

**MINUTES
TOWN COUNCIL
PLANNING COMMISSION
TOWN OF SHENANDOAH
JOINT PUBLIC HEARING
SPECIAL USE PERMIT REQUEST**

April 25, 2023

The Shenandoah Town Council and the Shenandoah Planning Commission held a joint public hearing on Tuesday, April 25, 2023, beginning at 7:39 p.m., with Vice Mayor William Kite presiding.

The meeting began with the Pledge of Allegiance.

ATTENDANCE: Council Members present were: Mayor Clinton O. Lucas, Jr.; Vice Mayor William Kite; Council Members Denise Cave; Russell Comer, Jr.; Councilman Lynn Fox; I. Michael Lowe; and Richard Pierce.

Council Members absent were: None

Planning Commission Members Present: Chairman I. Michael Lowe; Vice Chairman Arthur “Todd” Stroupe; Commissioners Jonathan Comer; and Karen Comer.

Planning Commission Members Absent: There are 3 vacant positions on the Planning Commission.

Other Town Officials present were: Juanita Roudabush, Town Manager/MMC; Lora Jenkins, Town Clerk; Tonya Southers, new Town Clerk; and Paul Davis, Chief of Police.

Citizens present were: Eunice Meadows, Pastor Carter Dean, Shelley Good, Robert Sipes, Nelson Lucas, Joan Lucas, Eddie Vaughan, Robbie Kyger, Tamera “Tammy” Sipes, Anna Belle Comer, Donna Robinson, Robert Turner, Anna Turner, Brenda McDaniel, David Samuels, Becky Samuels, Bill Austin, Gary Austin, Farren McDaniel, Billy Foltz, Freddie Kite, Dana May, Pattie Stanley, Susan Lucas, Savannah Miller, Jessica Taylor, Brenda Comer, Doris Cave, Jeanie Dean, Debbie Fox, Daryl Sublett, Jaxon Staples, Danyelle Fisher, Zack Fisher, Gary Bauserman, James Shifflett, Lori Shifflett, Monica Brewer, Leonard “Lee” Brewer, Jon VanHyning, Crystal Turner, Faye Taylor, Gloria Sublett, Wendie Shank, Keith Comer, Carla Breeden, Sandara Buchanan, Brittany Lawson, Darlene Royer, and Jeffery Staples.

Media Representatives: None.

CALL TO ORDER: Vice Mayor Kite opened the public hearing at 7:39 p.m. He stated the purpose of this joint public hearing is for a special use permit request of Shenandoah Assembly of God (current listed owner) and EGM Enterprises (applicant/purchaser) for a conversion of a church building into an apartment building with 12 units, located at 712 Maryland Avenue, identified as being on tax map number 102A4-(1)-3 lots 7-13. He noted if approved, this special

use permit would allow for a 12-unit apartment on the above referenced property, as provided for in the Code of the Town of Shenandoah, Section 50-68, C, (2), pursuant to Section 50-108.

Vice Mayor Kite inquired if there was anyone present to speak *for* the rezoning request?

Carter Dean, pastor of the Assembly of God Church, stated the church was trying to move forward. It has been on the market for a year and a half, and they have had to keep insurance on the building, and they have kept the water, sewer, and trash pick going as well. Pastor Dean noted he did not want this decision to take away friendships in the community.

James Shifflett, owner of EGM Enterprises, stated he wanted to purchase the former church building and convert it into a 12-unit apartment building. He stated there were ample parking spaces and if there were trash concerns, he would put in another dumpster if one was not adequate.

Jeannie Dean stated people need a place to live and people should not judge them because they live in an apartment.

Crystal Turner stated she sees a need for housing in the Town, and there are single family dwellings who cause as much or more trouble as commercial apartments.

Vice Mayor Kite inquired if there was anyone present to speak *against* the rezoning request?

Clinton Lucas, Jr stated there are no hard feelings. He feels the zoning regulations provides protection for the residents and it should be followed.

Jacob Payne stated he is concerned about the hill connected to the church property and people coming on his property and getting hurt and then wanting to sue.

Wayman Comer asked what was the square footage of the building.

Pastor Dean stated it is approximately 7500 square feet with three (3) levels.

Wayman Comer asked if all the apartments would be around 600 square feet?

James Shifflett stated no, because there will be a mixture of 1-bedroom and 2-bedroom apartments.

Chief Paul Davis stated he was neither for nor against the request and noted the former Column Apartments was a disaster and police would be called their frequently; however, now it is under new management and the police hardly ever have to go there. Good management is the key to apartment complexes.

Farren McDaniel stated he knows James Shifflett is a quality builder and it would be better to have apartments than a vacant building.

Vice Mayor Kite inquired if there were any questions by the Council or Planning Commission Members?

Councilman Pierce asked when could the conditions to the Special Use Permit be attached?

Town Manager Roudabush stated now is the time if the Planning Commission and/or Council wanted to attach special conditions.

Councilman Pierce stated he would like a condition for minimum weekly trash pickup.

Commissioner Jonathan Comer asked how the taps work?

Town Manager Roudabush stated with current apartments there is just one meter and the owner gets charged per unit; however, she has not spoken to the Treasurer to work out how charges will be assessed.

