

Mount Jackson
Planning Commission Meeting

October 3, 2022

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Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chambers at 5901 Main Street. Commissioners Jim Hines, Evelyn Burner, and Anita Miller were in attendance. Also present were Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; and Barbie Riggelman, Town Clerk. Todd Holtzman and Stanley Ruby were present.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Burner MOVED, seconded by Commissioner Miller to APPROVE the Minutes of September 12, 2022 Regular Meeting.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			
Commissioner Hines			
Commissioner Ambrose			
4 AYES, motion carried			

Old Business: None

New Business:

1. Todd Holtzman – YMCA in former Triplett School building and update on use for Gulf gas station.

Mr. Holtzman shared with the Town that he is working on a YMCA in the former Triplett School. He had previously put a deal together where he would purchase the school, hoping for a partnership in a brewhouse and another partnership on the rear property with duplexes being built. A lot has changed since that time and neither of those projects has been viable. He has purchased the interest back from the brewhouse operation and is in the process of purchasing Dexter Moomaw’s interest in the rear of the property, so he will have ownership of the entire school property. Mr. Holtzman’s goal is to get the YMCA to come to our town. The YMCA has several community-type programs, including after-school programs, athletics and fitness, childcare, programs for seniors, and various other community-type programs. The closest YMCA is in Staunton; we would be a sub-chapter of that one if this works out. There are several people involved throughout the county interested in this venture, with the Triplett Schoolhouse being the perfect place for these services and benefiting the downtown area. There will be more to come, but Mr. Holtzman wanted to share this formally as it is not just a concept anymore, it is gaining traction, and he would ask, at some point, for the town to support this venture both conceptually and then hopefully support it financially. Mr. Holtzman is facilitating the location, with the concept being to lease the property to the YMCA for \$1/year for 10 years, with the objective being that initial funds raised by the YMCA, instead of being used to purchase the property, being used to support programs and make improvements to the building, then at such time as they are ready, they will purchase the building back from him for exactly what he has in the building. Mr. Holtzman stated that the idea is that this would not be about profit or revenue for him, but about doing more good things in downtown Mount Jackson. He said he is very proud of what he has done in Mount Jackson, the properties he and his team have worked on and restored, so he is very excited about this venture. Ms. Burner shared her experiences growing up in a small

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town in PA with a YMCA. She stated that this would be big boom for us as a town. Mr. Holtzman said this would be a big draw from other towns around the area, making downtown Mount Jackson a destination for the services the YMCA can provide. He added that in the short-term the back four acres could be used as athletic events as the baseball diamond is still there; there is a substantial need for an aquatics center, so the hope is that all of this could be together. There are some things still to consider, mainly is 4 acres enough for a real aquatics facility; there is hope for expansion to potentially happen there, not just the use of the fields in the back, but parking and maybe an addition for other things on the site. Ms. Miller asked about the church currently using the facility. Mr. Holtzman answered that they have a short-term lease, so they would need to move, or could potentially partner with the YMCA. The cafeteria could be a great community center and the gymnasium is in perfect shape, the floors are good; it would be great to get these back in public service somehow. Chairman Ambrose asked if the YMCA is a county-wide thing. Mr. Holtzman answered that it would be a Shenandoah County YMCA, but the YMCA functions off donations, with a very nominal membership fee, so anyone could join. Mr. Holtzman shared names of persons working on this venture: David Ferguson, Patty Pirtle, John Bennett, David Hinegardner and quite a few local people working with him. Mr. Holtzman stated that he is working on heating and cooling now, so he has some work to do yet before the YMCA can take possession of the building and start doing some programs and have a home here in town.

