PLANNING COMMISSION MINUTES
Tuesday, OCTOBER 2, 2007
Revised

Attendance:

Talbot, Dan – Chair
Armbruster, Harry – Vice-Chair
Dixon, Madelyn – Secretary
Morrison, Cathy – Commissioner
Ream, Jeremy – Commissioner*

Shifflett, Charlotte – Admin Rep
Shifflett, Marty – Zoning Admin
Laurie Sigler- Town Attorney*
Pence, Theodore – Council Rep

(*) denotes absence of member

Guests:

Margretta Isom—Council

Approval of Minutes:

A motion was made by Harry Armbruster to accept the minutes from the September meeting; seconded by Cathy Morrison.

Motion Carried: 5-0

Agenda Items:

- **New Business:**
  - Home Occupation Permit for **Nancy Fries** to operate a Hair Shop from her residence located on 115 Davis St.
    a. Code requires a new application when address changes.
    b. Applicant has remained in compliance with codes and no complaints or problems have been received in regards to the permit since it was issued.
    c. Fire Marshall needs to be involved in renewal process.
    d. An ad scheduling a Public Hearing must be placed

A motion was made by Harry Armbruster to send the recommendation to Council, seconded by Cathy Morrison.

Motion Carried: 5-0 vote

  - Special Exception Permit, requested by **Mary Liz Humphrey**, to open a Bed & Breakfast in her home located at 111 Ashby Avenue.
    a. An inspection must be performed by the County Fire Marshall and Health Department.
    b. House has a downstairs and an upstairs apartment which will require a minimum of **(4)** 10 ft X 20 ft parking spaces with nothing larger than an automobile to be parked there at any time. (no vans or large travel vehicles).
    c. The use of property in proximity to schools is an issue and needs further investigation.
    d. If a permit is issued, failure to follow all rules may result in rescinding the permit by the Planning Commission or the Town Council.
    e. The proper authorities shall be contacted to inspect the property.

Mary Liz must present all papers with approvals by officials from the Health Department and County Fire Marshall offices.

A motion was made by Cathy Morrison to send the recommendation to Council and a public hearing, seconded by Theodore Pence.

Motion Carried: 3-1 vote (Madelyn Dixon was excused earlier)

- **King Construction** has submitted a request to rezone property on Wirt Avenue from R5 to R6
    a. Members were given an opportunity to review a sketch of proposed apartments to be defined as Senior Living with ages 55 and older—no exceptions!
    b. Members noted it was an excellent idea but had reservations about flooding and traffic.
    c. Mr. King was informed to draft a written proposal to present to the Commission specifying his policies and regulations.
    d. Schedule a field trip to the construction site with all current Commissioners.
    e. The Town Attorney is still working on recommendations for code revisions to apartments.

The group felt they need more time to familiarize themselves with the plan as presented on October 2, 2007.

- Zoning Permit Applications:
    a. The Zoning Administrator should consider implementing guidelines which treat all new applications consistently. This standard requirement would apply to all future Zoning Permit applicants.
    b. Applicants should present a surveyor's certified plat with all requests rather having the option to present a hand drawn sketch.
    c. Clarify the issue, in order to resolve the question, of whether the Zoning Administrator should be given the authority to vacate lot lines.
    d. An application was presented to the Zoning Administrator for construction of an accessory building by an individual who owns three lots; with the house sitting on 2 lots and the 3rd one with no existing structures. The request would place the building on the remaining vacant lot.
        1) The first step would be to have the lot line vacated.
        2) The entire property would need to be surveyed and the certified plat presented with building plans displaying dimensions.

Old Business:

- First Reading
  Amendment to the Elkton Town Code
    a. Signs
    b. Fences
    c. Closure of Streets or Alleys

Pathforward:

- Town Attorney is working on Code defining apartments.
- Members will be scheduling a field trip to King property on Wirt Avenue.

With no further business to discuss the meeting adjourned. The next meeting is scheduled for the first Tuesday, November 6, 2007 at the Elkton Area Community Center Council Chambers at 7:00 pm.

Submitted By:
Charlotte Shifflett

Daniel Talbot/Chair

Madelyn Dixon/Secretary

First Reading
Amendment to the Elkton Town Code
September 16, 2007

WHEREAS, § 15.2-1717.1 the Code of Virginia gives a locality the authority to adopt an ordinance to establish a procedure whereby the owner, lessee, custodian, or personal lawfully in charge of real property may designate the local law enforcement agency as a "person lawfully in charge of the property" for purposes of forbidding another to go or remain upon the lands, buildings or premises of the owner; and

WHEREAS, the chief of police has recommend the adoption of such ordinance;

BE IT RESOLVED that the Town of Elkton hereby adopts by ordinance the following Amendment to Chapter 27, POLICE, to the Elkton Town Code creating a new Section, as follows:

Chapter 27
POLICE
Article I
Police Department

Section 27-7. **Designation of police to enforce trespass violations.**

The chief of police may accept a designation by the owner, lessee, custodian, or person lawfully in charge, as those terms are used in the Code of Virginia § 18.2-119, as amended, of real property located within the town, designating the Elkton Police Department as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner as specified in the designation. Any such designation shall be in writing and shall be kept on file with the Elkton Police Department. The chief of police shall promulgate rules, regulations and/or a procedure for the acceptance and use of such designation.

