

Mount Jackson
Planning Commission & Joint Public Hearing Meeting

May 1, 2023

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Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chamber at 5901 Main Street. Roll call was taken with Commissioners Evelyn Burner, Karen Costie, Jim Hines, and Anita Miller in attendance.

Mayor Donnie Pifer called the Town Council meeting to order at 7:01 PM with Councilmembers Rod Shepherd, Evelyn Burner, Brandi Freed, and Bonnie Good in attendance. Councilmembers Judy Fultz and Todd Holtzman were absent.

Also present Neil Showalter, Town Manager; Erick Moore, Planning & Development Director; Keith Cowart, Police Chief; and Barbara Riggelman, Town Clerk. Guests were Jerry & Mary Franklin, Whitney Franklin, and Kylene Franklin. Visitors included Andrew Thayer and Charles & Linda Dellinger.

Joint Public Hearing

SU-23-01: May May's Daycare & Preschool, LLC Special Use Permit

Chairman Ambrose stated that this Joint Public Hearing is for Special Use Permit Case SU-23-01. May May's Daycare and Preschool, LLC requests approval of a special use permit (SUP) to operate a day care center within an existing one-level building consisting of two previous office spaces. The day care center will provide services for up to 23 children ages 6 weeks through 5 years, Monday-Friday from 7:00 AM to 5:00 PM, with 5-6 employees. A 4' fence enclosure at the rear of the building will provide for outdoor activities. The property is zoned B-2, Highway Business District, located at 5250 & 5252 Main Street, and is identified as Tax ID 080-A-136-A.

Staff Presentation:

Mr. Moore gave a slide show presentation including the facts mentioned in Chairman Ambrose's introduction. He showed pictures of the project location and a site view of the subject property. To the north is a United States post office, to the west are single-family dwellings, to the south is a commercial tree service, and to the east is a single-family subdivision. The previous use was office, general; the existing structure is 1,755 sq. ft. finished; and the subject parcel is 0.469 acre. The Zoning District Statement of Intent for the Highway B-2 Business District is intended to accommodate general business areas; highway-oriented commercial, fast food, wholesale, and similar uses; a greater volume of traffic; recognizes the demand for a variety of uses; and to ensure site compatibility with small town character, charm, and history. Mr. Moore showed the Mount Jackson Zoning Map with the subject parcel outlined. Parcels to the north are B-2, to the south are B-3 zoning for shopping center, and Residential Low Density (R-1) to the east and to the west across the highway. Mr. Moore showed the general layout of the property, with a shared entrance from Main Street. The Community Design & Standards state: Minimum lot size to be one-half (0.5) acre, lots in B-1 are exempt; parking – arrival and departure zones shall be located adjacent to the center, that children do not have to cross traffic aisles to enter or exit the center, and arrival and departure area shall include at least one parking stacking space per 10 children; outdoor recreation areas shall be safely separated from all parking, loading, and service areas; and a fence a minimum of 4' in height shall completely enclose the outdoor recreation area so that children are safely contained. The Comprehensive Plan states: The Future Land Use Map provides guidance for future land uses both within the town and anticipated town growth areas; establishes the location, character, and extent of development desired for the Town and its surrounding growth areas; identifies new growth while ensuring new development meets the Town's Vision & Goals as expressed in the Comprehensive Plan; and quality development that does not

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detract from the Town's small town character and charm. The Project Reviews of the Comprehensive Plan are: Guide future town growth, physical and economic development; promote health, safety, convenience, order, prosperity, and general welfare; promote appropriate and economic development south of town; enhance employment opportunities; and encourage efficient use of land to enhance property values and tax base. Mr. Moore showed the Mount Jackson Future Land Use Map with the subject parcel outlined. Day care centers are permitted by SUP in the Highway Business (B-2) District. SUP's are reviewed on a case-by-case basis and shall be reviewed for their adherence to the approved Comprehensive Plan. SUP's may be issued upon recommendation by the Planning Commission when found: It will not affect adversely health or safety of persons residing or working in the neighborhood of the proposed use; will not be detrimental to public welfare or unduly injurious to property values or improvements in the neighborhood; will not conflict with the policies and principles of the adopted Comprehensive Plan; and adequate public services (streets, traffic ways, utilities, police, and fire protection) are or reasonably will be available to support the proposed use. Mr. Moore stated that Staff supports SU-23-01 and believes that it represents good planning practices due to the use being in an appropriate zoning district, is a reuse of a developed site, mitigates impacts to adjacent properties with approved conditions, and is in compliance with the Comprehensive Plan. If SU-23-01 is approved, Staff recommends that the use be subject to Conditions which shall be deemed necessary to carry out the intent of this chapter. All such conditions shall be reasonably related, both in nature and extent, to the impact of the proposed development. Mr. Moore reported that Staff recommends the provided Conditions, which were provided in Attachment A of the Commission's information packet, be considered.

