

**TOWN OF ABINGDON
PLANNING COMMISSION
MONDAY, FEBRUARY 28, 2022 3:00 PM
COUNCIL CHAMBERS/ARTHUR CAMPBELL ROOM, MUNICIPAL BUILDING**

A meeting of the Abingdon Planning Commission was held on Monday, February 28, 2022, at 3:00 PM in the Council Chambers/Arthur Campbell Room of the Municipal Building.

- A. Kenny Shuman Chairman called the meeting to Order**
- B. Roll Call – Mayana Rice, Community Development Director**

Members Present:

Mr. Jeff Johnson	Present
Mr. Chad Pennington	Present
Mr. Michael Weaver	Present
Mr. Kirk Sproles	Present
Mr. Scott Wilson	Present
Mr. Kenny Shuman	Present

Members Absent: Mr. James Anderson

Comprising a quorum of the Commission – Yes

Administrative Staff Present:

Mrs. Mayana Rice – Community Development Director
Mr. Gabe Cristofari – Planner/GIS
Mrs. Janice Dornon – Administrative Assistant

Guests: None

- C. WORK SESSION WITH THE BERKLEY GROUP, 3:00 PM TO 5:00 PM (No Video/Audio for this meeting)**

Rebecca Cobb presented The Berkley Group updates to the Planning Commission Members.

Article I Items:

- General
- Administration
- Permits and Applications
- Non-Conforming Uses, Lots, and Structures
- Subdivisions

The Berkley Group is proposing to have an Open House in May 2022. Work sessions in June and

July with the Planning Commission. To be followed by the Final Draft Review.

Notable items discussed:

1. If a permit is conflicting it should be Void.
2. Enforcements are based on state codes.
3. Fees and taxes are paid by the owners.

Article II Items:

The Planning Commission is responsible for:

1. Comprehensive Plan
2. COA rulings
3. Entrance Corridor
4. Site Plan Reviews

BZA-Board of Zoning Appeals should consider having an alternate member as to always have a quorum.

The question was posed should all COA's go before the Historic Preservation Review Board, after discussions it was decided that the Entrance Corridor COA's should remain as a Planning Commission agenda item.

The Planning Commission feels that the new ordinance update draft should be reviewed by the HPRB members and should reference the state codes and issue required permits.

The Old & Historic District is governed by Zoning and the Entrance Corridor is zoned outside the OH District but still in the District.

Article III Items:

Conditional Zoning & Proffers should include Zoning Text Amendments. A Conditional Rezoning will offset development, can be restricted to the next owner.

Proffers can be used when necessary and should relay back to the Comprehensive Plan with the Town Attorney reviewing.

Variances have strict requirements and are reviewed by the BZA. A hardship must be proven to receive a variance on a parcel.

Site Plans are required for a structure over 256 square feet.

For Public Notices it could be considered that the Town supplies the signs and the public would pay a fee for this type of notice.

Concept plans are considered a best practice, they do not include a site plan, they are

preliminary, these will encourage economic development, although the applicant can still submit a site plan. The Planning Commission voted to not include concept plans in the new ordinance, sticking with the format of a preliminary plan and a final plan set.

Can a sign in the OH District be approved by the administrative staff? Planning Commission agreed that the Commissioners should be approving signs, this will alleviate the staff from a difficult situation. Planning Commission feels that sign approval should be uniform with the Planning Commission and the Historic Preservation Review Board.

Non-Conforming, a structure that exists at the time an ordinance is adopted may continue as non-conforming.

Repairs and maintenance to increase to 20% of replacement value to rebuild internally on a conforming structure. Internal – not limit, external – bring into conformity. A decision was made that internal remodeling is allowed but the structure cannot be torn down.

Article IV Items:

Subdivisions: create guidelines for all developments to include connectivity of the subdivisions, bond requirements with bond values, with the Town Council to have final approval of these guidelines.

Preliminary plats should be for more than 5 plots; smaller plats can still be submitted as a minor plat review having 3 or fewer plots. Plats with more than 4 plots will go before the Planning Commission, then be referred to the Town Council.

The Planning Commission decided to have all subdivision plats go before the Planning Commission

Next Steps:

1. Illustration
2. Definitions
3. Zone Maps
4. Wrap Up

The Commission decided to meet at 3:00 on March 28, 2022, to continue discussing the draft items from the previous meeting on January 24, 2022.

