PLANNING COMMISSION March 5, 2019

**** Present:**

**	Daniel Talbot / Chairman	**	Donna Mowbray
	Roy Davis / absent	**	Joey Merica
**	Dorenda Flick/Secretary	**	Jodi Gooden
**	Margaretta Isom/Council Representative		

Admin: Delores Hammer/ Zoning Administrator

Guest: Phil Sponaugle, Gerry Comer, Gary Beatty, Pete Bonavita, Brasil Hamrick, Kenneth Haines, Bob Wille

Chairman Talbot opened the meeting and led the Pledge of Allegiance

I. Chairman Talbot asked if everyone had reviewed the January 2, 2019 minutes. Everyone responded yes.

A motion was made by Margaretta Isom to accept the January 2, 2019 meeting minutes

Joey Merica seconded the motion.

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion Carries January 2, 2019 minutes approved

II. **Bible Holiness Church request a Special Exception Permit** to construct a 44'x84' School on Tax Map # 131-(A)-L40A located at 127 Pine Street, Elkton. Chairman Talbot asked if Bible Holiness Church had anyone in attendance that would like to speak. Phil Sponaugle approached the podium. Mr. Sponaugle explained that the request was for grades K-12 and would be for members of the congregation's children with the option to open to the general public at a later date. The proposed school would accommodate a maximum of 49 occupants. The proposed school currently has 20 potential students.

A complete packet with plans was previously submitted to the Planning Commission for review. Mr. Sponaugle reviewed the packet with the Commission and discussed the proposed location of the school on the lot. Chairman Talbot confirmed this would be a third building on the property. Chairman Talbot asked what materials would be used to construct the building. Mr. Sponaugle said that the building would be constructed of wood with vinyl siding on a concrete slab. Chairman Talbot asked if the school would require any additional signage. Mr. Sponaugle said it would not.

Chairman Talbot asked about the entrance to the school. Mr. Sponaugle said the school would use the same entrances as the church one of which is off of Rt. 33 on East Summit Avenue. The other entrance is off Rt. 340 onto E. Washington Avenue then onto Pine Street. Mr. Sponaugle said the Church does not have any plans nor think any improvements are necessary to either entrance.

Margaretta Isom asked if the 49 occupants included all students and staff. Mr. Sponaugle confirmed that yes 49 was total occupancy. Donna Mowbray asked if the school would be a for profit school. Mr. Sponaugle responded that it would be a non-profit school. The school will be a ministry outreach of the Church.

Chairman Talbot asked if anyone from Bible Holiness had spoken to any owners of adjoining properties about the proposal. Mr. Sponaugle said they had not. Chairman Talbot suggested that a representative from the Church speak to adjoining property owners and notify them of the request. Mr. Sponaugle agreed that would be a good idea.

Joey Merica made a motion to hold a Joint Public Hearing for the Bible Holiness Church Special Exception request for a School.

Jodi Gooden seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion passed Margaretta Isom will present the request to Council for approval to schedule a Joint Public Hearing

III. BBWL Proposed Rezoning

Chairman Talbot addressed the proposed rezoning of the acreage by BBWL in the same area as the 55+ Downey Knolls subdivision. Chairman Talbot asked if BBWL had a representative that would like to speak. Gary Beatty approached the podium to present the rezoning request. Mr. Beatty reviewed the proposal which was previously submitted to all Planning Commission members. BBWL is requesting to rezone 15.272 acres presently zoned A1 to R4. The proposed subdivision would include 12 duplex lots and 41 single family lots. The proposed subdivision will not be age restrictive. The proposed development is a separate subdivision from the age restricted Downey Knolls Subdivision. Mr. Beatty referred to the covenants which stated on page 1 Article 1.1 that the "DECLARANT RESERVES THE RIGHT TO ADD ALL OR ANY PART OF THE EXPANSION PROPERTY TO THE SUBDIVISION AT ANY TIME AND FROM TIME TO TIME". It does not state that the expansion property shall be part of the Downey Knolls Subdivision.

