

Mount Jackson
Planning Commission Meeting & Joint Public Hearing
August 5, 2024
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Chairman Larry Ambrose called the Planning Commission meeting to order at 5:30 PM in the Council Chambers at 5901 Main Street. Roll call was taken with Commissioners Evelyn Burner, Jim Hines, and Anita Miller in attendance. Commissioner Karen Costie was absent.

Mayor Donnie Pifer called the Town Council meeting to order at 5:31 PM with Councilmembers Evelyn Burner, Judy Fultz, and Rod Shepherd in attendance. Councilmembers Al Asbury, Bonnie Good, and Todd Holtzman were absent.

Also present were Olivia Hilton, Town Manager; Greg A. Beam, Assistant Town Manager; and Barbara Riggleman, Town Clerk. Guests were Bader Al-Omar, Fabian Rios, Danna Bynaker, Seth Jones, and Lindsey Rickard.

Joint Public Hearing

1. SU-01-2024: Request to Permit a Single-Family Home within the B-2 District, 5967 King Street

Mr. Shepherd inquired if the building was stable enough to be a residence. Ms. Rickard answered affirmatively; the only thing that would need to be replaced was the roof, mostly because of the asbestos material that will be removed. The walls will remain, the roof will be replaced with another flat roof, so the main structure will retain the same look. Ms. Rickard provided a sketch of the planned build. Mr. Holtzman will preserve the historical aspects of the building. Chairman Ambrose inquired if this was an historical building. Ms. Rickard stated that she would have to look back at the date, as there are some conversations about what the historic time frame is for Mount Jackson. Mr. Shepherd stated that it is in the historic district, but it's what is called a non-contributing structure.

Mr. Hines inquired if the adjacent property owners had been notified. Ms. Hilton stated that the only neighbor to the property present was Mr. Jones. Mr. Hines inquired if Mr. Jones had received notification, and Mr. Jones answered affirmatively but did not plan to speak. Ms. Hilton stated that Ms. Riggleman had notified all adjacent property owners for both special use permit requests.

Mr. Hines inquired what the minimum lot size requirement is and if this property would fit into that. Ms. Hilton stated that she was unsure at the moment. Ms. Riggleman stated that the minimum lot size requirement for the historic district was removed in a previous change. Ms. Hilton stated that this was correct and that the minimum lot size for B-2 had been removed. The B-2 District was discussed. Mr. Hines inquired if there were any required setbacks. Ms. Hilton stated that the setbacks had not been updated since the text amendment, but the original footprint of the building would not be changing. With a non-conforming structure, setbacks are not relevant if it is going in the same footprint.

Mr. Hines inquired what would be going in the 62' of space in the front of the building. Ms. Hilton answered that it would be two parking spaces; Ms. Rickard stated that this was correct. Mr. Hines inquired if they would be paved and Ms. Rickard answered that they would not, the existing gravel would stay. Mr. Hines stated that he thought Town ordinance required paving. Discussion ensued on the grass lot at 5959 King Street. Ms. Hilton stated that a stipulation could be added as part of the special use permit for the subject property, 5967 King Street, that the parking lot should be paved. Mr. Hines read from Town Code Section 66-32. – Dimensional Standards: "Any driveway or parking area located in front of the dwelling must be paved with an asphalt or concrete surface." Ms. Hilton stated that the tricky part is that this is existing and not a new dwelling,

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and as a special use, would be moved from business to residential. Discussion ensued on the zoning of the building and possible restrictions that business be on the bottom level and housing on the second level.

Chairman Ambrose inquired if there were any other questions. There were none and there were no speakers signed up to speak.

