

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, JULY 16, 2015
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, July 16, 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
Michael Martineau
Lillian Floyd
George Brine
Les Irvin
David Pugh, Board of Supervisors Liaison

MEMBERS ABSENT: None

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

STAFF ABSENT: Austin Mitchell, Assistant Zoning Administrator/Planner

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Election of Officers
5. Public Hearing
 - A. # 2015-04 Centra Health (Tax Map # 141-A-6)
 - B. # 2015-05 Joseph Cruz (Tax Map # 160A1-A-2)
6. Old/New Business
7. Approval of Minutes for June 18, 2015
8. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Action:

Motion: Jones Motion to approve the agenda.

Second: Irvin

The motion carried by a 5-0 vote

Planning Commission Action:

Motion: Irvin Motion to allow all citizen comments regarding the Elon Cell Tower to be heard as "Citizen Comments" on the agenda and that the Elon Cell Tower be discussed by the Planning Commission as part of "Old/New Business" on the agenda.

Second: Jones

The motion carried by a 5-0 vote

Mr. Brine arrived at the meeting at 7:05 PM.

3. CITIZENS COMMENTS

Jason Ferguson resides at 164 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Ferguson stated that his property adjoins Elon Elementary. Mr. Ferguson expressed his concern for the safety of the children. Mr. Ferguson explained that there may be future risks to the children by having the tower so close to a school. Mr. Ferguson asked the Planning Commission to change the ordinance to clearly state that cell towers not be allowed on school property.

Kenny Smith resides at 221 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Smith was concerned for the safety pertaining to the children as well as the neighborhood. Mr. Smith stated that cell towers have over seven hundred (700) different side effects that can affect your health and the closer you are to the tower the more prone people are to the risks as well as radiation from the tower.

Florence Nixon resides at 123 Younger Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mrs. Nixon stated that she has lived in the village for fifty-one (51) years and the erection of the tower would affect the village's unique atmosphere as well as safety concerns for the school and small community.

Holcomb Nixon resides at 123 Younger Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Holcomb stated that in 1974 Nathan Dillard deceased and he owned most of the property in this area. At his death large tracts of his land was sold and subdivided to make up the neighborhood, which included the school and enough land to add additional space to the school. Mr. Nixon was concerned that this tower would affect the beauty and people of this neighborhood.

Ted Campbell resides at 292 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Campbell, father of the former pastor and Elon Baptist Church. His concerns were for the many health risks that are being found everyday associated with cellular towers. Mr. Campbell's main concern was for the safety of the children and stated that this was nothing but a "money making operation" for Milestone Communications.

James Massie resides on Wright Shop Road in Madison Heights, VA spoke on behalf of his friend Mary Stinnett that resides at 138 Camden Drive in Madison Heights, VA. Mr. Massie stated that they both were in opposition to the current cell tower ordinance. Mr. Massie expressed concern for decreased property value since Ms. Stinnett's lot adjoined the lot with the cell tower and the possibility of Amherst County being sued if there was ever a lawsuit because a child was hurt or killed due to the cellular tower on school property.

Clay Campbell resides at 270 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Campbell asked that the Planning Commission reconsider the cellular tower ordinance to not allow cell towers on school grounds.

Ruth Ayers resides at 197 Nottingham Place in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Ms. Ayers stated that in her past she was very active with Elon Elementary and has served on school committees. Ms. Ayers was concerned for the neighborhood, church and the children of Elon Elementary by allowing the erection of this cell tower in this community.

Faith Smith daughter of Kenny Smith, resides at 221 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Ms. Smith stated that she was currently a fifth (5th) grade student at Elon Elementary School. Ms. Smith expressed how the cell tower would be an eye sore to the beautiful community as well as safety interference to the school and neighborhood. Ms. Smith asked that the tower be located elsewhere.

Ms. Jones left the meeting at 7:50 PM

Jim Thompson resides at 214 Camden Drive in Madison Heights, VA spoke in opposition to the current cell tower ordinance. Mr. Thompson stated that he was currently retired from Verizon and that he is aware of the risks that come with cellular towers. Mr. Thompson expressed his concern with the safety of the children, neighborhood and his family as well as the scenery and impact this could have on neighboring properties if the tower was erected. Mr. Thompson stated that the current cellular ordinance "protects the skyline," when it should be "protect the

children.” Mr. Thompson asked if those would stand that are in opposition of the current cellular tower ordinance. Approximately twenty-five (25) people stood in opposition.

Mr Bryant stated that two (2) letters in opposition had been received in the office.

Ms. Jones returned to the meeting at 8:00 PM.

4. ELECTION OF OFFICERS

CHAIRMAN:

Motion: Irvin Make a motion to nominate Beverly Jones as Chairman.

Second: Martineau

The motion carried by a 6-0 vote.

SECRETARY:

Motion: Jones Make a motion to nominate Jeremy Bryant as Secretary.

Second: Martineau

The motion carried by a 6-0 vote.

VICE CHAIRMAN:

Motion: Jones Make a motion to nominate George Brine as Vice Chairman.

Second: Floyd

The motion carried by a 6-0 vote.

Ms. Jones preceded the meeting as Chairman.

5. PUBLIC HEARING – SPECIAL EXCEPTION

A. 2015-04 Centra Health (Tax Map # 141-A-6)

Request by Centra Health to modify existing conditions that were previously approved by the Amherst County Board of Supervisors for a substance abuse treatment facility. Centra Health is requesting that the following conditions be modified as such:

1. ~~There will be no medical detoxification on the premises.~~
2. No acutely ill patients, whether mentally ill, physically ill, or in withdrawal will be admitted.
3. ~~No controlled substances will be stored or administered on the property.~~

4. ~~Twenty-four (24) hour staff with minimum one (1) staff member per seven (7) patients.~~ **The program will be staffed 24/7 with adequate staffing to meet patient needs and regulatory standards.**

The substance abuse treatment facility is located at 1770 Early Farm Road and is further identified as tax map number 141-A-6.

