PLANNING COMMISSION

March 11, 2014
7:30 PM

Present:	Margretta Isom, Cole McGregor, Dan Talbot, Madelyn Dixon, Cathy Morrison
Excused:	Goldie Helsley
Staff:	Charlotte Shifflett
Guest:	Raymond Gochenour, Natasha Pike

Dan Talbot/Chairman called the regular meeting to order and led the group by reciting the Pledge of Allegiance.

Cole McGregor made a motion to accept the January meeting minutes, seconded by Margretta Isom.
Margretta Isom, Cole McGregor, Dan Talbot, Madelyn Dixon, Cathy Morrison
Voice Vote 5-0
Motion Carried

Official Zoning Map
Councilwoman Isom wanted to verify the zoning for Wayne Printz property located at 333 W Washington St and Randell Snow property located at N Stuart Ave.

- Information found and reviewed by the zoning administrator determined that Mr. Printz's property is B 3 Business District.
- Mr. Snow's property is shown on the map as B 2 Business District and is correct.
  1) Mr. Snow has pointed out at several meetings he believes the property is zoned B 1 but the Planning Commission determined that B 1 is the Downtown Business District with B 2 defined as General Business District.

Pathforward: ***Charlotte will have the official map color coded to identify the Printz property as B-3***

Country Estates Rezoning Request
Raymond Gochenour/Spokesman for Country Estates, began his presentation by *"Thanking"* the commission members for their time.

- Raymond informed members that he and his company had repaired 6 or 7 homes to good condition and they are rented. The properties generate income to the town's revenue by paying connections fees in some instances, real estate taxes, utilities, etc.
- He distributed a brochure which had a picture of the original condition of the Wirt Ave. property before any restoration began. Other pictures included the final photos, along with photos of single family homes, which are located throughout the B 2 Business District on Wirt Ave.
- A copy of the zoning application requested to rezone from B 2 Business to R 5 Residential.
- Raymond emphasized that he has had no success at leasing the commercial building. One offer of $250 had been received and it was much too low! The average commercial space rents for approximately $3/50 per sq. ft. If this calculation were to be applied, the rent should bring in about $900 per month per office.
- The property has been advertised with realtors and internet sites with no results or interest shown.
- About 50% of commercial spaces in the downtown business district remain vacant.
- A vacant lot was purchased adjacent to the existing property and was turned into parking for offices.
- It would be beneficial to the owners to rezone from B 2 Business to R 5 Residential.
- GIS shows east end of Wirt Ave to be business while the remaining 3 adjacent sides have residential structures, town houses, and single family.

- An extensive amount of money has been spent by the owners of 444/446 Wirt and 10 Shenandoah Ave. properties to remodel into offices vs. apartments and the 2 story house that existed.
- It is a hardship on the owners not to be able to rent office space. Currently, no rent is being received that would offset the cost of connection fees paid to the town.
- 446 Wirt is the permanent address of the residential structure that stands on Wirt Ave. The other 2 addresses were assigned by county 911 addressing and are listed as 446 Wirt Ave. and 10 Shenandoah Ave.
- All three offices are ADA compliant with ramps and handicapped bathrooms. All remodeling was done to be in compliance with B 2 Business District specifications.
- If turned into apartments, kitchens would need to be installed but rental fees may help recoup some of the remodeling expenses.

Councilwoman Isom inquired if the remaining western end of Wirt, from Lawson's Garage to the corner of Wirt/Shenandoah Ave., should be under consideration to rezone from business to residential?

Chairman Talbot proceeded with the discussion by noting that investors need to know what they are investing in before they commit to purchase.

Mr. Gochenour continued by reiterating to members that the property will increase revenue thru taxes and electric bills.

