November 13, 1995

Public Hearing and Planning Commission Meeting Minutes

Planning Commission Members Present
Tom Weyrick, Chairman
Ben King, Secretary
Lou Kirkendall Barry Ream
Andy Dixon Dan Dail

Planning Commission Members Absent
John Adams, Assistant Chairman

Council Members Present
Mayor Charles Dean Tom Whitfield
Randall Snow Fred Bennett
Dan Dail, Council Representative

Council Members Absent
Marsha Fuller Fred Bennett

Staff Present
Joe Shifflett, Director of Public Works/Zoning Administrator
Ted Costin, Town Manager
Kelly Downey, Administrative Assistant to the Town Manager

Visitors
Randy Murphey Kenneth Wayne Weaver, Applicant
Gail Putnum

Public Hearing

A **Public Hearing** was held prior to the Planning Commission Meeting to discuss and recommend on a lot line revision, lot 2 Shen Mar Subdivision; to consider a special exception request to allow construction of mini-storage buildings located on Shenandoah Avenue; and to hear a request by Kenneth Wayne Weaver for a special exception permit to operate a Home for Adults on lots 8 and 9, block 29, section 3, land use map 131B1, addressed 102 North Stuart Avenue, Elkton, VA.

The hearing was called to order at 7:04p.m. then adjourned temporarily at 7:07p.m. to allow time for another council member to show up so that there would be a quorum.

At 7:17p.m. the Public Hearing was reopened.

Item #1 - Discussion and Recommendation on Lot Line Revision, Lot 2 Shen Mar Subdivision. No comments were made therefore that portion of the meeting was closed.

Item #2 - Kenneth Wayne Weaver's request to operate a Home for Adults on 102 North Stuart Avenue. Mr. Weaver says that the people that will stay in this home will be ambulatory people, people that will be able to do for themselves, there will be no handicap people. No comments on this portion of the public hearing was made.

The public hearing was closed as 7:19p.m.

The **Planning Commission Meeting** came to order at 7:08p.m.
The minutes were read. Corrections were stated. Lou Kirkendall moved to accept the minutes with the corrections as stated. Barry Ream seconded the motion. Unanimously approved.

1. Lot Line Revision - Dean

Lou Kirkendall recommended approval. Andy Dixon seconded the motion. Unanimously approved. To be recommended to Town Council.

At 7:16p.m. the Planning Commission meeting was adjourned temporarily to reopen the Public Hearing.

The Planning Commission Meeting was reopened at 7:20p.m.

2. Special Exception Permit to Operate a Home for Adults (102 North Stuart Avenue) - Weaver

Concerns were as follows:

- **Number of Buildings.** Mr. Weaver stated that there would be two separate buildings that will be joined together with a living room in between them. The new houses will carry the same appearance as the Victorian house.
- Joe Shifflett, Director of Public Works stated that the Planning Commission should take into consideration that a lot line vacation would have to be done and also that parking would be in the rear off of the alley.
- **Number of residents.** Mr. Weaver stated that the number of residents that he would be allowed to keep in the facility would be from twenty-one (21) to twenty-two (22) people, but he will have anywhere from twelve (12) to thirteen (13) bedrooms.

- **Number of trained individuals at the home.** Mr. Weaver stated that there would be at least one individual at all times. There would be three (3) during the day and one (1) after supper.
- **Number of employee parking spaces.** Mr. Weaver stated that there would be seven (7) employee parking spaces. The Director of Public Works stated the Elkton Zoning Ordinance (Page 106) state that one (1) parking space is required for every four beds and one (1) parking space for every three (3) employees. Mr. Weaver will have a total of seven (7) parking spaces.
- **Improvements will have to be made to the alley** to fix the potholes. Is this the Town of Elkton's responsibility? Mr. Weaver stated that he would pave the alley to meet the recommendations of the Virginia Department of Transportation.
- **Will the residents have cars?** Mr. Weaver stated that he can make it a requirement that the residents will not have cars.
- **How much traffic will there be in the alley with visitors and deliveries?** And is the alley large enough for two cars to pass side by side? The deliveries will be limited because one of the employees will be doing the grocery shopping, the majority of usual deliveries will be done internally such as the laundry etc., they will most likely have commercial trash pick up. Joe checked to see the what the width of the alley is and it is twenty (20) feet therefore wide enough for two cars to pass
- **Can Mr. Weaver keep the road clear enough for emergency vehicles when needed?** Mr. Weaver says that he will be able to clear it easily.
- **Will staff live on the premises full-time?** Mr. Weaver says that it is very possible.
- **Neighbors Concerns.** Mr. Weaver spoke with the neighbors and they showed no concern.
- If the parking lot was moved and Mr. Weaver paved the alley only up to the parking lot it is believed that this will help to eliminate a lot of traffic.
- **Would it become the Home for Adults eventually have ambulatory residents if something was to happen to one of the residents?** Mr. Weaver says that this will not happen because the homes are checked once a month for this kind of thing.
- **Selling of the property.** If Mr. Weaver made the decision to sell the property, the buyer would have to then get permission from the Planning Commission to use it as a Home for Adults.