The proposed subdivision will utilize the same entrances as Downey Knolls. Mr. Beatty said VDOT was consulted and did not deem any road changes necessary. Chairman Talbot asked why a road separation between Downey Knolls Subdivision and the new proposed subdivision could not be established. A road separation would allow separation between age restrictive and non age restrictive. Engineer Brasil Hamrick addressed the question and said that after consulting with VDOT it was determined that a separate roadway could not be established. The dimensions of the road cannot be altered. At the time the current roadway was approved the property was located in Rockingham County and was approved through VDOT. The subdivision later was included into the Town when a boundary line adjustment was made.

Joey Merica asked if the second phase was initially planned to be non age restricted. Chairman Talbot said that the second phase was set to be market driven. Chairman Talbot

asked if anyone had any additional questions for Mr. Hamrick. No one had any questions. Chairman Talbot said that Commissioners will review covenants prior to the Joint Public Hearing. Mr. Bonavita said that BBWL has the right to ask for the rezoning.

Pete Bonavita spoke on behalf of BBWL. Mr. Bonavita said that the Downey Knolls was not as successful as they had hoped. Mr. Bonavita said that the county did not have a similar subdivision to compare to. Mr. Bonavita said that Elkton's high water and sewer connection rates slowed down the development. Mr. Bonavita said that the builders did not want to commit to building in Downey Knolls because the water and sewer connection fees are so expensive. Mr. Bonavita said that Grottoes and Rockingham County charges less for water and sewer connection fees. Mr. Bonavita suggested that Council review the high connection rates because they are slowing progress for builders. Mr. Bonavita said that they envision the new subdivision being similar to Woodbridge Subdivision. People can choose which area they would like to live in. Mr. Bonavita said that they had hoped to continue the age restricted area but it just did not work out. Chairman Talbot asked Mr. Bonavita why he was using water and sewer connection fees as an excuse for the development not being successful. Chairman Talbot stated the connection fees are the same regardless if the subdivision is age restricted or non age restricted. Mr. Bonavita said that the higher connection rates deterred builders. Chairman Talbot said he does not follow the argument that the connection fees are the same regardless of the age restriction.

Chairman Talbot than asked if anyone in the audience would like to speak. Gerry Comer approached the podium and read a letter he had written voicing his concerns over the new subdivision. Mr. Comer is not in favor of the age restriction being lifted for the new proposed subdivision. Mr. Comer said that it would increase traffic. Mr. Comer had photo's he submitted to the Commission of the parking alongside the roadway into Downey Knolls. The street parking is being utilized by Ciro's whose parking lot is often full. Mr. Comer also mentioned that a new Wastewater Treatment facility is being built but it not set to be completed until September 2021. The current wastewater treatment facility is beyond capacity. Elkwood subdivision is still waiting to be developed and this will increase the use of the plant. When the original Downey Knolls was approved by Rockingham County it was done so with the understanding that it would not create a stress on the school system or fire and rescue. Mr. Comer said he may not have a legal standing but Council should do its homework regarding the impact the subdivision will have on the Town and County. Chairman Talbot asked Commissioners if anyone had questions for Mr. Comer. They did not.

Mr. Hamrick addressed the road concerns mentioned by Mr. Comer. He said the roads proposed were designed and constructed for Phase 1 and Phase 2. BBWL has a deeded easement from the owners of Food Lion building. Chairman Talbot asked if BBWL had made any improvements to the easement or provided money to the owners for repairs to the road. Mr. Bonavita said they had not. Mr. Talbot said the road is in poor condition and is n need of repairs. Mr. Bonavita said they have not been approached and asked for any funds for road improvements.

Mr. Kenneth Haines then approached the podium and read a letter on behalf of Mr. and Mrs. Robert Burt who were unable to attend due to health reasons. Mr. and Mrs. Burt are not in favor of the proposed subdivision. A reason cited is traffic. Mr. and Mrs. Burt's letter stated

that with Ciro's and the ABC store and at least two more spaces for businesses available and the increased number with the proposed subdivision would create a traffic nightmare. Mr. and Mrs. Burt also said that they were very concerned and disappointed that the developers never met with the Downey Knolls HOA to make them aware of the proposed development.

Mr. Bob Wille read a letter that he had written. Mr. and Mrs. Wille are in favor of the proposed subdivision. His letter stated that he had received the covenants and had read them page for page. Mr. Wille stated he thinks that BBWL should be allowed to rezone as requested. He referred to Article 14.1 and 14.2 in the covenants.

