

**TOWN OF ABINGDON  
PLANNING COMMISSION  
MONDAY, AUGUST 28, 2023, 5:30 PM  
COUNCIL CHAMBERS, MUNICIPAL BUILDING**

A meeting of the Abingdon Planning Commission was held on Monday, August 28, 2023,  
at 5:30 PM in the Council Chambers of the Municipal Building.

- A. Kenny Shuman – Chairman called the meeting to Order**
- B. Roll Call – Mayana Rice, Assistant Town Manager**

**Members Present:**

<b>Mr. Kirk Sproles</b>	<b>Present</b>
<b>Mr. Scott Wilson (5:40 p.m.)</b>	<b>Present</b>
<b>Mr. Jeff Johnson</b>	<b>Present</b>
<b>Mr. Kenny Shuman</b>	<b>Present</b>
<b>Mr. Chad Pennington</b>	<b>Present</b>

**Members Absent:**

<b>Mr. Michael Weaver</b>	<b>Absent</b>
<b>Mr. Wayne Austin</b>	<b>Absent</b>

**Comprising a quorum of the Commission – Yes**

**Administrative Staff Present:**

Mrs. Mayana Rice – Assistant Town Manager  
Mr. Gabe Cristofari – Senior Planner/GIS  
Mr. Caleb Conklin – Planner I

**Guests: None**

- C. APPROVAL OF MINUTES: REGULAR MEETING, JULY 24, 2023. (VIDEO 5:34 – 6:24)**
  - July 24, 2023, Regular Meeting

**On a motion by Mr. Johnson, seconded by Mr. Sproles, the Planning Commission approved the Regular Meeting Minutes for July 24, 2023.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

**D. PUBLIC COMMENTS: None**

**E. CERTIFICATE OF APPROPRIATENESS**

***1. Special Use Permit – Cillian James Hegarty, 370 E. Main Street, Abingdon, VA 24210. Special Use Permit for Signage. Located at 370 E. Main Street, Abingdon, VA 24210. (Tax Map 013-1-82) (VIDEO 6:25 – 43:08)***

Mrs. Rice provided the staff report.

Hugh Belcher (Owner) and Cillian James Hegarty (Applicant) have requested approval of a Special Use Permit to add two monument signs to the property to advertise the entryway to the proposed development “East Village”. The primary focus is to unify the existing businesses around a shared parking area. The first monument sign will be located on E. Main Street and the second monument sign will be located on Park Street. The Special Use Permit request is for a Comprehensive Sign Plan per section 8-4-2 of Article VIII Community Design Standards. The property is within the General Business District (B-2) and is within the Entrance Corridor therefore requiring the approval of the Planning Commission prior to completion.

There is existing signage visible on the properties of Sweetbay Brewing Company, Brazen Raven Coffee Roasters, and The Girl & The Raven. However, the applicants are interested in this property functioning as one location. In order to accomplish this, both a permanent easement through all the parcels and a Comprehensive Sign Plan are being proposed. Access to the site will be on E. Main Street, Deadmore Street, and Park Street.

The first monument sign will be located at 370 E. Main Street at the E. Main Street Entrance.

The structure that supports the signs will have a maximum overall dimension of 80 in. x 118.79 in. composed of wooden beams and limestone masonry with individual internal signs annotating the name of the complex as well as signs for each individual tenant. The individual signs will consist of a black and gold color scheme and be made from vinyl, aluminum, or a similar flat surface.

The top sign will measure 11.79 in. x 81.21 in. equaling 6.65 sq. ft. and will display the name of the development. Below the top sign will be four smaller signs each measuring 12.04 in. x 33.18 in. equaling 2.77 sq. ft. and will display the names of the tenants. There will be four smaller signs on the bottom each measuring 12.04 in. x 33.18 in. equaling 1.39 sq. ft. and will display the names of future tenants located within the development.

The second monument sign will be located at Park Street. The structure and signs will comprise of the same material, color scheme, and lettering as the first monument sign. The structure will measure 64.99 in. x 96 in. The top portion of the sign will measure 9.53 in. x 65.63 in. equaling 4.34 sq. ft. The bottom portion of the sign will measure 32.18 in. x 56.62 in. equaling 12.65 sq. ft., bringing the total signage's square footage to 17 sq. ft..

An entrance to the development is located at 370 E. Main Street. The access provides a one-way easement leading South to the proposed shared parking lot and West to the exit on Park Street. The one-way easement provides an exit East across 380 E. Main Street. An entrance and exit to the shared parking lot can be accessed with the two-way easement found on Park Street.

The applicant is requesting approval for future tenant signage.

