

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

NOVEMBER 14, 2023

The Shenandoah Town Council and the Shenandoah Planning Commission held a joint public hearing on Tuesday, November 14, 2023, beginning at 7:00 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; Lynn Fox; I. Michael Lowe; and Richard Pierce.

Also seated with Council Members was Councilman-elect Christopher Reisinger who has not yet been sworn in. He is waiting on certification of the votes by the General Registrar.

Council Members absent were: None.

Planning Commission Members present: Chairman I. Michael Lowe; Commissioners Jonathan Comer, Karen Comer, Stephanie Richards, and Timothy Seal.

Planning Commission Members absent: MacKenzie Watson and Arthur “Todd” Stroupe.

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

Citizens present were: Albert Brown; Bernard Womack; George McDaniel; Jerry W. Comer; Doris A. Comer; Carol Sue Zirkle; Robert Zirkle; Stephanie Banach; Jake Good; Erin Good; Debbie Ringle; Amber Williams; Cynthia Brown; Mike Bosserman; Larry “Skip” Dofflemeyer, Jr.; Dolores Lackovitch; Debbie Hansbrough; Mary Queen; Charlie Queen; Joy Womack; Chap Womack; Matin Miller; Judy L. Campbell; Tanner Dofflemeyer; Edison Emmons; Dana McPherson; Autumn McPherson; Emmarie Gomez; Omar Gomez; Jaxon Staples; and Jaylin Staples.

Media Representatives: Amos Thomas with ShenandoahNewz.com.

CALL TO ORDER: Mayor Clinton O. Lucas, Jr. opened the public hearing at 7:00 p.m. He stated the purpose of this joint public hearing is for a rezoning request from R1 (low density) to R3 (high density) from Shen-Elk Enterprises LLC for the property off Marcus Street, Shenandoah, VA, identified by tax map number 102A2-2-46A.

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

Mayor Lucas also noted the purpose of this hearing was for the Planning Commission to decide on the possible rezoning of this land. He stated there would be a time for those in attendance to express their feelings towards this request, whether for or against. Mayor Lucas reminded the attendees this was an official meeting and there would not be any type of misconduct allowed.

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

Bernard Womack introduced himself, as well as his Shen-Elk Enterprises LLC business partner, George McDaniel. He thanked everyone for coming and stated they have been on the lookout for opportunities for affordable housing. He stated he and his business partner have a vested interest in the Town of Shenandoah. He also stated this rezoning could potentially lead to the possibility of grants for the Town as well as the opportunity for grocery stores and drug stores. Bernard Womack informed the crowd when COVID hit and all the schools had to close, those students were forced to do their schooling from home and there were a lot of households who did not have internet. He stated Shen-Elk Enterprises LLC granted an easement for the internet companies to cross this land and they never required them to sign a lease nor did they charge/accept any payments for this.

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

Doug Brown stated he did not live within the Town limits, however, he does own a 144 acre farm that adjoins Eppard Subdivision. He also stated he does not have any issues with water pressure because he has his own well and pressure pump. He did say his problem was a 10-acre block of this farm and when it rains, water runs behind Eppard Subdivision onto this piece of property causing a pond to form. He also said this typically occurs when there is a lot of rain and this causes the water to run swiftly from this pond across his driveway which does not block the water.

George McDaniel inquired where the water goes once the pond overflows.

Doug Brown stated the pond is at the center of Shen-Elk's property and it will flow across his driveway into other properties.

George McDaniel stated he is part of Shen-Elk Enterprises LLC and lives in Elkton. He stated he developed a piece of property in Elkton with the same issues Doug Brown mentioned. He also stated they put a berm in place with a holding tank and they have not had an issue with runoff ever since.

Charlie Queen stated we have had two 30-year floods in the last 38 years – one in 1985 and one in 1995. He stated retention ponds will not handle those kinds of floods.

Charlie Queen stated he lives at 116 Gregory Street and his property backs up to the 10-acre plat of Shen-Elk's. He stated there are 12 apartments on Maryland Avenue, 16 units on Front Street, and 36 at Autumn Ridge. He also stated 95% of Town of Shenandoah residents do not know where Autumn Ridge is located.

Charlie Queen said he knows a developer is going to try to maximize his profits and could put a tank/berm in, however, the two 30-year floods we have had thus far would dwarf the amount of rain seen in the photo Doug Brown passed around which is from a more normal rain. He also stated there is no guarantee we won't see another flood like these in the future.

