

1 **New Market Planning Commission**

2 **March 6, 2023**

3 **CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

4 The regular meeting of the New Market Planning Commission was held on Monday, March 6, 2023 at  
5 6:30 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale,  
6 Sonny Mongold, George Daugharty, Harry Wine, Jr., and Bob King. Planning Commission Vice-  
7 Chairperson Sherri Erbaugh and Planning Commission Member Tom Linski, Jr., were absent.

8  
9 The pledge of allegiance was recited in unison.

10  
11 Mr. Larry Hale opened the meeting and established a quorum with five members present.

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13 **APPROVAL OF MINUTES**

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15 **Mr. Mongold made a motion to approve the minutes from the February 6, 2023 meeting of the**  
16 **Planning Commission. Mr. Daugharty seconded the motion which passed on a unanimous 5-0 voice**  
17 **vote.**

18  
19 **PUBLIC HEARINGS**

20  
21 At 6:31 p.m. Chairman Hale asked Mrs. Harkness to open the Special called Meeting of the New Market  
22 Town Council.

23  
24 Vice-Mayor Harkness called the Special Called Council meeting to order and established a quorum with  
25 five members present.

26 At 6:34 p.m. Mr. Hale opened the joint public hearing for the Planning Commission. The  
27 purpose of the joint public hearing was to hear public comment on a conditional use permit (C.U.P.) for  
28 9377 North Congress Street, Tax Map Number 103A1-A-063.

29 Mr. Keven Walker, of 9349 North Congress Street, and who lives close to Mr. Jon Henry's  
30 General Store, spoke in support of Mr. Henry's business. Mr. Walker advised that Mr. Henry is a good  
31 neighbor and business owner and anything that the Town can do to support his business enterprise  
32 would be phenomenal for the future of the Town.

33 **With no further comments from the public, at 6:35 p.m., Mr. Daugharty made a motion to**  
34 **close the Planning Commission's portion of the public hearing. Mr. King seconded the motion which**  
35 **passed on a unanimous 5-0 voice vote of members.**

36 At 6:35 p.m., Mr. Watkins made a motion to close the Town Council's portion of the Public  
37 Hearing and to close the special called council meeting. Mr. Hughes seconded the motion which passed  
38 on a 5-0 unanimous voice vote of Town Council Members.

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40

41 **OLD BUSINESS**

42 Mr. Walters remarked that he had issued a permit for the extension of a fence at 9498 John Sevier Road.  
43 Mr. Walters reminded Planning Commission Members of the meeting to be held on Thursday, March 9,  
44 2023 at 7:00 p.m. which was a public hearing held by The Commission on Local Government. This is the  
45 first step in the process of trying to amend the Town's Voluntary Settlement Agreement with  
46 Shenandoah County and it is a public hearing, scheduled from 7:00 p.m. – 10:00 p.m. This is just a public  
47 hearing on the amendment to the Voluntary Settlement Agreement. It is not a public hearing on any  
48 development for the future. Mr. Walters remarked that it would be good if any Planning Commission  
49 Members can make it. Mr. Daugharty asked what amendments are being proposed. Mr. Walters  
50 responded that the key amendment is to change two parcels of land which currently are low density,  
51 cluster development, as classified in the original 2012 Agreement. The two parcels include the Clicks  
52 Lane property, which is currently 100 acres, and is under contract. The other parcel is located on Smith  
53 Creek Road, across from the New Market Eagles. Both are classified as low cluster development  
54 currently. Based on the Town's current Comprehensive Plan, on 100 acres, no more than 50 houses can  
55 be built on that property. The Town is asking for those zonings to be changed in the agreement on the  
56 map and then the Town would need to update the Comprehensive Plan to allow a higher density, which  
57 would be R-3. Those are the only two parcels affected by this amendment.

58 The next item under Old Business was the continued discussion of a conditional use permit application  
59 by Creek Village Investments.

