Joint Public Hearing
January 19, 2015
6:00 p.m.

A Joint Public Hearing of the Elkton Town Council and Elkton Planning Commission was held to receive comments regarding a request from Spotswood Trail Development to rezone lots 10 through 21, located in the Quail Run Subdivision, and further identified as Tax Map Nos. 130F-(5) L10 thru L21; from R-5 Residential District to B-2 General Business District. These lots are located to the west of Kittiwake Court on Swallow Drive and border U.S. Route 33 to the south.

The hearing was held at approximately 6:00 p.m. on January 19, 2015, at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members, staff, and Planning Commissioners were present:

PRESENT	ABSENT
Wayne Printz, Mayor	None
Margaretta Isom, Council Member	
Harry Armbruster, Council Member	
Jeffrey Jones, Council Member	
Jay Dean, Council Member	
Joshua Gooden, Council Member	

PRESENT	ABSENT
Dan Talbot, Chair	Michael Sipe
Richard McGregor, Vice Chair	
Cathy Morrison, Commissioner	
Margaretta Isom, Council Representative	

PRESENT	ABSENT
Kevin Whitfield, Town Manager	None
Aaron Hammer, Chief of Police	
Charlotte Shifflett, Zoning Administrator	
Denise Monger, Clerk of Council	

JOINT PUBLIC HEARING

Mayor Printz called the meeting to order and the clerk was asked to call the roll. Charlotte Shifflett called roll for the Elkton Planning Commission.

Dan Talbot, Chair of the Planning Commission, stated that the recent newspaper article in *The Valley Banner* was incorrect. He noted that the commission had not voted on any of the public hearing issues. He noted that the commission only voted to schedule the public hearings.

Jayne Stargill, 220 Tanager Lane, Elkton, inquired about the entryways to the new Rite Aid. She noted that one entryway looked to be directly across from Burger King. Seth Roderick, Valley Engineering, responded that from a traffic standpoint, it was safest

to have the entrances directly across from one another. He noted that it would minimize the number of conflicting movements that occur at an intersection. He noted that the Virginia Department of Transportation required, if at all possible, that new entrances align directly opposite existing entrances.

Another speaker (no name or address for the record) inquired if there would be a speed reduction in the area. Mr. Roderick responded that the Town would need to work with VDOT if that issue were a concern.

Mr. Talbot closed the public hearing for the Planning Commission.

Mayor Printz closed the public hearing for the Town Council.

Joint Public Hearing
January 19, 2015
6:30 p.m.

A Joint Public Hearing of the Elkton Town Council and Elkton Planning Commission was held to receive comments regarding a request from the Elkton Planning Commission and Elkton Town Council to rezone a portion of Tax Map 131-(A)-L34 (3.547 acres) from an R-8 Planned Unit Development to an R-6 High Density Residential District. The lot is located in the Town of Elkton on the south side of East Rockingham Street; adjacent to the back of the Tannery Apartments.

The Town of Elkton would also receive public comments regarding the sale of real estate owned by the Town which was a portion of Tax Map 131-(A)-L34 (3.547 acres) located on the south side of East Rockingham Street; adjacent to the back of the Tannery Apartments.

The hearing was held at approximately 6:30 p.m. on January 19, 2015, at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members, staff, and Planning Commissioners were present:

PRESENT	ABSENT
Wayne Printz, Mayor	None
Margaretta Isom, Council Member	
Harry Armbruster, Council Member	
Jeffrey Jones, Council Member	
Jay Dean, Council Member	
Joshua Gooden, Council Member	

PRESENT	ABSENT
Dan Talbot, Chair	Michael Sipe
Richard McGregor, Vice Chair	
Cathy Morrison, Commissioner	
Margaretta Isom, Council Representative	

PRESENT	ABSENT
Kevin Whitfield, Town Manager	None
Aaron Hammer, Chief of Police	
Troy Shifflett, Public Works Director	
Charlotte Shifflett, Zoning Administrator	
Denise Monger, Clerk of Council	

JOINT PUBLIC HEARING

Mayor Printz called the meeting to order and the clerk was asked to call the roll. Charlotte Shifflett called roll for the Elkton Planning Commission. It was noted that the public hearing was properly advertised.

Dan Talbot, Chair for the Planning Commission, stated that there would be a three (3) minute time limit for each speaker. He noted that the purpose of the meeting was to receive comments regarding the proposed rezoning from R-8 to R-6.

Mr. Talbot asked Mr. Whitfield to confirm that the applications for the rezoning and special use permit were withdrawn due lack of a contract. He noted that the applications were reapplied with the Planning Commission in January.

Mr. Talbot stated that two letters had been presented for the public hearing. He noted that the letters would not be read since both citizens were present to speak.