Charlotte - return

First Reading
Amendment to the Elkton Town Code
September 16, 2007

Section 110-706 D. Signs as permitted uses. The following signs are permitted uses in the following districts:

(3) Business Districts. Within any business district, the following signs are permitted:

(d) An electronic message board sign may be attached to either a Class A or Class B freestanding sign. An electronic message board sign so attached shall not exceed six feet in length or 12 square feet in sign area. Sign area of the attached electronic message board shall be included for purposes of computing sign area of the Class A or Class B freestanding sign. **Any electronic message board sign must meet the requirements contained in Section 110-706 F (3) below.**

Section 110-706 F. Signs prohibited in all districts. The following signs are prohibited in all districts.

(3) ~~Any sign which contains flashing or intermittent illumination.~~
Any sign which displays scrolling text, flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, which changes alteration on not less than a five-second cycle.

First Reading
Amendment to the Elkton Town Code
September 16, 2007
Adding new sub-section E to Section 110-710

Chapter 110
LAND DEVELOPMENT
Article VII
Use Regulations

Section 110-710. **Fences.**

E. No fence in any district located in a front yard shall exceed three feet in height.

AN ORDINANCE TO AMEND CHAPTER 143 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF ELKTON TO ADD ARTICLE VI (CLOSURE OF STREETS OR ALLEYS).

WHEREAS, currently there is no clear procedure for the permanent or temporary closure of streets or alleys in the current code; and

WHEREAS, there have been numerous requests to close alleys and streets; and

WHEREAS, there are alleys and streets shown on the town map that are nonexistent and need to be improved or abandoned;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 143 (Streets and Sidewalks) of the Code of the Town of Elkton, is hereby amended by adding the following Article VI:

1. ARTICLE VI Closure of Public Streets or Alleys

§143-36 Temporary Closure

A public street or alley may be temporarily closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative, at least thirty (30) days prior to requested closure date.

B. The closure is for a purpose that benefits the town population. (can also be for a nonpublic purpose)

C. The closure does not create long term impact to the adjacent property owners.

D. There is a defined period of closure, not to exceed **three hundred and sixty-five days**.

E. Traffic is not diverted in a manner that would cause undue congestion in other areas as verified by the chief of police.

F. At the conclusion of the closure period the street or alley is returned to a status that is at least as good as the original condition by the party that requested the temporary closure.

G. The town manager, or his/her designated representative, may issue a permit for temporary closure when in their judgment the public safety so requires. Such temporary closure shall not extend past the time of the next Town Council

Deleted: s

Deleted: must be submitted in writing to Town Council

Formatted: Font: Bold

Formatted: Font: Bold

meeting. The Town Council may issue a permit for any other temporary closures.

H. Closures can be renewed if deemed necessary by Town Council.

§143-37 Permanent Closure

A public street or alley may be permanently closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative. The request must provide information on why the street or alley should be closed, impact on neighboring property and the benefit of closure to the town. The application shall contain the signatures of all abutting property owners along the public street or alley stating their approval of the closure.

B. A fee of one hundred ($100.00) shall be paid to the Town for the processing of an application for the vacation of any public street or alley. The application shall not be received unless such fee is paid at the time the application is filed.

C. The town manager, or his/her designated representative, must certify that the street/alley has no useful purpose to the town or its residents by nature of current use, zoning, cost of closing, or point of origin and/or destination.

D. Notice of the intention to vacate a public street or alley must be published at least twice, with at least six (6) days elapsing between first and second publication, in a newspaper having general circulation in the locality. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant

E. Request will be reviewed by the Planning Commission, the Elkton Police Department and the Elkton Volunteer Fire Company for their comments and recommendations.

F. After the public hearing, review by the other departments and after all affected land owners along the public street or alley have been notified, the Planning Commission will forward their recommendation to the Town Council.

G. After receiving a recommendation from the Planning Commission the Town Council may discontinue the public street or alley.

I. Unless otherwise provided by the Town Council, as a condition of the vacation of any public street or alley, the abutting property owner or owners, shall (1) provide the town with a certified survey of the public street or alley; and (2) purchase from the

Formatted: Font: Bold

Formatted: Font: Bold

Deleted: ¶
G

Deleted: must be submitted in writing

Deleted: B

Deleted: ¶

Deleted: C

Deleted: ¶

Deleted: D. . All land owners along the right-of-way must be notified and a public meeting must be held following the procedures set forth in §15.2-2006 of the Code of Virginia.¶

Deleted: E

Deleted: meeting

Deleted: and

Deleted: F

Deleted: will determine if the street or alley is to be closed

Deleted: H

Deleted:

Town such abutting property owner's fractional portion of the public street or alley. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the vacation shall be void, unless another abutting property owner whose property must be contiguous, purchases the unpaid fractional portion.

Deleted: as to any such property owner

Deleted: ¶

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

ADOPTED by the Town Council of the Town of Elkton this _____ day of _____, 2007.

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2007.

_____
Mayor