

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, OCTOBER 20, 2016
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, October 20, 2016, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: George Brine, Chairman
Michael Martineau, Vice Chairman
Beverly Jones
Jim Thompson
Derin Foor
Lillian Floyd

MEMBERS ABSENT: 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 - Special Exception
 - A. 2016-11 Shekinah Farm LLC
 - B. 2016-13 Mark Coblentz
5. Public Hearing - Ordinance
 - A. 2016-0014 Wireless Broadband Facility
6. Public Hearing – Conditional Zoning
 - A. 2016-12 Michele Poindexter
7. Letter of Support for Riveredge Park Trail Extension
8. Old/New Business
9. Approval of Minutes for September 15, 2016
10. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Action:

Motion: Jones Motion to approve the agenda as submitted.

Second: Thompson

The motion carried by a 6-0 vote

3. CITIZENS COMMENTS

There were none.

4. PUBLIC HEARING – SPECIAL EXCEPTION

A. 2016-11 Shekinah Farm, LLC

Request by Shekinah Farm, LLC for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to increase the scale of an existing home occupation. The request is for expansion of a retreat center that is dedicated to community and personal well-being.

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

1. Transportation: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to determine if the existing entrances are safe and adequate.

2. Drainfield: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health to determine if the drainfield is adequate.

Mr. Bryant stated that there is currently a home occupation zoning permit for the current 406 square feet and with the addition of a loft and barn that will consist of 1185 square feet a special exception request is necessary to include the total of 1591 square feet.

Mr. Brine opened the public hearing.

Mr. Henry Dowgielewicz, resides at 521 Grants Hollow Road in Madison Heights, VA, stated that he wasn't against the request but was concerned with the increased traffic on Wares Gap Road. Mr. Dowgielewicz stated that the road was in bad condition due to numerous potholes and if this request would help Virginia Department of Transportation (VDOT) start repairing the road then he was in favor.

Mrs. Betsy Faughn, applicant, spoke in favor of the request. Mrs. Faughn stated that the retreat center was a place open to people of all denominations and faiths. The foundation is committed to the sacred practice of hospitality. Mrs. Faughn stated that the retreat would be open throughout the year meeting one Friday each month with a maximum of seven (7) people and there will be a guided tour once a quarter. There will be no more than sixteen (16) people at any given event and no overnight stays.

No one spoke in opposition; therefore, Mr. Brine closed the public hearing.

Planning Commission Recommendation:

Motion: Foor Motion to approve request #2016-11 Shekinah Farms, LLC
with staff recommendations.

Second: Floyd

Motion carried by a 6-0 vote.

Mr. Bryant stated that this request will go to the Board of Supervisors meeting on November 15, 2016.

B. 2016-13 Marvin Coblentz

Request by Marvin Coblentz for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is build a cabinet shop and open a kennel. The applicant also requests to allow for the construction of a sign. The parcel is located on Warrick Barn Road and Blue Ledge Loop and is further identified as tax map number 40-A-49.

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

1. Transportation: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to obtain an entrance permit.
2. Drainfield: Prior to the issuance of a zoning permit, the applicant shall seek approval from the Virginia Department of Health.

3. Number of Animals: No more than twenty (20) dogs shall be associated with the kennel at any one time.

Mr. Thompson stated that this seems to be a noble family business; however he was concerned with condition number (3). Mr. Thompson felt that there should be a restriction that they can only raise their own dogs and not board any dogs from anywhere else. Mr. Thompson acknowledged that this use could transfer to the next property owner if the property was ever sold and this could be an issue with neighbors.

Mr. Brine opened the public hearing.

Mr. Marvin Coblenz, applicant, spoke in favor of the request and answered the Planning Commission's questions. Mr. Coblenz stated that the cabinet shop would be at least three hundred (300) feet away from the road. Mr. Coblenz commented that this is a family run business and his family moved from Michigan to Virginia and has been in business since 1996. Mr. Coblenz stated that he needed the building for his business.

Mr. Brine asked if noise would be an issue.

Mr. Coblenz responded and stated that he had spoken with all the neighbors and they had no objection to the request. Mr. Bryant also added that there had been no correspondence or complaints from any citizens made to the office.

Freeman Miller, resides at 1419 Roses Mill Road in Arrington, VA spoke in favor of the request. Mr. Miller suggested that the County put no more restrictions on the property other than what staff has requested.

Planning Commission Action:

Motion: Martineau Motion to approve request #2016-13 Mark Coblenz with staff recommendations.

Second: Jones

The motion carried by a 6-0 vote

Mr. Bryant stated that this request will go to the Board of Supervisors meeting on November 15, 2016.

5. PUBLIC HEARING – ORDINANCE

A. 2016-0014 Wireless Broadband Facility

Mr. Mitchell read from the following memo.

Over the past year staff has been working to facilitate the private sector development of wireless broadband infrastructure in Amherst County. One way that this is being implemented is through working to allow wireless internet service providers to locate on existing public safety towers in the County. The details are still being worked out to allow companies to locate on these towers but the existing Zoning & Subdivision Ordinance will allow for such facilities as collocations.

