Regular Meeting
May 5, 2015
7:00 PM

The regular meeting of the Elkton Planning Commission was held at approximately 7:00 pm, May 5, 2015 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
Guest: Kris Robinson

Minutes:
Cole McGregor made a motion to accept the April 7, 2015 minutes, seconded by Mike Sipe.
Voice Vote 4-0
Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe
Motion Carried

Kris Robinson was on hand to request an over view of a future proposal,Concept Subdivision Plan on Newtown Rd., presented to the Zoning Administrator today, May 5th.
Cole McGregor made a motion to revise the agenda and allow Kris Robinson to discuss the Concept Subdivision Plan. This motion was seconded by Mike Sipe.
Voice Vote 4-0
Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe
Motion Carried

Old Business:
In January, 2010 some zoning changes were made to the official zoning map. There were quite a few residential dwellings in the B1 and B 2 zoning districts not being used as houses.. The Zoning Administrator documented a list of occupied single family dwellings and they remain in the files.
January 18, 2010 an ordinance change was made and the following amendment was placed in B1, B2, and M1 zoning districts as a permitted use.
*Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter **110** as of the date of the adoption of this subsection with lot regulations and accessory uses consistent with R-3 District standards, and there shall be no more than one single-family detached dwelling per lot.*
[Added 1-18-2010]
We need to acknowledge, some of the properties are in limbo land with:

- No buyers
- Not in good repair
- An added expense to the owners.
- A house sits there and should be residential.
- A change could be made thru the use of a Special Exception; which would force a public hearing.

- With a special exception the client would decide if he/she wants to turn back into a residence.

Dan Talbot/Chairman passed out a proposed ordinance change and continued the meeting by reviewing the document. (attached as Exhibit "A")

In 2010 we were not too sure how things would develop business wise. Several property owners chose to remain business but continued to have the residence occupied. Actually, five years later things have gotten worse so we may need to issue Special Exceptions so the house can be used as a dwelling.

In reality, we don't exactly know what an occupied dwelling looks like but we know one when we see it! It is fairly easy to know if a house has habitants. The Leap house and the Haden house located on W Rockingham St. fall into this category. Heirs of Mr. & Mrs. Haden inherited the property and would love to see it be a house.

- Personally we would not want to create problems by making changes.
- Our intent is not to cause controversy between neighbors when owners decide if it is a house or business.
- The conversation was interesting. The fact was mentioned that business and residential mixed in the same area can pose issues if there are a lot of children close by and running about at play.
- Possibly exists that an adult business could decide to locate in a residential area with small children in the households in the neighborhood.
- The ordinance would basically state that you cannot open apartments.
- Each residence would be required to have two (2) parking spaces.
- Members were asked for input and Mike Sipe commented he likes the wording while Cole believes the intent was captured in the text of the proposed ordinance.

Margaretta Isom/Councilwoman made a motion to recommend a public hearing be scheduled to make an ordinance change to 110-610, C, and 110-611, C, to allow existing residential homes to be returned to single family dwellings. The motion was seconded by Cole McGregor.

Voice Vote 4-0

Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe

Motion Carried

Pathforward: Charlotte will get with the Clerk of Council and attempt to schedule a joint public hearing in June 2015.

Wirt Avenue

Margaretta Isom was questioned by another council person who wondered if removing Lot 11 from the Wirt Ave rezoning request was considered spot zoning?

Some confusion remained with the April minutes as to whether Lot 11 was in the ad or not in the ad?

Margaretta Isom recommended the revision of April 7, 2015 minutes to modify the Pathforward on pg. 2 to modify lots 1-10 instead of Lots 1-11 and the adoption of the FH I code revision. Mike Sipe seconded the motion.

Voice Vote 4-0

Cole McGregor, Dan Talbot, Margretta Isom, Mike Sipe

Motion Carried

New Business:

As voted on earlier to be added to the agenda, Concept of Subdivision Plan

Kris Robinson introduced himself to the board. He informed them he has built 4 homes located in Woodbridge Subdivision. He is here tonight with his idea to sell affordable lots in town. His plans cater to professionals such as a teacher, young couples and others under the age of 55 yrs.

old. Bonavita has offered lots with affordable housing to the 55 and older age group in the Downey Knolls Subdivision.

