

MINUTES OF THE STRASBURG TOWN COUNCIL WORK SESSION HELD ON WEDNESDAY, JULY 5, 2023 AT 7 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

COUNCIL MEMBERS PRESENT: Vice Mayor Reynolds, and Council Members Carter, Hooser, Kimmons, Lowder, Monahan, Ricard, and Stover. Absent: Mayor Boies

Vice Mayor Reynolds called the Work Session to order.

Public Hearing:

- 1.) **Special Use Permit application SUP2023-0007 requested by FIDUM COMPANY, owner, for property identified as Tax Map 025A201B059 006 located at 395 Stonewall Street fifty feet north of the intersection of Stonewall Street and Thompson Street and containing 0.138 acres. The request is to permit short-term rental use within the existing detached single-family dwelling.**

- **Staff Report – (attachment)**

P&Z Administrator Otis reviewed the staff report regarding this application (included in the Council packet). The dwelling is within an area of single-family homes in a Medium Density Residential (MDR). Per the application, the parking provided is two off-street spaces; **P&Z Administrator Otis** explained the parking requirement. If the dwelling is owner occupied, two spaces for the owner and one additional space for each guestroom must be provided. If not owner occupied, one space for each guestroom is required. Tax records identify this property as having three bedrooms.

Another requirement is the owner or representative for the property shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The contact information for the individual/company required on the application as shown on the tax records identify the property owner as FIDUM Company Trustee with an address of Las Vegas, NV.

Staff does not recommend approval based on information provided on the application. However, if the following conditions are identified/modified to create a compliant use, staff would recommend approval.

1. Identify if the property is owner occupied to establish the correct amount of parking.
2. Provide the correct amount of parking by
 - A. Constructing additional, compliant off-street parking.
 - B. Reducing the number of guestrooms available/advertised.
3. Provide the contact information for a compliant local representative.

If the approval of the Special Use Permit is obtained, the following actions moving forward must be completed for the Short-term Rental to be a legal use.

- Obtain Local Representative information;
- Obtain a letter from the Shenandoah County Building Official identifying an approved life safety inspection;
- Obtain a Zoning Occupancy Approval for the Short-term Rental use;
- Annual renewal of the Occupancy Approval is required;
- If construction of additional parking is required. These spaces shall receive zoning approval and be constructed prior to the Zoning Occupancy Approval for the Short-term Rental use.

Comments were emailed to Council from **Kim Bishop** on this:

“To the council. I'm sorry I cannot be at the meeting in person tonight but I would like to address two issues on the agenda.

First the one asking for another short term rental in town on the corner of Thompson Street and Stonewall street. As a citizen I feel that we already have enough "hotels" ie. short term rentals dotting our neighborhoods. When this was voted on the Mayor and Council discussed that it would not be very many because it's too difficult to go through the hoops. Well, it seems almost every month another single family home is turned into a hotel, for lack of a better definition. I'm asking the town to vote no on this and add an amendment stating a maximum of short term rentals will be allowed in the town.

Second, the issue of changing 8 dwellings into 16 per acre and going from 4 units to 8 units per townhouse. One of my greatest regrets as a council person was voting to allow Cedarless Valley to go from small town home units of 4 to large ones of 8, because we got nothing in return from the developer. I ask that the council vote no on this change. Also, do we really need double the amount of homes in such a small area? You must add at least two cars per unit, and possibly more on an already congested area it does not make sense. Look at Pendleton Lane now...you can hardly drive down it safely as the spillover from the townhome parking moves to the street.

Please consider the already over dense traffic issues we have when voting on this increase and vote no. Also consider the schools, while I'm sure the developer would like more units I can guess that they probably aren't offering more in proffers for schools.

Thanks for your time. I hope you give this consideration.

very sincerely,

Kim Bishop”

The Public Hearing opened at 7:07 p.m.

