

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 19, 2015
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, November 19, 2015, in the School Board Room located in the Administration Building at 153 Washington Street, Amherst, VA.

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

MEMBERS ABSENT: George Brine, Vice Chairman

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 – Special Exception
 - A. 2015-09 Jane Helms (Kennel)
5. Wireless Communication Facility – Elon Elementary School – Virginia Code 15.2-2232 Review
6. Old/New Business
7. Approval of Minutes for October 15, 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: For Motion to approve the agenda.

Second: Floyd

The motion carried by a 5-0 vote

3. CITIZENS COMMENTS

Barry Tucker, resides at 250 Camden Drive in Madison Heights, VA. Mr. Tucker passed out a card and touched on four (4) key factors:

- E - Effective & reliable site.
- L - Legitimate, therefore must follow the Comprehensive Plan.
- O - Out of Sight, Intrusive to the village of Elon.
- N - Neighborly, effective and safe. Has divided the close village community.

Florence Nixon, resides at 123 Younger Drive in Madison Heights, VA. Mrs. Nixon stated she was against the construction of the tower at Elon Elementary School. Mrs. Nixon wants to preserve the history of Elon as well as concerned about the safety of the children on school grounds.

Holcomb Nixon, resides at 123 Younger Drive in Madison Heights, VA. Mr. Nixon discussed numerous environmental and health concerns caused by cell towers.

Kenny Smith, resides at 221 Camden Drive in Madison Heights, VA. Mr. Smith expressed concerns for the potential Elon Cell Tower site being a wetland area as well as safety concerns being on school property.

James Massie, resides on Wright Shop Road in Madison Heights, VA. Mr. Massie expressed the many potential health risks associated with cell towers as well as the decreased property value of the neighboring properties and spoke against having a cell tower on school property.

Abby Thompson resides at 214 Camden Drive in Madison Heights, VA. Mrs. Thompson gave a handout to the Planning Commission titled "Is Elon Elementary Tower Substantially in Accord with the County Comprehensive Plan?", and briefly reviewed the document stating that the Tower was not in accord with the Comprehensive Plan and asked the Planning Commission to consider a site on the Harris Farm on Monacan Park Road.

Melanie Harris resides at 316 Monacan Park Road. in Madison Heights, VA. Ms. Harris stated that she resides with her mother and her mother owns a farm on Monacan Park Road. Ms. Harris stated that her mother's farm would be a better location for the potential Elon Site allowing better access to residents on the river and away from school grounds as well as be a less intrusive site for neighbors since the property is rural and large in size.

Ted Campbell, resides at 292 Camden Drive in Madison Heights, VA. Mr. Campbell stated that ninety (90) percent of the people were against the Elon site and the ten (10) percent that were in favor were mostly the residents on Monacan Park Road that could not get cell service.

Mr. Jim Thompson resides at 214 Camden Drive in Madison Heights, VA. Mr. Thompson briefly reviewed a handout with the Planning Commission titled "Direct Excerpts from the Amherst County Comprehensive Plan" as well as distributed a typed petition of citizens against the Milestone proposal for the Elon Cell Tower. Mr. Thompson also shared pictures and concerns with the cellular tower being constructed near a wetland area.

4. PUBLIC HEARING – SPECIAL EXCEPTION

A. 2015-09 Jane Helms

Request by Jane Helms for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a kennel that will include grooming and boarding. The parcel is located at 170 Burford Farm Road and is further identified as tax map number 123-A-45.

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

1. Hours of Operation for Customers
Monday – Sunday 9AM-8PM
2. Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health to determine if the drain field is adequate.
3. No more than 15 dogs shall be boarded at the facility at any one time.

Ms. Jones opened the public hearing.

Mr. Chad Mooney resides at 798 High Peak Road. in Monroe, VA spoke in opposition to the request. Mr. Mooney expressed concern with there being increased traffic, noise, and potential danger to his children if the dogs got loose and came onto his property.

Mr. Greg Vargo, owner of the property at 170 Burford Farm Road in Monroe, VA. spoke in favor of the request. Mr. Vargo stated that the applicant Jane Helms is his fiancé. Mr. Vargo stated that all dogs are kept in cages inside and are only let outside to be walked. Mr. Vargo stated

that they would not board dogs or cats overnight only during the hours of operation for the customers to leave their animals while being groomed.

Ms. Jones closed the public hearing.

