Joint Public Hearing
February 29, 2016
6:15 p.m.

A Joint Public Hearing of the Elkton Town Council and Elkton Planning Commission was held to receive public comments and consider a request to amend the following:

CHAPTER 110-302 TERMS DEFINED
MODIFY: *Dwelling, and Family*
ADD: *Living/Sleeping Quarters, and Transitional Housing Facility/Living Center*

CHAPTER 110-606 RESIDENTIAL DISTRICT R-5
ADD: *C Special Exceptions 10) A thru G, and 11)*

CHAPTER 110-607 HIGH DENSITY RESIDENTIAL DISTRICT R-6
ADD: *C Special Exceptions 13) A thru G, and 14)*

The Joint Public Hearing was originally scheduled for February 15, 2016 at 6:15; however, due to inclement weather the meeting was adjourned to February 29, 2016 (notice attached). The Joint Public Hearing was held at 6:15 p.m. on February 29, 2016, at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members, Planning Commissioners and staff were present:

PRESENT
Wayne Printz, Mayor
Jay Dean, Vice Mayor
Margaretta Isom, Council Member
Harry Armbruster, Council Member
Jeffrey Jones, Council Member
Joshua Gooden, Council Member (arrived at 6:33)
Gerry Comer, Council Member

PRESENT
Dan Talbot, Chair
Richard McGregor, Vice Chair
Cathy Morrison, Commissioner
Roy Davis, Commissioner
Robert Morris, Sr., Commissioner (arrived at 6:20)
Margaretta Isom, Council Rep.
Charlotte Shifflett, Zoning Administrator

ABSENT
Michael Sipe, Commissioner

PRESENT
Nathan Miller, Town Attorney
Aaron Hammer, Chief of Police (arrived at 6:17)
Troy Shifflett, Public Works Director

Clairen Sipe, Town Treasurer
Denise Monger, Clerk of Council

JOINT PUBLIC HEARING

Mayor Printz opened the public hearing. The clerk of council asked to call the roll.

Charlotte Shifflett called the roll for the Planning Commission.

Dan Talbot, Chair for the Planning Commission, stated that the proposed ordinance 110-302 addressed certain terms of the zoning section of the Town's code book. He noted the additional proposals amended sections 110-606 and 110-607 to allow for a special exception in regards to transitional housing facilities.

Pete Bonavita, spoke in opposition of the proposed zoning amendments and labeled the action as regressive. He noted that he would be affected by the zoning change. He was of the opinion that if a facility was placed next to his residence, the value of his property would decline. He noted that the facilities being discussed are not "mom and pop" businesses, but facilities with the potential to create large profits when charging $10,000 to $15,000 per month. He noted that the facilities sounded like a group home or dormitory setting much similar to a military compound. He noted that if Dan Talbot, Chair of the Planning Commission, agreed to have one located beside his residence then he would agree to one also. He asked Council to reconsider approving the ordinance.

Ken Derrenbacher, stated that he had lived in the area for about ten years. He is a retired fireman. He noted that as a fireman, he was familiar with certain issues that would arise with the approval of transitional housing. He noted issues with infrastructure and additional crime. He noted that many people who enter the facility would be helped; however, many would not. He noted that the potential for someone entering such a facility to regress and those regressions taking place in his backyard or in his house did not appeal to him. He noted that he did not move to this area to incur a Northern Virginia environment. He supported Mr. Bonavita's statement regarding the loss of property value.

Jan Hensley, 203 Ashby Avenue, lived in the area three years. She inquired about some of the definitions.

Jan: Why housing defined as eight or more people?

Dan: Language taken from the State Code in which a family is defined as eight or less.

Jan: Under the definition of family things are being added such as eight or fewer under certain groups. She inquired if that meant that if someone wanted a home with eight or fewer people that they could file for a special exception?

Dan: State Code already allows for eight or fewer people to occupy residential housing.

Jan: Group of not more than eight people with mental illness in a licensed authority - under group # C and # D. Does that mean that someone could have that type of establishment in R-3 without requesting a special exception?

Dan: We are working with the Town Attorney on the issue, but his understanding was that language was already in the State Code.

Nathan: You have to have a State license.

Jan: Inquired is she could change her residence into a mental health facility?

Nathan: Answered that she would have to qualify.

Jan: Inquired what a transitional facility defined as the Town had defined it that has seven people in it - that could automatically go into R-3.

Mr. Talbot noted that was his understanding.

Ms. Hensley moved on to reiterate that a Google search returned the following issues as results:

1) Requires a professional to reside in the residence.
2) Limitation on the number of residents
3) If clustered too close together it could result in police issues.
4) Property values may erode.
5) Buffers may be required between buildings.
6) Facilities remain a required distance from area schools.
7) Limit the number of facilities allowed.
8) Review budget to see what losses, if any, needs to be dealt with?
9) Review the budget to see what revenue may be expected?
10) Implement goals of what the town considers to be consistent.

Mark Stevanus, 208 Morgan Avenue, noted that he had been Town resident for twenty years. He noted that he resides beside Pham Chopra's rental house. He noted his appreciation for Mr. Chopra's investment in the Town and his willingness to refurbish older buildings. He noted concern regarding an increase in noise, parking issues for increased traffic and the possibility of additional crime if a transitional living facility being placed in his neighborhood. He noted that many children live in the neighborhood and a safe environment is needed. He noted that Morgan Avenue was not a pass through street and the increased traffic would be an issue.

Dee Martin, 201 Morgan Avenue, stated her concern about her neighborhood which was located within an R-3 zoning district being affected by the zoning changed. She inquired if the transitional living facilities could be placed in a different area;

possibly rezoning a less populated area. She noted her concern regarding the definition of "family" being eight or fewer unrelated adults. She noted that a drug house was located behind her in her neighborhood for many years; finally, the people were evicted. She wanted people to be provided assistance, but did not feel a transitional living facility should be located in an existing residential neighborhood. She asked Council to consider the additional concerns of Town residents, the police force, and other town entities.

Cynthia Putnam, 220 East Spotswood Avenue, stated that she was aware of the definition of "family" per the Code of Virginia. She noted that the Town of Elkton could not over ride (8) or fewer adults as written in the State code. She was of the opinion that a transitional housing facility was unstable. She disagreed with the "family" definition as it contradicts what she describes as a *family*. She noted that some people would be helped by the facilities while some people would resort to their same old habits.

Mr. Talbot proceeded with the meeting by explaining it is the intent of Town Council and Planning Commission to publicize this information once all the property was purchased. He noted that no language existed in the current code that deals with transitional living facility. He noted that the governing body was trying to get ahead of the issues that may arise. He noted that the attempt to control where the housing facilities would be located was in the best interest of Town residents.

Councilman Comer stated that Council would review the citizen's concerns and attempt to resolve any outstanding issues.

Councilwoman Isom reminded citizens that the Town does not have the authority to override the State code.

Mayor Printz stated the Town council, Planning Commission members and the Town Attorney had worked hard to create resolutions to the issues.

Pete Bonavita asked if the State code governed the subject and if the Town had to accept it. Mr. Talbot responded that the Town cannot adopt ordinances that are more restrictive than State code.

Town Attorney Miller stated that a special exception would control the rezoning of property. He noted that the Town was trying to place a collar around some the restrictions.

Pete Bonavita offered an apology for the emotional outpouring of his personal feelings. He questioned why the Town would consider placing the facilities in residential districts rather than business districts. He was of the opinion that the facilities were a business since they generated thousands of dollars. He noted that the facilities would be located in a business district and not neighborhoods.

The Joint Public Hearing was closed.

Chairman

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"