

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 24, 2009 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, August 24, 2009, at 5:30 P.M. 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. Matthew T. Bundy, Chairman  
Dr. H. Ramsey White, Jr., Vice-Chairman  
Mr. Gregory W. Kelly  
Mrs. Cathy Lowe  
Mr. Kenneth Shuman  
Mr. Gary Kimbrell  
Dr. Todd Pillion (Resigned)

Comprising a quorum of the Commission

Members Absent: None

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning  
Mr. Sean Taylor, Assistant Director of Planning/Zoning (Absent)  
Mrs. Deborah Icenhour, Town Attorney  
Mr. John Dew, Director of Public Services/Construction  
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer

Visitors: Mr. David R. Wall

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

Mr. Shuman made a motion that the minutes of the regular meeting, July 27, 2009, be approved as submitted. Mr. Kimbrell seconded the motion.

VOTE:

Mr. Shuman Aye  
Mr. Kimbrell Aye  
Mr. Kelly Aye  
Dr. White Aye  
Mr. Bundy Aye  
Mrs. Lowe Abstained

The motion passed.

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(3) **PUBLIC HEARING**

Repeal, amend, and reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Chapter 66, Article II, and enacting Sections numbered 27 through 31 relating generally to the Old and Historic District, Tax Abatement Incentives

Mr. Bundy declared the Public Hearing as being open and asked if anyone present would like to address the Tax Abatement Incentives, as submitted.

Mr. Jackson explained that for the past year or so the Board of Architectural Review has reviewed different programs for tax abatement. The committee for this board has established a five (5) year tax abatement program, for properties located in the Old and Historic District, whereas if a property owner completes a rehabilitation project for his property, as much as twenty-five percent (25%) of total assessed value of property, the owner would be allowed tax abatement for a 5 (5) year period, if the improvements meet the program. It is considered a good way to encourage property owners to preserve the properties they own; also a good way to promote preservation.

There was a lengthy discussion regarding this matter among members of the Board with suggestions being made that might be considered for the future.

Mr. Bundy asked if there was anyone else to speak for or against the proposed Tax Abatement Incentive. There being no one else to speak, Mr. Bundy declared the Public Hearing closed and asked if there was a motion in terms of the proposed Tax Abatement Incentives.

Mr. Shuman made a motion that the Planning Commission recommend to the Town Council to repeal, amend, and reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Chapter 66, Article II, and enacting Sections numbered 27 through 31 relating generally to the Old and Historic District, Tax Abatement Incentives. Mr. Kelly seconded the motion, with unanimous approval. A copy of the proposed Code of Ordinance changes are made a part of these minutes.

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(4) **PUBLIC HEARNG**

Repeal, amend, and reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Appendix B, Article 84, Sections numbered 1 through 8 and relating generally to the creation of the downtown Abingdon Arts and Cultural District

Mr. Bundy declared the Public Hearing as being open and asked if anyone present would like to address the proposed creation of the downtown Abingdon Arts and Cultural District.

Mr. Jackson presented a map and explained the designated area for the creation of the proposed downtown Abingdon Arts and Cultural District. He stated that communities that have or are looking at adopting such districts usually set the boundaries within a limited area of their towns/cities, in order to act as a redevelopment opportunity. Having a larger area will actually allow even more opportunity for the arts and related uses to be diffused throughout town.

The following definitions, found within the proposed Arts & Cultural Overlay District Ordinance have been drafted and used by the Virginia Municipal League Legal Counsel, Mark Flynn and used by the Cities of Harrisonburg and Manassas:

- *Qualified arts business or organization:* The term shall mean a business or not-for-profit organization physically within the Town of Abingdon Arts and Cultural District which, by the termination of the Administrator, positively contributes to the spectrum of arts and cultural activities and venues available to the public. Examples may include, but are not limited to, theatres, art galleries, museums, music clubs, dance studios, etc.

