

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 22, 2012 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, October 22, 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. Jackson called the roll.

ROLL CALL

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

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 (Absent)
Mr. John Dew, Director of Public Services and Construction
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer
Mr. C. J. McGlothlin, Code Enforcement Officer
Ms. Rebecca Moody, Environmental Planner/
Sustainability Coordinator
Mr. David Smallwood, Intern/Town Attorney's Office

Visitors: Mr. Mike Rush, People, Inc.
Mr. Pete Stiger, Executive Director, Washington County
Habitat for Humanity
Mr. Kevin Peterson, FRIH Taco LLC
Mr. Mark VanSickle, Little Architects

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(2) Approval of Minutes: Regular Meeting, September 24, 2012

Mr. Shuman made a motion that the minutes of the regular meeting, September 24, 2012 be approved as presented. Mr. Austin seconded the motion.

VOTE:

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

The motion passed.

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(3) PUBLIC HEARING
REQUEST FOR EXEMPTION TO SUBDIVISION ORDINANCE
SECTION 5.18, PRIVATE STREETS AND STRIPS

(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 dedicate street constructed to standards of this code and accepted and maintained by the Town of Abingdon. There shall be no reserve strips controlling access to streets”*. This notice is given pursuant to the Code of Virginia 1950, as amended, §15.2 – 2204. **Tax Map No. 11 (4) 5.**

This is a request for an exception to the Town’s Subdivision Ordinance, Section 5.18, requesting access to Lots 5 and 6 to be allowed from Leonard Street via an entrance on Lot 16.

Mr. Mike Rush explained this is a request on behalf of People Incorporated of Virginia, Owner. The use of a Community Block Grant enabled People Incorporated to buy these lots, in order to allow affordable housing. People Incorporated of Virginia entered into a partnership with Washington County Habitat for Humanity to accomplish that on two lots. The Washington County Habitat for Humanity has recently constructed a single family house on Lot 5, fronting on Wiley Street, accomplishing access to the house from Leonard Street and was unaware that no entrance could be made. The recently constructed house was constructed in a manner with hopes that two additional structures could be located on the two rear lots.

Mr. Rush further stated the reasons for this request are that the entrance to these lots from Wiley Street is not feasible due to the steepness of the grade and a rock ledge running through the properties; to remove this would be a great expense and reduce the size of the lot, therefore this request is seeking exemption from the Subdivision Ordinance. It is evidenced that the Subdivision Ordinance was not interpreted correctly and in talking with the Town Staff the applicant did not seek any advice to the contrary. The owners of Lot 16, John T. and Mary E. Cook, are in agreement to the opened access, if approved.

Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer supplied information to the Planning Commission explaining that in October 2006, during the Taylor Hill Redevelopment Project, Lot 5 and portions of Lots 6, 15 and 16 of the Glebe Land were replatted by the Town. This was done to bring the existing lots into compliance with the Town’s Subdivision Ordinance. Ownership of the lots was transferred to People Incorporated of Virginia and as a result, a single family residence was constructed on Lot 16 (249 Leonard Street).

On July 28, 2011, a deed of sale transferred Lot 16 to the ownership of John T. and Mary E. Cook. This deed also created a 15-foot wide ingress/egress easement that provided access from Lots 5 and 6 to Leonard Street.

People Incorporated of Virginia applied for a Building Permit to construct a single-family residential structure on Lot 5. It is their intent to use the ingress/egress easement created by the deed for Lot16 as a permanent access to Lots 5 and 6. This access connection to Leonard Street requires an Entrance Permit to be issued by the Department of Public Works.

Section 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.”*

In Mr. Smith’s opinion, access to the lots as shown on the plat is in violation of the requirements of the Subdivision Ordinance. The lots will not be served from a publicly dedicated street (lots front on Wiley Street) and the easement is a reserve strip providing access to Leonard Street, therefore, an Entrance Permit to these lots from Leonard Street cannot be issued by the Department of Public Works.

Per the following, Article X, Exceptions, of the Subdivision Ordinance allows for a waiver or modification of the requirements.