Charlie Queen also stated the increase in traffic would be a shock to the area, it would cause traffic jams with people trying to get into the area from 340 and the view to see oncoming traffic there is not good when trying to pull out. He stated most of the cars exceed the speed limit in the subdivision and this causes safety issues with children playing and people who walk along the road.

Joy Womack said she moved to Eppard Subdivision around six years ago and it has been a very quiet, friendly, typical small town neighborhood. She stated she does walk around the neighborhood, other people push their children around in strollers, and children are always riding bikes. Joy Womack also said there are no sidewalks within the neighborhood, so the only place for everyone to walk or ride bikes is on the side of the road. She stated in the morning the sun directly hits you in the face coming up one of the hills and if you are not familiar with the area, you won't know where you're going and could hit someone.

Cynthia Brown said she lives at 122 Gregory Street and in her opinion there is no need for more R3 zones in Town. She stated there is very few R1 zones and according to the Town's 2022 Comprehensive Plan, there is a small projected increase in the population of the Town based on the 2020 Census through 2027. She also stated there are 87 vacant units in Town according to the Town's Comprehensive Plan and she doesn't see a need for more housing within the Town. She added there is a deep ravine between the HUB and Enterprise Zone within the Town and there is no access except through Eppard Subdivision. She stated there is a cornfield to the left of Doug Brown's property and there is a lot of eroded dirt through there, so runoff is an issue.

Joy Womack added water does flow through James Shifflett's cornfield and through a piece of Wildlife Lane and this creates issues as well.

Chap Womack stated he lives at 150 Gregory Street and he is Bernard's brother. He also stated his brother has a Shenandoah address but he does not live within the Town limits. He added there were a lot of people who live within the Eppard Subdivision who were not able to attend, but who oppose this rezoning. He said there is a nice mix of people within this subdivision and many of them have lived there over 40 years. He also said the only way for people who live within Eppard Subdivision to get into Town is to walk dangerously on 340 or ride bikes due to the lack of sidewalks in the area. Chap Womack said they do have a lot of water leaks in the subdivision. He gave an example of when the Fire Department hooks to the hydrants in the subdivision, they lose water pressure. He added in the Town's Comprehensive Plan was to maintain the current

density within neighborhoods. Chap Womack quoted the definition of spot zoning from Anderson's American Law of Zoning. He stated looking at the Town map, most areas are zoned R2 with the next lowest being R3 and the lowest is the light yellow area being R1 which is what Eppard Subdivision and this tract is zoned. He added if this rezoning is approved, the Town will be taking 20% of the R1 zoning away.

Chap Womack stated there are quite a few lots, owned by one company, on the East and South ends of Town zoned R3 that are undeveloped. He also stated it would be a better idea to develop these first. He also added the Town cannot handle 30 more units on the water system. He stated in the Comprehensive Plan, R3 which includes apartments, should be located close to shopping and not only are there no sidewalks, but it is not close to community facilities and felt it should be denied.

Gary Strickler stated he lives at 192 Marcus Street and he is not necessarily opposed to single family homes. He added he would be opposed to apartments due to the need of a turning lane on 340 to help with the increased traffic trying to get into the subdivision.

Emmarie Gomez stated she lives at 273 Edgewood Drive and she is against the rezoning. She stated she was in agreement R1 would fit their neighborhood but not R3.

Jacob Good stated his Mother-in-Law lives in the neighborhood and her biggest concern is with the possible increase in water/sewer issues, as well as the increased traffic. He also stated her water pressure is not good nor is it drinkable as it is as "white as the table."

George McDaniel stated even though R3 allows for apartments, this is not their goal. He stated their plan is to build multi-family homes such as duplexes and townhouses. They do understand this would cause increased traffic.

Mayor Lucas stated duplexes and single family homes were the only things R3 allows as a matter of right and if they wished to build apartments or townhouses, they would have to apply for a special use permit.

George McDaniel stated they did not intend to build a ton of apartments when and if they decide to build. He stated his name is on it and he will ensure there are sidewalks and curbs in the area. He added the units they built in Elkton included curb and sidewalks. He also stated the only way to bring money into the Town is to make more room for people to live here. He added the subdivision in Elkton does back up to his personal property.

