PLANNING COMMISSION MINUTES

SEPTEMBER 8, 1997

Planning Commission Members Present: Andy Dixon, Larry Baugher, Benny King, Phillip Workman and Tom Weyrick

Absent Commission Members: Gene Kite

Staff Present: Gerald Monger, Kenny Flick and Julia Smith

Council Present: Lee Dearing and Fred Bennett

PUBLIC COMMENTS:

Ken Whittington: Resident and homeowner of the Elkwood Subdivision. Mr. Whittington called to the Commissions attention the regular meeting last month on August 11, 1997. Commented that Mr. Nicely of Copper, Mars, Nicely and Associates was not present. However, three persons spoke and two letters were submitted opposing many changes and revisions to the existing Elkton Zoning Ordinance. The questions that surfaced last month still exist unanswered due to Mr. Nicelys absence. Why does Mr. Nicely want to change the Elkton Zoning Ordinance? Who is the person or persons Mr. Nicely represents? What are the reasons for change? What is the purpose of change and the intent? Mr. Whittington stated he has with him a petition bearing 79 signatures of the homeowners and property owners representing approximately 98% of the residents of the Elkwood Subdivision who also oppose any changes or revisions. Mr. Whittington feels proud to be united with his fellow neighbors in Elkwood with the privilege of representing this petition to the Planning Commission for the records. Mr. Whittington presented the petition to Mr. Weyrick.

Bob Wahl- Mr. Wahl stated that in addition to Mr. Whittington he would like to comment on the water pressure problem in Elkwood. Mr. Wahl is concerned about what is going to happen to the water pressure when new homes are built. Mr. Wahl stated that there is only one entrance/exit to Elkwood and that is Hillside Drive. Mr. Wahl stated that the residents of Elkwood want the streets to remain the same. They have enough traffic as it is. There are going to be two more homes built on Maple Leaf. The lots are sold and this is going to add more traffic also. There is no way we can substantiate more traffic on Hillside Drive. The residents of Elkwood need another exit in the case of fire or emergency. Mr. Wahl stated he feels that if the gentlemen here want to submit a change to the Town Ordinance it should be a combination of the Planning Commission, Town Council and the voters. The people should have a say or vote on any ordinance change.

Hazel Crider - 114 Hillside Drive - Elkwood: Mrs. Crider stated that the water pressure problem in Elkwood has gone on for years and years with no correction. Mrs. Crider can't see how the Town of Elkton can add on more homes with this problem already existing. Mrs. Crider stated that if you compared the entrance into Elkwood to other subdivisions in the county you would find that Elkwood is the most dangerous in our area. Mrs. Crider stated that in the past the Town Council denied an ordinance change due to Elkwood residents concerns. Mrs. Crider is concerned with the increase in traffic, neighborhood stability, water and the value of the investments in the homes in Elkwood. Residents don't want their property value to depreciate. Residents of Elkwood have tried to Elkwood a good neighborhood. This revision will only accommodate one thing and that the developers. That's who the Planning Commission will be accommodating not the people that live in Elkwood.

Richard Armstrong - resident of Elkwood: Mr. Armstrong feels another entrance/exit is needed for Elkwood. If an emergency such as a fire occurred and Hillside Drive was somehow blocked there would be no way for emergency vehicles to get into Elkwood.

Mr. Weyrick called the meeting to order at 7:15 PM.

Minutes were reviewed and Benny King made a motion to approve; second by Larry Baugher. Minutes were approved.

Review and discussion of proposed revision to the Elkton Zoning Ordinance as presented by Ray Nicely of Copper, Mars, Nicely and Associates.

Mr. Henry Clark of Clark and Bradshaw law office.

Mr. Clark represents the owners of Elkwood. The owners want to develop 250 acres. The proposal that is being made in no way changes the concept of R8 planned unit development that is in force and existence under the Elkton ordinance as it stands today. The purpose for the proposal is to clarify conflicts within the requirements for development. Mr. Clark stated that someone commented that sometime ago this proposal was turned down. This proposal was not turned down. The proposal plan for development was turned down because of a misunderstanding. There is still a misunderstanding as to what requirements there are for streets, sidewalks, curbs and gutter. At that time there was a requirement to put sidewalks in at Elkwood which has no connection to anything else. That's the way it read in the ordinance because it referred to subdivision within the ordinance and the subdivision ordinance referred to sidewalks. The present ordinance does not make clear the difference in the requirements of a master plan and a final plan. Anyone who took the time to read the existing ordinance would recognize there is a good deal of confusion that's in regard to terminology. The developer can live with the existing ordinance and can develop with it. But, there is a lot of confusion within the ordinance. We are just trying to straighten out the terminology. There are eleven different references to different types of plans involved in the ordinance. Our ordinance revision reduces that to four. The only purpose of the proposed ordinance is to give the Planning Commission and Town Council the flexibility to control design, layouts and so forth. In the present ordinance there is nothing that requires the developer to do anything about the entrance into Elkwood. Under the terms of our

