

TOWN OF ABINGDON
 PLANNING COMMISSION
 REGULAR MEETING
 SEPTEMBER 24, 2012 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, September 24, 2012 at 5:30 P.M. The meeting was held in the Municipal Building, Council Chambers.

Dr. H. Ramsey White, Chairman, called the meeting to order. Mr. Sean Taylor called the roll.

ROLL CALL

Members Present: Dr. H. Ramsey White, Chairman
 Mr. Mathew T. Bundy, Vice-Chairman
 Mr. Kenneth Shuman
 Mr. Gary Kimbrell
 Mr. Wayne Austin

Comprising a quorum of the Commission

Members Absent: Mr. Gregory W. Kelly
 Mr. Robert M. Howard

Administrative Staff: Mr. W. Garrett Jackson, Assistant Town Manager
 Director of Planning/Zoning (Absent)
 Mr. Sean Taylor, Assistant Director of Planning/Zoning
 Mrs. Deborah Icenhour, Town Attorney (Absent)
 Mr. John Dew, Director of Public Services and Construction
 Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer
 Ms. Rebecca Moody, Intern, Planning/Zoning Department (Absent)
 Mr. C. J. McGlothlin, Code Enforcement Officer

Visitors: Mr. Richard Clayton
 Mr. R. L. Light
 Mr. Jason Adkins
 Ms. Jessica Adkins
 Mr. Eddie Copenhaver
 Ms. Virginia Copenhaver
 Mr. Travis Straten
 Mr. Michael C. Neal

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(2) Approval of Minutes: Regular Meeting, June 25, 2012 and Regular Meeting, August 27, 2012

Regular Meeting, June 25, 2012

Mr. Shuman made a motion that the minutes of the regular meeting, June 25, 2012 be approved as presented. Dr. White seconded the motion.

VOTE:

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

The motion passed.

Regular Meeting, August 27, 2012

Mr. Bundy made a motion that the minutes of the regular meeting, August 27, 2012 be approved as presented.
Mr. Kimbrell seconded the motion.

VOTE:

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

The motion passed.

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(3) PUBLIC HEARING

PROPOSED REZONING - Colonial Road Development, CMM Ventures, LLC and United Way of Russell and Washington Counties, Michael C. Neal, Trustee and Representative, P. O. Box 607, Abingdon, VA 24212; applications to rezone properties located between Colonial Road and Hagy Street on the north side of such streets and known as Lot Nos. 23 and 24 consisting of 0.403 acres (0.16 + 0.243), Lot No. 25 consisting of 0.225 acres and Lot No. 26 consisting of 0.25 acres of the Colonial Road Development, from R-3 Residential District to B-3 Central Business District

Mr. Michael C. Neal, Trustee for the referenced properties, explained that this request includes three (3) applications, a total of three (3) structures and four (4) lots, belonging to the United Way of Russell and Washington Counties, identified as Tax Map Nos. 10 (1) 23 and 24 consisting of 0.403 acres (0.16 + 0.243), CMM Ventures, LLC, Tax Map No. 10 (1) 25 consisting of 0.225 acres and Colonial Road Development, Tax Map No. 10 (1) 26 consisting of 0.25 acres. Each of the applications is requesting to rezone property located between Colonial Road and Hagy Street on the north side of such streets from R-3 Residential District to B-3 Central Business District. He further stated that the properties are in the process of being renovated and it is the desire of each applicant/property owner to use the properties for business rather than residential use, as currently zoned.

Mr. Richard Clayton explained that he owns property located 478 Colonial Road, adjacent to these referenced properties. He purchased his property in 1979 to be used as a residence and his plans are to be there for a while. He has no desire to wake up to a business such as a bus station, motel, etc. This property has been zoned residential for a long time. He further stated that he had discussed this request for rezoning situation with the Town Planning Department and was told that the property might be recommended for rezoning from R-3 Residential District to either M-1 Limited Industrial District or O&I Office and Institutional District. If the rezoning is recommended to be changed to B-3 Central Business District; Mr. Clayton is adamantly opposed to the change. He also asked if it is normal to change zoning of only a partial lot. Mr. Taylor explained that it is a normal procedure when there are multiple pieces of property such as in this circumstance.

Mr. Eddie Copenhaver, who spoke on behalf of his mother, Ms. Virginia Copenhaver, who owns property at

205 Preston Street, stated that Ms. Copenhaver purchased her property in 1962. He explained that they wanted to make it clear that they are not anti-business but they do have concerns with any addition traffic on Hagy Street. Mr. Copenhaver emphasized that Hagy Street is not wide enough to handle the current traffic; presently, there are problems with the wrecker service that is currently located in that area driving through their yard doing property damage also, doing damage to an existing wall with the wrecker; generally, they are just not being a good neighbor. Mr. Copenhaver stated that if these properties are rezoned to B-3 Central Business District, there will be more traffic on Hagy Street, causing the existing problems to worsen. Mr. Copenhaver further stated that the proposed plan presented shows that Hagy Street has a 20 feet wide outlet, however, he believes it is more like a 12 to 13 feet outlet and with the current conditions an increase of traffic should be avoided. Mr. Taylor stated he will relay Mr. Copenhaver's concerns regarding this situation to Town officials for review.

