Planning Commission Minutes
March 10, 2004

Planning Commission Members Present: Madelyn Dixon, Wake Gooden, Daniel Talbot, and Thomas Schroeder

Staff Present: Todd McCoy (6:00 pm to 7:00 pm), and Karin Eppard

Call To Order
Daniel Talbot called the meeting to order at 7 :05 pm.

Minutes
Thomas Schroeder moved, seconded by Madelyn Dixon to approve the minutes for December 3, 2003. The motion was passed.

Business

The Commission reviewed a plan for a new Townhouse complex on North Street. The property is currently zoned as R-5 and will fall under the subdivision ordinances and codes. After reviewing the proposed site plan at length, the Commission expressed the following concerns that should be addressed before the plan can be recommended for approval to the Council:

1. Units 4 A thru G, 12 A thru H, and 13 A thru D do not front on a street with a right-of way of 50' or more.
2. Parking provisions for the duplex units are unclear. Further clarification will be needed to determine if the codes have been met.
3. There is a question on the viability of duplex unit 11 A & B and the placement of 5 A & B.
4. Units 10 A & B have a drainage concern due to their location in an area that was formerly a pond.

Due to Commission member Thomas Schroeder's involvement in the planned complex, there were not enough eligible members present for a vote on the issue. Thomas Schroeder moved, seconded by Wake Gooden, and the motion was passed to table the issue until the next Commission meeting in an effort to obtain more information on the plan from the developers.

Next the Commission discussed the rezoning of recently annexed properties within the Town. The commission agreed that, based on their interpretation of Section 110-406 of the Town of Elkton Code book, the properties are currently zoned as R-1 and will remain as such until they are rezoned otherwise. The commissioners agreed that further clarification might be needed from Todd McCoy before a final determination could be made.

As there was no further business the meeting was adjourned at 8:30 pm.

Signature-Chairman

Madelyn S. Dixon
Signature-Secretary

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827
298-1951

March 11, 2004

To: Concerned Parties

The Planning Commission reviewed a plan for a new Townhouse complex on North Street. The property is currently zoned as R-5 and will fall under the subdivision ordinances and codes. After reviewing the proposed site plan at length, the Commission expressed the following concerns that should be addressed before the plan can be recommended for approval to the Council:

1. Units 4 A thru G, 12 A thru H, and 13 A thru D do not front on a street with a right-of way of 50' or more.
2. Parking provisions for the duplex units are unclear. Further clarification will be needed to determine if the codes have been met.
3. There is a question on the viability of duplex unit 11 A & B and the placement of 5 A & B.
4. Units 10 A & B have a drainage concern due to their location in an area that was formerly a pond.

MARCH 3, 2004

TO: CONCERNED

REFERENCE: PRELIMINARY PLAN **WILLOW OAKS** TOWN OF ELKTON

FOLLOWING ARE COME CONCERNS I FIND AFTER LOOKING OVER ABOVE MENTIONED DRAWINGS.

1. NONE OF THE TOWNHOUSES EXCEPT 3A THROUGH 3G ARE FRONTING ON A DEDICATED STREET, AND 3A THROUGH 3G APPEAR O BE FRONTING ON A PARKING LOT INSTEAD OF NORTH STREET.

2. THE WATER SERVICES TO THE TOWNHOUSES ARE VERY MISLEADING ON THE DRAWINGS. IF YOU NOTICE THE MANIFOLD OF METERS AT EACH SET OF UNITS, THEN REMEMBER THAT ALL THE LINES NEED TO BE LAID SEPARATE TO EACH TOWNHOUSE. THIS MEANS THE LINE FOR EXAMPLE GOING TO 3G MUST BE EXTENDED OVER ALL THE OTHER LOTS FROM 3A – 3F.

3. A CONCERN TO ME WOULD BE, WHERE IS THE BACK DOOR GOING TO BE, BECAUSE THAT IS WHERE THE TRASH, BICYCLES AND LAWN EQUIPMENT WILL BE STORED. IT APPEARS THAT IN SOME OF THE TOWNHOUSES THEY WOULD BE SEEN FROM NORTH STREET.

4. THE EASEMENT FOR ELECTRIC, TELEPHONE AND CABLE ARE MIXED IN WITH SEWER AND WATER SERVICE, THUS MAKING MAINTENANCE COSTLY. THESE SERVICES WILL ALSO HAVE TO BE ACROSS PRIVATE PROPERTY, THE SAME AS ABOVE MENTIONED WATER, AND A LINE TO EACH UNIT, RATHER THAN THE MISLEADING LINE ON THE DRAWINGS.

5. I SEE NO PARKING AT ALL DESIGNED FOR THE TWO UNIT APARTMENTS.

6. WITH THE LOTS GOING ALL THE WAY OUT INTO THE PARKING LOTS, I WONDER IF THIS WOULD POSE PROBLEMS LATER IF ONE OWNER DECIDES TO PAVE AND THE OTHER DOESN'T WANT TO. (MAYBE THE WHOLE DEVELOPMENT NEEDS A HOMEOWNERS GROUP WITH A YEARLY FEE TO MAINTAIN SAID LOTS AND ROADS.)

7. IF THE TOWN IS EXPECTED TO TAKE OVER WILLOW OAKS DRIVE, THEN I BELIEVE THE PAVEMENT AT THE CUL-D-SAC IS SUPPOSED TO BE 100' IN DIAMETER INSTEAD OF 80'+/-.

8. THE NOTES SAY THEY WILL CONNECT TO A 6" WATER LINE ON NORTH STREET. THERE IS NO 6" LINE ON NORTH STREET. IN MY OPINION THE MASTER PLAN SHOULD BE FOLLOWED AND A 10" SHOULD BE CONNECTED AT NORTH AND JACKSON AND EXTENDED TO THIS POINT FOR A CONNECTION.