Ben King motioned to accept the request by Kenneth Wayne Weaver under the following conditions:

- Deliveries are limited to 7:00a.m. to 5:00p.m.;
- the paving of the alley, which will meet the state specifications, and maintenance of the alley from Spotswood Avenue to the entrance of the parking lot will be Mr. Weaver's responsibility;
- Mr. Weaver meets all of the requirements of the 302.115 law as stated in the Elkton Zoning Ordinance;
- Mr. Weaver will have adequate staff members for the facility at all times,

- and that in the event that Mr. Weaver decides to sell the buyer would have to go through the process of getting permission of the Planning Commission just as Mr. Weaver has done.

Barry Ream seconded the motion. Unanimously approved.

If property (structures) can be joined together a lot line vacation will be pursued at this time.

who seconded?

Ben? Andy?

3. Special Exception Request for the Construction of Mini-Storage Buildings

Lou Kirkendall recommended approval of the special exception request to allow the construction of mini-storage buildings located on Shenandoah Avenue. ? seconded the motion. Unanimously approved with the exception of Barry Ream because of the conflict of interest.

4. By-Laws

Before adoption the by-laws were reviewed by the committee members a few changes were made. After those changes Lou Kirkendall motioned to adopt the by-laws. Barry Ream seconded the motion. Unanimously approved.

5. Land Use Map

The land use map needs to be filled in. A time to fill this in needs to be set up. Andy Dixon volunteered.

6. The Minimum Lot Requirements Footnote

Needs to be changed to reflect intent of what it means. The footnote is too specific when referring to sideyards. It should refer to all yards. The Director of Public Works has been asked to bring a change to that footnote to the next meeting.

Andy Dixon moved to adjourn the meeting at 9:08p.m. Ben King seconded the motion.

Signature - Chairman

Signature - Secretary

Town of Elkton, Virginia
Planning Commission
Adopted November 13, 1995

Article I - Authorization

1-1. This planning commission is established in conformance with a resolution adopted by the Council of Elkton, Virginia on June 14, 1963 and in accord with provisions of Section 15.1-427.1, Code of Virginia (1950), as amended.

1-2. The official title of this body shall be the Town of Elkton Planning Commission, hereinafter referred to as the "Commission."

Article II - Purpose

2-1. The primary purpose of the Commission is to serve in an advisory capacity to the Council, by preparing and recommending plans, ordinances, capital improvement programs, and other documents to the Council for its consideration.

Article III - Membership

3-1. The Commission shall consist of seven members appointed by the Council. All shall be residents of the Town of Elkton and qualified by knowledge and experience to make decisions on questions of growth and development. At least half of the members shall own real property in the Town of Elkton. One member may be a member of the Council.

3-2. The terms of office for the Council member shall be determined by council. The terms of the other original members shall be for one, two, three, and four years. Subsequent members shall be appointed for terms of four years. The Council, at its discretion, may establish different terms of office for subsequent appointments.

3-3. Vacancies shall be filled by appointment made by the Council and shall be for an unexpired term only.

3-4. Members of the Commission shall be eligible for reappointment.

3-5. Members of the Commission may be removed by the Council for malfeasance in office.

3-6. Terms of commission members shall expire immediately before the beginning of the regular meeting at which their successor's terms of office begin.

3-7. The Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

Article IV - Selection of Officers

4-1. Officers of the Commission shall consist of a chairman, vice chairman, and secretary. The chairman and vice-chairman shall be elected by membership. The secretary shall serve at the request of the Commission and may be a member of the Commission, an employee of the Town of Elkton, or a citizen volunteer.

4-2. Nomination of officers shall be made from the floor at the July meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership should be declared elected.

