Joint Public Hearing
March 17, 2008

A Joint Public Hearing of the Elkton Town Council and the Elkton Planning Commission was held to receive comments and consider a request from King Construction, Inc. to rezone the following:

1.) Eighteen lots totaling 1.26 acres +/ from Residential District R-5 to High Density Residential District R-6. The properties are located along the southern side of Wirt Avenue and can be found on tax maps 131B1-(1)-B12-L1 thru 131B1-(1)-B12-L18 inclusive.

2.) One parcel totaling 4.68 acres +/- from Conservation District C-1 to High Density Residential District R-6. The property is located directly to the south of the previously described 18 lots and can be found on tax map 131B1-(A)-L15.

The Public Hearing was held at 6:00 P.M., on March 17, 2008, in the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members and Commission members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill

ABSENT
S. Sigafoose
T. Pence

PRESENT
D. Talbot
H. Armbruster
M. Dixon

King Construction Rezoning Request

Town Attorney Lauri A. N. Sigler, Lieutenant Rodney Hensley, Treasurer Clairen Sipe, EACC Administrator Allison Morris, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

Benny King, Elkton, stated he had a petition endorsed by six residents who supported the rezoning. He noted there were two (2) additional residents affected by the project that he was unable to obtain signatures from. No copy of said petition was presented for the record.

Mr. King had requested an R-5 zoned area be rezoned to an R-6 in order to allow him to build a six unit apartment complex for persons age fifty-five (55) or older.

Vice Mayor Dearing queried Mr. King regarding any state regulations or covenants that would be in place regarding the apartment complex. Mr. King responded he would be applying to VHDA and upon their response would advise Council on any requirements. However, he noted he would not have restricted covenants since he would be renting the units as opposed to selling.

Vice Mayor Dearing stated FEMA had recently revised the floodplain map for the Town. Mr. King stated he had been advised by the former Town Superintendent that there were no differences in the maps.

Town Attorney Sigler noted the floodway restrictions had not changed on the new FEMA maps. However, she was unable to determine if any part of the project was in a

floodway according to the maps that Mr. King provided. Mr. King responded by stating he would be required to build at or above the 100 year floodplain.

Vice Mayor Dearing stated that since 1992 Wirt Avenue had flooded on three separate occasions causing evacuations of that area.

Mayor Printz stated that Mr. King would have requirements and guidelines to follow according to the status of the flood area he was building in. Mr. King stated he had engineered foundation plans just pertaining to the foundation in that location. Further, he noted that surveyors would indicate the height of the dwellings.

Daniel Talbot spoke regarding a portion of the floodplain map. He stated that the southern wing of the project looked to be constructed in a floodway. Mr. King disagreed and noted that he had viewed the floodplain map on Rockingham County's GIS website. Mr. Talbot noted that FEMA had revised the maps.

Further discussion took place regarding construction according the floodplain maps.

Regarding construction in a floodway, Town Attorney Sigler stated the following from the Town's code: "*New construction, substantial improvements or other development shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.*" She noted the provision would not necessarily prohibit building in that area, but an engineering study and plan would be required.

Mr. King stated he had spoken with Rockingham County officials and was told he needed to demonstrate that he would not cause more that a one foot rise in the adjoining property.

Town Attorney Sigler noted the permitted uses for new construction in a floodway were: agricultural, recreational, accessory residential uses and accessory industrial. Further, she noted that uses were permitted by a special exception permit except for mobile homes. She stated that such a permit may be required for Mr. King's project.

Mr. King stated that Rockingham County would not permit him to build in a floodway.

Vice Mayor Dearing noted his concern regarding Council making a decision on the matter when there were reliability issues regarding the maps. Mr. King noted he would provide a certified sealed drawing from an engineer stating the elevations.

Daniel Talbot stated Mr. King was requesting an overlay zoning for his project which would permit a rezoning for a specific use only. Mr. King noted he did not want a special use permit.

Vice Mayor Dearing stated the project was to be constructed in an R-5 and C-1 zoned area. He queried if an overlay zoning would change just that section to an R-6. Mr. Talbot responded affirmatively and added for a specific purpose. However, should Mr. King not proceed with the age restricted apartment complex, the overlay zoned area would revert back to the R-5 zoning.

Daniel Talbot stated that Mr. King was also requesting to abandon an alley that runs through the project area and a special exception for providing only one parking space per unit instead of two as stated in the Town's code. Vice Mayor Dearing noted he had concerns regarding the parking request.

