Donates Present **

Present:	**	Dan Talbot/Chairman
	**	R. Cole McGregor/Vice Chairman
		Cathy Morrison/Secretary
	**	Margaretta Isom/Council Repre.
	**	Roy Davis
	**	Robert "Bobby" Morris
		Mike Sipe
Guest:		Caleb Soptelean

The regular meeting of the Elkton Planning Commission was held on March 1, 2016 in the Council Chambers located at the Elkton Area Community Center with Dan Talbot/Chairman presiding.

Chairman Talbot called the meeting to order at 7:00 pm. All present were invited to stand and join in the Pledge of Allegiance.

A. MINUTES:

Roy Davis made a motion to accept the February 2, 2016 minutes after correcting a typing error on page 1, seconded by Margaretta Isom.

Voice Vote 5-0

Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris, Margaretta Isom

Motion Carried

B. DISCUSS PUBLIC HEARING CONCERNS:

1) Chairman Talbot and Attorney/Nathan Miller talked briefly following the joint public hearing. Nathan was unsure of our intent but understands it better after Dan offered further clarification
2) Which concepts to move forward? Attempt to have a refined document to present by April, 2016.
3) Adam Good is no longer employed by Pham Chopra. Efforts have slowed so no one is forcing us to rush since no noticeable upgrades have occurred at the newly purchased properties.
4) Maggie Isom believes we should be as fair as possible, while being as tight as possible, when addressing comments made at the public hearing.
   a. Dan inquired as to how do we proceed from here?
   b. Cole was unaware that when (8) or less the family could locate in an R 3 district. Jan Hensley had a concern regarding this issue.
   c. Chairman Talbot reminded members of a memo distributed by Nathan Miller's office dated Dec. 28, 2015 in which he noted that based on the Code of VA § 15.2-2291 pertaining to assisted living, facilities and group homes of eight or fewer; single family residence; based on this language, you cannot prohibit group homes in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family.

d You are allowed, however, to prohibit homes with more than (8) individuals or provide that a special use permit be obtained and can also require that they have a resident or nonresident staff person. Although the Town must make reasonable accommodations to handicapped individuals, the Town can consider important interests such as regulating traffic, population density and services to ensure the safety and comfort of all citizens, including those who are handicapped.

e. Dan mentioned that Section 8 housing provides a limit on the number of persons allowed to reside in a single family home. This is a government rule, however, does it apply to all assisted living, profit or non-profit? This is an issue we may want the town attorney to look into for us.

5) Discuss parking requirements for transitional living facilities if located in a residential area.

a. Reference § 110-703 (C.) Land Use: Dwellings:
b. Boarding and Rooming Houses, Dormitories, add Assisted Living Facility
c. Reference §110-302 Terms Define, Boardinghouse or Rooming House:
A single detached dwelling in which the property owner resides for which a proper permit and license have been issued, where for compensation and by prearrangement for definite periods, lodging and/or meals are furnished for no less than three persons or more than 10 persons not of the same family. There shall be no more than one boarding or rooming house on each recorded lot. This shall include the term "lodging house."
What is the approximate size of a family to a household?
Add: No more than (8) persons of the same family with no more than (2) occupants per bedroom. (?)

6) The Planning Commission is trying to get ahead of problems before they occur. This is not something we are being forced to do. Cole emphasized that good input was received at the public hearing.

7) Discuss R 8 Planned Unit Development

a. An approved Master Plan is required.
Example: Reviewed the Dominion Ridge Master Plan which is mapped out with details that show where single family, town houses, golf course etc. are to be located. Planning Commission and Council approved this plan before Angler went bankrupt.
b. Limited permitted uses. Ref. § 110-609 (B) {(1 thru 3}
c. Most of the property purchased by Mr. Chopra is located in R 8 and may require rezoning. Very few of the properties contain a dwelling. The one with the most concern is located in an R 3 district.