- If it becomes necessary to board the property up, no-one receives any revenue, including the town.
- Potential businesses do not want to locate on Wirt away from the flow of traffic on Spotswood Ave. (the main through fare in town). Most of the business has migrated west of town over near the Food Lion Plaza or along Rt 340 (aka Stuart Ave.)
- If apartments were approved on Wirt Ave then Mr. Gochenour assumes you will see more foot traffic patronizing existing food places.
- The Gochenour family, owners of Country Estates, would like to work with the town governing bodies for the good of all involved.

Chairman Talbot advised the requestors that more research and discussion needs to occur relative to this issue. More time is needed in order make sure proper attention is given to the subject. The Planning Commission receives numerous requests regarding zoning changes.
Pathforward: ***Charlotte will place this item on the April meeting agenda.***

In addition, Chairman Talbot continued by asking if there is a defined downtown district?

1) Mr. Gochenour noted that when riding thru town 50% of the commercial buildings are unoccupied.
2) In his circumstance, he could possibly remodel the existing commercial building and make about 10 apartments across from the C & S Diner. If the town continues to develop and does not include potential residents in rentals, you will not see progress.

Chairman Talbot will take the request into consideration and have it placed on the April agenda. He emphasized the fact that even though Elkton is struggling, the Gochenour property located on the corner lot of Wirt/Shenandoah Ave. is a complicated piece of property and has been an issue for quite some time. A stick built apartment building, which was never completed, was added on to an existing two story house by the previous owner.

- Councilwoman Isom will report tonight's discussion to town council members.
- In addition, a public hearing will be required regarding the rezoning request.
- Councilwoman Isom stated to Raymond Gochenour "As a citizen, member of town council and planning commission, I want to say how much I appreciate you taking the old properties and cleaning them up."
- She suggested that consideration be given to rezoning all lots west of Lawson's garage to the corner of Wirt/Shenandoah Ave.

Chairman Talbot presented several questions to members to be thinking about before next month's meeting:

1) Do you believe B 2 should be turned into R 5 residential since the property isn't located on W Spotswood Ave?
2) Is downtown a good business area?
3) How are today's views vs. future planning?
4) Ten years from now will there be a demand for business on Wirt Ave. since it is not a main street anymore?
5) Does being in a flood plain affect the decision?

Pathforward: **Place on the April agenda for discussion**

196 W Spotswood Avenue

The meeting continued by discussing an item from old business. Town Council had Councilwoman Isom advise the Planning Commission they need to implement a revision to the Code which would allow Lise Beaudette, South River Properties LLC, an opportunity to construct an apartment on the first floor of property which is zoned B 1 Downtown Business District. Currently the Code reads:

§110-610

B. Permitted Uses

(4) Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building. [Amended 12-19-2005]

Suggested Revision:

§110-610

C Special Exceptions

(20) Ground floor rear apartment providing the following:

a. The primary purpose of the ground floor remains the operation of a business
b. The living area cannot be seen from the area that the business is operated from
c. The living area does not exceed 40% of the ground floor
d. Only one such apartment can exist on the ground floor
e. The ground floor apartment is occupied by the business owner.

- Ultimately, downtown business will be driven by the economy.
- Internet shipping is becoming very popular.
- **Cole would like to add:**

  f. *A fire wall must exist between the business space and the apartment.* The County Fire Marshall would make this determination.
- g. *When the business license is issued and/or renewed be sure the owner is the tenant.*
- Councilwoman Isom emphasized that council does not want to require the business owner to live in the downstairs apartment. <u>The business owner might be a retiree who already owns a home.</u>
- If the shop owner does not live in the apartment a separate outside entrance would be required.
- Government meddles too much in private lives; we shouldn't place too many restrictions.

- The property owner should be allowed to make the decision as to who her rental tenant shall be.
- Does downtown need business or residential? This remains a concern.

Chairman Talbot reiterated he believes our purpose is to make recommendations based on everyone involved. We don't want to become planners vs. council people.

- The Planning Commission needs to look on Rt 33 and Rt 340 and take a look where businesses are locating.
- The Gateway project may increase traffic in downtown.
- The Welcome Center draws some visitors from Massanutten.