Vice Mayor Dearing queried what restrictions were in place regarding zoning should Mr. King decide to sell the entire project. Mr. Talbot stated the specific use would remain the same regardless if sold.

Mr. King stated he had reviewed projects similar to the one he was proposing. He noted special financing would be received from VHDA for the project since he was targeting a special use. Further, he had spoken with officials in Berryville, Virginia regarding a similar project in that area and received positive feedback from them. He noted Berryville had created a special zoning district for their similar projects.

Mayor Printz inquired if a target price had been established. Mr. King responded he had a rent analysis created by a company out of Richmond which established rentals at approximately $700.00 per month.

One and two bedroom apartments were briefly discussed.

Mr. King noted that Valley Program for the Aging supported his project.

Mayor Printz acknowledged there were housing needs for the Town's senior citizens.

Due to a lack of quorum, Planning Commission Chair, Dan Talbot, directed that no recommendation could be made regarding Mr. King's project. He noted a meeting would be scheduled in the near future.

Town Attorney Sigler noted that Council would need to hold a special council meeting due to time constraints regarding the project.

Mr. King spoke briefly regarding the financing for his project.

As there were no additional business, **Council member O'Neill moved, seconded by Vice Mayor Dearing and carried to close the Joint Public Hearing.**

YEAS: M. Dearing, M. Isom, D. Kite, and M. O'Neill

NAYS: None

VOTE: (4– 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: Denise R. Monger
Denise R. Monger, Clerk

APPENDIX A

STATE OF VIRGINIA
CITY/COUNTY OF ROCKINGHAM

Subscribed and sworn to before me in the jurisdiction aforesaid this 7th day of March, 2008 by

Sharon L. Posey

Betty L. Hinkle - Notary Public
My commision expires 6/30/10
Notary Registration Number: 167581

Certificate of Publication

TOWN OF ELKTON

THIS IS TO CERTIFY that the attached advertisement of:

03/17 COUNCIL & PLANNING
KING CONSTRUCTION REZONIN
PO#: 18575

appeared in the DAILY NEWS-RECORD on the following dates:

02/29/2008 03/07/2008

At 16.45 per inch, ~~line~~. Cost $592.20

DUPLICATE by Sharon L. Posey

NOTICE OF JOINT PUBLIC HEARING TOWN COUNCIL FOR THE TOWN OF ELKTON AND THE ELKTON PLANNING COMMISSION MONDAY, MARCH 17, 2008 at 6:00 p.m.

A Joint Public Hearing will be held in the Council Chambers at the Elkton Area Community Center located at 20593 Blue & Gold Drive, Elkton to receive comments and consider a request from King Construction, Inc. to rezone the following real estate:

1.) Eighteen lots totaling 1.26 acres +/ from Residential District R-5 to High Density Residential District R-6. The properties are located along the souther side of Wirt Avenue and can be found on tax maps 131B1-(1)-B12-L1 thru 131B1-(1)-B12-L18 inclusive.

2.) One parcel totaling 4.68 acres +/- from Conservation District C-1 to High Density Residential District R-6. The property is located directly to the south of the previously described 18 lots and can be found on tax map 131B1-(A)-L15.

The zoning ordinance states that the Residential District R-5 is intended for single-family detached dwellings, duplexes, two-family dwellings, multiple family dwellings of no more than 8 dwelling units, public water and sewer facilities/utilities, modular homes with a maximum density of 8 units per acre, with a minimum lot size of 6,250 sq. ft. with public water and sewer and is established to protect the residential character of established neighborhood and communities.

The zoning ordinance states that the Conservation District C-1 is intended for wildlife areas or games refuges, flood control and watershed structures, public water and sewer facilities/utilities, nursery or tree farms, fish hatcheries, timber production, forests and agriculture with a minimum lot size of 12,500 sq. ft. with public water and sewer and is established for the specific purpose of providing recreation and open space uses, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire.

The zoning ordinance states that the High Density Residential District R-6 intended for multiple-family dwellings, apartments, townhouses, professional offices in structures similar in character with surrounding neighborhoods, tourists homes, and public water and sewer facilities/utilities with a maximum density of 17 units per acre with a minimum lot size of 2,500 sq. ft. for each unit with public water and sewer and is established to provide for higher development densities basically residential in character to protect against the encroachment of heavy commercial and industrial uses and other obnoxious influences.

Maps and other information are available for review may be obtained in the Elkton Treasurer's Office located at 173 West Spotswood Avenue in Elkton.

2/29; 3/7