- The current proposed concept offers 44 lots in R 2 zoning district.
- He may request the rezoning of the property from R 2 to R 3 Residential.
- R 2 district requires 100 frontage at setback, while the R 3 requires 50 ft frontage at setback. If the lots were rezoned to R 3 there would be more lots available.
- 2014 stormwater regulations are in effect July 1st.
- This is the first subdivision in Rockingham County; if approved, under the new act which will require guidance from the EPA.
- Sewer run-off is the #1 emission in the US.
- The new regulations come with increased costs. Engineers have a new model in effect now.
- The City of Harrisonburg is proposing to charge a tax for storm water run-off.
- These new regulations will take effect everywhere in the near future.
- The proposed lots would sell for approximately $40,000 to $45,000 each.
- The R 3 zoning would allow more building lots which would help to offset the costs.
- The requirement for R 3 frontage at setback is 50 ft but the proposed lots, (if R 3) would be laid out to 65 ft. to 75 ft. frontage.
- New guidelines are going to require water filtration; expectations are that 90% of water run off will remain on your site.
- Even though the concept displays 44 lots it will probably be < 44.
- Guidelines will require a package, regarding storm water, be presented to Rockingham County Management.
- Kris emphasized he has been told a 6 month inspection will occur under the new guidelines.
- Dan Talbot/Chairman noted that basically the request may be to rezone the property to R 3. No R 8 Planned Unit is being considered.
- Reference the Concept Plan to review Site Statistics:

1)	Average Lot area	13,375 sq. ft.
2)	Maximum Lot area	24.924 sq. ft.
3)	Minimum Lot area	12,500 sq. ft.

Issues:

- It is a huge expense to place curb, guttering, and sidewalks.
- Our effort is concentrated on keeping water flow out of the creek and eventually flowing to Chesapeake Bay.
- Perhaps a negotiation could be reached with the town to extend the sewer line. Kris noted as the developer, he would be more than willing to help.
- He would attempt to proffer that no more than 12 dwellings per year would be constructed. The lot size would range from 1,350 to 1,750 sq. ft.
- Town requires sidewalk on one side only. Without sidewalks it is quite difficult when walking.
- Regulations written on paper sometimes tend to confuse people.
- Kris would like to go from 40 to 62 lots. This would require rezoning.
- A joint public hearing was held for this property not long ago and the neighbors gave the impression they like 5 acre lots.
- Dan wonders if opening the conversation by wanting to rezone is what the developer really wants?
- The Planning Commission wants land developed. We want to include thoughts from existing neighbors.
- Lots on cul-de-sacs become quite complicated. Questions arise concerning the density of lots in these areas.

Discussion:

- Mike Sipe has reservations about rezoning to R 3 Residential.
- Kris wants to see R 2 or R 3 zoning locked in before proceeding.
- Margaretta questioned which zoning he plans to go with? She has heard 40 lots, 60 lots, and one time to 72 lots. Before the council or planning commission can pursue the issue we need to know specifically which zoning we are discussing.
- Dan cautioned that the town is fighting their own EPA involvement with the Waste Water Treatment Plant. He also stated that "Elkton is a great place to live."
- The planning commission would love to see some mid priced plans for housing.
- Kris agreed that affordable housing is a concern for him and his family since he sees his nieces and nephews struggling to get housing in the future, but most of them will be out of their price range.

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	1	
February	2	4			
March	2	5	1	1	
April	1	4		4 units	
May					
June					
July					
August					
September					
October					
November					
December					
YTD					

Cole made a motion to adjourn, seconded by Margaretta Isom. A joint public hearing scheduled for May 18, 2015 @ 7 pm is coming up then the next regular meeting will be held June 2, 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

Cathy Morrison/Secretary