

### **3PLANNING AND DEVELOPMENT COMMITTEE MEETING**

**August 19<sup>th</sup>, 2014**

#### **Members Present:**

Bill Meyer  
Jack Minner  
Brad Maxwell  
Kelly Tracy  
Brenda Roosevelt  
Helen Hawkins  
Mick Madison

#### **Members Absent:**

None

#### **Others Present:**

Matt Brandmeyer  
Derek Jackson  
Tom Hawkins  
Andi Campbell  
Randy Dickman  
Therese Dickman  
Mike McGwire  
Joe Phillips  
Dale Scott

#### **ITEMS DISCUSSED/VOTES:**

Meeting was called to order by Chairman Bill Meyer.

Brenda Roosevelt made a motion to approve minutes from July 15<sup>th</sup>, 2014. Seconded by Kelly Tracy. Motion approved. Bill Meyer, Brad Maxwell, Kelly Tracy, and Brenda Roosevelt voted aye. Mick Madison and Jack Minner abstained from the vote as they were not present at the July 15<sup>th</sup>, 2014 meeting.

#### **Citizens wishing to address the Committee:**

Randy Dickman, resident and owner of 1244 Acorn Road, Highland, addressed the committee in regard to the petition of Frank Nation, applicant and property owner at 1288 Acorn Road, Highland, requesting a variance in order to construct a home thirty-five (35) feet away from the south property line instead of the required fifty (50) feet. Mr. Dickman stated that Mr. Nation has requested the thirty-five (35) foot setback due to the existing water line, driveway, and private sewage system. Mr. Dickman stated that he believes it would be easy to move the existing water line and drive way, and that he is unsure of the state of the private sewage system. Mr. Dickman stated that Mr. Nation was citing a financial hardship in having to move the previously listed components, but that the cost would be "somewhat minimal". Mr. Dickman went on to contend that

granting the fifteen (15) foot setback variance would cause him hardship because he would be compelled, as a “good steward of the ground”, to move his crop back to compensate for the fifteen (15) foot variance. He stated that he views the required fifty (50) foot setback as a buffer zone to compensate for chemicals and pesticides used in Agricultural Districts, and that granting the setback would cause safety hazards for the occupants at 1288 Acorn Road, Highland. Therese Dickman, owner and resident of 1244 Acorn Road, also spoke against Mr. Nation’s petition for a fifteen (15) foot variance. Mrs. Dickman stated that all property owners have unique challenges to overcome when attempting to build a home, and that she and Mr. Dickman had to overcome challenges when building their home. She stated that Mr. Nation purchased the property knowing the characteristics of the land, and that all of his stated hardships are surmountable. Derek Jackson stated that, due to some of the adjacent property owners not being properly notified, Resolution Z14-0028 would be tabled until another public hearing is conducted with proper public notice.

Joe Phillips, representative of Piros Signs, Inc., addressed the committee in regard to the petition of Piros Signs Inc., applicant on behalf of Apostolic Revival Church of Highland, owner of record, requesting sign variances for size, height, and light emitting diodes (LED). Mr. Phillips stated that he is the installer and designer of the proposed sign. Mr. Phillips stated that he visited the church, located at 11656 State Route 143 in Highland, on the night of August 18<sup>th</sup> in order to do light reading calculations. He found that the nearest dwelling was approximately 220 feet away from the proposed sign location and, at 200 feet, the sign put out one-tenth (1/10) of one (1) candle foot of light. He said most codes call for one (1) candle foot of light at the property line, and that the proposed sign would give off 90% less light than the accepted standard. Mr. Phillips stated that at ten (10) feet away, the sign gave off one (1) candle foot of light, seven-tenths (7/10) of which he determined was from other lights and neighboring buildings. He stated that he calculated this light output using a fifty (50) foot message center, which is twice the size of the message center they are proposing. Mr. Phillips also stated that the light gets dimmer throughout the day, emitting 100% light output at the brightest point in the day and automatically phasing down to 10% light output as it gets dark. He stated that the site of the sign sits roughly three feet below State Route 143 and that there are mature plantings and landscaping surrounding the area; these factors require that they raise the sign to the requested fourteen feet and five inches (14’5”) in order for it to be visible from State Route 143. Mr. Phillips stated that the sign will be “underbearing” to the passing traffic, as they pass at an average speed of over fifty (50) mph. He stated that the sign they have designed is high quality and American-made, and will not cause the glaring effects of some low-quality LED signs. He stated that it will be one of the more tasteful and high-quality signs within unincorporated Madison County. Mr. Phillips also stated that the church would be willing to work with the Committee in order to come up with limitations on the hours the sign should operate. Kelly Tracy asked what the size differential was between the existing sign and the proposed sign. Mr. Phillips stated that the proposed sign would be fourteen (14) square feet larger than the existing sign.

