# *PLANNING COMMISSION MINUTES*

## July 7, 2009 DRAFT

**Attendees:**
Dan Talbot/Chair Cole McGregor
Vic Corbo Charlotte Shifflett/Secretary
Margretta Isom/Council Representative
Madelyn Dixon Cathy Morrison

Dan Talbot/ Chairman called the meeting to order at 7:00 pm.

- **Minutes:**
  - June minutes need to be revised

**New Business:**

**Election of Officers:**
**Chairman**

Dan Talbot was nominated for this position by a motion from Cathy Morrison and seconded by Madelyn Dixon.

Chair Talbot accepted the nomination and was re-elected by a unanimous vote.

**Show of Hands Vote 5-0**
**Motion Carried**

**Vice Chairman**

Cole McGregor was nominated for this position by a motion from Vic Corbo and seconded by Council Representative, Margretta Isom.

Cole accepted the nomination and by a unanimous vote will fill the position vacated by Harry Armbruster.

**Show of Hands Vote 5-0**
**Motion Carried**

**Secretary**

Cathy Morrison was nominated by Vic Corbo and seconded by Madelyn Dixon.

Mrs. Morrison accepted the nomination, formerly held by Madelyn Dixon and was nominated by unanimous vote.

**Show of Hands Vote 5-0**
**Motion Carried**

*The Planning Commission would like to thank Ms. Dixon for her dedication and time spent in the position of Secretary***.**

3-1.1 **§ 6-2. Composition; appointment; terms.** *(Ref. Code Book Chapter 6)*

The Planning Commission shall be composed of seven members, who shall be appointed by the Town Council, all of whom shall be residents of the town and freeholders qualified by knowledge and experience to make decisions on questions of community growth and development. One member of the

Commission may be a member of the Town Council and one member may be a member of the administrative branch of government of the town. The term of each of these two members shall be co-extensive with the term of office to which he or she has been elected or appointed unless the Town Council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the Commission shall serve for terms of four years each.

3-2. The terms of office for the commission member shall be determined by council. The terms of the other original members shall be for one, two, three, and four years. Subsequent members shall be appointed for terms of four years. The Council, at its discretion, may establish different terms of office for subsequent appointments.

3-3. Vacancies shall be filled by appointment made by the Council and shall be for an unexpired term only.

3-4. Members of the Commission shall be eligible for reappointment.

3-5. Members of the Commission may be removed by the Council for malfeasance in office.

3-6. Terms of commission members shall expire immediately before the beginning of the regular meeting at which their successor's terms of office begin.

3-7. The Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

## Article IV - Selection of Officers

4-1. Officers of the Commission shall consist of a chairman, vice chairman, and secretary. The chairman, vice-chairman and secretary shall be elected by membership.

4-2. Nomination of officers shall be made from the floor at the June meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership should be declared elected.

4-3. Terms of office shall be for one year or until a successor takes office. Elected officers would serve no more than a two year term unless agreed upon by the member and the Commission.

4-4. Vacancies shall be filled for an unexpired term by a majority vote of the commission.

## Article V - Duties of Officers

5- 1 . The chairman shall:

5-1-1. Preside at meetings,

5-1-2. Appoint committees.

5-1-3. Rule on procedural questions (subject to reversal by a two-thirds majority vote of the members present).

5-1-4. Report official communications at the next regular commission meeting.

5-1-5. Certify official documents involving the authority of the Commission.

5-1-6. Certify minutes as true and correct copies.

5-1-7. Carry out other duties as assigned by the Commission.

5-2. The vice-chairman shall:

5-2-1. Assume the full powers of the chairman in the absence or inability of the chairman to act.

5-3. The secretary shall be responsible for, and the office of the Town Manager will provide resources to perform the following:

5-3-1. Recording attendance at meetings.

5-3-2. Recording the minutes of the Commission meetings.

5-3 -3. Notifying members of all meetings.

5-3-4. Maintaining a file of all official Commission records and reports.

5-3-5. Certifying maps, records, and reports of the Commission.

