PLANNING COMMISSION MINUTES

December 2, 2008

Attendees:

Dan Talbot/Chair	Harry Armbruster/Vice Chair	Cathy Morrison
Cole McGregor	Charlotte Shifflett/Secretary	Lauri Sigler/Attorney

Excused:

Madelyn Dixon	Theodore Pence/Council Representative

Chairman, Dan Talbot called the meeting to order at 7:00pm. The minutes from the Oct 30, 2008 meeting were reviewed. Harry Armbruster, seconded by Cole McGregor, made a motion to accept the minutes as written.
Voice Vote = 4-0
Motion Carried

ZP 2008-072
Randell Snow attended the meeting to represent the Elkton Ruritans. A request was submitted to the Zoning Administrator to place a sign on property located on 100 South 1st Street and running parallel to Spotswood Trail (old Rt 33). The following determination was made relative to issuance:

- Mr. Snow will locate the surveyor's pin and bring results to the Zoning Administrator.
- Add a condition requesting that the Public Works Director submit a document; signed and stating that the town needs a 5 ft easement for any future maintenance work orders.

Pathforward:
Charlotte will place a call to an industrial sign vendor and inquire if they have definitions which define the difference between Class A and Class B?

Accessory Building Code:
112 North Stuart Ave
Tax Map # 131B2-(1)- B 29 Lot 3

The property owner has received (2) certified letters advising her that turning her building in an opposite direction resulted in a non-compliance accessory building.

She responded to the Zoning Administrator's second letter by inquiring about the R3
E: Lot Regulations
2) Accessory Buildings and uses: 10 feet from main building
(a) Side yard five feet:
(1) Add 15 feet for corner lots
(2) Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same lot is less minimum. In such cases, the side yard on such lot may be the existing side yards on the existing developed lots.
(b) Rear yard: five feet

Pathforward:
Charlotte will respond by attempting to verify if other accessory buildings in the area meet the set back requirements.

It was noted that the Planning Commission and/or Zoning Administrator do not have the leverage to do something incorrect when the issue may be corrected.

Old Business:

Zoning Application Revisions

- Set a date for the Committee to meet.

Koogler Project:

Phase 1

1) Rezone property from R 8 to R 6.
2) Adjust property lines
3) 20 ft. of property dedicated to public use. Town will own this property.

- In the event the plan is rejected Mr. Koogler may still build 12 units per acre in R 8 by presenting a Master Plan.

Phase II and III

1) Currently, no restrictions apply to the remaining acres.
2) Do residents really want 180 apartments in one (1) location?
3) Elkton housing consists of 30% multi-family –do we really want it increased to 45%?

Summary:

- Council signed the real estate contract at the beginning of the process. The Planning Commission made the best recommendations out of restricted recommendations. If members do not make any additional effort the general consensus is "We have done the best we can".
- Phase I is requesting rezoning. Phase II and III requires the developer to return if he intends to go over 12 units. R 8 allows some control but not ultimate control, whereas, R 6 gives some control by using a Special Exception Permit.
- Proffers—The developer has volunteered to plant trees around the borders of the 5 acres. It is defined as a proffer but could be noted as a condition on the special use permit application.
- The project will have 50 days from today for consideration. Council has requested a Public Hearing on December 15, 2008 at 6:00 pm to be held in the new council chambers located at 20593, Blue & Gold Dr.

Open Discussion:

The Chairman noted that before annexation there were 122 units, mostly duplexes, in town. The Comprehensive Plan defines a goal of 80% single family homes and 12% for apartments. However, the developer, Mr. Koogler requests rezoning on the entire 16 acres as a whole, as opposed to the 5 acres in Phase I, which makes a dramatic increase in apartment units.

Between now and December 15th all members should communicate with Council members and see how they feel about rezoning the whole 16 acres as requested. Planning Commission members reviewed the official zoning map in addition to a Master Plan Exhibit Map in an attempt to make a determination as a group

Attorney Sigler noted that if Mr. Koogler misses the cycle to apply for tax credits the project faces a year's delay. At this point, she could not speculate on what effect, if any, this would have on the existing signed contract. She continued by inquiring as to what additional documentation may be required of Mr. Koogler?

Chairperson, Dan Talbot requested clarification of the following issues:

1) Clarify the Accomac Covenants will be coupled with the current project.
2) Verify the planting of trees surrounding the 5 acre boundaries.

He also noted that we are working within a condensed time line and need public exposure.

Pathforward:

Charlotte will look into placing an ad in next week's Valley Banner.

Several members inquired if Council would still be able to vote "yes", in a worst case scenario, where the possibility exists that the Planning Commission will not make a favorable recommendation?

Harry Armbruster made a motion that the Planning Commission members attend the joint Public Hearing with Town Council scheduled at 6:00 pm on December 15, 2008. The motion was seconded by Cole McGregor.

Voice Vote = 3-1
Motion Carried

With no further business to discuss, the meeting adjourned. The next regular meeting is scheduled for the first Tuesday, January, 6, 2009. This date is subject to change.

Submitted By:
Charlotte Shifflett
Administrative Secretary/Planning Commission

Chair/Dan Talbot

Secretary/Madelyn Dixon