



City of Elkins

Planning Commission Meeting

February 8, 2024
3:30 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of January 18, 2024
4. **New business**
 - a. Signs
 - b. Comprehensive plan
 - c. Zoning near North 12th Street
 - d. Zoning issues
 - e. Election of officers
5. **Announcements**
6. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of January 18, 2024
Recommended By:	City Clerk
Summary:	Minutes for the commission's meeting of January 18
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. planning commission -2024_01_18 - minutes_proposed

Proposed Minutes

PLANNING COMMISSION SPECIAL MEETING MINUTES

***401 Davis Avenue
401 Davis Avenue
January 18, 2024
3:30 p.m.***

Present were Members: B. Woods, P. Kolsun, K. Somers, J. Marco, A. Carroll, V. Jackson.

Also present: J. Wagler (code enforcement), G. Roberts (city attorney), J. Deighan (communication specialist), and S. Stokes (city clerk).

Commissioner D. Talbott was absent.

PUBLIC COMMENT

D. Parker spoke in favor of allowing Elkins Cinema 8 to install an electronic message display sign on the group sign at the Tygart Valley Mall.

MINUTES

Kolsun **MOVED APPROVAL OF THE MINUTES OF THE FOR THE MEETING OF DEC. 14, 2023. The motion carried.**

NEW BUSINESS

a. Comprehensive plan update

The commission provided direction to staff concerning the content of an online public survey.

b. Zoning Near North 12th Street

Roberts briefed the commission concerning the requirement that any recommended zoning changes include a finding of either (1) compliance with the comprehensive plan or (2) sufficient changes in the area to warrant diverging from the comprehensive plan.

Woods MOVED THAT THE COMMISSION PRESENT ITS RECOMMENDATION FROM DEC. 12 TO COUNCIL WITH THE FINDING THAT THERE HAVE BEEN SUFFICIENT CHANGES IN THE AREA TO WARRANT DIVERGING FROM THE COMPREHENSIVE PLAN. *The said recommendation was to enact the following zoning on the unzoned parcel near North 12th Street: Commercial (B-1) on the section from Railroad Avenue to Budweiser Alley; City Residential (R-2) on the section from Budweiser Alley to the Tygart River.* Kolsun moved to end debate. The motion to end debate passed unanimously. Kolsun called for a

Proposed Minutes

roll call vote on the main motion: B. Woods: yes; P. Kolsun: yes; K. Somers: yes; J. Marco: yes; A. Carroll: no; V. Jackson: yes. The main motion carried.

c. Signs

Kolsun **MOVED THAT STAFF CREATE A SPECIAL CATEGORY FOR SHOPPING CENTERS PERMITTING EMD SIGNS AND ESTABLISHING A SPECIAL CATEGORY OF NONCONFORMING USES TO ALLOW DIFFERENT SIZES OF SIGNS ON EXISTING GROUP SIGNS.** The motion carried.

The meeting adjourned at 5:15 p.m.

The foregoing minutes were approved at the meeting of _____

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Signs
Recommended By:	City Clerk
Summary:	At its 1/18 meeting (see minutes), the commission directed the City Attorney to prepare an ordinance reflecting certain changes to the city's rules concerning electronic message display and some other categories of sign. See the attached memo (first attachment) from the city clerk for an explanation of the proposed changes and questions to consider. See second attached memo for input from the city's Code Enforcement Officer.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation of changes
Attachments:	1. Memo - EMD and multitenant signs - 2024_02_04 2. EMD and Temporary sign memo - 2-24_02_06 3. zoning code LED vs electronic message displays 4. DG sign 5x10 5. Memo - EMD sign for Elkins Cinema 8 - 2024_01_11_ 6. TV Mall sign

Memo

To: Elkins Planning Commission
From: Sutton Stokes, City Clerk
Date: February 4, 2024
Re: Changes to zoning laws concerning electronic message display signs

Here is how the 1/18 motion concerning shopping center sign rules was recorded:

Kolsun moved that staff create a special category for shopping centers permitting EMD signs and establishing a special category of nonconforming uses to allow different sizes of signs on those shopping centers' existing group signs. The motion carried.

