

Mount Jackson  
Joint Public Hearing and Planning Commission Regular Meeting  
February 3, 2020

- 1 -

Joint Public Hearing

1. Special Use Permit (SUP) 20-01 – 5337 Main Street, LLC – 221 Conicville Road – private auto sales lot limited to six vehicles.

Mr. Paxton provided the staff report including pictures for the property on Conicville Boulevard, which is located across from the Mount Jackson Truck Center. He stated the property is well maintained, with grass and trees on the exterior boundaries. There is an old building in the back area of the property, possibly used for storage, which is not part of this special use permit. There is an existing entrance off Conicville Boulevard, and staff recommendation is to limit the entrance to the private auto lot to this entrance only; the purpose is to reduce the amount of traffic in and out of the property. This lot is to be used temporarily as an auto/truck sales lot, which will permit Holtzman Oil Company to sell company vehicles. There is to be no more than six vehicles on the lot at a time, and there will be no sales activity on the lot. Each vehicle will have information on the vehicle directing potential buyers to the corporate office on Main Street. Staff recommends additional conditions requiring the owner to maintain a sufficient gravel base in the parking area extending to the entrance to Conicville Boulevard to prevent dirt and debris from being carried onto the state road from vehicles exiting the lot. In addition, staff recommends that there be no on-site sales building and staff.

Commissioner Andrick asked if the owner is going to block off the other entrance to the property from Route 11. Mr. Paxton stated that was not discussed with the owner because it is used for access to the storage building. Commissioner Good added it is a right-of-way off Route 11, and could not be blocked. Commissioner Hines asked how large the gravel pad area is going to be, because right now it appears to be 60' x 30'. Mr. Paxton stated it will probably be about twice the existing size in order to accommodate six vehicles. Ms. LoPresti asked if there is a time limit for this type of use. Mr. Paxton stated there is no time limit; however, since this is a low use of a prime commercial piece of property, the assumption is it will be short term. He stated that in discussions with the owner, there are plans to develop the property. The owner was advised that when the property is developed for commercial use, a site plan, landscaping, sidewalks, etc. will be required to be addressed. Ms. LoPresti asked if the current sidewalk project would be affected by this. Mr. Paxton stated the sidewalk will be built as designed. When the owner further develops this property, any changes to the curb and sidewalk, are at the owner's expense.

2. Special Use Permit (SUP) 20-02 – Randall Newman – 5996 Main Street – to convert mixed use facility to residential use.

Mr. Paxton provided the staff report for this property, which is located just south of the old brick building on Main Street. There is an alley in between the properties going back to Bridge Street. The portion of the alley between the properties is owned partially by the Beall's and the owner of the brick building to the north. Mr. Paxton stated one issue for discussion tonight is how to minimize the quantity and velocity of water flow from the back of this property onto the adjacent property. Mr. Paxton stated staff has advised the owner he will be required to install a stormwater detention area to hold and slow down the water runoff, and minimize erosion. Mr. Paxton stated currently there is a natural "bowl" at the back edge of an adjacent property that holds water, and when it gets full, runs off onto the adjacent properties. He stated he doesn't believe the Beall's can do anything to

Mount Jackson  
Joint Public Hearing and Planning Commission Regular Meeting  
February 3, 2020

- 2 -

prevent that from happening because of the topography. One option to address the ponding of the water on the adjacent property, if all impacted property owners agreed, is to have an engineer look into installing a closed pipe system to allow the water to move across these properties and then sheet feed to the river.

Mr. Paxton referred to a handout drawing showing a basic design plan to the house. The Bealls plan to renovate the downstairs into two apartments, one 1-bedroom unit, and one 2-bedroom unit. There is currently one 2-bedroom unit on the second floor. The Town code states that residential buildings with 3 or more units are required to have a paved access way from the public street, and a paved parking area. Staff recommends that the owner be required to install a regular paved surface on the access way (alley), but use permeable pavement material in the parking area. The permeable surface will allow some of the rainwater to pass through to help address the stormwater issue. Also the parcel is in the B-1 district, which requires three parking spaces per unit; however to reduce the amount of paved surface, staff is recommending a minimum of two parking spaces per unit in the rear of the property, since the third space per unit can be obtained with on-street parking. Mr. Paxton also noted that the building is in the historic district and the owner has been informed of the requirement to protect the historic integrity of the property during the renovations.