In talks with wireless internet service providers, the deployment of wireless broadband infrastructure will also include small towers on private property to allow for better connection to homes in areas where the terrain is more challenging. A code change has been proposed to allow for the placement of such towers. Wireless broadband facilities would be permitted as accessory structures and be required to be placed at a minimum distance from adjoining properties equal to the height of the tower.

This change was first presented to the Planning Commission at the May 19, 2016 meeting. A few changes were made and the revised ordinance was presented at the July 21, 2016 meeting. The Planning Commission voiced approval of the draft text and motioned to send the proposed change to the County Attorney to put into ordinance form. The Board of Supervisors also reviewed the draft text at their August 2, 2016 meeting and directed the County Attorney to prepare the draft text into an ordinance.

Mr. Brine opened the public hearing.

No one spoke in opposition; therefore, Mr. Brine closed the public hearing.

The Planning Commission had a discussion.

Planning Commission Recommendation:

Motion: Thompson Motion that current Ordinance 2016-0014 be amended for further research on requiring the provider of service for broadband to be in the position to look at any public utility structure poles, particularly look at as a first choice prior to replacing a new pole on property.

Motion died for lack of a second.

Planning Commission Recommendation:

Motion: Thompson Motion to table so that Staff can talk to County Attorney asking if it's a reasonable approach to require the provider of service for broadband to be in the position to look at any public utility structure poles, particularly look at as a

first choice prior to replacing a new pole in other places on property

Motion died for lack of a second.

Planning Commission Recommendation:

Motion: Foor Motion to approve Wireless Broadband Facility Ordinance 2016-0014 as written.

Second: Floyd

Motion carried by a 5-1 vote. (Thompson)

6. PUBLIC HEARING – CONDITIONAL ZONING

A. 2016-12 Michele Poindexter

Request by Michele Poindexter to modify proffers in the B-2 General Commercial District. In 2007, SET, INC. requested the rezoning of a parcel from M-1 Industrial to B-2 General Commercial District to allow for a daycare business. The parcel is located at 120 Dillard Road and is further identified as a tax map number 147-A-212. The request was approved with four (4) voluntary proffers. The daycare center is no longer using the facility and the applicant opened a multipurpose center, but is requesting to remove proffer number (1) and proffer number two (2) as written below:

1. Hours of Operation M-F 6:30 AM-6:00PM/Weekends will be used for church services.
2. Fenced in playground for children. The fence will be 4' in height and will be a chain link fence.

Mr. Bryant presented the request and answered the Planning Commissions questions.

Mr. Brine opened the public hearing.

The applicant, Michelle Poindexter spoke in favor of removing the two previous proffers. Ms. Poindexter explained that she will be working with elderly/mature adults in an active daycare setting. The adult daycare would work with the child daycare in bridging the gap between the two generations, helping assist the elderly in technology and assist the youth in respect, homemaking and communication skills.

Mr. Sam Hunt, owner of the Caterpillar Clubhouse Daycare, spoke in favor of the request. Mr. Hunt stated that the proffers needed to be removed in order to operate this business within the County.

No one spoke in opposition; therefore, Mr. Brine closed the public hearing.

Planning Commission Recommendation:

Motion: Jones Motion to remove the two (2) proffers for the conditional zoning request for 2016-12 Michele Poindexter.

Second: Floyd

Motion carried by a 6-0 vote.

Mr. Bryant stated that this request will go to the Board of Supervisors meeting on November 15, 2016.

7. LETTER OF SUPPORT FOR RIVEREDGE PARK TRAIL EXTENSION

Mr. Mitchell reviewed a memo to the Planning Commission stating that at the August 16, 2016 Board of Supervisors meeting, approval was given for the County to submit an application for a Transportation Alternative Set-Aside Program 80/20 grant for the next phase of the trail. This phase will add an additional 4,200 feet in length to Riveredge Trail along the river through the Central Virginia Training Center property. Attached is a Letter of Support prepared by staff that staff is requesting the Planning Commission's Chairman to sign. Mr. Brine signed the letter.

Planning Commission Recommendation:

Motion: Jones Motion to authorize letter of support for Riveredge Park Trail Extension and have Chairman Brine sign.

Second: Foor

Motion carried by a 6-0 vote.

8. OLD/NEW BUSINESS

Mr. Bryant updated the Planning Commission on the Train Depot and the Route 29 Business Beautification Committee (Madison Heights).

9. APPROVAL OF MINUTES FOR SEPTEMBER 15, 2016

Planning Commission Recommendation:

Motion: Martineau Motion to approve Planning Commission Meeting Minutes for September 15, 2016 with the one change.

Second: Thompson

Motion carried by a 6-0 vote.

10. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 8:30 p.m.

Planning Commission Recommendation:

Motion: Jones

Motion to adjourn.

Second: Foor

The motion carried by a 6-0 vote.

A handwritten signature in dark ink, appearing to read "Randy D. Jones", is written over a horizontal line.

Chairman

/ss/11.16.16