To accomplish what seems to be the intention here, it seems that the following changes would be needed:

New definition needed: "Multi-Tenant Sign"

Suggested wording: *"A freestanding structure at or near the entrance to a shopping center to which are affixed signs of various dimensions identifying tenants of the shopping center."*

Result: Defines a previously undefined type of sign related to the matter at hand.

Change to rule on electronic message display signs needed

Current wording:

152.224 GENERAL REQUIREMENTS

G) Electronic message display (EMD) signs. Static electronic message display signs and static electronic message display with transition feature signs **are permitted only as monument signs**. All other EMDs are prohibited.

Need change to add something like: **"are permitted only as monument signs, except on multi-tenant signs at shopping centers."**

Result: Allows EMD signs on multi-tenant signs. (But is this too arbitrary?)

Further changes to the definition of “nonconforming sign:”

Current definition:

Section 21-32 Definitions.

“Nonconforming Sign” means a sign which was lawfully erected in compliance with applicable regulations of the City and maintained prior to the effective date of this code and which fails to conform to current standards and restrictions of this code.

Possible change here to add:

“For multi-tenant signs at shopping centers, the addition of new signs not otherwise complying with the size restrictions of this code shall be considered nonconforming uses in compliance with this definition, provided that the addition of new signs, in the judgement of the code enforcement officer, does not substantially change the overall dimensions of the original multi-tenant sign.”

Result: Allows the owner of a multi-tenant sign to add, expand, rearrange signs as tenants come and go or as tenants expand without needing to comply with size requirements for each individual sign panel. The overall visual impact will remain the same however.

Unresolved issues:

- What if Tygart Valley Mall, or some other shopping center established or annexed in the future, wanted to build a new multi-tenant sign (e.g., in a new location, so that it would not meet even the more flexible definition of nonconforming suggested above? Do we need some new section concerning this topic?
- Why should multitenant signs receive special treatment regarding electronic message display signs?

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Memo

To: Planning Commission

From: Jessie Wagler

Date: 2/05/2024

Re: Sign Ordinance

Dear Commissioners,

As you are aware, I am the officer in charge of enforcing the codes and ordinances within the city limits. Dealing with the sign ordinance is one of the more in-depth duties I am assigned to enforce. Each zoning district has different sign requirements which makes it hard enough to enforce, not to mention that there are already several exceptions already in the sign ordinance.

I would like to ask that when looking at the Electronic Message Display signs, you look at making the change for all commercially zoned properties. Not only is this a fairer outcome for businesses along the city's main routes, but this would also make it easier to enforce and lessen confusion for the business owners, reducing the amount of time that myself, and several other staff members are attending meeting to clarify the ordinance.

Concerning the size of the EMD's, I would also ask that you allow the size restrictions on these to coincide with the way that the sign is mounted, i.e. Pole sign, monument sign, flag, etc. as this is already in place in the ordinance.

Regarding permitting of temporary signs. Since the sign ordinance has been put in place, there are no temporary sign permits in place. This would also be very hard to enforce as a temporary sign is defined as any sign intended to be displayed for a limited period not to exceed 30 days. To monitor this specific type of sign as far as permitting would take up much of my time as the code enforcement officer taking away valuable time that I could be using working on dilapidated properties, derelict vehicles, and other more pressing issues. I would ask that you remove the size and permitting restrictions and possibly change the time restriction to require that the sign remains in good repair.

In summary:

- EMD-Please consider making changes based on an entire district and not just one lot and allow the size to coincide with the mounting method used.
- Temporary-Please consider removing the permitting and size restrictions on temporary signs, and possibly change the time frame to reflect the condition of the sign itself.

In making these changes, I believe that you will reach a fairer outcome for the present businesses, and more inviting and welcoming for future businesses.

