PLANNING COMMISSION MINUTES

October 6, 2009

Attendees:

Dan Talbot/Chair	Cole McGregor/Vice Chair
Vic Corbo	Charlotte Shifflett/Administrative Secretary
Madelyn Dixon	Cathy Morrison/Secretary
Goldie Helsley	
Margretta Isom/Council Representative	

Guests:
Ben Craig/Intern
Dr. Nicholas Swartz/Economic Development @ JMU

The meeting began at 7:05 pm with Dan Talbot presiding.
Ben introduced Dr. Swartz and himself. He encouraged everyone to return the survey included in the September issue of the newsletter.

Goldie Helsley was welcomed as a new member; appointed to fill Harry Armbruster's vacancy. Her term will expire October 31, 2010.

Didi Hensley
Tax map 131B4-(3) B 2 L 5
16868 E Washington St
Mr. Hensley approached the members to inquire about the possibility of rezoning property from R 2 to R 4? He has been disapproved twice for identical requests-

2007-081	Disapproved by Zoning Administrator	Jan/ 07/2008
	Fee of $100.00 posted Dec 13, 2007	
2008-044	Disapproved by the Planning Commission	Aug/05/2008

Mr. Hensley re-purchased the property in 2001. He noted he received no notice about the rezoning at the time of annexation in 2005. Perhaps it was mailed to the previous owner but he has no recollection of receiving the documentation himself. When the Public Hearing was held, after annexation, no-one attended or objected to the recommended zoning.

Mr. Hensley reiterated the fact the town had run utility lines by his property when the water and sewer taps were installed on Pentecostal Hill. He feels that by passing his request he will be reimbursing fees to the town for connections and taxes thus, alleviating some of the debt acquired by residents in that area. He does not understand how the neighbors across the street, on the north side of E Washington, are in an entirely different zoning district, R 4. The Planning Commission reasoning for zoning differently on both sides was mainly an issue relative to smaller houses and lots in existence on the R 4 side. The lots in R 2 in general are larger lots in comparison with the intention in mind that bigger homes would be built on the larger lots. Duties of the Planning Commission is to ensure codes are followed within town, not to collect or attempt to increase revenues.
The question arose as to how to proceed with the issue from this point?
A suggestion directed to Mr. Hensley offered him an opportunity to poll his neighbors on his side of the street and bring back responses as to whether they

would object to a rezoning of his lot from R 2 to R4? This action would provide a convincing reason to investigate the requested changes. A new zoning application, along with the fee, shall be implemented if Mr. Hensley pursues the issue.

Anita Gregory
301 Jackson Ave
Elkton, VA 22827
R-3 Zoning
Ms. Gregory approached the board and asked if Codes exist for the rental of a room in a residential area? She is interested in accepting a boarder into her private residence.

After reviewing several codes, the criteria in the definition of Boardinghouse or Rooming house may apply if she were to exceed the (3) person limit. Ms. Gregory noted that she has ample parking space available to accommodate a renter.

The final burden of making a decision ultimately goes to the Zoning Administrator's Office Charlotte Shifflett, Zoning Administrator will be looking into issue and notify Ms. Gregory by mail..

Old Business:
Rezoning
Dan Talbot was invited to attend the Council Retreat held on September 29, 2009. The invitation was extended to allow Dan an opportunity to present the rezoning plan to Council as agreed upon by the Planning Commission.
Discussion:
As a result of the meeting public use zoning and transitional zoning were placed on the agenda.

Attorney, Lauri Sigler had a print out of mixed zoning, residential and business, from the cities of Danville, Leesburg and Blacksburg, Virginia as examples.

Dan noted that the rezoning has several options to offer the committee:

a. opportunity to write new zoning
b. transition properties
c. Was the area in question originally intended to be business vs. residential or vice-versa, residential vs. business?
d. consider that Wirt Ave and Water St have business district zoning but have a lot of residences.

Dan continued the discussion by noting:

- Our original plan called for Water St. to be rezoned from B1 (Business) to R 5 (Residential District). He polled the members to see if anyone had any reservations and/or any uncertainties? ***6-0 remain in favor.***
- Our original plan called for South side of Wirt Ave. to be rezoned from B2 (Business) to R 5 (Residential District). He polled the members to see if anyone had any reservations and/or any uncertainties? ***5-0 remain in favor.*** (Isom abstained)
- Our original plan called for W Spotswood Tr to be rezoned from B2 (Business) to R 4 (Residential District). Two options were suggested:
  a. Rezone the area from B 2 to R 4

b. Leave the area as B 2 and allow residences to become conforming existing houses with an amendment written it shall be a conforming use if not modified more than (% to be determined).

a. ***3-0 in favor of option a.***

b. ***3-0 in favor of option b.***

- Our original plan called for Gibbons Ave.. to be rezoned from R 5 (Residential District) to R 4 (Residential District). He polled the members to see if anyone had any reservations and/or any uncertainties?
  6-0 remain in favor
- Our original plan called for beginning at Shenandoah Ave. to the lot past Dr. Miller's house, on the West side, to be changed from M 1 (light manufacturing) to R 4 (Residential District.)
  6-0 remain in favor

The board entertained the idea of changing and/or amending B 2 to allow non-conforming homes to be become conforming uses.

Pathforward:

Lauri Sigler will check on Dr. Swallow's residence to confirm the number of times the property has been rezoned.

§ 110-617 P-1 Public Use District Draft

A. Purpose of a Public Use District P-1. This district is intended to allow cultural, recreational, educational, and governmental uses. The Council intends that this classification will apply primarily to governmentally-owned property, but it may also apply to privately-owned property being put to similar uses.

B. Permitted uses within Public Use District P-1:

(1) Schools not housing students overnight.
(2) Police Stations.
(3) Fire Stations.
(4) Rescue Squad Stations.
(5) Parks, playgrounds, and recreational facilities.
(6) Libraries.
(7) Administrative offices for governmental entities.
(8) Community centers and other assembly halls.
(9) Water treatment facilities.
(10) Sewage treatment facilities.
(11) Neighborhood Public Utilities
(12) Water tanks.
(13) Cemeteries.
(14) Municipal Maintenance Facilities.

C. Special Exceptions.

(1) Festival parks, in which occasional celebrations, sales, lawn parties, fund raisers, and similar events are held.
(2) Telecommunications Towers and Telecommunications Antennas, in accordance with Chapter _____
(3) Wide-Area Public Utilities.

D. Area Regulation. There are no requirements for minimum lot areas, front yards, street frontage, lot width, depth, side yards, rear yards, or lot coverage.

E. Height. Buildings shall not exceed three stories or 40 feet in height, whichever is less. There is no height limit for other types of structures, except as may be provided in Chapter _____ for signs.

F. Off-Street Parking. As provided in Chapter _____.

G. Signs. As provided in Chapter ____.

Lohman Property
An accurate survey is needed before a deed is typed. The closed portion of the alley should end at the Randell Snow property. In addition, the alley should have the lot line vacated and become a part of an existing lot rather than be recorded as separate lot.

Vic Corbo made a motion to accept the minutes from the August 11, 2009 Public Hearing and the regular meeting minutes from August 11, 2009, seconded by Cole McGregor.
Voice Vote = 6-0
Motion carried

With no further business the meeting adjourned. The next regularly scheduled meeting will be tentatively be moved from the first Tuesday to the first Wednesday of November due to election day. It should be held at 7:00 pm on Wednesday, November 4, 2009 in the council chambers located in the Community Center on Blue & Gold Dr.

Submitted By:
Charlotte Shifflett

Dan Talbot/Chair

Cathy Morrison/Secretary