

Mount Jackson
Planning Commission Meeting
July 11, 2022
- 1 -

Regular Meeting and Public Hearing

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. Commissioner Dennis Andrick was absent. Also present were Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; and Debbie Allen, Town Clerk. Christian Herrick, CEO of Randy's Do-It-Best was 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 June 6, 2022 Regular Meeting.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick

Commissioner Miller

Commissioner Burner

Commissioner Hines

Commissioner Ambrose

4 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. SU-22-01 – Request for Temporary Outdoor Storage at 5836 Main Street.

Mr. Moore stated the property is identified as 5836 Main Street, approximately .62 acres zoned B-1 (Central Business District) and designated on the Town of Mount Jackson's comprehensive plan and future land use map as commercial use. The zoning ordinance that is the cause for this is Article IV Community Design and Standards, Section 66-40-Standards for specific uses / (e) commercial uses / (13) outdoor storage. This particular section states outdoor storage of goods or materials shall not be permitted in any front or side yard areas; and, in rear yards, outdoor storage shall be allowed only when fully screened from residential and business zoned properties.

Mr. Moore stated the request for the special use permit is for a temporary outdoor storage area for materials and supplies to be placed along the main building, south side wall, approximately six feet from the wall and screened with a six-foot long and six-foot tall solid fence. The storage area will also be screened from the residential property to the south identified as 6840 and 6842 Main Street, with plastic privacy slats in the chain link fence. Mr. Moore stated the rear yard has structures and no access to use it, and there is no left side yard. The grade on the residential side is looking upwards approximately four feet to the parking lot, and the fence is four feet, so actually there will be an eight foot screening height. This is a non-conforming structure because it was built in the 1940's before zoning. Chairman Ambrose asked if fire trucks would be able to access this new location and Mr. Moore stated they would access through the front parking lot.

Mount Jackson
Planning Commission Meeting
July 11, 2022
- 2 -

Mr. Moore stated staff recommendation is, although not a permitted design standard within the B-1 zoning district, the SUP request appears to represent good planning practices due to the temporary nature, limited impacts of the activity and reuse of a developed property. Special use permits may be issued upon a recommendation by the Commission when it is found that the proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use. The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. The proposed use will not conflict with the policies and principles of the Town's adopted comprehensive plan and adequate public services including streets and other traffic ways, utilities, police and fire protections will be available to support the proposed use. Staff recommends the temporary use be subject to the conditions which shall be deemed necessary to carry out the intent of this chapter as follows: 1) screening required prior to the temporary use; and, 2) use is limited to no more than 24 months at which time the screening materials shall be removed. Mr. Moore stated as a result there are three motions Commissioners can consider; a favorable motion to recommend approval, a motion to table, or an unfavorable motion to deny the request.

Chairman Ambrose opened the public hearing for public comment at 7:12 PM.

Mr. Hines asked if the siding to be put up where the dumpster area is will it match. Mr. Herrick stated it will be almost identical, and of similar height to what is already there to cover the dumpster.

With no further comment, Chairman Ambrose closed the public hearing at 7:13 PM.

Commissioner Burner MOVED, seconded by Commissioner Hines that the Planning Commission forward Special Use Permit SU-22-01 to Town Council recommending APPROVAL because the outdoor storage area will be a temporary use for no more than 24 months at which time the use shall cease within the required side yard. Once the temporary use has ceased, the screening structure next to the building as well as the privacy slats placed in the chain link fence shall be removed.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

Commissioner Andrick

Commissioner Miller

Commissioner Burner

Commissioner Hines

Commissioner Ambrose

4 AYES, 1 ABSENT, motion carried

2. Tiny House Issue Review.

Mr. Moore stated the purpose of this discussion is one month ago he received a phone call from an out-of-state individual, who wanted to purchase property and place a tiny house on it. This individual informed him the Town had to allow it because building code states tiny houses are viewed as single family dwellings. He explained he would need to research this, because this is the first time anyone has asked for this type of use. Mr. Moore stated tiny houses are being discussed and shown on TV programming, and asked Commissioners what they thought they all had in common. Responses included they are on wheels, have their own fuel for cooking/heating, and are basically glorified campers. Mr. Moore stated for the most part they not located in town, and now people want to put them on property in town, where other single-family dwellings are. There is no foundation for these, no public utilities attached to them, and no off-street parking.

