PLANNING COMMISSION April 15, 2019

**** Present:**

**	Daniel Talbot / Chairman	**	Donna Mowbray
**	Roy Davis / Vice Chairman	**	Joey Merica
**	Dorenda Flick/Secretary	**	Jodi Gooden

Margaretta Isom/Council Representative/Excused/Council Meeting

Admin: Delores Hammer/ Zoning Administrator

Guest: Richard Cole McGregor

Chairman Talbot opened the meeting and led the Pledge of Allegiance

I. Chairman Talbot asked if everyone had reviewed the March 5, 2019 minutes. Everyone responded yes.

A motion was made by Joey Merica to accept the March 5, 2019 minutes

Donna Mowbray seconded the motion.

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Roy Davis

Motion Carries March 5, 2019 minutes approved

II. **Reviewed rules of Subdivisions:** Chairman Talbot led everyone through Article IX Subdivision Regulations §110-901 - §110-913. The Planning Commission reviewed the guidelines of the requested BBWL rezoning. The submitted plat was reviewed and compared to the requested R-4 zoning to verify all guidelines have been met.

III. **BBWL's request for rezoning 15.309 acres from A1 to R-4.** Chairman Talbot addressed the fact that BBWL did not have a name for the subdivision plat that was submitted. Chairman Talbot said that technically the request could be denied because a subdivision name is required. Chairman Talbot asked Mr. Bonavita at the Joint Public Hearing the name of the proposed subdivision and Mr. Bonavita responded that he is currently working with Rockingham County to secure a name. Chairman Talbot said that a subdivision name is not critical at this point because the request is for rezoning. If rezoning is approved and BBWL proceeds requesting a subdivision at that time a name will need to be assigned to the subdivision before proceeding.

Subdivision §110-802 states that all streets must be named. The streets on the proposed plat submitted by BBWL are not named.

The proposed subdivision plat submitted by BBWL was reviewed and it was confirmed that all lots identified on the plat reflected the correct square footage required in R-4 which is 6,250 sq. ft. per lot with an additional 3,000 sq. ft., required for duplex lots. 50' road frontage is required after reviewing the plat it was determined that the lots have the required road frontage.

Chairman Talbot suggested that in the future the Planning Commission and Council should each consider having individual public hearings not a joint public hearing. This will allow the Planning Commission and Council the proper time to consider the request and vote.

Chairman Talbot suggested that the Planning Commission review §110-802 E. Procedures for proffering conditions to zoning district regulations.

The state code regarding proffers has changed.

Chairman Talbot and Commission members reviewed the packet of information submitted by Delores Hammer Zoning Administrator containing information from BBWL and a letter from David Atwood P.E. Land Use Engineer with VDOT regarding the proposed rezoning and the poor condition of the inter parcel access road (bottom of Food Lion Parking area) that has been identified as an access right of way by BBWL. (Copy of letter filed with minutes.) A letter from Jeremy Mason with Rockingham County Schools and Joseph A. Mullens Deputy Fire Marshall Rockingham County Fire and Rescue (copies of letters filed with minutes). All Commission members received copies of letters from citizens regarding the proposed rezoning.

After discussing the comments made by citizens at the joint public hearing (comments and citizens names in joint public hearing minutes).

Chairman Talbot emphasized that the duties of the Planning Commission are to interpret the code book and to ensure all guidelines set forth in the code book are followed.

Chairman Talbot said that the Planning Commission has all required documentation to proceed with a vote on the rezoning request.

Chairman Talbot and the Commission composed a recommendation.

Joey Merica made a motion to approve said resolution of BBWL's request to rezone 15.309 acres from A1 to R-4 provided all requirements stated in a memo prepared by the Planning Commission dated April 15, 2019 be met by BBWL (recommendation with minutes).

Dorenda Flick seconded the motion

Voice Vote 5-1 in favor

Yeas: Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden

Nays: Roy Davis

Motion carries Margaretta Isom will present the recommendation to council

IV. **Bible Holiness Church request for a Special Exception Permit** to construct a 44'x84' School on Tax Map # 131-(A)-L40A located at 127 Pine Street, Elkton.

Chairman Talbot and members of the Commission discussed Angel Price's comments at the joint public hearing regarding a concern with additional traffic created by the proposed school. The Commission members discussed the entrances from East Summit Avenue and Pine Street. The East Summit Avenue entrance was discussed in depth regarding concerns of possible blind spots. The Church, proposed school location and road entrances were placed on the promethean board which allowed everyone to view the location and roadways. After discussion it was decided that the roads the school would utilize are adequate. Parking for the school was also discussed and the Church has met parking requirements.

Chairman Talbot and the Commission agreed that all requirements have been met.

Jodi Gooden made a motion to recommend approval of the special exception permit for a school as seen on the drawing submitted by Bible Holiness Church dated 2/04/2019 (recommendation with minutes).

Roy Davis seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Roy Davis

Motion carries Margaretta Isom will present the recommendation to Council

V. Mike Smith with the Greenway Project submitted a request to pursue a land exchange for property located on Wirt Avenue. The Town owns a 20' alley and it is proposed that the Town exchange land with King Construction. The intent is to move the alley closer to Elk Run and allow direct access from existing alley behind the existing structures and state owned property near Elk Run.

A motion was made by Roy Davis that a recommendation be made to Council recommending that the Greenway Project be allowed to explore a proposed land exchange between the Town of Elkton and King Construction Inc. The land exchange would involve a portion of the alley owned by the Town of Elkton on Wirt Avenue which runs between 18 lots zoned R-5 and tax map 131 B1–(A)–L15 zoned C1 owned by King Constructions Inc.

Joey Merica seconded the motion

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Roy Davis

Motion carries Margaretta Isom will present the recommendation to Council

VI. Delores Hammer Zoning Administrator submitted a non formal request from Tamra Falls at 529 W. Spotswood trail for a 16'x16' shed/building. Ms. Falls has not completed a zoning permit

application nor paid a fee. The property is zoned B2 so therefore must comply with code §110-611 B. **(38)** Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter **110** as of the date of the adoption of this subsection with lot regulations and accessory uses consistent with R-3 District standards, and there shall be no more than one single-family detached dwelling per lot. [Added 1-18-2010]

The commission discussed § 110-708 **Nonconforming lots, buildings, and uses. A.** It is the intent of this chapter to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is, therefore, the intent of this chapter to permit these nonconformities to continue, but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

The Commission agreed that a request for a permanent building will not be approved. This would increase the properties nonconformity.

Chairman Talbot suggested Delores Hammer contact Rockingham County and asked what the Counties guidelines are for portable buildings. Delores will follow up with Ms. Falls and Rockingham County.

Joey Merica made a motion to adjourn the meeting.

Jodi Gooden seconded the motion.

Voice Vote 6-0 all in favor

Daniel Talbot, Dorenda Flick, Donna Mowbray, Joey Merica, Jodi Gooden, Roy Davis

Motion Carries meeting adjourned.

The next regular meeting is scheduled for May 7 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 April 15, 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	4				
Apr					
May					
Jun					
Jul					
Aug					
Sep					
Oct					
Nov					
Dec					
YTD	14	6			