Emmarie Gomez inquired about the water pressure issues already in the area and the possibility of even more loss of pressure with adding more units. She stated she has a toddler and a newborn and her water sometimes runs brown and even runs out for periods of time.

Dana McPherson stated she lives at 415 Central Avenue and when the Speedway came here, their water pressure issues began. She stated there are a lot of older places they could fix up for people to live instead of building more.

Commissioner Jonathan Comer inquired to the quantity of units Shen-Elk Enterprises LLC were planning to build.

George McDaniel stated he was unsure and would have to talk to an engineer.

Commissioner Jonathan Comer asked if they were allowed to put buildings up, but did not have to put in sidewalks or curbs with guttering.

Town Manager Juanita Roudabush stated the current Town Code does not require curbs and guttering. She stated they would have to have the streets up to VDOT specifications.

Commissioner Jonathan Comer asked if the benefit of the added homes is going to be enough to help with the infrastructure, as far as what is received from the tap fees. He inquired how much tap fees would be.

Town Manager Juanita Roudabush stated the tap fees for water are \$8,000.00 and for sewer are \$9,000.00.

Vice Mayor William Kite stated the fee would be per unit.

Skip Dofflemyer stated he lives at 293 Edgewood and inquired if it is multiple apartments, how will they affect his property value. He added he is all for progress in the Town, but he wants it done the right way.

Bernard Womack stated SVEC has three lines running over 10 acres of their property. He stated one line is for data communication, the next is for the substation lines to communicate with each other, and the last one is for civilian lines to connect into individual homes. He added the right of way would be more than enough to allow for bucket trucks to get in there and do whatever work was needed. He also added the infrastructure costs and R1 do not match. He stated he enjoys working with corporations and also supports the community in any way he can.

Mayor Lucas closed the joint public hearing at 7:46 p.m. and noted no further comments from the public would be accepted. He then inquired if Commissioners or Council had any comments or questions.

Commissioner Stephanie Richards asked Shen-Elk Enterprises LLC if their company has ever considered subdividing the property.

George McDaniel stated it would not be conducive to allow it to be subdivided. He stated the infrastructure cost would be around \$1,000,000.00 which would be divided among each home built.

Commissioner Stephanie Richards stated she appreciated these men wanting to improve the community. She asked if they purchased this property in 2021.

Bernard Womack stated yes, they purchased it in 2021.

Commissioner Stephanie Richards asked Doug Brown if the rain floods this property every year.

Doug Brown stated yes it does, but it is not just from floods in the area, just regular hard rains too.

Bernard Womack informed the Planning Commission they would protect and not jeopardize the utility poles with any type of construction.

Commissioner Stephanie Richards stated it sounds as though they have taken engineering needed into consideration.

Bernard Womack stated they have studied zoning and if the property is rezoned into R3, they will have an engineer cover any possible issues with water and traffic. He added if their names are attached to this project, everything will be done right.

Councilman Fox stated he was concerned about the fact these men came to this meeting with absolutely no plan. He stated they just asked to have the property rezoned. He added people may be more at ease if they knew their intent.

George McDaniel stated it would cost them around \$50,000.00 just for plans and it was not part of their business to spend this type of money on a possibility. He stated their goal was to construct duplexes or townhouses.

Town Manager Juanita Roudabush informed the Planning Commission and Council the property is zoned R1 currently and allows for single family homes, by right. She stated R2 allows for single family homes by right and two family by special use permit. She added if the property was rezoned to R3, this allows for single family and two-family homes as a matter of right. She stated the Planning Commission and Council would not have to hold any public hearings any more on the matter if they build either of these.

Councilman Fox asked if they wanted to build apartments, would they need a special use permit for them?

Town Manager Juanita Roudabush stated if they decide to build apartments, they would need to apply for a special use permit and it would come before the Planning Commission and Town Council again by public hearing.

Councilman Fox stated his biggest issue was the fact they came to the Planning Commission and Town Council without any type of plan. He stated it seems as though they have been in business long enough they could estimate what they could put on the property.

Commissioner Lowe stated this approval would open the door to them getting a plan. He added he wouldn't put money on something without an approval either.

Councilman Fox stated they could have at least put an idea of what they wanted to do on paper.

George McDaniel stated it will be left up to the engineer to determine where the underground lines and utilities have to go. He also stated they would be limited on where the right-of-ways go as well.

Councilwoman Denise Cave stated we are concerned for existing residents, but also trying to look out for the prosperity of the community.