D. BREAK 5:00 PM TO 5:30PM

**E. APPROVAL OF MINUTES: REGULAR MEETING, FEBRUARY 28, 2022
(VIDEO 18:50 – 19:33)**

- January 24, 2022, Regular Meeting

On a motion by Mr. Weaver seconded by Mr. Pennington, the Planning Commission approved the Regular Meeting Minutes for January 24, 2022, as presented.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Abstained
Mr. Scott Wilson	Abstained
Mr. Kenny Shuman	Aye

- The minutes for January 24, 2022, were approved as presented.

F. PUBLIC COMMENTS - NONE

G. CERTIFICATE OF APPROPRIATENESS

1. *Certificate of Appropriateness; Town of Abingdon, 133 West Main Street. Abingdon, VA, 24210; Owner. Kyle Pollard; Representative. COA for Entrance Sign to Sports Complex. Located at 78 Cook Street, Abingdon, VA 24210. Tax Map D (105-A-39) (VIDEO 19:34 – 23:26)*

A. Staff report

B. Applicant presentation

C. PC discussion and decision

Staff Report given by - Gabe Cristofari

Mr. Cristofari explained that the COA proposed does match the Meadows Complex covenants and complies with the Towns sign guidelines. The sign is one sided and is in the site of traffic. Staff recommends that the COA be approved as presented.

On a motion by Mr. Wilson, seconded by Mr. Johnson the Planning Commission approved the COA as presented with a suggestion to have the Town Engineer review the location and site distance for the sign.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

2. Certificate of Appropriateness; Gastroenterology Associates, 329 Main Street, Abingdon, VA, 24210; Owner. Lisa Walden, Bristol Sign Company Walden, LLC; Representative. COA for Signage. Located at 329 Main Street, Abingdon, VA 24210. Tax Map D (011-12-1) (VIDEO 23:27 – 25:20)

- A. Staff report**
- B. Applicant presentation**
- C. PC discussion and decision**

Staff Report given by - Gabe Cristofari

Mr. Cristofari said that the proposal complies with the Towns sign guidelines. The sign is one-sided and is in the sight of traffic. Staff recommends that the COA be approved as presented.

Lisa Walden & Gil Walden represented the COA for 329 Main Street.

Mr. Walden proposed that the sign will be placed on the existing post and will be set as the previous sign.

On a motion by Mr. Weaver, seconded by Mr. Sproles, the Planning Commission approved the COA as presented.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

H. PUBLIC HEARINGS– ZONING TEXT ORDINANCE AMENDMENT

1. Public Hearing – Zoning Text Amendment. Zoning Text Amendment to add childcare to the ordinance in B1 and B2. (VIDEO 25:21 – 29:25)

A. Staff report

B. Applicant presentation

C. PC discussion and decision

Staff Report given by - Mayana Rice

Chairman opened the Public Hearing

Mrs. Rice explained that the United Way is requested on February 24, 2022, that “Childcare” be added to the Town ordinance as a “Use by Right” option in the B1 & B2 Districts.

Chairman Closed the Public Hearing

On a motion by Mr. Johnson, seconded by Mr. Weaver, the Planning Commission approved the COA as presented, forward to the Town Council for final approval.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

I. CERTIFICATE OF APPROPRIATENESS

- 1. Certificate of Appropriateness; Doug’s Super Wash, Turnhart Acquisition Corporation, 2506 S. Front Street, Richlands, VA 24641; Owner. Jeremy Fields, Appalachia Design Services; Representative. COA for new construction of a car wash. Located at 140 Cook Street, Abingdon, VA 24210. Tax Map D (021-8-9A) (VIDEO 29:25 – 43:50)***

A. Staff report

B. Applicant presentation

C. PC discussion and decision

Staff Report given by - Mayana Rice

Mrs. Rice, this is a new commercial car wash, located in the Entrance Corridor and will adhere to the Meadows covenants.

Towns engineering department will work with the developer to handle the logistics of the left-hand turn lane and a right-hand turn near the Waffle House. The frontage will require landscaping. Entrance will be complicated with exiting from the Waffle House and using the Pal's driveway. The car wash will have 3 lanes, capacity to have 15 cars in each lane and 8 in the driveway area.

A car wash will have different regulations and parking needs, with 5 parking spaces primarily for employees. Lighting will be down-facing.

This COA will require a lighting and landscaping plan. Applicant to return for a sign permit and apply for mechanical and building permits.

The color of the façade may be in question, Pals and Waffle House both have colored façade to identify with their branding. The fence will not be visible, put in place for their customer's safety.