Josephine Surprenant, 395 Stonewall Street, Strasburg, VA: Stated she is a graduate of Strasburg High School and mom of five. She thanked **P&Z Administrator Otis** for the clarification of the parking requirement. They have amended their application to have two guest rooms when it is not occupied by the owner while they work on the parking issue.

She is the local trustee for FIDUM Company, and her registered address is in Luray, and she will provide that information.

They acquired the property in 2020. The home was going to go to foreclosure. They were able to help the homeowner from going into foreclosure by getting a tenant in the house. Once COVID lifted, they were able to get the tenant her own home in Strasburg.

With five children, they have found it is easier to travel to these types of rentals. Rentals such as these fill a great need for families traveling with young children. As a realtor, she sees the need for people in transition between buying and selling a home. They also rent to professional people on short-term assignments. They can also house people with insurance needs. They have points of contact in the neighborhood, and the neighbors have also signed a petition stating they are in favor of this in the area.

They do have a local representative and she can provide information on this. They also have reviews of how responsive they have been when issues come up with renters.

Forest Suprenant, 395 Stonewall Street, Strasburg, VA: **Mr. Suprenant** spoke on the sentiment of the neighborhood. He walked the street to inform them of what they planned to do with the property, and the sentiment was that it was their property so if they wanted to rent it out, it wasn't their business. No adjacent neighbors are against this or complaining about it. He asked if Council would conditionally approve this, and if a parking space is needed, they will get this taken care of.

They are local --- Warren County and Page County, this is our neighborhood. They are not out in Las Vegas, that is the registered agent's address; that is only where the paperwork goes. Let them know what will work and they will do right by the community.

Seth Newman, 404 Rose Lane, Strasburg, VA: He was at the Planning Commission meeting and heard the speeches as to why the applicants wanted to do this. He agrees that it is their property, however they bought a house in an area that is not zoned for this. There are areas zoned for this, and as a realtor and professional in this town, you know this and it is not a surprise to anyone. If this is approved, it goes with the life of the property and that is a huge decision for this single-family neighborhood. He agreed with the Planning Commission when they made their decision. There are no compelling reasons to do this. The Planning Commission's reasons for denying were logical and made sense. This is a slippery slope. If this is approved, what prevents others in the neighborhood from doing the same thing? What is keeping people across town from doing the same thing? What is the compelling reason why they can do it and others can't? He agrees it is their property, but he also agrees with the Planning Commission on the decision to deny. He isn't here to break their business, but he "googled" what short-term means in the medical community for housing and it is 30 – 90 days. There is not a huge need for that here. There is not a compelling need for this that he has found to have less than 30 days. This is an airBnB and he wants to make sure Council knows that when doing this to the single family neighborhood.

Forest Suprenant responded to **Mr. Newman** by saying thirty days is an arbitrary number. He referenced the 14th amendment on the length of the stay. There are other houses on the street owned by "slum lords". Short-term rentals keep the curb appeal. Most people want to stay in an area that is nice.

Being no other speakers, the public hearing closed at 7:19 p.m.

- **Council Discussion**

Council Member Hooser said he has known **Josephine** for a long time, and he knows she would manage it well. He agrees with **Mr. Newman**. This is a residential neighborhood. Fundamentally, he doesn't think things such as this are good for the town. A young person from Strasburg never gets a chance to buy something in town. It is not personal, but he can't vote for it.

Council Member Monahan said in the historic district, she loves the ones we have. Stonewall Street has always been an area where there is a problem with traffic. Are there studies that say the traffic is different with an airBnB than other housing? **P&Z Administrator Otis** said he has not found any information to show the usage is any different than other housing.

Vice Mayor Reynolds said the Planning Commission did not recommend approval for many of the reasons stated earlier. One of the members does not think non-owner occupied rentals should be allowed. The list of unmet requirements was a main reason for denial. Personally, she agrees that the short-term rentals we now have are closer to the historic district, which helps with tourism. When this was first passed, she knew she would have a hard time approving something in a residential area. It was a unanimous vote to deny.

