PLANNING COMMISSION

MAY 6, 2014
7:00 PM

Present: Margretta Isom, Cole McGregor, Dan Talbot, Cathy Morrison
Excused: Madelyn Dixon
Staff: Charlotte Shifflett
Guest: Jim Berg, Joe Gooden, Councilman Josh Gooden

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 April 1 *meeting minutes*, April 21 *(Special Mug @ 6:15 pm)*, and April 21 *(Special Mug @ 6:30 pm)*. The motion was seconded by Margretta Isom.

Margretta Isom, Cole McGregor, Dan Talbot
Voice Vote 3-0
Motion Carried

Planning Commission Vacancies

The Planning Commission has (2) vacancies due to the death of Mrs. Helsley and the resignation of Jason Blose. Mr. Jim Berg submitted an application and was invited to the meeting to conduct a brief interview.

Several ads have been published with only one response, Mr. Berg.

- Mr. Berg informed members he desires to serve on the commission and feels he has lots of background which gives him the ability needed to serve in a public capacity.
- Chairman Talbot advised Mr. Berg the commission meets regularly on the first Tuesday of each month with the likelihood of approximately (3) public hearings each year.
- Mr. Berg expressed that he is prepared to attend scheduled meetings.
- Vice Chair Cole McGregor offered Mr. Berg an opportunity to give an account of his background and Mr. Berg responded with a lengthy list which included but was not limited to the following:
  - Worked in the private sector of government related positions
  - School teacher in New York
  - School principle in New York
  - Business owner
  - He noted he served on the local Chamber of Commerce and it was very successful.
  - While serving he watched the growth of membership grow from 700 members to approximately 1,000 members. In addition, new businesses located in town.
  - During his tenure with the Chamber of Commerce he became acquainted with officials of Motorola. Later this large company constructed a new business in the area and became a major contributor to the local economy.
  - Mr. Berg was employed with the ARCC CO Chamber of Commerce located in Glen Falls, New York for a short period of time.
  - He worked with state government officials in this job capacity.
  - Secured government grants.
  - Mr. Berg continued relaying his accomplishments by noting he was affiliated with a large paper company, located on the Hudson River. - Involved in sludge clean-up from paper mill.

- Last but not least Mr. Berg informed the group he served as an officer for the state of New York Chamber of Commerce Executives.
- Lived in Virginia for eight (8) years.

Cathy Morrison questioned as to whether he would be available to attend meetings?

- Occasionally, the meetings last until late and she wondered if this presented a problem?
- What do you have to offer as zoning experience and planning?

Mr. Berg responded that after living in Florida and working there following a major hurricane; planning and zoning issues was a major function.

- He was instrumental in working with business representatives who were rebuilding and/or relocating to the area.

Chairman Talbot asked Mr. Berg to describe a good zoning plan?

- Have a good plan not based on reactions.
- Reach out to other communities and compare our plan as opposed to their plans.
- How to make it happen?
- Include all residents and businesses when planning for future...
- Look to the recognition of *Elkton of Tomorrow* not *Elkton of Yesterday.*
- Compare different structural differences.
- Keeping good history records is not occurring.
- Stonewall Jackson Headquarters is an example of no signs, no directions, nothing to attract tourism to the site. Signs should be located on 340 to catch your eye before you get into town.
- Encourage citizens to go visit the local tourist attractions such as the Miller-Kite House.
- Chairman Talbot noted members interpret the code; while remaining comfortable with their decision.

Mr. Berg noted there is a need to plan. However, his intent in joining is not to push forward. At this point Mr. Talbot thanked the candidate for his time and interest. He was excused so the members could discuss the interview and make their recommendations.

Councilwoman Isom wanted to inform the group that the Historic Society is connected to tourism and has quite a few visitors in spite of no signage along major highways.

Old Business

196 W Spotswood Avenue Lise Beaudette

A public hearing was held on April 21, 2014 to receive comments on the addition of the following proposed ordinance to be added to Code

§ 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.

This additional language added to the code would allow Lise Beaudette, South River Properties LLC, an opportunity to apply for a Special Exception Permit allowing construction of an apartment, in rear of the first floor property, which is zoned B 1 Downtown Business District.

- Councilwoman Isom commented that the new ordinance was recommended by the Planning Commission and passed by Elkton Town Council at the regular council meeting on April 21, 2014. She believes the ordinance may work well for other future requests.
- Special Exception Permits are issued on a case by case application.
- Dan reviewed the new ordinance § 110-610 C. Special Exception #20
- Criteria as written in the code lay out guidelines for the person in possession of a Special Exception Permit and must be adhered to by that person. In addition, the governing body has the right to revoke the permit for failure to comply with these rules.

§ 110-802

C. Application Procedures for special procedures

(5) In evaluating the proposed special exception, the governing body shall address the following concerns:

(a) The effect of the proposed special exception, on existing and projected traffic volumes in the neighborhood.

(b) The current and future need for the proposed use in the Town of Elkton.

(c) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.

(d) Compatibility with surrounding uses.

(e) The consistency with the intent of this chapter and the Comprehensive Plan, the public interest, and all other provisions of law and ordinances of the Town of Elkton.

(f) The proximity of dwellings, churches, schools, parks, or other places of public gathering. [Added 1-19-2006]

(g) The probable effect of the proposed use on the peace and enjoyment of people in their homes. [Added 1-19-2006]

(h) The preservation of cultural and historical landmarks and trees. [Added 1-19-2006]

(i) The probable effect of noise and glare upon the uses of surrounding properties. [Added 1-19-2006]

(j) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods. [Added 1-19-2006]

- The application under discussion is the only one currently submitted.

