Planning Commission

January 12, 2010
Meeting followed the joint Public Hearing held at 6:00 pm
Attendees:

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

Absent:
Margretta Isom/Council Representative *Excused for Committee Meeting*
Guests:
Jason Blose
Didi Hensley

The meeting began at 6:45 pm with Dan Talbot presiding.
Old Business:
Discussion:
Review Public Hearing Results

1) Miller property located 509 Shenandoah Avenue
   a. 131B1- (A)- L 7 and 10
   b. currently zoned M 1
   c. proposed zoning – R 4

An issue arose with the proposed rezoning when Attorney, Lauri Sigler investigated and found that the lots noted are divided by a street, Shenandoah Avenue.

Planning Commission members expressed concern that the property tax map numbers would have (3) zonings. The town controls the portion of land that lies within the town boundaries. Based on the fact that Shenandoah Avenue is a major road this should not create any further problem.

Chairman Talbot polled members to accept or reject the proposed change from M 1 to proposed zoning **of R 4** as displayed on the zoning map; Tax Map No's. 131B1- (A)- L 7 and 10
Reject proposed zoning (Nay)
Voice Vote = 0
Accept proposed zoning of M 1 to R 4
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon

2) Charles Whistleman property located on 601 W Spotswood Tr.
   a. B 2 = Tax Map No. 131B1-(1)- B 16 Lot 35, 36 .
   b. R 4 = Tax map No. 131B1-(1)- B 16 Lot 33, 34

Mr. Whistleman spoke at the Public Hearing and requested all (4) lots become R 4 His business has not operated out of the Southern Windows & Doors location for approximately 3 years

Chairman Talbot polled members to accept or reject the request to change B 2 (Tax Map No's. 131B1-(1)- B 16 Lot 35, 36) .as displayed on the zoning map; **to R 4 zoning**. When the map is finalized all (4) lots (Tax Map No. 131B1-(1)- B 16 Lot 35, 36 . and Tax Map No's. 131B1-(1)- B 16 Lot 33, 34 shall be displayed as **R 4. (residential)** *The noted request shall become a part of these minutes Exhibit 1.*

Reject proposed zoning and honor Mr. Whistleman's request to display (4) lots as R 4
Tax Map No's. 131B1-(1)- B 16 Lot 33, 34, 35 , 36
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon
This change will noted on a revised zoning map.

3) Mary Ann Baugher property located on corner of Wirt/Fifth Street.
a. 131B1-(!)- B 14 Lots 15 thru 24
b. current zoning is B 2
c. proposed zoning is R 5

Mrs. Baugher presented a letter addressed to Mayor, Council, and Committee dated December 30, 2009. She requests that her property be left as B 2 (Business). *The letter shall become a part of these minutes. Exhibit 2*

Chairman Talbot polled members to accept or reject Mrs. Baugher request that lots, located on the corner of Wirt/Fifth St; **Tax Map No's. 131B1-(!)- B 14 Lots 15 thru 24** be left as **B 2 (Business)**
Reject proposed zoning and honor Mrs Baugher's request to leave as B 2
Tax Map No's. 131B1-(1)- B 14 Lots 15 thru 24
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon
This change will noted on a revised zoning map.

4) Lyon Property located on the corner of N First St/W Spotswood Tr.
a. 131B1-(1)- B 20 L 3
b. currently zoned as B 2
c. proposed zoning is R 4
Robert Lyon
Tax map # 131B1-(1)- B 20 L 3

Tenant, Mrs. Scherry Smith responded on behalf of Mr. Lyon, who received a first notice letter dated August 6, 2009. He would like to remain B 2 (Business) *the letter shall become a part of these minutes Exhibit 3.* Reference Tax Map 131B1-(1)- B 20 L 3

After a brief discussion, it was noted that allowing Mr. Lyon's property to remain B 2 (Business) rather than accept the proposed zoning of R 4 (residential) may be perceived as spot zoning; in which case issues may arise.

Chairman Talbot polled members to accept or reject Mr. Lyon's request that the lot located on corner N 1st Street/W Spotswood Ave **Tax map # 131B1-(1)- B 20 L 3** be left as **B 2 (Business)** or changed to the proposed zoning R 4 (residential).
Reject proposed zoning (Nay)
Voice Vote = 0
Accept proposed zoning of B 2 to R 4
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon

Vic Corbo made a motion to approve the Zoning Map, as displayed in the Public Hearing, with the exception of (2) lots on the corner of 2nd St/609 W Spotswood Tr. owned by Charles Whistleman and defined as **(Tax Map No. 131B1-(1)- B 16 Lot 35, 36 and displayed as B 2,** include in R 4 zoning In addition, leave the (10) lots owned by Mary Ann Baugher located on the corner of 5th Street/Wirt Avenue defined as **131B1-(1)- B 14 Lots 15 thru 24,** displayed as proposed R 5 zoning, leave as **B 2**
Cathy Morrison seconded the motion.
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon

Attached Exhibits to become a part of the minutes

Exhibit IV Response form letter dated August 6, 2009 and mailed to proposed rezoning property owners

Exhibit V Letter was mailed to all affected property owners in areas of proposed rezoning.

Exhibit VI Letter was mailed to all adjacent property owners, abutting and/or across the street.

Amendment to the Elkton Town Code
As initially approved by the Planning Commission December 3, 2009
Second Reading January 18, 2010

1.) **§110-606. Residential District R-4. The following is to be added as a Permitted Use under subsection B:**

(___) Single-family attached dwellings, provided that no more than two dwelling units shall be permitted in each single-family attached dwelling.