Council Member Stover said when he read it was a unanimous decision by the Planning Commission, he knew he would have a hard time voting in favor. He does not feel comfortable going against their advice, especially with the outstanding issues. At this time, he would have to vote no.

Council Member Carter agreed with the house being in a predominantly residential area and not in the historic district. Most know their neighbors and when you bring in the STR, this brings in a different element which brings in another call for concern which he does not think belongs here.

Council Member Lowder asked for the reasons given by the applicant to be reiterated or given.

Mr. Surprenant said all adjacent neighbors, who the Town Council works for, are in favor of this SUP for the STR. As elected officials, they should know that these are the ones with the most at stake. He had a signed petition for approval of the SUP by everybody on the street who is around them who is in favor. This does bring revenue to the town through tourism. It fulfills a need for people who need housing. It is good for the neighborhood. If parking is the reason for not getting approved, let them fix that. He feels suckered. They paid 600 bucks for the SUP application and now he just wants a fair shake.

Council Member Lowder asked if having a STR in a neighborhood detracts from the value of the homes in the neighborhood. **P&Z Administrator Otis** said that is not easy to answer. STR's were very big in the northwest. Seattle tried to draw them back because they had so many. There comes a point when it might be considered a rental community. He can't give the market numbers for this.

Town Manager Coggsdale said this is not our area of expertise. You would need to look at the real estate community for this. He said an STR is for less than 30 days. Anything over 30 days does not need any permission as it is just rental property. Short Term Rentals came from the traditional BnB's which then became short term rentals and this ordinance only deals with 30 days or less.

Council Member Carter said a lot of the emergency use rentals are more than 30 days. This would not require approval from Council.

This will be added to the agenda for the next Council meeting.

- 2.) **Special Use Permit application SUP2023-0006 requested by TRI-J DRD LLC, owner, for property identified as Tax Map Numbers (025A201B052 010; 025A201B052 012; 025A201B052 014; 025A201B052 016; 025A201B052 018; 025A201B052 020; 025A201B052 022; 025A201B052 024; 025A201B052 026; 025A201B052 028; 025A201B052 030; 025A201B052 032; 025A201B055 011; 025A201B055 013; 025A201B055 015; 025A201B055 017; 025A201B055 019; 025A201B055 021; 025A201B055 023; 025A201B055 026) located along the unimproved portion of Mineral Street from John Marshall Highway to Pendleton Lane, approximately 430 feet west of North Massanutten Street on John Marshall Highway. The property is within the Medium Density Residential District and contains 3.68 acres. The request is to increase the density from 8 dwelling units per acre to 16 dwelling units per acre and increase the number of units per building from 4 units per building to 8 units per building for a townhouse development.**

- **Staff Report**

P&Z Administrator Otis said this application is a request for an increase in the number of townhouses in a medium density residential zoning district. A SUP is required when increasing the number of units above four; the applicant would like to build eight units per building. The lot is 5.13 acres and speaking just on the size of the lot, no setbacks, etc., 41 townhomes would be allowed, by right.

After the Planning Commission meeting, **P&Z Administrator Otis** talked to the stormwater team for Shenandoah County. The town requires a 50' buffer from town run. This might cause a change to the design of the townhome community.

VDOT comments were reviewed. They recommended moving the parking area to the other end of the development.

P&Z Administrator Otis said the general density is eight units per acre in the MDR District. With the SUP, this could be increased to 16 units.

He reviewed the comments made by the Planning Commission.

