PLANNING COMMISSION

September 6, 2011
7 pm

Present:	Goldie Helsley, Dan Talbot, Madelyn Dixon Vic Corbo, Cole McGregor, Cathy Morrison
Excused:	for (Council Meeting) Margretta Isom
Staff:	Charlotte Shifflett
Guests:	Jeanne Ford Pastor Matt Homer Sam Sponaugle

Dan Talbot/Chair opened the meeting by reciting the Pledge of Allegiance.
The minutes were reviewed from the August meeting. Cole McGregor made a motion to accept the minutes, seconded by Vic Corbo.
Voice Vote Yes 6-0
Goldie Helsley, Dan Talbot, Madelyn Dixon
Vic Corbo, Cole McGregor, Cathy Morrison
Motion Carried

Members were advised that the annual election of officers is due. After a brief discussion Vic Corbo made a motion to move that all officers remain in their current positions. Dan Talbot/ Chairman, Cole McGregor/Vice Chairman, and Cathy Morrison/Secretary. The motion was seconded by Madelyn Dixon.
Voice Vote Yes 6-0
Goldie Helsley, Dan Talbot, Madelyn Dixon
Vic Corbo, Cole McGregor, Cathy Morrison
Motion Carried

Mr. Talbot touched on the subject of Home Occupation as written in the Code. Ms. Melissa Huddle, Home Occupation applicant, attended the August meeting at the request of the Zoning Administrator. He wanted to clarify that a public hearing was not required.

- Zoning Administrator decides if the criteria has been met by the applicant.
- The Zoning Administrator retains the right to seek advice from the Planning Commission.
- Issuance of a permit is an administrative function.
- Home Occupation Permits are not a Planning Commission and/or a Council issue.
- The original Code was amended in (1994). Some confusion still existed in 2004 under the management of Dennis Donachy, the Zoning Administrator/Town Manager. In 2005 Home Occupations were re-designated in all zoning districts as an Accessory Use.
  Refer to § 110-705. Home occupations
- According to files, only one Home Occupation permit has been revoked.

Jeanne Ford /Parking in Business District I

Ms. Ford appeared before the board to request permission to downgrade the number of required parking spaces located behind her apartment building located at 430 W Spotswood Tr.

- Ms. Ford would like to create a safe play area for her grandchild and the small child of the current tenant.
- Safety is her main issue. She proposes to use some of the parking space for a sitting/play area.
- Ms. Ford is an occupant, her son and family are occupants. She has two more long-term tenants but neither owns a vehicle.
- She reserves space for 8 vehicles to park, (2 spaces per unit) but is requesting to reserve only 4 spaces.
- The Town has experienced parking problems in this area of the Town in the past.

The Planning Commission advised Ms. Ford that current code does not have parking requirements for B 1 district.

Bible Holiness Church

The discussion began with Mr. Talbot making reference to:

§ 110-802, Section "C" (4)

The governing body shall consider the proposed special exception after notice and public hearing in accordance with § 15.2-2204 of the Code of Virginia 1950, as amended, and shall take action on the proposed special exception within 60 days from the date of the public hearing.

Mr. Talbot presented all members and guests with a draft document, addressed to the Elkton Town Council from the Planning Commission, dated September 6, 2011 and titled "Report and Recommendation : Special Exception Permit Bible Holiness Church. This document will become a part of the minutes and will be identified as "Exhibit A".

Pastor Homer noted that all drawings of signs previously submitted were drawn to meet guidelines. The current drawing, under discussion, was placed on the overhead for viewing.

The first paragraph outlined the 2 exceptions:

1. electronic message board <the only directly illuminated portion of the sign>. The whole sign will be indirectly illuminated.
2. square footage that is larger than allowed by code.

A lengthy discussion followed regarding the actual size of the sign. Some members had a discrepancy in whether the small sign located on the base, should be identified as a sign, therefore, requiring the sq footage of the base to be added in the total size.

At this point Dan offered members an option to be sure everyone understood the issue.

Reference Sign Code § 110-706 C General Requirements # 16

a. Small white sign in the center of the base is **Signage** so the sq footage of the base must be included in the total.
b. Count only the sq. footage above the pedestal base which equals 43 sq. ft.

Voice Vote:	Option a	Vic Corbo, Madelyn Dixon, Dan Talbot
	Option b	Cole McGregor, Cathy Morrison, Goldie Helsley

After polling the planning commission members, Mr. Talbot addressed the Bible Holiness Church representatives and asked if they were going to modify their request?