5-3-6. Giving notice and be responsible for publishing public notices of all Commission public hearings and public meetings.

5-3-7. Attend to the correspondence for the execution of the duties and functions of the Commission.

**Old Business**
**Lohman Request 2009-007**
Members were reminded to attend the joint Public Hearing, with Council, on July 14, 2009 at 6:00 pm.

Each member was offered an opportunity to share any questions and/or concerns regarding the request for partial closure of an alley, known as Lucas Ln, on the Lohman property located at 614 N Stuart Avenue, in exchange for an easement dedicated to the Town of Elkton in 2005.

**Rezoning**
**Pathforward: Complete**
Dan will write a summary to define issues and provide information as to why rezoning should occur.

**Reasoning for Rezoning July 2009**
Letter captured following points presented by :Dan Talbot/Chair Person

In an effort to continuously evaluate the proper land use in and around the town of Elkton, the planning commission is recommending rezoning of several areas within the town. The reasoning is as follows:

1. The annexation completed in 2005 almost doubled the size of Elkton. As part of that annexation all newly annexed lots were reviewed for proper zoning, however, none of the existing zoning was revisited in an effort to limit the scope of the rezoning effort.

2. The federal government has redefined the meaning and available use of the floodways, and floodplains.

3. The actual use and development of the existing lots within the original town boundaries has changed the nature of certain areas rendering them predominantly reflective of a different zoning classification.

The following is a summary of the changes reflected in the attached map.

Convert (58) B2 lots to residential status. (23) to R5 and (35) to R4

- 27 of these lots already developed as residential. Under current code these are all non conforming uses.
- The 23 lots proposed for R5 reside in either the Floodway or the Flood. There are 8 town house units already built in this section.
- 41 additional B2 lots added to Elkton during annexation that are located in more appropriate areas
- special exception permits will need to be provided to the nursing homes affected

Convert (10) B1 lots to R5 status.

- 9 of these lots already developed and used as residential. Under current code these are all non conforming uses.
- All 10 of these lots are in the flood plane with portions of 8 of lots in the flood way. It is virtually not possible to build a structure in the flood way under current federal law.
- Water Street is very hard to access and is not suitable for business traffic.

Convert (64) R5 lots to R4 status.

- 32 of these lots are already developed as R4 properties.
- There is currently no R5 development in this area
- ~200 R5 lots were added with the annexation with many more potential high density areas in the R8 zoning based on proposed master plans
- The Comprehensive Plan calls for a preferred distribution of housing of 80% single family, 12 % multifamily less than 4 and 8% multifamily more than 4. Rezoning these properties to match the current build out supports these goals.

The ElktonArc (GIS) Reader program has been installed on the PC in Council Chambers, giving members an overhead view of the current zoning map for the town. Board members were involved in a discussion regarding new zoning status for the designated areas.

**Bompiani Property**
270 Mill Bank Ln.
This property was annexed into town and is displayed as B2 on the official zoning map. Peewee's Electric Service is located adjacent to the Bompiani property and is zoned correctly as B 2 but Tax Map 130A-(A)-L 12 A and Lot 13 should be zoned R 2. This item will be corrected with the other changes once they occur.

**Conrad's Store**
An inquiry was made if this property is under negotiation to be sold, if so; would it require a Special Use Permit to be occupied as a Visitor's Center?

**Vacancy:**
Cathy Morrison mentioned that Goldie Helsley attends our regular monthly meetings and wondered if she would be interested in filling the vacancy?

**Pathforwards:**

1 Dan has a preliminary map colored for the suggested revised zoning and Charlotte accepted the task of having this map converted to a PDF file before our next meeting.
2 Get with Denise and attempt to schedule a date for Code revisions.
3 Review the Web Site
**4** Place RV parking at residences on the agenda

With no further business, the meeting adjourned. The next regular meeting is scheduled for the first Tuesday, August 4, 2009 @ 7pm in the Elkton Area Community Center at 20593 Blue & Gold Dr.

Submitted By:
Charlotte Shifflett

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| Dan Talbot/Chair | Cathy Morrison/Secretary |