Public Comments from the Planning Commission meeting:

o Roger Van Norton, 519 Burgess Street:

- sees an enormous amount of growth; referenced 400+ homes for this development
- national builders need to invest more in our community such as infrastructure
- use local trades people

o Seth Newman, 404 Rose Lane:

- only doing this for profit;
- asked about a retaining wall and who will maintain;
- what is the town getting for allowing this?
- referenced what a developer provided the community within a 2,000 acre- 2,400+ home development

Staff recommends approval of SUP for the following reasons:

- The increase in units per building does not impact the maximum density of 8 units per acre. 5.13 acres will accommodate 41 units at 8 units per acre.
- The proposed building design is consistent with the existing Hupps Ridge development in which this development will be connected to by Mineral Street as a through road.
- The roadway connections of the proposed development do not increase the impact on existing residential roadways.
 - o Direct access to John Marshal Highway, an arterial roadway to the south.
 - o Pendleton Land with a higher density townhouse development to the north.
 - o Pendleton Lane accesses John Marshal Highway via Frontier Fort Lane as the only route out of the Hupps Ridge Development.
 - o Future development is proposed in the Summit Crossing development that is intended to connect to the north side of Frontier Fort Lane.

Patrick Sowers, Dave Holliday Construction: Stated they have 20 lots and would connect John Marshall Highway to Pendleton Lane. This development will provide secondary ingress/egress to Hupps Ridge. He explained the water loop which is a big plus that people don't recognize. They will be looking at turn lanes with VDOT, but they do not think it will trigger this. This will create a hiking/biking trail. Essentially, it would be going from four sticks of townhouses to eight. It basically continues the Hupps Ridge neighborhood. They think it is a good project.

- **Public Hearing opened at 7:43 pm.**

Seth Newman, 404 Rose Lane, Strasburg, VA: So, some compelling reasons were given, and he wanted to talk about these. The water loop and the secondary access were given as reasons for approval. What does doubling the density have to do with that? We will already get this with the original density, so those are not compelling reasons.

He went on to talk about Special Use Permits. What is the compelling reason for granting this? He would like to know the compelling reason for voting in favor of this. There will be 40 units which will bring a minimum of 80 additional cars. Hupps Ridge already has people parking on the street. Strasburg already has infill, and we want to spread this out. He disagreed with the vote of the Planning Commission. The one person who had compelling reasons to deny was the chairperson. **Mr. Newman** did not hear a compelling reason for approving this by the Planning Commission. The Chairperson voiced some compelling reasons for not voting yes. We have 100+ townhomes going close to this whenever it might happen. What is the number one thing you see coming into town? It is townhouse rooftops.

He is a huge fan against monolithic retaining walls.

Is the traffic study before or after approval? **P&Z Administrator Otis** said it is before. He wanted to know why they are voting on this now. **Vice Mayor Reynolds** said it that will be discussed.

Mr. Newman concluded by saying there is only one way to get to Food Lion and it is through the intersection of Route 11 and Route 55.

Being no other speakers, the Public Hearing closed at 7:48 p.m.

- **Council Discussion**

Council Member Hooser said one compelling reason to have this is to not “sprawl” out. He doesn’t want to see us look like Northern Virginia where farms are being bought up and houses are spread out. He thinks increased density is generally good.

Council Member Ricard said she goes to Stephens City every day and she sees what happens. They thought they would be dense in town and not have it happen outside town, but that is not what is happening here. She doesn’t see a need for this.

Vice Mayor Reynolds asked how much the density is changing. **P&Z Administrator Otis** said by-right, they could have 41 dwellings and they are proposing 40 townhomes.

Council Member Hooser said the problem with Stephens City is they have lots of single-family communities. They did not build densely in town, so it had to spread out.

Council Member Kimmons said they used to live on Frontier Fort Lane so he knows about the growth of cars in the area. They only used their own two spaces. He can see the caution there. It is a pain to drive through there. He wonders if we could go from eight to six townhouses.

Vice Mayor Reynolds said the number of units is really not changing. **P&Z Administrator Otis** said the density is not changing; it is only the number per stick.

Council Member Carter said this would be more consistent with Hupps Ridge.

It was noted that they are asking for the SUP because they are increasing the number of units from four to eight. They are asking for 40 dwellings and by-right it is 41 units.

