

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 15, 2008 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, December 15, 2008, at 5:30 P.M (rescheduled from December 22, 2008). 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  
Mr. Gregory W. Kelly  
Mrs. Cathy Lowe  
Mr. Gary Kimbrell

Comprising a quorum of the Commission

Members Absent: Dr. H. Ramsey White, Jr.  
Dr. Todd Pillion

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. George Gorney  
2024 Florist Road, Abingdon, VA 24210  
Mr. Evan Monahan  
33650 Spring Hill Drive, Glade Spring, VA 24340  
Mr. Ernie Sullins  
876 East Main Street, Abingdon, VA 24210

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(2) Approval of Minutes: Regular Meeting, November 24, 2008

Mr. Kimbrell made a motion that the minutes of the regular meeting, November 24, 2008 approved. Mr. Bundy seconded the motion.

VOTE:

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

The motion passed.

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(3) PUBLIC HEARING

**PROPOSED SPECIAL USE PERMIT - J. D. Morefield**, as representative, application for Century Industries, requesting a Special Use Permit pursuant to Article 9, Section 9-2-4, Special Use, of the Zoning Ordinance, 1103 Empire Drive, for use of light industry within the O&I Office & Institutional District. **Tax Map No. 106 (7) 1A.**

Mr. Shuman declared the public hearing open and asked those speaking for the Special Use Permit to address the Commission.

Mr. J. D. Morefield, applicant, stated that he is seeking approval for a Special Use Permit, pursuant to Article 9, Section 9-2-4, Special Use, of the Zoning Ordinance, for use of *light industry* within the O&I Office & Institutional District.

Mr. Kelly stated that the Town Council, at its last meeting, did enact an ordinance to allow this as a Special Use Permit in this district.

Mr. Jackson explained that because the applicant originally requested the use be a By-Right Permitted Use and the Planning Commission approved it as a Special Use, in order to attach conditions to the permit the matter must be reheard. The Town Council approved *light industry* as a Special Use and, therefore, the permit must be reheard.

This application is in response to interest in the former Kealey-Johnson Greenhouse property at 1103 Empire Drive, adjacent to Southview Estates and County Agriculturally Zoned property, visible from I-81, near Exit 19. The property was rezoned from AFOS, Agricultural, Forestal & Open Space to O&I, Office & Institutional District approximately three (3) years. 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, private companies and hospitals for the storage of nuclear, radioactive and bio-hazardous wastes. No wastes will ever be brought to the site. Trucks will visit the facility up to twice a week to haul finished products off to customers. The company has clients, not just in the United States, but the world as well. This business will offer the town the opportunity to locate a successful and international business within the Town limits.

Mr. George Gorney stated that he is an adjoining property owner where the proposed industry will be located and he had concerns regarding the landscaping and where the storage drums/containers would be stored after manufacturing. Mr. Jackson explained that Century Industries had previously discussed constructing a building for storage of the containers and stated that any additional storage buildings, including landscaping, would have to be approved by the Planning Commission.

Mr. Shuman asked if there was anyone else to speak for or against this request. There being no one else to speak, Mr. Shuman declared the public hearing closed and asked if there was a motion in terms of the Special Use Permit requested by Mr. Morefield.

Mr. Kimbrell made a motion that the Planning Commission recommend that the Town Council approve a Special Use Permit, to be granted to Century Industries, with Mr. J. D. Morefield as their representative. Mr. Kelly seconded the motion, with unanimous approval.

VOTE:

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

The motion passed.

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- (4) **CERTIFICATE OF APPROPRIATENESS - Scrubbies Car Wash, Michael W. Small, Owner, 21129 Skyward Drive, Abingdon, VA 24211; application for Certificate of Appropriateness for approval of renovation of car wash structure located at 931 West Main Street. Tax Map No. 16 (4) 4. (Tabled from October 27, 2008 meeting).**

This application is requesting approval to remodel the existing “Buggy Bath Car Wash”, to include cleaning the structure, with installation of new wall coverings put in place. The structure will be extended approximately eight feet, with the roof having an “A” frame look with metal covering. Some existing equipment will be used with a new touchless automatic system being installed.

