

Mount Jackson
Planning Commission Meeting
November 7, 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 Riggleman, Town Clerk. Jonathan Yates, Esq. with Hellman & Yates, PA in Charleston, SC attended electronically via Zoom. Eric Green with Cornerstone Technology Solutions, Inc. was present to provide Zoom service.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Miller MOVED, seconded by Commissioner Burner to APPROVE the Minutes of October 3, 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. SA-22-01: ARCOLA Tower Substantial Accord Determination – Introduction and Set for Public Hearing.

Mr. Moore reported that the Zoning Ordinance requires approval of a Special Use Permit to permit the construction of a communications tower within the Limited Industrial (I-1) District. Case SU-22-03, which is a Special Use, is part of that. Virginia Code §15.2-2232 requires an affirmative determination by the Planning Commission that the general or approximate location, character, and extent of such facility is substantially in accord with the Town’s adopted Comprehensive Plan. Case SA-22-01 is the Substantial Accord Determination, as required by state code, to be considered by the Planning Commission for the proposed communications tower. Mr. Moore reported that he doesn’t have anything additional for this; there will be more next month during the actual public hearing. His request was that the Planning Commission schedule a Joint Public Hearing for the Substantial Accord Determination, which would be December 5, 2022 at 7:00 PM. Ms. Burner asked if there would be someone available to answer questions from the public. Mr. Yates stated that he would be present, along with some other representatives for ARCOLA Towers. Mr. Hines asked what Mr. Yates’ affiliation with the company is, to which Mr. Yates responded that he is an active part of the company, representing them; he is not a shareholder, he does their zoning work.

Commissioner Miller MOVED, seconded by Commissioner Hines, that the Planning Commission set a Joint Public Hearing on December 5, 2022 at 7:00 PM for SA-22-01 ARCOLA Tower Substantial Accord Determination.

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VOTE:

AYE

NAY

ABSTAIN

ABSENT

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

2. SU-22-03: ARCOLA Tower Special Use Permit – Introduction and Set for Public Hearing.

Mr. Moore gave a presentation showing the location of the proposed communication tower. The subject parcel is a vacant, open field located at the corner of Industrial Park Road and Business Park Lane. The property to the west and behind the subject property is Valley Ice Manufacturing, LLC, located within the town limits. Properties to the east across Industrial Park Road, north across Business Park Lane, and to the south are undeveloped and developed properties zoned General Industrial (M-1) within Shenandoah County. Mr. Moore showed the contour lines of the property and the general location of where the tower would be built and some photos of the property and looking towards its bordering properties, including Shen Paco and Valley Ice. Mr. Hines asked if Industrial Park Road went to Valley Ice. Mr. Moore reported that it is accessed thru Business Park Lane off of Industrial Park Road. The Valley Ice Manufacturing parcel is on a separate parcel to the west. Undeveloped properties in the area, which are within Shenandoah County, are proposed future town growth areas, as shown on slides provided by Mr. Moore. Mr. Moore gave a site drawing of the property showing boundaries and a proposed access road to the proposed tower and co-locator.

Mr. Ambrose asked if the additional area shown would be for future towers. Mr. Moore stated that would be something to discuss next month at the public hearing; nothing has been mentioned. A question was briefly discussed but at this point, this tower is all that is being proposed. Mr. Yates added that the plan for this facility is just for the one facility; it has been designed for T-Mobile and their needs, but has also been designed for three additional broadband carriers. There is space on the tower and space on the base on the compound. Mr. Yates stated that they feel very strongly that there would not be a need for subsequent towers if they can achieve the height they are looking for here; that should work for the carriers presently servicing the city. Mr. Moore pointed to three areas on the drawings, which could be called maintenance cabinets. Mr. Yates responded that they are for future co-locators. It is roughly the amount of space needed for what they call their base station cabinets. These are designed with the tower in the center; they like to be as close as possible to the tower, so you have the space for the T-Mobile installation and the space for at least three others.

