Planning Commission

Meeting Minutes
April 6, 2010

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

Cole McGregor/Vice Chair called the meeting to order @ 7:05 pm. Vic Corbo made a motion to pass the minutes dated March 2, 2010; seconded by Madelyn Dixon.
Voice vote 4-0
Cole McGregor, Vic Corbo, Madelyn Dixon, Goldie Helsley
Motion Carried

Dan Talbot/Chair arrived and continued the meeting

Special Exception:
The nursing home known as Elkton Manor, located on W Spotswood Tr., was rezoned from B 2 to R 4 during the recent rezoning process. In district R 4 a nursing home is not a permitted use, therefore; it is required to have a Special Exception Permit.

Vic Corbo made a motion to recommend the Town issue a Special Exception Permit to Elkton Manor due to rezoning approved by Council. He recommended that a Public Hearing be scheduled and the fee be waived for the permit due to action by rezoning. Cole McGregor seconded the motion
Voice vote 6-0
Cole McGregor, Vic Corbo, Madelyn Dixon, Goldie Helsley, Cathy Morrison, Dan Talbot
Motion Carried

Town Attorney, Lauri Sigler noted it will probably be May before a Public Hearing will be scheduled through Council.

Lot Line Vacation/Lot Line Adjustment:
A discussion was held regarding property located at 270 Millbank Ln, Elkton, Va. Charlotte Shifflett, Zoning Administrator, was advised to write the requestor a letter to include the following:

TOWN OF ELKTON
173 WEST SPOTSWOOD AVENUE
Elkton, Virginia 22827
540-713-4062

Thursday, April 08, 2010

Dear Mr. Bompiani,

The local Planning Commission met on Tuesday, April 6, 2010. Your zoning application was discussed and I was advised to forward the following information:

a. Millbank Ln is a private road but since (2) lots existed at the time of the request you will be allowed entry to both lots by using Millbank Lane entrance.
b. Your request was for a lot line vacation and a lot line adjustment.
c. The Commission has no objections and you are allowed to proceed.
d. Please present an updated surveyor's plat which displays the lot lines to be vacated and the new boundary line. This issue will be placed on our agenda for the May meeting.

You are in the R 2 zoning district which requires each lot to have at least 12,500 sq. ft. per lot with public water and sewer.

It was the Commission's pleasure to advise you and assist you in resolving your request.

Regards, Charlotte L Shuppert

Zoning Administrator

Downey Knolls:

Attorney Sigler, was requested to give an update on this issue. Rockingham County has not gotten back with her

Discussion:

- ` The business area should be brought in as B 2 Business District.
- The residential area would be best suited to R 4 zoning due to the fact Mr. Bonavita may revise the plan and consider building duplexes.
- Leave the 3rd area, the open field as A 1 District.
  a. If a rezoning request is submitted it will need to submitted with a Master Plan
- The project will be bound to the proffers as offered.

Foundation Survey:

Dan Talbot attended the March 15, 2010 Council meeting to be available to answer questions from Council regarding the implementation of the Foundation Survey.

- He opened the floor to suggestions as to where to go from here?
- Council seemed to be split about 50%/50% on the issue.
- Council did not want to place the burden entirely on the Zoning Administrator.
- Another concern was the extra cost it places on town residents.
- Section :"D" (2) , of the proposed ordinance, may allow some discretion to applicants applying for an addition to their existing dwelling. Maybe no *Foundation Survey* will be required.

Cathy Morrison made a motion to delete ~~more than 40 feet from all property lines~~. from D (2) and read :

> A new structure or the addition to an existing structure, on a tract of land that has a valid survey, does not require a foundation, slab, or pier survey if a certified land surveyor licensed to practice in the commonwealth *confirms by letter that the construction meets current required setbacks.* ~~more than 40 feet from all property lines~~. This determination must be made by the surveyor after the approval of the footer inspection. The motion was seconded by Cole McGregor.

Voice vote 6-0
Cole McGregor, Vic Corbo, Madelyn Dixon, Goldie Helsley, Cathy Morrison, Dan Talbot
Motion Carried

Madelyn Dixon made a motion to carry forward and return the Foundation Survey to Council for approval.
The motion was seconded by Goldie Helsley<
Voice vote 6-0
Cole McGregor, Vic Corbo, Madelyn Dixon, Goldie Helsley, Cathy Morrison, Dan Talbot
Motion Carried

Proposed Amendments to the Town of Elkton Code
Adding Section 713 to Chapter 110- Land Development,
Article VII, Use Regulations
June 2, 2009
Rev. March 2, 2010
Rev. April 6, 2010

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§ 110-713 Foundation Surveys

A. A foundation survey shall be obtained for the following structures:
   (1) New structures, renovations, or additions that require a foundation or footer inspection;
   (2) Manufactured homes, decks or other additions over three (3) feet by three (3) feet within a manufactured home park or manufactured home subdivision established after 1995.

B. The foundation survey shall be prepared by a certified land surveyor licensed to practice in the commonwealth after the footer or foundation (whether existing or new construction) has been inspected and approved by the building inspector. Construction above the foundation, slab, or pier shall not commence until the survey has been approved.

C. The foundation survey shall document the location of the foundation, slab, or piers relative to property lines to confirm that the construction complies with setback regulations.

D. Exceptions. The following are exemptions from those requirements:

   (1) The placement of manufactured homes on a manufactured home park lot that existed prior to 1995 does not require foundation, slab, or pier survey. County staff shall determine if sufficient space for the requested unit complies with the current building code.

