Notice of Public Hearing
Town of Elkton, Virginia

On August 11, 2004 at 7:00 P.M., the Elkton Planning Commission will hold a Public Hearing in Council Chambers located at 173 West Spotswood Avenue, Elkton, to present their proposed rezoning of annexed areas, pursuant to the Annexation Agreement of January 1, 2004.

Interest persons are invited to attend to ask questions, offer opinions, or voice concerns regarding the proposed zoning of these areas. A copy of the proposed rezoning map is available to be viewed in the Public Works Office located in the Town Hall at 173 West Spotswood Avenue during normal business hours, Monday through Friday from 8:00 A.M., to 5:00 P.M.

Call Public Works Office at 540-298-1330 for assistance.

7/28; 8/4

Planning Commission Minutes
August 11, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Troy Lester, Madelyn Dixon, Wake Gooden

Council Representative Present:
Wayne Printz

Staff Present :
Charlotte Shifflett

Call To Order
Daniel Talbot called the meeting to order at 7:00 pm.

Minutes
The July minutes were approved.

Old Business:
Dan Talbot reviewed several items relative to rezoning proposals being presented.

Public Hearing:
Attendees were advised they would have an opportunity to voice their concerns and were requested to limit themselves to 5 minutes when addressing the Commission.

Citizen Comments:
Nelson & Velma Dofflemyer
262 Florist Rd
Elkton VA 22827
Mr. Nelson Dofflemyer: Florist Rd Elkton, VA

When I was told I would be zoned residential- (I own 2 lots); I walk out on the front porch, 60-112 cars pass every 10 minutes. To my opinion who wants to build there, build a $200,000 home and try to raise their family with cars one right after the other going up/down the road? That's my opinion.

Another thing. I am going to be zoned residential. Whoever wants to buy my property, if they can't buy it for business, they might go in front of me and put in rock throwing distance and buy. Is that being fair to me? Is it? It could be right across from me. I know beyond a doubt you can't take Shen Valley Dry Wall, Roosters and turn them into residential property because they have got too much money involved. I've got 50 years of work involved.

Commission Member: "Which lot is it"?

Mr. Dofflemyer: "Elkton Florist is numbered B."

Panel reviews the map.

Mr. Dofflemyer: "I want business on both parcels of my land."

Mrs. Dofflemyer: "We want it for retirement and it's retirement time. If you zone us residential it's not worth it!"
Mr. Dofflemyer: "It's going to kill me! Who wants to run a florist? They can't come there and buy my land.
Commission Member: "What zoning is it currently"?
Mr. Dofflemyer: Business. That was done years ago because I was working for the other fellow and I was working under agriculture but, that area was going to b e developed; that don't matter. Those fields back in there were Agriculture too.
Commission Member: "How many lots do you own"?
I've got three lots at Elkton Florist and a lot on the other side of Florist Rd with a house. It's a nice business lot that's what it amounts too a lovely business lot.
Commission Member:
Mr. Dofflemyer: "Yes, but you've still got Florist Rd. You get traffic on ½ road, each piece. I'm getting traffic here both ways. Get's me here. You understand where I'm coming from don't you"?

Don Myers
McGaheysville VA 22840
Don Myers from McGaheysville. Our business is in Elkton. Our budget lot is in the Town of Elkton. I can't tell you what lot we own here. Just a little bit East of Elkton Florists on the same side of road on Spotswood Trail. I can't see any logic in zoning this to residential. Business is on that side of the road. Our business has been there for 50 years-has been Business ever since we have been there and we want to leave it that way. Really ridiculous to change that and rezone it to residential; it certainly would be! We probably own 5 to 6 acres there and we are going to continue to run it as business. If we ever want to sell it whoever buys it will certainly want to run it as business with the types of buildings we have on it. It certainly would not make any sense, and I'm very much opposed to even consider making that residential. It's not even logical to me. It's not like we put the place there last year, it's been there 50 years. I guess I'm looking out for myself in that I would want to be able to sell it and let someone else run it as business and we would not be able to do that if it was zoned residential. It's not logical in my opinion and I am very much against it! I would like to leave it Commercial.

