

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 24, 2008 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, November 24, 2008, 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. Kenneth Shuman, Chairman
Mr. Matthew T. Bundy, Vice-Chairman
Mrs. Cathy Lowe
Mr. Gary Kimbrell
Dr. Todd Pillion
Dr. H. Ramsey White, Jr.

Comprising a quorum of the Commission

Members Absent: Mr. Gregory W. Kelly

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

Visitors: Mr. J. D. Morefield
211 High Street, Abingdon, VA 24210
Mr. Rick Smith
2030 Florist Road, Abingdon, VA 24210
Ms. Ann Gorney
2024 Florist Road, Abingdon, VA 24210
Mr. James A. Stepp
14380 Whitetop View, Abingdon, VA 24210

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(2) Approval of Minutes: Regular Meeting, October 27, 2008

Mr. Kimbrell made a motion that the minutes of the regular meeting, October 27, 2008 approved. Mr. Bundy seconded the motion, with unanimous approval.

VOTE:

Mr. Kimbrell Aye
Mr. Bundy Aye
Dr. Pillion Aye
Mrs. Lowe Abstained
Dr. H. Ramsey White Abstained

The motion passed.

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(3) PUBLIC HEARING

PROPOSED AMENDMENT - Kings Mountain Properties, LLC, J.D., Morefield, Representative, to amend and reenact the Town of Abingdon Zoning Ordinance, Article 9, Section 9-1-28, Permitted Uses By Right to add light industry within the O&I Office & Institutional District. Tax Map No. 106 (7) 1A.

Mr. J. D. Morefield, applicant, is seeking to amend Article 9, Section 9-1-28 of the Zoning Ordinance (Office & Institutional, O&I) to add *light industry* as a Permitted Use By Right.

The application is in response to interest in the former Kealey-Johnson Greenhouse property on Empire drive, adjacent to Southview Estates and County Agriculturally Zoned property and visible from I-81, near Exit 19. The property was rezoned from AFOS to OI approximately three years ago. The current owner is in negotiations with a local company, Century Industries, previously located in Elizabethton, Tennessee. This company fabricates shipping/storage containers to be used by the U. S. Department of Energy, U.S. Department of Transportation and private companies and hospitals for the storage of nuclear, radioactive and biohazard wastes. No wastes would ever brought to the site. Trucks would visit the facility up to twice a week to haul finished products off to customers. The company has clients, not just in the US, but the world as well. This business would offer the Town the opportunity to locate a successful and international business within the Town limits.

Mr. Morefield state that the proposed business will provide approximately 15 to 20 jobs, with work hours being one shift of 8 hours per day, or 10 hours per day, 4 or 5 days per week.

Mr. Kimbrell asked for an explanation in the difference of a Special Use Permit and Permitted Use By Right. Mr. Jackson explained that a Special Use Permit is only by property, with conditions, and the applicant appears before the Planning Commission, whereas Permitted Use By Right is considered by district and would not have to appear before the Planning Commission.

Mr. Rick Smith, an adjoining/adjacent property owner, stated that he was not against this request and could appreciate Mr. Morefield’s time invested in trying to develop this property; however, he was concerned and asked for an explanation of *light industry*.

Mr. Jackson explained that the Town’s current Zoning Ordinance does not define *light industry*; however, the following definition was taken from the American Planning Association’s Standard Land Use Code:

light industry means an industry where the process carried on, the materials and machinery used, the transport of materials, goods or commodities to and from the land on or in which (wholly or in part) the industry is conducted and the scale of the industry does not—

- (a) Detrimently affect the amenity of the locality or the amenity within the vicinity of the locality by reason of the establishment or the bulk of any building or structure, the emission of noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, oil, spilled light, or otherwise howsoever; or*
- (b) Directly or indirectly, cause dangerous or congested traffic conditions in any nearby road;*

He further stated that this definition will be proposed for the Zoning Ordinance revisions.

Ms. Ann Gorney, an adjoining/adjacent property owner, asked if it was known exactly what type of business would be located at this site. As Mr. Morefield had previously stated, he explained that Century Industries is showing an interest at this time. Mr. Shuman explained and assured Ms. Gorney that whatever type business is located there, it would have to be within the definition that Mr. Jackson stated.

After discussion, Mr. Kimbrell made a motion that recommendation be made to Town Council to amend the O&I Office & Institutional District, Article 9, *to include light industry with a Special Use Permit*, and that the business the permit was granted to, would have to come before the Planning Commission for approval of any additional structure and landscaping, because this property is located within the Overlay Entrance Corridor. Mrs. Lowe seconded the motion, with unanimous approval.

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- (4) **CERTIFICATE OF APPROPRIATENESS - Highlands Union Bank, Bundy Architecture & Engineering, Inc., Representative, 321 West Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness requesting approval for exterior paint, new exterior dryvit and new crown treatment, with structure being located at 340 West Main Street. Tax Map No. 19 (1) 13 and 19 (1) 14.**

This is an application for approval of proposed plans for exterior renovation for the Main Street Branch of the Highlands Union Bank. The renovations include the addition of pilasters (a rectangular vertical member projecting only slightly from a wall, with a base and capital as with a column), fresh dryvit and painting of the exterior. The proposed colors are Sandbar (grey), Studio Taupe (grey-brown) and Derbyshire (green).

After discussion, Mrs. Lowe made a motion to approve the proposed renovations as presented. Dr. Pillion seconded the motion.

VOTE:

- Mrs. Lowe Aye
- Dr. Pillion Aye
- Mr. Kimbrell Aye
- Mr. Bundy Abstained
- Dr. White Abstained

The motion passed.