- *Qualified cultural business or organization:* The term shall mean a business or not-for-profit organization physically located within the Town of Abingdon Arts and cultural District, which by the determination of the Administrator, positively provides goods or services or activity for visitors. Examples may include, but are not limited to hotels, restaurants, music clubs, retail and/or businesses that advance the Town’s strategic goals identified in the most recently adopted Town Comprehensive Plan.

A discussion of this matter continued where suggestions were offered by board members, of areas that needed to be included in the proposed designated area, not originally included, and recommended that the map be amended to include these suggested areas. Mr. Jackson was in agreement to the suggestions offered.

Mr. Bundy asked if there was anyone else to speak for or against the proposed creation of the downtown Abingdon Arts and Cultural District. There being no one else to speak, Mr. Bundy declared the Public Hearing closed and asked if there was a motion in terms of the proposed creation of the downtown Abingdon Arts and Cultural District.

Dr. White made a motion that the Planning Commission recommend to the Town Council to repeal, amend, and reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Appendix B, Article 84, Sections numbered 1 through 8 and relating generally to the creation of the downtown Abingdon Arts and Cultural District, with the presented amendments. Mr. Kimbrell seconded the motion, with unanimous approval. A copy of the proposed Code of Ordinance changes are made a part of these minutes.

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(5) **PUBLIC HEARING**

Proposed Rezoning - David R. Wall Development Corporation, 1175 Willow Run Drive, Abingdon, Virginia 24210; application to rezone property located between Stonybrook Drive and Willow Run Drive on the right side of such street and known as Lot No. 29 of the Stonybrook Development, consisting of 9.27 acres, from R-3 Residential District to PUD Planned Unit Development. **Tax Map No. 85 (14) 29.**

Mr. Bundy declared the Public Hearing as being open and asked if anyone present would like to address the proposed rezoning of the property located between Stonybrook Drive and Willow Run Drive, on the right side of such street, and known as Lot No.29 consisting of 9.27 acres, from R-3 Residential District to PUD Planned Unit Development.

Mr. Jackson explained that Lot 29 was created during the Phase III subdivision of the Stonybrook Development. The Public Works Department received development plans for Stonybrook Phase V (Lot 29) Stonybrook Condominiums, on December 29, 2006. The plans include 10 separate structures containing 44 condominiums. The current request to rezone the property from R-3 Residential District to PUD Planned Unit Development has not changed the physical layout of the proposed structures.

Mr. Wall explained that the original plan for this property was to construct a 44 unit development with, townhouse style, structures. The reason for this request is that constructing condominiums in a Planned Unit Development is more feasible due to financial reasons.

Mrs. Icenhour explained that restrictive covenant will apply to this type of development, with additional restrictions.

Mr. Jim Smith, Town Engineer, for the Public Works Department has submitted the following information:

- Sewer - plans were approved November 7, 2007
- Water - Water shall be supplied as approved by the Washington County Service Authority. A signature panel on the REPLAT OF LOT 28 AND 29 STONYBROOK PHASE 3 for the Phase V proposed condominiums indicated approval of the water system on January 14, 2008. A Water System Certificate has been included on the proposed boundary adjustment of Lots 15 and 16 Stonybrook Phase II and Lot 29 Stonybrook Phase III accompanying this request for rezoning.
- Electrical - American Electric Power Company has been contacted and a response is expected.
- Drainage - Approved June 11, 2007
- Erosion and Sediment Control Plan - Initial plan approved June 11, 2007
- Plat-Boundary Adjustment of Lots 15, 16 and 29 - A plat regarding the boundary adjustment of Lots 15, 16 and 29, which will increase the area of Lot 29, is being prepared.
- Traffic Impact - Appendix A, Article V, Division 2 provides requirements for a development with respect to Traffic Level of Service. The section is as follows:

