Planning Commission

Meeting Minutes
OCTOBER 5, 2010

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

Pete Bonavita	Charles Berry	Curtis Joiner/Eddie Edwards Signs
Pat Grieser	Mel Kuykendall	Chris Runion/Eddie Edwards Signs

Dan Talbot/Chairman called the meeting to order at 7:00 pm and began with the "Pledge of Allegiance".

Minutes:
Vic Corbo made a motion to accept the minutes from the last meeting. The motion was seconded by Cole McGregor.
Voice vote 7-0
Margretta Isom, Goldie Helsley, Cathy Morrison, Dan Talbot, Madelyn Dixon, Vic Corbo, Cole McGregor
Motion Carried

Alley Closure M to N Street

- Attorney Sigler has no final deposition on the ownership of Park Avenue. This should have no bearing on the alley closure request.
- It appears Mr. Berry will be the most effected land owner.
- One of the visitors asked if a legal opinion had been reached regarding the owner of Park Avenue? Is the Town or Mary Baugher the owner?
- Town Attorney Sigler was asked her legal position of Park Avenue?
  - She advised the petitioners they may move forward with the request to close the alley. Mr. Berry inquired if it will effect the decision of ally closure? May a legal battle be involved over the issue?
  - Attorney Sigler may need permission from Council to proceed with the title search. She feels she has invested quite a bit of time into it and should let the owners bear the burden. However, Mr. Berry may seek legal counsel if he desires.
- Mr. Kukyendall owns property which was supposed to have a dedicated street when he made his purchase. The Schumacher's own (3) lots which may be effected. To have Park Avenue as a town street would prove financially
- It was pointed out that the Town did not create the situation of ownership of Park Avenue versus the public street dedication that is under discussion.
- Mrs. Baugher's deed is dated 1966. Mr. Berry wondered what procedure was followed when the transaction occurred?
  - Did the seller follow the Code regarding dedication and/or closure of public streets?
  - Did the State Code have a statement in 1966 that would have changed and/or affected the requirements? The state procedure would have applied if the town did own the property.

Discuss Alley Closure

- A statement is still needed from the Chief, or his designated assistant, determining the effect, if any, the closure of the alley will have upon the Town.
- A Public Hearing needs to be scheduled as the next step of the process...
- Evaluation of unopened streets, alleys should be performed procedurally.
- The market value of the land needs to be determined.
- The research brought several questions to light:
  - Did the seller have a right to sell Mr. Baugher this property in 1966? Some residents would benefit if Park Avenue is recognized as a town dedicated street.
  - What is Mrs. Baugher's opinion regarding ownership of the street?

Vic Corbo made a motion and recommended to hold a Public Hearing on the closure of the alley running between N and M Street. The motion was seconded by Cole McGregor
Voice vote 7-0
Margretta Isom, Goldie Helsley, Cathy Morrison, Dan Talbot, Madelyn Dixon, Vic Corbo, Cole McGregor
Motion Carried

Signs:
Mr. Chris Runion and Curtis Joiner, Eddie Edwards sign employee's attended the meeting in an attempt to enlighten the members on current sign issues.

- Both visitors had read over the new sign ordinance proposal.
- Mr. Runion is a member of the Rockingham County Planning Commission.
- What does Elkton want to accomplish as a community?
- The Davis Dental sign required additional study to make it in compliance with code; even with the total road frontage of (2) streets. The code should not be so difficult.
- Chairman Talbot noted all business owners want to be treated fairly when erecting signs. We are striving to get to that point. We need to find mutual ground for business and residential.
- Mr. Runion suggested designing and implementing a chart that could be accessed and comparisons made *"at –a-glance"* for administrative purposes.
- Some business owners along the street have limited road frontage which means they have limited sign square footage.
- Elkton leaders do not want tall signs nor do they want to change the town's feel.
- Using signs to advertise is less successful when signs are not large enough to read at regular speed limits. The city of Harrisonburg allows 50 sq. ft. signs.
- To be visible and readable at regular 55 MPH the lettering should be 12" tall.
- The county has free standing signs on primary roads which allows 112 Sq Ft signage.
- Primary highways Rts. 340 and Rt 33 pass through town . Both have a high volume of traffic and high speed, at certain points, which makes it hard to make travelers aware of what the town has to offer. VDOT controls some signage on both roads.
- It was noted that the county requires a 30 foot setback.
- Elkton's current Sign Codes needs to be cleaned up. The first thing may be to be address road frontage. Members may need to compare other small town ordinances to our codes. Possibly, Bridgewater and Dayton.
- The visitors may compile a list of signs that members could look at for evaluation. Since we live in a technical world today we need to look at new ideas.
- Some of the banks offer community message services on their signs.

Sign Violations

- Several property owners are in violation of the Code. The Zoning Administrator will contact the violators by letter.
  - The process begins in the zoning office. Write a letter of violation.
  - Give the offender a time limit to correct the issue.
  - The property owner has the right to an appeal.
  - The next step of the process is to get a court order to fine.
- The revised sign permit is not ready for a public hearing. Place on the agenda and dedicate the majority of our next regular meeting for sign language discussion.
- Suggest a joint public hearing for alley closure on Nov. 9, 2010.
- Include the "Special Exception" for the Elkton Manor in the next public hearing advertisement. It seems to have fallen in the cracks.
- Move the regular November meeting back to October 25, 2010.
- Request town attorney to attend the October 25th meeting for sign revision discussion.

