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

Administrative Charlotte Shifflett

Guests: Wayne Showalter of Letter Perfect
Frank Sekulski and Steve Byrd of Kingdom Investors

The regular meeting of the Elkton Planning Commission was held on June 7, 2016 in the Council Chambers located at the Elkton Area Community Center with Dan Talbot/Chairman presiding.

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

I **MINUTES:**

Margaretta Isom made a motion, seconded by Roy Davis, to accept the minutes from May 3, 2016 meeting.
Voice Vote **5-0**
Dan Talbot, Bobby Morris, Roy Davis, Margaretta Isom, Michael Sipe
Motion Carried

II. **SIGN REQUEST**

Wayne Showalter attended the meeting on behalf of his clients; owners of the Shen Elk Shopping Center. They have expressed an interest in placing a sign on the western side of N Stuart Ave. (aka Rt 340)

- Two locations are being considered. The first option is at the hilltop and consolidated with the existing Jr. Order sign while the second option is the lower corner adjacent to Little League Ball Field.
- Their request would be an off premises sign permitted by VDOT.
- Wayne shared a copy of the VDOT Form with Charlotte in advance of tonight's meeting.
- Requestors will consider placement of the sign which Mr. Showalter believes will be regulated by VDOT.

Dan Talbot/Chairman referenced Chap. 110-706 Signs, C., (18) when written around people advertising off-premises.

- The requested sign would be erected to advertise businesses located in the Shen Elk buildings.
- Do we believe the sign should be taken into consideration?
- Are owners planning to purchase, or lease property, from the Jr. Order members?
- Town utilities are located on the corner of N.Stuart/Shenandoah Ave.; a sewer lift station.
- A diagram is needed which lists the proposed size of the sign. No permit has been submitted but will be if tonight's meeting is favorable.
- Mr. Showalter believes VDOT allows 25 ft. in height for a 1200 sq ft. sign.
- In addition, he noted during discussions a figure had been mentioned of 25 ft. X 100 sq. ft. or possibly 25 ft. X 150 sq. ft. for Shen Elk. The Jr. Order sign measures approximately 50 sq. ft.

- Another alternative would be to incorporate the existing Jr. Order sign into the request.
- Panels on the Pylon Sign would include approximately 8 businesses.
- If the existing sign were to be encompassed into the request an 80 sq. ft. sign would be the maximum allowed by code. The intent is to keep the Jr. Order sign current by sharing the same base for them and Shen Elk. In other words, it will be incorporated as one structure.
- Council member Isom wondered would the sign be placed on VDOT ROW to which Mr. Showalter replied, "On Jr. Order property."

Chairman Talbot informed Mr. Showalter the sign must comply with Town Code requirements. The Zoning Administrator must sign off on the request before VDOT becomes involved.

- The last time Shen Elk owners requested a similar request they were told they must own the property to avoid off-premises advertising.
- The Letter Perfect representative noted that VDOT may allow the sign.

Margaretta Isom compared this request to the sign on Us Rt. 33 several years ago that was issued under a Special Exception Permit.

- Mr. Showalter reiterated he has worked with other localities on similar issues.
- Some requestor's claim it is a hardship to be limited to no exposure.
- From the proprietor's point of view the purpose of the sign is to attract customers.

Chairman Talbot offered an opportunity for members to ask questions.

- Roy Davis's opinion is the procedure works simultaneously between state and town.
- The town's Zoning Administrator must acknowledge the sign is in compliance.
- Council person Margaretta Isom would like to wait on paperwork form Jr. Order.
- A Special Exception Permit may be required under the circumstances.

Chairman Talbot decided a vote will not be taken but he will render an opinion on behalf of the Planning Commission.