2. SU-02-2024: Special Use Permit Request for a Residential Building at 6143 Main Street

Ms. Hilton stated that the zoning would not be changing. In the Long-Range Strategic Plan, the property should be Industrial. It had been abandoned for several years and this is why the use had reverted back to Industrial. There are already people living in the structure, so if the request is not granted, those people will need to find other housing. This will elongate the future plan for an industrial zone as once the mobile homes leave, that property will be Industrial as well. Ms. Bynaker inquired why Ms. Hilton thought the mobile homes would leave. Ms. Hilton stated that if you look 100 years from now, part of their job is to look at the long-term planning of a property, and if any homes are removed or condemned in that area, or if someone passes and they are stuck in estate for several years, it would revert back to commercial. Eventually, probably not in our lifetimes, the concept would be that the entire area would be Industrial zoned. Ms. Bynaker stated that it already is. Ms. Hilton corrected that it would be industrially used. As is the case with this property, it was abandoned for several years and went back to Industrial, which could happen with any of the homes. Ideally, as that happens, they would not receive a residential use again.

Mr. Hines inquired if there were any presentations. Ms. Hilton asked Mr. Al-Omair if he wanted to speak. Mr. Al-Omair stated that he was just there to change the use and had no plans to speak. Chairman Ambrose stated that when the property was brought before the Planning Commission a year or so ago, it was stated that the use would be just storage, but someone has been living in the structure. Mr. Al-Omair stated that people had been living there for about 6 months and he thought it was ok for residential. Mr. Hines inquired if Mr. Al-Omair was present when the property was discussed originally. Mr. Al-Omair stated that he was, but thought it would be residential. Discussion ensued on why the property was approved only for storage.

Mr. Hines inquired if there was a structure, like a breezeway, to attach the structure to the commercial building in front of it, if it could be considered the same building. Ms. Hilton stated that it could not, you would need to do a boundary line adjustment. Mr. Hines inquired if someone would be allowed to live there then. Ms. Hilton stated it could make it B-2 usage and not Industrial. Mr. Al-Omair stated that the two buildings had different electrical providers.

Chairman Ambrose stated that he thought the structure was unlivable due to a severe sewer problem years ago, and asked if it had passed inspection. Ms. Hilton stated her reservations that the structure was being lived in without the County knowing about it. Ms. Hilton requested Mr. Al-Omair speak regarding his permitting process. Mr. Al-Omair stated that he did a complete remodel of the house and there have been no issues. Chairman Ambrose asked for clarification that the house has been inspected then. Mr. Al-Omair responded that he had not had it inspected yet, but he believed that if he asked the County to inspect it that it would pass. Chairman Ambrose stated he felt this request should be tabled until the necessary inspections had been completed. Mr. Rios stated that he completed the 200-amp service in the home and had the gotten the necessary permits and inspections for that. Ms. Hilton stated that an occupancy permit is required, and asked Mr. Al-Omair if he had this. Mr. Al-Omair stated that he did not, but he had all the required inspections from the County. Chairman Ambrose inquired if someone from the County signed off on it. Ms. Hilton stated that the

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County would have issued an occupancy permit if they had signed off on everything. Mr. Al-Omair stated that he might have the permit. Ms. Hilton stated that the occupancy permit is required before anyone can be living in the structure. Ms. Hilton stated that Mr. Al-Omair would need to send the permit to her tomorrow before this request could be considered or forwarded. Mr. Al-Omair stated that the thought an occupancy permit would come after this public hearing. Ms. Hilton stated that an occupancy permit is not something issued by the Town. If this were a new build, this conversation would be fine, but there is room for concern if people are already living in the home. Ms. Hilton stated that the Planning Commission could still make a recommendation following the public hearing, but the ultimate vote would come from Town Council at their meeting next week. Th recommendation could be pending an occupancy permit.

Chairman Ambrose inquired if there were any other questions. There were none and there were no speakers signed up to speak. 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 Burner. The meeting was adjourned at 5:56 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 the July 1, 2024 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			

4 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. **SU-01-2024: Request to Permit a Single-Family Home within the B-2 District, 5967 King Street – Eligible for Action**

Commissioner Burner made a motion, seconded by Commissioner Miller, to FORWARD SU-01-2024 to Town Council with a recommendation for approval.