Thank You,

Jessie Wagler

Summary of Elkins Zoning Laws Concerning Certain Kinds of Electronic Signs

Elkins City Clerk
October 10, 2023

Elkins prohibits “animated signs,” “flashing signs,” and “signs displaying flashing, scrolling, or intermittent lights of changing degrees of intensity.” Elkins allows (in certain districts, including Commercial) “Static electronic message display signs” and “Static electronic message display signs and static electronic message display with transition feature signs” (transitions cannot occur more often than every seven seconds).

As of October 10, 2023, the following West Virginia cities impose similar restrictions (based on search at <https://codelibrary.amlegal.com/>): Bridgeport, Granville, Fayetteville, Weston, Moundsville, Saint Albans, South Charleston, Lewisburg, Marmet, Phillipi, Nitro, Wheeling, Clarksburg, White Hall, Mannington, and Winfield. (There may be others; these are drawn only from West Virginia cities using American Legal Publishing’s online code service.)

Relevant code sections are excerpted below. Where code gives the exception “except where... expressly permitted,” none of the given signs are currently “expressly permitted” in the Elkins zoning code. Review Elkins sign laws here:

https://codelibrary.amlegal.com/codes/elkinswv/latest/elkins_wv/0-0-0-13161

§ 152.223 PROHIBITED SIGNS.

(5) Animated signs, except where animated sign features as part of an electronic message display are expressly permitted.

(6) Flashing signs or other signs displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, except where flashing sign features as part of an electronic message display are expressly permitted.

§ 152.224 GENERAL REQUIREMENTS.

(G) *Electronic message display (EMD) signs.* Static electronic message display signs and static electronic message display with transition feature signs are permitted **only as monument signs.** All other EMDs are prohibited.

[From § 152.056 DEFINITIONS (19) **MONUMENT SIGN.** A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.]

§ 152.056 DEFINITIONS.

(2) **ANIMATED SIGN.** A sign or part of a sign that is designed to rotate, move, or appear to rotate or move. Such a sign is sometimes referred to as a **MOVING SIGN**. **ANIMATED SIGNS** include signs with moving graphic features such as scrolling text or images that appear to move; moving sign change features such as fly-in, wipe-off, fading, dissolving, traveling, or expanding displays or any other full message sign change taking longer than three-tenths of a seconds; and static electronic message displays displayed less than seven seconds. **ANIMATED SIGNS** also include signs propelled by vehicle, watercraft, or aircraft where the primary purpose of the vehicle, watercraft, or aircraft at the time of sign display is to propel the sign.

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(9) **ELECTRONIC MESSAGE DISPLAY.** A sign that is either light emitting or light reflective and that is capable of changing the displayed message through electronic programming. **ELECTRONIC MESSAGE DISPLAYS** are divided into four categories:

(a) **STATIC ELECTRONIC MESSAGE DISPLAY.** An electronic message display that remains static, with no animated features or animated transition features with each static display lasting longer than seven seconds.

(b) **STATIC ELECTRONIC MESSAGE DISPLAY WITH TRANSITION FEATURES.** An electronic message display that remains static except for no more than a two-second transition feature such as fading, dissolving or a single instance of fly-in, wipe-off, expansion, or traveling that occurs no more often than every seven seconds.

(c) **ELECTRONIC MESSAGE DISPLAY, PARTIALLY ANIMATED.** An electronic message display with animated or moving text or graphics.

(d) **ELECTRONIC MESSAGE DISPLAY, FULLY ANIMATED.** An electronic message display with full animation features.

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(12) **FLASHING SIGN.** A sign that includes lights that flash, blink, turn on and off intermittently, or otherwise vary light intensity during the display of a message.

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(19) **“MONUMENT SIGN.** A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

§ 152.231 SIGNS FOR EDUCATIONAL (E) AND COMMERCIAL (B-1) DISTRICTS.