Mount Jackson
Planning Commission Meeting
July 11, 2022
- 3 -

Mr. Moore stated these tiny houses are primarily being used as accessory dwellings, and parked in backyards. He asked Commissioners if they would like staff to explore this more, such as an ordinance change or update of definitions. Virginia building code states anything greater than 400 square feet would be inspected as a single-family home, and if built according to the building code would be approved as a single-family home. Mr. Moore stated the county building official stated anyone who tries to get a tiny house permitted as a single-family home, if it is on a frame, it is an RV. Other possible options to explore are to allow them if on lots greater than five acres and for recreational use only. Chairman Ambrose stated throughout town there are motor homes sitting in yards, so how are they titled and can they be lived in. Mr. Moore stated no, under the Town's ordinance it does state you cannot live in an RV. Mr. Ambrose stated this needs to be further addressed because Triplett will be building another tiny house. Mr. Moore stated there is a range of issues from putting it on property to use as a short-term tourist rental, to wanting to have it on a vacant lot as a primary residency. Another option would be to allow the use as recreational along the river, similar to the allowance of 14 days to live in a camper on a campground. Ms. Burner stated without being connected to Town water and sewer what type of contamination could that cause. Mr. Ambrose asked if other localities in the area are having the same issues with tiny houses. Mr. Hines stated the Town of New Market is advertising what used to be the ice cream stand, as a piece of property including the house and yard behind it. In that case it has public utilities because it was a business converting to a house, but in our case are we looking to make ordinances against mobile tiny homes and differentiate between any other, such as mounted on a concrete slab with utilities. Mr. Moore stated the term tiny house was meant to be portable, but the Town ordinance has no minimum square footage for a single-family dwelling. Mr. Showalter asked if Commissioners wanted staff to look into the Town allowing tiny houses in certain circumstances. Chairman Ambrose and Commissioner Burner stated they feel this needs to be researched further and a tiny house would need to be solid on the foundation with town water and sewer. Mr. Moore stated he feels he has direction now to research this more for the Planning Commission

3. Upcoming FOIA Seminar – July 25 at 6:30 PM.

Mr. Moore stated in researching FOIA, discovered the Town Council has undergone training, and feels the Planning Commission would greatly benefit from the training as well. VML offers the training free of charge and there have only been two updates in 30 years. Most localities require the training every year of their Town/City Councils, Board of Supervisors, and some Planning Commissioners. Mr. Moore stated he feels it would be good for Commissioners to attend the PowerPoint presentation, lasting about 1.5 hours with light refreshments, and will include guests from Timberville, here in the council chambers.

Board of Zoning Appeals Report: None
Town Council Items: Mr. Andrick was absent.

Zoning Administrator Report: Mr. Moore stated a report was provided to Commissioners, which included two zoning permits, a special use permit from Randy's Do-it-Best, and he expects the telecommunications tower project applicant to send their materials in for a special use permit request as well. Commercial Chemical/Fertilize has submitted a preliminary plan but nothing official was received. Staff has a technical review team meeting with the County on July 28 to discuss Helena Agriculture Products rezoning as well as the Holtzman apartment rezoning, to allow the applicant to get a more refined idea of what they need to address. Once the formal application submittal is received, staff will start the process of reviewing, staff reports and Planning Commission scheduling. This is one of the first steps for very complicated projects. Mr. Showalter stated these TRT meetings help get the bugs out of the application before it gets here to the Town, and makes for a better process.

Mount Jackson
Planning Commission Meeting

July 11, 2022

- 4 -

Mr. Ambrose stated the old Wrangler building looks good. Mr. Moore stated that project does not require anything on the Town's end other than a site plan revision. It is a by-right use in the I-1 district, and will be a solar panel assembly plant. The applicant spent January-March tearing everything down inside to make a new shell, painted it, and is in the process of obtaining his electrical and plumbing permits. Because of the assembly line process there will be very little human contact. This machine assembles the solar panels and does a specialized welding, all robotic. The machine comes from Italy and he doesn't expect it to be here until December or January. The applicant did provide documentation showing an option to purchase and does plan to. He will not be able to open until he gets the zoning permit approval, and a site plan review. He does intend to add a warehouse to the back of the building connected to it, for the storage for everything that has been manufactured, which they will bundle in the warehouse and ship out at the same time. Mr. Ambrose asked if the gentleman would be responsible for any Town taxes. Mr. Showalter stated he would need a business license.

Mr. Burner asked the status of South End Grocery. Mr. Moore stated he was contacted by the property owner two weeks ago, again trying to gain an understanding of what he had to do. He does not know if his intent is to move forward with the project, or try to sell, but the same rules would apply to any applicant. They would have to get a special use permit to sell gas and run the convenience store, and part of that SUP will require site plan improvements and other things. Ms. Miller asked about the Old Mill, as she would like to see that preserved. Mr. Moore stated he has been encouraging the property owner as much as possible to come talk to staff. There were early discussions of what a wonderful opportunity, if done correctly, to restore like the Edinburg Mill for example, and a centerpiece of the Town. Staff had to intervene regarding the work being done, but that has stopped now. Mr. Moore stated he did encourage her to apply for state historical recognition but also cautioned her there is only so much you can remove from a historic building, but as of now the applicant has not applied for any permits.

Board Members' Items:

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 8:01 PM.

Submitted by: Deborah L. Allen, Town Clerk