After the Dofflemyer's had voiced their concerns, some discussion occurred between them and Commission members. Tom Schroeder noted he has performed research and discovered the county has it zoned as B1.

Nelson stated "There were about 12 businesses located in this area in the past including Walter Life, and Roy Heiston. It has always been business."

Dan Talbot spoke regarding the Planning Commission's position.
- What do the block areas best fit?
- The reason a Public Hearing is held is to acquire opportunities to understand.
- The people are given a voice.
- If the area had been made business versus residential the roles could have been reversed.
- Discussed the fact that the majority of Spotswood Trail is zoned as business.[Pg 2]

Pg 2

Nelson Dofflemyer stated," This is an ideal place for business. It pulls visitors from Rt. 33."Pg 2

Troy Lester responded by stating "This is food for thought." If business moves to outside limits it pulls business out of town" to which Mr. Dofflemyer replied, "The town will collect taxes. Mr. Lester was the Planning Commission member who had spoken to the Dofflemyers regarding their dilemma prior to the Public Hearing.

Mr. Dofflemyer thought residential could be OK for some property but does not consider 112 cars to be residential. He stated. "Kids can play at Troy's but not at Nelson's." He informed the group that a speeding automobile has actually hit his home in the past. He went on to say, "Speed limit does not control traffic. It would not help a get-a-way car. Lots of traffic by the house and anyone with a family would have no desire to build on the Florist Lot."

Janet Shifflett
S Eastside H/Way
Elkton VA 22827
"I want to request that where we are zoned B2, have it changed to B1?" Printz notes that she lives the next lot down from her brother. Janet stated, "Holtzman does not look like he is 50 feet away from the residential property line." Printz asks if a dead property line is located there? Janet replied, "That driveway used to be there that went over to the alley. Its just a right-of-way that I and my neighbors go in now."

Janet questions, "What about the main driveway by my house? Tractors and trailers will pull in down there and fill up with gas. Are you going to put a light down there? We will never get out when it opens up. Where the tractor and trailers enter they were supposed to come in from Washington Street but now its right against our driveway."

A brief discussion followed Mrs. Shifflett's statements. Dan Talbot noted that Holtzman Oil owns 3 sides of property on the corner lot and the deal was finalized through the county before Mrs. Shifflett was annexed. A buffer should exist between business and residential. The Planning Commission will accept the request and study issues relative to the requested zoning.

Sherry Hall
Summit Avenue
Elkton VA 22827
"Actually, we are concerned about Summit Avenue, its got four B3's on it. We went through this once before and discussed this. But you are going up Summit and all those properties there to the right you are zoning them R5 and then immediately going into R2. I thought the whole purpose of going into this was not to have spot zoning. Now we are going from R5 to R2. To me, that's almost like you are trying to spot zone that area down there; to limit all of the access or all of their uses to the property. I don't understand why R5 didn't go all the way up or didn't scale down-go from R5 directly to R2 whereas any of you go to most cities, towns wherever it's stepped down. You have your R5 then you go to R4, R3 and then to R2. It kind of goes in steps like that but you are going directly from R5 to R2. So our concern is that maybe you ought to reevaluate

this because to us it does look like spot zoning. You know whether its R5, R4 or R3 it should be kind of stepped down instead of going from R5 .

Hall continues, "Well, you are taking R2 on one side of the street and R5 on the other side of the street you know. Why not try to scale it down? Then you have R1 on the Northern part, I guess up here, yes, R4 then you go R2 then to R5. You typically see where it kind of steps down. That's fine with that being R5 but why not go R4, R3, R2 or all of it R4?"

Dan Talbot referenced the area to the north mentioned by Ms. Hall. The Commission intentionally drew it that way. Some R2 zoned lots were needed in that particular area. Some lots had gone to business and not many large lots exist within the Town of Elkton.