Mr. Moore showed a slide with a clearer example of the profile with the configuration that is being proposed. Commission action requested is to schedule a joint public hearing on SU-22-03 for the Planning Commission and Town Council on December 5, 2022 at 7:00 PM. Ms. Burner asked if ARCOLA already had other carriers in mind for on the tower, to which Mr. Yates answered yes, but no commitments have been made. T-Mobile is the anchor tenant here; when a tower goes up, it is actively shown to the other carriers in the market who may decide to join. At this point, just T-Mobile, but Mr. Yates stated that if they have done their homework right and it works for T-Mobile, it generally works for the others as, for the most part, they are somewhat similar and T-Mobile has identified this as an important need for them in the area to improve coverage and capacity. Mr. Yates stated that they hope the other three will come on board, but you never know the timing on that. Mr. Hines asked where other towers are that would connect with this one, as he is assuming it is a line-of-sight tower. Mr. Yates responded that yes, it is a line-of-sight tower; the closest existing tower is about 2 miles away and is a 210' monopole, this would be a 195' monopole with a 2' lightning rod. Mr. Hines asked when the other

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tower was built. Mr. Yates answered that he didn't know but he would find out and provide that information. Mr. Moore reiterated that the Planning Commission Meeting packets included more detailed information but basically the same as covered tonight. He does not know if it will be revised for the meeting next month. Ms. Burner asked if the T-mobile tower goes up, what radius or area would it cover for better reception for T-Mobile. Mr. Yates responded that he would confirm that with the T-Mobile engineer. They take into account topography and obviously it would connect up to their existing network. Mr. Yates stated that he would get an exact confirmation on this.

Commissioner Miller MOVED, seconded by Commissioner Burner, that the Planning Commission set a Joint Public Hearing on December 5, 2022 at 7:00 PM for SU-22-03 ARCOLA Tower Special Use Permit.

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			

3. SU-22-02: South End Convenience Special Use Permit – Introduction and Set for Public Hearing.

Mr. Moore stated that this is B&B Capital Group's application for a special use permit for 6141 South Main Street and gave a presentation showing the property, its boundaries, and the uses bordering it. Mr. Hines asked if there were any existing tanks in the ground, to which Mr. Moore answered affirmatively. Mr. Hines then asked where the property line is in relation to the gun store. Mr. Moore showed this on a slide. Mr. Moore reported that there is an abandoned structure on the property, once a single-family nonconforming use, but this one was abandoned after a sewage issue and has remained unused for the past seven years. He reports that he believes the applicant plans to use this structure as a storage facility in conjunction with the store. Mr. Moore showed a section of the store which was once used as a restaurant. At this point, the applicant is only looking at reusing the convenience store and the gas pumps. The restaurant is a by-right use, so if they decided to have a tenant come in, they do not need to come to the Planning Commission; they just need to do a zoning application and business license. Mr. Moore reported the current zoning of neighboring parcels and vacant lots, as well as a briefing on why they are zoned the way they are. Mr. Moore showed a slide with a survey of the property, showing sidewalks, entrances, the structure, canopy, and gas tanks, which is just a sketch plan, not the official site plan, which will be done if the special use is approved. This slide also showed the boundary of the 100-Year Flood Plain, which just clips the canopy. Mr. Ambrose questioned if the boundary of the flood plain is accurate, seeing as how the property is rather level. Mr. Moore stated that these are not 100% accurate, and this is the flood plain, not the flood way. A flood way is for moving water. If the applicant wanted to expand the existing canopy, he could ask for a survey to be done which may change the boundaries of the flood plain. Mr. Hines asked about the right-of-way for the trailer park, which side of the gun shop does it lie on. Mr. Moore responded that there is no right-of-way. Mr. Hines asked a question on the nonconforming residential areas, the zoning seemed out of sequence. Mr. Moore reported that many of them were built in the 1930's and 40's and didn't even have zoning, so as time moved along, zoning came in. He is not sure what it was prior to 2006 but the Comprehensive Plan of 2017 and 2006 shows it the way it is today, but some research by Mr. Moore mentions that back in the 1990's, a few of the lots shown as R-3 were I-1. He reiterated that as long as current uses continue, everything is fine; the mobile home park may go back to the 1960's, he isn't sure.