Chairman Talbot mentioned he was somewhat concerned with the statement made by the Town Attorney, in a note, as to whether the Planning Commission needs to be reviewing these issues due to the way things proceeded. It is a concern that as a government we seem to have put on a mold that we need to hastily resolve an issue. Although, this issue has been beaten to death; special exceptions are special exceptions because they deserve consideration; but we don't want them not to be able to do something. We too appreciate the client's "patience "and "impatience" at times.

Mt. Talbot appreciates the attorney's opinion but hopes that council appreciates all the time the commission placed into research.

- He went on to note that time spent to consider exceptions is time well spent.
- Councilwoman Isom agreed that issuance of a Special Exception needs special attention. Proper procedure must be followed.
- Guest Joe Gooden inquired about the availability of parking?

1 How many spaces are in front of the business?

2 Is the vacant lot being shown as additional parking?

- The plat displays the vacant lot in back reserved for parking.

3 All zoning has parking restrictions with the exception of B 1 district which uses main street parking.

4 Parking spaces exist on Warren Ave.

5 A recommendation should be made to council pointing out parking requirements (2 spaces as shown in proposal).

Rezoning of Wirt Avenue Property

- Guest Joe Gooden initiated a discussion as to **why** the Planning Commission made a recommendation to rezone property from B 2 to R 5?
- Who will benefit from this decision?
- The lots located on the corner of Wirt Ave/Shenandoah Ave have no setbacks and sit on the street.
- **What** was the reason to change zoning since (1) property owner does not own the entire block? He mentioned he had attempted to rezone property in the past and could not get it passed. Seems like he jumped thru hoops and did not get rezoning. The only reason Mr. Gooden can think of is the person is going to present a plan to clean the slate so he can demolish older buildings and rebuild new housing?
- No property down there complies with R 5 zoning criteria. The business property on Rockingham Street is a perfect example of residential housing sitting in a business zoning district. They should be turned back to houses instead of commercial buildings. He noted there should be no problem to re-zone the property back to residential. Take the business on Wirt Ave; there is nothing on that strip that abides by R 5.
- Chairman Talbot emphasized the area abides by B 2. He continued by advising members and guests that zoning does not change often and at the end of the day we believe the viability of Elkton as a business community is lesser than to a viable residential community. The concept of having a large number of businesses in downtown Elkton is difficult to imagine unless there is some kind of draw; which we do not have now.
- Mr. Gooden wondered if this was an issue of **spot zoning?**
- If the zoning changes from B 2 to R 5 and the house burned down; may you rebuild on a 25 foot lot? If you take a 25 ft lot and take 15 ft. setbacks off you may have room left to set a storage shed.
- **Why** would other land owners want to rezone?
- Without hesitation Chairman Talbot advised Mr. Gooden that the decision has been made and a recommendation has been forwarded to council. The ultimate decision is up to council.
- The Planning Commission voted **"yes"** because we felt R 5 is the appropriate use.
- Wirt Avenue property is zoned B 2 not B 1.

  1 B1 district does not require parking spaces, instead it allows off- street parking which can cause some parking congestion for businesses.

  2 Code provides off-street parking for first floor residents.
- Joe proceeded by informing the members that the commission is responsible to protect land values. He believes this is the reason people tend to build in sub-divisions.
- Chairman Talbot replied he has a favorite quote pertaining to zoning taken from the cover sheet of the Zoning Ordinance, Town of Elkton, Virginia, 1948.

  "ZONING *is a device of democratic people for mutual protection. The PROTECTION is from those who recognize no rights of others, insist upon all rights for themselves."* ***-Selected***

  "ZONING is the best method so far devised for directing building development for the continued purpose of securing safety from fire and accident, protection of health,

morals, comfort, prosperity and general welfare, preservation of property values and improvement and beautifying of towns.

Our right to property is the same as our right to liberty; it is subject to the greater rights of all citizens. ***-Roanoke Planning Commission***

- One zoning district is not more valuable than another. The corner property was unkempt and was illegal since it was developed contrary to code.
- Chairman Talbot emphasized the property was illegal before it was sold to the current owner.
- The previous owner created a scenario forcing the town to decide.
- The Planning Commission has strived to come up with a solution for the overall area.
- The next 20 years will most likely be residential.
- The Country Estates property is presently unoccupied; will it have to meet R 5 setbacks?
- Mr. McGregor advised Mr. Gooden the property is zoned B 2, not B 1; therefore the setbacks follow R 5 criteria.

Cole McGregor made a motion, seconded by Cathy Morrison, to recommend approval of the Special Exception Permit request, submitted by Lise Beaudette of South River Rental Properties, which will allow a rear apartment on the first floor of the property located at 196 W Spotswood Avenue; with an off-street parking requirement of (2) spaces as shown in the proposal. Ref. § 110-610 C. Special Exception No. (20)
Voice Vote = yes 4-0
Margretta Isom, Cole McGregor, Dan Talbot, Cathy Morrison
Motion Carried

Cathy Morrison made a motion, seconded by Cole McGregor, to recommend Jim Berg be appointed to serve the unexpired term of Jason Blose on the Planning Commission.
Voice Vote =yes 4-0
Margretta Isom, Cole McGregor, Dan Talbot, Cathy Morrison
Motion Carried

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	
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	1	5		
April	5	9	4	
May				
June				
July				
August				
September				
October				
November				
December				
Total YTD				

With the conclusion of business Cole McGregor made a motion to adjourn, seconded by Cathy Morrison. The next meeting is scheduled for June 2, 2014 @ 7 pm in the Council Chambers of the Elkton Area Community Center located on Blue/Gold Dr.

Dan Talbot/Chairman

Cathy Morrison/Secretary