The existing brick will be painted off-white with all wall coverings being off-white in color. The metal roof and soffit will be red in color. The new lighting system will consist of wall packs with metal halide bulbs. An electronic message board may be proposed in the future.

After discussion, Mrs. Lowe made a motion that approval for remodeling and restructuring the existing carwash be granted, pursuant to the approval of the Planning Department on the Overlay Guidelines. Mr. Kimbrell seconded the motion.

VOTE:

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

The motion passed.

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- (5) **CERTIFICATE OF APPROPRIATENESS - Barrow & Barrow, Inc. (Bella’s Pizza) 872 East Main Street, Owner, Evan Monahan, General Manager/ Representative, 872 East Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of addition to existing dining room area for structure located at 872 East Main Street. Tax Map No. 106 (1) 1A.**

This application is requesting approval of a building extension at the current location at 872 East Main Street. Mr. Monahan explained that dining space is limited in the existing building and the expansion will provide more than double the amount of public space. The proposal includes using the same materials and paint scheme as the existing structure. A need for additional parking is also proposed in the existing parking area.

Mr. Kelly asked Mr. Monahan if there would be some type of parking barrier between his parking lot property and the Sullins property and Mr. Monahan replied by saying “yes”.

Mr. Sullins, an adjoining property owner and owner of Ernie Sullins Outlet, spoke regarding his concerns of the excessive parking, stating that at numerous times the clientele from Bella’s Pizza are required to park on his property, never asking permission to park there. He stated that he was not against the applicant’s request for an expansion to the business structure but requested that in the decision made by the Planning Commission, he hoped that his existing situation would be taken into consideration.

Mr. Shuman asked Mr. Sullins if it would be satisfactory if a barrier was created in a way that would eliminate vehicles driving onto his property, or walking from his property and Mr. Sullins was unsure, stating that it would depend on the barrier.

Mr. Kelly explained that Bella’s Pizza would be required to erect a barrier and any barrier that was constructed for this site would have to come before the Planning Commission for approval. He further explained that the Zoning Ordinance specifically requires that a retention area barrier be of a height able to retain cars from driving from Bella’s Pizza property onto Mr. Sullins property and at the time for consideration of this barrier, this matter would be considered very closely. Mr. Sullins was in agreement.

Mrs. Lowe asked Mr. Monahan if he would consider placing a sign at some point of the barrier, as a reminder to his customers to refrain from parking on Mr. Sullins property and Mr. Monahan was in agreement.

After discussion, Mr. Bundy made a motion to approve this request, contingent upon reviewing a landscape plan that shows compliance with Section 18-6-4. Mr. Kimbrell seconded the motion, with unanimous approval.

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(9) 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 5 ~~R-2-R-8~~ Residential District Former R-2 District, Article 6-6 ~~R-380~~ Residential District (ex R-3) (Low Density District) and Article 7 R-4-MF Residential Multi-family District. A copy of the corrections and additions discussed are made a part of these minutes.

Mr. Jackson stated that revisions made to Article 5 ~~R-2-R-8~~ Residential District Former R-2 includes the following:

- an addition to Section 5-2 Special uses. 5-2-2 Home occupations category B and 5-2-3 5-2-2 Party houses ~~Home occupations category B.~~
- a change in Section 5-3 Area regulations. 5-3-1 For lots served by public water and sewer, the minimum lot area shall be ~~ten thousand, five hundred (10,500)~~ eight thousand (8,000) square feet for single-family dwellings. ~~and twelve thousand (12,000) square feet for two family dwellings.~~
- a change in Section 5-4 Setback regulations. 5-4-1 Structures shall be located ~~thirty twenty (3020)~~ fifty twenty (5020) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or ~~fiftyfourty-five (455)~~ fifty (50) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be now as the “setback line”.

- a deletion in Section 5-5 Frontage regulations. 5-5-1 The minimum lot width at the setback line shall be seventy (70) feet for single-family dwellings and ~~eighty (80) feet for two family dwellings and other permitted uses~~ on lots served by public water and sewer.
- a change in Section 5-6 Yard regulations. 5-6-2 Rear Each main structure shall have a minimum rear yard ~~of thirty five of fifteen (3515)~~ feet.
- a change in Section 5-7 Height regulations. 5-7-2 Nonresidential buildings may be erected to a height of forty (40) ~~sixty (60)~~ feet; provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over forty (40)~~thirty five (35)~~ feet.

