PLANNING COMMISSION

JANUARY 6, 2015
7:00 PM

Present: Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom, Mike Sipe

Staff: Charlotte Shifflett

Guests:

- **Spotswood Tr LLC/ Rezoning Request**
  Tim Reamer, Keith May, Seth Roderick
- **Michael Bros./ Special Exception**
  Erwin Michael
- **Auto Zone/ Discuss Variances for Signs**
  Brian Siddall

Jay Dean, Randell Snow, Jeff Neomoytin, Mayor Wayne Printz, Jeff Jones

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 November 4, 2014 minutes, seconded by Cathy Morrison.
Voice Vote 5-0
Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom, Mike Sipe
Motion Carried

Jim Berg presented a verbal resignation on January 6, 2015. He will no longer be serving on Elkton Planning Commission, effective immediately.

New Business:

On December 12, 2014 a Zoning Application was submitted to the Zoning Administrator requesting that 1.21 acres located on Swallow Dr in Quail Run Sub-Division be re-zoned from R 5 Residential to B-2 Business. The plan for construction calls for a new Rite Aid Pharmacy.

Keith May was the first to speak and advised members that he owns Kline/May Realty, is a partner with Cottonwood Commercial, and the Spotswood Trail Development LLC. Tim Reamer is with Cottonwood Commercial while Seth Roberson is affiliated with Valley Engineering. He is requesting that the Elkton Planning Commission recommend the re-zoning of 1.2 parcel of vacant land adjacent to US Rt 33 and lying along Swallow Dr, located in Quail Run Sub Division, from R-5 Residential to B-2 Business. The Farmers & Merchants building and the Randolph Shifflett estate are already zoned as B-2 Business.

- Pharmacies want stand alone buildings.
- They want to provide drive-thru services.
- The building will be a positive for Elkton.
- All residents have been visited and/or notified by the developers.
- The meetings with residents were very good. The plans were shared as displayed.
- Chairman Talbot questioned if the developers were under contract with King Construction?
- The R-5 property is under contract with King Construction as well as the Farmers & Merchants bank building and the Randolph Shifflett dwelling.

Tim Reamer of Cottonwood Commercial was the next speaker to take the microphone.

- The rendering shows the intent to build a pharmacy.
- Rite Aid has had a facility located in Elkton for at least 25 years.

- Hours of operation and the amount of traffic should remain the same as the current location.
- The second slide displayed land which represents an almost perfect location. Convenience is another important factor.
- The new location should provide better parking, an option to design an outside façade, and appeal to a busy population with a drive-thru window.
- Relocation of the store means Elkton will still be home to only two pharmacies.
- The entrance only will be off of Old Spotswood Tr with a deceleration lane.
- The exit will be at the light, thus eliminating any connection to Quail Run.
- The trees shown in the diagram are existing ones.
- A green buffer is proposed as shown. A zigzag pattern will be utilized for full coverage as the trees mature.
- Lighting will be downward directly. This avoids light issues with the use of older technology.
- Ultimately, the developer believes the request allows Rite Aid to continue operations as it enhances appearance with a nice building. They are a very good neighbor.
- Consideration of the rezoning request is appreciated.

Seth Roberson, Valley Engineering, was the last spokesperson for the group. He offered the following information:

- No Traffic Impact Analysis (TIA) is required from VDOT.
- Currently working with VDOT on a 495 ft. separation.
- Working with VDOT to waive the TIA process.
- Entrance into the site will be a right in only off of Rt 33 —**No exit.**
- The group has full support from VDOT personnel.
- Extent of review and site approval pending.
- Cathy Morrison inquired if the distance from Old Spotswood Tr to proposed entry is 500 Ft?
- Has VDOT offered their support in writing?
- Is your expectation those Rite Aid hours will remain the same?
- Chairman Talbot feels it would be a good idea to proffer the hours of operation and present at the public hearing on Jan. 19, 2015.
- Mr. Reamer noted that there is no indication of change in hours of operation.
- Councilwoman Isom believes the store currently closes at 8 pm. Mr. Reamer agreed it closes at 8 pm Monday thru Saturday and perhaps earlier on Sundays.
- Chairman Talbot asked if the developers have a contract with Rite Aid? Mr. Reamer answered "they have indicated a commitment".
- Chairman Talbot briefed the requestor by noting that over a year has passed since King Construction requested to rezone the Quail Run property. The request failed last time due to no commitment which was a legitimate concern for town government. Rite Aid is an existing business but the concept of a 24 hr/day operation may be a question at the public hearing. It may be worth having Rite Aid to limit hours of operation such as past midnight? Elkton is more of a bedroom committed community and most businesses close by 10 pm. Typically, most residents live their lives normally—while businesses come and go. This remains an important question to Elkton Residents. How much are you willing to chance the tide of public opinion? We do not want to fail again.
- Mr. Reamer emphasized he will be pleased to have the question answered. However, extended hours are dictated by market but he definitely will have the conversation before the public hearing.
- Councilwoman Isom wondered if residents were presented the same site plan that we are viewing?