Councilmember Shepherd stated he lives beside the adjacent property, and is aware of the on-going water run-off and erosion issue, and hopes a permeable surface or some type of retention pond will help with this problem. However, he is happy the building will be restored by quality builders, and supports the idea of converting to residential use.

Nate Beall stated he purchased the property from Randall Newman on January 15, and although he and his wife want the property to be profitable, they are excited to restore it, and make it look better for the Town. Mr. Paxton wanted it noted for the record staff received a letter from Mr. Beall advising the Town that he had closed on the purchase of the property, and was supportive of the special use permit that was submitted by Mr. Newman on his behalf.

With no further public comments, the public hearing was closed.

Regular Meeting

Chairman Larry Ambrose called the meeting to order following the joint public hearing at 7:00 PM in the council chamber at 5901 Main Street. Commissioners in attendance were Dennis Andrick, Anita Miller, Evelyn Burner and Jim Hines. Town Manager, Neil Showalter; Consultant, Joseph S. Paxton; and Town Clerk, Debbie Stover, were present. Mayor Donnie Pifer and Councilmembers Rod Shepherd, Roger Rudy, Bonnie Good, and Whitney Miller were present. The visitors in attendance were Nathan Beall and his son Nate Beall, Don Shirley and Candi LoPresti.

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 Andrick to APPROVE the Minutes of January 6, 2020, Regular Meeting.

Mount Jackson  
Joint Public Hearing and Planning Commission Regular Meeting  
February 3, 2020  
- 3 -

VOTE:

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

Old Business:

Consider the following for recommendation to the Town Council:

1. SUP 20-01 – 5337 Main Street, LLC – 221 Conicville Road – private auto sales lot limited to six vehicles.

Mr. Paxton read the following statement, “the proposed use, while temporary, is consistent with the B-2 zoning and the Town’s comprehensive plan as its use is intended to accommodate general purposes. Based upon this determination, and with the inclusion of the restrictions proposed by the owner, recommended conditions added by staff regarding access and parking, staff recommends approval of this request.”

Commissioner Hines asked if it is included in the permit that the gravel footprint be extended, and that the garage in the back is not included. Mr. Paxton answered the owner will provide a site plan showing the gravel extension, and the building is not included.

Mr. Showalter asked the record show, as is required by state law with land use issues, the Town sent letters to the adjoining property owners. The Town received feedback from Outback, Inc., who is the owner of the car lot property immediately to the east, supporting the special use permit.

Commissioner Burner MOVED, seconded by Commissioner Miller, the proposed use is consistent with the B-2 zoning and the Town’s comprehensive plan as its use is intended to accommodate general purposes. Based upon this determination, and with the inclusion of the restrictions proposed by the owner, recommended conditions added by staff regarding access and parking, the Planning Commission recommends APPROVAL of SUP 20-01 to the Town Council.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller		Commissioner Andrick	
Commissioner Burner			
Commissioner Hines			
3 AYES, 1 ABSTAIN, motion carried			

2. SUP 20-02 – Randall Newman – 5996 Main Street – to convert mixed use facility to residential use.

Mr. Paxton read the following statement, “the proposed use is consistent with the provisions of the B-1 district and the comprehensive plan, which are to promote the retention of the historic character of downtown by providing a mix of compatible uses within the district. The conversion of

Mount Jackson  
Joint Public Hearing and Planning Commission Regular Meeting  
February 3, 2020

- 4 -

this property from mixed use to residential is consistent since the commercial uses within this district are enhanced with the development of compatible residential development. Based upon this evaluation and the recommended conditions with regard to parking, staff recommends approval of this request.”