1. Ice House Building – For the Ice House property on Park Street the applicant proposes the option of three signs with the following dimensions or smaller of 4 ft. x 5 ft. rectangular signs, or alternatively, 5 ft. diameter circular signs. Each sign material will be aluminum and comprise of the color palettes and logos specific to each prospective business i.e., coffee roastery, bike shop, and adventure shop, located there.
2. Sweetbay Out Building – For the Sweetbay Out Building the applicant proposes the option of one sign with the following dimensions or smaller of a 4 ft. x 5 ft. rectangular sign, or alternatively, a 5 ft. diameter circular sign. This will be located on the building closest to the Deadmore Street entrance. The sign material will be aluminum and comprise of the color palette and logo specific to the prospective business located there.
3. 370 E. Main Street – For 370 E. Main Street the applicant proposes the option of one sign with the following dimensions or smaller of a 3 ft. x 5 ft. rectangular sign. The sign material will be aluminum and comprise of the color palette and logo specific to the prospective business located there.
4. 380 E. Main Street – For 380 E. Main Street the applicant proposes the option of one sign with the following dimensions or smaller of a 1 ft. x 3 ft. rectangular sign, or alternatively, 3 ft. in diameter circular sign. The sign material will be aluminum and comprise of the color palette and logo specific to the prospective business located there.

If the Planning Commission decides to approve the Special Use Permit request, staff suggests the following conditions of approval be attached to secure substantial protection for public health, safety, and general welfare:

1. Submit for review to the Community Development Department and Applicant record a permanent 15 ft. wide easement that links parcels (prior to the approval of:
  - 013-1-82
  - 014-1-9

- 014-1-24
  - 014-1-25
  - 014-1-24C
  - 013-1-143
2. The permanent easement must identify that this area is for vehicular and pedestrian movement.
  3. The permanent easement must consist of a pavement, concrete or gravel surface and be maintained in perpetuity by the owners.
  4. The permanent easement documentation must be signed by all property owners and recorded with each parcel.
  5. The permanent easement documentation will identify the maintenance plan for easement and the responsible parties for each parcel. Proposed entrance/exit at Bike Shop/Brazen Raven Coffee Roasters.
  6. Submit internal directional signage for traffic flow that includes design, materials, and dimensions to be added to the comprehensive sign package and site plan with the submittal of the Sign Permit Application.
  7. Remove The Girl & The Raven Open sign and the Breakfast, Lunch, and Pastries signs on 380 E. Main Street to eliminate sign clutter on E. Main Street prior to approval of the Sign Permit.
  8. Remove the previous sign post located at 370 E Main Street prior to the approval of the Sign Permit.
  9. Submit a parking plan for spaces for all businesses located in the East Village prior to approval of the Sign Permit.
  10. The driveway for 370 E. Main Street shall have angled parking which will distinguish this route as a one-way entrance.
  11. Dumpster(s) either existing or new for all businesses must be fully enclosed and relocated if found obstructing an easement prior to approval of the Sign Permit.

Mr. Nathan Berg (Applicant) provided additional maps to the board of minor changes to the location of the monument signs that were submitted to staff. He provided context of the properties within the proposed Special Use Permit. He stated the Ice House building will be for a retail space and for The Girl & The Raven to expand its coffee roasting business. It would also be used as a Bike Shop. The plan proposed would give these businesses visibility to the public on Main Street.

Mr. Shuman (PC) asked if the conditions that Mrs. Rice (Staff) stated were aligned with what Mr. Berg (Applicant) is looking for. Mr. Berg stated that the conditions were discussed with staff and would be included in the plan.

Mr. Johnson (PC) asked on the clarification of the 12-foot easement proposed on Main Street. He stated that he thought with staff requirements it would be 15-foot. Mr. Berg (Applicant) has requested a 12-foot easement because the existing entrance and pavement is one lane of 12-foot as well as it being more desirable for property owners to have it that size. Mr. Johnson stated he understood the signage on Main Street but asked why the entrance isn't off Deadmore Street. Mr. Berg responded that because it is a less traveled road. Mr. Johnson mentioned that they can have signage on Main Street and have the entrance off Deadmore Street. He expressed concern of having the existing entrance of The Girl & The Raven on Main Street and the entrance on Deadmore Street and now the addition of the proposed entrance on Main Street. Mr. Berg mentioned that the proposed entrance is already existing for 370 E. Main Street that is a residential and commercial space. It was mentioned that traffic will increase on the one-way entrance.

Mr. Johnson (PC) asked on why the access between Sweetbay Brewing Company and the engineering firm is not a part of the easement and expressed concern of all the traffic being forced on Park Street which is in front of the fire station. Mr. Wilson (PC) asked for clarification on if someone left the brewery would they have to leave out Park Street. Mr. Berg (Applicant) stated no. Mr. Johnson expressed concern on the recorded easements for all the parties involved. Mr. Berg stated that all the property owners involved are aware of the permanent easement that is being proposed. He also mentioned that it is not preferable to use the access between the brewery and engineering buildings because the gate is sometimes closed during parts of the day. Mr. Wilson asked about internal signage or markings denoting the flow of traffic in the parking lot. Mr. Berg stated that because the area is both pavement and gravel, there will be signage and visual indicators such as landscaping for traffic direction. The easement will be clearly marked on a survey plat for records. Mr. Johnson stated that access between the brewery and engineering firm would give another exit for traffic, and it is already used as an ingress and egress. It will promote traffic flow and make it less busy in front of the fire station on Park Street.