Though the B-3 Zone is adjacent to these properties, from across the railroad tracks, the uses as listed below of the B-3 Zone are not conducive to the three (3) properties under this request.

Section 12-1 Permitted Uses – By Right.

*The following uses shall be permitted by right in the **B-3 Central Business District***

- 12-1-1 *Multiple-family dwellings in existing buildings or portions of existing buildings.*
- 12-1-2 *Banks and other financial institutions.*
- 12-1-3 *Barber shops, beauty parlors and similar personal service establishments.*
- 12-1-4 *Bus and railroad stations.*
- 12-1-5 *Clubs and lodges.*
- 12-1-6 *Churches and other places of religious assembly.*
- 12-1-7 *Custom dressmaking, millinery, tailoring or similar retail trades employing not more than five persons.*
- 12-1-8 *Cabinet and woodworking shops employing not more than five persons on the premises.*
- 12-1-9 *Drug stores, with or without soda fountains.*
- 12-1-10 *Restaurants and taverns.*
- 12-1-11 *Hotels and motels.*
- 12-1-12 *Gift and antique shops.*
- 12-1-13 *Public buildings.*
- 12-1-14 *Professional, public and general offices.*
- 12-1-15 *Parking lots.*
- 12-1-16 *Taxi stands.*
- 12-1-17 *Manufacturing of articles to be sold exclusively on the premises, provided such manufacturing is incidental to the retail business and employs not more than five operators engaged in the production of such items.*
- 12-1-18 *Newspaper offices and printing presses.*
- 12-1-19 *Theatres and assembly halls.*
- 12-1-20 *Food specialty shops.*
- 12-1-21 *Video game rooms*
- 12-1-22 *Bakeries and retail stores.*
- 12-1-23 *Retail stores and shops not otherwise listed.*
- 12-1-24 *Public utilities.*
- 12-1-25 *Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.*
- 12-1-26 *Signs as permitted by article 21 of this ordinance.*
- 12-1-27 *Distributors*
- 12-1-28 *Microbreweries*

After review by Town Staff, it was recommended that the rezoning be, **not from B-3 Central Business District, but to O&I Office & Institutional**. This district is more conducive to the uses proposed by the applicants and will not allow for unwanted uses into the surrounding neighborhood, which otherwise would be residential. See the following list:

Section 9-1 Permitted Uses – By Right.

The following uses shall be permitted by right in the O&I Office and Institutional District

- 9-1-1 *PROFESSIONAL OFFICES.*
- 9-1-2 *Public Offices*
- 9-1-3 *General business offices.*
- 9-1-4 *Hospitals, including special care hospitals and medically – related businesses.*
[Effective Date 3/3/04]
- 9-1-5 *Diagnostic laboratories serving the medical profession.*
- 9-1-6 *Dental laboratories*
- 9-1-7 *Apothecaries and pharmacies. [Effective Date 3/3/04]*
- 9-1-8 *Churches and other places of religious assembly.*
- 9-1-9 *Schools.*
- 9-1-10 *Libraries.*
- 9-1-11 *Funeral homes.*
- 9-1-12 *Clubs and lodges.*
- 9-1-13 *Schools of special instruction.*
- 9-1-14 *Dormitory buildings.*
- 9-1-15 *Nursing homes.*
- 9-1-16 *Parks.*
- 9-1-17 *Rooming and boarding houses.*
- 9-1-18 *Bed and board homes.*
- 9-1-19 *Residential care facilities.*
- 9-1-20 *Single-family dwellings.*
- 9-1-21 *Home occupations, category B.*
- 9-1-22 *Public utilities.*
- 9-1-23 *Accessory uses.*
- 9-1-24 *Signs as permitted by article 21 of this ordinance.*
- 9-1-25 *Off-street parking as required by section 17-6 of this ordinance.*
- 9-1-26 *Restaurants [Effective Date 3/3/04]*
- 9-1-27 *Banks and other financial institutions -- [Effective Date 3/3/04]*

The Comprehensive Plan Future Land Use map calls for this area to be single family residential; however, this may not be possible with the variety of uses already existing there. Therefore, Town Staff recommended the rezoning of the property from R-3 Residential District and M-1 Limited Industrial District to O&I Office and Institutional District for reasons previously prescribed.

After discussion, Mr. Austin made a motion to recommend to Town Council to deny the request for rezoning of the referenced properties located between Colonial Road and Haggy Street on the north side of such streets, identified as Tax Map Nos. 18 (1) 23, 23, 25 and 26, from R-3 Residential District to M-1 Limited Industrial District but favorably recommend rezoning it from R-3 Residential District to O&I Office and Institutional District. Mr. Kimbrell seconded the motion. Mr. Shuman asked Mr. Austin if he would consider amending his motion to reflect that the Town Council notes the Planning Commission's concerns with the property located at 205 Preston Street, that there are issues which could be addressed to make that entrance more accessible. Mr. Austin, stated "Absolutely, I think that is very appropriate." Mr. Kimbrell seconded the amended motion.

