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

The regular meeting of the Elkton Planning Commission was held on January 5, 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.

MINUTES:

Cole McGregor made a motion to accept the December 1, 2015 minutes, seconded by Bobby Morris.

Voice Vote 4-0

Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris
Motion Carried

Wendy Hensley Request

Charlotte Shifflett/Zoning Administrator advised the group that Wendy had informed her the required plat was not ready for a recommendation. Dan Talbot made a motion, seconded by Cole McGregor that the request be tabled until our February meeting.

Voice Vote 4-0

Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris
Motion Carried

Nathan Miller Memo dated Dec 28, 2015

On Jan. 4, 2016 Nathan Miller/Town Attorney met with Dan Talbot/Chairman and Kevin Whitfield/Town Manager to discuss a Draft of proposed ordinances recommended by the Planning Commission at the December 1, 2015 meeting. The discussion was inconclusive. However, the memo was appropriate.

Special Exception Public Hearing is based on the following:

1) Directional idea of what you want to see accomplished.
2) Make the public aware that a conversation is happening.

3) Advertise your obligation
4) Public is responsible to attend.
5) Council has expressed some concerns.
6) The Planning Commission is attempting to get the conversation started.

Cole McGregor noted that concerned citizens have approached him and inquired what is being done about the issue of Transitional Homes in town.

1) He advises the public that the Planning Commission is doing their part but the neighborhood needs to get involved.
2) He has read Nathan's memo.

Dan Talbot proceeded with the conversation by asking members if everyone had reviewed the "memo" provided in their packet. The attorney based his response on existing State Code and a precedent court case surrounding these same issues.

1) We need to improve the definition of "*family*"
2) We need to be more definitive in our description.
3) Reference Memo A. #1 (b)

   1 thru 5 lists criteria for any of the following groups of persons, living together and sharing areas in a dwelling unit.

   #3 mentions licensed authorities.

Path forward: Charlotte will research literature relative to Department of Behavioral Health and Development Services.

Member Roy Davis reiterated that <u>less than 8 persons</u> living together in a facility, no resident staff would be required. Ref. State Code 15.2, Chapter 22.

Dan Talbot emphasized he has a question for Nathan.

1) Dan understands that (PTST) Post Traumatic Stress Syndrome is a mental illness requiring treatment.
2) If an athlete has suffered a head injury; does he fall into the category of mental illness?
3) Are addicts covered under a law? Would they fall under a protected group? If so, can we consider them a family relative to our modified definition of "*family*"?

Discussion (Con't)

1) Paragraph 2 states:

   Determine which districts group homes, of more than eight individuals, are allowed to be located, and revise the appropriate sections of the Code to allow group homes in those districts as a special exception requiring a special use permit.

Roy Davis commented that the Council and/or Planning Commission cannot foresee every possible issue. Dan Talbot agreed and believes we need to move proactively. This would not impede Mr. Chopra's plans. Several examples were referenced by Mr. Talbot:

1) Adult Businesses
   a. At the time this ordinance was passed no one was excited and did not foresee this as an issue in the future. However, if inquiries were to be made for this type of business the Code has an answer on record.
2) Sign Ordinance
   a. Several years ago a local church applied for a digital sign and no language existed at that time which would cover the request.
   b. Our decision to address the aforementioned issues has nothing to do with Mr. Chopra personally.
   c. The broader outlook is to be sure it's covered for anybody.
   d. Try to discuss what we want to consider for code.
   e. Make additional information before voting on a recommendation.

Mr. Talbot challenged members to consider adoption of the definition of *"family"* as written in Nathan Miller's Memo dated December 28, 2015.

Cole McGregor, seconded by Roy Davis made a motion to recommend that the Planning Commission adopt the definition of *"family"* as written in Nathan Miller's Memo dated December 28, 2015. **See Exhibit I Attached**

Voice Vote 4-0

Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris
Motion Carried

With this decision made and voted upon, the members continued their review of the memo.

Best Zoning Districts for Location of Transitional Living Facilities

R 1 thru R 4 Zoning Districts mention Low Density Residential with Single-Family Homes as a Permitted Use; while R 5 and R 6 Zoning Districts are best described as High Density, Multi-family areas.

R 5 is less messy than R 6. Consider placing a Special Exception in R 5, along with R 6 to allow Transitional Living Facilities.

R 8 needs a Master Plan which would require that the owner ask for re-zoning.

Group Homes

We need to discuss the definition of group homes because the current definition is too vague. However, we will not open up this discussion at tonight's meeting.

Mayor

Wayne Printz/Mayor is in agreement that we should move forward and schedule a public hearing.

Dec 1, 2015 Exhibit I

Dan Talbot led a discussion and the following revisions/modifications/additions were made to the document from our December 1, 2015 meeting:

110-302 Terms Defined:
Revisions 1/5/2016

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, nursing home, etc.

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
    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
    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 facilities often offer low cost housing & are designed to be temporary. Transitional housing or living may or may not have other common threads among residents. 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 providing the following:

A) Defined Mission Statement
B) One (1) or more resident Professional staff to assist with transition
C) Defined period of stay
D) Defined admission policy that must preclude the current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia
E) Defined conditions of residence that are aligned with the principle of transitioning back to productive society
F) Defined policy adherence enforcement protocol
G) Appropriate state license

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 providing the following:

A) Defined Mission Statement
B) Professional support on premises to assist with transition
C) Defined period of stay
D) Defined admission policy that must preclude the current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia
E) Defined conditions of residence that are aligned with the principle of transitioning back to productive society
F) Defined policy adherence enforcement protocol
G) Appropriate state license

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.

Cole McGregor made a motion, seconded by Roy Davis, to recommend to Elkton Town Council, that a public hearing be scheduled to receive public comments on the aforementioned document as revised on January 5, 2016.

Voice Vote Yes 4-0

Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris
Motion Carried

VDOT to Hold Public Hearing

Roy Davis made a motion, seconded by Bobby Morris, to add an item to the Agenda "VDOT to hold a public hearing at the Elkton Work Session at 6 pm on January 11, 2016.

Voice Vote 4-0
Dan Talbot, Cole McGregor, Roy Davis, Bobby" Morris
Motion Carried

Chairman Talbot shared a copy of the Town of Elkton, 2040 Area Study.

Discussion:

This topic was presented to members for review based on the fact it is a predestined part of our Comprehensive Plan.

VDOT has scheduled a Public Hearing with the Elkton Town Council at 6 pm on Monday, January 11, 2016 in the Elkton Area Community Center in the Council Chambers. The question was asked if members should attend as a group.

Pathforward:

Charlotte was asked to contact (CSVPC) Central Shenandoah Valley Planning Commission and make an attempt to obtain a copy of the original 2020 Area Study. Information from this plan is part of our chapter relative to Transportation printed in the latest revision of the Comprehensive Plan.

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

The next meeting Planning Commission Meeting is scheduled for February, 2, 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