Mr. Johnson (PC) asked on the signage of the Ice House building of the three proposed tenant signs being the size they are without knowing the dimensions of the building or if they were in accordance with the ordinance. Mr. Berg (Applicant) provided pictures to the staff of the proposed signage of the building. Mrs. Rice (Staff) stated that because this is a comprehensive sign plan, the applicant gets more flexibility to ask for the number of signs and size of signs in the plan. It was also stated that there wasn't any lighting submitted to staff for the signs. Mr. Berg mentioned that the monument signs would be illuminated by upward lighting from the ground and that he would need to submit a lighting plan. He mentioned they are looking for approval to get more details to the staff if approved. Mr. Johnson mentioned again his concern of not having the access between the brewery and engineering firm. Mr. Berg stated at this time he would have to discuss with the property owners about allowing that.

**Mr. Shuman opened the public hearing.**

Patrick Atkins, owner of Sweetbay Brewing Company, expressed his gratitude to the board for their time in the consideration of the proposed East Village. He mentioned that he believes that the plan will provide more accessibility to the businesses. The signage will give more visibility to the public and help continue to the growth of Abingdon. He stated that the businesses will collaborate with other local businesses to help continue the travel and growth in the town.

**Mr. Shuman closed the public hearing.**

**On a motion by Mr. Johnson, seconded by Mr. Wilson, the board voted to recommend approval of the SUP as submitted to Town Council with the additional provisions of the conditions recommended by staff and the additional easement be granted between the brewery and engineering buildings for an additional exit and to divide traffic two ways for safety reasons. Applicant needs to come back to staff with a lighting plan for the monument signs.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

***2. Special Use Permit – Wallberg Construction, 238 W. Main Street, Abingdon, VA 24210. Special Use Permit for Signage. Located at 238 W. Main Street, Abingdon, VA 24210. (Tax Map 012-1-127) (VIDEO 43:09 – 51:37)***

Mrs. Rice provided the staff report.

Medstream Properties LLC. (Owner) and Wallberg Construction LLC. (Applicant) have requested approval of a Special Use Permit to add signs to the property to illustrate the name of the marketplace and the presence and location of tenants. One sign will be located above the main entryway on W. Main Street with a monogram logo below it. Two signs will be on the wall of the North elevation with another sign established on the existing projecting sign. Two monument signs will be located near the entryways on W. Main Street and Remsburg Drive. Six minor signs will be located between the archways of the East elevation of the main structure and two wall signs located above the tenant businesses on the East elevation of the rear CMU addition. An additional wall sign will be placed on the detached teller structure on Remsburg Drive. The Special Use Permit is for a Comprehensive Sign Plan per section 8-4-2 of Article VIII Community Design Standards. The property is located at 238 W. Main Street, Abingdon, VA (Parcel 012-1-127). The

property is within the Central Business District (B-3) and is within the Entrance Corridor therefore, requiring the approval of the Planning Commission prior to completion.

The marketplace will be occupying Carter Bank & Trusts' former location. The plan incorporates one existing sign. Access to the site will be on W. Main Street and Remsburg Drive.

One of the signs will be placed on the existing projecting sign located on W. Main Street facing perpendicular to the road with a dimension of 4 ft. x 4 ft. The sign will be made from vinyl or aluminum or a similar material. Another sign will be placed above the main entryway on W. Main Street that will be made from individual aluminum lettering angled in a curve to match the curvature of the building's archway. Below the lettering will be the Abingdon Commons monogram logo with a diameter of 3 ft. constructed using brass and mosaic tile.

Two signs will be placed on the North elevation wall facing W. Main Street, one located on the far East side and West side of the North elevation. Both signs will be made with individual manufactured aluminum letters. Lights similar to goose neck lights will run along the elevation.

A monument sign structure will be installed perpendicular near the main entryway on W. Main Street measuring 8 ft. x 6 ft. It will display the marketplace name on the top of the sign with the tenant sign spaces below. The frame will be constructed of brick and its base will be concrete uniform to the main building. The internally lit sign will be made from vinyl or aluminum consisting of the proposed color palette. The existing monument sign on the South side of the property near Remsburg Drive, that was used by the former Carter Bank & Trust, will be removed, and replaced with the same proposed monument sign structure as the one on W. Main Street.

There are six color designs submitted for the two monument signs placed on W. Main Street and Remsburg Drive. The applicant prefers option 2 and 3 to be the ideal color design of the proposed monument signs from the designs shown below.

There will be six minor signs measuring 1.5 ft. x 3 ft. that will be displayed between each set of archways on the East elevation of the main building facing the Abingdon Visitor Center. They will display the nature of products available inside the building. These signs will be made with vinyl or aluminum or a similar material such as the proposed projecting sign on W. Main Street.

Two signs will be placed on the East elevation of the rear addition facing the Abingdon Visitor Center with each placed above the entryway to each business. Both signs will measure 4 ft. x 6 ft. and display the tenants' logos. These signs will be made with vinyl or aluminum or a similar material such as the proposed projecting sign on W. Main Street.

