Regular Meeting
November 10, 2015
7:00 PM

The regular meeting of the Elkton Planning Commission was held at approximately 7:00 pm in the Council Chambers at the Elkton Area Community with Chairman/ Dan Talbot presiding.

All present were asked to join in the Pledge of Allegiance.
Cathy Morrison was welcomed back after an extended illness forced her to be excused.

Present: Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Excused: Mike Sipe
Staff: Charlotte Shifflett

Minutes:
Cole McGregor made a motion to accept the September 29, 2015 minutes after correction of a typing error on pg. 2, seconded by Cathy Morrison.
Voice Vote Yes 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

Cole McGregor made a motion to accept the October 19, 2015 *Special Meeting Minutes*, seconded by Roy Davis.
Voice Vote Yes 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

Margaretta Isom made a motion to approve the Public Hearing Minutes, as recorded by Denise Monger on October 19, 2015, seconded by Roy Davis.
Voice Vote Yes 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

New Business:
Lot Line Adjustment
Margaretta Isom/Council Person initiated the subject of where to find "*Boundary Line Adjustment*" as indicated on the Agenda dated November 10, 2015?
Dan Talbot/Chairperson advised her it is defined in 110-302 as a Lot Line. *The boundary line of a lot.*
Path forward:
In the future when revised and/or new ordinances are submitted we need to modify this definition to say "*boundary*".

The meeting proceeded with Margaretta Isom making a motion to recommend a lot line adjustment between Tax Map 131-(A) - L 21 and Tax Map 131-(A) - L 27 to increase the size of L 27 from 50.92 ft to 56.77 ft. as shown on a plat by Newman Surveying dated October 8, 2015. Cole McGregor seconded the motion.
Voice Vote 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

Letter of Proposal written by Dan Talbot to Council

- For several years the town has given the impression it is pretty much broke financially and cannot take on the challenge of upgrading the sewer plant.
- The fact the sewer plant needs to be upgraded forces the Planning Commission to take longer to make land use decisions. We have barriers that prevent us from finalizing plans.
- The Planning Commission feels it is fair to put out a word regarding the issue.
- Sometimes when requests are presented everyone is stressed that the town is unable to meet obligations promised in the annexation agreement.
- The town had a plan to run sewer up Mt. Pleasant Rd and Newtown Rd but our hand was forced on the Flood Plain issue last year.
- Council has a right to determine installation of new sewer lines.

Cathy Morrison made a motion to approve the letter, seconded by Cole McGregor.
Voice Vote Yes 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

Mr. Talbot "Thanked" the members for their discussion.
Path forward:
Dan Talbot will make proposed changes to the letter; then send it to the Town Manager and the Zoning Administrator via e-mail. When the office reopens on Thursday morning, Charlotte Shifflett will provide the Town Manager a hard copy. With completion of the first two steps, Charlotte will provide the Clerk of Council a copy for distribution to council members.

Code Revisions

- Rumors and speculation from various sources suggest that Mr. Chopra is interested in developing his properties in regards to substance abuse.
- Currently, our code does not mention rehabilitation centers. Therefore, it is permissible if no ordinance exists stating otherwise.
- Language needs to be placed in the code for approval of such an establishment (s).
- One member noted he had sold a small tract of property to the developer. This did not create a conflict.
- Margaretta Isom researched the code and noted some definitions require the owner to live on premises of such an establishment.
- 110-302 lists some definitions that were reviewed as follows:
  1. HOME FOR ADULTS
     Any facility other than a nursing home, providing part-time or full-time care to three or more aged, infirm, or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.
  2. INSTITUTION
     A non-profit corporation or establishment whose purpose is civic, educational, charitable, religious, or philanthropic in nature.
  3. RESIDENTIAL USE
     Any place, building, or establishment used in whole or in part as a dwelling, or used for the care, protection, or guidance of any persons during any part of the day, including but not limited to hospitals, schools, single-family and multifamily dwellings, mobile homes, child-care centers, family day-care homes, group homes, homes for adults, colleges, and correctional institutions.
  4. ROCKINGHAM COUNTY CODE **Chapter 17**
     Residential facility.
     A facility in which individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons for which the Department of Behavioral Health and Development Service is the licensing authority pursuant to the Code of Virginia;

> **or a facility in which aged, infirmed, or disabled persons reside, with one or more resident counselors or other staff persons for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia. For purposes of this definition, mental illness and developmental disability shall not include current, illegal use of, or addiction to, a controlled substance as defined in § 54.1-3401 of the Code of Virginia**

Chairperson Talbot inquired how we incorporate language into the definition section, §110-302?

- We must decide which zonings are appropriate for this type endeavor and at the end of the day how do we incorporate our thoughts into a proper definition?
- Should a Special Exception Permit be required?
  1. Neighbors should have input as to whether this type facility fits into their neighborhood.
- Determine which zoning district is best suited for this type facility.
- W Rockingham St. is zoned B 1 (Business) but residential dwellings exist in that area.
- The majority of the town property sale is identified as R 8 (Planned Unit Development).
- Define transitional:

  Transitional living refers to any type of living situation that is transitional. The primary purpose or mission of transitional living environments is to help the resident become a productive member of society. Transitional living facilities often offer low cost housing. Transitional living residents that cater to those recovering from economic hardship often graduate from a shelter to lesser crowded living situation. Transitional Living may or may not have other common threads among residents. Transitional living provides professional support, education, and a stable living environment. Common types of transitional living include transitioning from jail or prison, an addiction treatment center or a mental health facility. Transitional living is provided by many well-known private and nonprofit organizations, by government, churches and other charitable organizations.

  Transitional Living for Drug and Alcohol Rehabilitation
  Transitional living that caters to people recovering from addiction are often referred to as sober living, 3/4 houses or recovery residences. Transitional living that caters to people recently released from incarceration is most often referred to as a halfway house. *WIKIPEDIA DEFINITION 11/12/2015*

- The definition of Adult Homes could be modified to include selected language out of Transitional Living definition to make a revision.
- When a public hearing was held regarding the sale of town property it was noted by council that the new owner could come back to the Elkton Planning Commission to request permits for any desired changes to zoning, etc.
- Dan asked Mrs. Isom if council made any promises to the developer relative to anything of this nature.
- Dan reiterated that he has a concern about R 3; if we say it is okay in R 3 then R 8 becomes okay automatically.
- R 5 and R 6 zoning districts will probably allow this type of housing.
- A member reiterated we must avoid the appearance of spot zoning.
- The Chairman emphasized that in reality a tremendous amount of property has changed hands. We assume the new owner purchased the land with the intent to develop.
  In reality what that means is intent to rezone and a public hearing is held for issuance of a Special Use Permit---*if one passes, both pass.*
- This discussion falls under options, since the land lies in an area, where we as a group have not discussed issues. We need to try to break apart and decide if we are in favor of a transitional residence. We have the ability to make the definition say what we want it to say!
- We may want to modify the last sentence of the county code which reads, "For purpose of this definition shall not include current, illegal use of, or addition to, a controlled substance as defined in § 54.1-3401 of the Code of Virginia and include it in the existing code "Home for Adults".

- The code is there, it needs to fall into the correct category. Identify what type help will be provided to the abuser?
- Nathan has had requests from other staff members, to work toward a satisfactory definition and guidance. Charlotte will advise Nathan that we are working to resolve the issue.
- It was noted that conversations are good along with presentation of new ideas.
- A definition of transitional will be included in the minutes. Please review and bring back any thoughts to the next meeting.
- Which zoning district do you feel is an appropriate place to locate facilities?
- § 110-607 **R 6** (High Density Residential District)
    1. Should it be allowed in this district by use of a Special Exception Permit?
    2. Only two R 6 zoning areas located in town W Rockingham St, and S Eastside H/Way
- § 110-606 **R 5** (Residential District)
    1. Should it be allowed in this district by use of a Special Exception Permit?
    2. R 5 zoning is located on North St, Wirt Ave., E Prospect, Ashby Ave., and Henry Ave.

In summarizing the discussion, Dan Talbot expressed the fact that we need to put limits on rezoning requests. As a Planning Commission we must think beyond current owners.

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Roy Davis*
Residential 5-6 (includes: Townhouse & Apts.)Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Michael Sipe*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions, including Lot Line Adjustments	*Margaretta Isom*
Signs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	*Robert Morris*

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.

2015 Zoning Permits Issued YTD

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

Cole McGregor made a motion to adjourn the meeting, seconded by Cathy Morrison.
Voice Vote Yes 6-0
Cole McGregor, Dan Talbot, Robert Morris Sr., Margaretta Isom, Cathy Morrison, Roy Gene Davis
Motion Carried

The next regular meeting is scheduled for December 1, 2015 @ 7 pm in Council Chambers located at the Elkton Area Community Center on 10593 Blue & Gold Dr. in Elkton, VA. 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