60 Mr. Todd Carr introduced himself. He is the owner of the Courtyard Terrace property, known as The  
61 Village at Smith Creek, located off Clicks Lane. Included in the packet is a map of the site. The original  
62 plan was for 32 home sites. Five homes were constructed at the beginning of Courtyard Terrace. The  
63 way that it was designed and laid out was for approximately 50 foot lots, with a forty foot wide home to  
64 be constructed on each lot. One side of the home was situated on the property line and then there  
65 were ten feet on the other side of the house. Mr. Carr stated that he does not believe that he can make  
66 the existing layout work with only the twenty six remaining lots. Therefore he is applying for a  
67 Conditional Use Permit to build an attached style of residence, such as a villa or townhome. This will  
68 change the remaining density from 26 lots to 37 lots, which is an additional 11 units. Mr. Carr  
69 referenced a drawing in the packet that showed the front design of the villas. Mr. Carr advised that he  
70 has attempted to design an upscale and nice looking structure. It is designed based on a product that  
71 Mr. Carr has seen sell well in other towns. Mr. Carr remarked that he has designed an appealing  
72 product and a product that can bring the project to fruition. Mr. Carr stated that he is uncertain what  
73 he can sell it for, but a unit would likely sell for mid \$300,000 to \$400,000. Likely purchasers of his  
74 product include "empty nesters" or people wishing to purchase a second home close to a golf course  
75 community, or in an area with a slower pace than the city. Mr. Carr explained that the middle unit does  
76 have an upstairs floor plan. The outside units are single level structures. The engineer's drawing,  
77 included in the packet, shows the layout of the preliminary plat with thirty seven lots. Mr. Carr  
78 explained that the thirty seven total lots is what would be necessary for him, as a developer, to justify  
79 putting in all of the infrastructure required without pushing it to a higher density.

80 Mr. King stated that in the site plan, Mr. Carr had shown sections of 3 and 4 units, but a representation  
81 of only three units was provided in the packet.

82 Mr. Carr explained that they were hypothetically forecasting what people would want to buy. He stated  
83 that a four unit structure would include another middle unit like what is depicted in the three unit  
84 cluster. Both of the middle units would have a two story floor plan.

85 Mr. King stated that there are seven 4 unit clusters shown on the preliminary plat. If Mr. Carr reduced  
86 those clusters to only three dwellings per cluster, then he would be closer to the original requirement.  
87 Mr. King asked Mr. Carr if he'd considered that.

88 Mr. Carr advised that he had considered different layouts with more and less units. This layout requires  
89 him to undo existing infrastructure that is currently in place, which is a pretty substantial expense and  
90 the higher lot count makes the plan financially feasible. Mr. Carr further remarked that he believes that  
91 this type of product is what is being sought after and what will sell well.

92 Mr. King asked if Mr. Carr thinks that two bedroom units will sell for over \$400,000. Mr. Carr remarked  
93 that it could, but he is not entirely sure. He added that he may have to tweak some of the clusters by  
94 adding an additional floor to some of the units that currently only have one floor. He stated that he can  
95 add additional upstairs living space if the market dictates that is what people want.

96 Mr. Daugharty asked what the minimum size of each unit that is currently at Courtyard Terrace is and  
97 what Mr. Carr expects the unit size to be for what he wants to build. Mr. Carr remarked that the one  
98 story units would be 1,364 square feet and the two story units would be 1,800 square feet. Mr. Carr  
99 mentioned that the units on the side by Smith Creek could potentially have a walk out basement since  
100 the slope of the land allows for that. Mr. Carr advised that the majority of the units would be on one  
101 side of the street.

102 Mr. Daugharty asks what the plans are for the materials to be used on the exterior of the units. Mr. Carr  
103 advised that it would be stone and plank, both horizontal and vertical plank. Mr. Carr stated that what  
104 is driving this is the salability of each unit.

105 Mr. Walters advised that per the County's website, the existing units at Courtyard Terrace are  
106 approximately 2,400 square feet each.

107 Mr. Mongold asked if Mr. Carr plans to build one unit and sell it or build all of the units and then try to  
108 sell them.

109 Mr. Carr advised that he would likely build a model unit first and then proceed with a second unit so  
110 that people could see the various floor plans. Mr. Carr does not know which side of the road he would  
111 start on first, but it would probably be the upper side of the road.

112 Mr. King asked Mr. Carr if he is prepared to redo all of the sewer, water, streets, and curb and gutter.  
113 Mr. Carr remarked that it is a requirement to getting the layout done. He has not yet priced it to an  
114 accurate level. It is a challenging site, since so much of the street would be one-sided development.  
115 Mr. Carr stated that he believes that the idea of building what is there now versus switching it to what  
116 he is proposing is the right path. He would like to complete the project but he is unsure of the cost. Mr.  
117 Carr stated that he can't get to that level of determining cost, without first getting some approvals from  
118 the town.

119 Mr. King asked Mr. Walters if he could speak about what type of bond would be required of Mr. Carr.

120 Mr. Walters remarked that water and sewer is there, but the Town would bond the work for the  
121 relocation of all the laterals for each lot. The Town would bond the street. The existing curb and gutter  
122 that is damaged would have to be replaced. VDOT will not accept anything that is already damaged. So  
123 the curb and guttering would have to be bonded. There is storm-water management and erosion  
124 sediment control that would have to be bonded. Anything that would have to be completed would have  
125 to be bonded. Mr. Walters advised that the bond would only cover the public utilities.