**DIVISION 2. LEVEL OF SERVICE**

No development shall be approved if such development, at ultimate build out, will result in or increase traffic on the arterial or collector street to which it is connected, so the street does not function at an average daily traffic level of service C or better, or a peak traffic level D, as described in "A Policy on Geometric Design of Highways and Streets", latest edition, published by the American Association of State Highway and Transportation Officials. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development shall provide a traffic impact analysis which, at a minimum, includes the following information:

1. Peak hour trip ends generated by the development as described in "The Highway Capacity Manual", latest edition, published by the Institute of Transportation Engineers.
2. Information on the street in which the connection is being made: peak hour traffic along with its directional distribution, lane and shoulder widths, the type of terrain, and the percentage of trucks, buses, and RV's on the connection street. The development engineer shall use this information to conduct a traffic capacity analysis as described in "The Highway Capacity Manual", latest edition, published by the transportation research board. Additionally, the engineer shall determine if a left or right turn lane is necessary utilizing the "Minimum Standards of State Entrances" document, latest edition, published by the Virginia Department of Transportation. All or part of the traffic analysis may be waived by the Director of Public Works depending upon the type and size of development, the condition of the connection street, or an interpretation of the minimum information given above.

The developer, Wall Development, contracted with the Knoxville, Tennessee office of Wilbur Smith Associates to provide the traffic impact study for the Phase V PUD currently under review. Three copies of the study were submitted to the Town for review. The study predicted intersection Level of Service (LOS) for the years 2011, described as the completion year of the development, and 2017. An assumption of 2.5% growth rate was used to project existing traffic to 2011 and 2017. The Trip General Manual, published by the Institute of Transportation Engineers, was used to estimate traffic that will be generated by the 44 condominiums included in the Phase V PUD development. It should be noted that this phase is described as the final phase. The study indicates that current LOS for the Hillman/Stonybrook intersection is A for the AM peak, and B for the PM peak. The projected LOS for 2011 is B for both the AM and PM peak. The projected LOS for 2017 is also B for both the AM and PM peak. With those projections and the criteria in the Town ordinance, no improvements or mitigation are recommended by the consultant for the intersection.

Two elements of the study that could conceivably alter the accuracy of the future projections:

1. The existing traffic counts were conducted on June 23, 2009, a time when Emory and Henry College was in summer session. The existing apartment complex houses some Emory and Henry students that may not have been living there during the summer session. It would be difficult to accurately determine the effect, if any, on the traffic counts and the LOS projections.
2. Perhaps more importantly, the existing traffic counts and trip generation analysis done for the 44 condominiums do not appear to account for traffic that will be generated by the apartment units currently under construction, or currently unoccupied, in the other phases of the development. It is thought that this traffic could have a significant impact on the LOS projections. It can't be predicted whether it would change the projected LOS to below the criteria in the Town ordinance, but it would be advisable to ask the consultant to do trip generation projections for all units currently unoccupied or under construction and again project the future LOS.

Mr. Bundy asked if there was anyone else to speak for or against the proposed rezoning of the property located between Stonybrook Drive and Willow Run Drive. There being no one else to speak, Mr. Bundy declared the Public Hearing closed and asked if there was a motion in terms of the proposed rezoning.

Mrs. Lowe made a motion that the Planning Commission recommend to the Town Council, to approve this application, to rezone property located between Stonybrook Drive and Willow Run Drive on the right side of such street and known as Lot No. 29 of the Stonybrook Development, consisting of 9.27 acres, from R-3 Residential District to PUD Planned Unit Development, pending the requirements of the Planned Unit Development are met, including the restrictive covenants. Mr. Shuman seconded the motion.

VOTE:

Mrs. Lowe	Aye
Mr. Shuman	Aye
Mr. Kelly	Aye
Dr. White	Aye
Mr. Kimbrell	Aye
Mr. Bundy	Abstained

The motion passed.

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

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Matthew T. Bundy, Chairman

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Gregory W. Kelly, Secretary