- Chairman Talbot implemented a conversation regarding the Sign Ordinance. Mr. Reamer indicated he has been given a copy of the ordinance by the Zoning Administrator.
- The board feels there is a good use of the land and hopes the developers do not come back with a request for Special Exception Permits.
- Plans call for a freestanding sign along with a wall mounted sign.
- Cathy Morrison wondered what size the freestanding sign would measure?
- Mr. Reamer did note that no sign proto types exist for Rite Aid.
- Chairman Talbot expressed the fact the sign issues should be worked out before the public hearing occurs on January 19, 2015. It does not help the process to submit requests for Special Exception for sign variances.
- Mr. Reamer's intent is to cooperate with the Planning Commission requests. He will meet with Charlotte before the public hearing.
- Mike Sipe mentioned that Rite Aid has a standalone building in Harrisonburg.
- In the past it seems to always become an issue; businesses want the ability to be known they are there.
- Is the Farmers & Merchants Bank building included in the contract?
- The Shifflett dwelling will be demolished. It will allow contractors to bring down the grade and enhance visibility.
- Keith May stated "in our profession we build buildings".
- Councilwoman Isom feels we covered the hours of operation which are the main thing.

Cathy Morrison made a motion to recommend a public hearing move forward for January 19, 2015 at 6:00 pm. Mike Sipe seconded the motion.
Voice Vote 5-0
Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom, Mike Sipe
Motion Carried

E Rockingham St/Tannery Apartments
Chairman Talbot gave a brief synopsis as follows:

On December 18, 2014 Michael Bros. presented a request for a Special Exception Permit to propose construction of an office and mini-storage buildings on Tax Map 131-(A) L 34. This property lies in a floodplain and requires a special Exception Permit to build anything on it. In addition, it lies in the §110-615 Flood Hazard (FH-1) overlay zone. The Planning Commission and the Elkton Town Council want to be assured of what is being built there.

- Erin Michael of Michael Bros. is aware if he is issued a Special Exception Permit to construct an office and mini-storage buildings, he would need to come reapply if he decided to do something different in the future.
- Chairman Talbot noted the proper prospective would be to submit a letter, which needs to be more emphatic than the one he presented, to the Zoning Administrator.
- Town Manger/ Kevin Whitfield advised members the contract between Michael Bros. and the Town of Elkton will be available at the public hearing on January 19th, 2015.
- Chairman Talbot mentioned the following points:
  1) The town is working with the attorney.
  2) Both the town and Michael Bros. want this project to happen but do the neighbors want this to happen?
  3) Somehow, someway down the road someone may want to enlarge the Tannery Apartments.
  4) In anticipation of what subjects may come up at the public hearing be prepared to inform the public of how many buildings to be constructed, increase in traffic, and possible loitering. Be prepared to answer questions and give specifics.

- Mr. Michael noted it will be hard to erect a fence, the buildings will be elevated.
- Chairman Talbot presented a question as to how much elevation is needed? Mr. Michael stated "it will be approximately 1 foot above the asphalt".
- Chairman Talbot inquired as to who monitors the building.
- Mr. Michael expressed the fact that the county supervises the building. He plans to begin construction with several buildings. These will be started on the west end of the property and continue east. A gravel road will run from the water hauler' station to the newly constructed units.
- Chairman Talbot advised Mr. Michael to provide a lighting plan at the public hearing to which he replied that he intends to furnish better light than what is currently in use. He will address the issue at the public hearing on January 19, 2015. He anticipates having the ability to answer questions regarding lighting in an attempt to make the neighbors feel better.

Cole McGregor made a motion, seconded by Cathy Morrison to hold a public hearing for a Special Use Permit located for mini storage buildings and an office for Tax Map 131-(A) L 34.

Voice Vote 5-0

Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom, Mike Sipe

Motion Carried

Auto Zone/Expedite the Diehl

Brian Siddall/Sign Manager for Auto Zone attended the meeting to answer questions regarding a request for a Special Exception Permit relative to sign variances for the proposed Auto Zone commercial building. He began by reading para. 1 and 2 of Exhibit I Document presented by **"Expedite the Diehl"** Owner /Tracey Diehl.

The original request included the following 2014-087:

1) A freestanding sign to be increased from 20 ft. in height to 40 ft. in height since the property is approximately 10 to 15 lower grade than US Rt. 33.
2) A freestanding pylon sign to be 100 Sq. Ft.
3) Requesting left, right, front and rear wall signs.