Members were given an opportunity to express their ideas and/or concerns relative to council's request.

- Cathy does not like the idea of renting an apartment in back of a business; she does not believe residential and business should be a mixture.
- Cole wonders if we should accept requests to ban the Code to correct someone's bad financial decision.
- Councilwoman Isom reiterated that council wants to implement a pilot program using this request as a potential guideline.
- Chairman Talbot wonders if we wish to increase residential usage downtown or leave code as is to offer opportunities for future businesses.
- A brochure was distributed in the packets containing literature for Ordinance Guidelines from a downtown Chicago model. The recent real estate downturn effected cities on a larger scale than small towns such as Elkton but both result in vacant buildings.
- "There are people who would love to operate out of a retail space but don't have money to pay rent for both an apartment and a business location", John Bryne, Chicago Tribune Reporter March 23, 2012
- Lise Beaudette's presentation noted she wants a business located in the front and an apartment in the back.
- Cathy Morrison told members it may happen a lot in Chicago—but in Elkton? However, she is familiar with a small Massachusetts town that has an identical ordinance and it works for them; retail in front and an apartment in the back.
- Councilwoman Isom asked if she was supposed to relay to council that the shop owner must be the tenant living in the back?
- Chairman Talbot opened the floor to take revision suggestions for the proposed revised ordinance:

  (20) Ground floor rear apartment providing the following:
  a. The primary purpose of the ground floor remains the operation of a business
  b. The living area cannot be seen from the area that the business is operated from
  c. The living area does not exceed ~~40%~~ of the ground floor
  d. Only one such apartment can exist on the ground floor
  e. ~~The ground floor apartment is occupied by the business owner~~.

- Change (20) C. *from 40% to 50%*
  Change (20) E. *The residential space and the commercial space must be contiguous and integrated. No portion of the unit (residential or commercial) may be separately leased or sold.*

Cathy Morrison made a motion, seconded by Cole McGregor to hold a public hearing to receive comments on § 110-610, C. Special Exception,

(20) Ground floor rear apartment providing the following:
a. The primary purpose of the ground floor remains the operation of a business
b. The living area cannot be seen from the area that the business is operated from
c. The living area does not exceed 50% of the ground floor

d. Only one such apartment can exist on the ground floor
e. The residential space and the commercial space must be contiguous and integrated. No portion of the unit (residential or commercial) may be separately leased or sold.

Margretta Isom, Cole McGregor, Dan Talbot, Madelyn Dixon, Cathy Morrison

Voice Vote 5-0

Motion Carried

Pathforward: **Charlotte needs to communicate with Denise and consider holding a public hearing on April 21, 2014 prior to the regular council meeting**

Jason Blose submitted a letter of resignation which leaves a vacancy on the board of commissioners.

Pathforward: **Charlotte will communicate with Denise and have an ad placed in the Valley Banner.**

Sign:

Shen Elk Plaza property owners are still interested in placing a large sign on North Eastside H/Way (Rt 340). Elkton Town Code does not allow off-premises advertising.

Committee Lead Members:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Madelyn Dixon*
Residential 5-6 (includes: Townhouse & Apts.)Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Goldie Helsley*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions	*Margretta Isom*
Signs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	

Please reference the above table when you receive your agenda each month. Match up your category and be prepared to lead a group discussion on your selected subject if it appears on the agenda.

2012 Zoning Permits Issued YTD

Month	*Bus*	*Res*	*Singe Family*	*(duplex) single family attached*
January	3	3	1	
February	2	2	1	
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				
Total YTD				

Cole McGregor made a motion, seconded by Madelyn Dixon, to adjourn The next meeting is scheduled for April 1, 2014 @ 7 pm in the Council Chambers of the Elkton Area Community Center located on Blue/Gold Dr.

Dan Talbot/Chairman

Cathy Morrison/Secretary