Planning Commission

Meeting Minutes
May 4, 2010

Present:
Cole McGregor, Vic Corbo, Madelyn Dixon, , Goldie Helsley, Margretta Isom, Daniel Talbot
Administration: Lauri Sigler and Charlotte Shifflett
Excused:
Cathy Morrison
Guest:
Pete Bonavita

Dan Talbot/Chairman called the meeting to order at 7:05 pm. He began with the "Pledge of Allegiance".

Cole McGregor made a motion to accept the April minutes, seconded by Vic Corbo.
Voice Vote (yes)
Cole McGregor, Vic Corbo, Madelyn Dixon, Goldie Helsley, Margretta Isom, Daniel Talbot
Motion Carried

Old Business:
Public Hearings

a. A Special Exception Permit for Elkton Manor due to rezoning.
b. Foundation Survey has been recommended for a joint Public Hearing. Attorney Sigler will advise Council of the Planning Commission's request and attempt to schedule in July 13, 2010, the earliest date after boundary line adjustment. Combine

Zoning Permit Graph
Charlotte researched the issue of requiring a survey and found that four buildings and possibly three new residences would have been required to present a Foundation Survey if the ordinance had been enforced at the time of permit issuances. Financially, it should not create a hardship since most applicants apply for pools, decks, fences, and sheds on runners< *under the 150 sq, ft limit*> In this case the applicant is not required to go to Rockingham County.

Downey Knolls

- Downey Knolls Boundary Line Adjustment Agreement has been completed between Rockingham County and the Town of Elkton.
- Public Hearing held on April 28, 2010
- Effective July 1 , 2010

SPECIAL COUNCIL MEETING
TOWN OF ELKTON
April 28, 2010
7:00 p.m.

Mayor Larry A. Bompiani has called a Special Meeting of the Elkton Town Council on Wednesday, April 28, 2010, at 7:00 p.m., at the Rockingham County Board of Supervisors Board Room, located at 20 East Gay Street, Harrisonburg, Virginia.

Agenda

1. **Public Hearing.**
Regarding proposed agreement of a boundary line adjustment between the Town of Elkton and Rockingham County on the northern side of U.S. Route 33 (Spotswood Trail) and on the

eastern side of Route 979 (Stephens Conrad Road) near the intersection of Route 981 (Rockingham Pike).

The agreement changes the boundary line so that a portion of a parcel known as County Tax Map No. 130-(A)-L9 containing 55.146 acres, more or less, owned by BPML Properties, LLC is incorporated as part of the Town of Elkton. This parcel is adjacent to Quail Subdivision Section Four and Section 1 of Elkton Plaza Subdivision. This boundary line adjustment is being made at the request of the landowner. A true copy of the agreement is available at the Town Manager's office, 173 West Spotswood Avenue, Elkton, Virginia.

2. Vote to approve boundary line adjust between the Town of Elkton and Rockingham County so that the parcel of real estate owned by BPML Properties, LLC with County Tax Map No. 130-(A)-L9 containing 55.146 acres, more or less, will be wholly incorporated as part of the Town of Elkton.

- Pete Bonavita requested permission to discuss future zoning. He passed out a smaller sheet version of the Master Plan approved by the county.
- Note # 3 --Would like to modify language to include duplexes. Roads won't change but some lot sizes may change.
- The Master Plan was passed to comply with County R 4 and R 5 Zoning. However, these Zonings do not match Town districts.
- Mr. Bonavita requested to change the plan and build duplexes with seperate owners of each half.
- Reference Street "D" The lot sizes on this street are 5400 Sq Ft but our zoning requires a minimum of 6,250 Sq Ft.
- The discussion continued with an attempt to identify the Master Plan drawing to match existing Town Codes. To bring property into Town by annexation or Boundary Line Adjustment typically requires a code change.
- Charlotte was requested to find out what 110-406 stated before it was revised 9/17/2001.
- It currently states:

  § 110-406 Annexed Territory {Amended 12-18-2000, 9-17-2001}

  Any territory hereafter annexed to the Town of Elkton shall continue to be subject to the county zoning classifications and regulations as such territory was subject at the time of annexation until otherwise changed by rezoning.
- Mr. Bonavita is willing to revisit the Codes and make the Master Plan work.
- If Master Plan is changed will it effect zoning? It appears that the our R 8 is similar to the county's R 5.
- A. Smaller lots are best suited for duplexes.
  b. Larger lots should be reserved for single-family residences.
- No time estimate can be given It will depend how which way Mr. Bonavita decides to go from advice obtained tonight. He will decide to go with the Master Plan or do something different.
- Chairman Talbot commended Mr. Bonavita for coming to the meeting of the Planning Commission and allowing members to chose a zoning as close to the existing Town Code as possible..
- The property designated as A 2 is not included in the request.
- The discussion was approved tonight in hopes that members would grasp the concept of the final project. Commissioner Corbo felt that concept is not the problem; density may become an issue.
- Front yard and side yard setbacks differ in the County Code. After observation it appears most will not meet Town requirements.