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827
298-1951

March 11, 2004

To: Concerned Parties

The Planning Commission reviewed a plan for a new Townhouse complex on North Street. The property is currently zoned as R-5 and will fall under the subdivision ordinances and codes. After reviewing the proposed site plan at length, the Commission expressed the following concerns that should be addressed before the plan can be recommended for approval to the Council:

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2. Parking provisions for the duplex units are unclear. Further clarification will be needed to determine if the codes have been met.
3. There is a question on the viability of duplex unit 11 A & B and the placement of 5 A & B.
4. Units 10 A & B have a drainage concern due to their location in an area that was formerly a pond.

Submitted by Todd McCoy

MARCH 3, 2004

TO: CONCERNED

From: Gerald Monger

REFERENCE: PRELIMINARY PLAN **WILLOW OAKS** TOWN OF ELKTON

FOLLOWING ARE COME CONCERNS I FIND AFTER LOOKING OVER ABOVE MENTIONED DRAWINGS.

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E.H. Diamond Co. PO Box 2024 Reston VA 20195
Phone: 703-620-6464 Toll Free: 800-700-9749 Fax: 703-620-1119

May 7, 2004

Public Works
Town of Elkton
173 W. Spotswood Ave.
Elkton VA 22827

Dear Sir/Madam:

This Request for Rezoning concerns a 3.99 acre parcel located on E. Summit Ave, Elkton VA, Tax Map 131-A-L43B (Recorded in Deed Book 1623, Page 384) which is now zoned as R1.

As contract owner, I hereby request rezoning to R6 in two stages:

1- preliminary approval; to permit engineering/site studies, develop architect plans, and identify funding sources for construction, and

2- final approval; subject to a satisfactory site plan, architectural renderings and floor plans, and approved funding.

Details concerning the property, usage, and my qualifications are attached.

Thank you for your attention to this request.

Respectfully,

Elliott H. Diamond

file: re/summitav/r1

REQUEST FOR REZONING

Submitted by: Elliott H. Diamond
PO Box 2024
Reston VA 20195
Phone: 703-620-6464 Toll Free: 800-700-9749
Fax: 703-620-1119

Parcel: E. Summit Ave, Elkton VA, Tax Map 131-A-L43B
Recordation: Deed Book 1623, Page 384
Acreage: 3.99
Zoning Requested: from R1 to R6

CURRENT AND PROPOSED USAGE

1-The structure on this parcel is currently used as a church; it has 2,153 square feet of finished space and includes a meeting room as well as living quarters. Water is supplied by a cistern and sewer disposal is by a septic system.

2-The Town of Elkton plans to annex said parcel and to supply it with city sewer and city water.

3-With city sewer and water, R6 zoning is feasible (per Sections 110-607 and 110-709, Town of Elkton Code.) This zoning will permit multi-family dwellings, apartments and townhouses with a minimum lot size of 2,500 square feet per unit and a maximum of 17 units per acre.

4-There is a need for affordable-adult rental housing for the elderly and retired. It is this sector of the population that I wish to accommodate.

5-Unlike a community of families, the elderly/retired generally do not have school-aged children. Thus, they do not burden a community with the need for additional classroom space, school buses, libraries, playgrounds, etc.

6-The elderly/retired often have retirement savings and or income. Rather than seeking income-producing jobs (which may be scarce in Rockingham County), they infuse the economy with their own savings and/or retirement income.

7-The subject property appears ideal for an affordable-adult community because:

(a) it is easily accessible to Route 33 and thence to Harrisonburg for shopping, entertainment, hospitals, restaurant, etc.,

(b) It is close to Massanutten which offers recreational facilities,

(c) It is large enough (about 4 acres) to accommodate modest-sized, multi-family structures, and

(d) the existing building may be remodeled to offer meeting space, administrative offices, and some entertainment facilities.

PROPOSED STRUCTURES

As envisioned, the proposed adult-community will offer affordable housing with about 64 rental units for retirees, and:

1-It will consist of four similar two-level, brick garden-apartments in a park like setting,

2-Each building will contain 16 units with 8 units per floor,

3-Each unit will be wired for cable TV, satellite TV, internet, and contain one or two bedrooms, kitchen, one and one-half bathrooms and a washer/dryer,

4-An accessory building will provide a multi-purpose room for meetings and parties, a physical-fitness room, a video room, a vending machine-snack room, management office, bathrooms and an outdoor swimming pool.

APPLICANT'S QUALIFICATIONS

Please note my qualifications to develop, to build, to obtain funding and to manage residential rental properties:

1-Engaged in residential property management since 1960 in Northern Virginia. Currently own and manage rental properties for about 50 tenants, many with Section 8 subsidized rent.

2-Licensed as a Class "A" Contractor/Builder in Virginia (#2701-033923A) since 1989.

3-Managed rehabilitation of many residential properties since 1960.

4-Licensed as a Mortgage Broker (Diamond Mortgage Exchange, Inc.) in Virginia since 1993 (MB-568) and as a Mortgage Lender since 2003 (MLB-913). Arranged and/or provided financing for many residences and business.

5-Developed land and built houses during the last ten years in Stafford and Prince William Counties.

6-Familiarity with engineering concepts and specifications. (Employed under contract with DoD and FAA on specification development and compliance from 1958 through 1988 as an electronics engineer in Whippany NJ and Washington DC.)

ZONING REQUESTED

From R1 to R6 in two stages:

1- preliminary approval; to permit engineering/site studies, develop architectural plans, and identify funding sources, and

2- final approval; subject to a satisfactory site plan, architectural renderings and floor plans, and approved funding.

