Joint Public Hearing
October 30, 2008
7:00 p.m.

A Joint Public Hearing of the Elkton Town Council was held to receive comments regarding proposed Zoning Ordinance Amendments to Chapter 110, Land Development of the Elkton Town Code. The Joint Public Hearing was held at 7:00 p.m. on October 30, 2008, at the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members and Planning Commission members were present:

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

ABSENT
S. Sigafoose
T. Pence

PLANNING COMMISSION
Daniel Talbot
Richard McGregor
Madelyn Dixon
Harry Armbruster
Cathy Morrison

ABSENT
Theodore Pence

Town Attorney Lauri A. N. Sigler, Planning Commission Secretary Charlotte Shifflett and Clerk of Council Denise R. Monger were also present.

(A copy of the Notice is appended to these minutes and marked as "Appendix A".)

Mayor Printz stated the hearing was properly advertised.

Vic Corbo, 248 Windsong Hills Drive, Elkton, read the following statement:

"*Anyone should be able to understand what low income housing there (the Kite property) would do to the value of the rest of the property. It seems that (the council) are bound and determined to devalue and destroy everything good and anything positive we have left in Town.*

Why would you even try to attract more senior citizens on fixed incomes (or any low income for that matter) to move here to increase the drain on this community more that it already has. When you have a large percentage of citizens who cannot afford to do their part in financially supporting the Town, then that burden falls heavily on those who do have good jobs with good salaries.

You are fooling yourself if you think the Town can continually tighten its' belt to keep from raising taxes because its' people cannot support it in other ways. There comes a point when the people doing the supporting get fed up and move away. That, of course, has been happening for several years and it contributes to this dying atmosphere we have.

There are good paying jobs in the area. Why not attract those kinds of families? Yes, families with good incomes who will join in and become active and positive contributors in the community. Families that will participate in recreation programs, join local civic organizations, activity groups, attend and help with Town functions, etc...Join the community center through the family rate, not the single senior discount."

Mr. Corbo stated that the above-referenced statement was printed in the Daily News Record comment section by a blogger known as "Native Elktonian." He further spoke of the current organizations in Town and the average age of its members.

Mayor Printz vacated his chair to speak as a citizen. Vice Mayor Dearing presided over the meeting.

Wayne E. Printz, Elkton, spoke of the state of the economy. He commended Town Attorney Sigler, Council member O'Neill and the entire Planning Commission for their efforts and hard work regarding the low-income restricted senior living project. He noted that Dr. Kabul was working with him regarding the sale of the remaining parcels of the Kite property.

Vice Mayor Dearing and Council member Kite both expressed concerns that the current matters of discussion were gravitating to issues other than the subject matter of the public hearing which were zoning amendments.

Mr. Printz spoke of the conditions the economy had on senior citizens. He noted some citizens were having difficulties with their 401(k) accounts. He noted the developer would receive tax credits for building the project. He noted that some companies had expressed an interest in partnering with the Town to create some projects.

Mr. Printz resumed his chair to preside over the meeting.

Daniel Talbot stated that the Public Hearing was about zoning amendments.

Town Attorney Sigler stated the new definitions added to Chapter 110 Land Development, Section 302 were multi-family senior dwelling and private parking units. She noted that after a review of the Fair Housing Act, additional revisions may be needed. She noted that Federal Guidelines stated at least one occupant must be age fifty-five or older per unit. She noted that due to a tax credit involvement, audits of applications would be needed yearly.

Council member O'Neill requested that the Town Code reference the Code of Virginia which would not require separate updates to ordinances if the Virginia Code changed. Town Attorney Sigler stated that Mr. Koogler would be sending additional information which might require additional revision amendments.

A brief discussion took place regarding an "adult-only" provision to amendments.

Council member Kite spoke regarding the Autumn Ridge development in Shenandoah. He noted the restrictions of that housing project.

Council member Isom asked for clarification regarding the age restriction for the development. Town Attorney Sigler stated that the matter referred to a rental situation. She noted that Mr. Koogler's lease applications would identify the lessee's age requirements, restrictions and regulations. She stated it was her understanding that children would not be allowed to reside in the unit. Mr. Talbot supported adopting some type of code change to address the age issues.

Vice Mayor Dearing stated that Mr. Koogler had not been awarded tax credits for the property yet. He questioned if Council would monitor the project for compliance issues once the special use permit had been approved.

Town Attorney Sigler stated that other changes in the Town Code would lower density to twelve units per acre. She noted that any developer requesting to build more than twelve units per acre would need a special exception permit. Further, she noted that the density could be raised to twenty units per acres only if the developer was building a senior complex. She noted the Koogler project would need the special exception permit due to them requiring higher density.