Ms. Hilton made a Staff Recommendation to add a recommendation to pave the driveway. Mayor Pifer inquired if this would apply to other properties on King Street. Ms. Hilton answered that it would just be the two off-street parking spaces. Mayor Pifer inquired that if the Town would require paving this property, would that

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also then be required for the neighboring property. Ms. Hilton stated that if it were to be a business, it would need to be paved.

Commissioner Burner accepted the Staff Recommendation for paving the driveway into her motion.

Ms. Rickard inquired if the other buildings on King Street were to change ownership, at that point would they also need to have paved parking areas. Ms. Hilton stated that this is a separate case as it is for a special use permit for this one specific building.

Discussion ensued on the parking lot at the building beside the subject property. Ms. Hilton stated that there would be different expectations for the two properties as this special use is for residential and the other property is a commercial space. Technically, the subject property would not need to be paved but with the future goals of King Street, paving it now would help with future plans.

Mr. Hines stated that he still has reservations about the overall size of the plot and how that fits in the residential environment. It seems too small, and he has reservations about family life there. Ms. Rickard stated that it is not dissimilar to an apartment style of living, and there is a real need for smaller homes.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Burner			Commissioner Costie
Commissioner Miller	Commissioner Hines		
Commissioner Ambrose			

3 AYES, 1 NAY, 1 ABSENT, motion carried

Ms. Hilton inquired if there was anything Mr. Hines could share with her that she could do, research-wise, prior to the Town Council meeting next week to help them with their decision if his reasons for denying were questioned. Mr. Hines stated that it is the configuration of the lot and that it seems too confining. Discussion ensued on the square footage of the house and the lot. Ms. Rickard stated that the right-of-way easement with the neighbor is why they are required to keep the house where it is.

2. SU-02-2024: Special Use Permit Request for a Residential Building at 6143 Main Street – Eligible for Action

Commissioner Burner made a motion, seconded by Commissioner Hines, to FORWARD SU-02-2024 to Town Council with a recommendation for approval, pending appropriate permitting.

Ms. Hilton stated that the Commission has several choices, as far as conditions, if they are open to allowing it. Chairman Ambrose inquired that if the subject house was attached to the other building to make it more in compliance, if it would revert to previous zoning if it were sold. Ms. Hilton stated it would be B-2 and could stay a residence. Regardless of the decision, an occupancy permit needs to be provided to move ahead. Discussion ensued on connecting the two buildings. Mr. Al-Omar stated that he had no plans to connect them as he may sell them separately in the future. Ms. Hilton stated that the Commission's options were to approve it for residential use for now (given an occupancy permit) and could stipulate if the special use would convey with the property if it were sold. Staff recommendation is for a special use permit rather than rezoning in order to have more control over the property in the future.

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Ms. Hilton stated that if the proper permit was not found by Tuesday, August 6, this process would need to start over again. Ms. Rickard inquired if the subject property parking area was paved. Ms. Hilton stated that she was unsure. Mr. Hines stated that the parking for the business is paved, but he is unsure about the subject building. Mr. Rios stated that the road going into Smoot Trailer Park is paved.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Burner			Commissioner Costie
Commissioner Hines			
Commissioner Miller			
Commissioner Ambrose			

4 AYES, 1 ABSENT, motion carried

Board of Zoning Appeals Report: None

Town Council Items: Ms. Burner had no report.

Zoning Administrator Report: Ms. Hilton stated that she had connected the Old Hickory development people with the Orchard Street development people as they are struggling to get some utility easements near Jackson Street. They may be able to work together for mutual benefit. The Town was able to purchase the Baker property for the park and was able to make a swap for the 11-acre river access near Fleming Park, so the Town is adding greenspace.

Board Members' Items: None.

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 6:17 PM.

Submitted by: Barbara M. Riggleman, Town Clerk