Elkton Planning Commission

April 12, 2006

In Attendance:

Dan Talbot, Chairman
Dennis Donachy, Town Manager
Marty Shifflett, Admin. Rep
Harry Armbruster, Commissioner
Madelyn Dixon, Commissioner
B. Wake Gooden II, Commissioner

Absent:

Wayne Printz, Council Rep
Jeremy Ream, Commissioner
Charlotte Shifflett, Clerk
John Huddle, Rockingham County Assistant Fire Marshall

Agenda:

Approval of Minutes – Wake Gooden made a motion to approve the minutes with the changes mentioned in general discussion, seconded by Harry Armbruster. Motion Carried 5-0.

New Business:

- **Patrick Hensley 305 East Rockingham Street** – came before meeting regarding his property on West Spotswood Avenue. Mr. Hensley purchased a piece of property that was in a B2 zoning around October to build a home to be sold. Subsequently the Planning Commission made changes to the Code of Elkton to prevent residential homes from being built in business districts.
    - Much discussion followed about Mr. Hensley's situation. Mr. Hensley ultimately decided that he did not want to pursue the issue after hearing the different aspects of the discussion. See details below.
- **George Hensley 203 Ashby Avenue** – Mr. Hensley's son appeared to speak on his behalf about the proposed closing of C Street from Terrace Avenue to Ashby Avenue. He passed out two documents (attachments I & II).
    - Barry Hensley said he contacted Dr. John Kidd (Superintendent of Rockingham County School) and asked him if him if the School Board was interested in the property. Mr. Kidd said he would get with the School Board, gauge their interest and get back with him. Mr. Hensley still has yet to contact him.
    - Mr. Donachy spoke about the background information and insured the Hensley family that the Town Council will not land lock any land owner. However, in the investigative work he discovered that there was an appraisal given on the property. He noted if the family would share this information with the town he would share it with the Rockingham County School Board.

Harry Armbruster made a motion to table this item to allow further investigation of impact on adjoining properties, validity of Henry Avenue closure and the closure of C Street. Seconded by Marty and motion carried on a vote of 5-0.

- **Zoning changes** – Dan provided us with a starting point for discussion around this point:
  - Property that is subject to changes in code that do not require public hearings or notification, may, upon approval by town council, be grandfathered for a period of 6 months from the date the code change is made providing that the following apply:
    1. The change causes a financial hardship for the person who was the owner of record at the time of the change.
    2. The property owner was actively pursuing development under the previous code at the time of the change.

Much discussion followed around this issue and it was decided that this is a policy issue to be developed by the staff and brought back to next months meeting.

- **Nonconforming Use** - Dan provided us with a starting point for discussion around this point:
  - "Single family residences with a B2 zoning can be rebuilt, but not modified, in the event of loss providing that the block on which the dwelling is located is till predominantly residential in nature."

After much discussion it was agreed upon that no one was willing to allow changes to the code around Nonconforming Use, item is considered dead.

- **Street Closure(s) – Temporary**
  - A Street can be closed temporarily if the following apply:
  1. The closure is for a purpose that benefits the town's population.
  2. The closure does not create long term impact to the adjacent property owners.
  3. There is a defined period of closure.
  4. At the conclusion of the closure period the street is returned to a status that is at least as good as the original condition by the party that requested the temporary closure.
  5. Traffic is not diverted in a manner that would cause undue congestion in other areas.

- **Street Closure(s) – Permanent**
  - A street or alley can be permanently closed if the following apply:
  1. the Town manager or his/her designated representative must certify that the street/alley has no useful purpose to the town or it's residents by nature of current use, zoning, cost of opening, or point of origin or destination.
  2. The closure does not create long term impact to the adjacent property owner's
  3. The closure does not cause a parking issue on current streets or cause traffic to be diverted in any manner that would cause undue congestion in other areas.
  4. Request must be submitted to the Planning Commission for their recommendation.
  5. Council will make final determination after a public hearing, legal review and recommendation of Planning Commission.

