

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
DECEMBER 17, 2012 - 5:30 P.M.
RESCHEDULED FROM MONDAY, DECEMBER 24, 2012
(DUE TO CHRISTMAS HOLIDAY)

The regular meeting of the Abingdon Planning Commission was held Monday, December 17, 2012 at 5:30 P.M. (rescheduled from Monday, December 24, 2012, due to Christmas holiday). 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. Gregory W. Kelly
Mr. Robert M. Howard
Mr. Kenneth Shuman
Mr. Gary Kimbrell
Mr. Wayne Austin

Comprising a quorum of the Commission

Members Absent: None

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
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

Visitors: Mr. Stephen Browning
Mr. Kevin Young
Mr. J.D. Morefield
Others

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(2) Approval of Minutes: Regular Meeting, November 26, 2012

Mr. Shuman made a motion that the minutes of the regular meeting, November 26, 2012 be approved as presented. Mr. Austin seconded the motion.

VOTE:

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

The motion passed.

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- (3) **CERTIFICATE OF APPROPRIATENESS - New Shoney’s Restaurant, Young Investments, LP, Stephen Browning, Representative**, 480 Cummings Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of amendment to a new site plan and construction, originally approved at the regular meeting, November 26, 2011, to be **located at 480 Cummings Street. Tax Map No. 20 (10) 2. (Tabled from regular meeting, November 26, 2012).**

Approval was granted at the regular meeting, November 26, 2011, for a new site plan and construction to be completed for a new Shoney’s Restaurant, located at 480 Cummings Street, replacing the existing structure. After approval was granted for this new construction representatives from Shoney’s and Kroger Gas met with Town Staff regarding the proposal of a Kroger Fuel Center on the site. The initial concerns from the Town Staff in regard to this proposed fueling station were the size of the lot, the need to maintain safe traffic flow and available parking.

At the regular meeting, November 26, 2012, after review of this application, motion was made to table this request to allow the Town Staff more review time, based on the date and time it was previously received. The Planning Department received the amended information on Wednesday, November 21, 2012, from Mr. Stephen Browning, P.E. of the Browning Group and after reviewing the site plan for parking space and landscaping requirements the following was determined.

Parking Spaces, per Town Zoning Ordinance

Section 17-6 Minimum off-street parking.

There shall be provided at the time of erection of any main building, at the time any main building is enlarged or at such time as the use of any main building is changed minimum off-street parking space with adequate provision for entrance and exit by standard size automobiles as follows:

17-6-33 Restaurants One (1) parking space for each seventy-five (75) square feet of public floor area including outdoor dining area.

The plan contains the following language in the “Planning Related Notes”:

- Onsite Parking (65 Spaces Total, including 3 handicap)
- “50 required for Restaurant seating (200 seats maximum, 1 space per four seats)”

This is not language used in the Town Zoning Ordinance, nor does it meet the requirement as correctly calculated below:

18-6-4 Parking lot The following standards shall be followed in developing site plans for motor vehicle parking lots and off-street parking areas required by Section 17-6:

...i. All paved parking lots shall be planted with no less than one (1) tree for every five (5) parking spaces or fraction thereof. Such trees shall be of a variety which provide shade or are capable of providing shade at maturity (see section 18-8 Canopy trees”) and shall be reasonably dispersed throughout the parking lot.

The plan shows only 10 trees. **A total of 13 is needed** to meet this requirement and must be spaced throughout the site.

With regard to architecture, the Kroger kiosk should mimic the look of the proposed Shoney's and the Planning Commission may require the columns of the fueling station awning to also be brick.

The following comments represented the engineering staff remarks, regarding entrances and traffic, and drainage:

- Dimensioned details of the proposed "Right-in Only" entrance at the south end of the property. The curb line on the north side of this entrance must have a much sharper angled radius to discourage southbound Cummings Street motorists from turning left into this entrance. Also, the detail needs to show the grading necessary along with radii lengths, the existing guy wire and banner pole, the existing and proposed location of the light pole, handicap ramps (VDOT CG-13) at both sides of the entrance, and a "Do Not Enter" sign placed at the south end of the entrance, directed toward southbound Cummings Street traffic.
- Dimensioned detail of the (revised) proposed 36-foot wide entrance, including radii lengths, the existing (and proposed, if relocated) location of the curb inlet, and handicap ramps (VDOT CG-13) at both sides of the entrance.
- Describe the route of tanker trucks delivering fuel to the proposed station, to demonstrate that the entrance and internal circulation are adequate.
- Will need to submit an Application for Plan Revision and a revised plan for review, showing the new location and size of all drainage structures and provide supporting calculations showing the adequacy of all drainage structures.

