August 13, 1996

Joint Public Hearing Minutes

Planning Commission Members Present: Chairman Tom Weyrick, Secretary Benjamin C. King, Lou Ellen Kirkendall, Andy Dixon

Planning Commission Members Absent: Barry J. Ream

Council Members Present: Mayor Charles Dean, Vice Mayor Randell Snow, Fred Bennett, Lee Dearing, Wayne Printz, Dan Dail

Staff Present: Town Manager Ted Costin, Director of Public Works/Zoning Administrator Joe Shifflett, Administrative Assistant to the Town Manager Rick Carey

Visitors: Randy Murphey

Chairman Weyrick called the meeting to order at 7:03 p.m., to consider the following two requests:

(A) A request by Shen-Elk Enterprises, L. C., for a special exception permit to allow a family entertainment center inside Suite 5 in Shen-Elk Plaza.

(B) A request by Joseph M. Gooden to change zoning from R4 residential to R6 high density residential on Lot 2 Gotta Farm Subdivision, Rockingham County Land Map 115, located at the intersection of North Street and Hillside Avenue.

Mr. Wayne Printz was recognized by the Chair and stated the proposal was to place the go-cart track inside as opposed to outside. This was considered an advantage by eliminating the original opposition based on noise. The indoor track would be located in Suite 5 (the north suite beside the old Ciro's location). The former Ciro's suite would house the rest rooms and ticket and snack areas. The track would be accessed through a partition (doorway). A small room would exist in the back to be utilized for birthday parties and other private events. Mr. Printz stated he got this idea from visiting a similar track in Florida.

Mr. Printz may, in the future, include an indoor arboretum, not for scientific or educational purposes, but to assist with the elimination of carbon monoxide fumes generated by the go-carts. The lighting will be standard UL approved fixtures; emissions will be monitored by three meters and exhaust fumes will be expelled by three high-volume commercial exhaust fans with louvers; insurance will be provided by Tolsma Insurance; membership will be required; adult supervision will be present at all times; sanitary facilities, ticket sales, and snacks will be provided by renting the former Ciro's suite; safety rules and regulations will be posted and strictly enforced; benefits include occupation of

rental property, additional tax base, employment, utility income, alternative to cruising and entertainment for everyone. Fuel will be maintained in a 250 gallon fuel tank to exceed current County requirements.

Mr. Weyrick instructed all those wishing to address the Commission to state their names and addresses for the record and would limited to five minutes.

Councilman Bennett asked if this request was in addition to the already approved site or a substitute for the approved site. Mr. Printz answered it was "in addition to". Mr. Printz wants to "try it from the inside".

There were no additional comments and Mr. Weyrick closed the discussion at 7:11 p.m.

The second request before the Planning Commission was a rezoning proposal by Joseph M. Gooden, who requested an R6 rezoning of Lot 2 to accommodate an eight unit, one bedroom apartment building. Mr. Gooden believed the property met all the requirements for rezoning to R6. Mr. Gooden stated, "I am not trying to put these apartments in somebody else's neighborhood. I live right up on top of the hill looking right down on them." Mr. Gooden's apartments would face North Street with parking in front, and would be similar to an apartment building he has owned and managed for nearly ten years at the intersection of D Street and Lewis Avenue.

First to address the Commission was Ron Englemyer of 162 Sweetgum. Mr. Englemyer presented a list of names of those opposed to this development. He stated increased traffic and the hazard to pedestrians, especially children, as points of opposition. He asked if a traffic study had been undertaken.

Frank Meleski of 604 North Stuart Avenue spoke next and presented a prepared statement. It read:

Memo to Elkton Planning Commission:

Approximately 8 years ago, the Town of Elkton instituted a new Zoning plan for the Town of Elkton. I'm sure a lot of thought went into the finished product. One of the things they addressed was the fact that apartments were sprouting up all over town. In the new Zoning plan, it was decided that this uncontrolled growth should be curtailed and that certain areas were to be free of apartment encroachment. One of the areas that was to have no apartments was the property in question tonight.

