negative impact on businesses on West Main Street with bypass?
 - d. Mentions improvement of congestion – is this really a problem?
 - e. Alternative to modify West Main Street/Jonesboro Road and West Main Street/Route 19 to make through traffic the major movement (and include drainage improvements as well?)
2. Cook Street/Lowry Drive/French Moore Boulevard Extension
 - a. In the current Town of Abingdon Capital Improvements Plan
 - b. Kimley-Horn study recommends alternate alignment, behind former Dominion Truss building
 - i. Recommended roundabouts, bike lanes, sidewalks
 - ii. If chosen, alternate alignment allows changes to Lowry Drive to reduce pavement
3. Intersection Improvements – various
 - a. West Main Street/Cummings Street – turn lane improvements, add 2nd left-turn westbound
 - b. Main Street/Porterfield (Route 19) – add left-turn lane eastbound (DONE)
 - c. Porterfield Highway (Route 19)/Russell Road (DONE)
 - d. Main Street/Jonesboro Road – convert right-turn to dual rights – new recommendation in Kimley-Horn Study uses access management, striping, signal coordination with Virginia Highlands Community College Drive
 - e. Valley Street/Court Street – Eastbound Valley Street add exclusive left-turn lane (DONE)
 - f. Main Street/Wyndale Road – restrict left-turn from Wyndale (DONE)
 - g. Jonesboro Road/Virginia Highlands Community College Drive – add signal and left-turn lanes northbound and southbound (DONE)
 - h. NEW – East Main Street/Empire Drive –re-route Empire Drive and intersection further from Exit 19
 - i. NEW – Cummings Street/Commerce Street and Cummings Street/Country Club Drive – re-route further from Exit 17
 - j. NEW – Cummings Street/Green Spring Road – re-route Green Spring Road to connect with Cummings Street at Cook Street intersection
 - k. NEW – Valley Street/Whites Mill Road – signalize?
 - l. Light at Main Street/Tanner Street
 - m. One-way
 - n. Plumb Alley issues
4. Urban Trails/Pathways
 - a. Funding received from Virginia Department of Transportation, Anderson & Associates, Inc. to provide design services
 - b. Sidewalk project to bid (tomorrow) – Whites Mill Road, Court Street, Oak Hill Street
5. 6-Year Transportation Plan
 - a. Exit 17 Interchange Modifications – Not expected anytime in the foreseeable future
 - b. Exit 14 Ramp Modifications – Current Estimate \$31,000,000. Right-of-Way Fiscal Year 2013, Construction Fiscal Year 2015
 - c. Exit 19 interchange Modifications?? Hopeful after completion of current Kimley-Horn study of Exit 19-22 Corridor Study
6. Long-range Transportation Improvements
 - a. Widening recommended for Cummings Street south of I-81, Virginia Highlands Community College Drive, Wyndale Road, Hillman Highway – what is the goal, widen for more lanes/capacity? Widen for bike lanes? Sidewalks? Recommend widening at and approaching intersections for proper turn lanes, and bike lanes Hillman Highway/Tunnel Section
 - b. French Moore Boulevard Extension on the Capital Improvements Plan

- c. Improve intersections West Main Street/Old Reedy Creek Road, West Main Street/Colonial Road, Cummings Street/Main Street, Cummings Street/Fairway Drive – my recommendation is turn lanes yes, additional signals? Not necessarily.

7. Other considerations

- a. Access Management changes – new and existing development.
 - i. Definitely traffic efficiency incentives
 - ii. Hard sell to businesses to limit access
 - iii. Limited right-of-way widths for proper U-turns
- b. Corridors and Gateways
 - i. In addition to those mentions, EXIT RAMPS!!!
 - ii. Include bike lanes where possible
- c. Traffic Calming – IMO, if can be implemented with other changes, improvements
- d. Limit access to sites (Shoney’s)

Discussion of Transportation Improvements will be continued at a later date as proposed changes are introduced by the staff.

Mr. Jackson asked Mr. Smith if he would prepare and present an update on Public Facilities, Wastewater Treatment and Sewer related issues for the next scheduled meeting.

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(7) Discussion - Capital Improvements Plan

Mr. Jackson explained that the Town Council asked that the Capital Improvements Plan be brought before the Planning Commission and the Board of Architectural Review for their input.

Mr. Shuman had previously mentioned to Mr. Jackson that the library wasn’t included in the Capital Improvements Plan and Mr. Jackson explained that the Capital Improvements Plan includes only for Town owned facilities and structures. Mr. Shuman stated that the Town has the opportunity to determine a site as well as being a contributor to that extent. Mr. Jackson stated this matter would be appropriate to be included in the revised Comprehensive Plan.

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There being no further business, Mr. Kimbrell made a motion that the meeting be adjourned. Mr. Shuman seconded the motion with unanimous approval. The meeting was adjourned at 7:37 P.M.

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary