Regular Meeting
FEBRUARY 3, 2015
7:00 PM

The regular meeting of the Elkton Planning Commission was held on February 3, 2015 at approximately 7:00 pm in the Council Chambers at the Elkton Area Community Center with Chairman/ Dan Talbot presiding.

All present were asked to join in the Pledge of Allegiance

Present: Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe
Excused: Cathy Morrison,
Staff: Charlotte Shifflett
Guests: *Richard Dunn, *Drew Patterson of Network Building and Consulting (NB&C)
*Consulting to Verizon Wireless
Lori Schweller / LeClair Ryan/Attorneys At Law of Charlottesville
Randell Snow, Jeff Neomoytin, Jeff Jones, Harry Armbruster, Sue Armbruster

Minutes:
Cole McGregor made a motion to accept the January 6th and January 19th, 2015 minutes, seconded by Margaretta Isom.
Voice Vote 4-0
Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe
Motion Carried

Old Business:
Councilwoman Isom, seconded by Cole McGregor, made a motion to change language in the Planning Commission By-Laws, Version I, October 7, 2014 which were approved at the November 6, 2014 Planning Commission meeting. **Reference:**
Article I-Authorization
1-1. This planning commission is established in conformance with a resolution adopted by the Council of Elkton, Virginia on June 14, 1963 and in accord with provisions of *Section 15.2-2210,* Code of Virginia (1950), as amended.

New Business:
Verizon Wireless Data Node Project
Richard Dunn and Drew Patterson of NB & C, and Lori Schweller, representative of LeClair Ryan/Attorneys At Law of Charlottesville, were on the agenda after requesting an opportunity to present a Power Point Presentation to the planning commission.

- Drew Patterson contacted the Zoning Office in late December and questioned the Zoning Administrator how he would go about applying for a permit?
- Data Nodes are fairly new technology and are not addressed in our code. {Ref. §110-711}
- Is installation of a Data Node a permitted use by right with a building permit?
  Some localities do allow small cells by right.
- A hand-out was distributed by Mr. Patterson with some suggestions of ordinances to be added to town code to cover the data nodes. See high-lighted sentences.
  Exhibit III-attached
- The smaller device sends a signal about 500 ft up to 1,000 ft.
- Members did present some questions to the visitors:
  How many units are needed in this area?
  a. Lori Schweller does not know where or when the data nodes would be installed.
- This survey is conducted by Verizon Wireless only.
- Competitors exist in the area and will probably be making offers in the near future.

- Chairman Talbot inquired how many units are currently located in Charlottesville?
  a. Currently there is (1) unit installed at the parking garage on Market St. The antenna is on the mall side (E Main St.) and the cabinet is mounted next to the elevator in the parking garage.
- Mr. Patterson advised members a roll out will most likely happen next year.
- Several areas have been identified in Elkton but no locations were disclosed to members.
- Mr. Patterson shared the fact that Henrico County Code allows the data nodes to be installed by right
- 25 ft. is the average height
- These devices may be installed on existing utility poles.
  a. A study would need to be conducted with the town electrician before any installation of that type could be permitted in the Town of Elkton.
- The group had several sample units with them at the meeting. One unit was self contained while the other unit had to be mounted alone using connections.
- These data nodes require fiber optic wiring!
- It was noted that several areas in town have fiber optic wiring which run to the schools.

  In conclusion, the representatives are requesting a revision to town code addressing the issue of whether or not a zoning application will be needed for installation of each separate device? In addition, they would like to see specific language inserted that would allow installation in zoning districts by a permitted use rather than a Special Exception Permit process each occurrence.
- Contact information may be found in the zoning office.

E Rockingham St/Tannery Apartments

Summary of Request

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. .

A Joint Public Hearing was held on January 19, 2015 to receive comments regarding an application for a Special Exception Permit from Michael Bros., potential owner of property located in the Town of Elkton on the south side of East Rockingham Street; adjacent to the back of the Tannery Apartments which would allow construction of Mini Storage Buildings on a portion of Tax Map 131-(A)-L 34 (3.547acres).

A joint public hearing was held on January 19, 2015 to receive comments and consider a request from the Elkton Planning Commission and Elkton Town Council to rezone a portion of Tax Map 131-(A)-L34 (3.547 acres) from R-8 Planned Unit Development to R-6 High Density Residential District. The lot is located in the Town of Elkton on the south side of East Rockingham Street; adjacent to the back of the Tannery Apartments.

Margretta Isom made a recommendation that rezoning of 3.54 acres, a portion of Tax Map 131-(A) L34, from R 8 Planned Unit Development to R 6 Residential as requested by Michael Bros., be tabled along with the special exception request until the next regular meeting which is scheduled for February 3, 2015 at 7:00 pm. The recommendation was seconded by Cathy Morrison

Voice Vote All **Yes** **4-0**

Cole McGregor, Dan Talbot, Cathy Morrison, Margretta Isom

Motion Carried

Action Tonight, February 3, 2015

Chairman Talbot attended a meeting accompanied by Kevin Whitfield, Charlotte Shifflett, and Charley Banks/Representative of the National Flood Insurance Program (NFIP). The purpose was to discuss the request presented by Mr. Michael to build mini-storage buildings and an office in the 100 Year Floodplain.

- The Flood Hazard Ordinance {§ 110-614} needs to be revised and/or updated every 5 years. The code was last updated for the town in 2008.
- The 100 year floodplain is now referred to as a 1% chance of flooding on any given day.
- Areas that lie within a flood plain need to present a geographical analysis to FEMA before construction begins.
- Chairman Talbot would like to encourage the study be expanded to water run-off areas that lie downstream. Potentially there is a flood prone area located near the Pizza Hut and Ace Hardware section of town.
- Town Manager spoke to Mr. Michael and made him aware of the next step in the process. Mr. Michael is aware of the circumstances and is going to pursue the issue through his engineering firm and FEMA representatives. This process may take up to six months to finalize.
- The agency will most likely have a computer model to assist with the final analysis.

Chairman Talbot continued the meeting by reading a letter written and signed by Erwin Michael of Michael Brothers, Inc. He made a request to temporarily withdraw his application to use the referenced land to build a new office and storage buildings. **Exhibit I-attached**

Town Manager/Kevin Whitfield served a notice via e-mail, by the Town of Elkton, to withdraw the application regarding rezoning of a portion of Tax Map 131-(A)-L 34 {3.547 acres} from R 8 Planned Unit Development to R 6 High Density Residential District. **Exhibit II**-attached.

Re-application and a new public hearing date will be established in the future if FEMA allows Michael Brothers to proceed.

Old Business: (con't)
Auto Zone

Chairman Talbot reminded members of the joint public hearing scheduled for February 16, 2015 at 7:00 pm.

Background Summary:

Brian Siddall/Sign Manager for Auto Zone attended the January 6, 2015 meeting to answer questions regarding a request for a Special Exception Permit relative to sign variances for the proposed Auto Zone commercial building.

Cole McGregor presented a **draft summary** of his findings in Exhibit II which became a part of the 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.

Jan. 6, 2015 meeting: 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

Old Business:
Rezoning of Wirt Ave

Charlotte placed the Wirt Avenue Rezoning on the agenda as requested by Chairman Talbot in the January 6, 2015 meeting. It was during that meeting Cole McGregor advised the members he would like to revisit the issue of rezoning portions of Wirt Ave. from B 2 Business to R 5 Residential

Background Summary:

The voting results at a Special Meeting held April 21, 2014, immediately following a joint public hearing, were as follows:

Cathy Morrison made a motion, seconded by Cole McGregor, to **recommend to council rezoning** of lots located 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 from B2 General Business District to R 5 Residential District.

May 19, 2014 minutes of Elkton Town Council

Citizen Comments: Amber Dearing, on behalf of Lawson's Auto Repair, spoke regarding the proposed rezoning on Wirt Avenue. She had spoken with Commissioner Cathy Morrison, who assured her that the business would be unaffected by the rezoning from commercial to residential. She noted that the business had been at the current location for seventeen years. She requested that council not approve the rezoning to residential.

Council member Gooden stated that a local business would be affected by the rezoning and unable to expand in the future.

Council rejected the planning commission's recommendation and voted 3-2, with Margretta Isom abstaining, to deny Country Estate's rezoning request to change property located 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 from B2 General Business District to R 5 Residential District?.

Vote: 3-2 **Yeas:** J Dean and Wayne Printz
Nays: J. Gooden, T. Pence, and H. Armbruster

Motion failed

Before proceeding with any discussion Chairman Talbot wondered if there may be a possibility council members could be polled and find out the reason of each objection. Why they voted "Nay" to the proposal to rezone property located 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 from B2 General Business District to R 5 Residential District?

Councilman Harry Armbruster, who was a guest at the meeting, advised members he voted "no" because an existing business owner had expressed an interest that he may wish to expand in the future. Rezoning to residential may have prevented this from happening.

Some options to consider before placing another request to rezone are:

- A 25 ft. vacant lot is adjacent to the business property to the west. This vacant lot could be omitted from the request. Tax Map # 131B1-(1) B 18 Lot 11
- The owner of property, located at the intersection of Wirt Ave./Shenandoah Ave., may want to consider applying for a Special Exception; Reference Code:

  §110-610 Downtown Business District B 1

  C. Special Exceptions

  (20) Ground floor rear apartment provided the following requirements are met: [Added 4-21-2014]

  (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 50.0% 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 continuous and integrated. No portion of the unit (residential or commercial) may be separately leased or sold.

- It was reiterated by one member of the commission that he feels opening a business located on the corner of that intersection is unacceptable due to safety reasons. The front entrance is extremely close to moving traffic and offers limited visibility.
- In 2014 the Planning Commission mentioned the Comprehensive Plan calls for no business projections for that street and feels it should residential since it is, in fact, residential in nature in an established neighborhood environment.

Cole McGregor made a motion, seconded by Mike Sipe, to recommend a joint public hearing be scheduled to rezone lots located on the north side of Wirt beginning with Lot 10 continuing west to the corner of Wirt/Shenandoah Ave Tax Map # 131B1-(1) B 18 Lots 1-10 from B2 General Business District to R 5 Residential District.
Voice Vote 4-0
Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe
Motion Carried

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	2	2	1		
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
YTD					

The next meeting is scheduled for February 16, 2015 @ 7 :00 pm to participate in a joint public hearing with Auto Zone; with the regular meeting scheduled for March 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