PLANNING COMMISSION MINUTES
MARCH 31, 2008

Talbot, Dan – Chair
Armbruster, Harry – Vice-Chair
Dixon, Madelyn – Secretary
Morrison, Cathy – Commissioner
Ream, Jeremy – Commissioner*
Guests:
Margretta Isom/ Council Member

Shifflett, Charlotte – Admin Rep
Shifflett, Marty – Zoning Admin
Laurie Sigler- Town Attorney
Pence, Theodore – Council Rep*

(*) denotes absence of member

The regular Planning Commission meeting began @ 7:15 PM with Daniel Talbot presiding. The minutes from February and March, 2008 meetings were reviewed and a motion was made by Harry Armbruster that they be approved, seconded by Cathy Morrison
Voice Vote
4-0
Motion carried

Members:
We are short two members but volunteers are very hard to recruit. The group was unsure if advertising would attract any candidates.

Old Business:
King Proposal

1) Rezoning Request shall permit one use! The alley closure has its own separate issues.
   a. The alley documented sits in mid field.
2) One parking space per unit is requested.
   a. Will amendment to Code be needed if passed?
   b. These are senior apartments but the idea of I space per renter was room for concern.
3) The Planning Commission can't work on the all the issues at once.

FEMA Map :

The new FEMA map drew Mr. King's attention! A county official advised that the building can sit 176 ft. from front. Parking may be allowed in back but cannot touch the floodway. Engineering assistance will need to be sought after, however, if rezoned to R 6 it may allow parking near the floodway. A decision must be made whether to construct 1 or 2 bedrooms before moving forward. It will be limited to (3) stories but will include an elevator.

Harry Armbruster was concerned if the new FEMA line may be cause to redesign building?

Council member Isom expressed a concern regarding (I) parking space per unit. Although the renter may possess only one vehicle it's inevitable that a visitor will be there at some point and time. She was curious as to what type people may be applying? Mr. King had noted earlier that a Key Pad entry system would be installed and this idea was a very good one commented Mrs. Isom.

Dan Talbot cautioned members to ask themselves if this is a good land use for this property? Will it work well as R 6? Would we like to provide this type

setting in the future? He reiterated the fact that the following issues should not be addressed at this meeting:

- The parking issue should not be addressed at this meeting.
- The alley closure will not be discussed tonight.

Seniors in a flood plain is a concern:

- How do they get out?
- How long will they be gone?

Correspondence:

5) In the event that I do not ~~receive the necessary funding from VHDA to~~ construct this 55 and older apartment project the only development allowed would be limited to what is allowed under the original zoning districts being C-1 for tax parcel 131B1-(A) L15 and R-5 for tax parcels 131B1-(A)-L1 thru 131B1-(A)-L18 inclusive.

3-31-08

King Construction Inc.

420 Spotswood Trail
Elkton, VA 22827
Ph: (540) 298-1668
Fax: (540) 298-2292
License #: 2701 037910A Class A

November 26, 2007

Mr. Shifflett,

Mr. Dan Talbot and the other members of the planning commission asked that I submit a written proposal on what my intentions are in regards to the Wirt Avenue rezoning request. Here is a list of issues, if my memory is correct, that were discussed in our meetings.

1.) Rezone all of the property located in Block 12 and 131 B1-(A)-L15 on Wirt Avenue currently owned by King Construction to R-6.

2.) Request that the parking for the apartment complex be designed with only 1 parking space for each unit.

3.) I would also ask that the town abandon the alley that bisects my property.

4.) I would prefer that the apartment complex be only for adults whose age is 55 or older and who are fully capable of independent living.

5.) In the event that I do not receive the necessary funding from VHDA to construct this project, I would re-submit my plans to the Town for any change in use that would not be permitted under the current R-5 zoning classification.

6.) Construct the building floor level above the 100 year flood event and continue to fill the area along Elk Run to prevent flooding.

If I've missed something, let me know and we can discuss the issue.

Regards,
Ben King, VP
King Construction Inc.
420 Spotswood Avenue
Elkton, Virginia 22827
(540) 298-1668

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February 06, 2008

Mayor Printz, Member Elkton Town Council, and Elkton Planning Commission

Mr. Dan Talbot and the other members of the planning commission asked that I clarify items 3 and 5 in my original letter dated - November 26, 2007.