Cole McGregor made a motion to approve amendment as presented at the Public Hearing. The motion was seconded by Vic Corbo.
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon
Motion Carried

Amendment to the Elkton Town Code
As initially approved by the Planning Commission December 3, 2009
With an Amendment approved by the Planning Commission January 12, 2010
Second Reading January 18, 2010

§110-610. Downtown Business District B-1
§110-611. General Business District B-2
§110-613. Light Industrial M-1

The following is to be added as a Permitted Use in the above-referenced sections:
[Italicized language as approved by the Planning Commission January 12, 2009]

B. Permitted uses.

(___) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this ordinance and there shall be no more than one single-family detached dwelling per lot. *Any future modifications shall conform to R-3 standards.*

Cathy Morrison made a motion to accept the amendments as presented at the Public Hearing but insert a sentence at the end of the last sentence as published in the DNR advertisement.;
B. Permitted uses.
(___) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this ordinance and there shall be no more than one single-family detached dwelling per lot. *Any future modifications shall conform to R-3 standards.* Cole McGregor seconded the motion.
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon

Motion carried
[Italicized language as suggested by Town Attorney after consultation with Chairman, Dan Talbot, to conform to other provisions in Chapter 110.]

B. Permitted uses.
(___) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this ordinance *with lot regulations and accessory uses consistent with R-3 District standards,* and there shall be no more than one single-family detached dwelling per lot.

Pathforward:
Charlotte Shifflett/Zoning Administrator shall attach a list of existing homes in the effected areas in §110-610. Downtown Business District B-1, §110-611. General Business District B-2, §110-613. Light Industrial M-1 dated January 12, 2010. The list shall become a part of these minutes.

Amendment to the Elkton Town Code
As initially approved by the Planning Commission December 3, 2009
Second Reading January 18, 2010

.) **§110-910. Lot Line Revisions and Vacations.** The amendment to this section changes the approval process for obtaining a lot line vacation requiring the Zoning Administrator to review requests for lot line vacations for compliance with Chapter 110 Land Development, of the Elkton Code who shall then have the sole authority to approve the plat if he/she finds all to be in compliance with provisions of Chapter 110. The approval process for obtaining a lot line revision remains unchanged and requires the approval of the Planning Commission and the Town Council.

A. A lot line on an existing parcel may be revised or vacated if the revision or vacation will not be in conflict with any provisions of this chapter.

B. **Vacation:** The property owner or proprietor of a tract of land in Elkton shall file a plat meeting the requirements of § 910-908. The Zoning Administrator shall review requests for lot line vacations for compliance with this chapter and shall approve the plat if he/she finds all to be in compliance with provisions of this chapter

C. **Revision:** The property owner or proprietor of a tract of land in Elkton shall file a plat meeting the requirements of § 910-908. The Planning Commission shall review the proposed revision and make recommendations to Town Council. Council consideration will follow the process outlined in § 110-909.

Cole McGregor made a motion to accept the amendments to **§ 110-910 Lot Line Revisions and Vacations** as passed and recorded in the Planning Commission minutes dated December 3, 2009. and presented at the Public Hearing January 12, 2009. This motion was seconded by Madelyn Dixon.
Voice vote = 6-0 (Yea)
D. Talbot, Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon
Motion Carried

Minutes:
Cathy Morrison made a motion to accept the minutes dated December 3, 2009; seconded by Vic Corbo.
Voice Vote 6-0 (Yea)
Motion carried

New Business:
At this point in the meeting Dan returned to the Council Chambers with the Planning Commission voting results and recommendations following the Public Hearing.
Cole McGregor/Vice Chair resided in Dan's absence.

Jason Blose
ZP 2009-066

Evelyn and Jason Blose submitted a request to sub-divide property and vacate lot lines on property located at 16745 E Spring Ave, Tax map No's. (131B4-(1)-B 32 lots 13, 14, 15). Mrs. Evelyn Blose will retain a life estate on Lot 15 which has her existing home.

Vic Corbo made a motion that the Planning Commission recommend vacating all lot lines as noted on preliminary plat by Randall Newman dated December 30, 2009. In addition, once lot lines are vacated, sub divide the property into (2) separate lots as noted on the preliminary plat by Randall Newman dated December 30, 2009. This action will bring 131B4-(1)-B 32 lot 15 into compliance with R 4 zoning district. Remaining lots 131B4-(1)-B 32 lots 31, 14 will become (1) lot containing 10,829 sq. ft. and in compliance with R 4 zoning. Mr. Blose shall apply for another permit to build a single family residence.
Voice Vote 5-0 (Yea)
Cole McGregor, Vic Corbo, Cathy Morrison, Goldie Helsley, Madelyn Dixon
Motion carried

Chairman Talbot returned and continued with the meeting.

Didi Hensley Issue
Tax map 131B4-(3) B 2 L 5
16868 E Washington St

Planning Commission

In the October 6, 2009 meeting of the Planning Commission Mr. Hensley approached the members and reiterated that he is still pursuing the issue of rezoning his property located on E Washington from R 2 to R 4 zoning.

From October 6, 2009 Minutes:

(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*

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.)

Mr. Hensley attended the January 12, 2010 meeting and distributed copies of signatures he had collected from property owners adjacent to and surrounding his lot on E Washington Ave. Charlotte was requested to summarize Mr. Hensley's documentation and file the original copy. The issue was tabled until the next regular meeting which tentatively is scheduled for February 2, 2010.

With no further business to discuss, Vic Corbo made a motion to adjourn; seconded by Cathy Morrison. The next regular scheduled meeting is February 2, 2010 at 7:00 pm at the Elkton Area Community Center located on Blue & Gold Dr.

Submitted By:
Charlotte Shifflett

for Cole McGrega
Dan Talbot/Chair

Cathy Morrison/Secretary
C.M.