

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, MAY 17, 2012
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, May 17, 2012, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Donald Hedrick, Chairman
Donald Kidd, Board Liaison
Derin Foor
Beverly Jones
George Brine

MEMBERS ABSENT: Mitch Heishman, Vice-Chairman
Leslie Irvin

STAFF PRESENT: Jeremy Bryant, Director of Planning/Zoning
Matthew Rowe, Planner/Assistant Zoning Planner
Stacey Stinnett, Administrative Assistant

COUNTY ATTORNEY Ellen Bowyer
PRESENT:

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Special Exception (Postponed from April 19, 2012)
 - a. 2012-04 Liberty University
 - b. 2012-05 Fairview Bed and Breakfast
5. Public Hearing – Special Exception
 - a. 2012-06 Best Bet 2 – Pawn Shop
6. Subdivision Plat Review (Postponed from May 3, 2012)
 - a. Ballard Tract Subdivision #0412-SUB-007
7. Comprehensive Plan Discussion (Land Use Section)
8. Old/New Business
9. Approval of Minutes for March 15, 2012 &
April 19, 2012
10. Adjournment

1. CALL TO ORDER

2. APPROVAL OF AGENDA

The agenda was amended by deleting item four (4) A. 2012-04 Liberty University.

Planning Commission Recommendation:

Motion: Jones Motion to approve the amended agenda.

Second: Foor

The motion carried by a 4-0 vote

3. CITIZENS COMMENTS

There were none.

4. SPECIAL EXCEPTION

- B. 2012-05 Fairview Bed and Breakfast
Request by Fairview Bed and Breakfast for a special exception in A-1 Agricultural Residential district. The purpose of the special exception to allow weddings and other similar special events. The property is located at 2416 Lowesville Road and is further identified as tax map number 39-A-86A.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends approval of the request with the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Parking: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.
3. Option A:
Entrance: Applicant shall contact the Virginia Department of Transportation (VDOT) to determine if a commercial entrance permit will be required prior to the issuance of a zoning permit. If a change in the entrance permit is required, the applicant shall provide the Amherst County Planning and Zoning Department an approved entrance permit number to be included on the zoning permit.
Option B:
Entrance: Applicant shall use the Amherst County Sherriff's Department for traffic control for any special events between the date of approval thru October 31, 2012. After October 31, 2012, the applicant shall obtain any permits required by the

Virginia Department of Transportation (VDOT). The applicant shall provide the Amherst County Planning and Zoning Department an approved entrance permit to be included on the zoning permit.

4. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
5. Easement: The applicant and the applicant's guests associated with the proposed special exception shall not block the shared easement and shall allow for open and unobstructed access to adjoining properties that have legal access across the easement.

***Modifications to the original staff conditions are in bold font.**

Mr. Bryant read a letter from Mr. J.E. Brockman, an adjoining property owner. The letter pertained to the right-of-way that he shares with the applicant being blocked or partially blocked keeping Mr. Brockman from entering his property to feed and water his cattle. With this concern in mind, Mr. Bryant added the fifth condition pertaining to the easement.

There was discussion as to when Ms. Kilgore would get a commercial entrance permit.

Planning Commission Recommendation:

Motion: Jones Motion to approve the special exception request for #2012-05 Fairview Bed & Breakfast with staff recommendations and including part B.

Second: Foor

The motion carried by a 4-0 vote

5. PUBLIC HEARING – SPECIAL EXCEPTION

- A. 2012-06 Best Bet 2
Request by Best Bet 2 for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow a pawn shop. The property is located at 2041 South Amherst highway, and is further identified as tax map number 124-A-65.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends approval of the request with the following conditions:

1. Lighting: Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.

2. Items for Sales Outdoors: Items that are for sale and showcased outdoors shall not be located in the required designated parking areas. Items must be taken inside the building by the close of each business day.
3. Hours of Operation:
 - i. Monday - Saturday 7 AM-7 PM
 - ii. Closed on Sunday
4. Trash Disposal: If an exterior trash disposal facility is added, it shall be screened by a solid wooden fence that fully shields the view of the trash disposal facility and shall be located in the rear yard.
5. Signage: The applicant shall only have two (2) freestanding signs on the parcel in accordance with the Amherst County signage regulations.