Council member O'Neill stated that under the new amendments, required parking spaces for a multi-family senior dwelling would be 1.5 spaces. Town Attorney Sigler noted that all other multi-family dwellings would require two spaces per unit.

A member from the audience, not recognized to speak, questioned if the parcels being sold were considered prime land. Council member O'Neill responded the parcels would be considered quality land.

A brief discussion took place regarding the marketing of the Kite property, additional senior living facilities and Elkwood Phase II.

Mayor Printz asked the audience member to state her name and address for the record. She responded "Stephanie" and her address was Rockingham County with an Elkton address. No acknowledgement of a last name or additional address was stated for the official record.

Council member O'Neill praised the Mayor for his work in speaking with real estate firms to sell the Kite property. He spoke positively regarding Sperry Van Ness.
Mr. Talbot reiterated that the public hearing needed to stay on topic.

Ted Hayes, a reporter from The Valley Banner, inquired if there would be a limit on the number of units contained in a single building. Council member O'Neill stated that the amendments addressed the number of units per acre, a height requirement, and setbacks for the building. Mayor Printz suggested that Council review the matter.

Council member O'Neill stated that age targeted developments were market driven. Mr. Hayes responded that the housing market was low. Council member O'Neill agreed that the conventional housing market was at a low point. However, he noted that the waiting time for availability at Eastern Mennonite Retirement Home was years.

Mr. Talbot suggested further discussion take place on the matter. Town Attorney Sigler stated that some cities have restrictions regarding units per building. Council member O'Neill suggested that the Planning Commission develop a special use provision to add to the amendments for identification of the number of units allowed per building.

Mr. Talbot stated that Council had a large amount of discretion pursuant to the following proposed amendment: "(c) *The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single family, duplex and townhouse development. Compatibility may be achieved through architectural design (e.g.. multi-dimensional façade or other attributes that make the development appear more residential in character), site planning, landscaping and/or other measures that ensure that views from adjacent single family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.*" He noted the intent of that section was to ask the developer to provide details regarding the project so that the Council could decide the acceptability of it into the Town. He noted the action would be another restriction allowing Council and the Planning Commission to review the project and add any comments on the matter.

Council member O'Neill stated the special exception permit would not apply unless the developer would exceed the twelve units per acre. Therefore, he requested a code amendment be prepared to address the issue of the number of units in a structure.

Mr. Talbot stated that the proposed code revisions would apply to all developers not just the Koogler project. He noted that the revisions clarified concerns from Council and the Planning Commission and also addressed the new marketplace of senior housing

complexes not in existence several years ago. He noted the amendments would allow some flexibility for new projects.

Stephanie, spoke briefly regarding the sale price. Mayor Printz noted that he had spoken with real estate agents who stated the sale price for the prime land at the Kite property would be approximately $7,000.00-$10,000.00 per acre.

Stephanie, stated she supported senior projects. She noted her concern on the matter and encouraged Council to proceed with the most lucrative real estate options available. She questioned if the land could be logged. Mayor Printz responded that the option of logging had been explored but would only bring minimal revenue to the Town.

Mayor Printz stated he had spoken with real estate professionals who noted that the real estate market was depressed and that the Kite property would sell for only $10,000.00 per acre. Stephanie suggested that the offer of $10,000.00 per acre be presented to Timothy Williams. Mayor Printz stated that the current offer of $30,000.00 per acre was good. Council member O'Neill added that Council also had to consider the way in which the land would serve the community. He noted that providing quality senior housing was important to the Town.

Stephanie stated her concerns regarding the number of units per facility. She agreed with Valley Banner reporter Ted Hayes' previous comments on the matter.

Mr. Talbot stated that the Planning Commission would discuss the matter regarding the number of units to be allowed per building and would incorporate the changes into the proposed code amendments for Council approval.

Further discussion took place regarding the number of units per acre and units per building.

Vice Mayor Dearing stated he supported the current proposed amendment changes.

Town Attorney Sigler stated the Planning Commission would meet to discuss the matter and make a recommendation pursuant to the public hearing. She noted that Council would discuss the matter at their next committee meeting or regular council meeting. She noted Council should adopt the ordinance on or before November 17, 2008.

A brief discussion took place regarding age restrictions, discrimination regarding senior developments and spouses.

Stephanie inquired as to the height allowance of the buildings discussed. Mr. Talbot responded that the code does not allow a building to be erected more than three stories in height.

