

**MINUTES
TOWN COUNCIL
PLANNING COMMISSION
TOWN OF SHENANDOAH
JOINT PUBLIC HEARING
REZONING REQUEST**

April 25, 2023

The Shenandoah Town Council and the Shenandoah Planning Commission held a joint public hearing on Tuesday, April 25, 2023, beginning at 7:06 p.m., with Vice Mayor Kite presiding.

ATTENDANCE: Council Members present were: Mayor Clinton O. Lucas, Jr.; Vice Mayor William Kite; Council Members Denise Cave; Russell Comer, Jr.; Lynn Fox; I. Michael Lowe; and Richard Pierce.

Council Members absent were: None.

Planning Commission Members Present: Chairman I. Michael Lowe; Vice Chairman Arthur “Todd” Stroupe; Commissioners Jonathan Comer; and Karen Comer.

Planning Commission Members Absent: There are 3 vacant positions on the Planning Commission.

Other Town Officials present were: Juanita Roudabush, Town Manager/MMC; Lora Jenkins, acting Town Clerk; Tonya Southers, new Town Clerk; and Paul Davis, Chief of Police.

Citizens present were: Eunice Meadows, Pastor Carter Dean, Shelley Good, Robert Sipes, Nelson Lucas, Joan Lucas, Eddie Vaughan, Robbie Kyger, Tamera “Tammy” Sipes, Anna Belle Comer, Donna Robinson, Robert Turner, Anna Turner, Brenda McDaniel, David Samuels, Becky Samuels, Bill Austin, Gary Austin, Farren McDaniel, Billy Foltz, Freddie Kite, Dana May, Pattie Stanley, Susan Lucas, Savannah Miller, Jessica Taylor, Brenda Comer, Doris Cave, Jeanie Dean, Debbie Fox, Daryl Sublett, Jaxon Staples, Danyelle Fisher, Zack Fisher, Gary Bauserman, James Shifflett, Lori Shifflett, Monica Brewer, Leonard “Lee” Brewer, Jon VanHyning, Crystal Turner, Faye Taylor, Gloria Sublett, Wendie Shank, Keith Comer, Carla Breeden, Sandara Buchanan, Brittany Lawson, Darlene Royer, and Jeffery Staples.

Media Representatives: None.

Mayor Clinton Lucas, Jr. stated he was an adjoining property owner and would not preside over the meeting as he wished to speak as a resident of the Town.

CALL TO ORDER: Vice Mayor Kite opened the public hearing at 7:06 p.m. He stated the purpose of this joint public hearing is for a rezoning request of Shenandoah Assembly of God, from R2 (Residential 2) to R3 (Residential 3) on property located at 712 Maryland Avenue, Shenandoah, VA 22849. This property is identified by tax map numbers 102A4-(1)-3 lots 7-13.

He noted if approved, this rezoning would allow for any items allowed as a matter of right and in compliance with Town Code Section 50-68.

Vice Mayor Kite inquired if there was anyone present to speak *for* the rezoning request?

James Shifflett owner of EGM Enterprises stated he wanted to purchase this former church building and convert it into a 12-unit apartment building. He stated he knew there were questions about the parking for an apartment building, but stated there are ample parking spaces. He also stated there were questions about trash accumulation at the apartment buildings and noted there was a 12x15 concreted pad in the rear of the property which would fit a dumpster, and there was plenty of space in the gravel area if another dumpster would be needed. He noted there was a tremendous need in Town for housing.

Carter Dean, pastor of the Assembly of God Church, stated the church has been for sale for a year and a half and they have not had many offers on the building. He wanted to thank the Town for the great relationship they had with the church over the years, and thinks EGM Enterprises will create a beautiful apartment complex for the Town.

Town Manager Roudabush reminded the audience the purpose of this meeting is just for the rezoning request from Residential 2 (R2) to Residential 3 (R3) and it is not about the conversion from a church to an apartment complex.

Jeannie Dean stated she believes there is a need for affordable housing in the area.

Pastor Dean stated the church is currently grandfathered as R2, but in six months, if it is not sold, they would have to come back and rezone it as a church. Vacant structures are only given a 2-year period to retain their grandfather status, and the church has been vacant for a year and a half.

Town Manager Roudabush stated the Town did not adopt zoning regulations until the 1970s and this building built prior to the zoning regulations is operating under a grandfather clause for this permitted use.

Vice Mayor Kite inquired if there was anyone present to speak *against* the rezoning request?

Leonard "Lee" Brewer asked if by a show of hands who would want a 12-unit apartment building in their front or back yard. No one raised their hand.

Clinton Lucas, Jr. stated the former Columns apartment complex has been a thorn in the side of the neighborhood and no one deserves a 12-unit apartment building in the single-family unit neighborhood. He said zoning regulations were protection for residents for not having something unsuitable installed in the neighborhood.

Councilman Comer asked if there was enough water to accommodate 12 families in the neighborhood because there were known problems there in the past.

Town Manager Roudabush stated the Public Works Director thought there was sufficient water volume for an apartment complex. The problem in the past had to do when the water tank was cleaned, but now there is a new procedure when tanks are cleaned and no one loses water.

