

**PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 20, 2011  
MINUTES**

**VIRGINIA**

A public meeting of the Amherst County Planning Commission was held on Thursday, January 20, 2011 in the Board of Supervisors Room, 153 Washington Street, Amherst with the following:

**MEMBERS PRESENT:** Donald Hedrick, Chairman  
Mitch Heishman, Vice-chairman  
Beverly Jones  
Leslie Irvin  
Derin Foor  
George Brine, Jr.  
Donald Kidd, Board Liaison

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeremy Bryant, Director of Planning/Zoning  
Matthew Rowe, Planner/Assistant Zoning Administrator

**CALL TO ORDER**

The meeting was called to order by Chairman Hedrick with a quorum present to conduct business.

**APPROVAL OF AGENDA**

Heishman – I move to approve the agenda.

Jones – Seconded.

AYES – Unanimous.

**IN RE: PROPOSED WIRELESS COMMUNICATION ORDINANCE**

Bryant – Gave an update on the ordinance that has evolved from the Verizon meeting we had this past fall. Mr. Bryant explained the steps that had taken place over the past few months such as: going to different meetings, contacting different localities, and having a subcommittee from this Planning Commission. Mr. Bryant noted the major highlights of the ordinance: Major highlights are the minimum height of 50' but can allow up to 110' (with a special exception);

The proposed ordinance encourages all towers that exceed the proposed 50' in height to be located in an area of vegetation;

The proposed ordinance regulates towers that are associated with major protected mountain ridges

Equipment shelters to a height of 8' from 6' with a tree height surrounding shelter from 4' to 6'.

Rowe – The 2000' elevation level comes from the Code of Virginia to protect the mountains. The Planning Director now has the authority to send an application to the Blue Ridge Parkway officials for their information.

Bryant – This is the first reading of this ordinance. The next step will be a first reading before the Board of Supervisors.

Kidd – Has this been given to the County Attorney to look at and review?

Bryant – She will review it in multiple stages.

Foor – This chart comparing other localities is good to show to the Board of Supervisors.

Irvin – With leaving the height at 50', are we really helping people? Why not go up higher and have some leeway instead of making people come back for a special exception. There are some really dead zones up Routes 60W and 130 where the higher tower is needed.

Kidd – I agree. What have we gained?

Bryant – 110' is the highest Verizon said they needed. This also gives more locations for placement of towers. It will show that the cell tower company has done due diligence in finding/not finding a location.

Rowe – As far as the special exception issue – this is how all counties deal with issues. We really are not doing anything different. They will have to come before this body anyway for the site plan approval. The FAA (Federal Aviation Administration) really restricts towers above 200'. We had a conversation with Verizon about this. Is the intent to provide pleasure going down the road or the ability to make a 911 call? The height is only to make it easier/quicker to make a call.

Irvin – Aren't we really allowing 70' now? The 50' allowed and 20' for extension of an existing tower. In the memo from Verizon back in August they wanted 80'.

Rowe – So, you want 70' by right?

Irvin – I think 80'.

Bryant – We are trying to be extremely sensitive to the Blue Ridge Parkway.

Rowe – This is for the mountain/ridgeline protection also.

Brine – I have only heard of Verizon – did you have conversations with any other companies?

Bryant – nTelos has shown interest.

Brine – There are dead zones in the Lamont Acres Subdivision.

Bryant – There was a big push to get coverage on the bypass.

Rowe – What about a 70' by-right height? What is the Commission's feeling?

Hedrick – Why do we have 50'?

Rowe – Most locales made it 50' because that was the height of utility poles.

Heishman – Two localities we checked with did not have a by-right use. We also found out we were more stringent on some things and less on others.

#### MOTION

Irvin – I move to change 914.03 #7 to read as 70'.

Jones – Seconded.

AYES – Unanimous.

Bryant – We will take this to the Board of Supervisors and then bring it to the Planning Commission for public hearing.