The second item Mr. Holtzman spoke about was the old Gulf gas station at 6023 Main Street. The flower shop is moving to another location in town and Stanley Ruby is interested in having a detail shop in the building. The building has two bays; it is historically accurate, including the new parking lot and reproduction pumps. There would be a place for cars in two bays and the building accommodates two parking spaces on both sides, with additional parking possibly being in front of or behind the gas pumps. Mr. Holtzman said there has been some challenges with getting this business there. He is asking the Planning Commission to weigh in on this because initially there was some discussion about is this detail shop a carwash, which would require rezoning to go to B2, or is this use more like a specialty shop, which would be a by-right use in a B1. Mr. Holtzman said he had done some research on some definitions, and from the Town Code a car wash means "a structure, or portion thereof, containing facilities for washing and/or waxing, using production line, automated, or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning, or similar mechanical devices, operated either by the patron or others." There is no automated carwash element to this; when you have a detail shop, it is 15 minutes of washing a car and 8 hours of polishing, shining, treating the leather, and other high-end, detail type cleaning. Mr. Holtzman stated that he believes that this use, while it may not be a Specialty Shop, because a Specialty Shop is by-right in the B1 but has to sell a product, this would be a service. Mr. Holtzman read from the Town of Mount Jackson Code that personal services is "an establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature; typical uses include beauty and barber shops, grooming of pets, seamstress/tailor, shoe repair, florist, laundromat, dry cleaning stations, serving individuals or households." Mr. Holtzman said he didn't think the code specifically references anywhere what a detail shop means, but this would not be a production carwash. Mr. Holtzman stated that he was hopeful the Planning Commission would weigh-in and direct Staff to authorize this use under the personal services category, in the B1 as a by-right, so that Mr. Ruby can get a business license and work there. Mr. Holtzman chose this path as the gas station is certainly a non-conforming use of downtown; it was in 1930 when it was built and was designed to look like a cottage. Mr. Holtzman said there are Pure Oil stations in lots of places but never in this good of a restored condition. He took care to restore and replicate this property to its original condition including the original Gulf sign. It is non-conforming use, and still is, but it is almost like a tourist attraction, that is how nice it is. Mr. Holtzman is worried if Mr. Ruby is turned away from this venture, there are not a lot of options for that building and it may just sit unoccupied. He

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also stated that one interesting contrast is that if he applied for a vape shop, that is a by-right use in the B1 as a Specialty Shop, so which type of business would the town rather have. Chairman Ambrose stated that he used to work at the station in 1966-68 and detailed cars there. At that time, there was one wash bay on the north side; the south-side bay had a lift. He questioned if a car could be washed on that side. Mr. Holtzman answered that the lift is still there, they took it off, and both sides have a drain box, so both sides could be used for washing. Mr. Holtzman said there were a couple of conditions for the property that he provided to assist the Town, as there was previous interest in a small car dealership and there were concerns about it looking like the car dealership behind the 7-11 in town. That interest ultimately fell through, and the flower shop went in. Mr. Holtzman suggested to the Town, in an effort to help with the business license issue, that he would set conditions, for example there would never be more than 5 cars on the property at any one time, a car would never stay for more than 5 days, and there would never be an inoperable vehicle on the site. Mr. Holtzman said he thought Town Staff wanted to “dot the i’s and cross the t’s” and there has been some hesitancy so he asked the Planning Commission for guidance and hopefully encouragement to consider this as a personal services option. He also called attention to the fact that both he and Mr. Ruby are locals, known entities, and that he, as a landlord, pays attention to properties looking good and being well-maintained. Chairman Ambrose stated that basically the issue is B1 or B2. B2 is a bigger business than B1, like the carwashes in Woodstock, with 5 automated bays; this is not going to be that.

Mr. Showalter stated that he had given each Planning Commission member a section of the Town Code that states that the Zoning Administrator may request a review by the Planning Commission of a request for a zoning permit prior to the issuance of that permit. Mr. Showalter said that as Zoning Administrator, he would like to join with Mr. Holtzman and Mr. Ruby as applicants and to seek guidance from the Planning Commission as to whether the contemplated use is in accordance with the district for which the permit will apply, in other words, the B1 district. He stated that he, as Zoning Administrator, would not object to an approval of a motion to that effect, that it is in accordance with B1, so long as the applicants will work with the Staff to make a good-faith effort to be sure they bring all the elements of the zoning code into it, make allowance for appropriate parking, make allowance for appropriate disposal of water, those types of things. It would be just a recognition by the Planning Commission that they are approving the use, which tells the Staff in which direction to proceed, but nevertheless will work with the applicants to get a final permit approved. It doesn’t go through the Planning Commission or the Town Council because it doesn’t require rezoning or special use permit, if it is found to be that type of service business. Ms. Burner commented that this would have less parking than a beauty shop or vape shop, to which Mr. Showalter stated that this less-intensiveness may play into the Planning Commission’s decision. Mr. Ruby stated his potential hours at the detail shop, a brief description of services, and what types of equipment would be used, as far as noise levels are concerned. Mr. Hines asked for a differentiation between B1 and B2, as far as intent. Mr. Moore read a list of zoning ordinances, with intent for B1 and B2 districts and the areas these districts encompass, with by-right uses and special uses. Mr. Showalter stated that the intent paragraph is meant to support the list read by Mr. Moore and if the Planning Commission feels that the matter of intensity and volume is that in keeping with the B1. Chairman Ambrose stated that a car detailing facility as mentioned by Mr. Ruby would be a less-intense usage. Mr. Showalter asked Chairman Ambrose if he would like for him to word a motion, in keeping with the Town Code, for which the Planning Commission could follow. Mr. Showalter stated a motion could be as follows: The Planning Commission advises the Zoning Administrator that the contemplated auto detailing shop to be located at 6023 Main Street is in accordance with the B1 District, for which the permit will apply. That motion would tell him, as Zoning Administrator, that the use is appropriate and then the Staff can work with the applicants. Mr. Hines questioned whether they would need input from neighbors. Mr. Showalter answered that if it is by-right, you don’t need to.

