

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 15, 2015  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, January 15, 2015, in the School Board Room located in the Administration Building at 153 Washington Street, Amherst, VA.

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

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing – Rezoning
  - A. # 2015-01 Phelps Road School Development Co. LLC (Tax Map # 155D-A-44)
5. Prioritizing Comprehensive Plan Strategies
  - A. Director of Economic Development
  - B. School Representative
6. Discussion – Planning Commission Meeting Schedule for 2015
7. Old/New Business
  - A. Board of Zoning Appeals (BZA) Cases Review
8. Approval of Minutes for December 4, 2014
9. Adjournment

### **1. CALL TO ORDER**

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

### **2. APPROVAL OF AGENDA**

The agenda was amended by moving item number 5(B) School Board Representative to item four (4).

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

**Motion:** Jones                      Motion to amend the agenda.

**Second:** Floyd

**The motion carried by a 6-0 vote**

### **3. CITIZENS COMMENTS**

There were none.

### **4. PRIORTIZING COMPREHENSIVE PLAN STRATEGIES**

#### **A. School Representative**

Dr. Steve Nichols, superintendent for Amherst County schools, had a brief discussion giving feedback and answering questions regarding public education strategies in the Comprehensive Plan.

### **5. PUBLIC HEARING – REZONING**

#### **A. # 2015-01 Phelps Rd School Development Co. LLC (Tax Map # 155D-A-44)**

Request by Phelps Road School Development Company LLC, to amend the Future Land Use Map from Public to High Density Residential and to conditionally zone (rezone) approximately 2.82 acres from the P-1 Public Lands District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow for a 29 unit affordable housing development. The property is located at 123 Phelps Road in Madison Heights and is further identified as tax map number 155D-A-44.

Mr. Bryant presented the Staff report focusing on the following:

- History of the Parcel Rezoning
- Timeline of Approval
- Plan Requirement
- Zoning Map
- Development Potential
- Review of Aerial Photograph
- Traffic Impact
- Summary of Comprehensive Plan Items
- Land Use Impact/Concerns/Notables
- Factors Relevant to the Reasonableness or Unreasonableness of the Proposed Zoning
- Information Regarding Proffers
- Staff Concerns – Potential Impacts from the Rezoning

Mr. Foor opened the public hearing

Kristen Osborne, representative from Phelps Road School Development, LLC, spoke in favor of the request. Ms. Osborne stated, “our intention is to follow through with the rezoning, and go through the development process in a timely manner and as fast as we possibly can perform to get the building under construction and the cafetorium demolished and get to the point where we can have the certificate of occupancy.” Ms. Osborne stated that there were many disabled individuals currently on waiting lists for affordable housing. Ms. Osborne briefly gave a description of the history of the building and reviewed the submitted voluntary proffers (see below) with the Planning Commission.

Applicants Voluntary Proffers:

1. Exterior Lighting. Exterior lighting will be installed to prevent glare on adjacent properties and streets. Exterior lighting will be sufficient to illuminate the internal parking areas, sidewalks, doorways, stair wells and steps. (Comprehensive Plan, page 155)
2. Bus Shelter. A bus shelter will be installed on-site as recommended by the Greater Lynchburg Transit Company and approved by the Virginia Department of Transportation and Amherst County. The shelter will be installed prior to the issuance of the certificate of occupancy that is issued by the Building Official. (Comprehensive Plan, page 86, 110)
3. Public Utilities. All buildings shall remain on public water and public sewer and shall be in compliance with the regulations specified by the Amherst County Service Authority. (Comprehensive Plan, page 51, pg 111)
4. Building and Grounds. Short-term maintenance items to be completed within 45 days of

zoning approval will include improvement of the exterior image, repainting the fascia, and debris removal. Long-term maintenance items will include a professionally, well maintained Affordable Senior Housing Development and/or for People with Disabilities. The Development will include an on-site property manager. (Comprehensive Plan, pg. 107)

5. Transportation. Phelps School Development Company LLC or its successor will meet all applicable regulations in accordance with the Virginia Department of Transportation. (Comprehensive Plan, pg 86)
6. Sidewalks. Sidewalks will be constructed in general compliance with the concept plan submitted on December 19, 2014. Sidewalks shall connect to each building and should be in compliance with the American Disabilities Association requirements. (Comprehensive Plan, pg 146)
7. Trash Disposal. A dumpster will be located on the parcel and shall be screened from view from all residential or public land districts. The dumpster will be screened with materials acceptable to County of Amherst and the Developer.  
  
