

Mount Jackson
Planning Commission Meeting
September 12, 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 Dennis Andrick, Jim Hines, Evelyn Burner, and Anita Miller were in attendance. Also present were Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Barbie Riggelman, Town Clerk; and Debbie Allen, Assistant Treasurer.

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 July 11, 2022 Regular Meeting.

VOTE:

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

Old Business: None

New Business:

1. Review of Planning and Zoning Fees Restructuring.

Mr. Moore stated the purpose of this discussion is restructuring the planning and zoning fees that were adopted earlier this year in the budget. Looking at the Budget Ordinance FY from 2005 to 2011, there have only been four additions to the planning and zoning items within that time period, all added in 2005. Those were the only changes that have been done to any of the fees in that ordinance. From 2012 to 2022, there have been 3 additions or increases, all in 2012, in short meaning that since 2005, our fees have only been addressed twice in that time period. Mr. Moore presented a comparison of Planning & Zoning Fee Schedules of towns within the county - Mount Jackson, New Market, Edinburg, Woodstock, and Strasburg - showing each town's current fees as compared to our current fees. Other towns have stayed up with the pace of inflation over the last 20 years. Mr. Showalter added that the Town is being asked to do more and more difficult zoning work than before, we rewrote the zoning code, we hired a Director of Planning and Development, and now we are trying to get user fees to help pay for some of the expenses the Town is running into. Other towns have been more progressive in trying to recoup some of these expenses. We are at the point where we need to do so as well, not expect the general tax payer to pay for these expenses. Mr. Moore presented a list of our current fees and a proposed list of revised fees. Chairman Ambrose asked what the ordinance would consider a short-term rental. Mr. Moore stated that these would be Air B&B's, vacation rentals, for-rent-by-owners - rentals of less than 30 days, not regular rental houses. The current zoning application costs \$10 and covers everything from new single-family dwellings, to additions, decks, to telecommunications towers. We need to make these fees compatible to the use that is being requested. Mr. Hines said he noticed that Strasburg doesn't have any telecommunications towers,

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but are using their water tower for antennas. He asked if that would negate the building of a tower and therefore not incur the fee of a tower. Mr. Showalter said that in Strasburg's case, what they would do is charge rent to the users of the antennas. Mr. Moore stated that he hasn't looked at their zoning ordinance percentiles, but they might have a moratorium on actual towers. Our ordinance talks about co-locating telecommunications on existing structures, and part of the SUP asks the applicant if they have considered co-location on a higher elevation structure, such as schools, fire houses and other taller structures, as the Town doesn't want antennas on our water towers. The addition of fees for Zoning Confirmation and Determination would help to recover costs associated with researching the property, SUPs, zoning, as well as any existing site plans that are available, which incur printing fees from the county. Chairman Ambrose asked if a person wants to market their property, before they even have a buyer in mind, they can come into the Town Office and see what their potential uses for that property may be. Mr. Moore stated if a property owner just wants to know what their property is zoned for, there wouldn't be a fee for that service, but if the applicant needs something more extensive than a phone call, like a memo requiring more in-depth research into a property, including what it is zoned for, what it could be zoned for, flood plans, planning district overlays, then a fee can be applied as it requires more work involved.

Mr. Moore presented a list of the proposed fee structure just discussed, which will be introduced as a budget ordinance amendment at the Town Council meeting on September 13. This is being presented to the Planning Committee tonight to get the Committee's agreement that there is a need for an increase in fees.

Commissioner Andrick **MOVED**, seconded by Commissioner Burner, that the Planning and Zoning Fees Restructuring be forwarded to the Town Council recommending **APPROVAL**.

VOTE:

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

2. Comprehensive Plan Update.

Mr. Moore stated that he has gone thru sections 1 thru 3, rough draft. One of the biggest issues he has encountered is that the 2020 census figures were skewed due to the pandemic, some people not responding, and that reporting of the statistics was slowed considerably due to the Census Bureau's lack of manpower. As a result of these figures and statistics being reported in late May, sections 1-3 have now been updated and need to be tweaked. Section 4 deals with environmental issues and how that is a contributing factor to the economic development to the Town. Surveys that were done in 2017 showed that this was the number one concern of the entire citizenship of the Town. Recreation plays a big part, not just the Rails to Trails, but use of the waterways for canoeing, fishing, etc. in being a very positive draw for the Town. Once everything has been updated, adding new materials we have discussed in the past, we will add a series of public hearings to gain the public's input and participation.