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Mr. Showalter asked Mr. Moore to revisit Mr. Hines' question about the right-of-way for the mobile home park. Mr. Moore showed the property lines for the convenience store and the gun shop. Mr. Moore showed on a map the deeded access to the mobile home park from Center Street. The deeded access is all grass, it was never developed into an entrance/exit. The current access to the mobile home park, between the convenience store and gun shop, has been used without any easement. The convenience store property owner, Bader Al-Omair, showed Mr. Moore his deed; there is no mention of an easement for anyone to access Route 11 through the property. Mr. Showalter reported that the mobile home owner, Danna Bynaker, is not happy about this subject. Mr. Ambrose asked if, since the property has been accessed in this manner, would they legally be allowed to continue to use this access or would the deeded access need to be used. Mr. Moore stated that Mr. Bader does not want this to be an issue. Mr. Moore reported that back in the spring when he met with the property owner across the street, he witnessed vehicles cutting through the parking lot of the property to access the mobile home lot, some at a high rate of speed and without consideration for any pedestrians in the area. Mr. Moore and Mr. Bader have agreed, as a part of the site plan approval, there will be traffic-calming measures, whether speed bumps, rumble strips, etc. unless Mr. Bader puts up a physical barrier on the property line. Should Mr. Bader decide to deny access from his property to the mobile home park, the owner of the mobile home park may have to install an improved, hard surface road. Mr. Hines stated that traffic could always access the mobile home park through the gun shop property. Mr. Moore stated that the owner of the gun shop, Mr. Ruby, could decide to deny traffic through his property as well. This is completely up to the owners of those properties. Mr. Moore stated that he is just looking out for the safety and welfare of the public, and to prevent any pedestrian accidents in that area. Mr. Showalter stated that a sign has been erected at some point, which says Smoot Trailer Park Road. This is not a Town or VDOT sign, so it is not an official sign.

Mr. Moore brought the meeting back to the sketch plat for the convenience store. He reiterated that there will be a final site plan later. There will be no landscaping, other than the islands; everything will be asphalt. There may be a couple deciduous trees planted. Mr. Ambrose asked if the property will be hard-surfaced. Mr. Moore stated that yes, they are in the process of packing the gravel, to re-asphalt. Mr. Hines asked about drainage on the property. Mr. Moore stated that property owners are required to make sure plans are drawn and everything is covered correctly.

Commissioner Miller MOVED, seconded by Commissioner Hines, that the Planning Commission set a Joint Public Hearing on December 5, 2022 at 7:00 PM for SU-22-02 South End Convenience Special Use Permit.

VOTE:

AYE

NAY

ABSTAIN

ABSENT

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

4. Proposed Text Amended – I-2 Zoning District Elimination

Mr. Moore reported that this item is just a discussion. Since he started working for the Town in February, there have been a couple proposed uses and a lot of discussion about how the current zoning ordinance has identified certain things. Currently, there are two industrial zoning districts: I-1 Limited Industry District and I-2 General Industry District. When you look at the Town's zoning map, all of the industrial districts are zoned I-1. Most of the I-1 is with an SUP; some of the uses do not require it, but a lot of the uses in the I-1 we have existing today

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are zoned I-1, such as Valley Fertilizer, Bowman Andros, and Valley Ice Manufacturing. In the zoning, we talk about statement of intent, which tells you what the different zoning districts are. The I-1 is limited, to have minimal environmental impacts and not detract from adjacent uses. There are restrictions to protect the public's safety, health, and welfare, and foster adjacent uses. The intent is to provide appropriate locations for processing, packaging, distribution, shipping, etc. The I-2's purpose is to provide areas for medium and heavy commercial and industrial uses. The I-2 is intended to provide a location for things that may require outdoor storage. It has two intensive uses, medium and heavy, rather than a separate I-1, I-2, and I-3. Mr. Moore stated that this can be very confusing. If you look at the definitions, we have three separate and distinct definitions. Light Industry, which again is operating in a manner as to control the external effects of manufacturing, such as smoke, noise, dirt, vibration, and odor. Medium Industry talks about assembly lines or similar processes, moderate external effects, such as smoke and vibration. Heavy Industry poses significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials. This causes Staff to try to make a judgement with an applicant as to what is medium, what is heavy, all within the I-2 district, which would require rezoning as everything currently is I-1, would require rezoning to I-2, and would need to say if this SUP is light, medium, or heavy. Mr. Moore stated that it makes a decision difficult. If you look at the matrix/zoning uses for I-1 and I-2, light industry is a by-right use in both zones; in medium industry, the only thing that is by-right is the I-2, which according to the description will include noise, smoke, vibrations, etc. Heavy industry is only permitted in the I-2 with an SUP. Mr. Moore stated that when he was reading the Caverns Road Master Plan, which was done, he believes, in 2004, it was done after annexation to determine how this new annexed area was going to be used. It said because of the freight traffic on the active railroad tracks, there is not a worry about too much traffic. The idea then was to make all this area industrial, expand our economic base, expand tax revenues, but a lot of these properties are shared with the County. There are certain uses, such as a kennel, which is a special use in the I-1, but is a special use also in the A-1, which is agriculture. In planning, you want to figure the highest and best use for land. In the I-1, the minimum acreage is 10 acres, which would make for a huge kennel. Auto-related uses are a by-right in the I-1, but an SUP in the B-2, meaning you would lose all the protections and conditions you would have in the B-2 if it was relocated to I-1. A business/trade school is an SUP in the B-1/B-2/B-3, where you would want a business/trade school, but a by-right use in the I-1.