April 2, 2004

TO: Town of Elkton Planning Commission

I want to take this opportunity to thank you for all of your input and assistance you have given me during my employment with the Town of Elkton. My decision to leave has been thoroughly thought out and reflects my career goals.

I appreciate all that you have done for me in the past and hope that we can maintain a cordial, professional relationship in the future.

The following is a list of projects that I had on my desk that you may be interested in pursuing.

1. Comp Plan
   Contact: Central Shenandoah Planning Commission
   Bill Strider
   540-885-5174
2. Re-zone annexed properties-Get maps from Mayor
3. Approve preliminary plans for townhouses on North Street. Jerry Brunk will be at the next meeting on April 14th to answer questions.

Thanks,

Todd McCoy
Director of Public Works

Planning Commission Minutes
April 14, 2004

Planning Commission Members Present: Wake Gooden, Daniel Talbot, and Thomas Schroeder, Troy Lester, Tom Weyrick,

Council Representatives Present: Wayne Printz

Staff Present: Karin Eppard

Call To Order
Daniel Talbot called the meeting to order at 7 :05 pm.

Minutes
Thomas Schroeder moved, seconded by Troy Lester to approve the minutes for March 10, 2004. The motion was passed.

Business

The Commission reviewed a plan for a proposed townhouse complex on North Street. This topic was originally brought up at the last meeting of the Commission and was held over pending further information from the landowner and developer. Concerned parties, Sherry Hall of Four Star Realty, Jerry Brunk of Brunk & Hilton, Inc., and George McDaniel of McDaniel Brothers, were in attendance to answer questions regarding the plan. There were several topics that were discussed including concerns brought up by the Commission during the March 10th meeting, as well as recommendations made by Gerald Monger (see attached). After a lengthy discussion on these points, Troy Lester moved, seconded by Tom Weyrick to recommend the plan to the council for their review, with the following concerns attached:

1. Check utilities right of way preferences with the town.
2. Explain duplex parking in comments section of preliminary plan.
3. Concern over the width of North Street being only a 30' right of way.
4. Section 110-709C of the town Code is interpreted to say that private streets only need to meet VDOT codes; therefore the preliminary plan is in compliance.
5. The rules concerning cul-de-sac radius is interpreted to be a right of way of 100' not paved.

Due to Commission member Thomas Schroeder's involvement in the planned complex, and Wake Gooden's interest in the issue as a nearby property owner, both members abstained from a vote. The motion was voted on and passed.

Wayne Printz then recommended that the issue be presented at the next Committees meeting scheduled for May 11, 2004. The concerned parties present at the meeting also requested a copy of the minutes from this Commission meeting be sent to them so that they could prepare for the committee meeting. It was stated to them that this could be done but that the minutes would not become official until they are read and approved at the next meeting of the Commission on May 12th.

Next the Commission discussed the rezoning of recently annexed properties within the Town. The commission agreed that, based on their interpretation of Section 110-406 of the Town of Elkton Code book, the properties are currently zoned as R-1 and will remain as such until they are rezoned otherwise. The commissioners requested copies of a

more detailed map before any discussion could be held on the matter. Wayne Printz stated that Councilman Randall Snow had a more detailed map showing streets and property lines, and that he would be contacted to see if copies could be made for the commission.

In other business, a resident had contacted Wayne Printz with the question of whether areas zoned as B-1 could be used for modular business buildings without being subdivided provided that all the buildings are used for the same single business. The commission agreed that according to the Code book, the land would need to be subdivided for each building if they are to be used for separate and different businesses in each and that each one would be required to be placed on a permanent foundation. Mr. Printz stated that he would inform the resident of those rules.

As there was no further business the meeting was adjourned at 9:30 pm.

Signature-Chairman

Signature-Secretary

Planning Commission Minutes
May 12, 2004

Planning Commission Members Present: Daniel Talbot, and Thomas Schroeder, Troy Lester, Madelyn Dixon

Council Representatives Present: Wayne Printz, Cathy Murphy, Jay Dean, Randall Snow, and Rick Workman

Staff Present: Karin Eppard

Call To Order
Daniel Talbot called the meeting to order at 7:05 pm.

Minutes
Thomas Schroeder moved, seconded by Troy Lester to approve the minutes for April 14, 2004 with corrections to the last paragraph. The motion was passed.

Business

A. The first topic discussed was the proposal brought to the Commission by McDaniel Brothers for a townhouse complex on North Street. Representatives from the Town council as well as Jerry Brunk of Brunk & Hylton engineering, and Sherry Hall of Four Star Realty, were in attendance to review the list of concerns that the Commission discussed at the last meeting. The following points were clarified for the Council:

1. Check utilities right of way preferences with the town
   Jerry Brunk requested that the Town appoint someone to supervise and advise the developer to ensure that all utilities requirements that the Town has will be met.
2. Explain duplex parking in comments section of preliminary plan.
   Jerry Brunk distributed copies of an enlargement of the preliminary plan showing the proposed parking with 24' wide driveways. He stated that easements will be included to ensure proper access to all units in question, and that all of these units will have garages.
3. Concern over the width of North Street being only a 30' right of way.
   North Street currently has only a 30' right of way and there was concern over the capacity of the current width being able to handle the added traffic. Jerry Brunk stated that VDOT will be reviewing the street for compliance reasons and will advise the developer.
4. Section 110-709C of the town Code is interpreted to say that private streets only need to meet VDOT codes; therefore the preliminary plan is in compliance.
   The Commission decided that the streets would meet VDOT specifications so the Town will be able to access funds for street maintenance of the public streets once they become the domain of the Town.
5. The rules concerning cul-de-sac radius is interpreted to be a right of way of 100' not paved.
   According to the plans, the cul-de-sac does meet the VDOT codes.