Commissioner Andrick MOVED, seconded by Commissioner Burner, the proposed use is consistent with the provisions of the B-1 district and the comprehensive plan, which are to promote the retention of the historic character of downtown by providing a mix of compatible uses within the district. The conversion of this property from mixed use to residential is consistent since the commercial uses within this district, which are enhanced with the development of compatible residential development. Based upon this evaluation and the recommended conditions regarding parking and stormwater, the Planning Commission recommends APPROVAL of SUP 20-02 to the Town Council.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick  
Commissioner Miller  
Commissioner Burner  
Commissioner Hines  
4 AYES, motion carried

Commissioner Hines asked since a special use permit transfers with the property itself, not the owner, is it true of the previous motion with the Holtzman property, that should there be a name change, the new owner would have to follow the same conditions. Mr. Paxton answered yes, the special use permit is for whoever owns the property. Mr. Paxton added if the conditions are violated the special use permit may be revoked, or if the parcel is not used as described in the special use permit for a period of 2 years, then the special use permit lapses.

New Business:

1. Special Use Permit Request (SUP) 20-03 – Shenandoah County Public Schools (Sun Tribe Solar, Occupant) – small scale solar energy facility as an accessory use to a school.

Mr. Showalter stated the Commission is familiar with this project, and Sun Tribe has submitted a special use permit application. He stated staff has also already had a pre-submittal meeting with Shenandoah County officials and VDOT, and he requested that the Commission call for a joint public hearing with Town Council on March 2 to receive public comment on the proposal and make a determination on a recommendation for the Town Council.

Commissioner Burner MOVED, seconded by Commissioner Andrick to set a Joint Public Hearing with Town Council for Special Use Permit (SUP) 20-03 on March 2 at 7:00 PM.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick  
Commissioner Miller  
Commissioner Burner

Mount Jackson  
Joint Public Hearing and Planning Commission Regular Meeting  
February 3, 2020

- 5 -

Commissioner Hines  
4 AYES, motion carried

Actions of the Board of Zoning Appeals: None

Report on Town Council Items: Mr. Andrick had nothing to report, but did ask the reason for people being at the Hardees site recently. Mr. Showalter stated it was a site meeting related to the sidewalk project, and that there have been regular meetings, the last two on-site, working through construction issues and how the Hardees project will tie into that. Mr. Paxton stated staff expects to have the Hardees site plan at the March meeting, and that Hardees will be responsible for the portion of sidewalk in front of their property along Main Street, and along the north side of the Food Lion entranceway as well.

Zoning Administrator's Report:

Mr. Showalter referred to the zoning administrator's report in the commissioners packets. He stated in regards to the enforcement activity, in an effort to get the Mill property cleaned up, the Town sent the owner a letter, asking for a timeline to be submitted by the end of January. Mr. Showalter stated he did not receive anything, so went to the location today but the owner was not there. Mr. Showalter has asked the police to help him determine when the owner is there, and he and Chief Sterner intend to speak with the owner to get his plan to clean-up the site. Mr. Showalter stated he also has two Broad Street properties he has visited and intends to send letters to, 5995 and 6017. He is hopeful that these properties can get worked out through diplomacy.

Mr. Showalter stated the owner of the South End Grocery property has given the Town a verbal commitment to complete the upgrades to the commercial entrance in accordance with a site plan that was approved by VDOT in 2012. The Town expects to see movement on that soon. Mr. Paxton stated a portion of the property will be a convenience store and the other will be a restaurant. Mr. Showalter also stated the owner has plans to renovate the residential building on the rear of the property. Mr. Paxton added he has to renovate it instead of tearing it down, because it is in an industrial zone and the residential use is non-conforming. The only way he can continue to use it as a non-conforming use in an industrial zone, is to stay within the existing footprint and renovate the existing structure.

There was some discussion of UPS using the lot across the street from this property temporarily a few months ago. Mr. Showalter stated they are no longer there, and he has talked to the property owner about the necessity for any users to file for a business license. The owners have stated they will be cooperative next time. Mr. Paxton stated this temporary use of facilities is a common problem because these businesses are in and out in 30 days, making it difficult to track them.

Board Member's Report: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 7:42 p.m.

Submitted by: Debbie Stover, Town Clerk