Mr. Bonavita then approached the podium to speak again. Mr. Bonavita said that he had notified everyone he worked with and provided a copy of the covenants upon the sale of the property. He said he told prospective buyers if they did not like the covenants than they should not purchase. Mr. Bonavita said that some people including Mr. Comer used a Realtor other than himself and he cannot attest as to what was said. Mr. Comer said that he personally spoke to Mr. Bonavita and was assured it was a 55+ subdivision. Mr. Bonavita stated that he has not had any conversations with Mr. Comer. Mr. Comer said that was a lie that Mr. Bonavita had spoken to him. Mr. Comer said that he was renting a property from Mr. Bonavita and that Mr. Bonavita had showed him plans and told him about the age restricted subdivision. Mr. Bonavita said that page one says you can asked questions and that the proposed buyers should have. Mr. Bonavita said that was not any hoodwinking going on and that it is all listed in black and white. There was never a guarantee that the age restriction would not change.

Chairman Talbot asked how many units were currently in Downey Knolls Subdivision. Mr. Bonavita said that 17 units were built. Chairman Talbot asked how many of the 17 did Mr. Bonavita sell. Mr. Bonavita said either himself or Gary Beatty sold all except for Mr. Comer and two other ladies properties. Chairman Talbot said to confirm that the majority of the homes sold Mr. Bonavita and his Realty Company represented the buyers. Mr. Bonavita confirmed this was a true statement.

Mr. Bonavita submitted a letter in response to Mr. Comer's letter that was presented at the previous Planning Commission meeting.

Mr. Bonavita said if the Town of Elkton does not approve BBWL's request than the Town is being malfeasant. Chairman Talbot asked Mr. Bonavita what the Town done thus far to prohibit BBWL from building and being successful and Mr. Bonavita said the Town has done nothing to help him. Chairman Talbot stated the Town has not been malfeasant with BBWL. Mr. Bonavita said he will stand by his statement.

Chairman Talbot asked if the rezoning and subdivision were approved could a prospective buyer purchase any lot on the property. Mr. Bonavita confirmed they could but he would not encourage them to do so. Because building on the lot would not be allowed until utilities and roads were built to the rear of the property. Mr. Bonavita said BBWL would be selling from the front of the property to the back of the property and building roads and sidewalks etc., as they progressed.

Gary Beatty said that he has had countless builders come to BBWL and say they would love to build in the Downey Knolls Subdivision but the 55 and older restricted them too much. The builders said they could go down the road and build and sell to anyone. Mr. Beatty said that was a big factor in the decision making of BBWL to request the rezoning and removing the age restriction.

Mr. Bonavita said the $1000 proffer BBWL agreed to pay the town for each home built in Downey Knolls will not apply to the new subdivision. Mr. Bonavita said they are asking for a new development without age restriction and proffers. Chairman Talbot said that the Town is not asking for proffers they are asking for clarification because Mr. Gary Beatty said proffers would be offered and Mr. Bonavita said they were not. Upon discussion between Mr. Bonavita and Mr. Beatty it was agreed the new proposed subdivision would not include proffers.

Chairman Talbot asked about the status of the completion of the road for Downey Knolls. At this point the road is only partially finished just past the Ciro's entrance. Chairman Talbot realizes that developers like to wait to complete the road until the development is completed but this has been a long ongoing process and the Town is removing snow from the roads and is not receiving any state funds for doing so because the road is incomplete. The road is still considered private property and BBWL is responsible for snow removal but have not done so. The Town has removed snow as a service to the citizens who reside there.

Chairman Talbot asked if anyone else would like to speak Mr. Comer responded that he has several things to add but he will reserve and present at the public hearing. Mr. Comer stated that what he is hearing from the Developers is that they are not making enough money so basically the hell with everyone that purchased homes in the promised 55+ community.

Chairman Talbot asked Delores Hammer if BBWL had submitted an application and paid the fee requesting the rezoning. Delores confirmed they had. Mr. Beatty said he would like to request a reading on if the rezoning would be approved for the 55+ age restriction or if the rezoning would be approved without the 55+ age restriction. Mr. Beatty said they would like to keep their options open. Mr. Bonavita clarified what Mr. Beatty had requested and said BBWL would like to know if the plan would be approved with the age restriction or if the plan would be approved without the age restriction. They are requesting the same zoning for age and non age restrictive.