C. Discuss R5 vs. R 6

1) De-Valuation of Property

a Speakers in attendance at the public hearing created an interesting conversation.
b. Should a Special Exception be placed in M I Light Manufacturing and B 2 General Business District?
c Would these two zoning districts be an appropriate location for transitional living facilities if a Special Exception Permit was added?

2) R 6 High Density Residential District

a. Margaretta voiced concerns that R 6 may lie in an area which is too close to a school and/or an existing business.
b. Should schools be inserted into Special Exception language in R 5 and R 6?
c. List an action item and have Nathan Miller find how many feet would be required distance from a school?

D. Discuss proposed Ordinance in § 110-606 (C. Special Exceptions) {10} and §110-607 (C. Special Exceptions) {13}

a. Under A) Defined Mission Statement be specific and list the type of home it is going to be named.
b. Under F) Defined policy adherence enforcement protocol.
c. Dan shared that Mercy House located in Harrisonburg is an example. It provides housing for abused women. He continued by noting that any of us could go within 5 miles of the Community Center and find a crowd of people that live together.
d. A facility located in the right place, with a good mission statement, along with support would be acceptable

E. Buffers in R 8

a. One person suggested a buffer be required between the transitional living centers and dwellings. More green space be shown on the Master Plan
b. This subject gets very touchy with a developer involved with presenting an actual plan.
c. A buffer would provide more protection to resident already living in areas where these homes may be licensed.

F. The members were asked their opinion regarding the possibility of amending the Code to allow Special Exception Permits to be issued in R 5 and R 6 zoning districts.

a. Margaretta favors R 6 since it seems to be more difficult with the main difference being higher density.
b. R 6 is more isolated. Only 2 properties are identified as being R 6 zoning. Namely, Tannery Apts. and Elkmont Apts.
c. If both zonings are amended to include Special Exception Permits for transitional living facilities are we more flexible? Chairman Talbot believes it is irrelevant in regards to zoning.

G. A definition is needed to define mental illness

Webster's Dictionary

.mental illness - any disease of the mind; the psychological state of someone who has emotional or behavioral problems serious enough to require psychiatric intervention
Synonyms: mental disease, psychopathy
Antonyms: mental health - the psychological state of someone who is functioning at a satisfactory level of emotional and behavioral adjustment

Related Words
insanity, megalomania, mental disease, mental health, mental state, psychological state, psychopathy, psychosis

a. The code will help us place this in the place we want it to be inserted

H. 412 Jackson Ave Alley Closure

On January 27, 2016, Mr. William Servant submitted a request to the Zoning Administrator to permanently close and purchase the portion of a 20 ft alley running parallel to his property Tax Map 131B2-(1) B 49 L 3 and allow the town to retain an easement..

This alley is the only entrance into his property, with no assigned parking space on Jackson Ave., alley parking only.

a. One concern was regarding children at play with traffic driving thru the dead end alley way.
b. He has observed traffic during late night hours, with some vehicles actually exiting down the large bank where the alley drops off abruptly. Creates a safety hazard.

Planning Commission member Cole McGregor visited the site with public works personnel and all are in agreement the town should retain possession of the alley way due to the following factors:

1) Too many utilities run thru the alley including a utility pole standing near the dead end.
2) In addition a storm drain is located adjacent to the alley way.
3) .Mr. McGregor recommends, on behalf of the Planning Commission, the alley be closed off to discourage "*thrill seekers*".
4) A "Dead End" sign should be positioned there as a safety precaution.
5) Other property owners did not share Mr. Servant's views and do not want to sign the document.
6) The $100.00 fee should be returned to the requestor.
7) Council Representative/Margaretta Isom should pass the decision to Elkton Town Council

I. Change meeting nights from Monday to an alternate night due to parking issues created with music in process from 6:30 to 8:00 pm on Tuesday.

a. Consider the first Monday of each month.
b. Pathforward: Place on the April agenda.

J. Margaretta Isom read (4) Resolutions, passed at the Feb. 29, 2016 council meeting, allowing Dan Talbot, Joe Hammer, Kenny Monger, and Anthony Lawson to continue to serve on the Board of Zoning Appeals {BZA} for another term.