Mr. Andrick asked about the status of the old Iron Bridge that is currently being replaced. Mr. Showalter shared, in response to an email he received tonight, that he will be presenting a Resolution of Support to the Town Council at their meeting on September 13, to be included in the Grant Application that must be submitted by October 1, 2022. There was a Council meeting in September of 2020 where there was proposed an access point

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to the river as well as other features. The iron bridge itself must be removed. Mr. Moore added that VDOT has awarded salvage rights to the crew removing the bridge, which is built into the contract. A portion of the original span of the old bridge will be used as an art display, or some kind of a display later on. Mr. Showalter stated that he will send an email to the Planning Commission with all of this information at the conclusion of tonight's meeting.

3. Training Update.

Mr. Hines shared details about his four-day seminar. The first two days he attended were in June at a building on the VCU campus. He stated that they took good care of him, provided them with refreshments, and then put them to work. Several professors; two from VCU, one from UVA, and one from Virginia Tech; and a legal counsel were part of the panelists. He met 30 other people from around the state, with whom he had several discussions on issues and possible problems they encountered. Two professors were with them throughout the day. They were given two reading homework assignments and 8 written assignments. These assignments were to be completed over the course of June 13th and August 22nd. Mr. Hines stated that it was entertaining and he enjoyed the experience.

Ms. Burner discussed her training experience. She shared that some information they were given was overwhelming, but others were practical ideas that we hadn't thought of, for example on the Comprehensive Plan, they recommended talking to high school students and see what they want for the future, things that when we were reviewing the Comprehensive Plan that we never even considered. Mr. Moore reiterated his experiences and history with meeting one of the speakers at Mr. Hines' seminar. Ms. Burner stated that her class was full; 50 people from all over the state. They were put into small groups where they could work on what they thought was good for their areas - rural counties and cities. She shared how amazed she was with the differences in issues from small towns to larger cities.

Mr. Moore stated that part of the importance for training is to properly plan ordinances, rezoning, SUPs and proffers, the processes that goes into these, and the rules and regulations associated.

4. Specialty Shop Revised Definition.

Mr. Moore stated the purpose of this item was similar to the Tiny House issue that came up at the beginning of summer. If the Town decides it doesn't want a certain type of shop in town limits, they can pass an ordinance that restricts its use in the town. He showed a presentation to outline current definitions, uses and zoning districts, where *Specialty Shops* vs. general retail uses may be provided, and points which may be considered for additions to the existing definitions and/or exclusion of certain uses by Ordinance within the *B-1 Zoning District*. A specialty shop is a small-scale retail use (less than 2,500 square feet per business) which offers for sale items of art or crafts, or which offers for sale items relating to a specific theme (e.g. kitchen wares, pet care, etc.) Article VI. – Definitions, Sec. 66-60. – Definitions. Specialty Shop today is a by-right use within the B1, B2, B3, and TND/C district. However, the intensity of uses permitted increases as the district moves from B1 to TND/C. A Specialty Food Store is a by-right use within the B1, B2, B3, and TND/C, however this IS NOT the same as a Specialty Shop. The difference being a small corner store that sells a few food items compared to a FoodLion, which is a grocery store. Mr. Moore shared a list of all the definitions for Stores and what is permitted within the zoning districts. Thru all the lists, there are certain quantitative differences. The purpose of this agenda item is to determine if we need revisions to definitions, maybe excluding some certain uses, or permitted only in a low-intensity district such as B1. Most store definitions are satisfactory as they are worded, but with the increase of new store uses and our Comprehensive Plan designating the B1 district as an historical

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district, would the Planning Commission want Mr. Moore to pursue tighter definitions that would allow only specific uses within this district for a Specialty Shop.

Mr. Andrick asked if the Town at one time had a vape shop. Mr. Showalter said the business was sublet from part of the place across the street; it had to be allowed as the Town didn't have zoning against it. The applicant went out of business, so the issue solved itself. However, in the future we might get something we don't want in the town if we don't start now to get some uses excluded. Mr. Andrick agreed that we should proceed now before another issue, like the Tiny House, comes up. The Planning Commission moved to direct staff to develop some ideas, even ordinance-type ideas, for this issue.