4-3. Terms of office shall be for one year or until a successor takes office.

4-4. Vacancies shall be filled for an unexpired term by a majority vote of the commission.

Article V - Duties of Officers

5-1. The chairman shall:

5-1-1. Preside at meetings,

5-1-2. Appoint committees.

5-1-3. Rule on procedural questions (subject to reversal by a two-thirds majority vote of the members present).

5-1-4. Report official communications at the next regular commission meeting.

5-1-5. Certify official documents involving the authority of the Commission.

5-1-6. Certify minutes as true and correct copies.

5-1-7. Carry out other duties as assigned by the Commission.

5-2. The vice-chairman shall:

5-2-1. Assume the full powers of the chairman in the absence or inability of the chairman to act.

5-3. The secretary shall be responsible for:

5-3-1. Recording attendance at meetings.

5-3-2. Recording the minutes of the Commission meetings.

5-3-3. Notifying members of all meetings.

5-3-4. Maintaining a file of all official Commission records and reports.

5-3-5. Certifying maps, records, and reports of the Commission.

5-3-6. Giving notice and be responsible for publishing public notices of all Commission public hearings and public meetings.

5-3-7. Attend to the correspondence for the execution of the duties and functions of the Commission.

Article VI - Committees

6-1. The following committees may be appointed at the discretion of the chairman.

6-1-1. Comprehensive Plan Committee - develops, updates, and revises the comprehensive plan and coordinates the work of other committees which relate to the plan development.

6-1-2. Land Use Committee - prepares and maintains an inventory of land uses within the Town of Elkton, and is responsible for the preparation of land use maps.

6-1-3. Subdivision Committee - drafts subdivision regulations and subsequent amendments. Examines subdivision applications and makes recommendations to the Commission after reviewing staff comments.

6-1-4. Zoning Committee - drafts zoning ordinance and subsequent amendments. Reviews applications for rezoning, special exceptions, or use permits and recommendations to the Commission.

6-1-5. Capital Improvements Committee - prepares and annually updates capital improvements program (CIP) in conjunction with Elkton administrative officials. Assures that the CIP is in conformance with the comprehensive plan.

6-2. Special committees may be appointed by the chairman for purposes and terms approved by the Commission.

6-3. The chairman shall be an ex-officio member of every committee.

Article VII - Meetings

7-1. Regular meetings of the Commission shall be held on the second Monday of each month at 7:00 p.m. Special meetings shall be called as needed. When a meeting

date falls on a legal holiday, the meeting shall be held on the day following unless the Commission selects an alternate day.

7-2. Special meetings may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail a written notice to all members, at least five days before a special meeting, stating the time, place, and purpose of the meeting.

7-3. All meetings of the Commission shall be open to the public.

Article VIII - Voting

8-1. A majority of the members shall constitute a quorum.

8-2. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

8-3. The Commission shall only consider issues submitted in writing five days prior unless, a majority of the Commission members deemed it appropriate to consider.

Article IX - Order of Business

9-1. The order of business for a regular meeting may be:

9-1-1. Call to order.

9-1-2. Roll Call.

9-1-3. Determination of a quorum.

9-1-4. Public expression.

9-1-5. Reading of minutes.

9-1-6. Report of secretary.

9-1-7. Report of standing committees.

9-1-8. Report of special committees.

9-1-9. Unfinished business.

9-1-10. New Business.

9-1-11. Adjournment.

9-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order when deemed appropriate by the chairperson.

9-3. The Commission shall keep minutes of each meeting, and these minutes shall become a public record. The secretary and chairman shall sign all minutes and, at the end of the year, certify that the minutes of the preceding year are true and correct copy.

Article X - Public Hearings

10-1. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest.

10-2. Notice of a public hearing shall be published once a week for two successive weeks, in a newspaper of general circulation in the area, at least ten days before the day if the public hearing. Such notice shall specify the time and place of hearing, which cannot be less that six nor more that twenty-one days after the second newspaper advertisement.

10-3. The chairman shall summarize the matter before the Commission, allow interested parties to speak, and accept written statements and other documentation pertinent to the matter being addressed.

10-4. An accurate, written record shall be made of the proceedings of the public hearing and maintained as part of the Commission files.

10-5. Proffer language.

Article XI - Amendments

11-1. These Bylaws may be amended by a majority vote of the entire membership after thirty days prior notice.