PLANNING COMMISSION MEETING
October 30, 2008

Attendees:

Dan Talbot	*Harry Armbruster*	*Cathy Morrison*
Cole McGregor	*CharlotteShifflett/Administrative*	*Attorney Sigler*

Excused: *Theodore Pence* *Madelyn Dixon*

A joint Public Hearing between Planning Commission and Town Council.

- (Minutes pending acceptance by Council)

Planning Commission Meeting for November 2008.
The minutes were reviewed from September 30, 2008 meetings. Cathy Morrison made a motion to accept the minutes as presented, seconded by Cole McGregor.
Voice vote = 4-0
Motion Carried

Old Business:

Discussion of Proposed Amendments

Dan Talbot called the meeting to order and noted that members should look beyond the Koogler contract and place ordinances in effect that would be used in the future.

This project originated within the Planning Commission meeting held on September 2, 2008 in response to a request made by Council for input relative to the Koogler Contract

Town Attorney, Lauri N Sigler presented handouts containing proposed amendments to Town codes, dated September 30, 2008. She noted that it was not suggested the proposed amendments be scaled back. Some concerns expressed were:

- If the property is not re-zoned may Mr. Koogler still build?
- How many people may live in each unit?
  - State and federal laws are in place to determine this issue.
- The Koogler property is a sub division of the Kite property but Mr. Koogler has not requested (at this time) a sub division of his tentative acreage.

Amendments to the Elkton Town Code
As approved by the Elkton Planning Commission on
October 30, 2008
Amending Section 110-607

Chapter 110
LAND DEVELOPMENT
Article VI
Use Districts

Section 110-607. **High-Density Residential District R-6.**

B. Permitted uses. Within the High-Density Residential District R-6 the following uses are permitted:

(1) ~~Multiple-family dwellings, apartments, townhouses, (as regulated in § 110-709 of this chapter).~~ Multiple-family dwellings, apartments and single-family dwellings, provided that no more than twelve dwelling units shall be permitted in each multiple-family dwelling or single-family attached dwelling, and provided that, with respect to townhouses, the use is in compliance with the provisions of § 110-709 of this chapter.

C. [Amended 3-25-1991] Special exceptions. When after review of an application and hearing thereon, in accordance with Article VIII herein, the following uses may be permitted by special exception permit:

(12) ~~(Reserved)~~ Multiple-family dwellings of more than twelve (12) units per acre or more than 12 units per building under conditions set forth in subsection H and such other conditions deemed necessary by council.

E. Lot regulations.

(1) (a) [3] Maximum density is ~~17~~ twelve (12) units per acre.

H. Other regulations.

(1) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, multiple-family development special use permits may be approved for dwellings of more than twelve (12) units per acre up to seventeen (17) units per acre or more than 12 units per building if the following conditions as determined by council are met:

(a) Consideration of existing or approved multiple-family development, or land planned for multiple-family development according to the Comprehensive Plan and its location to the proposed multiple-family development.

(b) The applicant has demonstrated that adequate vehicular, pedestrian and bicycle facilities:
• Currently serve the site; or
• Are planned to serve the site according to a town or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
• Will be provided by the applicant at the time of development; or
• Are not needed because of the circumstances of the proposal.

(c) The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single family, duplex and townhouse development. Compatibility may be achieved through architectural design (e.g., multi-dimensional façade or other attributes that make the development appear

more residential in character) , site planning, landscaping and/or other measures that ensure that views from adjacent single family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

(d) The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

(2) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, multiple-family development special use permits may be approved for dwellings of eighteen (18) or more units per acre up to twenty (20) units per acre if the following conditions as determined by council are met:

(a) The applicant has met all the conditions in subsection H(1) above;

and;

(b) The applicant has demonstrated that the proposed multiple-family development will be a "multiple-family senior dwelling" as defined in this Chapter.

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Deleted: such that the dwelling will contain three or more independent living units where the proposed multiple-family development's living units are occupied by persons fifty-five (55) years of age or older per unit; and, whereby the owner by adherence to policies and procedures demonstrates the intent to provide independent housing for persons fifty-five (55) years of age or older.¶

Amendments to the Elkton Town Code
As approved by the Elkton Planning Commission on
October 30, 2008
Adding new definable terms to Section 110-302

Chapter 110
LAND DEVELOPMENT
Article III
Terms Defined

DWELLING, MULTIPLE-FAMILY SENIOR – A building containing three or more independent living units where the proposed multiple-family development is "housing for older persons" as defined by Section 36-96.7 of the Code of Virginia (1950), as amended, and is for adults only.