6. Other concerns that were discussed were:

a. Steve Kite wanted further clarification on the plans provisions for proper drainage and retention ponds. Jerry Brunk stated that there are retention ponds in the plans and the complex will comply with the current flow reduction regulations that will be provided by the Department of Conservation and Recreation after an inspection by Rockingham County. He further stated that a property owners association would maintain these facilities. Further discussion was held on the topic of curbs and gutters, and if they would be required. Mr. Brunk informed the Commission that flow reduction rates must still be met whether curb and gutters were installed or not. Dan Talbot stated that further concern on this topic should be directed to the Town Council, as the Commission has already made it's recommendation to the Council.

b. Jerry Brunk recommended the installation of a 12" water line rather than 10" as proposed by Gerald Monger. The larger line will ensure proper hydraulics and adequate water pressure. Randall Snow stated that in past situations similar to this, the developer has been asked to provide the funding for installation of improvements to the water supply lines.

c. Procedure states that from this point the developer will need to submit a final plat, then the Commission will decide if a recommendation for approval will be sent to the Council. The council will then make a final determination on the viability of the plan.

B. The next topic of discussion was rezoning in the recently annexed areas. All phases have now been annexed and are currently listed as R1 zoning. The Commission will need to determine what areas should be rezoned and what the new zoning should be. The Commission will then submit their recommendation to Council for review and approval. Dan Talbot suggested to the Commission that each member should review the newest map and even drive in the areas, prior to the next meeting, as this will help direct future discussion.

Some points of concern that were brought up were:

1. Existing houses or businesses in Phase 1 may continue under the old zoning ordinances based on Section 110-708 of the Code.

2. The Commission will need to avoid "spot-zoning", and should look at areas rather than individual lots, when considering what the new zoning should be. Commission members should also consider what regulations would best apply in each area, to accommodate the current owners.

C. The Commission then discussed the Kite property briefly, and requested further information regarding the final disposition of the property. Cathy Murphy stated that the Council is considering several options for this and other Town owned properties. There may need to be a lot line adjustment if the town decides to purchase the Hiram Kite property that they have an exclusive option on.

D. Last the Commission reviewed a letter submitted by Elliot Diamond requesting rezoning of the property that he owns on East Summit Avenue. Mr. Diamond had envisioned an unassisted living retirement community for the 3.99-acre lot. The lot in question was taken into the town in the Phase 1-D of the annexation. The Commission again stated that they want to avoid any "spot-zoning" and would most likely postpone rezoning anything in that area until a determination can be made for the entire area. Mr. Gooden who owns the adjoining property was in attendance and expressed his concern over the proposed community. His main concerns were increased traffic, noise and the density of the proposed units.

As there was no further business the meeting was adjourned at 9:30 pm.

Signature-Chairman

Madelyn S. Dixon

Signature-Secretary

to Be Revised

Planning Commission Minutes
May 12, 2004

Planning Commission Members Present: Daniel Talbot, and Thomas Schroeder, Troy Lester, Madelyn Dixon

Council Representatives Present: Wayne Printz, Cathy Murphy, Jay Dean, Randall Snow, and Rick Workman

Staff Present: Karin Eppard

Call To Order
Daniel Talbot called the meeting to order at 7 :05 pm.

Minutes
Thomas Schroeder moved, seconded by Troy Lester to approve the minutes for April 14, 2004 with corrections to the last paragraph. The motion was passed.

Business

A. The first topic discussed was the proposal brought to the Commission by McDaniel Brothers for a townhouse complex on North Street. Representatives from the Town council as well as Jerry Brunk of Brunk & Hylton engineering, and Sherry Hall of Four Star Realty, were in attendance to review the list of concerns that the Commission discussed at the last meeting. The following points were clarified for the Council:

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c. Procedure states that from this point the developer will need to submit a final plat, then the Commission will decide if a recommendation for approval will be sent to the Council. The council will then make a final determination on the viability of the plan.

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Some points of concern that were brought up were:

1. Existing houses or businesses in Phase 1 may continue under the old zoning ordinances ~~until usage is changed by more than 25%. At that point the newest zoning regulations will apply.~~ BASED ON SECTION 110-708 OF THE CODE
2. The Commission will need to avoid "spot-zoning", and should look at areas rather than individual lots, when considering what the new zoning should be. Commission members should also consider what regulations would best apply in each area, to accommodate the current owners.

C. The Commission then discussed the Kite property briefly, and requested further information regarding the final disposition of the property. Cathy Murphy stated that the Council is considering several options for this and other Town owned properties. There may need to be a lot line adjustment if the town decides to purchase the Hiram Kite property that they have an exclusive option on.

D. Last the Commission reviewed a letter submitted by Elliot Diamond requesting rezoning of the property that he owns on East Summit Avenue. Mr. Diamond had envisioned an unassisted living retirement community for the 3.99-acre lot. The lot in question was taken into the town in the Phase 1-D of the annexation. The Commission again stated that they want to avoid any "spot-zoning" and would most likely postpone rezoning anything in that area until a determination can be made for the entire area. Mr. Gooden who owns the adjoining property was in attendance and expressed his concern over the proposed community. His main concerns were increased traffic, noise and the density of the proposed units.

As there was no further business the meeting was adjourned at 9:30 pm.

Signature-Chairman

Signature-Secretary

Planning Commission Minutes
July 14, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Troy Lester, Madelyn Dixon

Staff Present :
Charlotte Shifflett

Call To Order
Daniel Talbot called the meeting to order at 7:05 pm.

