Joint Public Hearing
July 18, 2011
6:30 p.m.

A Joint Public Hearing of the Elkton Town Council and Elkton Planning Commission was held to receive public comments regarding a request from the Bible Holiness Church of Elkton, Inc. to rezone a parcel of real estate containing 8.11 acres +/- from Low-Density Residential District R-2 to General Business District B-2. The property is located on the southern side of Pine Street and is further described as tax map no. 131-(A)-L40A.

The Public Hearing was held at approximately 6:30 p.m. on July 18, 2011, at the Elkton Area Community Center with Mayor Roy E. Davis presiding. The following Council members, staff, and Planning Commissioners were present:

PRESENT	ABSENT
Roy E. Davis	None
R. Snow, Vice Mayor	
M. Isom, Council Member	
H. Armbruster, Council Member	
T. Pence, Council Member	
P. Workman, Council Member	
J. Dean, Council Member	

PRESENT	ABSENT
Kevin Fauber, Town Manager	Timmy Turner, Public Works Director
Lauri A. N. Sigler, Town Attorney	
Kevin Whitfield, Chief of Police	
Clairen Sipe, Town Treasurer	
Allison Morris, EACC Administrator	
Diane Johnson, Recreation Director	
Denise R. Monger, Clerk of Council	

PLANNING COMMISSION	ABSENT
Dan Talbot, Chair	Cathy Morrison, Commissioner
Victor Corbo, Commissioner	Richard McGregor, Commissioner
Madelyn Dixon, Commissioner	
Goldie Helsley, Commissioner	
Charlotte Shifflett, Secretary	
Margaretta Isom, Council Representative	

JOINT PUBLIC HEARING

Mayor Davis called the meeting to order and the Clerk was asked to call the roll.

(A copy of the Notice is appended to the minutes and marked as "Appendix A".)

Town Attorney Sigler stated that the Bible Holiness Church had made a request to rezone their property of approximately 8.11 acres from R-2 to B-2. She noted that the property was located on the south side of Route 33 – Spotswood Trail and east of Pine Street. She noted that the church and subsequent property were annexed into the Town. She noted that churches were not a permitted use in a residential district but would be a permitted use in a business district.

Mr. Talbot stated that the church could apply for a special exception permit. Town Attorney Sigler stated that the church would fall under a "grandfather" clause since the church was in existence at the time the property was annexed into the Town. She noted that currently the church was a non-conforming use. She noted that the church did not have to be rezoned.

Mr. Talbot stated written comments had been submitted and would be added to the record of the public hearing. Those documents were submitted as follows with no corrections to the text as presented:

1. Brent Lawson sent via e-mail on July 17, 2011 the following:

From: Brent Lawson
Sent: Sunday, July 17, 2011 9:31 PM
To: cshifflett
Subject: Bible Holiness Church of Elkton, Va, Inc.
Importance: High

Attention: The Elkton Planning Commission

As a Pentecostal Hill property and land owner I oppose the Bible Holiness Church request to rezone a parcel of real estate containing 8.11 acres +/- from Low-Density Residential District R-2 to General Business District B-2. The simple desire to erect an LED sign does not warrant a change from R-2 to B-2 zoning. The previous sign served its purpose and can be replaced and continue to serve its purpose.

The church knowingly purchased and built in a residential area. As a result traffic has increased substantially on the narrow streets of Washington Ave, Pine Street, and Spring Ave. There are no sidewalks and very little if any enforcement of traffic laws. This is an undesirable environment now and could prove to be hazardous if other businesses build in this residential area.

Regards

Brent E. Lawson

2. Jerry L. Lawson sent the following written correspondence:

Elkton Town Council
Elkton Planning Commission

I request this letter be read and entered into the minutes of this Public Hearing. I received the notice on July 15 and the meeting is scheduled for July 18, 2011. That is only a three day notice. Since I live in Oklahoma, that makes it difficult, if not impossible, to attend this Public Hearing.

The purpose of this letter is to strongly oppose the zoning request from the Bible Holiness Church to rezone the property from Low Density Residential District R 2 to General Business District B-2.

The Lawson Family has owned several lots and a house to the west of Bible Holiness Church property since the early 1950's. We also own several other lots and two houses on East Washington Street in this same neighborhood. This area has ALWAYS been a residential neighborhood.

I retired several years ago from the Oklahoma Highway Patrol. I served for 35 years and obtained the rank of Captain, commanding a 7 county area in northeast Oklahoma. Traffic safety has always been a major concern. The only access to this property is two streets, both being less than 18 feet wide. Summitt Ave is 17ft. 9 in. wide and Washington Street is 17 ft. 8 in. wide. Pine Street is 16 feet 3 ins. wide and is a dead end street. Spring Street is 17 feet wide and also a dead end street. I would like to know if any traffic surveys have been conducted in this area concerning volume and speed. I visit Elkton 2-3 times a year. I walk daily and see other neighbors walking in this area. If this property is zoned General Business will the Town of Elkton widen the access streets and install sidewalks to insure the safety of these citizens?

It is my understanding that this entire rezoning request is due to a need the church feels they have for a larger sign. If that is the case, then perhaps the Council and Planning Commission should consider rewriting the signage regulations for the entire community. That way ALL the churches and businesses in Elkton can benefit. I am sure that other residential neighborhoods in Elkton would be concerned to have their homes adjoincommercial property. Today it's a sign, tomorrow it will be a business on the property with the only access being narrow residential streets. Once this is done for one business, the door will be open for others in this area as well as other residential areas in Elkton.