Mr. Newman asked about the eight units and setbacks between buildings. He asked if the setbacks were considered with the number of units. **P&Z Administrator Otis** said they are meeting the setback requirements.

Council Member Monahan asked why type of townhomes they are looking at. A picture was shown of the proposed townhomes. They will stagger and be three story homes with different rooflines.

P&Z Administrator Otis said when Hupps Ridge was put in, only two parking spaces per unit were required; this has been increased to 2.25 per unit.

Vice Mayor Reynolds asked if it should be on the consent or regular. It will be put on the regular agenda. **This will be added to the regular agenda.**

Introduction and Recognition of Visitors and Guests:

Citizen Comments on non-agenda item:

Discussion Items/Updates:

1.) Election of Town Officers - Per Town Charter (Section 18), the Town Council shall elect Town Officers at the first meeting in July in the year following regular town elections.

Town Manager Coggsdale said this is pursuant to the Town Charter. The election for Council has changed so this only allows for six months before electing the town officers. He listed the town officials to be elected. The slate of officers is brought to the Council, and they decide if they want to elect them to their position. He further explained how some positions have two titles such as the Clerk and Treasurer.

This will be added to the consent agenda.

2.) Village at Cedar Springs Planned Development Proffers – Update from ad-hoc committee on the proffers related to the Pifer House and Vesper Hall.

Council Member Kimmons said an ad-hoc committee was created consisting of himself and **Council Member Monahan**. They added **Linda Wheeler, Mary Redmon, Barbara Adamson,** and **Craig Ernst** to the committee. They met twice and have come up with a plan for the buildings. Pictures were shown of the houses in 2002 and how they look currently. He noted that these were two gorgeous homes that had been allowed to crumble.

A packet was given that gave information on the Pifer House. **Craig Ernst** is on the ARB and is experienced in restoring old houses. Examples of houses he has restored were pointed out.

Council Member Monahan said proffers were made to a previous Council and these proffers were shown. **Mr. Ernst's** report showed what would be required to preserve this house. The Pifer house is one of the earliest in the area. The original house was a log cabin, and the clap boards were added to protect the logs.

The committee discussed things that could be done with the Pifer House. The proffers state it will have to be preserved. The committee feels that Vesper Hall could be repaired. Regardless, they will have to do the Phase II study. They have said it will not fit into their business model. **Council Member Monahan** feels they need to show that they have explored ways to use it.

Council Member Kimmons said the developer said they have no intention of doing anything with Vesper Hall. He feels they need to be held to the details of the proffer. They can repair or they can sell it so others can restore it.

Council Member Hooser feels they could still do a commercial development behind Vesper Hall.

Council Member Monahan said it also appears they have room to do something on the other side of the road for commercial; **P&Z Administrator Otis** will have to look into this.

Vesper Hall was used as a Civil War hospital. It was asked if the houses are protected by any historical societies, and they are not. The history of how this came to be as far as the historic significance of the property was told. It was asked what the committee would like to have done on the property and they suggested an Airbnb or use it as the front entrance to a hotel.

Vice Mayor Reynolds said the Pifer House is the smaller house and Council has more “teeth” to preserve it. Regarding Vesper Hall, Council has no authority to pressure the preservation of it.

It was said that the developer will be at the July 11 meeting. Will the ad-hoc committee be ready to present at the next meeting? **Council Members Kimmons** and **Monahan** said they would be.

Council Member Carter asked for the presentation to be more concise as it was hard to follow.

Council Member Kimmons said there are murals on the wall of Vesper Hall. There are records of where the artist was paid to do these paintings.

Council Member Carter said with all of this, and the study being done, what does the town end up with. **Council Member Monahan** said it is more of a study for perpetuity of knowledge.

Vice Mayor Reynolds said the outcome of sharing the Phase II would just be to archive the history of the structure.