Trash receptacles shall be placed around the exterior of the building in order to reduce littering.
8. Ingress/Egress. Phelps School Development Company LLC will ensure that an easement has been established in order for ingress/egress from the public road to the parking area. (Comprehensive Plan, pg 86)
9. Sign. All signage shall meet the requirements of the Amherst County Zoning Ordinance. Additionally, any signs erected shall not be internally lit. (Comprehensive Plan, pg 122)
10. Landscaping. In addition to plantings that will be required as part of the site plan, all plantings should be designed in ways not to develop any hidden areas and shrubbery against the building will be of low to medium growth as approved by the Amherst County Sheriff's Department. (Comprehensive Plan, pg 122)
11. Age Restriction. Phelps School Development Company LLC proposed revitalization and development of subject property will be an Affordable Senior residential housing facility for people with disabilities of any age and shall be age restricted to persons fifty-five (55) years of age or older.(Comprehensive Plan, pg 119)
12. Rapid Key Entry Box. A rapid key entry box as per Amherst County Code 11.5-107 will be installed to meet requirements of the fire marshal before a Certificate of Occupancy is issued.

Mark Smith, architect for the Phelps Road School Project, answered the Planning Commission's questions.

Frank Campbell, residing at 4891 S. Amherst Hwy, Madison Heights, spoke in opposition to the request. Mr. Campbell stated that these housing units would be a financial constraint on the county by increasing taxes and the use of public utilities (landfill, public water/sewer, emergency services). Mr. Campbell stated that the property should be rezoned to B-2 General Business District to bring more businesses into the area to increase revenue.

Sarah Campbell, residing at 4891 S. Amherst Hwy, Madison Heights, spoke in opposition to the request. Mrs. Campbell stated that she felt it was ironic that the applicant had connections with the George M. Jones Memorial Library in Lynchburg. Mrs. Campbell commented that in a published news article on September 4, 2013, Ms. Osborne's stated visions of the Phelps Road School becoming a private event center and office space for businesses. Mrs. Campbell asked "why should Lynchburg be getting the event center and Amherst County is getting the affordable housing units?"

Ashley Johnson, residing at 108 5<sup>th</sup> Street, Madison Heights, spoke in opposition to the request. Mrs. Johnson stated that this facility would be assisted by the taxpayer's money and would only decrease the value of adjoining property owners due to noise, safety and appearance, emphasizing on the increased trash from the housing complex.

Donald Tyree, residing at 162 Phelps Road, spoke in opposition to the request. Mr. Tyree stated that his neighbor George Huffman, who could not be present, was opposed to the request. Mr. Tyree presented a petition with fifty-five (55) names all opposing the request. Mr. Tyree also stated the housing complex would increase traffic causing concerns for safety.

Ricky Gammond, residing at 112 Phelps Road, Madison Heights, spoke in opposition to the request. Mr. Gammond stated that the school was an "eye sore" and by allowing an affordable housing complex in this neighborhood it would increase trash and traffic.

Juanita Harlow, residing at 132 Phelps Road, Madison Heights, spoke in opposition to the request. Ms. Harlow shared her visions of a park for the community at this site. Ms. Harlow was concerned that by allowing this request it could be dangerous due to parking and a safety hazard, emphasizing that many of the tenants, considering that they were disabled, may use scooters to travel the neighborhood. Ms. Harlow commented that some disabled tenants may need twenty-four (24) hour assistance and these housing units are designed for one bedroom only.

Ray Vandall, residing at 345 Eastview Drive, Madison Heights, stated that he was not in opposition to the affordable housing; however, he commented that the Comprehensive Plan should be amended, reconsidering rezoning many parcels for residential to business along South Amherst Highway to Wells Road. Mr. Vandall stated that due to zoning, many of these locations can't be used for business purposes. Mr. Vandall commented, "businesses bring revenue, affordable housing does not."

David White, residing at 183 Phelps Road, Madison Heights, spoke in opposition to the request. Mr. White had many concerns with appearance and traffic. Mr. White stated, "we have a quiet neighborhood and want to keep it that way."

James Price, residing at 166 Greenhill Road, Monroe, spoke in favor of the request. Mr. Price stated that he has known and worked with Stewart Smith, owner of the property, for twenty (20) years, stating that he was a man of his word. Mr. Price stated that he has always had an interest in the Phelps Road School and by historically preserving the property and allowing it to bring more citizens and revenue could only benefit the county. As a business owner himself, having worked with historical preservation, Mr. Price commented that this request would bring character to the neighborhood and Amherst County. Mr. Price also mentioned the many vacant buildings and sites for sale along South Amherst Highway, asking the Commission, "how can Amherst County bring life back into these buildings and bring businesses to Amherst County?" Mr. Price stated that the County needs to work together to bring more people into Amherst and find ways to preserve these vacant buildings.