proposal the Planning Commission and Town Council are given almost complete control over the ultimate development of the project. Right now they do not have that control. If we submit a plan that complies with the existing ordinance then they have no choice but to approve it and to allow the development. We are not proposing any particular plan of development here tonight. This speaks entirely to the ordinance. There is nothing on the table for a master plan or a final plan to be considered. Mr. Clark stated that he had heard complaints about water pressure problems in Elkwood. Subdivisions outside of town are hooked up to town water and sewer and these people do not pay town taxes. Mr. Nicely will point out some of the things this proposal does to make it a reasonable approach for this Planning Commission and Town Council to use in controlling the type of growth for Elkton.

Mr. Ray Nicely of Copper, Mars, Nicely and Associates: Mr. Nicely stated that the developer is responsible for the cost of the amenities including streets, water, sewer and storm sewers facilities. Easements may also have to be provided for gas, electricity, etc. Within the existing ordinance it calls for a Development and Management Plan, Detail Site Plan, Preliminary Plan, Final Subdivision Plot, Development Plan, Site Development Plan, Preliminary Development Plan, Final Development Plan, Final Plan, Physical Improvements Plan and Specifications and Subdivision Plot. The way the Ordinance is written now the way these things are described obviously several different names are used to describe one particular document. Basically what we have done in rewriting this ordinance is gone through and pick out which of these names apply to the four things that Mr. Clark mentioned. The Mater Plan, Final Plan, Construction Plans and the Subdivision Plot and put them in the right place. Not only simplify the list but define the list of each one of those things and define the formal process they need to go through. These are the major changes we are proposing in the ordinance. For the rezoning a revision to any land in R-8 a master plan has to be submitted with the application. The master plan under the proposal is a basic land use plan. It would define general areas, residential use, recreational use, open space, commercial use, street layout, utilities plan, a drainage plan and area for parking. Approval of the master plan requires a public hearing. Once this is done, a final plan would be submitted. The final plan is a smaller area of the master plan in more detail. It would show lot lines in a subdivision area, utilities and easements, roads and streets, common areas, buildings other than single family detached buildings, all public amnesties, open areas and what they would be used for and how they would be maintained, a general landscaping plan and screening that would be done between different area and along boundaries and it would show in detail the parking and number of parking spaces required for any use other than single family residential. The final plan is comparable to a preliminary subdivision plan. It requires Planning Commission approval and it has to be in accordance of the ordinance and in substantial compliance with the master plan. The subdivision plan includes two aspects. The first being a construction plan and detailed construction drawings. The second is a subdivision plot that shows any land within this area to be subdivided or divided into lots. This is a legal document that specifies boundaries of the land. This revision in the ordinance has nothing to do with the problems Elkwood residents have addressed here tonight.

Mr. Weyrick introduced and welcomed Phillip Workman to the Planning Commission. Mr. Workman filled the vacancy left by Lou Ellen Kirkendall.

Discussion and Recommendation: Joe Sowinski's Special Exception Request to have a cabinet shop in his garage at 515 East Rockingham Street.

After much discussion Benny King motioned to have a joint public hearing with the council to consider home occupation permit; Phillip Workman second and the motion was carried. Planning Commission set a public hearing for Monday, October 13, 1997 at 7:00 PM.

Discussion and Recommendation: Benny King's Lot Line Vacation Request at the location of 500 "F" Street. Mr. King wishes to vacate lot line from Lot #1 to Lot #3 to create one lot called Lot #1.

Andy Dixon motioned to approve; Larry Baugher second and the motion was carried. Benny King abstained from voting.

Discussion of Ordinance change between Planning Commission, Ray Nicely and Henry Clark.

Mr. Flick will have a report on this attached.

Meeting was adjourned at 9:25 PM.