After further review of a modified plan for the Shoney's project, the issues which were previously left unanswered in terms of traffic engineering have been addressed. In regards to the south entrance to the site, Mr. Dew stated that the lot on Cummings Street would allow a truck to enter from the south entrance and without turning around on the lot, exit onto Cummings Street.

Mr. Smith stated that after further review, there is no significant change in erosion and sediment control in the modified plans, that could be determined, which would require any changes in the previously approved plans.

With regard to the architectural aspects of the Kroger fuel station, Town Staff passed on all comments to Kroger/Shoney's, however, Kroger prefers the elevations as shown in the new proposal, with brick and stucco kiosk, brick base columns and red awning. The Town Staff asked that the awning match those of the proposed Shoney's, which are to be Black or Dark Green.

Dr. White explained the purpose and requirements of the Planning Commission and its responsibility in following the guidelines for the safety and well being of all citizens; also how important it is in making recommendations and suggestions for all requests considered.

Mr. Howard made a motion to approve the request for the fuel center, subject to the colors being muted, with brick matched in height with same style of the Shoney's structure, stucco or brick columns. Mr. Kelly seconded the motion, however before vote by the Planning Commission, Mr. Kelly requested discussion of the delivery time that the fuel would be delivered, due to the safety concerns previously discussed.

After discussion, Mr. Shuman stated that he had no objections to the design of the structure for the new Shoney's Restaurant, however he could not support the fuel center due to safety reasons and would not recommend its approval.

Mr. Austin was in agreement with Mr. Shuman, stating that this is an extra ordinary piece of property; he has no objections to the Shoney's structure but due to traffic congestion and the location he could not support the fuel center being located there.

After further discussion, Mr. Kelly made a motion to approve the request, subject to the colors being muted, with brick matched in height using same style as the Shoney's structure, with stucco or brick columns, and fuel delivery to be made between 10:00 PM and 6:00 AM only. Mr. Howard seconded the motion.

VOTE:

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

The motion passed.

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(4) CONSIDERATION OF PRELIMINARY PLAT FOR PROPOSED SUBDIVISION

Proposed subdivision of property consisting of 6.07± acres owned by Kings Mountain Properties, LLC, **located adjacent to the north side of Empire Drive and to be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. Tax Map No. 106 (7) 1A**

The property to be subdivided is owned by Kings Mountain Properties, LLC, formerly owned by Kealey Johnson Wholesale. The proposed subdivision contains 6.07± acres and is currently zoned Office and Institutional District (OI). The property is located adjacent to the north side of Empire Drive and will be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. The Virginia Department of Transportation maintains the right-of-way of Empire Drive, with residential areas existing to the north and west, and farmland bordering the property to the east. The proposed subdivision includes extending the existing entrance off Empire Drive into a private road to serve all six (6) lots. Public sewer and water are available to the existing lot and will be extended to each individual lot. The proposed used of this property will be commercial.

Mr. Smith, Town Engineer, explained that the Town’s Subdivision Ordinance (Addendum C) defines the proposed subdivision as “Regular” where some improvements and/or construction plans are required or may be required. Preliminary and final plats are required, with each being processed separately.

The Subdivision Ordinance currently defines Empire Drive as a local street. Whenever subdivided property abuts an existing half street, the remainder of the street shall be dedicated to make the right-of-way on the half (1/2) street abutting the subdivision comply with Sec 5.11, Minimum Width. To comply with the requirements of the Subdivision Ordinance, the pavement may have to be widened, curb, gutter, and sidewalk constructed according to the Town’ standard; however, Empire Drive is a county roadway managed by the Virginia Department of Transportation and it has not be confirmed if the Town can require abutting improvements.

Per the Town’s Subdivision Ordinance, Sec. 5.18 (Private streets and reserve strips) *“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.”*

According to the Town’s Subdivision Ordinance, the Subdivider shall install and construct, at his cost, all improvements required by Article VI, which includes new streets, portions of existing street, any easement, extension of drainage, sewer or water system, or right-of-way connecting two (2) public streets and shall be responsible for bringing roadway frontage up to standard for initial acceptance by the Department of Public Works.

The Owner/Subdivider has requested variances to requirements of the Subdivision Ordinance, to include improvements as outlined in Article VI and Section 5.18 of the Subdivision Ordinance.

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, 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 is 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.

After discussion Mr. Kimbrell made a motion to approve the proposed subdivision with variances requested; single private access roads and with no improvements to Empire Drive because that would have to meet the requirements of the Virginia Department of Transportation. Mr. Howard seconded the motion.

VOTE:

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

The motion passed.

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Officer C. J. McGlothlin discussed violations of the Sign Ordinance and the possibility of having a more strict enforcement on businesses, when the use of any unapproved signage is displayed on properties.

With there being no further business motion was made and duly seconded that the meeting be adjourned.

H. Ramsey White, Chairman

Gregory W. Kelly, Secretary