Barbara Adamson said the exact date of construction of the Pifer House is not known. Vesper Hall was built in 1859 and has fresco work in it. This type of work was done all over the county for a long time. If Vesper Hall is going to disappear, we want documentation of how it was built.

Linda Wheeler said she spent the day on the property. **Barbara and Wayne Sullivan** have lived in the house for many years. The back wall did not collapse; it was a porch that fell off. There is a serious leak that will continue to cause damage. She would like to document the damage. The Pifer House has an open door. **Mr. James Massey**, a former member of the ARB, took the pictures in 2002 and she took the pictures today. The Sullivan's have to be out of the house by the end of August. The house is full of antiques. They are elderly and need help in moving. They have always taken care of the building and the repairs. The building was under construction before the Civil War started; 1859 was for the completion of details.

Council Member Stover said he imagines that if the Council in 2002, knew there would be "no teeth" today, he hopes they would have done things differently; we need to learn from this. We need to have more "teeth". We will force you to do the things you promise.

Council Member Hooser said it sounds like they were specific with the Pifer House.

Council Member Carter said we need to ensure this is done.

Council Member Lowder said we need to appeal to their better side since we can't force them to do anything to Vesper Hall. **Council Member Kimmons** said the owners have been trying to say it has been in terrible shape since they bought it, but they have continued to collect rent on it.

Council Member Hooser asked if the murals could be removed if Vesper Hall disappears and **Ms. Adamson** does not feel it would work.

Information will be sent to **Town Attorney Helm** before the next meeting, so he is well versed on this.

Town Manager Coggsdale said for clarification, the developer will be coming to the July 11 meeting. They want the opportunity to tell what they are proposing.

Council Member Carter said the developers asked what they wanted done with the property.

Town Manager Coggsdale said he has provided them with comments, etc.

Vice Mayor Reynolds asked if the developers are aware of the committee. **Town Manager Coggsdale** said he believes they are and he will let them know of this presentation; he will be transparent with the developer.

Committee of the Whole (listed Areas of Focus will be discussed):

Council Member Kimmons said staff reached out to him about fencing in the park. The fencing does not allow people to cross from one side of the park to another. If some of the fencing is removed, it would cut down on weed-eating and make it easier for mowing. It is not conducive to moving around in the park.

Council Member Lowder said around the playground area, there are no cut-throughs. He would like to knock down the fencing.

Vice Mayor Reynolds asked if staff could explore ways to deal with this. **Town Manager**

Coggsdale said he will work with the liaison on this project.

Vice Mayor Reynolds asked about a follow-up with **Mellanie Shipe** on the fire siren. **Town Manager Coggsdale** said it will be within the next month. The next work session will be on July 31.

Council Member Comments:

Council Member Ricard said they were looking for a forever home and they have found it in Romney, West Virginia. They have given the people living there until August 24 to move out. Her last day on Council will be July 31. She has enjoyed her time on Council.

Council Member Monahan said when we gained **Council Member Kimmons** on Council, there was a procedure of advertising for the position and then Council interviewed the applicants. Would it be okay to give staff the go-ahead to advertise for the position.

Town Manager Coggsdale said the Town Charter gives the Council forty-five days once there is a vacancy to fill the spot. We will have 45 days from July 31. A lot of work can be done before July 31.

The consensus of Council was to move forward with advertising the position.

Vice Mayor Reynolds announced she will be getting married on July 23 so she will not be able to do the Cake Walk for National Night Out. **Mayor Boies** will be reaching out to Council asking for cakes and volunteers.

Council Member Carter thanked all for July 4th celebration. There have been complaints, but it was still a good time.

Council Member Kimmons mentioned the partnership with the Strasburg Museum and Visitor Center and the email sent by **Hope Brim** regarding the “grand opening” of the partnership at the Center. **Council Member Monahan** said the ladies at the Visitor Center did a fantastic job with the refurbishment of the area.

Adjournment:

Being no other business, the work session adjourned at 8:49 p.m.