- A letter of Rejection was submitted to **"Expedite the Diehl"** on December 10, 2014.
- The $100.00/fee for the Special Exception Permit was posted on December 29, 2014.
- Cathy Morrison emphasized that since the sign is below road level it should be 40 ft. in height.
- Mr. Siddall noted the light emitting from the sign will not be overbearing.
- The light will only burn from dusk to 9 pm.
- The size of requested signs are in proportion to the existing walls.
- Signs on (3) sides of the building are crucial to attract US Rt. 33 traffic.
- Mr. Siddall took time to drive around the area and determined you cannot see the back of the building from RT 33.
- Chairman Talbot proceeded with the discussion by reiterating the rear wall sign would be pointless to mount from visibility and money standpoints.
- The Special Exception Permit is used in unique exceptions for property. The location and shape of this land places it in a unique category.
- Cole McGregor presented a summary of his findings in Exhibit II which will become a part of these minutes.
  - A) The request for the pylon sign should be granted.
  - B) The request for a 100 sq. ft. should not be granted. The 75 sq. ft. sign should be adequate to identify the business.
  - C) The front wall mounted sign is within code and needs no Special Exception.

D) The request for signs on left, right, and rear wall does not comply with code-Ref. 110-706 E. (6) {c} that only allows 2 attached signs per business.

Only 2 issues exist relative to the request submitted on the Special Exception Permit

- Height and number of attached signs allowed by code.
- Mr. Siddall is in agreement that the rear wall sign may be erased from the request.

Cathy Morrison made a motion, seconded by Cole McGregor to recommend a public hearing be scheduled for council to hear the request by Auto Zone to increase the height of the sign to 40 ft. and in addition, allow a 3rd sign to be attached to the wall of the business.

Voice Vote 5-0

Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom, Mike Sipe

Motion Carried

Guest/Jeff Nyomotin asked permission to speak and was granted an opportunity by the Chairman.

- He inquired what is happening behind Tannery Apartments.
- It appears to be a commercial endeavor.
- May you place a commercial business in a residential area?

Chairman Talbot suggested that Mr. Nyomoytin consider the position he intends to take at the public hearing. Certified letters were mailed on January 6, 2015 to the effected residents. He was advised he may sign up to speak at the public hearing.

Town Manager/Kevin Whitfield intervened by noting in lieu of property for residential, the town attorney gave the go ahead to work with Mr. Michael and the Planning Commission. A public hearing will be held on January 19, 2015 with the first one scheduled at 6:30 pm and the second one scheduled at 6:45 pm.

Mr. Nyomotin was advised that he may present an opinion to Council at the public hearing during the comment period.

After being proofread by the town attorney, several words were changed to the final version of the By-Laws, identified as Version I, October 7, 2014. A new vote should be taken at the February meeting after Charlotte advises the board which specific language was altered.

Rezoning of Wirt Ave.

Cole McGregor advised the other members he would like to revisit the issue of rezoning Wirt Ave. from B 2 to R 5. The B 2 zoning district consists of mostly lots that have occupied dwellings on the north side of Wirt beginning with Lot 11 continuing west to the corner of Wirt/Shenandoah Ave Tax Map # 131B1-(1) B 18 Lots 1-11. This would be a Planning Commission analysis and would not be relative to any prior individual requests.

Pathforward: Charlotte was requested to place this item on the February agenda.

Mayor/Wayne Printz approached the podium and offered "Thanks" to members for their time they volunteer to be a part of the Planning Commission. The members are to be commended for their honesty, forthrightness and a good working relationship. People want to invest in town which he attributed to our image being turned around. The more activity increases the more offset occurs as far as taxes etc. are concerned.

Old Business:

The Planning Commission is still in the process of revising the ordinance requiring an additional 15 ft be added to **all** corner lots. In some instances throughout town, only 4 houses exist on some connector streets and/or avenues. These specified locations will have two of the dwellings

fronting on a main street while the remaining two front on a parallel street. Jackson Ave represents one example whereas two dwellings front on E Spotswood Ave while the other two front on E Rockingham, therefore, they pose no problem with accessory buildings meeting only the 5 ft. setback in side yards as opposed to adding the 15 ft. corner lot requirement in residential zoning districts.

An incident occurred at this location several months ago when a town tree fell and damaged an accessory building which is grandfathered in on Jackson Avenue. A new building had been placed on the neighboring lot without issuance of a permit so it did not comply with code.

Some discussion took place relative to the issue but time did not permit a resolution. The issue will continue to be reviewed at the February meeting.

Committee Lead Members:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	
Residential 5-6 (includes: Townhouse & Apts.)Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Michael Sipe*
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.

2014 Zoning Permits Issued YTD

Month	*Bus*	*Res*	*Singe Family*	*(duplex) single family attached*	*Incomplete*
January	3	3	1		
February	2	2	1		
March	1	5			
April	6	9	4		
May	1	1			
June	4	5			
July	3	4	1		
August	2	2			
September	4	6			
October	5	5			
November	5	4	1		
December	3	2			
YTD	39	48	8		3

The next meeting is scheduled for February 3, 2015 @ 7 pm in the Council Chambers of the Elkton Area Community Center located on Blue/Gold Dr. If a cancellation occurs you will be notified at least 48 hours prior to the meeting as written in By-Laws, Article VII 7-3.

Dan Talbot/Chairman

Cathy Morrison/Secretary