VOTE:

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

The motion passed.

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- (4) **CERTIFICATE OF APPROPRIATENESS - R. L. Light, dba Light’s Milling, Jerry’s Signs & Awnings, Inc. Representative**, 1080 West Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of 3 Ft. x 7 Ft. color, electronic message center **to be located at 1080 West Main Street. Tax Map No. 104C2 (A) 1.**

Mr. Light explained that this is a request for approval to install an 8 Ft. x 17 Ft. sign system to be located at the corner of Old Jonesboro Road and West Main Street. The system includes an LED message board, full-color and tenant signs on either side. The old existing signage at the corner of Jonesboro Road will be removed.

The Sign Ordinance allows such signage with the following requirements:

21-14 Illumination.

21-14-1 All applicants for a sign permit or Entrance Corridor Overlay Certificate of Appropriateness must present lighting plan for the proposed signage.

- (a) *Signs may be illuminated either through the use of backlighting or direct lighting provided the following standards are met:*
 - (1) *Information on any illumination proposed as part of a sign must be provided by the applicant on the sign permit application.*
 - (2) *No light from any illuminated sign shall cause direct glare into or upon any building other than the building in which the sign is related.*
 - (3) *No light from any illuminated sign shall cause direct glare on to any adjoining piece of property, or any adjoining right-of-way.*
- (b) *Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of thee recognized testing labs.*
- (c) *Animated/electronic signs of red/opaque/amber or intermitted colored shall be allowed, one (1), double-sided, 15 sq ft sign, per establishment, upon proper permitting, as long as the animation does not flash, scroll or any other movement which is deemed dangerous to traffic. Such signs may be illuminated during business hours only.*
- (d) *Signs may fade animation or copy a minimum of every 15 seconds or an amount greater if needed.*
- (e) *Use of such signs are during hours of business operation only.*
- (f) *The intensity of light allowed of all animated/electronic signs will be 85% by day and 50% at night.*
- (g) *Such animated signs are only 7 allowed in B-2 and M-1 Districts, within the Entrance Corridor Overlay District, as defined by this ordinance.*

(h) The Town Manger, upon finding that an animated or electronic sign is negatively effecting the health, safety and welfare of the public, may cause the removal of such sign, or prevent the installation thereof.

After review of the Sign Ordinance pertaining to this request by the Town staff, the following recommendation was made.

As long as the existing tenant signs are removed from the property, along the streets and the sign is placed outside of the state maintained right-of-way, and all other regulations are met, the Staff sees that this can meet the intent of the ordinance. The Staff also recommended that Mr. John Dew, Director of Public Services weigh in on the matter from a traffic safety standpoint.

Mr. Dew stressed that what makes a sign effective as far as visibility can also be a negative as far as traffic is concerned and that this sign will compete somewhat for attention when coming through the traffic signal.

Mr. Taylor explained that if the Town Manager, upon finding that an animated or electronic sign is negatively effecting the health, safety and welfare of the public, may cause the removal of such sign, or prevent the installation thereof. He further stated, if this sign would become a problem, the Town Manager has the right to have the sign removed.

After discussion, Mr. Kimbrell made a motion to approve the requested application subject to the signage meeting all sign requirements and that all existing signage will be removed. Mr. Bundy seconded the motion.

VOTE:

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

The motion passed.

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(5) DISCUSSION - Stormwater Management Study

Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer explained that the Corps of Engineers has set up, calibrated a rainfall-runoff model, and started to evaluate potential detention basin sites in the Town for existing conditions as a part of the Stormwater Management Study. Their study reveals that twenty (20) sites have been identified, eleven are in the Wolf Creek basin and nine are in the Town Creek basin. Because most of the flooding problems occur in the Town Creek basin, the Corps of Engineers will concentrate in that area.

Mr. Smith further stated that the Corps will be performing a qualitative analysis to determine which sites(s) show the most promise, technically. Once a qualitative analysis has been performed, the Corps will use the rainfall-runoff model to evaluate the effects of future development in the basin. The Corps will then take another look at the detention basins to see if they can counteract any increase in flood flows through the Town.

The Town can help by providing some feedback as to the acceptability of each site based on social/political issues. The extent of each detention basin is approximate and can be refined later to meet technical, social, and political constraints.

Site-specific design of the basin(s) is beyond the scope and authority of the Flood Plain Management Studies Special Study, but would instead be done by the Town if we choose to pursue the options identified by the Corps.

This topic was for discussion only, in order to get feedback so the information can be passed on to the Corps of Engineers.

After a lengthy discussion and review by the Planning Commission it was the consensus of the members than other than the two spots found, the other proposed detention ponds doesn't cause any particular concern based on what the Commission knows.

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(6) Review of Comprehensive Plan - Public Facilities and Infrastructure

This item was tabled until the next regular meeting in order to allow for more Planning Commission members and Town Staff to be present for discussion.

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

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary