

TOWN OF ABINGDON
 PLANNING COMMISSION
 SPECIAL MEETING
 SEPTEMBER 13, 2011 - 5:30 P.M.

A special meeting of the Abingdon Planning Commission was held Tuesday, September 13, 2011, at 5:30 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

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

ROLL CALL

Members Present: Mr. Gary Kimbrell, Chairman
 Mr. Kenneth Shuman, Vice-Chairman
 Mr. Robert M. Howard
 Mr. Mathew T. Bundy
 Ms. Francine Ivery
 Dr. H. Ramsey White

Comprising a quorum of the Commission

Members Absent: Mr. Gregory W. Kelly

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning
 Mrs. Deborah Icenhour, Town Attorney
 Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer

Visitors: Mr. Dylan Tarr, P.E., Gresham Smith and Partners

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- (2) **CERTIFICATE OF APPROPRIATENESS - Abingdon DVP V, LLC, dba Dollar General, Sam Sowell w/MJM Architects, Representative**, 105 Broadway, 4th Floor, Nashville, TN 37201; application for Certificate of Appropriateness for approval of proposed structure to be **located on East Main Street (no street number has been assigned). Tax Map No. 106 (1) 1F3 and 1F4.** *(Continued discussion from regular meeting, July 25, 2011).*

The purpose of this meeting was to explain the stormwater conveyance channel downstream for the proposed Dollar General Store to be located on East Main Street. This application was discussed and approved at the regular meeting, July 25, 2011 however, since that meeting the applicant has requested a variance for a 24-inch pipe crossing Hillman Highway, instead of the required 42-inch pipe.

Mr. Jim C. Smith, explained, in depth, that the current design for the proposed Dollar General Store provides underground detention that is designed to control the 2-year and 10-year peak flow from the related storm events. He explained that the following summary reflects the ultimate pre-developed and post-developed flow conditions for the site.

Peak Flow Summary

Inlet	Pre-developed Total (c.f.s.)	Post-developed (c.f.s.)
2-year	0.30	0.29
10-year	1.26	1.20
100-year	2.51	6.49

The proposed project is equipped with a water quality unit that is designed to treat the first half inch of runoff from all impervious surfaces. Runoff from the water quality unit is concentrated via a 12-inch diameter pipe that discharges runoff into the swale below the project. The Virginia Erosion and Sediment Control (ESC) Regulations require stormwater runoff to be discharged into an adequate channel.

Section 4VAC50-30-40.19.a of the Virginia ESC Regulations (MS-19) states: *“Concentrated stormwater runoff leaving a development side shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system...”*

An analysis of the downstream channel indicates that portions of the channel are inadequate, specifically: 1) an open channel on the St. John’s Lutheran Church property running between the East Main Street entrance to Hillman Highway roadside ditch (referred to as “Channel” in the variance request) and 2) a 24-inch reinforced concrete pipe crossing Hillman Highway (referred to as “Channel 6” in the variance request). All other channels analyzed were determined to be adequate.

Mr. Smith further explained that the applicant has proposed to upgrade Channel 4 to a 3-foot bottom, trapezoidal section that will make the channel adequate. The regulations require that *“the applicant shall provide evidence of permission to make the improvements.”* (**4VAC50-30-40.19.d**) this includes any necessary permits as well as permission to access private property. The Public Works Department will require a written copy of the document (i.e. a temporary construction easement).

The 24-inch concrete pipe crossing Hillman Highway is undersized and will need to be upsized to a 42-inch pipe or alternative design to make it adequate. The applicant has requested a variance to the upsizing of the pipe based on a “lot of work” and because flooding has not been observed under current conditions.

According to **4VAC50-30-50, Variances**, of the ESC 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 a lengthy discussion, Mr. Smith stated the Public Works Department was recommending that the variance request on upsizing “Channel 6” (the 24-inch RCP crossing Hillman Highway) be granted contingent upon the Engineering Department’s approval of the improvement plans and receiving written documentation of permission to perform the improvements on downstream private property. The recommendation is based on the following:

1. Upsizing or improving the drainage structure would not significantly protect the remaining downstream properties from erosion and damage due to increases in volume, velocity, and peak flow rate of stormwater runoff
2. Flooding of Hillman Highway is rare and if it was to occur, the flooding would not last for a significant period of time due to the time of concentration of the small watershed area

- 3. Crossing the flooded highway is not necessary because access along Hillman Highway can be obtained from other directions.

After listening to the detailed explanation by Mr. Smith, with further discussion among the Planning Commission, Dr. White made a motion to approve the variance request, based on the recommendation by the Public Works Department. Mr. Howard seconded the motion.

VOTE:

Dr. White	Aye		
Mr. Howard	Aye		
Dr. White	Aye	Mr. Shuman	Aye
Ms. Ivery	Aye		
Mr. Bundy	Abstained		
Mr. Kimbrell	Aye		

The motion passed.

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

Gary Kimbrell, Chairman

Gregory W. Kelly, Secretary