Mrs. Rice stated the condition required by staff;

1. Final Site Plan
2. Building Permit
3. Landscaping Plan
4. Lighting Plan
5. COA & Sign Application for Sign Permit

Mr. Jeremy Fields was on hand to represent Doug's Car Wash proposal.

On a motion by Mr. Johnson, seconded by Mr. Pennington, the Planning Commission approved the COA as presented contingent upon a Final Site Plan, Building Permit, Landscaping Plan, Lighting Plan and Sign Permit.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

2. ***Certificate of Appropriateness; Nathan Berg, Wallberg Construction, LLC, 190 E. Main St., Abingdon, VA; Representative. Matt Bundy, Bundy A & E, 190 E. Main St. Abingdon, VA; Representative. COA to build an addition and remodel for the former Carter Bank Building. Located at 238 W. Main St, Abingdon, VA 24210. Tax Map D (012-1-127) (VIDEO 43:51 – 56:04)***

A. Staff report

B. Applicant presentation

C. PC discussion and decision

Staff Report given by - Mayana Rice

Mrs. Rice explained that this parcel will be multi-tenant with indoor-outdoor access. No landscaping, lighting, or site plan have been submitted. Municipal Parking Lot will need to be brought up to current standards. Mechanical equipment and dumpster pad will need to be screened from public view.

Mrs. Rice stated the conditions required by staff;

1. Final Site Plan
2. Building Permit
3. Landscaping Plan
4. Lighting Plan
5. COA & Sign Application for Sign Permit

Matt Bundy and Nathan Berg represented the property located at 238 W. Main Street.

Mr. Berg proposed that entry would be from the side of the building with parking at a 45% angle from the front entrance. The Colonial façade features will be removed from the front entrance. The plans are for arcade-style shops, boutique shops, restaurants, and storefronts under the archways, the brick matching the front façade.

The lower building will be renovated at a later date with a possibility of a restaurant or micro-brewery.

Inside shops will be arcade-style with modest signage above each arch similar to an indoor market with access from the front with common areas with smaller shops inside of the market area.

On a motion by Mr. Weaver, seconded by Mr. Sproles, the Planning Commission approved the COA as presented with staff recommendations to be fulfilled.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

J. ZONING TEXT ORDINANCE AMENDMENT INITIATED

1. Planning Commission Initiated: Proposed Text Amendment No.1, Under Section 8-2-13, add the word, "Hotels". (VIDEO 56:05 – 1:07:40)

- A. Staff report**
- B. Applicant presentation**
- C. PC discussion and decision**

Staff Report given by - Mayana Rice

Mrs. Rice explained that a Text Amendment is initiated with the Planning Commission and sent to the Town Council for final approval. The applicant is proposing to add "Hotels" to the Town ordinance for the Old & Historic District, sub-district #13 to redevelop the old Abingdon Hotel.

Mrs. Rice explained that the renovation for this project was previously approved by the HPRB Board on March 2, 2022.

Mrs. Rice stated the renovated Hotel fits in with the Comprehensive Plan. A new code will be needed if the building will be uses as a Hotel.

The Planning Commission agreed to initiate the text amendment in the OH District ordinance.

The Planning Commission can continue to approve by Special Use Permits and Permit by Use if they prefer.

The Commission agreed to continue to hear this type of use by presenting it as a Special Use Permit. A Site Plan and Building Permit would address the requirement for these such projects.

On a motion by Mr. Johnson, seconded by Mr. Wilson the Planning Commission approved the COA as presented and to approve as "Hotel" by Special Use Permit.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

2. Planning Commission Initiated Proposed Text Amendment No.2, Under Section 10-1 add the word, "Hotels". (VIDEO 1:07:41 – 1:16:40)

- A. Staff report**
- B. Applicant presentation**
- C. PC discussion and decision**

Staff Report given by - Mayana Rice

Mrs. Rice, the Planning Commission can continue to approve by Special Use Permits and Permit by Use.

The Commission agreed to continue to hear this type of use by presenting it as a Special Use Permit. A Site Plan and Building Permit would address the requirement for these such projects.

