May 21, 1996

Planning Commission Special Meeting

Members Present
Tom Weyrick, Chair
John Adams, Vice Chair
Benjamin King, Secretary
Lou Ellen Kirkendall
Barry J. Ream
Andrew Dixon
Dan Dail, Council Representative

Council Members Present
Wayne Printz

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

Visitors
Randy Murphey
Bernard A. Womack

Minutes

This special meeting was called to review the findings of the Commission following an 8:00 a.m., Sunday, May 19, 1996 test demonstration by the applicant, Bernard A. Womack T/A Shen-Elk Enterprises, L. C., for a Special Exception Permit to allow a family entertainment center on the southeast portion of the existing parking area of Shen-Elk Plaza, Land Map 131B1, Parcel 1A1. At 7:01 p.m., Chairman Weyrick called the meeting to order, with all members present, to receive recommendations for the Special Exception Permit request.

Decibel levels were measured at eight (8) sites at a distance of five (5) feet west of the track to 2,000 feet south of the track. The highest reading was recorded above the horse show ring area on U. S. 340, which is directly across from the go-cart site. Generally, in the residential areas closest to the proposed track, the decibel reading of 10 go-carts running was just a few decibels louder than the surrounding ambient noise. Traffic on U. S. 340 registered higher than anything else tested.

Barry Ream, who did not attend Sunday's demonstration, relied heavily on other members' opinions to reach his decision. Ms. Kirkendall told him the go-carts "were much quieter than I thought they would be...I don't see noise as a concern." Mr. Weyrick agreed.

Mr. Dail asked if the Town Council would have to approve the exact recommendations of the Planning Commission based on B-3 zoning. Mr. Costin replied , "Anything the Planning Commission decides is strictly a recommendation." Mr. Dail stated he did not believe that applied to B-3. Mr. Costin was unable to get a legal opinion prior to this meeting, but offered a personal opinion that according to state law the Planning Commission does not have the authority to make itself equal to the Council or any other governing body. Another question left unanswered was if Council wanted to change certain Planning Commission stipulations would the application be returned to the Planning Commission.

Ms. Kirkendall motioned to recommend approval of a Special Exception Permit to allow a family entertainment center at Shen-Elk Plaza with the following conditions:

(1) The usage area is 100x200 feet.
(2) The usage area is surrounded by a 4' high chain link fence.
(3) Evergreen trees planted to enhance the aesthetic nature of the surrounding area and to act as a sound barrier.
(4) Lighting directed downward, away from residential areas.
(5) A maximum of ten (10) go-carts in use, similar to the ones used for the demonstration.
(6) Operational hours will be Monday through Thursday, noon until 9:00 p.m.; Friday and Saturday, noon until 10:00 p.m.; Sunday, 1:00 p.m., to 9:00 p.m.
(7) Sanitary facilities, ticket sales, and snacks will be provided for by an existing suite at Shen-Elk Plaza.
(8) Proper waste disposal facilities and maintenance are required.

Mr. Adams seconded the motion and Ms. Kirkendall requested a roll call vote. The vote was recorded as:

Mr. Dail: "No."
Ms. Kirkendall: "Yes."
Mr. Adams: "Yes.
Mr. King: Abstain
Mr. Dixon: "No."
Mr. Ream: "Yes."

The Commission tabled comment regarding a Rockingham County Rezoning Application submitted by BPML Properties/LLC, Route 3, Box 4C, Elkton, to rezone 1/2 acre from R2 to B1 located on the west side of Route 340 approximately 3/4 mile south of Route 33 in the Stonewall Magisterial District, Election District #5.

Mr. Weyrick adjourned the meeting at 8:11 p.m.

Thomas M. Weyrick
Signature - Chairman

Benjamin C. King
Signature - Secretary