Ms. Good inquired into the actual name of the day care center. Mr. Moore stated that the name is May May's Daycare & Preschool, LLC and the applicant is Mary Franklin. The legal ad was listed as May May's Daycare & Preschool, LLC.

Chairman Ambrose asked when children are dropped off if there would be someone present to meet them or if the parent would bring the children inside. Mr. Moore stated that this would be a question for the applicant.

Applicant's Presentation:

Mary Franklin introduced herself and stated that she has been in early childhood education for over 30 years, mainly as a day care inside her home due to not being able to find an adequate space. She stated that this has been her dream. Ms. Franklin stated that her name is Mary, but kids have always called her May May, so when she did her LLC license, she named it May May's Daycare & Preschool. Ms. Franklin responded to Chairman Ambrose's question that it states in their handbook, with the Virginia Dept. of Education, that the parents are to be responsible for their children until they enter the front door. Once they enter the front door, there will be teachers present to take the children to their classroom.

Comments from the Public

Andrew Thayer stated that he was present to represent his mother who owns the property behind the subject property. Mr. Thayer inquired into the fencing for the subject property, what type of fencing it would be, and how close it would be to the property line. Mr. Moore stated that there are no standards. If you were to build a fence in your yard today, there are no setback requirements for the fence. Mr. Moore stated that it is required to be a minimum of 4' high and he believes the design would be more of a Dept. of Education requirement. Ms. Franklin stated that the fence will be 4' solid panels, vinyl all the way around,

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with just one gated entrance, which would be towards the dumpster and post office and 5' wide which would allow for a mower to enter. Mr. Thayer asked if the fence would come off the lines of the edge of the building and then square off. Ms. Franklin answered affirmatively. Mr. Moore stated that, based on the sketch drawing, it would be from the corner of the building straight back. One of the conditions would be that there be solid landscaping of evergreens to help detract from the view for screening and eventually help with sound-proofing. Mr. Thayer stated that their property has always been a traveling access to the post office and the High's when it was in operation years ago. There was a trail through the yard and his mother was worried that access would be cut off for the folks in the neighborhood. Ms. Franklin stated it would not be cut off and the fence would go from both corner posts that are already there for the steps that come down on each side of the building. They will adjoin to that and go out 29' and then go across the back. Mr. Moore showed Mr. Thayer the sketch drawing of the subject property. Ms. Franklin stated that the fence will go on the building side of the tree in the middle, well off the property line. Ms. Franklin stated that the post office is still working on a dumpster solution; after talking with the Town, they aren't sure whether the government will want to share a dumpster with the daycare. If they don't, Ms. Franklin stated that she explained to them that they would need to move their dumpster further behind their building and then she would place her dumpster two spaces over from there; a service manhole would be between the dumpsters.

Chairman Ambrose asked if there was any response from Staff. Mr. Moore stated that he would defer.

Chairman Ambrose closed the Joint Public Hearing.

Mayor Donnie Pifer called for adjournment of the Town Council; motion was made by Councilmember Shepherd, motion seconded by Councilmember Good. The meeting was adjourned at 7:18 PM.

Regular Meeting

Agenda Additions/Deletions/Changes: Mr. Showalter stated that he would like to add under New Business the Introduction and Setting for Public Hearing Rezoning Case RZ-23-01: 1133 Wissler Road. Information on this request was given to the Planning Commission prior to the meeting.

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 April 3, 2023 Regular Meeting.

