PLANNING COMMISSION MEETING
September 2, 2008

Attendees:
Dan Talbot *Harry Armbruster* *Madelyn Dixon* *Charlotte Shifflett/Administrative* *Attorney Sigler*

Excused: *Cathy Morrison* *Theodore Pence*

Dan began the meeting at approximately 7:10 pm. The minutes were reviewed from April 28th and August 5th meetings.

Harry Armbruster made a motion to accept both sets of minutes as presented. The motion was seconded by Madelyn Dixon.
Voice vote = 3-0
Motion Carried

Old Business:
2008-045
Elva Catherine Shifflett
At the August meeting Mrs. Shifflett submitted a request to sub divide property on E Prospect Avenue that lies within R 5 zoning district.
Sept 2, 2008
Mrs. Shifflett presented a revised plat that placed an easement on the new lot for her septic drain field.

a. Members to approve the August 25, 2008 plat as presented by the surveyor.
b. An easement is reflected on the August 25, 2008 plat.
c. Legally we are in compliance.
   1. Are we enforcing the annual check for wells in the Pentecostal Hill area in the near future?
   2. If needed, we may need to revisit the septic tank usage in town.

Tax Map 131B4-5-4
The original motion read as follows:
Harry Armbruster made a motion to sub divide the lot and existing trailer and for any structure on adjacent lot pending hook up to town water and sewer on both lots. The hook up required due to existing septic field being on the other lot. The motion was seconded by Theodore Pence.
Voice vote = 4-0
Motion Carried
Recommendation will be presented to Town Council for consideration

New motion:
Harry Armbruster made a motion to sub divide the lot and existing trailer lot, with septic easement and well as shown, on the August 25, 2008 plat. Madelyn Dixon seconded the motion.
Voice vote = 3- 0
Motion Carried
Recommendation will be presented to Town Council for consideration

New Business:

2008-050
Otho & Charlotte Conley
125 Pine Street
Mr. & Mrs. Conley submitted a request for adjustment/vacate a lot line. The property lies in an R 2 zoning district.
Tax map # 131-(A)- 41 A adjoining E Summit Avenue

After reviewing the surveyor's plat it was discovered that the buildings were not displayed on the property. In order to prevent future discrepancies the Planning Commission made the following motion:
Harry Armbruster made a motion to approve the Otho & Charlotte Conley plat, seconded by Madelyn Dixon.

a. Vacate line in plat dated June 10, 2008
b. In addition, accept GIS data dated August 28, 2008
c. With attachment, Mr. Conley signed GIS with dimensions and dated Sept. 2, 2008.
d. The surveyor will present a new plat which will display buildings on Conley lot.

Voice vote = 3- 0
Motion Carried
Recommendation will be presented to Town Council for consideration

Cell Phone Tower on 220 Shenandoah Avenue

The acting Zoning Administrator has asked for help with a request from Mr. Roger Hewitt to add an antenna to the existing tower located on Shenandoah Avenue.

- Federal and State Code over rides the Town Code.

Pathforward:
Charlotte will add an item to address antennas on next month's agenda.

Resolution from Town Council:

The Elkton Town Council has requested the Planning Commission to include this Resolution on September's agenda and expedite any recommendations relative to this issue promptly. Finalization deadline is February 8, 2009 so any input will need to take place well before that date!

From the Regular Council Meeting August 18, 2008, Council member O'Neill moved on the following resolution:

The Elkton Town Council hereby directs the Elkton Planning Commission to prepare certain amendments to the Elkton Zoning Code as follows:

1. Amend Section 110-607. High Density Residential District R-6, as is necessary to allow for an increase in density to 20 units per acre by special exception permit.
2. Amend Section 110-302. Terms defined, as is necessary to include a new definition under Dwelling, Multi-Family, for senior or fifty-five and older apartment building.
3. Amend Section 110-703C. Off-street Parking, as is necessary to include the new category for the senior or fifty-five and older multi-family dwelling requiring 1.5 spaces per dwelling unit, with 1 space per dwelling unit to be maintained in a dust-proof condition with the additional 0.5 spaces per unit that could be maintained in an alternative surface.

4. To explore defining a new high density planning and development zoning classification that will meet the contractual obligations for Phase II and Phase III of the Mark-Dana Agreement.

Furthermore, the Elkton Town Council requests that the Planning Commission act expeditiously in setting the public hearing and submitting its recommendation to Council.

The motion was seconded by Vice Mayor Dearing.

YEAS: M. Dearing, M. O'Neill, D. Kite, and T. Pence

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

- □ Process Phase I to execute and remain in compliance
  - It is the responsibility of the Planning Commission to make recommendations per Code. Several issues involved will be:
    - a. Change existing code?
    - b. Establish a new Code to reflect current issues?
    - c. Re-zone property?
- □ Members began the process by reviewing several documents:
  - Suggested language surrounding the defininition of Apartments from May, 2007 minutes.
  - Attorney Sigler passed out copies of the City of Harrisonburg R-5 High Density Residential District.

Dan Talbot, Chair and the panel decided to concentrate on the Code first and take up the possibility of re-zoning at the next meeting. Senior housing is appealing to most involved and they feel it will not present problems. The Commission is being given an opportunity to add some good points. However, if we do nothing Council will still move ahead without our input—which means by default they may approve without any recommendations.

§ **110-713** **Special Regulations for Apartment for Seniors (New)**

a. Apartment complexes are to contain curb, gutter, and sidewalks that service all living quarters and amenities within the complex.

b. All common areas shall be maintained by the apartment owners. If not maintained, maintenance can be done by the Town and billed to the owners at the current town rate.

c. Adequate lighting shall be provided to the entire apartment complex at the apartment owner's expense.

d. The front façade of each principle building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street.

e. Paved space needs access to be attached to building and street.

f. Determine construction material to be outside walls.

§ **110-703** **Off Street Parking**

a. Add a new category defining Parking in Senior Complexes

b. Shall allow 1 ½ space per unit

Brainstorming for R 6 Considerations.

- *Use of a Special Exception Permit would allow some control.*
  1) Multiple family development special use permits may be approved if they meet regular codes plus conditions as determined by town are met.
- *Re-Zone all the property to R 6?*
  1) If changes are implemented, all residents in R 6 Districts would have to be notified individually of changes.
- *Lower density requirements?* Phase I was well detailed. Phase II and Phase III were left open ended in the General Presentation by Mark Dana Agreement. Restrictions may help control density in the last two phases
  1) Lower to 0-12 *units per acre*
  2) Between 13-17 *Apply for a Special Exception Permit*
  3) From 18-20 *Reserve for Senior Complexes*
- *Check State Codes*

The meeting adjourned at 10:00 pm. The next meeting is scheduled for September 30, 2008 at 7:00 pm. This date was established so the Planning Commission will have updates ready in time for Public Hearing advertisements to run addressing the issues noted in these minutes.

Submitted By:
Charlotte Shifflett

Dan Talbot/Chairman

Madelyn Dixon/Secretary