Mr. Hedrick opened the public hearing.

Ms. Erin Minter, resides at 133 Sprouse Drive in Amherst, spoke in opposition to the request. Ms. Minter stated that a pawn shop shouldn't be allowed in this area because pawn shops can be targets for many thefts and she is concerned because she has small children.

There being no further speakers, Mr. Hedrick closed the public hearing.

There was discussion as to the regulations of a pawn shop. Mr. Satya Narayan, the applicant and owner stated that this was a pawn shop not a consignment shop. Mr. Narayan stated that during operating hours he may have items outside on the property for sale, but they would be removed at closing and there would be no vehicles for sale. Mr. Narayan stated that he would only sell what was allowed by state code. Mr. Narayan stated that he was trying to help the community during this difficult economic time.

Mr. Narayan answered the Planning Commission's questions.

Planning Commission Recommendation:

Motion: For Motion to approve special exception request for #2012-06
Best Bet 2 with staff recommendations

Second: Brine

The motion carried by a 4-0 vote

6. SUBDIVISION PLAT REVIEW (TABLED FROM MAY 3, 2012)

A. Ballard Tract Subdivision

In accordance with Section 1007, Appendix A of the Code of the Amherst County, Clayton C. Bryant, Jr. (contract owner) submitted a request for approval of a preliminary plat prepared by Michael Ray Goin, of Dickerson Surveying, LLC, dated May 8, 2012, for a seventeen (17) lot

subdivision on the above-referenced property bordered by the Buffalo River to the North, Rocky Creek Lane (State Route 603) to the West, Richmond Highway (U.S. Route 60) to the South and Park Lane (State Route 602) to the South-East. The lots without public road frontage will be served by private road "Ballard Trail". The total project area is 179.10 acres. No common areas are being reserved for parks or open space, however, the plat does legitimize and reconfigures an existing family cemetery lot that has not been depicted on the County's Tax Map.

At its May 3, 2012 meeting, the Commission approved a motion deeming the changes shown in the proposed plat presented at that meeting to be substantial in nature which caused the plat application to be considered a "new" submittal. This action extended the Commission's review time from 45 days to 60 days, which ends on May 22, 2012. The failure of the Commission to approve or disapprove a resubmitted plat within the time periods required by V.A. Code Section 15.2-2259.A.3, shall cause the plat to be deemed approved.

Mr. Rowe stated that Staff was not recommending approval or denial. He gave the revised staff recommended conditions if the Planning Commission deemed that it found the grounds for approval.

1. The final subdivision plat shall show the location of the primary and 100% reserve drainfields for all lots (excluding "Lot A", Evan Family Cemetery Lot).
2. The applicant shall provide evidence satisfactory to the County Attorney of the easement for the private road "Ballard Trail".
3. The applicant shall provide evidence satisfactory to the County Attorney indicating that all lots, excluding *revised* parcel 98-A-13, will be included in the homeowner's association.
4. The applicant shall provide a copy of the homeowner's association agreement satisfactory to the County Attorney.
5. The approved reconfiguration plat and its associated deed for parcel 98-A-13 shall be recorded in the Clerk's office. The revised lot 98-A-13 shall comprise approximately 243 acres.

The applicant has completed the following:

- Since the May 3, 2012 Planning Commission meeting, the applicant has submitted a reconfiguration plat adding 56.07 acres to parcel 98-A-13, owned by Ronald T. & Mary M. Sones. The plat contained the required owners' consent statement along with the Sones notarized signature. The plat was administratively approved by Staff on May 8, 2012, in accordance with Sections 1207.02. The reconfiguration allows parcel 98-A-13 to have road frontages on both Richmond Highway (U.S. Route 60) and Rocky Creek Lane (State Route 603). With the approved reconfiguration, which still must be recorded with an accompanying deed, parcel 98-A-13 contains no portions of land area that

touches or falls within the Ballard Trail private road easement. In addition, the owner of parcel 98-A-13 has provided a written statement declaring that he signed a "good faith" contract and has placed a deposit upon the land that is to be added to the parcel (56.07 acres). Further, the statement also declares that the owner of parcel 98-A-13 will construct a private drive to access Rocky Creek Lane (State Route 603) alleviating the rationale for the parcel being within the surrounding subdivision's homeowners' association.