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.

2016 Zoning Permits Issued YTD

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

Cole McGregor made a motion, seconded by Mike Sipe to adjourn the meeting

The next meeting Planning Commission Meeting is scheduled for April 5, 2016 @ 7pm in the Council Chambers located in 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.

Chairman

Cathy Morrison
Secretary

EXHIBIT 1

110-302 Terms Defined:

Modify

Dwelling – A building or portion thereof designed or used for permanent residential occupancy of a family, but not including a motel, boardinghouse, hotel, motor hotel, lodge, inn, rooming house, hospital, transitional housing/living center, home for adults, group home, or nursing home.

Family - A "family" is:

a) An individual living alone in a dwelling unit: or
b) Any of the following groups of persons, living together and sharing living areas in a dwelling unit:
    a. Two or more persons related by blood, marriage, adoption, or approved foster care
    b. A group of not more than four (4) persons (including servants) who need not be related by blood, marriage, adoption, or approved foster care
    c. A group of not more than eight (8) persons with mental illness, intellectual disability or developmental disabilities residing with one(1) or more resident or nonresident staff persons in a facility whose licensing authority is the Department of Behavioral Health and Developmental Services: provided, that mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia (pursuant to Virginia Code § 15.2-2291, as amended from time to time)
    d. A group of not more than eight (8) aged, infirm or disabled persons residing with one (1) or more resident counselors or other staff persons in a residential facility or assisted living facility for which the Virginia Department of Social Services is the Licensing Authority (pursuant to Virginia Code § 15.2-2291, as amended from time to time)
    e. A group of not more than two (2) adults who need not be related by blood or marriage, and the dependent children of each of the two (2) adults, provided that the children are under nineteen (19) years of age or are physically or developmentally disabled

Add

Living / Sleeping Quarters – A portion of a building that is designed or used for permanent residential occupancy as a dwelling.

Transitional Housing Facility/ Living Center - Refers to any type of housing or living situation for more than eight (8) persons that is transitional. The primary purpose or mission of transitional housing facilities or living environments is to help the resident become a productive member of society. Transitional housing or 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, a mental health facility, Military service, abusive home situations, and homelessness.

110-606. Residential District R-5

C. Special Exceptions:

10) Transitional Housing Facility/ Living Center. Factors to be considered will include, but not be limited to, the following:

A) Defined Mission Statement which is consistent with the definition of Transitional Housing Facility/Living Center
B) One (1) or more resident professional support staff on premises to assistwith transition
C) Defined period of stay of less than twenty-four (24) months
D) Defined admission policy that precludes the current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia, as amended from time to time
E) Defined conditions of residence that are aligned with the principle of transitioning back to productive society
F) Defined conditions of residence which include limits of two (2) individuals per bedroom
~~F)~~G) Defined policy adherence enforcement protocol
~~G)~~H) Appropriate state license, where required

11) Other uses of the same general character as those listed above and deemed appropriate by the Planning Commission and in accordance with Article VIII.

110-607. High-Density Residential District R-6

C. Special Exceptions:

13) Transitional Housing Facility/ Living Center. Factors to be considered will include, but not be limited to, the following:

A) Defined Mission Statement which is consistent with the definition of Transitional Housing Facility/Living Center
B) One (1) or more resident professional support staff on premises to assistwith transition
C) Defined period of stay of less than twenty-four (24) months
D) Defined admission policy that precludes the current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia, as amended from time to time
E) Defined conditions of residence that are aligned with the principle of transitioning back to productive society
F) Defined conditions of residence which include limits of two (2) individuals per bedroom
~~F)~~G) Defined policy adherence enforcement protocol
~~G)~~H) Appropriate state license, where required

14) Other uses of the same general character as those listed above and deemed appropriate by the Planning Commission and in accordance with Article VIII.

§110-703 C "Boarding and rooming houses, dormitories" under Land Use, Dwellings, should be modified to read "Boarding and rooming houses, dormitories, Transitional Housing Facility/Living Center"