PLANNING COMMISSION MINUTES

August 13, 2001

Planning Commission Members Present: Thomas Weyrick, Rick Workman, Betty Fridley and Bobbie Horne

Staff Present: Donna Gooden, Todd McCoy and Lori Sigler

Call to Order

Mr. Weyrick called the meeting to order.

MINUTES

B. Fridley moved, second by R. Workman to approve the minutes for January 8, 2001.

YEAS: R. Workman, B. Fridley, and B. Horne

The motion carried 3-0

Discussion of Rezoning Property at 102 and 104 N. Stuart Avenue

Todd McCoy stated Mr. Kip Jenkins was here tonight because Mr. Jenkins is a potential buyer for Victorian Haven Nursing Home. Todd McCoy stated Mr. Jenkins had been told what the stipulations for a rezoning request were and further stated that he had told Mr. Jenkins in order to ask for a rezoning request, Mr. Jenkins had to be the landowner. Todd McCoy stated that Mr. Jenkins was told also that a Special Use Permit could not be issued unless Mr. Jenkins was the property owner. Todd McCoy stated he had told Mr. Jenkins that one option would be to ask for a Special Use Permit with a wavier saying the permit could not be issued until Mr. Jenkins becomes the property owner. Mr. Jenkins would then need to follow the proper procedures on having it rezoned. Todd McCoy stated by having it rezoned B-2 that type of business still would need a Special Use Permit. Mr. Jenkins had also asked about an amendment to the code and had been told none of this could take place unless Mr. Jenkins was the property owner. Mr. Jenkins' concern was being owner of the property, but micromanaged by the town under the Special Use permit.

Mr. Tom Weyrick told Mr. Jenkins that in a case where your looking to purchase the property and it's contingent on a rezoning or something that is ordinance related, what typically happens is in the contract the buyer has a stipulation that states it is contingent upon the rezoned property. The current owner would have to apply for this.

Mr. Jenkins stated he would like to have the property rezoned to B-2. Mr. Jenkins stated he would not purchase the property without having the property rezoned commercial. Mr. Jenkins stated that eventually all of the property would have to be rezoned commercial or B-2 as a part of growth in that area. Mrs. Horne stated the conditional permit the town has protects the neighborhood. Mrs. Horne also stated

the homeowners in that area need to be considered. Cathy Murphy stated the homeowners do not want it rezoned. Mrs. Lisa Jenkins stated this would not be a nursing home, but an assisted living home. Mr. Jenkins stated by law he could not keep someone from walking out the door. Dan Talbot stated by changing that area to B-2, one could change the business to almost anything. Mr. Jenkins' concern with a Special Use Permit was whether it would have the same stipulations as it currently has. Mayor Dearing stated the Special Use Permit would probably have the same stipulations. Mrs. Horne stated the town has not micromanaged Victorian Haven. Mayor Dearing stated the town did not get involved until the home was not in compliance and had several violations.

Mr. Tom Weyrick stated Mr. Jenkins had several options: one is to buy the property with stipulations and come to the commission with a request or put a contingency on the bill of sale and have Wayne Weaver come for the request.

Change of Meeting Time

D. Talbot moved, seconded by B. Fridley to move the meetings from the second Monday of the month to the first Tuesday of the month at 7:00.

YEAS: R. Workman, D. Talbot, B. Horne and B. Fridley

The motion carried 4-0

Comprehensive Plan

Mr. Weyrick stated the Comprehensive Plan will be addressed at the next meeting.

Review of Code Book Ordinances

Article 4 and 5 will be discussed at the next meeting.

Other Business

B. Fridley moved, seconded by B. Horne for Bobbie Horne to take to council the requirement that there be a two thirds majority to overturn any recommendation made by the planning commission.

After some discussion, motions were withdrawn.

Bobbie Horne stated recommendations were needed to take to council to fill the seat that was vacated by Harry Weber.