In the original letter item 3 reads as follows:
3.) I would also ask that the town abandon the alley that bisects my property.
I would like to amend that sentence to:
3.) I would also request that the town abandon only the section of alley that bisects my property which is designated on the tax maps as parcels 131B1-(A)- L15 and lots 131B1-(1)-B 12 L1 thru 131B1-(1)-B 12 L16 inclusive.

In the original letter item 5 reads as follows:
5.) In the event that I do not receive the necessary funding from VHDA to construct this project, I would re-submit my plans to the Town for any change in use that would not be permitted under the current R-5 zoning classification.
I would like to amend that sentence to:
5.) In the event that I do not receive the necessary funding from VHDA to construct this project, I would re-submit my plans to the Town for any change in use that would not be permitted under the current C-1 or R-5 zoning classification.

If, these amendments are accurate, let me know and we can discuss the issue.

Regards,

Ben King, VP
King Construction Inc.
429 Spotswood Avenue
Elkton, Virginia 22827
(540) 298-1668

From: Ben King [king_construction@verizon.net]
Sent: Monday, March 10, 2008 1:26 PM
To: Talbot, Daniel R
Subject: King Construction Wirt Avenue Rezoning

King Construction Inc.

420 Spotswood Trail

Elkton, VA 22827
Ph: (540) 298-1668
Fax: (540) 298-2292

License #: 2701 037910A Class A

March 10, 2008

Mayor Printz, Dan Talbot, Member Elkton Town Council, and Elkton Planning Commission

Mr. Talbot and the members of the planning commission asked Marty Shifflett to contact the Town of Berryville regarding the town's experience with parking at their senior housing project. Since Marty is no longer with the Town, I didn't know if anyone had contacted the Town of Berryville.

I took it upon myself, to contact both the police and zoning department heads. I contacted Christy Dunkle, who is the assistant town manager/planner for Berryville. Ms Dunkle was very informative regarding the 55 and older rental community know as the Mary Hardesty House and how it impacted the town of Berryville. Ms Dunkle commented that the Mary Hardesty House had not had any problem with parking and she felt that it was asset to Berryville.

Ms. Dunkle was kind enough to send me a copy of Berryville's zoning regulations. Berryville has taken the approach of creating a Older Persons zoning district to accommodate projects like the one I am proposing. I think Elkton may want to take a look at what Berryville has done, this is a great opportunity for our community to be proactive in its zoning and future growth. As you well know our country is aging and demand for housing for persons age 55 and older will only increase in the coming years.

I am attaching a copy of Ms. Dunkle's email which has a copy of Berryville's zoning regulations for your use. If you will look under section 614.11 paragraph H you will find their parking requirements for 55 and older age restricted housing.

After I spoke with Christy Dunkle I called Neal White, Berryville's Police chief, regarding parking and the impact this community has on the Town. Chief White knew of no issues with parking or with any law enforcement issues. The Chief also echoed Ms. Dunkle's comments that the senior housing project was an asset to Berryville.

Something else to consider, Berryville has a population of 2963 residents as compared to Elkton's 2042 according to the 2000 census. Since the population figures for Berryville and Elkton are similar, it appears to me that their experience with their senior housing community should accurately reflect what our town would expect to experience.

Original requests

A motion is needed to change Item #5 in the November 26th letter.

Item #1 Rezone all of the property located in block 12 and 131B1-(A)-L 15 on Wirt Avenue currently owned by King Construction to R 6.

Item #2 Request that the parking lot for the apartment complex be designed with only (1) parking space per unit

Item #3 I would ask the town abandon the alley that bisects my property.

Item # 4 I would proffer that the apartment complex be only for adults whose age is 55 or older and who are fully capable of independent living.

* Item # 5 In the event I do not receive the necessary funding from VHDA to construct this project, I would re-submit my plans to the town for any change in use that would not be permitted under the current R-5 zoning.

Item # 6 Construct the building floor level above the 100 year flood plain and continue to fill the area along Elk Run to prevent flooding.