- **Pete Bonavita's Rezoning Request –**
  - After much discussion, it was determined the issues that need to be discussed with Rockingham County
    - This property is outside of the planned growth areas defined in Rockingham County's Comprehensive Plan.
      - The planned growth area has all been brought into the town, either through annexation or boundary line adjustment.
    - Proffers
      - Waste Treatment plant upgrades, with the additional restrictions around nitrogen and phosphorus.
    - Follow town standards and specifications
    - Undesignated space of may allow for any type of zoning request in the future. Mr. Bonavita needs to clarify what usage is intended for the 15 acres currently zoned as A 1.
    - Type of businesses

Copy of Original Letter:

April 17, 2006

Rockingham County Planning Commission

Dear Chairman and Commission Members,

Thank you for the opportunity to provide comment on the proposed re-zoning request RZ06-08 for tax parcel 130 (A) 9. The Elkton Planning Commission discussed this matter at its April 12, 2006 meeting and is not in favor of rezoning at this time. The reasons for this decision are as follows:

1) As noted in your letter, the area is not located within a designated Urban Growth Area. It is our understanding, that in order for land to be considered for rezoning from Prime Agricultural, it must be within an Urban Growth Area.

2) The Town of Elkton has either annexed or boundary line adjusted almost all the area within its proposed Urban Growth Area within the last two years. We feel that the Town of Elkton and Rockingham County need to evaluate and agree upon a new Urban Growth Area boundary before any additional rezoning is permitted.

3) Since the time the town offered water and sewer services to this developer, the town has completed the additional boundary line adjustments with the county, noted above, and has entered into agreements with other developers that have brought the town's sewer system to capacity. With this increased development and the tougher Department of Environmental Quality (DEQ) standards we believe that any future developer needs to provide substantial assistance toward upgrading the sewerage treatment plant. Also the agreement for water and sewer was with the stipulation that the developer request a boundary line adjustment and the County agree with the request.

4) The master plan and the proposed rezoning do not cover the entire acreage in question, leaving 15 acres of Agricultural land surrounded by R5 and Business acreage. We believe that this allows the developer leverage and leeway in the future uses of this property which could result in substantially different use than that which is currently proposed.

Thank you for the consideration of these points.

Sincerely,

- **Woodbridge, Vacating Lot Lines –**

Harry Armbruster made a motion to vacate the lot lines between Lots 68 & 69. Seconded by B. Wake Gooden II. Motion carried 5-0.

Old Business:

- Define "Private Street" more clearly

Marty made a motion to accept the definition of Private Street as provided by the Town Manager, seconded by Harry Armbruster. Motion carried 5-0.

- Provide an updated version of CIP budget
- Make a proposal for changing the regular scheduled meeting day from second Wednesday to second Thursday.
  - Marty withdrew his request for schedule change.
- Solicit proffers from Willow Oaks
  - Proffers didn't work out well; however, there have been recent discoveries that will require the developer to assist in the upgrade of the infrastructure.

Pathforwards:

- Write a proposal for Street closure, temporary and/or permanent.
  Responsibility: D. Donachy timing: 10-May-06

- Write a policy describing the process used to communicate changes within zoning regulations
  Responsibility: D. Donachy timing: 10-May-06

- Schedule an updating a Final Draft proposal of the Comprehensive Plan
  Responsibility: D. Donachy timing: 10-May-06

- Write a policy or code to cover vacating of lot lines.
  Responsibility: D. Donachy timing: TBD

Daniel Talbot/Chairman

Madelyn Dixon/ Secretary

AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT) SECTIONS 110-302 (TERMS DEFINED) AND 110-709 (SPECIAL REGULATIONS FOR TOWNHOUSES) C OF THE CODE OF THE TOWN OF ELKTON TO CLEARLY DEFINE PRIVATE STREETS AND TO ELIMINATE PRIVATE STREETS FROM TOWNHOUSE DEVELOPMENTS.

WHEREAS, the current code does not define private streets; and

WHEREAS, the Planning Commission wishes to limit the establishment of private streets;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110 (Land Development) of the Code of the Town of Elkton, is hereby amended as follows:

1. Section 110-302 is hereby amended by changing the following wording:

   ~~STREET, INTERNAL~~ *STREET, PRIVATE* – A private street providing access to ~~lots within a development~~ *no more than three lots or six dwelling units and must meet VDOT standards*, but not including driveways.

2. Section 110-709 C is hereby amended by deleting the following wording:

   C. Each townhouse building shall front on a street dedicated to public use. ~~If access is to be provided by means of privately maintained streets,~~ The streets including .....

3. This ordinance shall be effective immediately upon its adoption.

Adopted by the Town Council of the Town of Elkton this ____ day of _____, 2006

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2006

_____
Mayor

Copy

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Sincerely,

Daniel R. Talbot
Chairman Elkton Planning Commission

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