Mr. Kimbrell questioned if the word **and** was intended to be removed before ~~eighty (80) feet for two family dwellings and other permitted uses~~ on lots served by public water and sewer. It was agreed upon by Mr. Jackson and the Planning Commission that the word **and** should be removed.

After review and a lengthy discussion of the changes, corrections and additions to R-8 Residential District, Article 5, Sections 5-1 through 5-7, Mr. Kimbrell made a motion to accept the changes, corrections and additions, as presented, to include adding multi-family homes as a special use in Section 5-2-2 and removing the word “and” in Section 5-5-1. The motion was seconded by Mr. Bundy, with unanimous approval.

Mr. Jackson continued with this discussion, explaining the corrections and additions made to Article ~~6-6~~ R-380 Residential District (ex R-3) (Low Density District). He stated that it was first considered to eliminate R-3 Residential District and create R-80 Residential District, however, after further consideration, it might be best to retain R-3 Residential District and create R-80 Residential. The following corrections and additions are proposed to be made to Article 6.

- Section 6-1 Permitted Uses - By Right.
- a deletion of Section ~~6-1-13~~ Rooming and boarding houses.
- a change in Section 6-1-15 Bed and ~~board~~ Breakfast homes.
- a deletion in Section ~~6-1-16~~ Churches and other places of religious assembly.
- a change in Section 6-1-~~17~~ 16 Public ~~utilities~~ infrastructure.
- a change in Section 6-1-~~18~~ 17 Accessory uses.
- a change in Section 6-1-~~19~~ 18 Home occupations category A and B.
- a change in Section 6-1-~~20~~ 19 Signs as permitted by article 21 of this ordinance.
- a change in Section 6-1-~~21~~ 20 Off-street parking as required by section 17-6 of this ordinance.
- Section 6-2 Same – Special uses.
- a deletion of Section 6-2-1 ~~Manufactured home subdivision in accordance with regulations in section 17-10 of this ordinance.~~
- an addition of Section 6-2-5 Churches and other places of religious assembly.
- an addition of Section 6-2-6 Party houses.
- Section 6-3 Area regulations.
- a change in Section 6-3-1
  - a. ~~Eight thousand, five hundred (8,500)~~ Eighty thousand (80,000) square feet for single-family dwellings.
  - b. Eighty thousand (80,000) ~~Ten thousand (10,000)~~ square feet for two-family dwellings.
  - c. ~~Ten Forty thousand (40,000)~~ square feet plus twenty thousand, ~~five hundred (20-0500)~~ square feet for each additional dwelling unit over two (2) dwelling units for multiple-family dwellings. Multiple family dwellings shall only be permitted in areas served by public water and sewer systems.
  - d. ~~Ten~~ Twenty thousand (~~420,000~~) square feet for other permitted uses.

- Section 6-7 Height regulations.
- A change in Section 6-7-2 Nonresidential buildings may be erected to a height of ~~sixty (60)~~forty (40) feet, provided that required front, side and rear yards shall be increased one (1) foot for each additional foot in height over thirty-five (35) feet.
- A change in Section 6-7-4 No accessory building which is within ten (10) feet of any ~~party lot~~property line may be more than one (1) story high. All accessory buildings shall be no greater than the main building in height.

After review and a lengthy discussion of the changes, corrections and additions to Article ~~6-6 R-380~~ Residential District (~~ex R-3~~ Low Density District), Mrs. Lowe made a motion that it be recommended that the Planning Commission create a R-80 Residential District, with the proposed allowances with the exception of a setback of fifty (50) feet instead of a setback of thirty-five (35) feet. Mr. Kimbrell seconded the motion, with unanimous approval.

After further discussion of R-2 Residential District, R-3 Residential District, proposed R-8 Residential District, and proposed changes to be made regarding special use aspects, Mrs. Lowe proposed to rescind the previous motion she had made and asked that discussion of this matter to be continued at a later date.

Discussion of the changes, corrections and additions made to Article 7 R-~~4-MF~~ Residential Multi-family District, were not discussed at this meeting.

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

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Kenneth Shuman, Chairman

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Gregory W. Kelly, Secretary