Dana May stated there has been no problems since the terra cotta lines were replaced in this nearby area.

James Shifflett asked where the former Columns apartment complex was located?

Vice Mayor Kite stated it was on Maryland Avenue.

Wendie Shank stated there are other residents of the Town who need to clean up their properties.

Eunice Meadows stated the Planning Commission and the Council should consider the people in the neighborhood when they make their decision.

Jon VanHynning stated this apartment would be a low income or government funded eyesore and urged the Planning Commission and Council to vote against it.

Sue Lucas stated she is concerned with parking, and noted it is hard enough to see when pulling out of the intersection with cars parked on both sides of the road now. She said there could possibly be issues with the sewer line at the cleanout like there has been at the former Columns apartments. She stated the Town does not need the apartment complex.

Commissioner Karen Comer asked by a show of hands how many people were for the apartment complex? A large majority in attendance raised their hands.

Darlene Royer stated she is concerned about water problems and the people in the apartment complex tearing up stuff in nearby yards.

Savannah Miller stated she would like to see a fence built where her property adjoins the church, so it would discourage children/residents from the apartment complex from sledding down the hill and suing them if they get hurt on her property.

Tamera "Tammy" Sipes stated not everyone who lives in an apartment is trashy.

Pattie Stanley stated she lives at the Autumn Ridge Apartments and the residents their keep their property clean.

Pastor Dean stated he does not wish to disrupt the community, but the property is vacant and the church now has an opportunity to do something with it.

Vice Mayor Kite inquired if there were any questions by the Council or Planning Commission Members?

Councilman Pierce asked how would trash pickup work?

James Shifflett stated he would have a dumpster provided by a waste management company and it would be picked up weekly.

Councilman Fox asked if the sewer would be able to accommodate the 12-unit apartment complex?

Town Manager Roudabush stated Public Works has reviewed it and said there may have to be changes to connections, but should be ok as is.

Councilwoman Cave asked if it would be income-based housing?

James Shifflett stated it would be fair housing and be under a management company, which may or may not be himself.

Vice Mayor Kite asked if Mr. Shifflett would be willing to put a fence up on the hill which Mrs. Miller had spoken about?

James Shifflett stated he had no problem putting up a fence.

Town Manager Roudabush reminded the Planning Commission and Council conditions can be attached by the Planning Commission and Council to the Special Use Permit. Also, the Special Use Permit is non-transferrable meaning if EGM Enterprises were to sell the apartment complex, the new owners would have to request another public hearing for their Special Use Permit.

Commissioner Arthur "Todd" Stroupe asked if Town Manager Roudabush could explain what was allowed as a matter-of-right?

Town Manager Roudabush stated it would be what is listed in the Town Code under Section 50-68 for R3. In order to have an apartment complex, there has to be a Special Use Permit which is the next meeting, only if the rezoning is approved.

Commissioner Jonathan Comer asked what is the difference between R2 and R3?

Town Manager Roudabush stated R2 primarily covers single family dwellings and R3 allows more density.

Closing of Joint Public Hearing: There being no further questions, a *motion* was made by Councilman Pierce, *seconded* by Councilman Fox, to close the public hearing at 7:36 p.m.

Council Members vote was as follows:

YEA: Vice Mayor Kite
Councilwoman Cave

NAY: None.

Councilman Comer
Councilman Fox
Councilman Lowe
Councilman Pierce

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

A *motion* was made by Planning Commissioner Jonathan Comer, *seconded* by Planning Commissioner Karen Comer, to recommend approval of the rezoning request from R2 (Residential 2) to R3 (Residential 3) for Shenandoah Assembly of God on property located at 712 Maryland Avenue, identified by tax map numbers 102A4-(1)-3 lots 7-13, as presented.

Planning Commission Members Vote was as follows:

YEA: Chairman Lowe
Vice Chairman Stroupe
Commissioner Jonathan Comer
Commissioner Karen Comer

NAY: None.

Abstain: None

Absent: None

VOTE: **Unanimous in favor of motion.**

A *motion* was then made by Councilman Pierce, *seconded* by Councilman Lowe, to concur with the Planning Commission's recommendation and approve the rezoning request from R2 (Residential 2) to R3 (Residential 3) for Shenandoah Assembly of God on property located at 712 Maryland Avenue, identified by tax map numbers 102A4-(1)-3 lots 7-13, as presented.

Council Members Roll Call vote was as follows:

YEA: Vice Mayor Kite
Councilwoman Cave
Councilman Comer
Councilman Fox
Councilman Lowe
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas

ABSENT: None

VOTE: **Unanimous in favor of motion.**

ADJOURNMENT: A *motion* was made by Councilman Fox, *seconded* by Councilwoman Cave, to adjourn the meeting at 7:38 p.m.

Members vote was as follows:

YEA: Vice Mayor Kite Councilwoman Cave Councilman Comer Councilman Fox Councilman Lowe Councilman Pierce	NAY: None.
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ABSTAIN: Mayor Lucas
ABSENT: None
VOTE: **Unanimous in favor of motion.**

APPROVED:

ATTESTED:

Clinton O. Lucas, Jr., Mayor

Lora Jenkins, acting Town Clerk