Submitted 7-8-77

WE, THE UNDERSIGNED, OPPOSE ANY CHANGES IN THE ELKWOOD SUBDIVISION, WITHOUT COMPROMISE:

name	address
Pat Hamma	141 Sweetgum S
Joseph R. Hamm	141 Sweetgum St.
[illegible] — abstained	146 Sweetgum St.
[illegible]	147 Sweetgum St
Betty B. Lindley	147 Sweetgum St.
Caroline Bell	148 Sweetgum St
Hem L Bill	148 SWEETGUM ST
Mike Davis	150 SWEETGUM ST
Betty M. Davis	150 Sweetgum St
Ron Engelmeyer	162 SWEETGUM
Lisa Doffemyer	164 Sweetgum St.
Stephanie Doffemyer	164 Sweetgum St.
Daniel Allen	102 Persimmon
David Allen	102 Persimmon
Don Mean	104 Persimmon St
Jennifer Mean	104 Persimmon St
Vickie Moord	160 Sweetgum St.
[illegible] Moord	160 Sweetgum St.
Patricia Allmen	159 Sweetgum St
Richard A Lahman	149 Sweetgum St. Rt. 4 Box 220

WE, THE UNDERSIGNED, OPPOSE ANY CHANGES IN THE ELKWOOD SUBDIVISION, WITHOUT COMPROMISE:

Ellen M. Cann	145 Sweetgum St
Matthew H. Morris	144 Sweetgum St.
Lisa Morris	144 Sweetgum St.
[redacted]	142 Sweetgum St.
Theodore A. Pierce	142 Sweetgum St.
Doris L. Pierce	101 Tamarack Lane
Leroy M. Leap	101 Tamarack Lane
Norma R. Leap	127 Sweetgum St.
Anita Herring	127 SWEETGUM ST.
Charles L. Herring	154 SWEETGUM ST.
Philip Walker II	

WE, THE UNDERSIGNED, OPPOSE ANY CHANGES IN THE ELKWOOD SUBDIVISION, WITHOUT COMPROMISE:

NAME	ADDRESS
Ben Whittington	100 MAPLE LEAF
Ann Whittington	100 Maple Leaf
Elizabeth Wall	106 Maple Leaf
Arthur Wall	106 Maple Leaf Ln
Lucille Heerstand	108 Maple Leaf Ln
[illegible]	103 Maple Leaf
[illegible]	" "
Harry Goodman	101 MAPLE LEAF
Alisle D. Goodman	101 Maple Leaf Lane
[illegible]	119 Sweetgum St.
Nancy Swisher	119 Sweetgum St
J. C. Offenbacker	105 MAPLE LEAF LANE
Ann Offenbacker	105 Maple Leaf Ln.
[illegible]	109 Maple Leaf Ln
Susan M. Forish	109 Maple Leaf Lane
Donald C. Forish	" " "
Donna C. Forish	111 MAPLE LEAF LAN
Richard R. Armstrong	111 Maple Leaf
Dorothy Armstrong	104 Maple Leaf Ln
[illegible]	104 Maple Leaf Ln.
[illegible]	121 Sweetgum St.
[illegible]	121 Sweetgum St.
Paul Lee	122 ~~[illegible]~~
Sandra Lee	125 Sweetgum
[illegible]	125 Sweetgum St.
[illegible]	110 Maple Leaf Lane

WE, THE UNDERSIGNED, OPPOSE ANY CHANGES IN THE ELKWOOD SUBDIVISION, WITHOUT COMPROMISE:

Hazel S. Crider	114 Hillside Ave.
Stanley E. Crider	114 HILLSIDE AVE.
Keith Mowbray	107 Hillside Ave.
Kim Mowbray	107 Hillside Ave.
Carol Daly	105 HILLSIDE AVE.
[illegible]	105 HILLSIDE AVE.
Bill & Ann Seymour	129 Sweetgum St
Ann Seymour	129 Sweetgum St.
[illegible]	~~137 Sweetgum St.~~
Arthur James	131 Sweetgum St
Cynthia James	131 Sweetgum St.
Elaine Simpson	133 Sweetgum St.
Mark Candin	135 Sweetgum St.
Janice Candin	135 Sweetgum St.
Pearl M. Green	108 Hillside Avenue
Violet Davis	104 Hillside Ave.
Brenda VanDiscdale	106 Hillside Ave
Brenda Keyes	112 Hillside Ave
[illegible]	112 HILLSIDE AVE
Melvin Shifflett	100 Tamarack Lane
Kenneth Shifflett	100 Tamarack Lane
Kevin Stephens	104 Tamarack Lane
Lisa M Stephens	104 Tamarack Lane.

I THE UNDERSIGN WANT TO ADD MY NAME TO THE ELKWOOD PETITION —

Clint Reichardt
2211 Crystal Lane
Harrisonburg Va 22801

111 Hillside Ave
Elkwood

Susan Kratzer
109 Hillside Ave
Elkton, Va.