



City of Mount Airy Planning Board Meeting Minutes

February 22, 2021 – 5:30 PM
Virtual Meeting via Cisco Webex

Members Present: Jeannie Studnicki (Chair)
Paul Madren (Vice Chair)
Tami Springthorpe
Joseph Zalescik
Calvin Vaughn
Dwight McAlexander
Gray Trotter
Jim Cavallo

Member(s) Absent: None

Staff Present: Andy Goodall, Jr., CZO – Planning Director
Ben Barcroft – City Planner

Guest(s): Ibrahim Kaya – Applicant

I. Call to Order

Jeannie Studnicki called the meeting to order at 5:37 PM.

III. Determination of a Quorum

With eight (8) members present, Jeannie Studnicki determined there was a quorum.

IV. Approval of Minutes

Jeannie Studnicki asked for a motion to approve the January 25, 2021 minutes. A motion was made by Joseph Zalescik and seconded by Paul Madren. The motion then passed unanimously (7-0).

V. Approval of Agenda

Jeannie Studnicki asked for a motion to approve the agenda. A motion was made by Joseph Zalescik and seconded by Paul Madren. The motion then passed unanimously (7-0).

VI. Public Comment

Jeannie Studnicki asked if anyone wished to speak. No one spoke and the public comment period was closed.

VII. Planning Board Case(s)

2021-REZ-01 (continued)

Jeannie Studnicki reintroduced the rezoning case for 1515 Fancy Gap Road.

Ben Barcroft presented the site plan, which was requested at the previous meeting. He explained how he had worked with the surveyor to best fit the parking on the narrow lot. He pointed out the new diagonal spaces on the site plan. Ben Barcroft also informed the Board that the underground tanks are inspected regularly and have passed inspection. Ben Barcroft said that staff recommends this as a conditional rezoning district (B-3 CD) with the following conditions:

1. Future development of the property shall be limited to the preliminary site plan as amended (addition of no-parking signs or striping along pavement adjacent to Westwood Drive and one (1) handicap space);
2. Usage of the parcel shall be limited to 'Convenience Food Store'; and
3. Additional uses may be approved by the Board of Commissioners through the required hearing process as necessary.

Jeannie Studnicki introduced the applicant, Ibrahim Kaya and asked him if he had anything to add.

Paul Madren asked about the designation of a handicap space. Ben Barcroft said there would be one in the front however; it had not been required for this site plan.

Joseph Zalescik asked Ibrahim Kaya if he was going to be marking a no parking area along Westwood Drive to address the issue of cars parking over the property line and into the road. Ibrahim Kaya said that could be done. Joseph Zalescik also asked about the parking in the rear and was concerned it would be on a steep slope. Ibrahim Kaya said that the parking was further back on the lot in a flat area.

Calvin Vaughn expressed his concern of the property to continue as legal non-conforming. He didn't like that the property couldn't meet the setback requirements of B-3 nor would it be able to add in landscaping. He also thought that neighbors' opinions should be a factor in the decision. Jeannie Studnicki said the Planning Board couldn't just look at the opinions of the neighbors that spoke out against the rezoning. Dwight McAlexander asked if the City was better off improving the building to become income and tax producing or should they leave it vacant and let it deteriorate because it's non-conforming. Dwight said he believed it was best to let the applicant fix up the building and bring in revenue. Joseph Zalescik said zoning should have been approved before the site was sold.

Andy Goodall said he has experience with these types of rezonings and they can be difficult since the buildings were constructed before any zoning existed. He explained that even if this building was demolished the lot is too small to construct a home. Andy Goodall said the only option for this property, if not rezoned, is to let it become dilapidated until the City has to pay

to demolish it and even then, nothing could be constructed on the lot. He also informed the Board that land use decisions are not a popularity contest. Andy Goodall said the last rezonings for multi-family development were not popular with the neighbors however; there was a need for them and the Boards voted for them.

Paul Madren asked if they could limit the use to ban the consumption of alcohol. Andy Goodall said the use of a convenience store would not allow for the on premise consumption of alcohol.

Calvin Vaughn said the property owner should consider purchasing some adjacent land. It was confirmed that it was not possible since the owner wasn't interested in selling.

Paul Madren said that the property owner should have done more due diligence however; they really can't take that into consideration. He also felt that a store would be an asset to the community.

Dwight McAlexander made a motion that the request is reasonable and consistent with the land use recommendation in the Comprehensive Plan. Joe seconded the motion. Calvin asked how this request is consistent with the Comprehensive Plan. Andy Goodall said that if you look at future land use map this area is classified as medium intensity. The definition of medium intensity lists the allowable use of low intensity retail as long as it is designed to reduce its impact on the surrounding neighborhoods. The motion passed (5-3).

Jeannie Studnicki asked for a motion to recommend either approval or denial of the request. She said conditions could also be included. Paul Madren made motion to recommend approval with the following conditions as read by Andy Goodall.

1. Future development of the property shall be limited to the preliminary site plan as amended (addition of no-parking signs or striping along pavement adjacent to Westwood Drive and one (1) handicap space);
2. Usage of the parcel shall be limited to 'Convenience Food Store'; and
3. Additional uses may be approved by the Board of Commissioners through the required hearing process as necessary.

The motion was then seconded by Dwight McAlexander and passed (5-3)

VIII. New Business

Jeannie Studnicki asked for thoughts and comments on the *Introduction to the Planning Board* document that was distributed a few weeks ago. Paul Madren said he thought it was well written. Joseph Zalescik asked who would be considered the secretary. Jeannie Studnicki said that Ben Barcroft would be considered the secretary in this instance since he types up the minutes. Paul Madren asked about adding web/video meetings. Andy Goodall said that he would update the Rules and Procedures to include it there. Calvin Vaughn made a motion adopt the *Introduction to the Planning Board* document, with Joseph Zalescik seconding. The motion passed (6-0).

Ben Barcroft went over the major changes that had been made to the Landscaping ordinance. He presented some of the new tables. Joseph Zalescik asked if ordinance applies to city owned and maintained properties. Andy Goodall said that city properties are not exempt. Jeannie Studnicki informed the board that there would be a few changes, then brought back for their approval at the next meeting. Andy Goodall asked the Board to look over the document and submit any comments or revisions they might have. Paul Madren said to make sure the Black Gum tree is included in the tree list.

Ben Barcroft presented a zoning map of the E Bluemont Road vicinity. He explained how they were trying to correct a zoning discrepancy. He explained how the highlighted properties were all zoned B4 (highway business) however; the lots were all either residential or vacant and would be best suited for residential use. Ben Barcroft said that someone had inquired about adding on to one of the dwelling but since it is not zoned for residential, it would need rezoned first. He said that all the effected property owners would be sent a letter to inform them the city was looking to rezone their property to R6 (residential) and that the City would like any comments they might have.

Andy Goodall said that he has cleaned up the entire Development Ordinance. The changes he made clean up the formatting and correct spelling and grammatical mistakes. He said it would be brought to them at the next Planning Board meeting. He said drafts of each section would be uploaded to the department's webpage. Andy Goodall said he had also updated the subdivision ordinance to correct the references for 160D and reformatting it.

Andy Goodall said at the next meeting there would be a couple of rezonings for Northern Hospital.

Joseph Zalescik asked if there was a new member. Andy Goodall said the Board of Commissioners just approved their appointment so; they will be at the next meeting.

IX. Adjournment

At 6:45 PM, Calvin Vaughn made a motion to adjourn the meeting, with Joseph Zalescik seconding. Motion passed unanimously (7-0).