Minutes
The amended minutes for May and the June minutes were approved.

Old Business:
Dan Talbot completed a color-coded map and brought it to the meeting for further comments.

A member presented a question inquiring who determines what is grandfathered? This is covered under Section 110 –708 of the Code. In order for changes to be made to existing property covered under this Code the procedure is as follows:

a. Planning Commission
b. Public Hearing
c. Council
d. 2nd Public Hearing
e. Council

All members present reviewed the new color-coded map very carefully. A discussion followed noting specific newly annexed areas and preliminary zoning for each.

Dan read and reiterated points from the R8 Zoning Code. Additional inquires were made and discussed relative to other existing Zoning Codes; R1 thru R6.

It was noted that South Eastside Highway (Rt 340) currently zoned B3 will need approval due to the fact it is a future planned business area. The members reviewed and discussed Page 11065 relative to this issue. Several minor changes were made to the map.

- Troy Lester moved that the Commission accept the map as coded and changed.
- Tom Schroeder seconded the motion.
- The motions were accepted and all responded as **"Yea"** to accept the map as colored and presented.
- The minutes will show that the Planning Commission has successfully completed their review.

The next step of the procedure will require a Public Hearing to present the map to town residents for review

Dan will contact Mayor Wayne Printz in an attempt to establish a Public Hearing date before the August Council meeting,
It was stated that this notice will need to run in the newspaper 2 weeks prior to a meeting.

New Business:

The Planning Commission will seek a replacement for Tom Weyrick. No action has been taken to fill this position thus far.

With no further business to discuss the meeting was adjourned. The next meeting date will be August 11, 2004.

Signature-Chairman

Signature-Secretary

Planning Commission Minutes
June 16, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Tom Weyrick, Madelyn Dixon

Staff Present :
Rick Carey

Call To Order
Daniel Talbot called the meeting to order at 7:00 pm.

Minutes
The members did not possess a copy of the May minutes and proceeded without them.

OLD Business:

A. The last meeting a discussion was held regarding rezoning in the recently annexed areas. All phases have now been annexed and are currently listed as R1 zoning. It was noted that the Commission would need to determine what areas should be rezoned and what the new zoning should be. The Commission will then submit their recommendation to Council for review and approval. Dan Talbot suggested to the Commission that each member should review the newest map and even drive in the areas, prior to the next meeting, as this will help direct future discussion.

Some points of concern that were brought up were:

1. Existing houses or businesses in Phase 1 may continue under the old zoning ordinances based on Section 110-708 of the Code.

2. The Commission will need to avoid "spot-zoning", and should look at areas rather than individual lots, when considering what the new zoning should be. Commission members should also consider what regulations would best apply in each area, to accommodate the current owners.

NEW BUSINESS:

Two basic questions were presented to the group and discussion was recorded as follows:

1. Is it possible to assign 2 different zonings on one large lot?
   No-You may not have two different zonings on a lot.
2. If you have an area predominately one type of lot size; but it contains lots sized smaller than requirements, may it be rezoned?
   It was noted that you might still zone it since some existing lots are Grand fathered under previous zoning, and if you have lots, which still qualify.

   a. Regarding existing lots, which are smaller than requirements, could these have something built on them with setbacks? There is a possibility that the lot is still suitable for building if the set backs meet current zoning assigned to the lot.
   b. The next question in regard to the above statements concerns agriculture ratings for the Town of Elkton. Is there really any purpose

for this rating in town? Why wouldn't this be zoned R8? In the future if all the land up to Bear Lithia Springs were annexed that may require the use of the agriculture zoning. If someone requests to build on this property in the future it may need to be rezoned differently.

c. The possibility of a request for a Special Use Permit in that area may materialize sometime in the future. .
d. **Since there is a livestock ordinance in town how does this affect zoning for agriculture**? In addition to the Kite property there is newly annexed property on Pentecost Hill that has livestock, which will be covered under the Grandfather clause. The question was asked as to why you would zone anything in town as agriculture when the ordinance states you can't have anything agricultural?
e. How does it work when a farm owner passes away and his heirs take possession? Is the property considered farmland? The response is "yes". Another thought is "What if the heirs sell it, will it continue to be farmland"? This presents a question mark for change. This issue has been addressed in the past with no decisive answer. It was noted however, that the land must be in use as agriculture to avoid change.
f. To the knowledge of the members there is not a different tax rate in effect for land zoned agriculture

The Commissioners then discussed each of the newly annexed areas and preliminarily agreed on proposed zoning for each. Dan Talbot will color code a map and bring it to the July meeting for further comments.

As there was no further business the meeting was adjourned at 9:00 pm.
The next meeting date will be Wednesday, July 14, 2004 at 7:00 P.M.

Signature-Chairman

Signature-Secretary

Planning Commission Minutes
August 11, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Troy Lester, Madelyn Dixon, Wake Gooden

Council Representative Present:
Wayne Printz

Staff Present :
Charlotte Shifflett

Call To Order
Daniel Talbot called the meeting to order at 7:00 pm.

Minutes
The July minutes were approved.

Old Business:
Dan Talbot reviewed several items relative to rezoning proposals being presented.

Public Hearing:
Attendees were advised they would have an opportunity to voice their concerns and were requested to limit themselves to 5 minutes when addressing the Commission.