In addition to being incompatible with the existing neighborhood, the requested change in zoning would allow & create a situation where some sixteen cars could be parked on or around this intersection and be coming and going at any given time. It is not unrealistic to believe that at least sixteen cars could be housed there (8 apts @ 2 cars each=sixteen cars) Then you program in visitors and you have an unacceptable & dangerous intersection.

Not withstanding the above reasons, the people of the community who have purchased property and live in this area, should be able to rely on the protection that the relatively new zoning plan was supposed to provide.

Frank J. Meleski

Carolyn Brill of 148 Sweetgum asked if an impact VDOT study had been conducted and expressed concern regarding decreased property values.

Steve Shifflett, 422 North Street, who lives beside the Gooden property, stated he was pleased with the progress Mr. Gooden has made with the property, but was opposed to the development of the property based on the alleged traffic hazard to child safety.

Bobby Gooden spoke in favor of the Planning Commission approving his son's request. Mr. Gooden told the Commission members that he and his son are always aware of the condition and activity in their rental properties. Mr. Gooden questioned sixteen vehicles in use by the residents of the proposed apartment building. Joe Gooden does not rent to families with children. The Goodens maintain trash collection areas and all containers are capped.

William Crouse, 114 Lewis Avenue, spoke in favor of the development.

Lisa Fridley, 420 North Street, opposed based on traffic and safety hazards as well as depreciation of her property.

Lisa Gooden, 115 Maple Leap, stated that she and Joe Gooden bought the property to protect their view and to clean up the neighborhood.

Councilman Dearing asked the Commission what could be built on the property as it is currently zoned. Mr. King answered, "Two, two family dwellings".

Chairman Weyrick closed the Public Hearing at 7:40 p.m.

Signature - Chairman	Signature - Secreatary

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Chairman Weyrick opened the Planning Commission meeting at 7:47 p.m., and welcomed back Andy Dixon as the Council Representative on the Commission.

(A) Special Exception - Shen-Elk Plaza. Mr. Weyrick asked for discussion from the Planning Commission. Ms. Kirkendall stated the move inside addressed many concerns voiced by citizens at the Public Hearing and saw this as a positive in approving the special exception. Mr. Dixon questioned the location of the fuel tank. Mr. Printz answered that the outside southwest side of the building would house the fuel tank. Mr. Dixon motioned approval of the special exception. Ms. Kirkendall seconded and the approval was granted by voice vote. Benjamin C. King abstained.

(B) Gotta Farm Subdivision Lot 2 Rezoning Request. Chairman Weyrick differentiated and clarified R4 zoning from R6 zoning. Hearing no comments from Commission members, Chairman Weyrick stated, "Generally speaking, zoning regulations are meant to apply to areas and not to single properties." A zoning to R6 from R4 in that area would, in Mr. Weyrick's thinking, "be construed as spot zoning". The zoning regulations adopted in 1989 were designed to make the Town look more consistent over a long period of time. Mr. Bobby Gooden spoke to make a correction to a misconception. There is a wedge-shaped property directly across from Lot 2 that is zoned business. Mr. Weyrick thanked him for the correction. Mr. Weyrick added he did not foresee any significant increase in traffic. Benny King concurred with Chairman Weyrick stating the proposal before the Commission "is a bit much for that area".

Ms. Kirdendall concerned with "the integrity of the neighborhood" agreed the Goodens' properties are well maintained and well managed. She then stated, in agreement with Mr. King's earlier statement, that she could consider an R5 rezoning.

Benny King made the motion to deny approval; Ms. Kirkendall seconded; carried by voice vote.

The minutes of June 11, 1996 were read and approved.

Mr. Shifflett stated that notices and faxes were sent regarding the Public Hearing. As there was no other business, Mr. Weyrick adjourned at 8:28 p.m.

Signature - Chairman	Signature - Secretary