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Commissioner Burner MOVED, seconded by Commissioner Miller, that the Planning Commission advises the Zoning Administrator that the contemplated auto detailing shop at 6023 Main Street is in accordance with the B1 District, for which the permit will apply.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			
Commissioner Hines			
Commissioner Ambrose			
4 AYES, motion carried			

2. VAZO Conference Review.

Mr. Moore stated that he recently attended the VAZO Conference. One of the things addressed in the legislated update was vested rights, which is more of an administrative thing between the Town Manager and planning staff - the intent of the ordinance and how it is written to secure vested rights. A vested right has to be a significant government action, clearly expressed. This would mostly pertain to the Zoning Administrator when making a determination. When an applicant calls about a business, especially if it is in a vacant lot, with an out right "can I do this" type of inquiry, this is not a vested right. Vested rights come when an applicant finally gets a signed application by the Zoning Administrator or a Letter of Determination. The Zoning Administrator can give a determination letter to an applicant but says "you do not have the right to appeal in 30 days." That's the way to cover yourself because the applicant might get a determination in February and then by December, things might change, like zoning ordinances and requirements; so there is a lot involved with that.

Short-term rentals was also discussed. A house is built to code, but many of these short-term rentals are remodeled by owners with no inspections, etc. Some short-term rentals can be found on Airbnb and other sites, and other localities have had issues with their zoning codes. Regulations we have should meet all fire and building codes. It is very important to have a primary contact that can be reached for complaints and other issues. It is important for Staff to work together with the Commissioner of Revenue to ensure the property owner isn't remitting taxes to the county and the Town knows nothing about it. There is also a web scrubbing service that may need to be looked into for what is in our town. Mr. Showalter stated that if Staff isn't aware of possible services being listed in town, we don't know to have them fill out the appropriate tax forms, and they won't be paying the applicable taxes, such as short-term occupancy taxes. Staff needs to identify these short-term rentals so they can be paying their taxes and not taking away from legitimate tax-paying places which are helping to support the Town's budget. Mr. Moore stated that there are other locations where short-term rentals are being done in RV's, tents, campgrounds, and treehouses. The short-term rentals are encouraged to be special use permits; Mr. Moore believes the Town's are. Some localities are doing a moratorium to get their ordinances in line. The one thing that Mr. Moore is recommending, as he is trying to put together an overlay district for the Rails to Trails area, is to cover whether short-term rentals is a use the Town wants to have there, and if they are, that they are not using an RV or other things like that, and are parking on the property only. Mr. Moore said the General Assembly will have a law next year that if you do not have a short-term rental in place, it becomes a by-right use and this was an FYI to areas that don't have one. The Town does, so we are good, but this is how much this is exploding throughout the Commonwealth. Mr. Hines asked if that explains today's newspaper reporting about Frederick County adopting the least of two short-term rental ordinances. Mr. Moore confirmed that again, a lot of localities just aren't aware of it. He has heard this from not only the VAZO, but also the American Planning Association, Virginia Chapter, which he will address in the next item of business.