Mayor Dearing gave a brief update on annexation. Mayor Dearing stated the town had hoped to have annexation completed by January 1, but it looks like it will be July 1, 2002.

Adjournment

As there was no further business, Mr. Weyrick adjourned the meeting.

Signature - Chairman

Signature - Secretary

TOWN OF ELKTON

SPECIAL EXCEPTION PERMIT APPLICATION (PUBLIC HEARING)
LIMITED BED AND BREAKFAST PERMIT APPLICATION
HOME OCCUPATION PERMIT APPLICATION
B - 3 DISTRICT PERMITTED USE APPLICATION

Please Mark Box :

Special Exception [X] **Bed and Breakfast [ ]**
Home Occupation [ ] **B-3 Permitted Use [ ]**

FEE : $ 100.00 **(To be filled in by Zoning Administrator)**

DATE : 10-1-01 **PHONE :** (540) 298-0054

NAME : Waterfront Propierties, LLC
Last First MI.

ADDRESS: #228 1866-C East Market St., Harrisonburg, VA 22801
Route Box # City/Town State Zip

LOT : 7 Through 9½ **BLOCK :** 29 **SECTION :** 3

LAND MAP : 131 B 1 **PARCEL :** N/A **ZONE :** R-3 Residential

LOCATION : 102 North Stuart Ave, Elkton, Virginia 22827

BRIEF DESCRIPTION OF REQUEST : Special use permit to operate Adult Care Residence, licensed by Department of Social Services

APPLICANT'S SIGNATURE : Donna King Smith **DATE :** 10-1-01

The following fees shall be charged upon the filling of an application :

A) Special Exception Permit $100.00
B) Limited Bed and Breakfast $100.00
C) Home Occupation Permit $100.00
D) B-3 Permitted Use Permit $100.00

Please include two copies of an acceptable site plan. Plan shall include the following :

1) Lot dimensions with properety line monuments located thereon.
2) Location and size of existing and proposed structures.
3) Yard dimensions and the use of structures.
4) Easements (public and private).
5) Water courses, fences, street names and street right of way lines.
6) Off-street parking.
7) Other information as may requested.

On a seperate sheet of paper, list names and addresses of all adjoining property owners.

TREASURER
TOWN OF ELKTON, VA
OCT - 1 2001

Permit Granted:

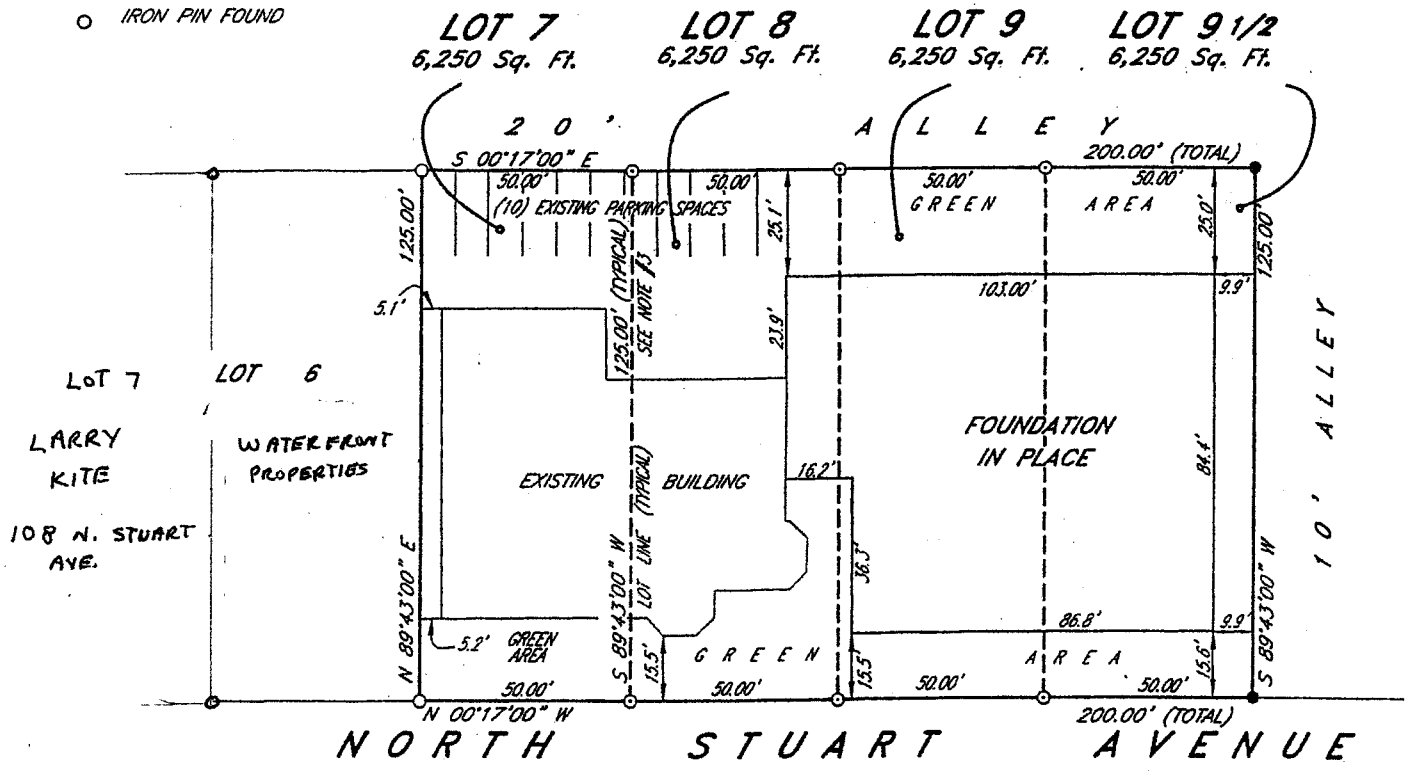
_____ **Date :** _____

NOTES:

1. DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A CURRENT FIELD SURVEY.
2. SEE D.B. 75, Pg. 602 FOR PLAT OF ELKTON IMPROVEMENT COMPANY.
3. DASHED INTERIOR LOT LINES AS SHOWN HEREON ARE TO BE VACATED.

LEGEND:

- ● IRON PIN SET
- ⊙ POINT
- ○ IRON PIN FOUND



FOUNDATION LOCATION

LOTS 7 thru 9 1/2, BLOCK 29,

SECTION THREE, ELKTON IMPROVEMENT COMPANY

TOWN of ELKTON, VIRGINIA

SCALE 1" = 30' (JANUARY 13, 1998)

COPPER, MARS, NICELY & ASSOCIATES
SURVEYORS ENGINEERS PLANNERS
1041 SOUTH HIGH STREET
HARRISONBURG, VIRGINIA 22801
TELEPHONE (540) 434-6365

MAGNETIC

BAR SCALE

30 15 0 30 60

COMMONWEALTH OF VIRGINIA
MICHAEL W. MARS
No. 1516
1/13/98
LAND SURVEYOR

6461B.DWG ROT. 90°

FILE #6461-6, EXP. #1760-7

Waterfront Properties, LLC

This parcel of land is bordered by Rt. 340 (North Stuart Avenue) on the west, a 10' alley on the south, a 20' alley on the east, and a house owned by Waterfront Properties, LLC on the north. Larry Kite who resides at 108 N. Stuart Avenue owns the property north of the house located at 106 N. Stuart Avenue.

TOWN OF ELKTON

MISC PAYMENT
Date: 10-01-2001

CUSTOMER NAME & DESC. OF PAYMENT
WATERFRONT PROPERTIES LLC
ELKTON
PERMIT

Total Owed:	$100.00
Cash Amt:	$0.00
Check Amt:	$100.00
Total Paid:	$100.00
Change:	$0.00

Operator: 1
Receipt#: 43216

T H A N K Y O U !

DATE: 10-01-2001
TIME: 12:37:49am