- The applicant has submitted a letter to Kenneth M. Campbell, ESC Program Administrator, stating that the disturbed land area associated with providing an adequate road turnaround was 6,500 sq. ft. Staff conducted a site inspection to verify the stated land disturbance.
- All drainfield sites for the seventeen (17) lots will have 100% reserve areas in case of drainfield failure.
- Access to "Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11" will be provided through individual private driveways onto Rocky Creek Lane (State Route 603);
- Access to "Lots 12 and 13" will be provided through an un-named private road/driveway that connects to Rocky Creek Lane (State Route 603);
- And, access to "Lots 14, 15, 16, and 17" will be provided through proposed Ballard Trail (Private Road).

There was discussion regarding the two private roads.

Mr. Hedrick asked who owns the land where the easement is located. Mr. Verdow, the applicant replied that Clayton Bryant owned the land.

Ms. Bowyer, County Attorney stated that three (3) conditions had not been met by the applicant.

There was discussion as to if the 56 acres touches Ballard Trail. The applicant replied that the land does not touch Ballard Trail, therefore Mr. Sonnes should not have to join the Homeowners Association. Ms. Bowyer was concerned that the prescriptive easement on this property could in the future be reactivated by a subsequent owner. Ms. Bowyer stated that this easement needed to be extinguished through a deed.

There was a brief discussion about there being one (1) Homeowners Association and two (2) separate private road maintenance agreements. Ms. Bowyer stated that she had not been aware of the two (2) separate road agreements. H. Evans, attorney for the applicant, stated that this would be included in the declaration and covenants of the homeowners association. Mr. Hedrick stated that this information regarding the covenant maintenance road agreement must be submitted in the Homeowners Association and available for the County Attorney to review.

It was discussed amongst the Planning Commission that according to the County Attorney conditions two (2), three (3) and four (4) had not been met.

Planning Commission Recommendation:

Motion: Jones

Motion to deny Ballard Tract Subdivision based on the following conditions having not been met.

1. The applicant shall provide evidence satisfactory to the County Attorney of the easement for the private road "Ballard Trail".
2. The applicant shall provide evidence satisfactory to the County Attorney indicating that all lots will be included in the homeowner's association.
3. The applicant shall provide a copy of the homeowner's association agreement satisfactory to the County Attorney.

Second: Foor

The motion carried by a 4-0 vote

7. COMPREHENSIVE PLAN DISCUSSION (LAND SECTION)

Since many of the Planning Commission members had not reviewed the material, Mr. Bryant stated that he would reschedule this discussion for a later date.

8. OLD/NEW BUSINESS

There was discussion about the CELLS group that Ms. Jones had recently attended.

The Planning Commission discussed creating an academy to help the citizens understand the fundamentals of each department within Amherst County. This academy would help educate the public on many issues, for example: the budget, public safety and the Service Authority. Mr. Bryant stated that he would discuss this with the County Administrator, Clarence Monday.

Planning Commission Recommendation:

Motion: Jones

Motion for Planning Director to go forward with the County Administrator and discuss creating an academy to help educate the public on the roles and business of the County.

Second: Brine
The motion carried by a 4-0 vote

6. APPROVAL OF MINUTES FOR MARCH 15, 2012 & APRIL 19, 2012

There was one (1) correction to the March 15, 2012 minutes.

Planning Commission Recommendation:

Motion: Jones Motion to approve the March 15, 2012 meeting minutes with the one (1) correction.

Second: Foor
The motion carried by a 4-0 vote

There were no changes to the April 19, 2012 minutes.

The April 19, 2012 meeting minutes were approved by a consensus.

7. ADJOURNMENT

Planning Commission Recommendation:

Motion: Brine Motion to adjourn.

Second: Jones
The motion carried by a 4-0 vote

There being no further business to discuss, the meeting was adjourned at 9:10 pm.

/ss/6.25.12



Chairman