(A) *Purpose.* Signage in Educational (E) and Commercial (B-1) Districts is allowed to a somewhat greater extent, while maintaining proportion to the size and scope of uses typically present. However, even these more intensive uses in smaller communities are limited in signage to some degree in order to maintain small-town character and limit visual distraction by signage.

(1) Permitted sign use as accessory to dwellings shall be the same as for § 152.228.

(2) *Signs permitted as accessory to non-dwellings.*

(a) *Permitted permanent sign use as accessory to non-dwellings.* A-frame, awning, canopy, chalkboard, changeable copy, static electronic message display, static electronic message display with transition feature, freestanding, geological, marquee, minor, monument, neon, projecting, temporary, topiary, wall, and window signs. Only one of each is permitted per use per frontage, except wall signs and window signs. More than 200 square feet of frontage is required for a use to have more than one pole sign. No more than six permanent signs are permitted by right per use.

(b) *Permitted temporary signs as accessory to non-dwellings.* A-frame, banner, chalkboard, minor, person-assisted, wall, wicket, window. No more than six temporary signs are permitted in one calendar year per use.

(c) No more than three flags as accessory to a non-dwelling are permitted.

(3) Off-premises signs are prohibited.

(B) *Dimension specifications chart.* All maximum sign area requirements include the sum total sign area of all signs per use.

	<i>Freestanding, Monument, and Wall Signs</i>	<i>All Other Signs</i>	<i>Temporary Signs</i>	<i>Flags</i>
Max. sign area	1 sq. ft. per 1 ft. of lineal frontage, not to exceed 32 sq. ft.	0.5 sq. ft. per 1 ft. of lineal frontage, not to exceed 24 sq. ft.	6 sq. ft. displayed at one time	60 sq. ft. ea.
Max. height	8 ft.	4 ft.	4 ft.	40 ft.

A photograph of a Dollar General sign in a parking lot. The sign is yellow with black text and is mounted on a black post. Red dimension lines and text are overlaid on the image. A horizontal line above the sign is labeled "10 feet". A vertical line to the left of the sign is labeled "5 feet".

10 feet

5 feet

Memo

To: Elkins Planning Commission

From: Sutton Stokes, City Clerk

Date: January 11, 2024

Re: Elkins Cinema 8 electronic message display sign

Elkins Cinema 8, in the Tygart Valley Mall, proposes to install a new “electronic message display” (EMD) sign on the group sign at the entrance to Tygart Valley Mall. As currently designed, this sign would not be allowed due to (1) a citywide restriction on the form factor of EMD signs and (2) size limitations in the district (Commercial B-1).

Elkins City Code *does* allow EMD signs (unlike “animated” signs), but only in the form of “monument” signs (i.e., those sign structures built out of bricks or stone, close to the ground, often seen in front of churches). Meanwhile, freestanding, monument, and wall signs in B-1 must not exceed 32 square feet. (The group sign at TV Mall is a “freestanding” sign.)

Elkins Cinema 8 asserts that the type of sign it is interested in is only manufactured in certain sizes. The closest fit for the group sign in front of the mall is 4x12 (36) square feet.

The Planning Commission has the following options:

1. Recommend that council strike Section 21-125 (g), which restricts EMD signs to monument signs. This would allow installation of EMD signs throughout the city in any form or style that otherwise adheres to size and other limitations. This action is necessary, but not sufficient, to fully resolve Elkins Cinema 8's request.
2. Recommend that council increase the maximum size of signs in B-1 to 36 square feet or greater. Together with point 1, above, this *would* fully resolve Elkins Cinema 8's request.
3. Recommend, more narrowly, that council create a special category of sign regulations that apply only the Tygart Valley Mall. This category could allow EMD signs and allow signs larger than 32 square feet. In this event, EMD signs would NOT be allowed throughout the city, and the size increase would NOT apply throughout B-1. Depending on wording, this option *could* fully resolve Elkins Cinema 8's request.
4. Remove the restriction against EMD signs as proposed (via either option 1 or option 3, above). Then, also recommend retaining current size limits but refer Elkins Cinema 8 to the Board of Zoning Appeals for a size variance. It does not seem that the Board of Zoning Appeals could grant a variance for use of an EMD, but it *could* grant a variance concerning sign size restrictions thereon.
5. Recommend no changes to council, thereby preventing Elkins Cinema 8 from proceeding.

