Elkton Planning Commission

September 13-2006 (Revised 10-12-2006)

In Attendance:

Dan Talbot, Chairman
Madelyn Dixon, Secretary
Charlotte Shifflett, Town Clerk
Harry Armbruster, Vice-Chairman
Marty Shifflett, Admin. Representative

Guest: Attorney, Tom Miller

Absent:

Jeremy Ream
Wake Gooden
Theo Pence, Council Rep
John Huddle, Rockingham County Assistant Fire Marshall

Agenda:

Approval of Minutes – Marty proposed to accept the June minutes, seconded by Harry Armbruster.

Motion Carried- 4-0 (voice vote)

Zoning Permit:

2006-57 Jacklene Dovel Request for Home Occupancy Permit

Ms. Dovel approached the Commission requesting a Home Occupancy Permit to operate a Hair Shop from the residence located at 15758 Morning Dove Ln in Quail Run Sub-Division

After a brief question and answer period the Commission decided to recommend the issuance of a permit pending permission by the County Fire Marshall

Marty made a proposal to recommend approval for Ms. Dovel to receive a permit pending permission by the Co. Fire Marshall. She shall place the call. The proposal was seconded by Harry.

Motion Carried- 4-0 (voice vote)

Zoning Permit Approval:

Council member Pence, moved at the Council meeting, by the request of the Planning Commission, that Dan Talbot sign all permits.

Vice Mayor, Lee Dearing, stated Mr. Talbot is a volunteer, whereas the Mayor is an elected official with Council authorization to serve as Town Manager and Zoning official.

When questioned by Mr. Printz what was the purpose of the motion, Council Member Pence. responded that the opinion was Mayor Printz lacked the expertise of a zoning official.

Vice Mayor Dearing argued that the "checks and balances" in the system would be by-passed by removing the mayor from the process. Mayor Printz protested the statement and was willing to Debate whoever made it.

There was no second to the motion.

Code Book Changes:

Town Attorney, Tom Miller, was in attendance and addressed the group on the issue of changing text in zoning ordinances.

- *Just because someone in town states it is okay, if it doesn't comply, it is not okay.* He noted several examples in other areas where the official signature was in error.

- Grandfather is a term for pre-existing, non-conforming use; especially when annexation occurs.
- If you change the text of a zoning ordinance to the extent of reducing residences, notices should be mailed to the owner as it shows on the current tax record.
- Make an effort not to spot zone!
- In instances, where property is re-zoned, it will never be acceptable to all parties involved; however, it could be defined as a "**just**" law.

Electrical:
Electrical issues continue to exist at the Country Inn located on Spotswood Avenue. Marty will be typing up notes addressing current problems

Status: King Construction Phase 5 at Quail Run
The Planning Commission recommended to deny the request, as presented. Daniel Talbot signed the denial on January 11, 2006. Mr. Donachy proceeded with the correspondence after that date but a hard copy has not been found in the Town Manager files. There are no official minutes on file for January 2006.

Town Attorney, Tom Miller, will be consulting with Benny King and requesting any copies he may be able to present to the Planning Commission addressing this issue. Hopefully, this action will clear the issue or at least allow Mr. King to be informed of the next step he will need to take in addressing and bringing a resolution to this outstanding issue.

Urban Growth:
The Planning Commission needs to determine where future growth will be occurring in and around the Elkton area. The Commissioner's agree that we need an established, recorded growth plan. A decision should be made where to locate the areas and what will be allowed on them. The members agreed that a map needs to be inserted in the Draft of the Comprehensive Plan. This plan should be submitted for a 20 year time frame so our successors will have guidelines in place.

A possible work session date will be scheduled before our regular meeting next month. Meantime, Marty will have maps for reference to bring to the work session.

Charlotte is including new Zoning Permits in the packets.

Pathforward:

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  - Marty will issue statement to Country Inn
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  - Tom Miller will consult with Benny King regarding Phase 5 in Quail Run
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  - Marty will get an updated map and bring to the work session for reference on establishing urban growth areas.

Daniel Talbot/Chairman

Madelyn Dixon/ Secretary