Planning Commission Minutes
September 14, 2005

Planning Commission Members Present:

Daniel Talbot, Jeremy Ream, Madelyn Dixon, Wake Gooden
Excused: Wayne Printz
Staff Present : Dennis Donachy, Charlotte Shifflett

Call To Order:
Dan Talbot, Chairperson called the meeting to order at 7:00 pm. The agenda called for a review of July meeting minutes. Jeremy Ream made a motion the minutes be accepted as written. Madelyn Dixon seconded the motion.
Motion Carried: (3-0 voice vote)

Vacancy:
Harry Armbruster was copied with a packet and invited to the meeting. He was available to answer several questions presented by Commission members.

Dan Talbot recommended that Mr. Armbruster's name be submitted to Town Council for approval Madelyn Dixon made a proposal that the Commission accept Mr. Armbruster to fill the vacancy left at Thomas Schroeder's resignation. The motion was seconded by Jeremy Ream.
Motion Carried: (3-0 voice vote)

By-Laws:
The current by-laws were adopted in November, 1995. Some of the language has been corrected to make this the first revision. It was noted that they do not need to go to Council for approval.

A vote will be taken at the next meeting regarding the acceptance of the By-Laws as they currently read.

Member:
It was noted that the Commission needs to have another member. The issue was discussed as to whether or not the Public Works Director should serve? It was recommended that Marty Shifflett serve as a member beginning at the meeting in October. Mr. Donachy took the assignment to discuss this with Marty, and take the appropriate action at the next council meeting.

Administrative:
The by-laws state that a member of the Administrative Branch maybe a member.

Currently, the Mayor serves on the Planning Commission as the Town Council representative. It was noted that he needs to be in attendance more regularly. Mr. Talbot agreed to discuss the issue with the Mayor.
Ref. Chapter 6
Jeremy made a motion that Mary Shifflett be allowed to sit on the Commission as part of the Administrative Branch. Madelyn Dixon seconded the motion,
Motion Carried: (3-0 voice vote)
(Wake came to the meeting late due to a prior commitment and did not get to vote on the above issues).

Troy Lester:
Mr. Lester has contacted the Town of Elkton to state that he no longer owns property within the town limits and has officially resigned as a member of the Planning Commission.

Discussion:

▲ **Four Star Realty on behalf of Sharon Lampe:**
105 Clover Ln
Elkton, Va 22827

A proposal was submitted to the Commission requesting permission to sub-divide property at 105 Clover Ln. The owners attended the meeting to be assured they are in compliance.

A brief discussion noted that Pg 11023 of the Code needs to visited. It was suggested that language in the current document needs to be revised so that Sub Division and division of property be more defined.

Mr. Donachy accepted the assignment to develop acceptable language that would revise the Code to have a definition that defines a more distinct difference between the two

Jeremy Ream made a motion to approve the subdivision. The motion was seconded by Dan Talbot.
Motion Carried: (3-0 voice vote)

Elkwood Sub Division:
A representative attended the meeting to roll out the preliminary plan for the Sub Division.

The property is currently zoned R-8 with no set backs recorded *(Ref. Pg 11052 of the Code)*

On a positive note some items mentioned as follows:

a. curb/guttering on both side of the street.
b. all single family homes
c. water tower and a well
d. water retention drain (will be maintained by the town).
e. Sewer, hydrants and lighting *(Ref. Pg 11052 of the Code)*
f. Bike path

A member directed a question inquiring about where the new part of the subdivision meets the existing entrance? Plans show the developer placing a break-a-way gate to avoid traffic for emergency vehicles. The Commission recommended showing the plan both with and without the gate and also an option of an additional connection on the south side of the same intersection.

Mr. Donachy and the developer will meet to discuss and clarify set backs which will be included in the final plan. It was noted that guidance will be needed in establishing the zoning. Mr. Donachy will provide verbiage at the next meeting.

An inconsistency needs to be resolved on Pg 11054 which defines the time frame for a Public Hearing; for both the Planning Commission and the Town Council.

1) The Planning Commission will take 30 days to review.
2) Mr. Donachy will take the presentation to Council.
3) A Public Hearing will tentatively be scheduled for the week following the next Planning Commission meeting.

The Planning Commission Chair Person should put in letter form to be presented to the Town Council. All members were advised to feel free to contact Mr. Donachy with your questions and/or comments.

Questions:

1) It appears that comparison of R2 and R3 setbacks suggest it's geared more toward R2.
2) A member inquired if the Covenants are the same as the original Elkwood's? It was noted that the Town does not create, administer or is obligated to abide by Covenants.
3) Another member was interested in requirements for lights? The code *(Ref. pg. 11051) calls for appropriate lighting, but does not require it shown on the plan. The Commission requested that this detail be added to the plan to clarify the intentions of the developer.*

The plan has been posted in the Municipal Office hallway for review by the public.

Teresa Raynes Sub Divide Property:
210 Water Street
Existing zoning is B1

Lot has been redesigned *(Ref. Pg 11117)*

The commission reviewed the proposal and agreed that it met all the code requirements.

Jeremy Ream made a motion that Ms. Raynes will have permission to proceed with the lot redesign; but it will be filed with the attached amendment. Wake Gooden seconded the motion.

Motion Carried: (4-0 voice vote)

Amendment:
TOWN OF ELKTON

MEMORANDUM

DATE: September 9, 2005

TO: Whom It May Concern

FROM: Dennis R Donachy, Town Manager/Zoning Administrator

SUBJECT: Non-Conforming Property

The house located on property at 210 Water Street, Tax map 131B1-A-22, Zoned B1 and is currently a non-conforming structure because as a residence in B1 zoning it does not meet the set back requirements of 25' for the front yard and a side yard setback of 5'. The house can continue to be occupied and/or sold as a residence and permits for renovations and/or repair will be granted if all building codes and the following requirements are met;

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. A structure which by reason of this passage of this chapter has become nonconforming which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than 50% of its accessed value at the time of the damage shall not be restored except in conformity with the regulations in the district in which it is located. When damage by less than 50% of its accessed value, a nonconforming structure may be repaired or reconstructed, and used as before the time of damage, provided that such repairs or reconstruction are completed within one year of the date of damage.

3. The minimum lot size is 6,250 square feet with a minimum frontage at setback of 50'.

If the house were to be converted into a business it would become nonconforming structure with no minimum lot size

Dennis R. Donachy
Town Manager/Zoning Administrator

Draft of Comprehensive Plan
All members were presented with a draft copy of the Comprehensive Plan. They have been requested to read it and call Mr. Donachy with any suggested changes so they may be kept consistent and the process to finalize the plan will move forward.

This will be the topic for discussion on the next meeting agenda.

With no further business to discuss, the meeting was adjourned. The next scheduled meeting date is October 12, 2005 @ 7:00 pm in Council Chambers.

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Signature-Chairman Signature-Secretary