(2) **revised**
A new structure or the addition to an existing structure, on a tract of land that has a valid survey, does not require a foundation, slab, or pier survey if a certified land surveyor licensed to practice in the commonwealth *confirms by letter that the construction meets current required setbacks.* ~~more than 40 feet from all property lines~~ delete. This determination must be made by the surveyor after the approval of the footer inspection

(3) Survey may be waived on parcels of 3 acres or larger if the owner of the land states in writing that the structure in question is more than 40 feet from all property lines.

(4) Survey may be waived for structures of record, at the time of adoption of this regulation, with non-conforming setbacks as long as the remodeling of an existing porch or deck does not further decrease setbacks. This situation applies to the creation on non-conforming structures resulting from widening or relocation of roads of the construction.

(5) If application is made for an addition to a structure, and the applicant presents a previous survey of the property that shows the existing structure meets setbacks, and it can be determined that the addition shall meet all setbacks, that survey may be used and a new foundation survey may not be required.

E. Exemptions: The following are exempted from these requirements:
(1) Storage building that is less than two hundred fifty six (256) square feet and not on a permanent foundation.
(2) Deck, stoop, or porch, without a roof and not located in a manufactured home park or manufactured home subdivision established after 1995.

Sign Ordinance:
Dan Talbot/Chair informed the group he has received inquiries from several businesses requesting Special Exceptions to increase the size of their signs. The newly formed Economic Community Development Committee (ECDC) is concentrating on an effort to attract more business into town.

- We need to revisit the sign ordinance.
- Decide what we are attempting to achieve?
- Will be able to allow any flexibility on the major highways?

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

B 1 Parking Requirements:
A decision needs to be made if the Planning Commission would like to further pursue making changes to the parking requirements for downtown districts zoned as B 1 Business.

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

- Chairman Talbot noted we help the landowners as much as possible. How much land lies in the R 2 districts? How does rezoning affect our Comprehensive Plan? It is a struggle to please the requestor. If the Planning Commission felt it should be R 4 they would have done so at the time of annexation.
- Mr. Hensley's interpretation to Councilwoman Isom is that he is going through the processes as advised but it seems the Planning Commission is not doing a lot. Councilwoman Isom expressed an opinion that she hopes Mr. Hensley is not being misled by receiving false hope.
- Members are unsure if the persons who signed the petition understood the question since it seems to be read either way; a single lot or entire block for rezoning. No one else has presented an application to the Zoning Administrator.
- Members were asked if anyone would like to make a motion. No response.
- The property was purchased by Mr. Hensley when it was part of Rockingham County and he was hoping to have a buildable lot.
- Councilwoman Isom pointed out that Mr. Hensley is a land developer with smaller projects rather than large sub divisions. But on the flip side, it seems the Commission spends hours and hours with some people while others don't get to do anything.
- Sometimes the commission does seem to be more sympathetic towards a property owner and lives on it vs. the person building for profit. He has a right to a Public Hearing but like to know if its worthwhile?
- A government body in Town needs to propose the area to be rezoned, namely the Council.
- Would the Commission be willing to revisit the issue and vote on block rezoning? Technically, the Commission needs to move forward-**maybe fast forward**-but if it is his property only **it will be spot zoning!**
- Since it was unclear how Mr. Hensley presented his question when he petitioned the neighborhood the Chairman felt he needed to poll the members as to how they felt lead to vote?
- **Support whole block being rezoned?**
  - **Maybe** Cole McGregor
  - **No** Vic Corbo, Dan Talbot and Madelyn Dixon
- **Support rezoning only Mr. Hensley's property?**
  - **Yes** Goldie Helsley, Margretta Isom
- Margretta Isom/Council Representative, will present the member's final results, as recorded in the minutes, at the next Council meeting on May 17, 2010.

Pathforward:

Margretta will advise Planning Commission members of the next step in the process.

- **Comprehensive Plan**

The existing Comprehensive Plan needs to be reviewed every five years which makes our review in 2011.

- Members need to understand the impact of rezoning in relation to the Comprehensive Plan.
- The recent rezoning results are not reflected in our current Comprehensive Plan
- Five years ago when the Comprehensive Plan was reviewed the R 2 was in alignment with plan. The rezoning created a new population change in the area from town houses to another variety of construction.

- Charlotte commented that the Comprehensive Plan is the main tool when making decisions. The existing Comprehensive Plan is well thought out.
- Chairman Talbot noted that all members need to familiarize themselves with the Comprehensive Plan. Ask yourself "Why is the land zoning displayed as such?" A lot of changes will likely occur in a five years period. Times and our economy have changed a lot. You all should ask yourself "What is justified?" when making changes to fit in with today's environment?

Pathforward:
Place review of Comprehensive Plan on next month's agenda.

Signs:

- Virginia Cabinet Works. Inc located on W Spotswood Trail, owned and operated by the Velker Brothers, had Charlotte pass out a preliminary sketch of signs they are considering painting on their building. It was very impressive.
- Mike Lucci is awaiting answers on a new sign to be placed in Downey Knowles on a proposed restaurant.

Pathforward
Place Sign Ordinance on agenda.

Vic Corbo made a motion to adjourn, seconded by Cole McGregor. The next meeting is scheduled for June 1, 2010 at 7:00 pm.

Submitted By;
Charlotte Shifflett

Chairman/Dan Talbot

Secretary/Cathy Morrison