- Council Representative Isom had a question relative to the 55 years and older housing prerequisite. Virginia State Code does not allow more than a 20% ratio to be under 55 yeas old.
- The Master Plan displays an emergency road for ingress only. In addition it was passed by the County Fire Marshall for emergency vehicle use. Two lots are adjacent to this road and neither has the street frontage required in our codes. The driveway will enter from the street and a Special Exception Permit may be considered to allow the public street requirement to note the property as adjoining the emergency road.
- Business (B 2) will require no changes other than a request to allow an option other than the flat roof as specified on the Master Plan.

Chapter 6
Boards, Committees, and Commissions
Planning Commission
<Adopted 6-19-1980 as Secs. 6-1-1 through 6-1-6 of the 1980 Code>

§ 6-1. Creation
Pursuant to state law, a Planning Commission for the Town is hereby created.

§ 6-2 Composition; appointment, terms.
The Planning commission shall be composed of seven members, who shall be appointed By the Town Council. all of whom shall be residents of the town and freeholders qualified by knowledge and experience to make decisions on questions of community growth and development. One member of the Commission may be a member of the Town Council and one member may be a member of the administrative branch of government of the town. The term of each of these two members shall be co-extensive with the term of office to which he or she has been elected or appointed unless the Town Council, at the first regular meeting each year appoints others to sere as their representatives. The remaining members of the Commission shall serve terms of four years each.

§ 6-3 Compensation
Subject to the Code of Virginia, § 15.2-2212, all members of the Planning Commission shall serve as such without compensation.

§ 6-4 Removal of Members
Any member of the Planning Commission may be removed from office for malfeasance in office

§ 6-5 Filling Vacancies
Vacancies upon the Planning Commission, however caused, shall be filled by Council for the unexpired term only.

§ 6-6 Functions, powers, duties, and limitations
The Planning Commission shall have the functions, powers, and duties and be subject to the limitations, which are prescribed by § 15.2-2221 of the Code of Virginia

Pathforward:
Attorney Sigler will bring copies of the Code of Virginia 15.2212 and 2221 to our next meeting for distribution.

By-Laws
By-Laws should be reviewed every two years. Charlotte was requested to mail each member a current set of By-Laws before the next meeting... Please track any corrections and/or errors.

§ 110-609
R 8 Code
Review for any modifications.

Comprehensive Plan
Place on next month's agenda for review.

Fees
Are we collecting enough money to cover advertising costs?

Didi Hensley Request

- Mr. Hensley has submitted a request to rezone property, located on E Washington St, from R 2 to R 4 **Tax Map #131B4-(3)-B 2 L 5** He had been advised by this body to collect signatures from residents on his block and in that area to poll them for an opinion about changing the zoning.
- Documentation was filed with the Planning Commission minutes in Jan 2010. However, a question was asked, if Mr. Hensley explained to the petitioners who signed the paperwork, *if they were expressing a desire to change all the surrounding property or just the lot owned by Mr. Hensley?*
- Council Woman Isom noted that the Planning Commission works with other people but why not Didi Hensley?
- Commissioner Helsley made a motion to rezone **Tax Map #131B4-(3)-B 2 L 5** from R 2 zoning to R4. The motion was not seconded but evoked a lengthy discussion.
- Lot 5 is approximately 50 ft. frontage and 200 ft. depth. Water and sewer have been run to the property line. Mr. Hensley's theory is that the Town needs money to pay the expense of water/sewer lines in the Pentecost Hill Area but refuses to rezone his property which would be $10,000 revenue for the Town. The property would also require a Sub-Division of his lot.
- to rezone a single lot would appear to be spot zoning the whole block that lies between North side of E Summit/South side of E Washington and East of High Street would need to be rezoned in order to avoid the appearance of spot zoning.
- What was told to property owners in order to produce signatures? Were they told only Hensley lot would be rezoned or the whole block?
- A description of the question to property owners is displayed at the top of the signature page.
- Advertising costs for Public Hearings can be quite expensive.
- How will rezoning, if passed, affect our Comprehensive Plan?
- Councilwoman Isom wondered why we spend time listening to some people and seem not to listen much to others? We seem to find ways to resolve other issues but not this one.

Zoning Permit Chart
Charlotte was requested by members to revise the document and actually define how many of the permits issued in 2009 would have required the *Foundation Survey*, had it been an ordinance?

Pathforward: **Place on next month's agenda**

With the conclusion of business, the meeting adjourned. The next meeting is scheduled for May 4, 2010 at 7:00 pm. The date and time is subject to change depending on schedule for public hearing. Members shall be advised in advance of any change.

Submitted By:
Charlotte Shifflett

Dan Talbot/Chair

Cathy Morrison/Secretary