Citizen Comments:
Nelson & Velma Dofflemyer
262 Florist Rd
Elkton VA 22827
Mr. Nelson Dofflemyer: Florist Rd Elkton, VA

" When I was told I would be zoned residential- (I own 2 lots); I walk out on the front porch, 60-112 cars pass every 10 minutes. To my opinion who wants to build there, build a $200,000 home and try to raise their family with cars one right after the other going up/down the road? That's my opinion. "

" Another thing. I am going to be zoned residential. Whoever wants to buy my property, if they can't buy it for business, they might go in front of me and put in rock throwing distance and buy. Is that being fair to me? Is it? It could be right across from me. I know beyond a doubt you can't take Shen Valley Dry Wall, Roosters and turn them into residential property because they have got too much money involved. I've got 50 years of work involved. "

Commission Member: "Which lot is it"?

Mr. Dofflemyer: "Elkton Florist is numbered B."

Panel reviews the map.

Mr. Dofflemyer: "I want business on both parcels of my land."

Mrs. Dofflemyer: "We want it for retirement and it's retirement time. If you zone us residential it's not worth it!"
Mr. Dofflemyer: "It's going to kill me! Who wants to run a florist? They can't come there and buy my land.
Commission Member: "What zoning is it currently"?
Mr. Dofflemyer: Business. That was done years ago because I was working for the other fellow and I was working under agriculture but, that area was going to b e developed; that don't matter. Those fields back in there were Agriculture too.
Commission Member: "How many lots do you own"?
I've got three lots at Elkton Florist and a lot on the other side of Florist Rd with a house. It's a nice business lot that's what it amounts too a lovely business lot.
Commission Member:
Mr. Dofflemyer: "Yes, but you've still got Florist Rd. You get traffic on ½ road, each piece. I'm getting traffic here both ways. Get's me here. You understand where I'm coming from don't you"?

Don Myers
McGaheysville VA 22840
Don Myers from McGaheysville. Our business is in Elkton. Our budget lot is in the Town of Elkton. I can't tell you what lot we own here. Just a little bit East of Elkton Florists on the same side of road on Spotswood Trail. I can't see any logic in zoning this to residential. Business is on that side of the road. Our business has been there for 50 years-has been Business ever since we have been there and we want to leave it that way. Really ridiculous to change that and rezone it to residential; it certainly would be! We probably own 5 to 6 acres there and we are going to continue to run it as business. If we ever want to sell it whoever buys it will certainly want to run it as business with the types of buildings we have on it. It certainly would not make any sense, and I'm very much opposed to even consider making that residential. It's not even logical to me. It's not like we put the place there last year, it's been there 50 years. I guess I'm looking out for myself in that I would want to be able to sell it and let someone else run it as business and we would not be able to do that if it was zoned residential. It's not logical in my opinion and I am very much against it! I would like to leave it Commercial.

After the Dofflemyer's had voiced their concerns, some discussion occurred between them and Commission members. Tom Schroeder noted he has performed research and discovered the county has it zoned as B1.

Nelson stated "There were about 12 businesses located in this area in the past including Walter Life, and Roy Heiston. It has always been business."

Dan Talbot spoke regarding the Planning Commission's position.

- What do the block areas best fit?
- The reason a Public Hearing is held is to acquire opportunities to understand.
- The people are given a voice.
- If the area had been made business versus residential the roles could have been reversed.
- Discussed the fact that the majority of Spotswood Trail is zoned as business.[Pg 2]

Pg 2

Nelson Dofflemyer stated," This is an ideal place for business. It pulls visitors from Rt. 33."Pg 2

Troy Lester responded by stating "This is food for thought." If business moves to outside limits it pulls business out of town" to which Mr. Dofflemyer replied, "The town will collect taxes. Mr. Lester was the Planning Commission member who had spoken to the Dofflemyers regarding their dilemma prior to the Public Hearing.

Mr. Dofflemyer thought residential could be OK for some property but does not consider 112 cars to be residential. He stated. "Kids can play at Troy's but not at Nelson's." He informed the group that a speeding automobile has actually hit his home in the past. He went on to say, "Speed limit does not control traffic. It would not help a get-a-way car. Lots of traffic by the house and anyone with a family would have no desire to build on the Florist Lot."

Janet Shifflett
S Eastside H/Way
Elkton VA 22827
"I want to request that where we are zoned B2, have it changed to B1?" Printz notes that she lives the next lot down from her brother. Janet stated, "Holtzman does not look like he is 50 feet away from the residential property line." Printz asks if a dead property line is located there? Janet replied, "That driveway used to be there that went over to the alley. Its just a right-of-way that I and my neighbors go in now."

Janet questions, "What about the main driveway by my house? Tractors and trailers will pull in down there and fill up with gas. Are you going to put a light down there? We will never get out when it opens up. Where the tractor and trailers enter they were supposed to come in from Washington Street but now its right against our driveway."

A brief discussion followed Mrs. Shifflett's statements. Dan Talbot noted that Holtzman Oil owns 3 sides of property on the corner lot and the deal was finalized through the county before Mrs. Shifflett was annexed. A buffer should exist between business and residential. The Planning Commission will accept the request and study issues relative to the requested zoning.

Sherry Hall
Summit Avenue
Elkton VA 22827
"Actually, we are concerned about Summit Avenue, its got four B3's on it. We went through this once before and discussed this. But you are going up Summit and all those properties there to the right you are zoning them R5 and then immediately going into R2. I thought the whole purpose of going into this was not to have spot zoning. Now we are going from R5 to R2. To me, that's almost like you are trying to spot zone that area down there; to limit all of the access or all of their uses to the property. I don't understand why R5 didn't go all the way up or didn't scale down-go from R5 directly to R2 whereas any of you go to most cities, towns wherever it's stepped down. You have your R5 then you go to R4, R3 and then to R2. It kind of goes in steps like that but you are going directly from R5 to R2. So our concern is that maybe you ought to reevaluate

this because to us it does look like spot zoning. You know whether its R5, R4 or R3 it should be kind of stepped down instead of going from R5 .