Pastor Homer replied "No".

The requests for the sign is as follows

- A one-sided message board
- Indirect (illuminated) lighting on the top portion.
- LED lighting on the electronic message board.

Code section 110-802 C contains requirements for issuing a special exception In Section five (5) the list has ten (10) concerns the governing body must address before issuing a special exception permit. The commission believes the following concerns can be properly addressed:

c) The character of the existing neighborhood and the effect of the proposed use on existing property values.

At the recent public hearing the citizens spoke at length of their objections to having an area rezoned business due to the peaceful, residential nature of the surrounding neighborhood and the traffic potential. This exception would be allowing a sign that both by nature and size is only permitted in a business district and is designed to attract passing traffic.

e) The consistency with the intent of this chapter and the Comprehensive Plan, the public interest, and all other provisions of law and ordinances of the Town of Elkton.

1. The first paragraph or the sign ordinance for special exception states:
"Nevertheless, the council restates it's holding that the substantive provisions of this Chapter are generally in the Town's best interest, and the Council anticipates that the special use permits as authorized by this section will be appropriate only in unusual circumstances".
2. Chapter 12 of the Comprehensive Plan, Goal 4 states, "Maintain a small town atmosphere".

A church sign has been requested in a residential zoning district. The Town currently lists at least (10) other established churches in residential zoning. It would very inappropriate for any and/or all of these ten churches to erect signs of this nature, and it would certainly be hard to say it conveys a small town atmosphere.

In addition to these ten *"concerns"* the sign ordinance adds four (4) additional *"concerns"*. The Planning Commission does not believe the following *"concerns"* can be properly addressed.

b) The significance of the sign for the public good vs. the good of the neighboring land owners.

This request is for the good of the church. It serves no purpose for improving the general well being of the citizen's of the Town of Elkton.

c) Whether the denial of a special exception permit would create undue hardship.

It is not possible to establish how the size of a church's sign or the nature of the lettering establishing upcoming events could negatively impact the ability of a church to fulfill it's mission

Vic Corbo moved to make a motion **not to recommend** approval of a Special Exception Permit for a sign to be located at the Bible Holiness Church of Elkton. Cole McGregor seconded the motion.
Voice Vote NO 6-0
Goldie Helsley, Dan Talbot, Madelyn Dixon
Vic Corbo, Cole McGregor, Cathy Morrison
Motion Carried

Cole McGregor made a motion, seconded by Cathy Morrison, to pass report dated September 6, 2011 as corrected: the sign and the electronic message board is one sided and is roughly parallel to, and facing Rt 33., the only directly lit portion of the sign will be the electronic message board, the whole sign will be indirectly illuminated. In addition, Item C has been changed to note the potential traffic increase in the neighborhood since the sign is designed to attract passing traffic. The conclusion has been rewritten to accurately summarize the feelings of the members and reads as follows:
Conclusion:
It is important to the commission that the council, the members of the church, and the community understand that our function is to advise the council as to the meaning of the town code. We do not differentiate based on our opinion about groups, or individuals.

Additionally, the commission strongly encourages the council to consider the precedence that could be set by approving this permit. Convenience businesses are allowed in R8 zoning. It is very likely that they along with other churches, clubs, and non profit organizations would try to leverage this decision.

It is therefore resolved, that the planning commission does not recommend approval of this sign permit for the reasons listed above.

Committee:
Lead Members:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Madelyn Dixon*
Residential 5-6 (includes: Townhouse & Apts.) Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Goldie Helsley*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions	*Margretta Isom*
Sigs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	*Vic Corbo*

Zoning Permits Issued YTD

Month	*Bus*	*Res*	*Singe Family*	*(duplex) single family attached*
January	2	3	0	0
February	2	0	0	0
March	4	5	0	0
April	1	5	0	0
May	2	3	0	0
June	6	5	0	0
July	4	3	0	0
August	4	4	0	0
September				
October				
November				
December				

Cole McGregor made a motion, seconded by Madelyn Dixon, to adjourn.
Voice Vote Yes 6-0
Goldie Helsley, Dan Talbot, Madelyn Dixon
Vic Corbo, Cole McGregor, Cathy Morrison
Motion Carried

The next meeting is scheduled for October 4, 2011 at 7 pm in Council Chambers located in the Elkton Area Community Center at 20593 Blue & Gold Dr.

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Dan Talbot/Chairman Cathy Morrison/Secretary