The color and font of all the signs will feature one cohesive color scheme as illustrated in the renderings and in the diagram below. The signs will have one uniform font like that illustrated in the renderings.

One wall sign is proposed on the detached brick structure on Remsburg Drive, formerly the Carter Bank & Trust teller building. The applicant proposes a 4 ft. x 5 ft. sign made with vinyl or aluminum or a similar material to be placed on the South elevation of the structure.

If the Planning Commission decides to approve the Special Use Permit request, staff suggests the following conditions of approval be attached to secure substantial protection for public health, safety, and general welfare:

1. Submittal of a final lighting plan to Community Development prior to Sign Permit Application.

Mr. Johnson (PC) asked if the applicant is looking for insight on the color scheme options for the monument signs. Mr. Berg (Applicant) answered yes, between options 2 and 3 provided in the designs. Mr. Johnson stated that option 2 would match the lettering and color. Mr. Shuman (PC) stated that either option 2 or 3 would be the best for people to read and the dark schemes would be difficult to read.

**Mr. Shuman opened the public hearing.**

There were no public comments.

**Mr. Shuman closed the public hearing.**

**On a motion by Mr. Pennington, seconded by Mr. Sproles, the board voted to recommend approval of the SUP as submitted to Town Council with the additional provisions of the conditions recommended by staff.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

***3. Certificate of Appropriateness – Wallberg Construction, 238 W. Main Street, Abingdon, VA 24210. Certificate of Appropriateness for exterior changes. Located at 238 W. Main Street, Abingdon, VA 24210. (Tax Map 012-1-127) (VIDEO 51:38 – 56:17)***

Mr. Cristofari provided the staff report.

Nathan Berg of Wallberg Construction LLC. (Applicant/Owner) has requested approval of



an Entrance Corridor Certificate of Appropriateness for exterior changes to the rear concrete block addition. The property is located at 238 W. Main Street, Abingdon, VA (Parcel 012-1-127). The property is within the Central Business District (B-3) and is within the Entrance Corridor therefore requiring the approval of the Planning Commission prior to completion.

Abingdon Commons will be occupying Carter Bank & Trusts' former location. The existing rear building is made of CMU. Access to the site will continue to be W. Main Street and Rensburg Drive.

The applicant proposes to construct a wooden pergola and deck using rough sawn timbers sealed with a natural finish located on the East elevation of the rear CMU structure. The proposed wooden pergola and deck will run towards the Rensburg Drive entrance facing east towards the Visitor Center. Additionally, the applicant proposes to add windows that match the style of the existing windows on the building. The material will be aluminum storefront windows with the color being dark bronze. The proposed door material above the deck will be aluminum with the color being dark bronze. The railing on the deck will be made of black iron.

The proposed pergola has a height of 16 ft. 7 in., width of 10 ft. 10 in., and length of 101 ft. 6 in. across the front elevation of the rear building. The proposed deck has a height of 8 ft. 7 in., width of 16 ft., and length of 42 ft. 10 in. across the East side of the front elevation.

If the Planning Commission decides to approve the Certificate of Appropriateness request, staff suggests the following conditions of approval be attached to secure substantial protection for public health, safety, and general welfare:

1. Submittal of dimensions for the proposed windows and doors of the rear structure as part of the application for a Building Permit, to the Community Development Department.

Mr. Berg (Applicant) stated the reason for the pergola and deck is to enhance the visuals of the building and to create a nice seating arrangement for the future tenant Delta Blues.

**On a motion by Mr. Sproles, seconded by Mr. Johnson, the board voted to approve the COA as presented with the additional provisions of the conditions recommended by staff.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

**4. Certificate of Appropriateness – Marathon Realty Corporation, Parcel #021-8-7, Cook Street, Abingdon, VA 24210. Certificate of Appropriateness for Construction. Located at Parcel #021-8-7, Cook Street, Abingdon, VA 24210. (Tax Map 021-8-7) (VIDEO 56:18 – 1:03:24)**

Mr. Cristofari provided the staff report.

Marathon Realty Corp. (Owner/Applicant) and Appalachia Design Services (Representative) have requested approval of a Certificate of Appropriateness for a new commercial hardware store (Ace Hardware), located at parcel 021-8-7 located in the Town of Abingdon, VA. The property is within the General Business Zoning District (B-2) and is within the Meadows Planned Unit Development. As such there is a requirement for the approval of an Entrance Corridor Certificate of Appropriateness as well as additional standards identified in the covenant. Approval of the Entrance Corridor Certificate of Appropriates is granted by the Planning Commission.

The site is part of The Meadows Planned Unit Development. The design, uses, entrance locations and the final plat dictate many of the requirements on the parcels located within The Meadows. This project is subject to those requirements as well as the Entrance Corridor requirements identified in the Town of Abingdon Zoning Ordinance. Access to the site will continue to be Cook Street

The applicant has indicated they will return to the Planning Commission for approval concerning future signage related to the project.