Benny King
420 Spotswood Tr
Elkton Va 22827
"I came to review proposals listed as B3 along South Eastside H/Way." Mayor Printz replied, "It's restricted, need permits." Mr. King expresses his view, "I am also worried about the land North of Didi's. What is the difference B1 and B2 Zoning?" Mayor Printz noted, "The set-backs are different."

Mr. King continued by stating that, "Quail Run is Zoned R5. Anyone that comes in to purchase property is shown the originals drawings which include duplexes and single residential." He agreed that R5 was the appropriate zoning.

At this point Mr. Myers inserted an additional statement, "A subdivison is going in, why not conform to business? They should conform." Dan Talbot assured Mr. Myers that the Commission would look into it.

Lyniel and Kenneth Kite:
Elkton, Va 22827
The county informed them that their property is currently zoned A1 and light industrial.

Talbot noted that no zoning is perfectly fitted to this property, which is a large piece of land. In the future you may decide to sub-divide into smaller lots. The frontage is good for business property but you cannot have (2) different zonings listed on the same piece of property.

Kite inquires," How does it affect farming since it is Grand fathered?" Talbot replied, "As far as farming is concerned it will remain the same." The Code Book states that in a case like Kite's they will still be able to run livestock on it as long as ***they are the property owners***. Section 110-708 recorded in he June minutes was read to the Kites. Mr. Kite noted, "A2 is close to B3." He also inquired about the status of availability of utilities in the future.

In addition, it is of interest to note that the Kite property has a historical home, Adam Miller Homestead, located on it.

Dan Talbot advised the Kites of the established procedure following tonight's meeting.

1st Public Hearing	Planning Commission	August 11, 2004
Recommendation to:	Town Council	
2nd Public Hearing	Planning Commission	(to be established)
Recommendation to:	Town Council to Vote	

Mr. Kite stated, "We need a choice if we decide to sell." Dan Talbot advised Mr. Kite if he applied for a subdivision; he may apply and get it but he would need to be in compliance.

Once the Kites had taken their turn to address the Commission there were no more interested parties requesting a turn at the rostrum

With most of the guests requesting to be excused the members continued with business on the agenda.

The Planning Commission revealed that Jeremy Ream is a candidate to replace Tom Weyrick, who has resigned.

A motion was made to nominate Jeremy as a member of the Planning Commission.

Troy Lester moved, seconded by Commission Member Wake Gooden.
Motion carried (5-0 voice vote)

The members held a brief discussion, which designated the differences between B1 -B2 and B3 zoning requirements.

The rezoning proposal, which includes land from the river to Rt 33 has been tabled for now. Talbot stated that there is no time limit on completion of proposal, which led him to make several suggestions; including tabling what we have now or changing the code to require B2 to have a buffer.

A member inquired if all properties from the river to Rt 33 would be taken in by B2? Talbot replied, "B2 code should be changed first and then a review of rezoning would occur. "

In the discussion that followed it was suggested that another meeting be held before taking the issues to Council

Troy Lester moved, seconded by Commission Member Madelyn Dixon.
Motion carried (5-0 voice vote)
No date was scheduled for the meeting.

The discussion reiterated a need to amend B2 zoning to require a 10 foot buffer area between residential and business.
Tom Schroeder moved to amend the B2 code requiring green landscaping consisting of grass, trees and/or shrubbery; seconded by Dan Talbot.
Motion carried (5-0 voice vote)

Another Public Hearing will need to be scheduled to present the plan to have the B2 code amended. This issue will be recommended to Council.

However, the next meeting, to be held on September 8, 2004, will not be designated a Public Hearing Additional time is needed to gather documentation, descriptions, and etc. to revise wording of B2 code.

Let the records show that the proposal to zone from business to residential from the river to Rt 33, including Elkton Florist and Myers Budget Lot , has been tabled until further study, hearings, and meetings have been established and the issue resolved satisfactorily.

With no further business to discuss the meeting was adjourned. The next meeting date will be September 8, 2004.

S[Pg6]ignature-Chairman

Signature-Secretary