As you are aware, there is a garage sitting on the southwest side of Pine Street and Spring Ave. In the past, several individuals have tried to open a garage or used car lot on this property. One went so far as to build a second story or living quarters on this garage. My father, now deceased, strongly protestedthese endeavors, and was always successful in defeating these efforts. Rezoning this

neighborhood in the church's behalf will simply reopen the possibility of other commercial businesses using this property for businesses that are not appropriate for a residential neighborhood. Imagine a mechanic garage or used car lot on this corner!

I am sure that the church was aware when they built their facility that they were building it in an area that was zoned residential. Now they want to change that zoning for what seems to be their benefit only. I cannot see how will this request will benefit the Town of Elkton, itscitizens or the neighborhood?

Please consider this letter as a strong opposition to the commercialization of this residential area.

Yours truly,
Jerry L. Lawson
5176 East 460, Pryor, Oklahoma 74361

3. *********

Rob Conley, 125 Pine Street, stated that the area was a quiet community. He noted that if the church's property was rezoned, it would create more traffic which would have a negative impact on the neighborhood. He was not in support of the property being rezoned and requested that Council keep the area a family neighborhood.

M. Lee Dearing, 124 North Street, stated that the church's sign had blown down during inclement weather. He noted that the church was requesting to rezone the property from R-2 to B-2. He noted that if approved, 8.2 acres would be approved for business use. He noted there would be no restrictions prohibiting the church from moving which would allow other businesses to open on that property. He questioned what was best for the citizens; a con-forming sign or a business you couldn't move.

Matt Homer, Pastor at Bible Holiness Church, stated that the reason the church was requesting the rezoning was to have its sign approved. He noted that the sign the church was requesting for approval did not meet the current ordinance. Therefore, a request to rezone the property was filed. He noted no plans to make any changes to the property. He noted that the new sign was located at the bottom of the property away from the residents. He noted that the sign did blow down before his tenure as pastor of the church. He noted the only reason for the rezoning request was so their new sign would be in compliance with the Town's ordinance instead of having to ask for a special exemption.

Rosa Turner, 24 Pine Street, stated that she was unaware of a rezoning request until she was told by her neighbors. She noted no issues with the sign that had been on the property for the past several years; however the area was residential. She noted that from the last six months to one year there had been a considerable increase in traffic on Spring and Pine Streets due to motorists trying to find an exit onto Route 33 from the

church. She noted that children play in that area. She noted that there was no guarantee the church would not move in the future. She noted that a business was not needed in that area and requested that Council leave the area zoned residential.

Dale Turner, 24 Pine Street, stated that to approve the rezoning to business was wrong. He inquired what would happen if the church would move from the area. He opposed the change.

Dixie Davis, 223 East Washington Street, stated that she was not opposed to the restoration of the sign, but requested Council keep the area zoned residential.

DiDi Hensley, 16868 East Washington Street, stated that "spot zoning" was not allowed in Town. He noted that if the church property was "grandfathered" when annexed, then all other property in the area was also grandfathered. He noted that any type of business could be opened if the property were rezoned to B-2. He questioned why Council was making the situation more difficult instead of assisting with an easier solution.

Charlotte Conley, no address given for the record, opposed rezoning the property to business since it could allow other types of businesses to open in the area. She noted safety was an issue since there was already too much traffic in the area.

Donald Forest, 111 Maple Leaf Lane, a member of Bible Holiness Church, stated he had no issues with the proposed sign; however, was opposed to rezoning the property to business. He noted that the residents in that area did not need the additional traffic in their neighborhood.

Mr. Talbot summarized the written letters received (see above) regarding the public hearing. He noted that the letters were in opposition of the rezoning.

Mr. Talbot stated that the issue with the sign was not replacing the sign that was there, but the digital display board that had been included in the proposed new sign. He noted that an illuminated sign was not permitted in a residential area pursuant to the Town's sign ordinance. He noted that the church had requested to erect a sign that included illumination with changing letters; therefore, no noted that was the reason the church was asking to have the property rezoned was in order to have their proposed sign approved.

Town Attorney Sigler stated that perhaps not all residents affected by the rezoning had received the required notice within the five day required period; specifically, some of the residents that lived out-of-state. She recommended that Council continue the Joint Public Hearing until next month (August). She noted that action would not require the Town to re-advertise the notice in the newspaper and would allow time for new notices to be sent out to all affected landowners. She noted that some of the delivery receipts from the prior certified mailings had not been returned to the Town to confirm delivery.

It was determined that the Joint Public Hearing would be continued and re-opened at 6:30 p.m. before the Regular Council Meeting scheduled for August 15, 2011.

A brief discussion continued regarding what measures would be taken regarding additional businesses being allowed in that area if rezoned and if rezoning one certain area would be considered spot-zoning.

Mr. Talbot responded that the church property could be rezoned according to the Town's Comprehensive Plan which shows the area across the road from Summit Avenue as being zoned for business.

Additional comments were made, however the speakers were not recognized by the chair.

The following motions and votes were provided in order to continue the Joint Public Hearing to August 15, 2011 at 6:30 p.m:

Elkton Planning Commission

Commissioner Vic Corbo made a motion to continue the Joint Public Hearing to August 15, 2011. Commissioner Madelyn Dixon seconded the motion.

Voice Vote = Yes (4 - 0)
Motion Carried

Elkton Town Council

Council member Armbruster moved, seconded by Council member Dean, and carried to continue the Joint Public Hearing until August 15, 2011.

YEAS: M. Isom, H. Armbruster, T. Pence, R. Snow, P. Workman, and J. Dean

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

It was clarified that the hearing would take place at 6:30 p.m.

Minutes transcribed by Denise Monger/Clerk of Council

Approved
Aug 15 - 2011
by
Town of Elkton Council