AGENDA
PLANNING COMMISSION MEETING
May 14, 1996
7:00 P.M.

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1. JOINT PUBLIC HEARING
   Special Exception Request:
   Shen-Elk Enterprises, L. C.

2. REGULAR MEETING
   a. Call to Order
   b. Review of Minutes
   c. Discussion and Recommendation:
      Shen-Elk Enterprises, L. C.
   d. Other Business
   e. Adjournment

May 14, 1996

Joint Public Hearing Minutes

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

Council Members Present
Charles Dean, Mayor
Randell Snow, Vice Mayor
Fred Bennett
Tom Whitfield
Wayne Printz

Staff Present
Ted Costin, Town Manager
Rick Carey, Administrative Assistant to the Town Manager

Visitors
Randy Murphey
Bernard A. Womack

Joint Public Hearing

At 7:04 p.m., May 14, 1996, Chairman Weyrick called to order a Joint Public Hearing of the Planning Commission and Elkton Town Council to consider a request by 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.

Mr. Weyrick addressed an overflow Council Chamber audience to review the procedures of the meeting. The Chair will first hear comments from the applicant for the Special Exception Permit, followed by a five (5) minute presentation from those who signed the Visitor's Request form to speak. Council members and Planning Commission members will be allowed to ask questions of any speaker without a time penalty to the speaker. The applicant will be allowed rebuttal time when all other speakers have addressed the

Planning Commission. Council and the Planning Commission will again be given the opportunity to ask questions or make comments.

Following a complete reading of the application by Town Manager Ted Costin, the Chair recognized Bernard A. Womack, co-owner with Mayor Charles Dean of Shen-Elk Plaza. Mr. Womack referred to speculations regarding the type of business to comprise the Family Entertainment Center and he was in harmony with the negative concerns generated by those speculations. Mr. Womack presented a Site Plan and specified benefits to the community. Purchase of gasoline, insurance, employment opportunities, hardware, as well as another family entertainment attraction, were highlighted during his positive presentation. Mr. Womack then introduced the entrepreneur of the proposed go-cart track, Mr. Wayne Printz.

Mr. Printz identified himself and apologized for the unwanted controversy regarding his venture. Mr. Printz first wanted to address misinformation. He refuses to have an area for people to loiter and drink beer. His vision is for a wholesome, clean family atmosphere. Other localities such as Waynesboro, Harrisonburg, Staunton and Stanley now have similar go-cart tracks. He has been approached by the Town of Shenandoah to install the type of track he is proposing for Shen-Elk Plaza, but he prefers to invest his money in his hometown (Elkton). Ten (10) go-carts will be in operation. The business will be available for special events such as birthday parties and church group activities. Decibel levels of 56 could be expected from 10 go-carts in operation within 300 feet of the track. Proposed usage area is 100x200 feet of the southeast corner of the existing Shen-Elk parking lot and surrounded by a 4' chain link fence. Evergreens could be planted as a noise buffer (barrier technology). Operating hours will be Monday through Thursday, noon to 9 p.m.; Friday and Saturday, noon to 11:00 p.m.; Sunday, 1:00 p.m., to 9:00 p.m. Membership will be required and a track license issued. Mr. Printz proposed the "three strikes and you're out" law for misconduct and the license would be revoked. Adult/management supervision will be present at all times.

Chairman Weyrick cautioned the audience that the purpose of a Public Hearing is for the applicant to give the Commission and the Council clear intent of the application; give both bodies the opportunity to question the applicant; give the public the opportunity to comment regarding the application to the Commission and Council. Mr. Weyrick stated, "Those are the ground rules for Public Hearings. That's the way I intend to run it." With that rule of order, Chairman Weyrick asked for questions from Council and Commission members. Questions concerned the placement of the gas storage tank, parking and the actual size of the track, the business hours of operation, marketing strategy, and the noise level at the shopping center.

Mr. Weyrick then opened the meeting to public comments and recognized the following speakers:

(1) Ken Whittington, 100 Mapleleaf Lane
(2) Frank Meleski, 604 North Stuart Avenue
(3) Robert Wahl, 106 Mapleleaf Lane

(4) Mildred and Lawrence Shifflett, 112 West Spostswood Avenue
(5) Joe Early, 410 North Stuart Avenue
(6) Kenneth Kite, Route 1 Box 18
(7) Sandra Regan, 118 Lucas Lane
(8) Barbara Dean, 116 Lucas Lane
(9) Hazel Crider, 114 Hillside Avenue
(10) Joe Gooden, 115 Mapleleaf Lane

Based mainly on noise, property values, and air pollution 6 or the 11 speakers were opposed to the Special Exception Permit, while 3 favored the action, with the remaining 2 speakers undecided.

Chairman Weyrick closed the Joint Public Hearing at 8:44 p.m., and convened the regular meeting of the Planning Commission.

Planning Commission Minutes

Mr. Weyrick dispensed with the reading of April's minutes and opened discussion for recommendation of the Special Exception Permit by Shen-Elk Enterprises, L. C. Mr. King proposed a site visit, at which time a demonstration of the go-carts would be performed by Mr. Printz and his associates. Mr. Ream favored the Commission members consider all concerns voiced by the citizens, such as the noise, decreased property values, air quality and increased traffic.

On a recommendation from Randell Snow, Ms. Kirkendall motioned the Commission members and all interested persons assemble on Sunday, May 19, 1996 at 8 a.m., with the applicants and an industrial hygienist to take decibel readings at various points in the site area and surrounding areas. The motion was seconded by Mr. Dixon and carried by the Commission. Mr. King abstained on votes by members for an industrial hygienist to perform the decibel reading and the test demonstration as motioned by Ms. Kirkendall.

As the business of this meeting of the Planning Commission had concluded, Mr. Dixon motioned to adjourn; seconded by Ms. Kirkendall; adjourned by Chairman Weyrick at 9:17 p.m.

Thomas M Weyrick
Signature - Chairman

Susan C. K
Signature - Secretary