Hall continues, "Well, you are taking R2 on one side of the street and R5 on the other side of the street you know. Why not try to scale it down? Then you have R1 on the Northern part, I guess up here, yes, R4 then you go R2 then to R5. You typically see where it kind of steps down. That's fine with that being R5 but why not go R4, R3, R2 or all of it R4?"

Dan Talbot referenced the area to the north mentioned by Ms. Hall. The Commission intentionally drew it that way. Some R2 zoned lots were needed in that particular area. Some lots had gone to business and not many large lots exist within the Town of Elkton.

Benny King
420 Spotswood Tr
Elkton Va 22827
"I came to review proposals listed as B3 along South Eastside H/Way." Mayor Printz replied, "It's restricted, need permits." Mr. King expresses his view, "I am also worried about the land North of Didi's. What is the difference B1 and B2 Zoning?" Mayor Printz noted, "The set-backs are different."

Mr. King continued by stating that, "Quail Run is Zoned R5. Anyone that comes in to purchase property is shown the originals drawings which include duplexes and single residential." He agreed that R5 was the appropriate zoning.

At this point Mr. Myers inserted an additional statement, "A subdivison is going in, why not conform to business? They should conform." Dan Talbot assured Mr. Myers that the Commission would look into it.

Lyniel and Kenneth Kite:
Elkton, Va 22827
The county informed them that their property is currently zoned A1 and light industrial.

Talbot noted that no zoning is perfectly fitted to this property, which is a large piece of land. In the future you may decide to sub-divide into smaller lots. The frontage is good for business property but you cannot have (2) different zonings listed on the same piece of property.

Kite inquires," How does it affect farming since it is Grand fathered?" Talbot replied, "As far as farming is concerned it will remain the same." The Code Book states that in a case like Kite's they will still be able to run livestock on it as long as ***they are the property owners***. Section 110-708 recorded in he June minutes was read to the Kites. Mr. Kite noted, "A2 is close to B3." He also inquired about the status of availability of utilities in the future.

In addition, it is of interest to note that the Kite property has a historical home, Adam Miller Homestead, located on it.

Dan Talbot advised the Kites of the established procedure following tonight's meeting.

1st Public Hearing	Planning Commission	August 11, 2004
Recommendation to:	Town Council	
2nd Public Hearing	Planning Commission	(to be established)
Recommendation to:	Town Council to Vote	

Mr. Kite stated, "We need a choice if we decide to sell." Dan Talbot advised Mr. Kite if he applied for a subdivision; he may apply and get it but he would need to be in compliance.

Once the Kites had taken their turn to address the Commission there were no more interested parties requesting a turn at the rostrum

With most of the guests requesting to be excused the members continued with business on the agenda.

The Planning Commission revealed that Jeremy Ream is a candidate to replace Tom Weyrick, who has resigned.

A motion was made to nominate Jeremy as a member of the Planning Commission.

Troy Lester moved, seconded by Commission Member Wake Gooden.
Motion carried (5-0 voice vote)

The members held a brief discussion, which designated the differences between B1 -B2 and B3 zoning requirements.

The rezoning proposal, which includes land from the river to Rt 33 has been tabled for now. Talbot stated that there is no time limit on completion of proposal, which led him to make several suggestions; including tabling what we have now or changing the code to require B2 to have a buffer.

A member inquired if all properties from the river to Rt 33 would be taken in by B2? Talbot replied, "B2 code should be changed first and then a review of rezoning would occur. "

In the discussion that followed it was suggested that another meeting be held before taking the issues to Council

Troy Lester moved, seconded by Commission Member Madelyn Dixon.
Motion carried (5-0 voice vote)
No date was scheduled for the meeting.

The discussion reiterated a need to amend B2 zoning to require a 10 foot buffer area between residential and business.
Tom Schroeder moved to amend the B2 code requiring green landscaping consisting of grass, trees and/or shrubbery; seconded by Dan Talbot.
Motion carried (5-0 voice vote)

Another Public Hearing will need to be scheduled to present the plan to have the B2 code amended. This issue will be recommended to Council.

However, the next meeting, to be held on September 8, 2004, will not be designated a Public Hearing Additional time is needed to gather documentation, descriptions, and etc. to revise wording of B2 code.

Let the records show that the proposal to zone from business to residential from the river to Rt 33, including Elkton Florist and Myers Budget Lot , has been tabled until further study, hearings, and meetings have been established and the issue resolved satisfactorily.

With no further business to discuss the meeting was adjourned. The next meeting date will be September 8, 2004.

S[Pg 6]ignature-Chairman

Signature-Secretary

Planning Commission Minutes
October 13, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Jeremy Ream, Madelyn Dixon, Wake Gooden

Council Representative:
Wayne Printz was unable to attend the meeting.

Staff Present :
Mr. Dennis Donachy, Town Manager and Public Works/Zoning Administrator
Charlotte Shifflett

Call To Order
Daniel Talbot called the meeting to order at 7:00 pm.

Mr. Jeremy Ream was welcomed to the Planning Commission as a new member.

It was noted that Tom Schroeder's current term expires on November 30, 2004.

Minutes
The August minutes were approved and signed by the Chairman and Secretary.

Dan Talbot, Chair Person introduced the new Town Manager, Mr. Dennis Donachy. Mr. Donanchy stated that he is very pleased to have an active Planning Commission in the town and is looking forward to working with the members in an attempt to resolve issues facing the future of the town.

Old Business:
Dan referenced the Public Hearing that was held and stated that, B2 and/or R2 zoning have nothing distinguished or defined to offer current residents protection from business. The B2 verbiage may need revising to offer protection to existing residential areas.