Mr. Bryant gave the staff report with staff recommendation.

Ted Stricke, Vice-President of Mental Health for Centra Health spoke in favor of the request and stated that the facility would be increased from seven (7) beds to fifteen (15) to maximize the use of the facility.

Brent McShaw, applicant, spoke in favor of the request. Mr. McShaw defined a non-acute patient as having mild symptoms, who is bedridden, and who is medically stable. Mr. McShaw stated that the acute medical detoxification would occur in the hospital, according to the amended first condition. The second condition, which reflects the placement of acutely ill patients, would remain as- is. The third condition originally attached to the facility bans controlled substances to be kept or administered on the property. Mr. McShaw requested elimination of this clause assuring the Planning Commission that "all medications will be administered by qualified licensed professionals and stored under locked conditions as required in the regulation. Mr. McShaw stated that for the final condition addressing staff, Centra would like that condition to require "adequate staffing to meet patient needs and regulatory standards."

The Planning Commission asked questions pertaining to staffing at the facility, age of patients and medications used.

Ms. Jones opened the public hearing.

Sheryl Babcan, resides at 1907 Earley Farm Rd in Amherst, stated that she was not for or against the request, however she had concerns pertaining to the size and rules of the facility. Ms. Babcan expressed concern as to whether the patients could possibly roam the neighborhood.

No one spoke in opposition to the request; therefore, Ms. Jones closed the public hearing.

Planning Commission Recommendation:

Motion: Irvin

Motion to approve special exception request #2015-04
Centra Health with the following modifications:

1. Non-acute medical detoxification will be allowed for patients experiencing mild or post-

acute withdrawal symptoms.

2. No acutely ill patients, whether mentally ill, physically ill, or in withdrawal will be admitted.
3. All controlled substances used on the property will be administered by qualified licensed professionals and stored under locked conditions as required by regulation.
4. The program will be staffed 24/7 with adequate staffing to meet patient needs and regulatory standards.

Second: Floor

The motion carried by a 5-0 vote (Martineau abstained)

B. 2015-05 Joseph Cruz (Tax Map # 160A1-A-2)

Request by Joseph Cruz to operate a used automobile sales lot in the B-2 General Commercial District. The applicant wishes to continue to operate an automotive repair garage as well as the proposed use of automobile sales on the same lot. The property is located at 5363 South Amherst Highway and is further identified as tax map number 160A1-A-2.

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

1. Trash Disposal: If an outdoor trash facility is used, the trash disposal facility shall be placed in an area that is not visible from a public right-of-way and in an area that is not objectionable to neighboring properties. If it is visible from a public right-of-way (as determined by the Zoning Administrator) or objectionable to a neighboring property owner, a wooden privacy fence shall be erected around the trash facility. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
2. Lighting: Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
3. Sight Distance: The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
4. Outdoor storage: No miscellaneous items shall be stored outside the building other than vehicles that are for sale.
5. Property Owner Consent: Written permission from the property owner to change the use.
6. Operative Motor Vehicles: All vehicles for sale must be in operating condition.
7. Vehicles for Sale: The maximum number of vehicles for sale shall not exceed the minimum required parking spaces required in Section 602 of the Amherst County Zoning Ordinance for the combined uses permitted on tax map number 160A1-A-2.

Ms. Jones opened the public hearing.

No one spoke in favor or opposition to the request; therefore, Ms. Jones closed the public hearing.

Planning Commission Recommendation:

Motion: Foor Motion to approve special exception request # 2015-05
Joseph Cruz with staff recommendations.

Second: Martineau
The motion carried by a 6-0 vote.

6. OLD/NEW BUSINESS

Mr. Bryant gave the Planning Commission a copy of an article from the June 2015 American Planning Association regarding New Rules for Regulating Cellular Towers, which stated:

“Specifically, the regulation of the placement, construction, or modification of personal wireless service facilities by any state or local government may not: (1) prohibit or have the effect of prohibiting the provision of personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent services; or (3) address potential effects of nonionizing electromagnetic radiation.”

Planning Commission Recommendation:

Motion: Irvin Motion to direct Staff to conduct a survey of the
City of Lynchburg, Bedford, Campbell and Nelson
counties to determine how they permit personal
wireless service facilities. Staff is to research these
localities to determine if they allow personal
wireless service facilities on school property.
Include how these localities are regulating and
permitting these wireless towers, the distance
from schools, general setbacks, height, stealth
requirement etc. Also include how many towers
are existing on school properties in these localities.

Second: Brine
The motion carried by a 6-0 vote.

7. APPROVAL OF MINUTES FOR JUNE 18, 2015

The minutes for June 18, 2015 were approved with one correction.

Planning Commission Recommendation:

Motion: Irvin Motion to approve the minutes for June 18, 2015
with one correction.

Second: Martineau

The motion carried by a 6-0 vote.

8. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 9:03 p.m.

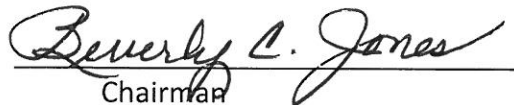
Planning Commission Recommendation:

Motion: Brine Motion to adjourn.

Second: Foor

The motion carried by a 6-0 vote.

/ss/7.29.15


Chairman