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- (5) **CERTIFICATE OF APPROPRIATENESS - Ecumenical Faith In Action, Inc., Owner, Bundy Architecture & Engineering, Inc., Representative, 321 West Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of two (2) new additions to be located at 798 Hillman Highway. Tax Map No. 106 (1) 1A.**

This application was discussed at the regular meeting, October 27, 2008, at which time approval of an addition to the existing facility on East Main Street was granted. The Commission voted to approve the application, provided a landscape plan was presented to the Planning Commission and approved.

Mr. Jackson explained that a proposed landscape plan was submitted by Bundy Architecture & Engineering, Inc., and reviewed by Mr. Kevin Sigman, Town Arborist, regarding species being considered in the landscaping plan. Mr. Sigman submitted a letter of recommendation to Mr. Jackson which was forwarded to the architect for consideration.

After discussion, Mrs. Lowe made a motion that the landscaping plan be approved, with the recommended changes by the Town Arborist. Dr. Pillion seconded motion.

VOTE:

Mrs. Lowe	Aye
Dr. Pillion	Aye
Mr. Kimbrell	Aye
Dr. White	Aye
Mr. Bundy	Abstained

The motion passed.

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(6) **CERTIFICATE OF APPROPRIATENESS - Food Country, Charlie Henderson, Owner, Jerry’s Signs, Representative, 536 East Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of sign, with message board, to be located at 536 East Main Street. Tax Map No. 6 (7) 18.**

This application is requesting approval of a 2 ft. x 10 ft. electronic message board to be located at the East Gate Shopping Center. The message board is proposed as “greyscale”, using red shading. This board will not be multi-color or amber/orange.

Article 21 of the Zoning Ordinance allows these signs in the B-2 and M-1 Districts with the following restrictions:

21-14 Illumination.

21-14-1 all applicants for a sign permit or Entrance Corridor Overlay Certificate of Appropriateness must present a 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 to 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 these recognized labs.*
- (c) Animated/electronic signs of red/opaque/amber or intermittent colored shall be allowed, one (1), double-sided, 15 sq. ft. sign (Total 30 Square feet), 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 allowed in B-2 and M-1 Districts, within the Entrance Corridor Overlay District, as defined by this ordinance.*
- (h) 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.*

After discussion, Mr. Bundy made a motion that the message center be approved, subject to the intensity of the lighting, to be in use only during hours of business operation, as set forth in the ordinance and to display messages of community service events as appropriate. Mrs. Lowe seconded the motion.

VOTE:

Mr. Bundy	Aye
Mrs. Lowe	Aye
Dr. Pillion	Aye
Dr. White	Aye
Mr. Kimbrell	Abstained

The motion passed.

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(7) DISCUSSION OF JOINT PUBLIC HEARING ON DECEMBER 1, 2008
REQUEST FOR SPECIAL USE PERMIT - Senior Services Center, Inc. (Abingdon Senior Center

dba Virginia Ballroom), application for Special Use Permit pursuant to Article 6, Section 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.**

Mr. Jackson explained to the Planning Commission there would be a joint public hearing, with Town Council on Monday, December 1, 2008. The Senior Center at 300 Senior Drive has applied for a Special Use Permit to allow them to operate as a Party House and Club or Lodge. Mr. Jackson explained that they were issued a Conditional Use Permit in 1977 for their previous location on Front Street. This allowed them to operate as a Club or Lodge. However, there is little indication that they were reissued approval upon their move to the current location and so if approved, this will clarify the situation.

After a lengthy discussion, Mr. Jackson informed the Planning Commission that when the joint public hearing is held by the Planning Commission and Town Council on Monday, December 1, 2008, the only requirement of the Planning Commission is to determine if a Special Use Permit should be granted.

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(8) **DISCUSSION - Zoning Ordinance Revisions**

Mr. Jackson explained that the Planning Department and Legal Staff continued to review the Zoning Ordinance and made more comprehensive changes. He gave a detailed explanation of corrections and additions made to Article 3, AFOS ~~Agricultural~~ Agriculture, ~~Forestal~~ Forestedal and Open Space District and Article 4, R-10 Residential Low Density District. A copy of the corrections and additions discussed are made a part of these minutes.

Mrs. Lowe stated that a definition should be defined before any changes are made in order to make good decisions for zoning. Mr. Jackson stated that he wanted to make a definition for each category to meet the APA standards.

It was suggested and agreed upon by the Planning Commission members, to delete the following in Article 3, Section 3-7-3, *television antennas and radio aerials*.

After review and a lengthy discussion of the changes, corrections and additions, Mr. Kimbrell made a motion to accept the changes, corrections and additions, as presented, to include the definition of agricultural, and deletion of Article 3, Section 3-7-3, ~~television antennas and radio aeri~~als. Dr. Pillion seconded the motion, with unanimous approval.

Review of corrections and additions for Article 4, R-10 Residential Low Density District, proposed to be called R-10 District, continued.

After discussion, Dr. White made a motion to accept the changes, as presented. Mr. Kimbrell seconded the motion, with unanimous approval.

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(9) DISCUSSION - Washington County Comprehensive Plan

At the October 27, 2008 Planning Commission members of the Planning Commission were given a copy of the proposed changes to the Comprehensive Plan from Washington County to review for comments. Town Council asked that comments be compiled into a resolution that will be adopted on December 1, 2008, by the Council, to be presented the County Planning Commission.

After discussion no additional comments were offered by the Planning Commission, except that a representative be appointed by each respective town from their respective Planning Commission.

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It was the decision of the Planning Commission, due to the Christmas Holidays, the regular meeting scheduled for Monday, December 22, 2008 be rescheduled to Monday, December 15, 2008 at 5:30 P.M.

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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 and the meeting was adjourned.

Kenneth Shuman, Chairman

Gregory W. Kelly, Secretary