

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

JUNE 13, 2023

The Shenandoah Town Council and the Shenandoah Planning Commission held a joint public hearing on Tuesday, June 13, 2023, beginning at 7:09 p.m., with Mayor Clinton O. Lucas, Jr. 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, Karen Comer, Timothy Seal, and MacKenzie Watson.

Planning Commission Members Absent: There is one vacant position on the Planning Commission.

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

Citizens present were: Carol Sue Zirkle, Robert P. Zirkle, Keith Sampson, Dee Sampson, Jackie Shuler, Stephanie Richards, Jeff Grimsley, Sunny Mehta, Mehul Trikal, and Jaxon Staples.

Media Representatives: Amos Thomas (Shenandoah Newz)

CALL TO ORDER: Mayor Clinton O. Lucas, Jr. opened the public hearing at 7:09 p.m. He stated the purpose of this joint public hearing is for a rezoning request of Sunny Mehta, LLC from Residential (R3) to Commercial, on property located at 107 Virginia Avenue, Shenandoah. This property is identified by tax numbers 102A3-4-1.

He noted if approved, this rezoning would allow for any items allowed as a matter of right and in compliance with Town Code Section 50-69.

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

Sunny Mehta stated when he purchased the property, he was under the assumption it was already Commercial. He found out once he had someone interested in leasing the property, it was Residential. He stated there is an AirBnB rental upstairs, which would remain. He explained it is

nearly impossible to convert the former commercial downstairs space to residential use and this is why he needs it rezoned to commercial.

Mayor Lucas inquired if there was anyone present to speak *against* the rezoning request.

Stephanie Richards spoke on behalf of her father (Jeff Grimsley) and read the letter he wrote to the Council objecting to a Commercial zone in this residentially zoned block. She also inquired about the possibility of gambling machines if it were to be rezoned.

Sunny Mehta stated the person interested in leasing the downstairs would be putting a tobacco store in.

Stephanie Richards stated she saw no reason for another tobacco store to be put in due to the number of convenience stores in the area.

Planning Commissioner Jonathan Comer inquired as to how the adjoining lots are zoned.

Town Manager Roudabush stated they are all R3 within this block. Across the alley along First Street, the lots are all zoned Commercial.

Planning Commissioner Comer asked how they got R3 designation.

Town Manager Roudabush stated she was not here when that happened but likely happened when the Town first adopted zoning. She also stated she could normally give a suggestion but cannot in this case as the Council would be within the law to rezone it or leave it R3.

Planning Commissioner Mike Lowe inquired as to how it was a laundromat if it was not Commercial.

Town Manager Roudabush stated it was a laundromat before the Town had zoning, so it was grandfathered in. She also stated that you can have a residence in the upper area even if it is zoned Commercial. This is how the building beside Town Hall has a residence upstairs and some commercial downstairs.

Councilman Lynn Fox inquired if the rezoning for this property is allowed to Commercial and someone wants to take all the lots in the 300 block of First Street to Residential, would they be allowed?

Town Manager Roudabush stated it would be harder, legally, to rezone First Street to Residential (R3) without this lot staying R3.

Closing of Joint Public Hearing: There being no further questions, a *motion* was made by Vice Mayor Kite, *seconded* by Councilwoman Cave, to close public hearing at 7:25 p.m.

Council Members 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.**

A *motion* was made by Planning Commissioner Karen Comer, *seconded* by Planning Commissioner MacKenzie Watson, to deny the rezoning request for Sunny Mehta on property located at 107 Virginia Avenue, identified by tax map numbers 102A3-4-1, as presented.

Planning Commission Members 4 to 2 Vote was as follows:

YEA: Chairman I. Michael Lowe
Commissioner Jonathan Comer
Commissioner Karen Comer
Commissioner MacKenzie Watson

NAY: Commissioner Arthur “Todd” Stroupe
Commissioner Timothy Seal

Abstain: Mayor Lucas

Absent: None

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

A *motion* was then made by Councilman Lynn Fox, *seconded* by Councilman Pierce, to concur with the Planning Commission’s recommendation and deny the rezoning request from Residential (R3) to Commercial for Sunny Mehta on property located at 107 Virginia Avenue, identified by tax map numbers 102A3-4-1, 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 Vice Mayor Kite, *seconded* by Councilman Fox, to adjourn the meeting at 7:28 p.m.

Members vote was as follows:

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

APPROVED:

ATTESTED:

Clinton O. Lucas, Jr., Mayor

Tonya Southers, Town Clerk