##



TYGART
VALLEY
MALL



STAR
FURNITURE

Naylor's

ACE Hardware



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Comprehensive plan
Recommended By:	City Clerk
Summary:	Agenda item allows general discussion of comprehensive plan work. Specifically, the commission is asked to review the attached list of stakeholders to identify any that certain commissioners would like to contact. City and WVU staff will then work together to send out the rest.
Fiscal Impact:	n/a
Recommendation:	Review as described above
Attachments:	1. Comp Plan - Updated stakeholder survey list - 2024_02_06

Stakeholder	Contact Person	Email/Phone	Survey
All Veterans Memorial Council	Jeff Wood	Jeff Wood <jpwood427@gmail.com>	Organizations
Appalachian Forest Heritage Area	Phyllis Baxter- Executive Director	phyllisb@afnha.org	Organizations
Augusta Heritage Center	Seth Young- Executive Director	youngs@dewv.edu seth@augustaartsandculture.org	Organizations
Citizens Promoting Community	Phillips Kolsun	phillipskolsun@me.com	Organizations
City of Elkins Board of Zoning Appeals	Dr. David Turner	turnerd@dewv.edu	BZA
City of Elkins Code Enforcement	Jessie Wagler- PROPERTY MAINTENANCE CODE OFFICIAL	jwagler@cityofelkinswv.com	Code Enforcement
City of Elkins Police Department	Travis Bennett-Police Chief	tbennett@cityofelkinswv.com	Police
City of Elkins Street Department	Shawn Akers-STREET DEPARTMENT SUPERVISOR	sakers@cityofelkinswv.com	Public Works
City of Elkins Tree Board	Nanci Bross-Fregonara	nbross-fregonara@cityofelkinswv.com	Organizations
City of Elkins Wastewater	Whitney Hymes- WASTEWATER SYSTEM CHIEF OPERATOR (CLASS IV)	whymes@cityofelkinswv.com	Public Sewage
City of Elkins Water Treatment	Wes Lambert- PUBLIC WATER SYSTEM CHIEF OPERATOR & MANAGER	wlambert@cityofelkinswv.com	Water
Country Roads Transit			Public Transportation
Davis and Elkins College	Chris Wood, President	chris.wood@dewv.edu	Davis and Elkins College
Davis Health Systems	Vance Jackson, CEO	jackson.vance@davishealthsystem.org	Hospital
Davis Health Systems Foundation	Michael Bell, Director	bell.michael@davishealthsystem.org	Organizations
EAST (ELKINS AREA SHARED TRAILS)	Jessica Sutton	elkinsareasharedtrails@gmail.com	Organizations
Elkins Ascend Chapter	Jessica Sutton	jsutton3@mail.wvu.edu	Organizations
Elkins Depot Welcome Center	anne Beardslee, director	elkinswelcomecenter@gmail.com	Welcome Center
Elkins Fire Department	Steve Himes- Fire Chief	shimes@cityofelkinswv.com	Fire
Elkins High School	Carla Lambert, Principal	clambert@k12.wv.us	School District
Elkins Historic Landmarks Commission	Carol Carter, chair	carterc@dewv.edu	Historic Landmarks
Elkins Main Street	Lisa Eason	director@elkinsmainstreet.org	Organizations
Elkins Middle School	John Lawson, Principal	jlawson@k12.wv.us	School District
Elkins Park and Recreation	Tom Tesar- Director, Parks & Recreation	ttesar@cityofelkinswv.com	Recreation
Elkins-Randolph County Chamber of Commerce	Lisa Messinger Wood, Executive Director	chamber@erccc.com	Chamber of Commerce
Elkins-Randolph Public Library	Ruth Mitchell, Director, Cataloging and Collections	r.mitchell@elkinslibrary.com	Library
Elkins-Randolph Regional Airport	Larry Wing, Board of Directors	lewing55@hotmail.com	Regional Airport
Elkins-Randolph YMCA	Sid Gillispie, assistant director	sgillispie@elkinsymca.com	YMCA
Envision Elkins (downtown business owners)	Mark Doak, organizer	emarkdoak@gmail.com	Organizations
Highland Community Builders, Inc.	Graham Godwin, Executive Director	ggodwin@rchawv.org	Highland Community Builders
HomeOwnership Center, Inc.	Kate Somers, director	ksomers@hocwv.org	Organizations
Jennings Randolph Elementary School	Mrs. Kelly Thompson, Principal	ktompson@k12.wv.us	School District
Kiwanis	no clue	304-642-7956	Organizations
Lions	Randall Buller	304-704-5725	Organizations
Midland Elementary School	Teena Wallace	tcwallac@k12.wv.us	School District
Mon Forest Towns	Josh Nease, director	jnease@woodlandswv.org	Organizations
Monongahela National Forest	Jack Tribble, district ranger	jtribble@fs.fed.us	Mon National Forest
Mountain State Forest Festival	Heidi Bray, director	executive@forestfestival.com	Mountain State Forest Festival
North Elementary School	Alyssa Tallman, Principal	aktallman@k12.wv.us	School District
Old Brick Playhouse	Missy McCollam - Exec. director	missy@theoldbrick.org	Old Brick Playhouse
Our Town Inc	Tammy Dolly	ourtownelkins@gmail.com	Organizations
West Virginia Railroad Museum	Carrie Perry	wvrrailroadmuseum@gmail.com universecarrie@gmail.com	Organizations