- He estimated this is the third time this same question has come before the commission in variations of the same request.
- Roy Davis expressed the fact there will be three parties involved in a final decision. Although, VDOT won't act until the town has approved construction and placement for the sign.
- Technically, Charlotte decides if the request meets the criteria set forth in town code,
- If the request is rejected the requestor has the right to apply for a Special Exception but the town needs to know if *Off-Premises* is permissible.
- Please let Charlotte know if the Jr. Order agrees to sell or lease land.
- A site plan needs to be presented along with an application applying for the permit.
- The issue is a technicality for VDOT. The site is very complicated for a new sign.
- Once an application is filed for a Special Exception the new sign ordinance applies **(Chap. 110-706).** It was mentioned only (1) Special Exception has been issued for a sign since 110-706 was amended in April 2012.
- No voting will occur relative to this issue since nothing has been presented to warrant a vote.
- The commission needs to re-visit the sign ordinance amended April 16, 2012; based on the decision of US Supreme Court 2016.

Chairman Talbot continued the discussion by acknowledging the fact that the Planning Commission was involved in a church's request to replace an abandoned sign. The property owners wished to replace the abandoned sign with an updated revision displaying a message board. The entire process took approximately two years. The current sign being requested by owners of Shen Elk Plaza is submitted as a new sign to be constructed. The surrounding circumstances do not relate to each other.

III. **Boundary Line Adjustment**

The meeting continued with a brief discussion to be sure the latest plat, submitted by Jerry Sheffer, is correct.

Margaretta Isom made a motion to recommend a boundary line adjustment as shown on plat by Jerry Sheffer dated April 15, 2016 with a **revision date of May 4, 2016**. Tax Map Nos. 130G-2-L 25, 26, and 27 must meet the minimum sq ft for R 4 which is 6,250 sq. ft. Add three (3.0) ft to Lot 25, shift lots 26 and 27 three (3.0) ft to the west. Bobby Morris seconded the motion.

Voice Vote 5-0
Margaretta Isom, Roy Davis, Dan Talbot, Robert Morris, Michael Sipe
Motion Carried

Roy Davis made a motion, seconded by Michael Sipe to revise the agenda to add interested buyers for the vacant lots located on E Spring Avenue in the Town of Elkton.

Voice Vote 5-0
Margaretta Isom, Roy Davis, Dan Talbot, Robert Morris, Michael Sipe
Motion Carried

IV. **Discussion**
Frank Sekulski and Steve Byrd of Kingdom Investments, Staunton, VA attended the meeting at the suggestion of the Zoning Administrator/Charlotte Shifflett.

- The lots are located in an R 4 District and require 6, 250 sq. ft. minimum for a single building lot. A duplex lot minimum size requirement is 9, 250 sq. ft.
- The advertisement lists (4) duplex building lots.
- Mr. Byrd mentioned that he and Mr. Sekulski always do their homework with the latter partner searching court records. However, no recent survey plat is on file for the property. The only information makes reference to the old Elkton Improvement Co. Map dated 1895.
- Using the GIS measuring tool the two lots total approximately 93 ft. road frontage vs. the required 50 ft. per unit.
- Section Two on the map notes the residential lots as being 50 ft. X 125 ft. while business lots are recorded as being 25 ft X 125 ft.
- The gentleman requested guidance as potential buyers of the (2) vacant lots for construction of duplexes. The surveyor used by them feels confident he can benchmark to locate existing pins.
- Mr. Byrd emphasized their intent is to leave the house on the single lot.
- A stamped preliminary survey plat is needed before the Zoning Administrator makes a final decision on setbacks and road frontage.
- If the application is rejected by the Zoning Administrator the party reserves the right to appeal to the BZA and request a variance.
- A $330.00 non- refundable fee is to be paid in advance of a BZA hearing.
- Reference Chapters 110-804, 110-805, 110-806, 110-807, 110-808, and 110-809.
- In the past the BZA has been somewhat lenient in awarding variances to some of these lots as displayed on the Map dated 1895

Lead Member by Category

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*	*YTD Single Family*	*(duplex) single family attached*	*Incomplete*
January	2	1	1		Reject
February	6	3	1		
March	3	6	1		
April	5	8	1		
May	1	6	2		
June	5	4	1		
July					
August					
September					
October					
November					
December					
YTD					

Dan Talbot introduced a suggestion to cancel the July meeting; pending no emergency request is submitted before July 5, 2016..

The next meeting Planning Commission Meeting is scheduled for August 9, 2016 @ 7pm in the Council Chambers, Elkton Area Community Center located at 20593 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