Sec. 10.1. – Modification of requirements.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance, with the requirements of these regulations, would result in extraordinary hardship to the subdivider because of unusual topography; or other such non-self-inflicted conditions, peculiar to this site, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the planning commission may recommend to the town council a waiver or modification of a portion or portions of these requirements so that substantial justice may be done and the public interest secured; provided, that such variance, ~~notification~~ (JCS Note: modification), or waiver will not have the effect of nullifying the intent and purpose of these regulations. Any such waiver or modification, authorized under the provisions of this section shall be stated in writing, on the plat, by the subdivider, with the reasoning set forth on which the waiver or modification was justified.

Sec. 10.2. – Minimum easing of requirements.

In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan or be in conflict with any zoning ordinance, resolution, or map.

Sec. 10.3. – Vote required.

Such variance and waivers may be granted only by the affirmative vote of a majority of the members of the town council present and voting.

Sec. 10.4. – Conditions.

In granting variances and modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

There were some concerns shown by the Planning Commission members as to who would hold responsibility in upkeep of the proposed driveway. After discussion it was determined that the upkeep of the proposed driveway would be the responsibility of the property owners; in no way would the Town hold that responsibility.

After a lengthy discussion, Mr. Kimbrell made a motion to issue this exception for “Request For Exemption To Subdivision Ordinance, Section 5.18, Private Streets and Strips” with recommendation to Town Council for approval. Mr. Shuman seconded the motion.

VOTE:

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

The motion passed.

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- (4) CERTIFICATE OF APPROPRIATENESS - **FRIH Taco LLC**, 3750 Corporate Woods Drive, Birmingham, AL 35242; application for Certificate of Appropriateness for approval to rebuild existing restaurant (as a result of fire) **to be located at 495 Cummings Street. Tax Map No. 20 (12) 1.**

This is a request to demolish the existing structure recently damaged by fire, with intent to rebuild a proposed new structure on the same property, located at 495 Cummings Street. The construction is expected to be completed by February 2013.

Mr. Jackson explained that the Site Plan indicates a whole new façade, including interior reconstruction, also to include a change in the turn lane on Cook Street, allowing a “right in” and “right out” on Cook Street.

Mr. Dew stated that he had not seen the proposed Site Plan but had been in contact with the Design Engineer. He offered some comments to the Design Engineer and all of the requested changes have been made. He further stated that by allowing the new turns, ”right in” and “right out” on Cook Street would be a great improvement and he was satisfied with the proposed construction plans.

After discussion Mr. Kimbrell made a motion to approve the requested Site Plan, with recommendations as submitted. Mr. Austin seconded the motion.

VOTE:

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

The motion passed.

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- (5) CERTIFICATE OF APPROPRIATENESS - **Bank of America**, 271 West Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of proposed handicap ramp to be constructed **at 271 West Main Street. Tax Map No. 11 (1) 84.**

This is a request for approval of proposed replacement handicap ramp at front of structure located at 271 West Main Street.

Mr. Mark VanSickle explained that the ramp is already in place, but there are issues with too much cross-slip on the ramp and it needs to be reconstructed. The ramp would go back in place just as it is, using similar brick materials with addition of freestanding handrails.

Mr. Dew stated that he had reviewed the plans and he has no objections, it is only altering the existing ramp and all work is off the right-of-way.

After discussion Mr. Howard made a motion to approve the proposed handicap ramp as presented. Mr. Bundy seconded the motion.

VOTE:

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

The motion passed.

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

Mr. Smith explained that some revisions and corrections to the existing paragraphs could be recommended but could be provided to Mr. Jackson at a later date. His information was very brief with no detailed comments or big changes.

Mr. Shuman commented on the following:

- Page 90, there is reference to the Washington County Library as being in need of expansion; this needs to be changed to replacement instead of expansion
- Page 90, Washington County Technical School as being replaced, (new structure will be located behind the Neff Center, unknown what will be in existing structure)
- Page 91, reference to Abingdon being a regional center for medical services, referring to JMH on Court School, which is no longer accurate (to be changed)
- Page 94 PUF 3, library and hospital information (to be changed)

Mr. Jackson stated there would be a map of facilities with added upgrades, including sewer improvements such as the west end interceptor and any other expansions that need to be added.

Mr. Smith stated that the areas without sewer need not be mentioned; unnecessary to be included. At some point when a private system becomes a problem, the property owner will chose to connect to the sewer system.

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

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary