

Mount Jackson  
Planning Commission & Joint Public Hearing Meeting  
June 5, 2023  
- 1 -

Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chambers 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 7:00 PM with Councilmembers Rod Shepherd, Judy Fultz, Evelyn Burner, and Bonnie Good in attendance. Councilmembers Brandi Freed and Todd Holtzman were absent.

Also present Neil Showalter, Town Manager, and Barbara Riggelman, Town Clerk. Charles Middleton was a visitor.

Joint Public Hearing

RZ-23-01: 1133 Wissler Road Rezoning Case

Chairman Ambrose stated that this Joint Public Hearing is for Rezoning Case RZ-23-01: 1133 Wissler Road. The applicant is seeking to rezone the property from A-1 Agricultural to I-1 Limited Industrial. The rezoning is being requested to make the property available to a wider variety of businesses and uses under the Town Code. The applicant, Todd Holtzman, was not present to represent but the application was in the informational packet given to the Planning Commission and Town Council.

There were no public comments.

Mayor Donnie Pifer called for adjournment of the Town Council; motion was made by Councilmember Shepherd, motion seconded by Councilmember Burner. The meeting was adjourned at 7:03 PM.

Chairman Ambrose closed the Joint Public Hearing at 7:03 PM.

Regular Meeting

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 May 1, 2023 Regular Meeting; May 23, 2023 Work Session; and May 24, 2023 Work Session.

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

Mount Jackson  
Planning Commission & Joint Public Hearing Meeting  
June 5, 2023  
- 2 -

New Business:

1. RZ-23-01: 1133 Wissler Road Rezoning Case – Eligible for Action

Mr. Hines stated that he had questions for the applicant. He questioned if it was known when this property was acquired by the applicant, and for what purpose it was acquired initially. Mr. Showalter answered that he believed it was acquired in November 2020, according to the Shenandoah County GIS report. Mr. Hines inquired for what purpose is the property currently being used. Chairman Ambrose stated that it is vacant. Ms. Burner agreed that it is not in use. Mr. Hines stated that he had seen a tractor-trailer parked on the side of the property and a few storage items visible, so he thought maybe it was being used for storage, but there is no one present to answer his question.

Mr. Hines inquired into the condition of the pond, and if it is viable or dead. Ms. Burner answered that it is green, to which Mr. Hines stated that this would be due to fertilizer.

Mr. Hines stated his ultimate question would be the reason for the rezoning change. Chairman Ambrose stated that the applicant currently is restricted to agricultural uses and he would like to open it up to a wider variety of uses. Mr. Hines stated that the Use Matrix shows several uses under the agricultural zoning. Chairman Ambrose stated that rezoning would allow for a wider variety of uses and he is sure the applicant has some plans. Mr. Hines stated that this is not known at this point; there is no way of knowing what the future use of this land could be right now. Mr. Hines stated that he knows its projected future use, based on the 2017 Comprehensive Plan, but when you look at the Use Matrix provided, there are a lot of uses if it is rezoned. Mr. Hines stated that he would like to know what is wrong with the current zoning; it was purchased three years ago and hasn't been used for anything in that time. Ms. Burner stated that it was used for apple storage and that is why it was initially zoned agricultural. Mr. Hines stated that pre-2020 he would agree that it was, but his question is what is the purpose of rezoning, other than as a marketing item, which is not a viable reason for rezoning in his opinion. If there was a specific reason for rezoning, he could understand this, but there is no one present to ask. Mr. Showalter stated that in the applicant's absence, he can only answer that the application would have to speak for him. Mr. Showalter stated that he was not abdicating for or against, although Staff has found no reason to be against the rezoning. Mr. Showalter stated that the applicant's application states, "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 stated that he believed those to be the applicant's words to the Commission, and in speaking with the applicant, Mr. Showalter believed the applicant has had trouble finding a tenant for the property. Mr. Showalter stated that the argument could be: Do you have zoning in place and then find a tenant, or do you find a tenant and hopefully get the zoning? Mr. Showalter stated that he felt the applicant would rather have the zoning to offer, but this is just what he felt through conversation with the applicant.

Chairman Ambrose inquired that currently the only thing that could be stored on the property would be agricultural products. Mr. Hines answered that this information is on the Use Matrix. Mr. Showalter stated that he would be hesitant to summarize it quite like that, but would agree.

Chairman Ambrose inquired if tabling this rezoning request until next month's meeting would be an option. Mr. Showalter stated that there is still time to act on it. Ms. Miller inquired if the applicant could be available at that time to speak with the Commission. Mr. Hines stated in the absence of the applicant and the lack of information on certain specifics, he would request that the rezoning be tabled until the next

Mount Jackson  
Planning Commission & Joint Public Hearing Meeting  
June 5, 2023  
- 3 -

meeting. Ms. Miller questioned again if the applicant could be present, to which Mr. Hines suggested either the applicant or a representative. Chairman Ambrose stated that the next meeting would be on July 3 and inquired if this would still be correct since the following day would be the 4<sup>th</sup> of July holiday. Mr. Showalter stated that the tentative schedule of Council and Planning Commission meetings that was confirmed July 2022 indicated that July 3, 2023 there will be a Planning Commission meeting. Ms. Burner stated that July 11, 2023 would be the Town Council meeting. Mr. Showalter stated that Town Council also has a July 3, 2023 Organizational Meeting at 9:00 AM.

Commissioner Hines MOVED, seconded by Commissioner Miller to TABLE Rezoning Case RZ-23-01 to the July 3, 2023 Planning Commission 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			

Board of Zoning Appeals Report: None

Town Council Items – Ms. Burner: None

Zoning Administrator Report – Mr. Showalter stated that the report would be combined with the June Report and made available for the July meeting.

Board Members’ Items: Ms. Burner inquired into the argument Mr. Showalter addressed earlier – do you have zoning in place and then find a tenant, or do you find a tenant and hopefully get the zoning – if this would be something the Commission would make a recommendation on or if it goes straight to Town Council. Mr. Showalter stated that it is hard to recommend something that is not in writing and he would have to look into an ordinance dealing with this, if it could be a town violation, and if it would need the endorsement of the Planning Commission.

Ms. Costie inquired if there is a limit to the number of chickens a person can own in town. Mr. Showalter stated that he doesn’t believe Town Code sets a limit, but it does require the owner to keep them under control, both odor control and physical control, and possibly a noise control if it is not a permitted use in the zoning district. Mr. Showalter stated that there have been some calls recently about loose chickens, to which Ms. Burner also mentioned the loose chickens. Mr. Showalter stated that there is a code prohibiting some things, but doesn’t state the repercussion of violating this. Ms. Burner agreed that there is an ordinance, but there are no penalties.

Ms. Miller inquired if there was any ordinance against living in a trailer. Mr. Showalter stated that there is zoning about that issue. Ms. Costie inquired if there are any occupancy limits in a single family dwelling. Mr. Showalter answered negatively and he wished the Police Chief was present as he has been handling this issue; the parole board is involved, and they have answered numerous calls. Mr. Showalter stated that he could ask the Chief to prepare an email or something that he can circulate to the Commission, talking about his enforcement efforts.

Mount Jackson  
Planning Commission & Joint Public Hearing Meeting

June 5, 2023

- 4 -

Ms. Burner stated she called the police about the loud music late at night. She stated that the police had advised the home owners to turn it down. This issue is still continuing. Ms. Burner stated that the home owners had stated that they would be moving, but this is just an evasion tactic.

Mr. Hines stated he had a couple safety concerns. The crosswalk from Union Church across King Street – there is no marking for this and since the street has been repaved, this could be an issue. Mr. Showalter stated that for several weeks, the road had been repaired at night with additional tarring and chipping, but he believed this has been concluded. Mr. Showalter stated that he would look into it being painted. Mr. Hines inquired if that would be up to the Town or VDOT. Mr. Showalter answered that King Street belongs to the Town, so it would probably be the Town’s responsibility. Mr. Hines stated there was a second crosswalk safety concern for the end of Mayors Park; there is no crosswalk marking there as well and he felt this could be an issue. Mr. Showalter stated that this is on Rt. 11 so it would be VDOT’s responsibility.

Commissioner Miller made a motion, seconded by Commissioner Hines, to adjourn the meeting at 7:19 PM.

Submitted by: Barbara Riggleman, Town Clerk