The Town Attorney has mailed a draft copy of the recommended changes to B2 Zoning. Once it is formatted and passed by the Planning Commission it will be forwarded to Town Council for approval. A revised B2 zoning may prove to be more palatable to citizens.

Mr. Donachy questioned should a public hearing be held since the Planning Commission is presenting a zoning change? He anticipates scheduling a joint hearing between the Planning Commission and Town Council.

Sub Division--The subject was discussed regarding different interpretations for small lots as opposed to having streets and/or pavements in the larger developments. The conversation included comments relative to curb and gutter projects.

Sign Ordinance—The sign ordinance underwent some changes not long ago.

Mr. Donachy initiated this subject. He noted that he had received a call from a local financial institution desiring to place a banner at their place of business.

a. Is there a definition of banners placed by town citizens?
b. VDOT allows the temporary placement of banners in town if procedure is followed.
c. Is there any recommendation for enforcing signs?

Town of Elkton Code Books
A process needs to be implemented to be positive that all Code Books are being updated as revisions occur. A list needs to be established and data recorded as to where the Code Books are currently located. Each person with a book in his/her possession will be requested to return it to Charlotte temporarily to verify it is the current revision and then numbered to comply with distribution of future updates and/or revisions. This plan will be implemented to assure that all copies remain up to date and once the person it's issued too no longer needs it he/she is responsible to return or face the possibility of replacing the copy at a cost of $116.00.

Comprehensive Plan
The status of this Plan remains incomplete. Before it's completion some major issues need to addressed as follows:

a. Zoning
b. Plan for water, sewer, and utility lines for anticipated future growth.

Copy of B2 by Attorney
The draft copy was reviewed and the members discussed the proposed changes to B2 zoning.

Proposed Changes to B-2 Zoning

Section 110-611(F)(1)(d)[1]
One Side: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

Section 110-611(F)(1)(d)[2]
Two Sides: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

Section 110-611(F)(1)(e)
Rear yard: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

Section 110-611(F)(2)(a)
Side yard: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a five-foot clear and maintained setback on the side or sides adjoining such residential district.

Section 110-611(F)(2)(b)
Rear yard: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a five-foot clear and maintained setback on the side or sides adjoining such residential district.

B2 (con't)
Dan Talbot noted, "If the verbiage speaks to any residential property instead of just property zoned residential, the Grandfather law can force the B2 owner to make changes that are not in the long term interest of the town."

Ms. Dixon, "In reference to what?"

Dan replied. "Anything that is zoned B2." One area in question at the Public Hearing was South Eastside Highway area where residential is located very close to business. The other area was Business 33 where the Elkton Florist and Myers Budget Lot were proposed to be zoned R2. The owners want these properties to remain as B2. The Commission is concerned about future business in the sub division.

The conversation reverted back to the B2 zoning change proposal. Mr. Donachy was consensus on the green spaces as outlined in the draft copy.

All members were invited to express concerns relative to the B2 zoning change recommendations. No questions were presented and this prompted a motion to accept the changes

Tom Schroeder moved, seconded by Commission Member Madelyn Dixon. Motion carried (5-0 voice vote)

- After attorney approval a joint Public Hearing will be scheduled.
- After Public Hearing the Planning Commission will vote to approve/disapprove changes as written.
- If approved by the Planning Commission, then change will be presented to Council for their approval/disapproval.

New Business:

There was nothing addressed as new business. One member inquired if there had been action on the McDaniel property on North Street? No final plat has been presented.

The next meeting is scheduled for November 10, 2004 at 7:00 PM.

Signature-Chairman

Madelyn S. Dixon
Signature-Secretary

NOTICE OF PUBLIC HEARINGS
TOWN OF ELKTON

The Elkton Town Council will hold three (3) Public Hearings on Monday, November 15, 2004 starting at 6:00 p.m., in Council Chambers of the Elkton Municipal Building located at 173 West Spotswood Avenue to receive comments on the following:

Public Hearing Number 1

A joint meeting with the Elkton Planning Commission for the proposed changes to B2 setbacks;

Public Hearing Number 2

Proposed Charter revisions to the Charter of the Town of Elkton;

Public Hearing Number 3

Proposed occupation of the second floor of the Kite house by the Town Manager.

Interested persons may appear at the Public Hearings and present their views on any or all of the topics. Copies of the proposed B2 zoning and the Charter revisions are available in the Treasurer's Office located at 173 West Spotswood Avenue, Elkton.

Block ad, The Daily News Record, Monday, November 1 and Monday, November 8, 2004

Block ad, The Valley Banner, Thursday, November 11, 2004

FYI
Charlotte
298-1330

Planning Commission Minutes
November 15, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Jeremy Ream, Madelyn Dixon, Wake Gooden

Council Representative:
Wayne Printz

Staff Present :
Rick Carey

Call To Order:
Upon completion of the Public Hearing the Planning Commission went into a brief session called to order by Dan Talbot, Chairperson.

Minutes:
The October minutes were read.
Tom Schroeder moved to accept the Oct 13th meeting minutes, seconded by Commission Member Jeremy Ream.
Motion carried (5-0 voice vote)

Old Business:

The members held a brief discussion relative to the shortened version of the B2 Zoning Proposal.

Tom Schroeder moved to accept the shortened version of the B2 Zoning Proposal, seconded by Wake Gooden.
Motion carried (5-0 voice vote)

The Planning Commission will need to wait for further action until the shortened version of the B2 Zoning Proposal is accepted or rejected by Council.

New Business:

No new issues were presented.

With no further business, the meeting was adjourned. The next meeting is scheduled for December 8, 2004 at 7:00 PM.

Signature-Chairman

Madelyn G. Dixon
Signature-Secretary