Stephanie inquired if the senior housing would have elevators, handicap accessibility for doors, shower grips and raised toilets. Commission member Cathy Morrison stated that the American for Disabilities Act would address those issues.

A brief discussion took place regarding the three phases of the proposed project.

Council member Isom stated that Council was looking beyond the proposed project when the proposed amendments were reviewed. She inquired if additional information would be forthcoming from Mr. Koogler regarding the current project and the additional projects of phase II and phase III. Mr. Talbot responded that Town Attorney Sigler had spoken with Mr. Koogler regarding the submission of preliminary documents to the Town.

Stephanie inquired as to who would collect the rental fees. Mayor Printz responded that the business would belong to Mr. Koogler and he would be responsible for collecting rent from lessees. Mr. Talbot added that the Town is selling real estate to Mr. Koogler. He noted that the proposed amendments address the issue of what Mr. Koogler would be allowed to build on the land.

Further discussion took place regarding solicitations for the sale of the Kite property.

Mayor Printz elaborated on his discussions with Dr. Kabul regarding the sale of the real estate currently discussed. He noted the doctor was also interested in developing a project for senior citizen housing.

As there was no additional business, the public hearing was closed.

Mayor: Wayne E. Printz
Wayne E. Printz

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

APPENDIX A

DAILY NEWS-RECORD

STATE OF VIRGINIA
CITY/COUNTY OF ROCKINGHAM

Subscribed and sworn to before me in the jurisdiction aforesaid this 24th day of October, 2008 by Sharon L. Posey

Betty L. Hinkle

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:

10/30 COUNCIL & PLANNING
JOINT PUBLIC HEARING
PO#: 19112

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

10/17/2008 10/24/2008

At 16.45 per inch, ~~line~~ Cost $690.90

DUPLICATE by Sharon L. Posey

NOTICE OF JOINT PUBLIC HEARING
TOWN COUNCIL FOR THE TOWN OF ELKTON
AND
THE ELKTON PLANNING COMMISSION
THURSDAY, OCTOBER 30, 2008 at 7:00 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 about the following proposed Zoning Ordinance Amendments:

1. Chapter 110, Land Development, Section 302, Terms Defined, to add two new definitions as follows:

Dwelling, Multi-Family Senior - A building containing three or more independent living units where the proposed multiple-family development's living units are occupied by persons fifty-five (55) years of age or older per unit; and, whereby the owner by adherence to policies and procedures demonstrates the intent to provide independent housing for persons fifty-five (55) years of age or older.

Parking Unit, Private - A self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit shall be entered by from the public street; and offer adequate ingress and egress for emergency vehicles and shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended.

2. Chapter 110, Land Development, Section 607, High-Density Residential District R-6, to amend Section E, Lot regulations, subsection 1(a)[3] to reduce the maximum density from 17 units per acre to 12 units per acre.

3. Chapter 110, Land Development, Section 607, High-Density Residential District R-6, adding new subsection (12) to section C to allow Multi-family dwellings of more than 12 units per acre by special use permit.

4. Chapter 110, Land Development, Section 607, High-Density Residential District R-6, to add new section H. "Other Regulations": (1) to allow multi-family dwellings of more than 12 units per acre up to 17 units per acre by special use permit if certain conditions are met; and (2) to allow multi-family senior dwellings of 18 units per acre up to 20 units per acre by special use permit if the conditions in subsection (1) are met.

5. Chapter 110, Land Development, Section 703, Off-street Parking, Section B, to amend subsection (1) to require all parking spaces, except those serving one-and two-family dwellings, to be hard-surfaces constructed with concrete or plant bituminous material.

6. Chapter 110, Land Development, Section 703, Off-street Parking, Section B, to add a new subsection (6) to allow, by special use permit if certain conditions are met, a portion of the required parking spaces for a multi-family senior dwelling to be constructed of a surface other than required in subsection (1).

7. Chapter 110, Land Development, Section 703, Off-street Parking, Section C, to add a new category under Land Use, Dwellings, called "Multifamily, senior" requiring 1.5 parking spaces for each dwelling unit.

8. Chapter 110, Land Development, adding a new Section 713, entitled "Special Regulations for multiple family dwellings" requiring the primary entrances of each principle dwelling to face a dedicated public street or the limits of a private parking unit (as defined) and also requiring curb gutters and sidewalks; adequate lighting for each building; and requiring all open areas to be maintained by the owner.

A full text of the proposed zoning amendments may be obtained in the Elkton Treasurer's Office located at 173 West Spotswood Avenue in Elkton.

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