

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, APRIL 21, 2011
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, April 21, 2011, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst VA.

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

MEMBERS ABSENT: Donald Kidd, Board Liaison

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

1. CALL TO ORDER

Chairman Hedrick called the meeting to order at 7:00 PM.

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Recommendation:

Motion: Jones Moved to approve the agenda.

Second: Irvin

The motion carried by a 6-0 vote.

3. PUBLIC HEARING – SPECIAL EXCEPTION

- A. 2011-07 Request by Bernard K. Mundy II, for a special exception request in the Flood-Fringe and approximate Flood Plain District. The purpose of the special exception is to allow the construction of an addition with a bathroom to an existing dwelling that is located in the Flood Hazard Overlay District. The property is zoned A-1 Agricultural Residential District and is located at 3733 Buffalo Springs Turnpike and is further identified as tax map number 105-A-11.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant also briefly reviewed the elevation certificate and site plan prepared by land surveyor Kevin Merkey of Berkley-Howell Associates., P.C. Mr. Bryant stated that if the Planning Commission were to approve the request, staff recommended condition number one (1), and informed the Planning Commission that they could impose additional conditions.

1. Drainfield: Prior to issuance of a zoning permit, approval from the Virginia Department of Health for a safe, adequate and proper review approval.
2. Additional Conditions: Additional conditions may be recommended by the Planning Commission, and imposed by the Board of Supervisors.

Mr. Brine asked when the house was originally built. Mr. Mundy stated that the main part of the house was constructed in 1813 and since that time the house has been added on to.

Mr. Hedrick opened the public hearing.

No one spoke in favor or in opposition of the request.

There being no further speakers Mr. Hedrick closed the public hearing.

Mr. Brine stated that his assumption was that the Health Department has not approved the drainfield as of yet. Mr. Mundy stated that was correct.

Planning Commission Recommendation:

Motion: Irvin

Motion to approve the public hearing with staff recommendations as follows:

1. Drainfield: Prior to issuance of a zoning permit, approval from the Virginia Department of Health for a safe, adequate and proper review approval.

Second: Heishman

The motion carried by a 6-0 vote.

4. SPECIAL EXCEPTION (CONTINUATION FROM FEBRUARY 17, 2011)

- A. 2011-01 Request by Sajal Narayan for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to change an existing condition that allowed a maximum of fifteen (15) vehicles. The condition was made on April 20, 2010 and stated: *"maximum of fifteen (15) vehicles for sale at any one time."* The request is to extend the number of vehicles for sale to a maximum of forty-two (42). The parcel is located at 188 Faulconerville Drive and is further identified as tax number 124-A-9.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant said that this case was continued from the February 17, 2011 Planning Commission Meeting due to specific items that were having to be changed on the site plan. Mr. Bryant passed out to the Planning Commission an amended copy of staff recommendations and they are as follows:

1. Staff recommends that the applicant consult with the Department of Health to ensure that the drainfield serving the parcel of land will not be affected by the proposed increase in vehicles. The applicant should provide a written letter from the Department of Health to the Amherst County Planning Department confirming that the vehicles will not affect the drainfield.
2. Display area for automobiles shall be paved according to the requirements of the Virginia Department of Health. Parking areas that are adjacent to the existing drainfield shall also be paved. Paving shall be completed within three (3) months from the date of zoning permit approval. If paving is not completed within the specified time period, the zoning permit shall be revoked.
3. A maximum of thirty-two (32) vehicles for sale at any one time and shall be illustrated on the site plan prepared by Actual Surveyors prior to the approval of a zoning permit.
4. A wooden privacy fence shall be erected around the dumpster that is located on-site. The fence shall be wooden slat fence that is a minimum of six (6) feet in total height.
5. Lighting facilities shall be so arranged that the light is reflected away from adjacent properties and streets.
6. Option A: Shrubs shall be installed in a single row, planted five (5) feet on center along Route 29 Business and Smokey Hollow Road. The shrubs shall be planted on Mr. Narayan's property and be located between the parking areas and the Virginia Department of Transportation property and shall be indicated on the site plan prior to zoning permit approval.
Option B: A minimum of two hundred (200) square feet of flower/mulch beds shall be planted in creative groupings. (Mr. Bryant's recommendation)

All vegetation identified on the site plan shall be planted within six (6) months from the date of zoning permit approval.