Stakeholder	Contact Person	Email/Phone	Survey
Randolph County Board of Education	Debbie Schmidlen - Superintendent	dschmidl@k12.wv.us	School District
Randolph County Commission	Angela Corbitt, administrative assistant	acorbitt@randolphctyww.org	County Commission
Randolph County Community Arts Center	Dani Cade, director	amazingartshub@icloud.com	Organizations
Randolph County Convention and Visitors Bureau	anne Beardslee, director	elkinswelcomecenter@gmail.com	CVB
Randolph County Development Authority	Robbie Morris Executive Director	robbie@randolphwv.com	Development Authority
Randolph County Historical Society	no clue	randolphcountymuseum@gmail.com	Historical Society
Randolph County Office of Emergency Management	Shonna Fox	sfox@randolphctyww.org	Emergency Management
Randolph County Senior Center	Laura Ward, director	Laura Ward <lward@rcscwv.org>	Senior Center
Randolph County Housing Authority	Graham Godwin, Executive Director	ggodwin@rchawv.org	Organizations
Resource Recovery Group	no clue	(681) 378-3908	Organizations
Rotary	Kenny George	Kenneth.George@blueridgeriskpartners.co	Organizations
Third Ward School	Holly Pritt, principal	hpritt@k12.wv.us	School District
West Virginia Wood Technology Center	Robbie Morris	robbie@randolphwv.com	Organizations
Woodlands Development and Community Lending	Dave Clark	dclark@woodlandswv.org	Organizations



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Zoning near North 12th Street
Recommended By:	City Clerk
Summary:	The city clerk and city attorney are preparing a certified notification letter and legal ad. Once those steps are complete, the council hearing can be scheduled.
Fiscal Impact:	n/a
Recommendation:	No action needed
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Election of officers
Recommended By:	City Clerk
Summary:	Per city code: " At its first regular meeting in each year, the Planning Commission shall elect from its members a President and a Vice President; and the Vice President shall have the authority to act as President during the absence or disability of the President.
Fiscal Impact:	n/a
Recommendation:	Take action after any nominations are offered
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 8, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Zoning issues
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	None