Joey Merica made a motion to hold a Joint Public Hearing for the proposed rezoning request from BBWL from A1 to R4

Donna Mowbray seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion passed Margaretta Isom will present the request to Council for approval to schedule a Joint Public Hearing

IV. Demolition Ordinance

The proposed demolition ordinance was reviewed. Margaretta Isom said that there was not anything listed in the fee section that addressed demolition. This will be addressed. Margaretta asked if someone is removing an old addition will that require a demolition permit. Chairman Talbot confirmed that it would. Chairman Talbot stated that if you are removing an addition and making structural changes than a demolition permit will be required as well in most cases a building permit. The removal of the addition would require the wall to be closed and make structural changes which would require a building permit. Margaretta asked if a person would be required to post the Town's permit as well as Rockingham County's permit. Delores Hammer will contact Rockingham County and get clarification on what other localities do. Margaretta asked what the demolition fee was. Delores Hammer said the fee was $25. Chairman Talbot recommended that all fees be reviewed.

Chairman Talbot asked for a motion to recommend the Demolition ordinance for a Joint Public Hearing with Council.

Jodi Gooden made a motion that a joint public hearing be scheduled for the demolition ordinance.

Dorenda Flick seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion passed Margaretta Isom will present the request to Council for approval to schedule a Joint Public Hearing

NOTE: The proposed demolition ordinance has not been presented to the Public, Health, Safety and Ordinance Committee. Margaretta Isom will present the demolition ordinance to the Committee and will proceed as recommended by the Planning Commission to Council for a Joint Public Hearing.

V. Amending terms for Planning Commission Officers

Margaretta Isom made a motion to amend the terms of the officers elected on January 2, 2019 until June 30, 2019

Joey Merica seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion carries that the term of the Planning Commission officers will be until June 30, 2019.

VI. Resolution by the Town Council for Compensation for Planning Commission Members who resign

Margaretta Isom explained that the Treasurer was having problems determining who should get paid when a person resigns or is removed from office. If a person resigns and attends that

month's meeting the person will get paid. If a person resigns and does not attend that month's meeting the person will not get paid.

VII. Chairman Talbot asked if anyone had submitted an application for the Short Term Rental. Delores Hammer said she did not think so but she would ask the Treasurer to confirm. Chairman Talbot said there are over 60 properties in the Elkton area that are listed as participating in the Short Term Rental program he cannot believe that none of those properties are located in the Town of Elkton. Chairman Talbot said that he thinks that the house owned by Pham Chopra is being used for a Short Term rental. He asked that someone go online and research. If properties are found the owners need to be contacted. Delores Hammer will work on the Short Term project.

VIII. Chairman Talbot suggested that Margaretta speak to Council and the Police Chief regarding the parking on the side of the road at the Downey Knolls Subdivision. Margaretta said that she had made a note to address that issue. Chairman Talbot said the Planning Commission needed to remember that their job was to decide if the proposal was a good use of the land. It is not to get involved in the political side of the argument that is for Council to decide.

Margaretta Isom made a motion to adjourn the meeting.

Joey Merica seconded the motion.

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Margaretta Isom

Motion Carries meeting adjourned.

The next regular meeting is scheduled for April 2 at 7:00 pm. The meeting will be held in Council Chambers located at 20593 Blue & Gold Dr. in Elkton, VA. If a cancellation occurs you will be notified at least 48 hours prior to the meeting as written in By-Laws, Article VII 7-3.

Chairman _____ Secretary Dorenda Flick

Daniel Talbot Dorenda Flick

PLANNING COMMISSION March 5, 2019

Residential 1-4, flood hazard, Yard Sales	Roy Davis
Residential 5-6 (includes: Townhouse & Apts.) Agriculture	Daniel Talbot
Residential 7-8, and Conservation	Dorenda Flick
Business, Industrial. Telecommunications	Joey Merica
Subdivisions, including Lot Line Adjustments	Margaretta Isom
Signs, Parking, Definitions, Streets and Alleys	Jodi Gooden
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	Donna Mowbray

Please reference the above table when you receive your agenda each month

Track Permits issued for 2019

Month	Business	Residential	Single family	Duplex/Single family attached	Incomplete
Jan	7	3			
Feb	3	3			
Mar					
Apr					
May					
Jun					
Jul					
Aug					
Sep					
Oct					
Nov					
Dec					
YTD	10	6			