7. The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.

Mr. Heisman asked if the owner was satisfied with thirty-two (32) vehicles for sale on the lot.

Mr. Narayan stated that he didn't have any major issues with thirty-two (32) vehicles; however he felt that forty-four (44) vehicles could still work well on the lot. Mr. Narayan stated that the lot is generally forty-five (45) to sixty-five (65) percent full most of the time Mr. Narayan wanted to remind the Planning Commission that the less cars on the lot would reflect less business, therefore allowing less revenue for Amherst County.

Mr. Irvin asked Mr. Bryant to clarify the placement of the thirty-two (32) cars. Mr. Irvin felt that the car business parking should be contained to the back and right side of the building and the convenient store parking should be reserved to the front and left side of the building.

Mr. Bryant reviewed the revised site plan with the Planning Commission.

Mr. Crowder, surveyor from Actual Surveyors, stated that per Mr. Bryant's request, he justified the number of spaces on the revised site plan. The store requires only twelve (12) parking spaces. Mr. Crowder stated that the used car lot will not include heavy thru traffic and that most of the used car lot spaces when occupied would be generated to the spaces closer to Highway 29 (Business).

Mr. Brine questioned the gravel section and steep slope on the site plan. Mr. Bryant stated that the gravel section on the site plan was added by the surveyor to distinguish the property lines. Mr. Bryant explained that the cars are currently on Virginia Department of Transportation's property, however, the slope would remain undisturbed and no vehicles would be placed on the sloped area.

Mr. Heishman questioned the gravel section on the site plan and asked if that would be paved and how far the cars would be from the edge of the pavement.

Mr. Bryant stated that the gravel section on the site plan would be paved and that there is no distance requirement that the cars must be from the edge of the pavement, unless located at an intersection.

Mr. Heishman asked if Option B was consistent with what was required within similar businesses in the area.

Mr. Bryant stated that it was consistent with other businesses.

Mr. Irvin suggested a decision be made once a new site plan was submitted to distinguish what parking is for the store business and what parking is for the used car lot.

Mr. Bryant stated that a decision needed to be made tonight since this case had been tabled numerous times and a deadline must be met. Mr. Bryant suggested that an amended site plan could be submitted illustrating adequate lot space for a thirty-eight (38) car lot to the Board of Supervisors.

Planning Commission Recommendation:

Motion: Heishman Make a motion to approve Zoning Request 2011-01 with staff recommendations with modifications to item number three (3) to read a maximum of thirty-eight (38) vehicles and Option B for landscaping.

Second: Foor

The motion carried by a 6-0 vote.

5. ZONING TEXT AMENDMENT

A. Bryan Ventre – Zoning Case # 2011-08

Mr. Bryant presented to the Planning Commission the conceptual reading for Case # 2011-08. He stated that staff is requesting that the Planning Commission consider whether or not the use of a pawn shop should be allowed in the B-2 General Commercial District.

Mr. Foor asked if there was a reason this was not a permitted use.

Mr. Bryant explained that a couple years ago there was someone interested in opening a pawn shop but they never completed the process. Mr. Bryant informed the applicant that an amended site plan would be submitted for a thirty-eight (38) car lot to the Board of Supervisors.

Mr. Heishman asked if Amherst was the only County that didn't allow this use in the B-2 General Commercial District.

Mr. Bryant stated that Lynchburg and Bedford County does allow this use.

Mr. Foor felt that most pawn shops were successful businesses and that this would generate a lot of money for Amherst County.

Mr. Bryant asked the Planning Commission if they felt this should be a special exception use or a permitted use.

Mr. Hedrick stated that if pawn shops were considered a special exception and reviewed, then the applicant must adhere to certain hours, items allowed on display, etc.

Mr. Bryant replied that was correct and he recommended that these stipulations be considered.