PARKING UNIT, PRIVATE - A self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit shall be entered by from the public street; and offer adequate ingress and egress for emergency vehicles and shall be developed according to standards found in Section 110-703B, herein.

Deleted: 's living units are occupied by persons fifty-five (55) years of age or older per unit; and, whereby the owner by adherence to policies and procedures demonstrates the intent to provide independent housing for persons fifty-five (55) years of age or older.

Deleted: Subdivision Street Requirements by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended.

Amendments to the Elkton Town Code
As approved by the Elkton Planning Commission on
October 30, 2008
Adding a new use category to Section 110-703

Chapter 110
LAND DEVELOPMENT
Article VII
Use Regulations

B. Site requirements.

(1) All such parking spaces, except those serving one- and two-family dwellings shall be hard surfaces with concrete or plant bituminous material and shall be maintained in dustproof condition.

(a) The minimum pavement section for privately owned and maintained parking areas (including drives within parking areas) shall consist of a 6 inch aggregate base course (VDOT 21-A) and a 2 inch bituminous surface course (VDOT 5-5) based on a California Bearing Ratio (CBR) value of 10, or equivalent standard for concrete.

(b) Where the average CBR value is less than 10, an additional 1" of subbase shall be required for each point, or part thereof, less than 10.

(6) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, a special use permit may be approved for a multi-family senior dwelling so that the parking surface for no more than 0.5 spaces per unit may be of an alternative surface than required in Subsection (1) herein if the conditions as determined by council are met. Access to and from the building from the public street, including turn around areas cannot be impeded by the alternative surface parking area.

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Deleted: (a) The parking spaces with the alternative surface are contiguous with the hard surface spaces; and¶
. . . (b) The parking spaces with the alternative surface do not abut the multi-family senior dwelling; and ¶
. . . (c) The parking spaces with the alternative surface do not lie between the hard surface spaces and the public road.

C. Parking space requirements for all districts except B-l Business. In all districts, there shall be provided adequate off-street motor vehicle parking spaces with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth, including but not limited to the following: **[Amended 12-18-2000]**

Land Use	**Parking Requirements (spaces)**
Dwellings;	
One and two families	2 for each dwelling unit
Multifamily, senior	1.5 spaces for each dwelling unit
Multifamily, townhouses	2 per dwelling unit

Amendments to the Elkton Town Code
As approved by the Elkton Planning Commission on
October 30, 2008
Adding new Section 110-713

Chapter 110
LAND DEVELOPMENT
Article VII
Use Regulations

Section 110-713. Special regulations for multiple family dwellings.

A. The primary entrances of each principle multi-family dwelling shall face a dedicated public street or the limits of a private parking unit (as defined) and shall also contain curbs, sidewalks, and gutters as required that service all living quarters and amenities within the complex.

B. Adequate lighting as determined by the zoning administrator and chief of police will be provided for each building.

C. All open areas, including parking, shall be maintained by the owner.

D. When a new public street is required the street shall be built in accordance with section 110-904 I, herein.

Deleted: , gutters, and

Deleted: The streets including curbs, gutters, and sidewalks shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended.¶

DISCUSSION

- Dan inquired of Attorney Sigler if Mr. Koogler would be presenting a site plan to which she responded that due to limited time he probably would not!
- Engineering drawings are complete for the sewer line along Newtown and Mt. Pleasant Rds.
- Koogler project depends on tax credits he will receive.
- Members viewed a picture of a completed unit to get a general idea of a completed project.
- Do we know if apartments are 1 or 2 bedrooms?
- Building will house an elevator.
- Some discussion occurred regarding the issue of an 80% vs. 20% ratio of persons 55 and older.

Attorney Sigler read the amendments as proposed by the members.

Upon completion, Cathy Morrison made a motion to hold a Public Hearing for proposed amendments to the Town Code as read by Attorney Sigler and dated September 30, 2008 plus 110-607, 110-802, 110-302, 110-703, and 110-713 for this definition and changes as discussed. The motion was seconded by Cole McGregor.
Voice Vote = 4-0
Motion Carried

With no further business, the meeting was adjourned. The next meeting is tentatively set for November 20, 2008 @ 7:00pm in the new Council Chambers located at 20593 Blue & Gold Dr.

Submitted By:
Charlotte Shiffler

Dan Talbot/Chairman

Madelyn Dixon/Secretary

File Name P:/Common/Planning Commission/Minutes/2008/10-30-2008 Revised