

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 16, 2014  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, January 16, 2014, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

**MEMBERS PRESENT:** Leslie Irvin, Chairman  
Derin Foor, Vice Chairman  
Michael Martineau  
Beverly Jones  
Lillian Floyd  
David Pugh, Board of Supervisors Liaison

**MEMBERS ABSENT:** George Brine

**STAFF PRESENT:** Jeremy Bryant, Director of Planning/Zoning  
Austin Mitchell, Assistant Zoning Administrator/Planner  
Stacey Stinnett, Administrative Assistant

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearings
  - A. 2013-20 Ginger G. Mitchell
5. Request by Brent L. Woods – Clinic & Counseling
6. Old/New Business
  - A. Planning Commission Members Photo ID's
7. Approval of Minutes for November 7, 2013 & November 21, 2013
8. Adjournment

**1. CALL TO ORDER**

The meeting was called to order at 7:00 PM.

## **2. APPROVAL OF AGENDA**

Mr. Bryant stated that item # 5 for a request by Brent L. Woods – Clinic & Counseling needed to be removed from the agenda because the applicant withdrew their application.

### **Planning Commission Action:**

**Motion:** Foor                      Motion to approve the amended agenda.

**Second:** Martineau

**The motion carried by a 5-0 vote**

## **3. CITIZENS COMMENTS**

There were none.

## **4. PUBLIC HEARINGS**

A. 2013-20 Ginger G. Mitchell

Request by Ginger G. Mitchell for a rezoning from the R-2 General Residential District to the A-1 Agricultural Residential District. The proposed rezoning is to allow a wireless communication facility to be erected on the property. The parcel is located at 242 Fantasy Farm Lane and is further identified as tax map number 139-A-15. The request will include an amendment to the Amherst County comprehensive Plan Future Land Use Map 2027 to change the land use category from Low Density Residential to Agriculture Limited.

Mr. Bryant presented the Staff report and concluded his comments by stating the voluntary proffers that the applicant could consider:

1. All uses allowed as a permitted or special exception use in the A-1 Agricultural Residential District will be prohibited with the exception of:
  - A. Uses of land that are permitted in both the A-1 Agricultural Residential District and the R-2 General Residential District.
  - B. Personal wireless service facilities, Section 702.02 (15).
2. Subject property shall be developed in compliance with the approved site plan.

Mr. Bryant stated that he had spoken with the County Attorney and she did have concerns regarding the proposal and the fact that the rezoning may constitute spot zoning. Mr. Bryant shared some suggestions with the Planning Commission one suggestion was that the Planning Commission could consider changing the ordinance.

Mr. Irvin opened the public hearing.

Ginger G. Mitchell, applicant, spoke in favor of the request. Ms. Mitchell stated that this cell tower would add cell service to the Amherst County citizens and emergency services, especially on the areas of the bypass that don't receive service. Ms. Mitchell stated that by allowing this request the farm could remain in the family.

Betty Lou Harvey read a letter that her husband Zane Harvey had written. Her husband is an adjoining property owner who does not want to infringe on the rights of land owners. However, Mr. Harvey's concerns were increased traffic on a road that does not have a maintenance agreement. Mr. Harvey's letter stated that if this road is not upgraded and maintained then he is opposed to the request.

Ms. Mitchell stated that her son is the only person that has tried to upgrade the road. She stated that her son has not received payment for labor or gravel.

Mr. Irvin closed the public hearing.

Mr. Bryant addressed the Planning Commission's concern by proposing an additional voluntary proffer that could state: "the applicant must insure that they have legal access."

Mr. Irvin stated that spot zoning is illegal; therefore the Planning Commission must study this request to determine if it's a public need which allows rezoning and must have adequate facts to support the decision.

Mr. Bryant stated that the Planning Commission has one hundred (100) days from the day of the meeting if they wanted to hold off until further information could be gathered. Mr. Bryant suggested a representative from Verizon to come to the next meeting to answer the Planning Commissions questions.

**Planning Commission Action:**

**Motion:** Jones

Move to continue request 2013-20 Ginger G. Mitchell to rezone from R-2 Residential District to A-1 Agricultural District with the condition that a Verizon representative must be present at the February 6, 2014 Planning Commission meeting to answer the commissions questions, or the next meeting that a representative could attend.

**Second:** Floyd

**The motion carried by a 5-0 vote**

## **5. OLD/NEW BUSINESS**

### **A. Planning Commission Members Photo ID's**

Mrs. Stinnett informed the Planning Commission that permission had been given from the school superintendent, Dr. Steven Nichols, for the media center at Monelison Middle School to prepare the photo identification badges.

Mr. Bryant introduced and welcomed David Pugh as the new Board of Liaison member.

Mr. Bryant stated that Sheriff Ayers would like for the Planning and Zoning Department to define more clearly in the ordinance what is considered medical and counseling clinics. Mr. Bryant stated that Brent Woods decided to withdraw the application because the facility was within a half mile of a school, which is not allowed in the state code.

#### **Planning Commission Action:**

**Motion: Jones**

Motion to clarify the definitions regarding substance abuse and medical facilities and rephrase the ordinance to exempt substance abuse treatment from shopping centers.

**Second: Foor**

**The motion carried by a 5-0 vote**

## **6. APPROVAL OF MINUTES FOR NOVEMBER 7, 2013 and NOVEMBER 21, 2013**

November 7, 2013 Minutes

#### **Planning Commission Recommendation:**

**Motion: Foor** Motion to approve the minutes as submitted.

**Second: Martineau**

**The motion carried by a 5-0 vote.**

November 21, 2013

#### **Planning Commission Recommendation:**

**Motion: Jones** Motion to approve the minutes with changes.

**Second: Foor**

**The motion carried by a 5-0 vote.**

**7. ADJOURNMENT**

There being no more business to discuss the meeting was adjourned at 8:20 p.m.

**Planning Commission Recommendation:**

**Motion:** Martineau                      Motion to adjourn.

**Second:** Floyd

**The motion carried by a 5-0 vote.**

/ss/1.23.14

  
Chairman