Discussion M and N Streets

The group returned to the meeting to discuss the alley closure.

- Intentions are to move forward with the abstracting of deed information. A guest commented there seems be a contradiction going on.
- If the street is determined to be private property what would the zoning be?
  - The zoning would be R 4 like the surrounding lots.
- In order to develop a lot, Mrs. Baugher would need to dedicate a 50 ft. wide street to the town.
- "M" Street only goes to Park Avenue. If land was dedicated to extend "M" Street would enough land be left for a buildable space?
- The property in question lies in floodplain so special permits would be required to build in either the floodway and/or floodplain.
- Council needs to be updated so they may give an opinion.
  - At Margretta's *"Council Representative's"* request ,Chairman Dan Talbot will attend the Committee Meeting Workshop and give Council the recommendation and details.
- Technically, only (1) building lot without street dedication.
- The petitioners "thanked" the commission for their time and efforts.

George Hensley

- Henry Avenue has been purchased by Mr. Hensley but the plat has not been recorded.
- Mr. Hensley submitted a plat requesting subdivision and lot line vacations of the entire property. The land lies in an R 3 zoning district.
- It was suggested to contact Mr. Hensley and inform him to have the surveyor draw a square block in each of the (3) building lots so the commission would have a clearer picture regarding room for setbacks etc.
  - Charlotte contacted Mr. Hensley and he informed her to cancel the request. He is not going to proceed with the sub-division request.

Mary Ann Baugher Sub Division

- The burden is on Mrs. Baugher to determine who owns the right-of-way

- West Marshall does not extend to the Baugher property. However, if she subdivides the property she would need to dedicate 50 foot for a public street. She could name the street West Marshall (Extended)?
- A triangular piece of property has been found that creates a mystery since no one can positively identify the owner. It appears to be a part of the town right-of-way. She could easily dedicate a street.

Town Charter

- Since the town was incorporated in 1908 the Charter has been amended several times; 1908- 1954-1960 and 1970. We need copies of all the specified dates.

Comprehensive Plan

- Work has begun on review and updates to the Comprehensive Plan. Charlotte is pursuing a copy of the last update. Otherwise a lot of retyping will need to be done.

2010 Zoning Review for the Town of Elkton *(In relation to rezoning request for)*
Didi Hensley Request

Chairman Talbot opened up the discussion regarding rezoning of the Didi Hensley lot at 16868 E. Washington Avenue. He began with a summary of information which potentially will be used for the Comprehensive Plan. It gives a good feel for the overall zoning, and it's directionally correct. He continued by explaining the formula used to calculate percentages for goals. The comprehensive goals are set at *80 %-single family-12% single family attached, multi-family 8%.*

- A handout was presented to each member and contained percentages for dwellings and vacant lots in each residential district. The data recorded will be used to determine percentage goals set aside in the Comprehensive Plan. In addition, it will provide a basis for Planning Commission recommendations to Council relative to rezoning in the specified area.
- Members wonder why time is spent on Downey Knolls vs. a citizen's request? In reality, East Washington St is an established neighborhood, whereas, Downey Knolls is in the process of becoming a new neighborhood.
  - Define established neighborhoods:
    Lots that are interspersed between existing structures that already create an environment or feel that is appreciated by the current occupants/owners.
- If the rezoning is permitted to become R 4 there is nothing to prevent Mr. Hensley from building a duplex under the new ordinance. Single family attached dwellings currently exceed 28% vs. the Comprehensive Plan's goal of 12% growth
- The commission believes that zoning is for the overall good of the community, not the good of an individual. Money for the town is a consideration, but so is quality of life for our citizens.
- An affidavit was located that had been signed by the Clerk of Council in Dec 2004. Attached was a list of recipients who were being annexed. This list included Mr. Hensley's E Washing ton St address and was mailed to a Ms. Theresa Jarrels, owner of the home at that time.
- The Planning Commission promised an answer to Council after this meeting.
- R 4 Amendment
  - Amendment to the Elkton Town Code
    January 18, 2010
    110-606 Residential District R 4
    (--) Single family attached dwellings, provided that no more than two dwellings units shall be permitted in each single family attached dwelling.

- Data presents no justification to change from town use prospective. We are at 28% which is more than double our goal in that category.
- Dominion Ridge and Elkwood plans are included in the study since the land, water and sewer are available.
- Chairman Talbot noted he is inclined to move to an R 3 zoning. He went on to express his feelings that the report, with analysis, is complete.
- Mr. Talbot declared that the commission is committed to Council to write a recommendation to approve or disapprove. Frankly, he does not wish to go against the Comprehensive Plan.
- The discussion continued with a comment; if Council recommends the rezoning a public hearing will need to be scheduled.

With no further business to discuss, the meeting adjourned. The next meeting has been moved back to October 25, 2010 at 7:00 pm in the Council Chambers located on Blue & Gold Drive in the Elkton Area Community Center.

Chairman/Dan Talbot

Secretary/Cathy Morrison