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These are things that the Town should review, to say what is and what isn't a short-term rental, and to make sure we have health, safety, and welfare paramount and that we are aware of persons with short-term rentals. Mr. Moore stated that he is aware of only three in town right now. During the session, he learned that there are about three websites where if you have a five-bedroom house, you can rent out each bedroom for as long as you want, basically a boarding house, and many localities don't permit boarding houses. These websites are advertising the rooms as short term, but people are living there much longer, even years, which becomes a residency with people living in hotels for years. Chairman Ambrose asked where the Staff is with the Tiny House issue. Mr. Showalter said that it has only been about three weeks since the last meeting, due to the Labor Day holiday, so Staff is still working on that issue. Mr. Moore stated that he hopes to learn more about this issue at an upcoming rural planning caucus, which specializes in small localities, small towns, and that issue is on their agenda. This caucus teaches small localities how to circumnavigate issues such as this; they went to the state building code meetings that were held in 2021 to change the building code to state that a tiny house can be inspected like a normal, single-family house, however it can not be on a chassis. Mr. Moore spoke about some types of tiny houses or cabins, even two-story tiny houses, in other localities built on a trailer foundation to be compliant with a campground. He stated there are a lot of issues to cover on this subject and it may be towards the end of the year before he will have something to present. Mr. Moore provided a word of caution from his research that there is much talk, not just about housing affordability, but availability. That is the big anchor around this issue – it is looked at as contributing to the housing shortage, when in fact a small town may not be able to accommodate this and perhaps a county should deal with it as the Town would lose tax revenue, etc. The issue could become someone that wants a short-term rental and has five on these on their property; those are the types of things the Town needs to look at in our ordinance, to ensure this doesn't become a type of tourism use.

3. APA Legislative Review.

Mr. Moore reported that he sat in on a conference call with the Virginia Chapter of the American Planning Association (APA Virginia), Northern Shenandoah District. From what he has been told, they are the only ones that have a full-time legislative staff member that attends different meetings and provides updates on the General Assembly. In the packet, they touched on housing affordability. The federal government is looking at ways to reduce the burdensome housing choice regulations, proactively encouraging a variety of housing types and opportunities to lower the cost (tiny house). If imposed, the Town needs to develop Tiny House restrictions or regulations; this is mostly geared towards large urban areas, but the Tiny House lobby is extremely fanatical. There are tools the government is looking at, including density bonuses, floor area increases, which is mostly in the bigger cities, lot dimension and building form modifications, contributions to local housing trust funds, and set-asides for inclusionary units in market-rate developments (these are all things you would see in Chesterfield, Richmond, where if you had a 100-lot subdivision that's going to be \$1 million, you have to provide 10 hut-style homes in the subdivision; this has been around since the late '90s), market-rate units in affordable tax credit developments, and housing inspection programs. What this means is that the government wants design control; accessory dwelling unit allowances, meaning you have one house and now a second house in the backyard; and allowing for duplexes, triplexes, and quadraplexes in primarily single-family areas. Mr. Moore stated that when you look at the Town's zoning, at the R1, R2, and R3 districts, it's all single-family unless it's a high-density subdivision, which includes apartments, like the R3 near Stonewall Street. Again, the Town provides that in our zoning ordinance but what they are trying to do is make this in a single-family neighborhood, mixing the uses, messing with zoning ordinances to make more housing available. Building codes are becoming more of a tool for political objectives, not protecting zoning regulations, taking away some

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of our localities' discretionary authority. This is what the federal and state government is trying to do – take away the Town's discretionary authority to regulate and control, where, how much, and what type of housing, which has always been a local issue, always on the local level. Mr. Moore stated these are all things that on some level, the General Assembly is trying to adopt, not just for Richmond, but for everybody, so these are some things to look out for. Community development and revitalization - efforts to target development fees and proffers, another way to do away with all development fees in order to build more, cheaper houses for lower-income residents. This would include caps on water and sewer fees, review fees, and existing or prospective proffers. Chairman Ambrose questioned that this is a standard here in the Valley, some fees are quite high, as seen on the comparison sheet presented at last month's meeting. Mr. Moore said there are housing advocate groups that will pay for things, because they have an endowment or something; you can see these in the newspaper, but this is infringing upon the locality to limit fees. Federal and state government is trying to promote growth of solar, wind (windmills), and other renewable energy sources provided local land use authority is protected so that siting of projects is in accordance with local comprehensive plans and protects neighborhood character and community values. Mr. Moore stated that another big subject is the Local Planning Authority and public notices. Anytime the Town has a public hearing, an ad needs to be published in the newspaper. Some localities use a whole newspaper page. The APA would streamline the process for public notices and land-use actions. Public notice requirements would be limited to reducing the number of notices required, shorter descriptive summaries, and allowing a locality's website where information can easily be found to fulfill notice requirements. This is supported by localities, APA, builders, lawyers, but not the newspaper association. Mr. Moore stated that the APA would not have another update until January 2023.

Board of Zoning Appeals Report: None

Town Council Items: No representative; Mr. Showalter stated that there is nothing applicable to report.

Zoning Administrator Report: Mr. Showalter wanted to point out that four new single-family dwellings were approved on Moore Avenue and Craig Street; Tom Murden will be building them.

Board Member's Items: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 8:00 PM.

Submitted by: Barbara M. Riggleman, Town Clerk