Item # 1 Ok

Item # 2 Separate issue (no vote tonight)

Item # 3 Separate issue (no vote tonight)

Item # 4 Ok

* Item # 5 Revised Mar 31 2008 to read as follows:

- Cathy Morrison recommended that the Planning Commission, according to proposal, change zoning from R5 and C1 To R6 to construct 55 and older apartment complex per the letter dated Nov 26, 2007 and per e-mail to Dan Talbot.
- Attorney, Lauri Sigler, had Benny King sign the following statement before casting votes:
  Revised Mar 31 2008 to read as follows:
- In the event I do not construct this 55 and older apartment project the only development allowed would be limited to what is allowed under the original zoning districts being C-1 for tax parcel 131B1-(A) Lot 15 and R 5 for tax parcels 131B1-(A)-L 1 thru 131B1-(A) –L 18 inclusive. (original filed)
- Recommendation was seconded by Harry Armbruster
  Voice Vote = Yes 2
  Voice Vote = No 2

* *The Planning Commission had a split vote 2 for and 2 against. In our code that means that by default Commission recommended approval, but it should be presented to Council with a clear understanding.*

Item # 6 Ok

New Business:

David Williams"

Mr. Williams submitted a request for variance on property located on Prospect Avenue. He was lacking the square footage needed to fulfill his needs so it was returned with no action taken. He will be able to resubmit new plans for the property in the future.

Kite Property:

Mayor Printz extended an invitation to the members to attend a Special Meeting scheduled for Wednesday, April 2, 2008 to discuss sale of the Kite property. He would like the Planning Commission to be involved if any rezoning issues come up.

Vice Chairman, Harry Armbruster made a motion that the members attend the Special Joint Meeting, seconded by Madelyn Dixon.

Voice Vote: 4-0

Motion Carried

George Hensley:

Mr. Hensley submitted a request to have a permanent street closure (Henry Avenue), which is noted on his tax map but has never been opened by the Town.

- Mr. Hensley's request contained an error. There is a landowner involved who has not been petitioned by Mr. Hensley.

Pathforward:

- Attorney Sigler will notify Mr. Hensley and make him aware of this issue before he is able to proceed with his request.

Woodbridge Subdivision:

- It has been brought to the Zoning Administrator's attention that a detached garage has been built at 208 Woodbridge Dr that does not meet Code.

- The owner has been mailed a letter advising him to cease construction immediately.
- The owner did not construct the garage as submitted on the drawing when the Zoning Permit Application was issued.
- The garage is 1-1/2 stories tall.
- A detached garage falls under the definition of an accessory building.
- After reviewing the Code relative to construction of accessory buildings, the general consensus was that the definition is too vague when issuing permits for garages vs accessory buildings. Different zonings require different distances from the main dwelling.

Pathforward:

- Chairman Talbot requested that Attorney Sigler check into the codes from other towns for help in improving our accessory building language. The commission agreed to review the code objectively without prejudice due to the current infraction of the garage.

Car Wash Sign:

- A sign permit was issued to the owner. The sign does not meet current code but was approved prior to code modifications under the approval of the town attorney at that time. The commission asked attorney Sigler to review the code to see if there were regulations regarding the time interval in which the sign could change messages.

New Member Recommendation:

- Steve Kite was mentioned as a possible candidate.
- Chairman Talbot noted that Marty Shifflett had volunteered to accept an available position. Vote will be taken.

Harry Armbruster made a motion that Margretta should call Steve Kite and that Marty's name should be forwarded to Council, seconded by Cathy Morrison.

Voice Vote: 4-0

Motion Carried

- Marty Shifflett's name will be forwarded to Council for approval.

Pathforward:

- Margretta Isom will approach Steve Kite via telephone and see if he is interested in becoming a member.

With no further business, the meeting adjourned. The next meeting is scheduled for Monday, April 28th @ 7:00pm at the Elkton Area Community Center.

Submitted By:
Charlotte Shifflett

Daniel Talbot/Chair

Madelyn Dixon/Secretary

Rev. 4/8/2008

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Sent: Monday, March 10, 2008 1:26 PM
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Dan, I am unsure why flood egress from the parking lot continues to be a issue. The parking lot and building will be at least a minimum three to five feet above any adjoining public street. Your comment about raising 2nd Street along with the parking lot is a good idea and I intend to incorporate that into my plan. Flood egress is a current issue on Wirt Avenue that affects the 16 residents that currently live on Wirt and the 14 units that are currently allowed under the present zoning.

I think you have a legitimate concern about Wirt Avenue and flood egress, may I suggest that the planning commission should consider addressing this in the capital improvement project list for the Town of Elkton.

If, you have further questions or concerns feel free to contact me.

Regards,