Michael O'Neill, 425 East Rockingham Street, Elkton, was opposed to the rezoning. He stated that the public hearing notice was improper by not identifying the Town as the owner of the parcel to be rezoned and that a public hearing was not held for the sale of town owned property. He then spoke in reference to his letter to the Elkton Town Council and Planning Commission which is appended to the minutes and marked as "Appendix A."

Jonathan Duman, 515 East Rockingham Street, stated he was opposed to the rezoning, but might be more supportive of the project with additional information. He noted his main concern was a lack of "big picture planning" with only rezoning four acres. He noted that Council would be giving up control of a larger parcel of land to capitalize on $123,000 of proposed work. He questioned how the Town confirmed the dollar amount of work it would be getting in return for the sale of the property. He noted that $123,000 should not dictate the future of four acres in the most historic district in Town.

Elaine Smith, 418 East Rockingham Street, Elkton, agreed with the previous speakers. She noted her concern the project would have on the neighborhood. She spoke in reference to her e-mail addressed to Charlotte Shifflett which is appended to the minutes and marked as "Appendix B."

Jeff Nemoytin, 233 East Rockingham Street, Elkton, spoke in opposition of the project. He noted his review of the Town Code indicated that R-2, R-3, R-6 were all designated residential areas. He noted the only difference was density. He briefly discussed non-commercial usage and other aspects of the Town Code. He noted that the project proposed the use of four acres to include nine buildings totaling 27,000 sq. ft. and 300 individual mini storage units open 24/7; all adjacent to an R-2 neighborhood.

Kenneth Monger, 215 East Rockingham Street, stated that he owned property on both sides of Rockingham Street. He was opposed to the project. He questioned if the project would cause any flooding on the south side. He asked if property on Mt. Pleasant Road could be used for the project.

Mr. Talbot closed the public hearing for the Planning Commission.

Mayor Printz closed the public hearing for the Town Council.

APPENDIX A

Letter to the Elkton Town Council and Planning Commission January 15, 2015

Dear Council and Planning Commission Members,

I am submitting this letter in opposition to the rezoning of the parcel of land behind the Tannery Apartments to R6 and the granting of a special use permit for the construction of commercial storage buildings. I have broken my concerns down into three areas and hope you will give them serious consideration before acting on this matter.

Concern #1

The establishment of a commercial business is out of character with the residential nature of our neighborhood. This is far different than a bed and breakfast or someone making crafts in their garage or basement.

Concern #2

Rezoning to R6 allows for the construction of apartments. The plans specify the intent to construct storage buildings which require the special use permit. Once the land is rezoned to R6, they could easily change their minds and choose to build more apartments instead. At that point, I don't believe that the town could stop it. I can't help but wonder if the builders might decide that after investing in filling the land in to raise it out of the flood plain, they could be more profitable by building apartments or even reselling the land to another party who might choose to build apartments under the R6 zoning.

Concern #3

Michael Brothers apparently still owns the Tannery apartments which will abut the new land and could access the new property from the back of the Tannery Apartments. This would in turn throw the additional traffic back on to Rockingham Street and also create safety issues for the apartment residents in the apartment parking lot. Supposedly, access to the property is to be provided via a separate road connecting at the water filling station at the intersection of Mount Pleasant Road, Spotswood Ave., Rockingham Street, and Newtown Road. But if the builder can gain access to the property via the Tannery Apartments property which they already own, then what prevents them from doing so? This connector road may be a condition of the special use permit needed for the storage building construction, but it probably would not be required at should they decide to build more apartments. Even if the connector road is built and there is also access through the Tannery Apartments then the safety and traffic issues still apply.

In effect, I believe the town council expects the project to proceed as stated. However, you may also be opening the door for something entirely different. I don't know if the project is legitimate or not, but I do know that plans can easily change when they start looking at the costs and options that appear under R6 zoning. I believe that the council is looking at only how this is supposed to go right and not thinking about what could go terribly wrong. I hope that you will consider getting the money for the sewer line from the sale of the additional lots rather than trading the integrity of our neighborhood for it.

Michael O'Neill

Michael O'Neill

425 East Rockingham Street
Elkton, Virginia

APPENDIX B

From: Smith, Elaine S - smithes@jmu.edu
Sent: Friday, January 16, 2015 10:35 AM
To: cshifflett@townofelkton.com
Subject: Storage facility proposal

Dear Charlotte, I'm writing to express my adamant opposition to the proposal to build a commercial, mini storage facility on East Rockingham Street. Not only is it one of the most historic, residential neighborhoods in Elkton, but the proposal is for land *entirely* in the floodplain. I've spoken to Paul DeMarsh at the Department of Environmental Quality and much of the information he provided me underscores my concerns. I am in communication with the state Division of Conservation and Recreation. The potential exists, with the use of fill dirt, to harm Elk Run, the Shenandoah River and the Elkton Spring. I realize that the spring is not currently being used because of contaminants, but continuing to contaminate it isn't the answer. What if we need it in the future?