Board of Zoning Appeals Report: None

Town Council Items: None

Zoning Administrator Report: Mr. Showalter stated that the new owner of 6141 Main Street (the former South End Grocery property) has decided to put more work into fixing up the property, in accordance with an SUP that Town Council approved several years ago that required entrances be approved, and there is also some parking lot improvements being done. 6151 Main St. is the former Gun Shop, and while it is a non-conforming use, it has been used as a gun shop within the last two years and so we are going to permit it to open again as a non-conforming gun shop, assuming the owner gets it open before the end of the year, which is what has been determined as the end of the two-year period. Mr. Showalter stated that there are several things in the works; none are ready for presentation, but that may change by the Commission's next meeting. Mr. Moore stated that at Truxton Court, after some revisions, some of the owners of the lots have obtained their building permits for houses and they have complied with the previous conditions that were part of the SUP, to have different facades, different roofs, different colors, different shingles. The intent of the SUP was that there would be alternating, different styles, colors, with/without garages, shutters, even roof lines and textures. Mr. Moore and the applicant were finally able to come to an agreement on that issue. Randy's Do-it-Best got their SUP approved by Town Council last month and they will probably have permanent signs installed within the next few weeks. There was a home occupation permit for a gentleman wanting to operate a towing business, just as an office. Mr. Moore was able to strictly condition the approval that there would be no car storage on the property, and the applicant agreed that it would be just a home occupation for an office. Mr. Ambrose asked how many towing vehicles, wreckers, and roll-backs are allowed parking. Mr. Moore answered that there is a two-bay garage on the property and all vehicles are to be stored inside that garage, in accordance with the Town's ordinance that the home occupation not look like a business.

Mr. Showalter said he has a rezoning application that he is reviewing. The applicant is looking to build apartments that will require rezoning from R1 to R3; this application may not be ready until 3 months from now. The telecommunications tower is still under review; there is a zoom meeting scheduled later this week and he may know more after that meeting whether it will be ready for the next Planning Commission meeting. There is an inquiry on a solar farm; an inquiry for a single-family subdivision in a property that is already zoned R3, so it has appropriate zoning, but there is still a lot of work needed, especially concerning VDOT issues; and there is a use for the old flower shop that is being studied, which will probably require rezoning and an SUP. The Helena Agricultural Warehouse rezoning application was officially withdrawn. During the application process, when asked details about the use, the applicant did not provide them and withdrew their application, so the application was never completed. Mr. Andrick asked for clarification on the exact location of this property. Mr. Showalter stated it is the vacant lot directly across from the Shenandoah Valley Campground, at

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the railroad tracks before Shenandoah Caverns. According to the zoning map, every lot that sits along the railroad track is zoned I1, as there was an active railroad transportation system when the annexation occurred. The railroad is no longer in use, and though some of the parcels have been developed, the Town may want to considering rezoning the other parcels in order to negate the issue of heavy industrial use in that area and along the future Rails to Trails, or create another less intense zoning district. This would also be in keeping with the Cavern Road Exchange Masterplan, adopted in 2012, for family, recreation, and soft businesses. Ms. Burner asked about the status of the properties at the old Triplett Schoolhouse and the theater on Main Street in town. Mr. Andrick reported that the theater has been experiencing financial setbacks. Mr. Andrick also stated that the brewery will not be coming to town; the sign has been removed and the property is currently being rented to a church. Mr. Andrick reported that the status of the subdivision to be behind the schoolhouse is on hold until the builder sells the houses he currently has in Edinburg; this project may be on hold for a few years. Mr. Showalter reported that the former Nostalgia Mart building is being renovated with the bottom portion being a restaurant, possibly a sushi restaurant if the owner finds an interested tenant for this type of restaurant. Mr. Moore shared that there will be a presentation made to Town Council for better VDOT truck access signage to protect the Meems Bottom Covered Bridge.

Board Members' Items: Mr. Ambrose wanted to mention that he had a talk with a gentleman from Commercial Chemical/Fertilize. There had been mention that the Town had turned the applicant down, when in fact the applicant withdrew. Mr. Ambrose wanted the other commissioners to be aware of this. Ms. Burner inquired about the DBI company. Mr. Showalter reported that DBI is bankrupt but the same group has gone into business as another company.

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 8:25 PM.

Submitted by: Barbara M. Riggleman, Town Clerk