Commissioner Stephanie Richards stated it was not easy to sit here and have to be a part of making this decision and it was not an easy decision to make.

Councilman Pierce stated he understands Shen-Elk Enterprises LLC cannot give us a plan. He added he wouldn't spend money for a hope and a prayer.

Commissioner Karen Comer stated she knew where their Elkton development was done and she thought they did a very nice job on it.

Town Manager Juanita Roudabush stated she wanted to clarify the rezoning follows the land, not the owner. She stated if this rezoning was passed, it could wind up being someone else doing this in the future. The rezoning did not follow Shen-Elk Enterprises LLC. She stated special use permits follow specifics.

Commissioner Karen Comer inquired if this was approved, if they could immediately begin building apartments.

Town Manager Juanita Roudabush stated they could not. She stated the Planning Commission and Town Council would hear it again due to them having to apply for a special use permit. She added the only things they could immediately begin plans for is building single family homes and duplexes.

Commissioner Jonathan Comer stated he rarely has seen the need for a site plan, but being as this would be a new subdivision, would there be other different requirements?

Town Manager Juanita Roudabush stated the land square footage of a townhome versus an apartment would be different when it is connected to Town water and sewer.

Commissioner Jonathan Comer inquired if they were to build duplexes, what the site plan approval process would be.

Toan Manager Juanita Roudabush stated they would need plan approval from the Town and then would have to be sent to Page County for approval as well.

Commissioner Jonathan Comer stated either way, a site plan would be necessary.

Town Manager Juanita Roudabush stated yes.

George McDaniel stated they wanted to show what their overall plan was and it would include apartments.

Commissioner Karen Comer inquired if there was a limit on the size building.

Town Manager Juanita Roudabush stated yes, it would be based off the size of the lot.

Closing of question period: There being no further questions, a ***motion*** was made by Vice Mayor Kite, ***seconded*** by Councilwoman Cave, to close the question period at 8:10 p.m.

Council Members Vote was as follows:

YEA: Vice Mayor Kite	NAY: None.
Councilwoman Cave	
Councilman Fox	
Councilman Lowe	
Councilman Pierce	

ABSTAIN: Mayor Lucas

ABSENT: Vacant

VOTE: Unanimous in favor of motion.

Commissioner Stephanie Richards stated the Comprehensive Plan talks about Marcus Street and potential development.

Chair I. Michael Lowe stated yes, it was looked at by the previous owner.

Commissioner Stephanie Richards stated she would have liked to have seen a little something in the way of plans so they could have had some sort of idea of what could be done.

Chair I. Michael Lowe inquired if the Planning Commission had any recommendations.

A ***motion*** was made by Commissioner J. Comer, ***seconded*** by Chair Lowe, to recommend approval for the rezoning request from Residential (R1) to Residential (R3) for Shen-Elk Enterprises LLC on property off Marcus Street, identified by tax map number 102A2-2-46A, as presented.

Planning Commission Members Roll Call Vote was as follows:

YEA: Chairman Lowe	NAY: Commissioner Stephanie Richards
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Commissioner Jonathan Comer
Commissioner Tim Seal

Commissioner Karen Comer

Abstain: None

Absent: Commissioner Arthur “Todd” Stroupe and Commissioner Mackenzie Watson

VOTE: 3 to 2 in favor of motion.

A ***motion*** was then made by Vice Mayor Kite, ***seconded*** by Councilwoman Cave, to concur with the Planning Commission’s recommendation and approve the rezoning request from Residential (R1) to Residential (R3) for Shen-Elk Enterprises LLC on property located off Marcus Street, identified by tax map number 102A2-2-46A, as presented.

Council members Roll Call Vote was as follows:

YEA: Vice Mayor Kite
Councilwoman Cave
Councilman Lowe
Councilman Pierce

NAY: Councilman Fox

ABSTAIN: Mayor Lucas

ABSENT: Vacant

VOTE: 4 to 1 in favor of motion.

ADJOURNMENT: A ***motion*** was made by Councilman Lowe, ***seconded*** by Councilman Pierce, to adjourn the meeting at 8:14 p.m.

Members vote was as follows:

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

NAY: None.

ABSTAIN: Mayor Lucas

ABSENT: Vacant

VOTE: Unanimous in favor of motion.

APPROVED:

ATTESTED:

Clinton O. Lucas, Jr., Mayor

Tonya Southers, Town Clerk