On a motion by Mr. Pennington, seconded by Mr. Johnson, the Planning Commission approved the COA as presented and to approve as "Hotel" by Special Use Permit.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

H. PUBLIC HEARINGS– ZONING MAP ORDINANCE AMENDMENT AND SPECIAL USE PERMIT

2. Public Hearing – Zoning Map Amendment; The Clink, LLC, 190 E. Main St. Abingdon, VA 24210: Zoning Text Amendment to change M-1 zoning to B1. Located at

214 Park St., Abingdon, VA 24210. Tax Map D (013-1-133) (VIDEO 1:16:40 – 1:28:46)

- A. Staff report**
- B. Applicant presentation**
- C. PC discussion and decision**

Staff Report given by - Mayana Rice

Chairman Opened the Public Hearing

Mrs. Rice stated that the applicant is proposing to rezone the parcel from M1 to B1, to develop the old jail into a multi-family use, with short-term rentals on the second story and, adding a third story for a boutique hotel. Property elevations will not change with this remodel.

Ms. Debbie Evans owner of a lot in the Black Fort area asked why she was not allowed to build a home on her property, Mrs. Rice explained that the property in question is an existing structure, not a new build. Ms. Evans project would have been a new structure.

Chairman Closed the Public Hearing

On a motion by Mr. Johnson, seconded by Mr. Wilson, the Planning Commission approved the COA as presented to change the zoning from M-1 to B1 to coincide with adjacent properties and a third-story addition. Zoning Text Amendment to be sent to the Town Council for approval.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

3. Public Hearing –Special Use Permit; The Clink, LLC, 190 E. Main St. Abingdon, VA 24210: Zoning Text Amendment to change M-1 zoning to B1. Located at 214 Park St., Abingdon, VA 24210. Tax Map D (013-1-133) (VIDEO 1:28:47 – 1:36:35)

- A. Staff report**
- B. Applicant presentation**

C. PC discussion and decision

Staff Report given by - Mayana Rice

Chairman Opened the Public Hearing

Mrs. Rice stated that in the previous motion that the Planning Commission approved rezoning from M1 to B1, the renovations of the second story and the addition of the third story. With the addition of the third floor, the elevations will not increase the flood elevations, per Town Engineer-Tyler Vencill.

Mrs. Rice read into the record the following on existing structures in the floodplain:

15-11-1.

The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district to an extent or amount of 50% or more of its market value (determined by an independent licensed appraiser and as based upon percentage determination of a registered design professional, at the burden of the applicant) shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the VA USBC.

Mrs. Rice stated the conditions required by staff;

1. Submittal of a final site plan with landscaping.
2. Submittal of a final lighting plan for any lighting.
3. Submittal of a sign permit.
4. Submittal of all applicable building permits to the Community Development Department to ensure compliance with the VA USBC for both construction permitting and for any required flood proofing.

Chairman Closed the Public Hearing

On a motion by Mr. Weaver, seconded by Mr. Sproles, the Planning Commission approved the COA after having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 19-9-6 of the Town of Abingdon Zoning Ordinance, I move to approve The Clink Special Use Permit, with approval subject to all applicable laws and regulations, staff findings and staff recommended conditions.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Michael Weaver	Aye
Mr. Kirk Sproles	Aye

Mr. Scott Wilson **Aye**
Mr. Kenny Shuman **Aye**

L. WORK SESSION WITH THE BERKLEY GROUP (Continued from 3:00 pm session if needed) - None

M. OLD BUSINESS/MATTERS NOT ON THE AGENDA

N. ANNOUNCEMENTS

Staff to decide if an additional meeting is needed to discuss the new Zoning and Subdivision Ordinance Updates.

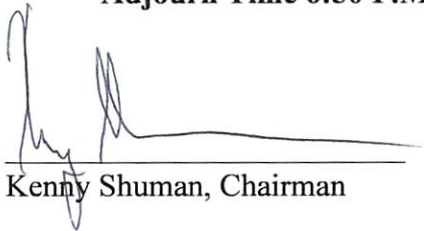
O. ADJOURNMENT

On a motion by Mr. Johnson, seconded by Mr. Pennington, recommending that the meeting be adjourned with no further business to address.

The roll call vote was as follows:

Mr. Jeff Johnson **Aye**
Mr. Chad Pennington **Aye**
Mr. Michael Weaver **Aye**
Mr. Kirk Sproles **Aye**
Mr. Scott Wilson **Aye**
Mr. Kenny Shuman **Aye**

Adjourn Time 6:50 P.M.


Kenny Shuman, Chairman


Janice Dornon, Secretary

The next regularly scheduled meeting will be February 28, 2022, at 5:30 pm in the Council Chambers, 2nd floor of the Town Municipal Building.