To summarize, currently only Light Industrial (I-1) developed and undeveloped parcels are located from the intersection of Caverns Road and Industrial Park Road north towards Wissler Road, and two parcels next to Business Park Lane. There are three definitions provided for industrial uses, however the Zoning Use Matrix identifies three distinct uses (light/medium/heavy) under the By-Right, SUP, or Use Not Provided within the specific zoning districts. The Statement of Intent identifies only two uses with the I-2 with two drastically and intensive uses, medium and heavy.

Mr. Moore proposed a consideration to establish a new Industrial District similar to the Limited Industrial District which could limit use intensity and impacts to local tourism, historical assets, and recreational tourism with all uses within the district requiring a special use approval. Possibly remove or relocate uses which are more appropriate for the business districts thereby reserving the limited Industrial District for highest and best uses. Mr. Ambrose asked a question about Valley Fertilizer being I-1, but herbicides and pesticides are mentioned under heavy industry – would this still be I-1 or would it be changed. Mr. Moore responded that it is a by-right use because it was constructed in the 1920's. It's a nonconforming use. In the past, when Bowman Andros did an expansion, they had to do an SUP for that. If Valley Fertilizer tried to do an addition, a new processing facility, it would fall under the same thing. Mr. Ambrose asked if they could upgrade the one they

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have. Mr. Moore stated he could not comment because he wasn't sure, there are certain restrictions and statutes to the nonconforming use. Mr. Ambrose commented on the appearance of the building, there is some rust, and would at some point need some maintenance. Mr. Moore stated that the nonconforming statute talks about maintaining, replacing, but not changing; staying within the same footprint. Mr. Hines asked about the zoning definitions that we currently have, are they part of the Berkley Group. Mr. Showalter answered that the use matrix was carried over from the previous zoning plans; there were several meetings with lots of input. Mr. Moore answered that when he spoke with Darla Orr, she cautioned him that you want to make sure you have a next level that will maintain that anytime you go from I-1 to an I-2, B-1 to B-2, any such rezoning is automatically an SUP. Mr. Moore stated that he wanted to make sure we enhance our assets, not diminish them. He stated he hasn't yet talked to VDOT about the road thru this area and one of the biggest concerns earlier this summer was the level of tractor trailer traffic by the schools and campground. It was done the way it was done because at the time there was an active freight rail service up until about 6 years ago and because of that, we need to take a fresh look at this zoning area and the uses now that there are new priorities for this area.

The consensus of the Planning Committee was that this does need to be clarified and to direct Staff to proceed.

Board of Zoning Appeals Report: None

Town Council Items: The new fee structure was approved, effective November 1, 2022.

Zoning Administrator Report: Mr. Showalter stated there is a limited number of items. There are a couple of signs - 5301 Main Street is the health organization across from 7-11. The convenience store and telecommunications tower were talked about earlier tonight. There is some interest in a property on the north end of town, a 40-acre lot currently belonging to Bowman's. An organization is looking at putting in a community solar field there. Staff has received a packet of information that needs to be analyzed. Mr. Ambrose asked for the location of this lot. Mr. Moore stated that it is across from Hawkins Road, sitting between Route 11 and the interstate. Mr. Hines stated it is west of the railroad, between the railroad and the interstate. Mr. Ambrose commented this could be a touchy subject, another solar panel field. Mr. Showalter stated that he informed the applicant that there is some solar fatigue at the moment in town, but the application has been received and will still need to be reviewed.

Board Member's Items: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 8:07 PM.

Submitted by: Barbara M. Riggleman, Town Clerk