PLANNING COMMISSION MINUTES
FEBRUARY 5, 2008

Attendance:

Talbot, Dan – Chair
Armbruster, Harry – Vice-Chair
Dixon, Madelyn – Secretary*
Morrison, Cathy – Commissioner
Ream, Jeremy – Commissioner

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 @ 7:40 PM with Daniel Talbot presiding. The minutes from January 21, 2008 meeting were reviewed and a motion was made by Cathy Morrison that they be approved, seconded by Harry Armbruster.
Voice Vote
4-0
Motion carried

- **Ernest Shifflett Request**

Mr. Shifflett submitted a request to sub-divide property located at 908 Newtown Rd. A house and trailer sit on this property and share a septic system.

- Marty Shifflett gave a brief description of plans and noted that the Virginia Health Department has been contacted and approved shared sewer.
- A note is written on deed stating that an easement exists.
- Road frontage has a shortage of several feet but would meet code if requestor was able to hook to town sewer when it is run through that section in the future.
  - a. Sewer Annexation Agreement shows installation of sewer is scheduled to begin by fiscal year's end on June 2008.
  - b. Currently, budget does not reflect immediate construction.

Mr. Talbot noted that the Code needs to be followed and remain uniform in making decisions fairly.

Ernest Shifflett stated, "The trailer has been on the lot for 30 years."

Some comments from members were given as follows:

1. The Planning Commission needs to remain careful how we look at individual situations.
2. Mr. Shifflett has town water. Is this request contingent upon final approval of sewer lines being extended to that area?
3. If this property is sub-divided the plat could be recorded before the sewer line is installed. That would become a problem.
4. One member noted that he was unaware there was a land shortage.
5. Mr. Shifflett reiterated he has enough land and he felt he would be contributing to the town's finances.

Harry commented that money is not an issue in decisions made by the Commissioners. Their objective is to be sure it meets the Code. *The Code and Ordinances tell us what to do and how to do it!*

Mr. Talbot spoke about the Grandfather Clause. He wanted all in attendance to understand it exists until changes occur. He personally feels it is unfortunate that the town is unable to provide sewer connections at this time. This situation needs to be rectified before re-applying. The Attorney, Lauri Sigler, thinks it can be sub-divided once it has been hooked to the sewer while Cathy Morrison, a commission member and

property owner on Newtown Road, wondered if certain stipulations applied when annexed?

Marty Shifflett offered an apology to Mr. and Mrs. Shifflett. At the time he met with them his interpretation of the Code was that sewer hook ups were on the way. He stated "It's hard to deny a request when nothing has been done which would allow them to meet the request."

Mr. Talbot, Chair, would like to know if Council has plans to meet their obligations to citizens on Newtown Road by moving forward with sewer installation?

Mr. Armbruster suggested we table the issue for tonight until we find out Council's plans. The issue will be placed on next month's Agenda.

Pathforward:

Charlotte needs to place the Shifflett's on next month's agenda.

Old Business:

King Construction Request:

Benny King approached the members in an attempt to resolve issues surrounding his request to rezone property located on Wirt Avenue.

- Mr. King specified he will not request a special use permit; instead he would prefer an Over-Lay Permit.
- If the property is not used for Senior Housing apartments he will continue to build town houses under R 5 zoning.
- Insert correspondence to Zoning Administrator, Marty Shifflett.

Discussion:

Chairman, Dan Talbot and other members of the Planning Commission asked that Mr. King clarify items 3 and 5 in the original letter dated November 26, 2007.

Item 3:

- I would like to ask that the town abandon the alley that bisects proposed property.

Item 5:

- In the event necessary funding from VHDA is not received to construct this project, Mr. King would re-submit plans to the town for any change in use that would not be permitted under the current C-1 or R-5 zoning classification.

Parking:

- Mr. King noted that a 1 parking space per unit development has been built and is successful.
  - Chairman Talbot will request contact information for areas where Mr. King asserted that 1 parking space per unit development has been built successfully.

Egress:

- The second item is to assure that Mr. King has an egress path elevated above the flood plain back to at least 2nd street. This will be required to assure that rescue personnel can access the building during times of flood. These issues should be resolved by Public Hearing date.

With no further business to discuss the meeting adjourned. The next meeting is scheduled for March 17, 2008 at the Elkton Area Community Center Council Chambers at 5:45 pm for a joint Public Hearing with Town Council.

Submitted By:
Charlotte Shifflett

Daniel Talbot/Chair

Madelyn Dixon/Secretary