VOTE:

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

Old Business: None

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New Business:

1. SU-23-01: May May's Daycare & Preschool, LLC Special Use Permit – Eligible for Action

Commissioner Costie MOVED, seconded by Commissioner Burner to FORWARD Special Use Permit SU-23-01 to the Town Council with a recommendation of approval and imposition of the Conditions in Attachment A because the use represents good planning practices, the reuse of an existing developed commercial site will be conditioned to mitigate the impacts of the use on area properties, and the proposal is in conformity with the Town's Comprehensive Plan.

VOTE:

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

2. Rezoning Case RZ-23-01: 1133 Wissler Road – Introduction and Set for Public Hearing

Mr. Showalter stated the landowner, Todd Holtzman, is asking for his property at 1133 Wissler Road be rezoned from its current A-1 designation to I-1, Limited Industrial. The purpose being as stated on Mr. Holtzman's application to "move this property from its current Agricultural zoning to Industrial Light to make available a wider variety of business uses under the Town Code." Mr. Showalter included in the memo to the Planning Commission the Zoning District Statement of Intent for A-1 that permitted uses should include mainly agriculture and related uses, whereas I-1 Limited Industrial is intended to provide appropriate locations for fabrication, processing, packaging, distribution, storage, shipping, and other transportation activities contributing to the economic base of the town and enhance employment opportunities. In other words, a more intensive use. Mr. Moore showed a plat of the property and described the general location of the subject property – to the east of the tract is the railroad, and just past the railroad is a large electric substation; to the north of the property, Day Enterprises has a farming operation; to the west is an area owned by the Industrial Development Authority of Shenandoah County, that particular property is county land; to the south is the Echo Star dish farm, also in the county. The two county properties are M-1, which is industrial in their zoning. Mr. Showalter stated that the 2017 Comprehensive Plan Future Land Use Map designates the subject property as Industrial. A copy of the Land Use Map was included in the Commission's materials. Mr. Showalter included a "use matrix" for each of the different zoning districts; the table lists the uses that are "By Right" and those available through an approved SUP for each zoning district. Mr. Showalter stated that you can see from this matrix that Mr. Holtzman finds a wider variety of uses in the I-1 than in the Agricultural zone. Chairman Ambrose asked that this would be I-1, not I-2 or I-3. Mr. Showalter answered affirmatively, and stated he doesn't believe there are any properties other than I-1 in town, so even though it is in the Code, it is not in practice.

Mr. Showalter stated that the applicant was unable to attend the meeting tonight due to a previous commitment out of town, but he will be present at the meeting next month to address remarks arising from the public hearing and also questions from Commission members. If anyone has a question that they would like answered prior to the next meeting, Mr. Showalter asked to please relay those questions to him and he would contact the applicant and make the question and the answer available to all the Commission

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members. Mr. Showalter stated that conceptually it is pretty simple what Mr. Holtzman wants to do and that he would recommend it be set for public hearing for June 5, 2023 at 7:00 PM.

Mr. Hines asked if the applicant had suggested any uses for the subject property. Mr. Showalter stated that the applicant does not have any potential lessee or any use to present at this time. Any uses will be subject to the use matrix, but some are allowed By Right and some are SUP. Mr. Showalter stated that this question may need to be readdressed at the next meeting when the applicant will be present.

Commissioner Burner MOVED, seconded by Commissioner Miller to SET a Public Hearing on June 5, 2023 at 7:00 PM for Rezoning Case RZ-23-01: 1133 Wissler Road.

VOTE:

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

Board of Zoning Appeals Report: None

Town Council Items – Ms. Burner: Ms. Burner reported that Town Council denied the Solar Farm request. Ms. Costie asked if this is now a dead issue or if the applicant could try something else. Mr. Showalter stated that they must leave the application alone for one year. Mr. Moore stated that he believed they could appeal to Circuit Court. There is a definite time on that, which he believe is 45 days if they want to, but as Mr. Showalter stated, they could come back a year from now and reapply.

Zoning Administrator Report – Mr. Showalter stated that the report was in the packet of information. Nothing that needs to be highlighted, just the usual fences, sheds, etc.

Board Members' Items: None

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 7:31 PM.

Submitted by: Barbara Riggelman, Town Clerk