

1 **New Market Planning Commission**

2 **April 3, 2023**

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

4 The regular meeting of the New Market Planning Commission was held on Monday, April 3, 2023 at 6:30  
5 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale, Sonny  
6 Mongold, Tom Linski, Jr., Harry Wine, Jr., Sherri Erbaugh, and Bob King. Planning Commission Member  
7 George Daugharty was absent.

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9 Mr. Larry Hale opened the meeting and established a quorum with six members present.

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11 The pledge of allegiance was recited in unison.

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13 **APPROVAL OF MINUTES**

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15 **Mr. King made a motion to approve the minutes from the March 6, 2023 meeting of the Planning**  
16 **Commission. Mrs. Erbaugh seconded the motion which passed on a unanimous 6-0 voice vote.**

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18 **PUBLIC HEARINGS**

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20 There were no public hearings scheduled.

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22 **OLD BUSINESS**

23 Mr. Walters stated that no new permits had been issued this past month. He gave a brief update on the  
24 meeting the Commission on Local Government held at the New Market Town Office regarding the  
25 Second Amended Voluntary Settlement Agreement between the Town and the County. The Town and  
26 County had a meeting with the Commission in the afternoon and then the Commission held a public  
27 hearing that evening. There were a lot of people in attendance at the public hearing. The Commission  
28 will come back to the Town and Shenandoah County in the early part of May with their  
29 recommendations. Once that happens, the Town can proceed to the next step of the process which  
30 includes separate public hearings by the Town and the County. Then it will need to go in front of a  
31 three-judge panel before it can ever be approved. Once that is complete, the Town and the County still  
32 have to agree to approve it. Mr. Walters advised that it is a lengthy process. He advised the Planning  
33 Commission that there will not be a public hearing on rezoning anything until after the process for the  
34 Voluntary Settlement Agreement is complete. Mr. Walters remarked that at any time during this  
35 process, the developer of the parcel on Clicks Lane could back out entirely. The Town needs to get to a  
36 point where it can eventually talk about re-zoning that property, but that is in the future.

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

39 Mr. Carr was not present at the meeting. Mr. Walters advised that he had spoken with Mr. Carr today  
40 and Mr. Carr had only been able to get in touch with one of the property owners at Courtyard Terrace.

41 Mr. Carr does have current contact information for the other property owners and he will continue to  
42 reach out to them.

43 Mr. Walters stated that Planning Commission Members may table this item until the May meeting and  
44 then they could hold a public hearing in June for the Conditional Use Permit (C.U.P.). Mr. Walters  
45 remarked that Planning Commission Members had previously asked about whether they could make a  
46 recommendation on the number of lots to be built for that C.U.P. Specifically, since Mr. Carr will be  
47 requesting to build a certain number of lots, can the Planning Commission make a recommendation for  
48 a lesser number of lots? Mr. Walters advised Planning Commission Members that he would ask the  
49 Town Attorney that question to ensure that the process is being followed correctly.

50 **Mr. Wine made a motion to table this item until the next Planning Commission meeting, scheduled for**  
51 **May until further information can be provided, and until Mr. Walters can talk to the Town Attorney.**  
52 **Mr. Linski, Jr. seconded the motion which passed on a unanimous 6-0 voice vote.**

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

54 Mr. Walters mentioned that the Food Truck Ordinance information is now in ordinance format and was  
55 included with the packet. If Planning Commission Members are satisfied with the ordinance, then it will  
56 go to a joint public hearing on the first of May and then will be on the Town Council Agenda for May.  
57 Mr. Walters remarked that the Food Truck Ordinance is basically what Planning Commission Members  
58 had requested. The only difference is that each vendor would get a temporary use permit every year. It  
59 would be allowed "by right". The food truck vendor would still get a business license and still pay Meals  
60 Tax, but the one added item is that they are also required to get a temporary use permit every year.  
61 The reasoning for this is in case there is someone who is not following the rules or not submitting meals  
62 tax, there would be a way to not renew the temporary use permit for that person. Without this in place,  
63 the process would be much more complicated if a vendor is not in compliance. This is mentioned under  
64 item 10 of the ordinance. Mr. Walters added that a Temporary Use Permit would not be required if  
65 someone is doing a Farmer's Market or a Town of New Market sponsored event.

66 **Mr. Linski, Jr., made a motion to go to a Joint Public Hearing for the Food Truck Ordinance. Mr. Wine**  
67 **seconded the motion which passed on a unanimous 6-0 voice vote.**

68 **NEW BUSINESS**

69 There was no new business to discuss.

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71 **ADJOURNMENT**

72 **At 6:45 p.m., Mr. King made a motion to adjourn the meeting. Mrs. Erbaugh seconded the**  
73 **motion which passed on a unanimous 6-0 voice vote.**

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Donna Lohr, Secretary