Planning Commission Recommendation:

Motion: Martineau Motion to approve special exception request 2015-09 Jane Helms with staff conditions and add a condition stating that all animals will be groomed and boarded indoors only.

Second: Foor

The motion carried by a 5-0 vote

5. WIRELESS COMMUNICATION FACILITY – ELON ELEMENTARY SCHOOL – VIRGINIA CODE 15.2-2232

Mr. Bryant briefly reviewed the Virginia Code Section 15.2-2232 describing how the Code of Virginia requires localities to determine if certain facilities located on public lands are in compliance with their respective comprehensive plan.

Mr. Bryant stated that the Planning Commission must determine in the course of their review of the project's site plan whether the proposed project is "substantially in accord" with the County's Comprehensive Plan. Additionally, the Planning Commission may, and at the direction of Supervisors, shall hold a public hearing on this question. Virginia Code 15.2-2232 (A). The Planning Commission's determination shall then be communicated to the Board of Supervisors. Virginia Code 15.2-2232 (B). The Board may overrule the Commissioner's decision by majority vote; whether on their own volition or upon application of the project agent.

Therefore, Mr. Bryant requested that the Planning Commission consider two (2) specific items:

- 1) Determine whether the project's proposed site plan is "substantially in accord" with the County's Comprehensive Plan; and if so
- 2) Determine whether or not the Planning Commission should hold a public hearing and inform the Board of Supervisors of its chosen course of action (the Planning Commission shall communicate its findings to the Board of Supervisors).

Mr. Irvin stated that he felt Elon Elementary would need to expand in the future and he was concerned that the cell tower on school property would prohibit the school from future growth. Mr. Irvin was also concerned the site would not expand cell service to Monacan Park area.

There was a brief discussion amongst the Planning Commission members and Staff.

Mr. Bryant stated that the Comprehensive Plan is updated every five (5) years. Mr. Bryant reminded the Planning Commission that this cellular tower would be a monopole tower.

- 1) Determine whether the project's proposed site plan is "substantially in accord" with the County's Comprehensive Plan...

Planning Commission Recommendation:

Motion: Irvin Motion to affirm that the Planning Commission has made a determination in the course of its review that the project's proposed site plan for a wireless communication facility at Elon Elementary School is not substantially in accord with the County's Comprehensive Plan.

Second: none Motion died for lack of a second.

Planning Commission Recommendation:

Motion: Foor Motion to affirm that the Planning Commission has made a determination in the course of its review that the project's proposed site plan for a wireless communication facility at Elon Elementary School is substantially in accord with the County's Comprehensive Plans goals and objectives.

Second: Martineau

Mr. Martineau stated that he felt the Planning Commission has been put into a difficult situation. Mr. Martineau stated that this should have been handled amongst the School Board and Citizens.

The motion carried by a 4-1 vote. (Irvin)

- 2) Determine whether or not the Planning Commission should hold a public hearing and inform the Board of Supervisors of its chosen course of action (the Planning Commission shall communicate its findings to the Board of Supervisors).

Planning Commission Recommendation:

Motion: Irvin I make a motion to hold a public hearing for the proposed wireless communications facility at Elon Elementary School. This decision will be communicated to the Board of Supervisors.

Second: none Motion died for lack of a second.

Planning Commission Recommendation:

Motion: Martineau Motion that the Planning Commission does not hold a public hearing regarding the proposed wireless communications facility at Elon Elementary School. This decision will be communicated to the Board of Supervisors.

Second: Foor

The motion carried by a 4-1 vote. (Irvin)

6. OLD/NEW BUSINESS

There was none.

7 . APPROVAL OF MINUTES FOR OCTOBER 15, 2015

No changes were made to the minutes.

Planning Commission Recommendation:

Motion: Irvin Motion to approve the October 15, 2015 Planning Commission Meeting minutes.

Second: Floyd

The motion carried by a 4-0 vote. (Martineau abstained)

8. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 8:39p.m.

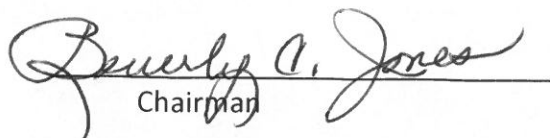
Planning Commission Recommendation:

Motion: Floyd Motion to adjourn.

Second: Martineau

The motion carried by a 5-0 vote.

/ss/12.03.15


Chairman