The applicant has provided elevation drawings. The elevation drawings meet the minimum design requirements stated in the Meadows Restrictive Covenant. The North (primary) elevation has a total square footage (less glass) of 1124 sq. ft. The total square footage of the brick and masonry combine for 1013.6 sq. ft, roughly 90% of the cladding for the North (primary) elevation. The West (secondary) elevation has a total square footage (less glass) of 1422.3 sq. ft. The total square footage of the brick and masonry combine for 1322.6 sq. ft, roughly 93% of the cladding for the West (secondary) elevation. The South (secondary) elevation has a total square footage (less glass) of 1794 sq. ft. The total square footage of the brick and masonry combine for 1708.9 sq. ft, roughly 95% of the cladding for the South (secondary) elevation. The East (secondary) elevation has a total square footage (less glass) of 1465.9 sq. ft. The total square footage of the brick and masonry combine for 1366.2 sq. ft, roughly 93% of the cladding for the East (secondary) elevation.

The remaining square footage for the structure's elevations consist of horizontal spiced rum trex cladding separating the walls into brick sections. As seen on the rendering submitted the horizontal trex cladding is located between the structure's general shale regency stone base and the brick belt course running along the middle of the structure. The other material or feature contributing to the structure's envelop square footage are six twenty glass panel metal garage style overhead doors prefinished black found on the North (primary) elevations. The applicant has stated a final lighting plan will be submitted with the building plans.

The landscaping plans can be found on sheet C6.0. The applicants are providing a total of 2,454 sq. ft. of landscaping along the front of the property. Within the landscaped areas are various types of foliage including Red Oaks, Dogwoods, azaleas, and viburnums.

The applicants provided a site plan with plantings identified and renderings that show the proposed parking lot landscaping. The landscaping provided appears to soften the visual impact of the proposed development. The hardware store is within a larger development and is therefore buffered on both sides by existing and future developments. The mechanical equipment will be required to be screened when approved through the Building Permit. All loading docks and trash storage facilities are not visible from the Entrance Corridor or are screened from view. Dumpsters are enclosed by a brick wall on three sides, the structure itself acts as another wall for the dumpster enclosure. On the East side of the structure will be an 8 ft. high aluminum fence prefinished black. Supporting the shed roof will be wooden posts stained to match the horizontal trex cladding. The fencing will enclose what is proposed to be an outdoor sales area.

The landscaping plans can be found on sheet C6.0. The applicants are providing a total of 1,142 sq. ft. of landscape parking islands. Within these landscape parking islands are the same types of foliage found along the front of the property.

The applicants provided a site plan that shows a sufficient parking lot. The formatting of the parking stalls, added landscaping, and continued limited access points are all features that the project will complete. Staff worked with the applicant to ensure that the entrances were designed to match the underlying approved site design of The Meadows. The parking lot is sufficient for this use.

If the Planning Commission decides to approve the Certificate of Appropriateness request, staff suggests the following conditions of approval be attached to secure substantial protection for public health, safety, and general welfare:

1. Submittal of a final site plan shall occur prior to the issuance of an approved Building Permit, to the Community Development Department.
2. Submittal of a final lighting plan shall occur prior to the issuance of an approved Building Permit, to the Community Development Department.
3. Submittal of a Certificate of Appropriate to the Planning Commission for any signage associated with the project.
4. Submittal of a Sign Permit Application to the Community Development Department for any signage associated with the project.
5. Submittal of all applicable building permits to the Community Development Department.

Mr. Johnson (PC) asked if there was an easement on the east side of the building where the exit is located on the Town of Abingdon property and if it aligns with the entrance side of the parking lot on the other side. Mr. Cristofari (Staff) stated that it did align. Mrs. Rice (Staff) mentioned that prior to the meeting they went before town council for the easement and were approved. Stephen Spangler (Applicant) stated they submitted as a generic retail project.

**On a motion by Mr. Johnson, seconded by Mr. Pennington, the board voted to approve the COA as presented with the additional provisions of the conditions recommended by staff.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

***5. Certificate of Appropriateness – 300 Block of E. Main Street, 401,402 & 403 E. Main Street, 128 & 124 Park Street, 121 & 123 Railroad Street, 110, 115 & 118 Deadmore Street. (VIDEO 1:03:25 – 1:21:52)***

Mrs. Rice provided the staff report.