126 Mr. Walters further explained that the developer could build a few units and then something could  
127 happen and the developer stops building anything else, but the Town would be assured that the street,  
128 water and sewer would be done. If it isn't done by the developer, then the Town could pull that bond.

129 Mr. Carr remarked that he doesn't see a down side to this project for the Town of New Market.

130 Mr. Wine remarked that he believes that Mr. Carr needs to go to the existing five residents on Courtyard  
131 Terrace and get their approval on the development that he is proposing. Mr. Wine thinks that if the  
132 Town gets their approval on what is being proposed, it helps the Planning Commission to make a better  
133 decision to move forward and help Mr. Carr get started on the development.

134 Mr. Hale asked whether a previous conditional use permit granted in 2003 was still in place. Mr.  
135 Walters answered in the affirmative. Mr. Carr is asking for a new conditional use permit which is  
136 requesting 37 lots, rather than 26 additional lots, and it is going from single family lot lines to a  
137 townhouse development.

138 Mr. Daugharty asked if Code Section 50.32 is still applicable which stipulates that cul-de-sac streets are  
139 not supposed to be more than 750 feet. Mr. Walters responded that is in the subdivision ordinance.  
140 There are numerous streets in Town that are over 750 feet which are cul-de-sacs. What happened on  
141 this development was that the Town Council granted the developer an exception to be able to extend  
142 the street, not to exceed 1,150 feet.

143 Planning Commission members reached a consensus that in order to move forward and make a decision  
144 to go to a public hearing on this Conditional Use Permit Application, they need to know what the other  
145 people living on the road are willing to approve. It was suggested that Mr. Carr talk to the property  
146 owners currently living on Courtyard Terrace. Mr. Daugharty thanked Mr. Carr for coming to the  
147 Planning Commission meeting and for making his presentation. He further remarked that he likes the  
148 design of the units, but he has concerns about additional density in that area.

149 Mr. King remarked that he agreed with Mr. Daugharty. He believes that if the four unit clusters can be  
150 brought down to three unit clusters, the units would sell more readily.

151 Mr. Mongold remarked that he believes it is time for the Town to reach a compromise with Mr. Carr so  
152 that the Town can see development occur. He also stated that the project has been hanging out there  
153 long enough and it is time for something to happen at that location. He encouraged Mr. Carr to talk to  
154 the neighbors in that area.

155 Mr. Carr stated that he needs to have additional lots in order to make the project pay for itself. He  
156 asked if it really matters if there are three unit clusters or four unit clusters.

157 Mr. King remarked again that he wants only three unit clusters in that area.

158 Discussion ensued regarding three unit clusters versus four unit clusters. Mr. Daugharty suggested that  
159 he might be able to get an additional three unit cluster built on the end if he cut all the clusters back to  
160 three units. Mr. Carr advised that he could look into that and see if that is feasible.

161 Mr. Wine stated that it is important to get feedback from the neighbors on this project.

162 **With no further discussion, Mr. King made a motion to table this item until the first Monday in April.**  
163 **Mr. Wine seconded the motion which passed on a unanimous 5-0 voice vote.**

164 Mr. Hale stated that the next item under Old Business was an update on the Food Truck Ordinance.

165 Mr. Walters told Planning Commission Members that he had received a draft of the Food Truck  
166 Ordinance from Jordan Bowman, Town Attorney, but Mr. Walters had not reviewed it yet. He will  
167 review it by the next meeting and possibly have that public hearing scheduled at the same time as the  
168 one for the Conditional Use Permit for Mr. Carr. Mr. Walters advised that the food truck ordinance will  
169 likely be on the agenda for April.

170 **NEW BUSINESS**

171 The first agenda item under new business was the discussion and consideration of a Conditional Use  
172 Permit (C.U.P.) Application for Alvin Henry and Jon Henry for 9377 North Congress Street. Mr. Walters  
173 explained that the property owner has applied for a C.U.P so that he can add a greenhouse at this  
174 location. The ordinance does require a C.U.P. for a greenhouse. The ordinance also requires a C.U.P. if  
175 there are multiple uses on one site. Mr. Henry would have both a greenhouse and a residential building  
176 on the same property which would be two separate uses. Additionally, the coolers that are being built  
177 would be another use on that property, so these uses would be covered by the C.U.P.

178 **Mr. King made a motion to recommend approval of the Conditional Use Permit (C.U.P.) for 9377 North**  
179 **Congress Street to Town Council. Mr. Daugharty seconded the motion which passed on a 5-0**  
180 **unanimous voice vote of Members.**

181 **ADJOURNMENT**

182 **At 7:33 p.m., Mr. King made a motion to adjourn the meeting. Mr. Mongold seconded the**  
183 **motion which passed on a unanimous 5-0 voice vote.**

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Donna Lohr, Secretary