Planning Commission

Meeting Minutes
March 2, 2010

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

Dan Talbot/Chair called the meeting to order @ 7:05 pm. Cathy Morrison made a motion to pass the minutes dated February 2, 2010; seconded by Cole McGregor.
Voice vote 6-0
Motion Carried

Downey Knolls
Pete Bonavita attended the meeting to update members on the status of the Boundary Line Adjustment between Downey Knolls and the Town of Elkton.

- Attorney/Lauri Sigler is working with Tom Miller/Rockingham County Attorney in an attempt to reach an agreement for the transaction.
- Mr. Bonavita hopes to be ready within the next two months and hopes a Public Hearing may be scheduled.
- Plans are ready to construct a new restaurant on site. Mr. Lucci is anxious to get started on the restaurant. The plans and design were drawn to be in compliance Elkton Town Code.
- Reid Wodicka and Mayor Bompiani don't foresee any problems with moving the project forward once the criteria has been evaluated.
- Mr. Bonavita would like to revise the Master Plan to add some duplexes. He noted that when he first began the design; duplexes were not in demand but he is getting inquires recently.
- A proffer needs to be revised to allow future business owner's an option; they may chose not to have a flat roof. This change will not effect any ordinances.
- Mr. Bonavita has bids out to begin construction of a public road. A temporary cul-de-sac will be located at the end of "C" Street.
- Site plan Review is subject to the following issues:
  a. Subject to an agreement between the town and county
  b. Subject to rezoning.
- Sign Ordinance review to be a future item for discussion by members; signs will be requested immediately after agreement is finalized.

Pathforward:
Planning Commission needs to revisit Code 110-706 (Sign Ordinance)

Plans to begin restaurant construction has been tentatively scheduled for June, 2010. There are no requests for change in the area designated for business.

Planning Commission

Summary:

- Boundary agreement between town and county needs to be finalized.
- Rezoning may take 2-3 months.
- The time frame will need to allow the Zoning Administrator to write letters to adjacent property owners and place advertisements in the daily newspaper notifying the public of the date set for a public hearing.
- Set a Public Hearing date. It may be possible to hold the hearing by month's end.
- The property seems best suited to R 8 zoning.

Pathforward:
All members are requested to read R 8 zoning 110-609 before next month's meeting.

Official Zoning Map

Council needs to pass a resolution to officially accept the new zoning map as recommended by the Planning Commission.

Special Use Permit

Charlotte Shifflett/ Zoning Administrator has been requested to write a letter to the existing Nursing Home located at 516 W Spotswood Trail. In the recent rezoning they went from B 2 to R 4, which requires a Special Use Permit. The traditional fee shall be waived on their behalf and the process will bring the business into compliance with the Code.

Foundation Survey:

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

March 2, 2010 Requested by Council to Revise

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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) 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 is more than 40 feet from all property lines. 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.

Cole McGregor made a motion to accept 110-713 as presented with changes as noted; seconded by Vic Corbo.

Rev 7/6/2010 7/8/5 CR

a. Remove last two (2) sentences from Section C.
b. D ~~E~~ (2) change 60 feet to 40 feet.
c. D ~~E~~ (3) change 6 acres to three (3) acres and 60 feet to 40 feet.

Council had some concerns with passing an extra expense along to residents when requiring surveys. The Planning Commission has been requested to revisit the issue. During the discussion that followed some items were mentioned:

a. Some owners do not have survey plats.
b. Presenting an official survey eliminates questions.
c. Dan Talbot may attempt to attend the Council Workshop on Tuesday to address concerns.

d. Cole made a suggestion that the 40 feet mentioned in the proposed ordinance may possibly be revised to read *"is more than 10 ft"*.

Public Hearing/Ordinances:
Cole McGregor made a motion to schedule a public hearing to take comments on previously adopted ordinances, seconded by Madelyn Dixon.
§`110-703
B 1 district
"off street parking"
Voice Vote = 5-0 (Mr Corbo excused early)
Dan Talbot, Cole McGregor, Madelyn Dixon, Cathy Morrison, Goldie Helsley
Motion Carried

With the conclusion of business, the meeting adjourned. The next meeting is scheduled for April 6, 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