The Historic Preservation Review Board have requested approval for a Zone Map Amendment to rezone the following properties from Limited Business District (B-1) and General Business (B-2) to Old & Historic (OH). The Subject Properties contain approximately 8.584 acres and contain multiple structures:

121 Railroad Street (Parcel 013-1-120G)  
123 Railroad Street (Parcel 013-1-120F)  
124 Park Street (Parcel 013-1-120G)  
128 Park Street (Parcel 013-1-120F1)  
301 E. Main Street (Parcel 013-1-72)  
303 E. Main Street (Parcel 013-1-73A)  
304 E. Main Street (Parcel 013-1-87)  
309 E. Main Street (Parcel 013-1-74)  
314 E. Main Street (Parcel 013-1-89)  
315 E. Main Street (Parcel 013-1-75)  
322 E. Main Street (Parcel 013-1-88)  
324 E. Main Street (Parcel 013-1-88)  
Parcel 013-1-76  
332 E. Main Street (Parcel 013-1-84)  
335 E. Main Street (Parcel 013-1-78)  
341 E. Main Street (Parcel 013-1-79)

343 E. Main Street (Parcel 013-1-80)  
350 E. Main Street (Parcel 013-1-83)  
360 E. Main Street (Parcel 013-1-82A)  
370 E. Main Street (Parcel 013-1-82)  
371 E. Main Street (Parcel 013-1-81)  
380 E. Main Street (Parcel 014-1-9)  
385 E. Main Street (Parcel 013-5-6)  
387 E. Main Street (Parcel 013-5-7)  
395 E. Main Street (Parcel 013-5-7)  
401 E. Main Street (Parcel 014-1-8)  
402 E. Main Street (Parcel 014-1-10)  
403 E. Main Street (Parcel 014-1-8)  
110 Deadmore Street (Parcel 014-1-8)  
115 Deadmore Street (Parcel 014-1-9)  
118 Deadmore Street (Parcel 014-1-10)

Refer to the separate document with background on structures proposed to be absorbed into the OH District.

Access to the sites will continue to be Park Street, Chincapin Alley, Railroad Street, Tanner Street, E. Main Street, Plumb Alley, and Deadmore Street. Adjoining parcels are Limited Business (B-1) and Old & Historic (OH) to the West, to the North adjoining parcels are zoned Old & Historic (OH) and Residential (R-3), to the South adjoining parcels are zoned General Business (B-2), and to the East adjoining parcel are zoned General Business (B-2).

The parcels are relatively flat in this location with a general slope to the West.

Virginia Code § 15.2-2284 states that zoning ordinances and districts must be drawn and applied by reasonably considering the following:

- The existing use and character of property.
- The comprehensive plan.
- The suitability of the property for various uses.
- The trends of growth or change.
- The current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies.
- The transportation requirements of the community.
- The requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services.

- The conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land and the conservation of properties and their values.
- The encouragement of the most appropriate use of land throughout the locality.

Letters were sent to each of the property owners who are proposed to become part of the OH District on October 3, 2023. No strong comments have been received in opposition. The applicants were notified for both the Planning Commission and Town Council Meetings via certified mailers and advertisements printed in local newspapers. The current character of the area has been developed with an eclectic mix of businesses and residences. The Town of Abingdon is widely known as a small town with an abundance of historic structures and sites with varies levels of historic integrity that are significant on a local, state, and national level. The sections proposed to be absorbed into the Old & Historic (OH) District are located adjacent to the existing OH District and contribute to the overall story of Abingdon's rich past. Bringing the listed structures/parcels into the OH District would ensure these historic assets maintain their good to great level of historic integrity and regulates growth in a proper manner to maintain property values and the overall appearance of the Abingdon as a small historic town. The proximity of this location to the existing OH District and the structures/parcels historic significance does allow for a move away from limited business and general business more towards the uses identified in the OH District.

Several references to the Comprehensive Plan supporting the action:

- *The Town's standards for preservation will maintain the look and feel of its historic districts while allowing for economically viable reuse of the structures.*
- *Abingdon will have a thriving tourism economy built upon three main pillars – the arts, history, and outdoor recreation.*
- *The Town will have a wide variety of options, such as lodging, restaurants, experiences, retail, tours, and culinary events to meet the needs of visitors of all ages and interests.*
- *Abingdon will invest in activities, amenities, and experiences to meet the changing needs for repeat and new travelers.*
- *Abingdon will grow its economy by helping a wide range of local and regional entrepreneurs and businesses prosper.*

While these properties are wholly or partially within the floodplain, additional regulations would govern if the intensity of the property is to be increased. Finally, due to the historic significance and integrity of the structures/parcels listed herein this report the appropriate use of the land within the downtown portion of the Town of Abingdon is not Limited Business (B-1) or General Business (B-2), Old & Historic (OH) is the more appropriate use of this land.

Mrs. Betsy White (HPRB) stated that it would be a great idea to add these properties because of Abingdon being one of the oldest districts in the state of Virginia. She mentioned that Abingdon's district does not match with the state's footprint of Abingdon's district and that most of the properties are worth protecting for people to come and visit or to have a business.

Mr. Shuman (PC) asked on the properties that are not considered historic in the proposal how the process and requirements work for such a property. Mrs. Rice (staff) stated there was discussion if they were going to look at contributing structures only or both contributing and noncontributing structures. The idea behind both being considered is to make a uniform district with uniform standards. If a noncontributing building was to come to the board it would be looked at more like in the Entrance Corridor. Mr. Shuman asked on the stopping point of the district and not including another historical building near the stopping point. Mrs. Rice stated that it was discussed about where a good stopping point was to be, and this is what has been decided upon for the moment. It was mentioned that a Conservation District could be applied in some situations where a building that might not be fully historical but is wanted to be preserved can be in this type of district.