Planning Commission Recommendation:

Motion: Irvin Make a motion for Planning Commission to direct staff to move forward on the conceptual zoning textual amendment and be placed on the agenda for the Board of Supervisors and the County Attorney.

Second: Foor

The motion carried by a 6-0 vote.

B. Tim Campbell – Zoning Case # 2011-09

Mr. Bryant explained that Mr. Campbell would like for the Planning Commission to consider adding the terms “*on and off road motor vehicles*” to the proposed use category 702.03 (18). The Planning Department is concerned with allowing on road motor vehicle, since that would allow retail sales of motor vehicles as a special exception use in the A-1 Agricultural Residential District.

Mr. Irvin stated that in 702.03 (18) the term “U.S. Highway” could also include “Highway 60”, therefore the language should be classified as “U.S. Highway 29” and strike “primary highway” from the proposed language.

Mr. Heishman questioned since the scooter is above 50 cubic centimeters (cc) if it is possible to put a limit on speed or cc ratings of vehicles sold. Mr. Heishman felt that by having a limit could help what can and cannot be sold in the Agricultural District.

Mr. Campbell, applicant, stated that the Department of Motor Vehicles does not have a section on the application for scooters, ATV’s, and UTV’s. He stated that in order to get a title from Department of Motor Vehicles, these items are classified as a motorcycle. The scooters must travel at least forty-five (45) miles per hour in order to travel on a highway.

Mr. Irvin wanted to know what language could be interpreted so that Mr. Campbell could sell his scooters and off road vehicles but not be allowed to sell motorcycles or vehicles.

Mr. Rowe suggested that language should include retail sales of all off road vehicles and on road scooters and define on road scooter.

Mr. Campbell suggested that an on road scooter to not be greater than two-hundred fifty (250) cubic centimeters (cc).

Mr. Bryant stated staff will work on the definition of on road scooters that are less than 250 cc and change number eighteen (18) to allow on road scooters and off road vehicles as defined. Modify to read U.S. Highway 29 and remove primary highways. Also definition for **"trailer"** needs to be modified.

Planning Commission Recommendation:

Motion: Jones Make a motion to move forward with conceptual Zoning Case #2011-09, with modifications, to be made by the Planning Department Staff as well as adding on and off road vehicles. Insert Highway 29 and delete primary Highway. Must also define road scooter and correct the definition of a trailer.

Second: Heishman

The motion carried by a 6-0 vote.

C. 29 Business Corridor District – Zoning Case # 2011

Mr. Rowe presented to the Planning Commission a presentation of lighting readings located in the Business Corridor Overlay District.

There was discussion amongst the Planning Commission members regarding proposed section 302.94.2 as to if propane tanks, trailers and storage sheds would be included.

Mr. Bryant stated that the County will be discussing the landscaping ordinance in the near future. A joint meeting consisting of the Board of Supervisors and the Planning Commission could be held in either May or June regarding the amended Landscape Ordinance. Mr. Bryant suggested a Tier Landscaping, being that Tier one (1) could be the most restricted (referencing the Overlay District) and a Tier two (2) system which would be less restricted.

6. OLD/NEW BUSINESS

Mr. Bryant discussed of the Board of Zoning Appeals decision made on April 14, 2011 regarding the O'Reilly's case and Hazel and Roy Childrey's case.

7. MONTHLY REPORT

Mr. Bryant stated that no changes had been made to the report; however, the total number of zoning permits had been left off of the previous report and added on this report to reflect the total zoning permits received for the month of March 2011.

8. APPROVAL OF MINUTES FOR MARCH 17, 2011

Several changes were made to the minutes.

Planning Commission Recommendation:

Motion: Irvin Make a motion to approve the minutes for March 17, 2011 with the modified changes
Second: Heishman
The motion carried by a 6-0

9. ADJOURNMENT

Motion: Jones I move to adjourn.
Second: Foor
The motion carried by a 6-0 vote

There being no further business to discuss, the meeting was adjourned at 8:57 p.m.

/ss/050411



CHAIRMAN