Traffic on East Rockingham Street is problematic already. I see vehicles running the stop signs regularly, at high rates of speed, drivers often obviously distracted by some electronic device.

A storage facility of the size that is being proposed will inevitably bring with it noise, light, air and water pollution. There are already 5-6 storage facilities in town. I see absolutely no need for another.

I strongly feel that this proposed land use conflicts with the current zoning and will be detrimental to the neighborhood *and* the town. We want Elkton to be beautiful and welcoming. This type of commercial enterprise in a residential area is directly counter to that aim.

I appreciate your time and attention. I hope to attend the planning commission meeting next week, but in case I can't, let me say again that I am opposed, without reservation, to all aspects of the mini storage proposal.

Thank you.
Elaine Smith
418 E. Rockingham Street

Elaine S. Smith
smithes@jmu.edu
Office of Institutional Research
MSC 3803
James Madison University
Harrisonburg, VA 22807
(540) 568-7208
Fax (540) 568-7846

Joint Public Hearing
January 19, 2015
6:45 p.m.

A Joint Public Hearing of the Elkton Town Council and Elkton Planning Commission was held to receive comments regarding an application for a Special Exception Permit from Michael Bros., potential owner of property located in the Town of Elkton on the south side of East Rockingham Street; adjacent to the back of the Tannery Apartments which would allow construction of mini storage buildings on a portion of Tax Map 131-(A)-L 34 (3.547 acres).

The hearing was held at approximately 6:45 p.m. on January 19, 2015, at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members, staff, and Planning Commissioners were present:

PRESENT	ABSENT
Wayne Printz, Mayor	None
Margaretta Isom, Council Member	
Harry Armbruster, Council Member	
Jeffrey Jones, Council Member	
Jay Dean, Council Member	
Joshua Gooden, Council Member	

PRESENT	ABSENT
Dan Talbot, Chair	Michael Sipe
Richard McGregor, Vice Chair	
Cathy Morrison, Commissioner	
Margaretta Isom, Council Representative	

PRESENT	ABSENT
Kevin Whitfield, Town Manager	None
Aaron Hammer, Chief of Police	
Troy Shifflett, Public Works Director	
Charlotte Shifflett, Zoning Administrator	
Denise Monger, Clerk of Council	

JOINT PUBLIC HEARING

Mayor Printz called the meeting to order and the clerk was asked to call the roll. Charlotte Shifflett called roll for the Elkton Planning Commission.

Dan Talbot, Chair of the Planning Commission, stated the purpose of the public hearing was to receive public comments on the application for a special exception permit by Michael Bros. He noted the permit would allow for the building of storage units, an office building and other maintenance facilities on the property.

Michael O'Neill, 425 East Rockingham Street, Elkton, was opposed to the approval of the special exception permit. He noted that upon reviewing the plans, his

worst fears were confirmed when the entrance for the storage units would be placed going through the Tannery Apartments. He noted that the other road was intended to be a construction road. He believed there would be major safety issues due to the huge amount of pedestrian traffic on Rockingham Street. He noted an unnecessary risk purely for the profit of a business that should not be located there. He had additional concerns regarding storage unit auctions, additional criminal activity, maintenance, upkeep of the property in ten years, green space, and building more units along Mt. Pleasant Road.

Jonathan Duman, 515 East Rockingham Street, stated that the special exception should include the use of an asset. He suggested some time and effort be used to explore other options for the four acres. He noted that all details should be presented to the citizens prior to the public hearing. He noted there were some misconceptions and lack of understanding regarding the project.

Elaine Smith, 418 East Rockingham Street, Elkton, stated that she agreed with the previous speakers. She noted that one of her major concerns regarding the proposed project was the impact on the environment. She noted there would be air, noise, light and water pollution. She noted that building in the floodplain would produce trash and run-off into Elk Run Creek and the Shenandoah River. She noted there would be additional traffic with fluid and fuel leaks which would run into the creek and river. She noted that fill material used for the project would be washed away downstream during a flood and/or push flooding and pollution back upstream towards the Elkton spring. She questioned how the Town could continue to pollute its water sources with regards to its future. She questioned if an environmental study had been done. She questioned who the engineer was that was designing and monitoring the nature of the fill material being used to build up the land above the floodplain. She questioned what controls were in place regarding the installation of the Town's sewer line in the floodplain. She had contacted County officials regarding the matter.

William Dean, 17238 Mt. Pleasant Road, questioned what the distance was on the drawing from the graveled area to the creek. He noted concern regarding the fill area and close proximity to the creek. He had experienced flooding in that area since 1972. He noted that the fill material from the project would wash downstream due to flooding issues and cause additional flooding to adjacent properties. He did not agree with any previous speaker that suggested moving the project to Mt. Pleasant Road which was where he lived.

Mr. Talbot closed the public hearing for the Planning Commission.

Mayor Printz closed the public hearing for the Town Council.