Mrs. Kristi Hartshorn (HPRB) stated that the Historical Preservation Review Board wanted to stress the importance of matching Abingdon's district to the state's district.

Mr. Johnson commented and thanked the staff for their work on the preservation and the property owners that want to be a part of the historic district.

**Mr. Shuman opened the public hearing.**

Mr. Nathan Berg voiced his support for the annexation of the properties. He wanted to see if the board would take a second look at the guidelines to give more flexibility in different building materials. Mr. Shuman (PC) stated that he would like to look at more modern techniques that Mr. Berg mentioned.

Mr. Hugh Belcher expressed his support for the annexation of all the properties.

Mrs. Hartshorn stated that it would be good for people to show up to Abingdon's Historic Preservation Day on October 12<sup>th</sup> to learn more about the Historic District.

**Mr. Shuman closed the public hearing.**

**On a motion by Mr. Johnson, seconded by Mr. Pennington, the board voted to recommend approval of the Zoning Map Amendment as submitted to Town Council.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

**6. Zoning Text Amendment – Recreational Substance Businesses. (VIDEO 1:21:53 – 1:42:58)**

Mrs. Rice provided the staff report.

As Virginia’s laws have continued to shift there has been a proliferation of “weed / hemp / cbd / delta 8/ marijuana / cannabis / vape” shops. While the regulation governing these facilities lie in the Code of Virginia allowing for a variety of recreational substances to be sold, so does the regulation governing Zoning (Chapter 22 Article 7). As such the Planning Commission can and does recommend amendments to Town Council of the Town’s Ordinance governing Zoning. Currently we have not specifically permitted a single cannabis shop. The selling / gifting of cannabis on a commercial platform is illegal. However, we have had a variety of stores which have opened under the guise of other types of businesses. To ensure that our Entrance Corridor is protected from these uses as well (as the visual look and feel of these shops) we are proposing a Zoning Text Amendment that limits their locations.

**PROPOSED ZONING TEXT AMENDMENT**

- A. Chapter 44. Article 6. Section 6-1-1 – 6-1-5
- B. Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:
- C. Recreational Substances, Retail. Recreational Substances uses (both Retail, Off-Site and Retail, On-Site) shall be subject to the following limitations and requirements:
  - 1. Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12);
  - 2. Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site);
  - 3. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday;
  - 4. Are not allowed in the Old & Historic District or Entrance Corridor;



5. May be permitted as a special use in parcels zoned B-2 unless visible from the Entrance Corridor road segments of Main Street and Cummings;
6. Are permitted by right in M-1 (Limited Industrial) zones; and
7. This does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.

D. Recreational Substances includes the following:

1. Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
2. Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
3. Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.
4. Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
5. Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

E. Prohibited:

1. No commercial retail sales of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
2. No adult sharing in a commercial retail space of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
3. No person shall advertise in or send any advertising material into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act. Advertisements regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic

derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle and Board regulations.

#### F. Business License Revocation

1. A business license is required for any business operating within the Town.
2. Revocation of a business license will occur if a business is found in conflict with the allowance of legally sold products in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.).

#### Article XI Definitions:

Adult sharing of marijuana: means transferring marijuana between persons who are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

Marijuana: means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. Delta-8 THC is illegal in the State of Virginia.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Per Code of Virginia 15.2-2283 the purpose of zoning ordinance shall promote health, safety, or general welfare of the public. Therefore, requiring that a zone text amendment be reviewed for several specific items.

- Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents;

- 

The Abingdon Comprehensive Plan was updated in 2020. There are specific references to the quality of life and the economy of Abingdon:

- “Abingdon will achieve well-planned, orderly growth by building on our assets, increasing walkability, and maintaining an exceptionally high quality of life.” (Pg. 7)

- “Abingdon will grow its economy by helping a wide range of local and regional entrepreneurs and businesses prosper.” (Pg. 7)
- “The Town’s standards for preservation will maintain the look and feel of its historic districts while allowing for economically viable reuse of the structures.” (Pg. 8)
- “Abingdon will have a thriving tourism economy built upon three main pillars – the arts, history, and outdoor recreation.” (Pg. 8)
- “The Town will have a wide variety of options, such as lodging, restaurants, experiences, retail, tours, and culinary events to meet the needs of visitors of all ages and interests.”
- “Abingdon will invest in activities, amenities, and experiences to meet the changing needs for repeat and new travelers.” (Pg. 8)
- Whether the proposed amendment is in conflict with any provision of the Zoning Ordinance and any other regulations contained in the Town Code or other applicable regulations;

There will continue to be allowed locations for these facilities by right. This is not limiting grocery stores, gas stations and other similar uses from selling recreational substances.

- Whether and the extent to which there are changed conditions that require an amendment;

Yes. These are changed conditions. We are a border community of North Carolina, Tennessee, Kentucky, and West Virginia and have an influx of residents crossing the border for purchasing and sharing products.