Merrill Burton, residing at 148 Phelps Road, Madison Heights, spoke in opposition. Ms. Burton expressed her concerns with increased traffic, trash and safety. Ms. Burton stated that the county has let the residents of Phelps Road down by allowing this building to become so dilapidated. Ms. Burton stated that the community needs an event center and or park at this location for their children.

Julia Doss, residing at 169 Wells Road, Madison Heights, spoke in opposition of the request. Ms. Wells was concerned that the street was too narrow for a twenty-nine (29) housing complex. Ms. Wells stated that traffic issues would be of a great concern, especially to pedestrians.

Greg Tyree, residing at 112 Center Street, Madison Heights, spoke in opposition to the request. Mr. Tyree stated that this was not the right location for a housing complex; however, this location would be ideal for habitat housing projects.

Marvin Black, residing at 148 Phelps Road, Madison Heights, spoke in opposition to the request.

Bobby Campbell, residing at 155 Gartin Place, Madison Heights, spoke in opposition to the request. Mr. Campbell was concerned with the increased traffic. Mr. Campbell asked the Commission, "what are the County's plans with the Service Authority that is located on this road if this request is approved?" Mr. Campbell asked where and how would parking be generated for the water department with such increased traffic.

Alexia Coleman, 118 High Street, Madison Heights, spoke in opposition.

There being no further comments, Mr. Foor closed the public hearing.

Mrs. Floyd stated, "the people have spoken."

Mr. Irvin commented that the property did need to be put to use, however, he did not feel that this request was the appropriate use. Mr. Irvin stated that the parcel should be zoned R-2 General Residential and would be a good site for habitat houses, which do not use federal funds.

Ms. Jones questioned the rezoning request in 2004. Mr. Bryant replied that the rezoning request in 2004 was considered a legal nullity; therefore, that is why this rezoning meeting is being held tonight.

Mr. Martineau expressed sympathy for people with disabilities needing housing; however, he felt that this just wasn't the right location for this project.

Mr. Foor stated that something needs to be done with the property and the County could not leave the property as it remains.

There was a brief discussion amongst the Planning Commission and staff.

**Planning Commission Recommendation:**

**Motion:** Irvin                      Due to public necessity, convenience, general welfare and good zoning practice I move that the request for # 2015-01 for Phelps Rd. School Development Co. LLC (Tax Map# 155D-A-44) be denied.

**Second:** Floyd

**The motion carried by a 6-0 vote**

Mr. Bryant stated that the Board of Supervisors would hear this rezoning case on February 17, 2015.

The meeting took a recess at 8:42 PM.

The meeting reconvened at 8:54 PM.

**6. PRIORITIZING COMPREHENSIVE PLAN STRATEGIES**

**A.        Director of Economic Development**

Mr. Cobb, Director of Economic Development briefly discussed an action plan, listing goals, strategies and projects for the year 2015.



## **7. DISCUSSION – PLANNING COMMISSION MEETING SCHEDULE for 2015**

The Planning Commission had a brief discussion. The Commission agreed that beginning immediately the Commission would only meet the third Thursday of every month and provisions may be made to the schedule if the Commission needs to meet more often.

### **Planning Commission Recommendation:**

**Motion:** Jones                      Motion to meet once a month on the 3<sup>rd</sup> Thursday and provisions may be made to the schedule if the Planning Commission needs to meet more often.

**Second:** Martineau

**The motion carried by a 6-0 vote.**

## **8. OLD/NEW BUSINESS**

### **A. Board of Zoning Appeals (BZA) Cases Review**

Mr. Mitchell briefly responded to a request that the Planning Commission made to staff at the December 3, 2014 meeting, directing staff to determine if the review of variances by the Planning Commission is a requirement in State code. Mr. Mitchell explained that Section 15.2-2310 of the Code of Virginia, states that the zoning administrator must transmit a copy of the variance application to the Planning Commission which may send a recommendation to the board or appear as a party at the hearing.

## **9. APPROVAL OF MINUTES FOR DECEMBER 4, 2014**

### **Planning Commission Recommendation:**

**Motion:** Jones                      Motion to approve the minutes with one change.

**Second:** Floyd

**The motion carried by a 6-0 vote.**



**10. ADJOURNMENT**

There being no more business to discuss, the meeting was adjourned at 9:35 p.m.

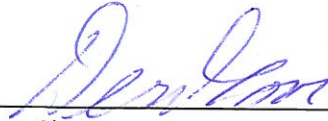
**Planning Commission Recommendation:**

**Motion:** Brine                      Motion to adjourn.

**Second:** Floyd

**The motion carried by a 6-0 vote.**

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Chairman