Kelly Tracy made a recommendation, based on her communications with surrounding property owners, that the proposed sign not be larger than the existing one and that the LED portion be shut off at dusk. Mr. Phillips stated that he and church representatives feel that turning the LED portion of the sign off at dusk would cause them to lose a lot of visibility, especially in winter months, but that the 9:00 pm to 10:00 pm range may be achievable. Mike McGwire, representative of Piros Signs, Inc., stated that with the speed limit of the highway and the relatively small size of the LED portion of the sign (three (3) feet by seven (7) feet), if they were to go any smaller, the message center on the sign would not be legible to passing traffic. Dale Scott, trustee of the Apostolic Revival Church of Highland, stated that they would be willing to put the LED portion of the sign on a timer, but that dusk would be too early, especially in the winter months. He stated that they would be more comfortable with the 9-10:00 pm range, as they are in the business of saving souls and would like the sign to be lit and legible during prime commuting hours when vehicular traffic is most dense.

**Old Business:**

Kelly Tracy stated that there are existing issues with security lights on the Apostolic Revival Church of Highland's lot, and that she does not feel comfortable moving forward until a compromise between the church and surrounding property owners is reached. Kelly Tracy made a motion to table the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendations for Z14-0023 for thirty (30) days. Seconded by Brad Maxwell. Motion approved. Kelly Tracy, Brad Maxwell, Bill Meyer, Mick Madison, Jack Minner, and Brenda Roosevelt voted aye. Helen Hawkins voted nay.

**New Business:**

Bill Meyer stated that Resolution, Zoning Board of Appeals Findings of Fact, and Recommendations for Z14-0028 would be separated and tabled until another public hearing takes place with proper advertisement.

Kelly Tracy made a motion to approve Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for July 31<sup>st</sup>, 2014 for Z14-0029 and Z14-0027. Seconded by Brad Maxwell. Motion approved. All ayes.

Derek Jackson presented Wesselmann's Woods – Minor Subdivision Plat to the Committee. Jackson explained that the request is for a three (3) lot minor subdivision. Jackson stated that the applicant is utilizing an access easement and that the maintenance agreement and minimum zoning requirements were satisfied. Jackson also stated that there is a note on the subdivision that all future private sewage systems would be sub-surface. Kelly Tracy made a motion to approve Wesselmann's Woods – Minor Subdivision Plat. Seconded by Mick Madison. Motion approved. All ayes.

Jack Minner made a motion to approve the Purchase Order Report. Seconded by Helen Hawkins. Motion approved. All ayes.

**Administrator's Report:**

Derek Jackson stated that Stone Meadows mobile home park was under new ownership, and that the new owner is on pace to achieve the zoning conditions set by the department in order to get the park into compliance.

Matt Brandmeyer discussed a \$25,000 proposal to remove hazardous chemicals from the lab. Mr. Brandmeyer requested emergency action to move forward with the proposal as there is radioactive material that needs to be removed as soon as possible.

Brad Maxwell proposed that the Committee consider moving one Committee meeting per month to later in the day in order to better accommodate the public.

**Adjournment:**

Kelly Tracy made a motion to adjourn the meeting. Seconded by Brad Maxwell. Motion approved. All ayes.

Meeting adjourned.