

Mount Jackson
Planning Commission and Joint Public Hearing
August 6 2018

Chairman Larry Ambrose called the meeting to order at 7:00 p.m. in the council chamber at 5901 Main Street. Commissioners in attendance included Mses. Burner, A. Miller and W. Miller as well as Mr. Andrick. Councilmembers Shepherd, Pifer, Rudy and Fultz were also in attendance. Town Manager, Kevin Fauber; Interim Town Clerk, Susan Maziarz. Visitors attendance included Todd Holtzman, Robert and Eleanor Whitehurst, Kay Payne, Melinda Monroe, Sonny Fultz, Jack Frady and a few others from the community.

Joint Public Hearing

Rezoning Request – Whitehurst Development LLC, requesting that approximately 136 acres, identified on Tax Map 91-A-40, 91-A-40A, 91-A-41C, 91-A-41D and 91-A-41E, be rezoned from Industrial – 1(I-1) to Agriculture. Eleanor Whitehurst spoke, I spoke at the Town Council Meeting. Four years ago, Robert & I decided to sell the farm as agricultural land. We met with someone from the county in preparation of the sale. During the meeting the idea of pursuing an industrial site and the industrial site benefits for the county and town were brought to our attention by the county. Robert and I started working with the state, county, town and an engineering firm to see if our property would qualify for an industrial site and to learn about the necessary steps for moving forward with the project. We were given a checklist of actions we needed to do to complete our due diligence to move our site from a tier 1 to a tier 4. We have spent years working and significant amount of personal money having testing done, assessments completed and creating site plans. Having the property rezoned is one of the major items in moving the site from a tier 1 to a tier 4. This was done to increase the property market ability especially to the types of industries our town has voiced wanting. However, the county has not kept pace with the actions with the town and we have personally taken to ready the site. There has been a high turnover rate in the county's Development Department. The county seems to be at a standstill. The property has never stopped being used as agricultural. Our farm is operating at a loss for several years now, because of the taxes we are paying for land zoned as industrial. The taxes now are more than the entire farm makes in a year. My brother and I can no longer sustain the amount of taxes we are paying, especially with the eight to ten percent tax increase next year. We are not giving up on the site, it will be continued to be marketed as a potential industrial site. This is a decision we feel we have to make at this time in the best interest in our farm. We are appreciative of everything everyone has done and the help we have received, we hope the county will be able to gain momentum in the coming years. We hope our site will help provide smart growth we feel our county is in desperate need of.

Joyce Shirley asked a question, how many times can you come here to ask for a reversal?

The Town Manager, Kevin Fauber spoke, there is nothing outlined in town ordinances or state law that prohibits an individual from coming to the public body to seek a rezoning. There is a state statute, no more than one rezoning per year.

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Public Hearing Continued

Jack Frady asked a question, can something officially be put in a statement what the turnover time can be?

Town Manager, Kevin Fauber spoke, I'm reasonably sure we can make that statement, they cannot come back for one year to request a rezoning.

Commissioner W. Miller spoke, we will need to confirm that is the policy "That you cannot come back for one year for a rezoning request".

Sonny Fultz spoke, is there such a policy on the books? In Shenandoah County you are taxed on residential, commercial, horticulture, industrial 1-2, and vineyards. If you are assessed commercial or industrial, in order to get the land use tax, it has to meet the criteria of Virginia Tech Land Use figures one hundred percent. If a property that has road frontage, that has town water and sewer or access to it is a big difference from an agricultural farm that is only doing crops. We all know that is the difference.

Town Manager, Kevin Fauber spoke, I will need some time to review the zoning ordinance.

Regular Meeting

Agenda Additions/Deletions/Changes: None

Presentation: None

Approval of the previous Meeting Minutes – Commissioner A. Miller MOVED, seconded by Commissioner Andrick to APPROVE the Minutes of July 2, 2018, Joint Public Hearing & Regular Meeting.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Commissioner W. Miller	None	None
“ Andrick		
“ A. Miller		
“ Burner		

4 AYES, motion carried

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Old Business:

1. Rezoning Request – Whitehurst Development LLC, requesting that approximately 136 acres, identified on Tax Map 91-A-40, 91-A-40A, 91-A-41C, 91-A-41D and 91-A-41E, be rezoned from Industrial – 1(I-1) to Agriculture. Eligible for Action.

Discussion:

Town Manager, Kevin Fauber spoke, I do have an answer to the question about the timing on rezoning's. There is a provision in the town code that talks about conditional zoning and rezoning. The governing body, the town council, can put certain reasonable conditions on rezoning's. If the Planning Commission so deemed they could put a time constraint on additional rezoning's if they wish.

Robert Whitehurst spoke, if you want to go a year that's fine, we are still marketing the property. If a company does come that chance will be shot. With the economy booming all around us, that will lock us out for a year. If a company comes at this time we would have complete control of it.

Commissioner W. Miller spoke, that is his opinion, and we can say what our opinions are as well. We need to keep in mind if we set a standard now, we need to keep that in mind for all the future individuals and businesses. I don't think a statement is necessary and Commissioner Andrick agreed.

Sonny Fultz spoke, I believe in Shenandoah County if you put it back in agricultural and then you sell it and get it rezoned you must go back six years for roll back taxes. If it goes back into agricultural and six months from now it gets sold, do they still roll back taxes for six years? Chairman Ambrose spoke, if it's one year down the road they will roll back taxes for one year. Mr. Whitehurst has paid all the taxes.

Sonny Fultz spoke, when did you rezone from agricultural to Industrial? Mr. Whitehurst answered, in 2015.

Robert Whitehurst spoke, there are pieces of property they are zoning industrial in Shenandoah County but taxed as agricultural. They have been grandfathered in because they have been zoned industrial for so long; they don't not pay the industrial tax, they pay a land use tax. Sonny Fultz spoke, if you're in the town limits you got a twenty-year waiver.

Commissioner W. Miller MOVED, seconded by Commissioner Andrick to APPROVE Rezoning Request – Whitehurst Development LLC, requesting that approximately 136 acres, identified on Tax Map 91-A-40, 91-A-40A, 91-A-41C, 91-A-41D and 91-A-41E, be rezoned from Industrial – 1(I-1) to Agriculture

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VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Commissioner W. Miller	None	None
“ Andrick		
“ A. Miller		
“ Burner		

4 AYES, motion carried

New Business:

1. Special Use Permit Request – Triplett School Cafeteria, LLC (Todd Holtzman). Mr. Holtzman is requesting a Special Use Permit to convert the existing cafeteria into 4 apartment units. Introduction and Set Public Hearing.

Discussion:

Todd Holtzman spoke, the cafeteria is four thousand square feet, enough to make four units, at a thousand square feet each. I’m waiting on drawings, I don’t know yet if they will be two or three-bedroom units’ single story. I feel the residential use will fill quickly.

Commissioner A. Miller MOVED, seconded by Commissioner Burner to APPROVE to Set Joint Public Hearing – September 10, 2018 at 7pm.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Commissioner W. Miller	None	Commissioner Andrick
“ A. Miller		
“ Burner		

3 AYES, 1 ABSTRAIN, motion carried

Actions of the Board of Zoning Appeals: None

Report on Town Council Items: None

Zoning Administrator’s Report: None

Board Member’s Report: None

Commissioner A. Miller made a motion to adjourn the meeting at 7:32 p.m.

Submitted by:

Susan Maziarz
Interim Town Clerk