Commissioner Comer stated he has a client who charges a fee to the residents of his apartments every time the cops are called which has curbed visits by the police. Would the Town be able to have this as a condition?

Town Manager Roudabush stated she would have to consult legal advice if the Town could require it. The owner may be able to in the leases.

Commissioner Arthur "Todd" Stroupe asked who is responsible for snow removal?

James Shifflett stated the management company would be responsible.

Closing of Joint Public Hearing: There being no further questions, a *motion* was made by Councilman Fox, *seconded* by Councilman Comer, to close the public hearing at 8:00 p.m.

Council Members vote was as follows:

YEA: Vice Mayor Kite Councilwoman Cave Councilman Comer Councilman Fox Councilman Lowe Councilman Pierce	NAY: None.
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ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

After a short discussion, the Planning Commission agreed on recommending the following conditions for the Special Use Permit: 1. Shall meet all Town, County, and State regulations for

apartments, 2. Erect a fence to be installed along the hill separating 605 Eighth Street from the apartment complex, 3. Erect a fence separating 706 Maryland Avenue only if current property owner desires (as there are trees there now), 4. Minimum weekly refuse dumpster removal, 5. Maintain adequate exterior and interior lighting for safety, 6. Maintain security camera system, 7. Management to conduct regular inspections and make immediate corrections to issues found and 8. Management to provide snow removal upkeep of parking and all common areas.

A ***motion*** was made by Planning Commissioner Karen Comer, ***seconded*** by Planning Commissioner Jonathan Comer, to recommend approval of the special use permit request of Shenandoah Assembly of God (current listed owner) and EGM Enterprises (applicant/purchaser) for a conversion of a church building into an apartment building with 12 units, located at 712 Maryland Avenue, identified as being on tax map number 102A4-(1)-3 lots 7-13, as provided for in the Code of the Town of Shenandoah, Section 50-68, C, (2), pursuant to Section 50-108, with the following conditions: 1. Shall meet all Town, County, and State regulations for apartments, 2. Erect a fence to be installed along the hill separating 605 Eighth Street from the apartment complex, 3. Erect a fence separating 706 Maryland Avenue only if current property owner desires (as there are trees there now), 4. Minimum weekly refuse dumpster removal, 5. Maintain adequate exterior and interior lighting for safety, 6. Maintain security camera system, 7. Management to conduct regular inspections and make immediate corrections to issues found and 8. Management to provide snow removal upkeep of parking and all common areas.

Planning Commission Members Vote was as follows:

YEA: Chairman Lowe
Vice Chairman Stroupe
Commissioner Jonathan Comer
Commissioner Karen Comer

NAY: None.

Abstain: None

Absent: None

VOTE: **Unanimous in favor of motion.**

Councilman Fox stated he would like to add a condition be a privacy fence be installed on separating 605 Eighth Street and 706 Maryland Avenue from the apartment complex.

Jon VanHyning stated he owns 706 Maryland Avenue and does not want a privacy fence installed between his property and the church.

Town Manager Roudabush stated the condition could be install a privacy fence between the properties only if the owner of the property wants it installed.

Councilman Comer stated he thinks the Council needs more time to think about the decision.

Councilwoman Cave stated she disagreed and does not think the Council needs more time as everything possible has been noted tonight.

A ***motion*** was then made by Councilwoman Cave, ***seconded*** by Councilman Lowe, to concur with the Planning Commission's recommendation and approve the special use permit request of Shenandoah Assembly of God (current listed owner) and EGM Enterprises (applicant/purchaser) for a conversion of a church building into an apartment building with 12 units, located at 712 Maryland Avenue, identified as being on tax map number 102A4-(1)-3 lots 7-13, as provided for in the Code of the Town of Shenandoah, Section 50-68, C, (2), pursuant to Section 50-108, with the following conditions: 1. Shall meet all Town, County, and State regulations for apartments, 2. Erect a privacy fence to be installed along the hill separating 605 Eighth Street from the apartment complex, 3. Erect a fence separating 706 Maryland Avenue only if current property owner desires (as there are trees there now), 4. Minimum weekly refuse dumpster removal, 5. Maintain adequate exterior and interior lighting for safety, 6. Maintain security camera system, 7. Management to conduct regular inspections and make immediate corrections to issues found and 8. Management to provide snow removal upkeep of parking and all common areas.

Council Members vote was as follows:

YEA: Vice Mayor Kite
Councilwoman Cave
Councilman Comer
Councilman Fox
Councilman Lowe
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas
ABSENT: None
VOTE: **Unanimous in favor of motion.**

ADJOURNMENT: A ***motion*** was made by Councilman Fox, ***seconded*** by Councilwoman Cave, to adjourn the meeting at 8:21 p.m.

Members vote was as follows:

YEA: Vice Mayor Kite
Councilwoman Cave
Councilman Comer
Councilman Fox
Councilman Lowe
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas
ABSENT: None
VOTE: **Unanimous in favor of motion.**

APPROVED:

ATTESTED:

Clinton O. Lucas, Jr., Mayor

Lora Jenkins, acting Town Clerk