- Whether and the extent to which the proposed amendment addresses a demonstrated community need;

The community is being inundated with shops that sell recreational substances. In order to protect the Entrance Corridor and the Old and Historic District, limited these businesses is a community need.

- Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;

The M-1 District allows:

- Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment; and

There will be no adverse impacts to the natural environment with the zone text amendment. Site plan review, permitting and construction review will allow for each project to be reviewed for specific impacts.

- Whether and the extent to which the proposed amendment will have a positive effect on the balance between residential and nonresidential uses.

This request will be in keeping with the uses that are similar and allowed in the M-1 and B-2 (special use permit) district.

**Mr. Shuman opened the public hearing.**

Mr. Nathan Berg asked if one of the shops is outside of the 2000-foot buffer, and then a small school wants to be in the area, would the school be allowed. Mrs. Rice (Staff) stated that the school would be allowed. If a use is coming to the area, then the inverse would not be affected. Mr. Berg asked about a business such as the Blue Hills Market that sells CBD oil. Mrs. Rice stated that they don't include grocery stores, gas stations, or pharmacies where there is no more than 75% of sales are nonrecreational substances.

**Mr. Shuman closed the public hearing.**

Mr. Wilson (PC) asked about the selling of alcohol being allowed in the Historic District but not these substances. Mrs. Rice (Staff) stated that if the products became fully legal, they would look at it in the future, but the look and feel of these shops do not match with the Historic District. Mr. Johnson (Staff) expressed support for the protection of schools, residential areas, and Historic District. Mr. Shuman stated that the ordinance needs to match with what the state laws says. Mr. Shuman expressed concerns of the topic for staff to look at gun stores located near grocery stores and schools.

**On a motion by Mr. Pennington, seconded by Mr. Johnson, the board voted to recommend approval of the Zoning Text Amendment as submitted to Town Council.**

**The roll call vote was as follows:**

<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Chad Pennington</b>	<b>Aye</b>

**F. OLD BUSINESS/MATTERS NOT ON THE AGENDA (VIDEO 1:42:59 – 1:48:18)**

- Memo for Window Signage.

Gabe Cristofari provided the staff report.

As a rule, the Planning Commission through the Zoning Ordinance has not issued permits for signage located interior to a business. Lately we have been inundated with businesses pushing the envelope. Utilizing that loophole and producing situations like below:

The Zoning Ordinance can only regulate “nonverbal” portions of a sign. However, the nonverbal portions can include location, lighting, and size. Obviously, we understand the freedom of speech rights that a residential or commercial owner has for political signs and flags. These statements below preclude those. Staff is proposing that the regulations for signage in windows include:

- Window signage is not allowed in the AFOS or Residential Districts.
- Window signage in the OH District must seek HPRB approval to be allowed.
- All the lighted window signs seen from a public right of way would not be allowed – expect for lighted hours of operation (in other words the open / closed style signs). No restriction on the language on those signs.
- Unlighted window signs are allowed in the B-1, B-2, B-3, M-1, OI, and PTD Districts if the area of the sign is 10% or less of the square feet of window glass space.

Staff requests that the Planning Commission review the proposed language below. After edits and suggestions are proposed staff will return with an Ordinance amendment and resolution.

Mr. Shuman (PC) stated that he thinks this is something the town would need in place. He asked for clarification on if the board will ask for staff to come back with an ordinance. Mr. Cristofari (Staff) replied yes. Mr. Shuman asked if the board needed to make a motion on the topic. Mrs. Rice (Staff) stated no, if there is consensus then staff will come back with an ordinance for the board. Mr. Shuman mentioned that they are probably going to see pushback on this topic. He asked the board for consensus. The board was in agreement of staff coming back with an ordinance.

- 231 W. Main Street, COA Waiver, Handicap Ramp Replacement
- 331 Cummings Street, COA Waiver, Roof Replacement

#### **G. ANNOUNCEMENTS (VIDEO 1:42:19 – 1:42:30)**

Mr. Shuman asked that the board move the upcoming Planning Commission Meeting on September 25<sup>th</sup> to be moved to September 26<sup>th</sup> due to the anniversary of the Abingdon

Rotary Club. The board was in consensus to move the upcoming meeting from September 25<sup>th</sup> to September 26<sup>th</sup>.

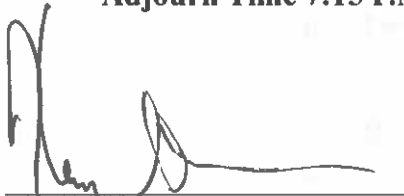
**H. ADJOURNMENT**

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

**The roll call vote was as follows:**


<b>Mr. Kirk Sproles</b>	<b>Aye</b>
<b>Mr. Scott Wilson</b>	<b>Aye</b>
<b>Mr. Jeff Johnson</b>	<b>Aye</b>
<b>Mr. Kenny Shuman</b>	<b>Aye</b>
<b>Mr. Michael Pennington</b>	<b>Aye</b>

**Adjourn Time 7:15 P.M.**



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Kenny Shuman, Chairman



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Mayana Rice, Director of Community  
Development