Hedrick – It might be better to expose this to other cell phone companies.

Bryant – We will be sending it to Verizon at their request.

#### **IN RE: OFF-STREET PARKING REGULATIONS**

Mr. Bryant explained the reasoning behind the change to Section 602.02 #1 stating that there are times when this section may be excessive and unnecessary. Mr. Bryant gave an example of Grief Company whereby the company is proposing a parking lot for vehicle storage one-half mile from a state road. It is felt that the Planning Commission should be able to look at a site and waive the requirement for surface treating or paving in unusual circumstances.

Hedrick – I feel this is very reasonable for small businesses.

Bryant – Staff believes there are situations where it is reasonable and some that it is not. Staff feels that the Planning Commission should be able to make that decision.

Hedrick – Just make it consistent.

Irvin – In the main body of the explanation it states: ...Staff proposed to amend Section 602.02(1) of the Ordinance to provide the *Zoning Administrator/Planning Director*.... Now, in 602.02.1. your change states: ...however, this requirement may be waived by the *Planning Commission*.... That needs to be corrected.

Bryant – *Zoning Administrator/Planning Director* should read as Planning Commission.

#### **MOTION**

Foor – I move to accept the changes to Section 602.02, and send to the Board of Supervisors for consideration.

Irvin – Seconded.

AYES – Unanimous.

#### **IN RE: OLD/NEW BUSINESS**

Kidd – The Board of Supervisors are going to have their retreat on February 17<sup>th</sup> and 18<sup>th</sup>. We will be discussing the sign ordinance and looking at complaints about the sign ordinance and that Amherst County is not business friendly. Mr. Bryant has been invited to join us as well as the Economic Development Authority. Also, maybe we should look at the sign ordinance again and do an overlay district in Madison Heights and maybe be more strict with the sign ordinance in that area. I have gotten complaints from people in Lynchburg that our sign ordinance is too strict, our landscaping ordinance is too strict, our water and sewer rates and hook-ups are too high. Do we have a list of the number of violations we have and can we add that to the Monthly Report?

Rowe & Bryant – We have been working on that. Mr. Bryant also explained why some businesses have different signage.

There was a general discussion concerning sign violations. Mr. Rowe explained his procedure of sending a "Notice of Correction" first and giving the violator time to fix the problem before sending a Violation letter. It was also stated that most violations were complaint driven.

Kidd – We need to do a better job in how we take care of businesses that come into the county.

Bryant – We could make a change to the zoning permit to notify all applicants that modification of any sort to a sign requires a sign permit. (Note – This change will be made to the zoning permit and will be put on the county website.)

Hedrick – Mr. Bryant, don't we already have an overlay district on the priority list?

Bryant – We will be discussing that at the next meeting, February 3<sup>rd</sup>.

Hedrick – What about the availability of water and sewer?

Kidd – We are trying to get water and sewer down the Route 130 Connector and also broadband.

Kidd – Mr. Bryant, you talked about the Census at the last meeting and mentioned that Amherst County grew by less than 600 people in the past ten years. Are we going to push clustering as strongly now?

Bryant – We have removed clustering from the R-1, R-2, R-3 Residential Districts. Clustering will be allowed as an option in the proposed A-1 Limited Agricultural District, and may no longer be mandated if the growth rate from 2000-2010 is below 10%.

Hedrick – Asked for an update on the GIS status. Bryant stated that all parcels will be linked up by next week.

Bryant – Land use changes for the A-1 Agricultural Resident District were mailed out today (01/20/11).

Hedrick – How about the Meeting Guidelines; what is the status of that?

Bryant – It has been reviewed by the County Attorney and we will have it at the next meeting (February 3<sup>rd</sup>).

#### **IN RE: ADJOURNMENT**

Irvin – I move to adjourn.

Jones – Seconded.

AYES – Unanimous.

There being no further business to discuss, the meeting was adjourned.

/sa/012411



CHAIRMAN