

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, JUNE 16, 2011  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, June 16, 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  
George Brine  
Leslie Irvin  
Derin Foor  
Beverly Jones

**MEMBERS ABSENT:** Donald Kidd, Board Liaison

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

**STAFF ABSENT:** Matthew Rowe, Planner/Assistant Zoning Administrator

**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:** Heishman

**The motion carried by a 6-0 vote.**

### 3. PUBLIC HEARING – SPECIAL EXCEPTION

- A. 2011-17 Request by Dennis and Audrey Cash for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage as a primary use and towing and storage of vehicles. The property is located at 4927 South Amherst Highway and is further identified as tax map number 156A1-6-6, 7.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant also passed out the amended, staff recommended conditions, they were as follows:

1. All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. A maximum of twenty (20) vehicles may be stored outside, provided they are located within a fenced-in area that is on the eastern portion of the building. The fenced area must use privacy slats if used on a chain linked fence, or a solid fence that is non-transparent. Additionally, the lot used for automobile storage shall have double staggered row of evergreens that surround the entire lot in accordance with Section 1607 of the Amherst County landscaping ordinance.
3. No miscellaneous items shall be stored outside the building other than vehicles that are stored in the fenced in area.
4. The fenced in area used for storage of vehicles must be covered in gravel.
5. If and when the business closes all materials must be removed.
6. Hours of operation:
  - i. Monday – Saturday 7 AM – 7 PM (Automotive Repair Garage)
  - ii. Closed on Sunday
  - iii. No specified hours of operation for the towing service (24 Hour Service)
7. Maximum time any vehicle can be on the parcel is 90 days; the date of arrival shall be written on the windshield of each vehicle in the storage lot.
8. Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to determine if the existing entrances will require further review and to determine if they are adequate.
9. Prior to the issuance of a zoning permit, the applicant shall contact the Virginia department of Health to determine the location of the drainfield and whether or not the storage of vehicles will affect the existing drainfield. A safe, adequate and proper review shall be obtained and submitted to the Planning and Zoning Department.

#### ADDITIONAL CONDITIONS THAT MAY BE CONSIDERED:

10. The property shall be in conformance with the submitted site plan dated, 5-26-11 by WM. O. Berkley, Jr.
11. The lot shall be properly stabilized and in conformance with Erosion and Sediment Control laws and regulations as given in Title 10.1, Chapter 5, Article 4 of the Code of Virginia, 1950 as amended.

12. Access to the rear portion of the lot using Cedar Crest Drive (private road) will be prohibited.
13. Vehicles in the existing parking lot will only be allowed on the lot for 90 days; the date of arrival shall be written on the windshield of each vehicle.
14. The portion of the property that borders Cedar Crest shall be screened in accordance with section 1607 of the Amherst County Landscaping Ordinance.

Mr. Heishman asked if the referenced screening on Cedar Crest Drive would consist of double row evergreens. Mr. Bryant replied that it would be a double staggered row of evergreens that are in accordance with Section 1607 of the Amherst County landscaping ordinance.

Mr. Jonathan Cash, applicant, addressed several of the recommendations. He stated that the drainfields would be abandoned and that the garage would be connected to public sewer. Mr. Cash also proposed that he felt that it should be acceptable, due to the lot's terrain, to put a staggered row of evergreens six (6) feet apart at the rear of the property on Cedar Crest Drive. Mr. Cash stated that at the rear of the property the vegetation would be ten (10) feet apart and planted in two rows. Mr. Hedrick asked how tall the trees would be when planted. Mr. Bryant replied four (4) feet. Mr. Cash felt that the slating of the fence would be very expensive and not safe. He felt the trees would be enough buffer, therefore a fence should not be required. Mr. Cash also stated that the ninety (90) day turn around would be difficult for them to work with, however, Mr. Cash would prefer six (6) months. Mr. Cash stated that he has cleared the lot of any trees and cleaned out the ditch to help with drainage issues. Mr. Cash handed pictures out to the Planning Commission.

Mr. Hedrick asked where the storm drain was located, Mr. Cash replied that it's directly behind unit 105. Mr. Cash handed out the pictures of the storm drain to the Planning Commission.

Mr. Irvin asked if there was enough space to get equipment to the back of the lot without having to use Mr. Shaner's property next door. Mr. Cash replied that they would be putting up a retaining wall. Mr. Cash added that Mr. Shaner had given the Cash's permission to use his property for a road to get to the back of the building as well as permission to cut down any necessary trees.

Mr. Cash expressed his apologies for any inconvenience or grievances that he may be causing the residents of Cedar Crest. He stated that their business is growing and there was no more room on Lakeview Drive (current business location), therefore he needed this property for his business. Mr. Cash expressed that he wants to be a good neighbor and that he has and will continue to cooperate with the citizens and the County.

Mr. Hedrick opened the public hearing.

Proponents Arguments:

Mr. Wayne Drumheller, who resides at 139 Cedar Crest Drive Apt. 101 in Madison Heights,



Virginia, spoke in favor of the request. Mr. Drumheller stated that the landscaping that Mr. Cash is proposing to do will enhance the property. He stated that he has known Mr. Dennis Cash for many years and he feels that he will abide by the conditions and concerns of the County.

Ms. Sheila Bennett, who resides at 139 Cedar Crest Drive Apt. 108 in Madison Heights, Virginia, spoke in favor of the request. Ms. Bennett stated that the community needed to work together. Ms. Bennett stated that during a previous meeting held with the Cedar Crest community, Mr. Cash addressed all of the citizens' questions that pertained to the fence, trees, noise, drainage issues and hours of towing vehicles.

#### Opponents' Arguments:

Mr. Ronald Bowling, who resides at 504 Cedar Crest Drive in Madison Heights, Virginia, spoke in opposition to the request. Mr. Bowling stated that he felt that the applicant would be putting in a junk yard. Mr. Bowling was concerned for the safety of citizens because the entrance to Cedar Crest Drive from HWY 29 could become a safety hazard with tow trucks entering and exiting the property.

Mr. Curtis Carter, who resides at 351 Possum Island Road in Madison Heights, Virginia, spoke in opposition to the request. Mr. Carter explained that he currently works with a towing service that is located in the Industrial Park on Kings Rd. Mr. Curtis stated that there currently is a class action lawsuit being organized on the Cash's property and that the applicant has not obtained soil disturbance permits. Mr. Carter stated that the applicant's storage lot located on Lakeview Drive has vehicles that have been on the lot for ten (10) years or more and he doesn't anticipate this property being any different. Mr. Carter has an interest in the adjoining property that is for sale. Mr. Carter stated that if this request is approved then he plans on buying the adjoining property and using it for the same purposes as Mr. Cash.

Ms. Jane Vigneau, who resides at 150 Ridge Street in Madison Heights, Virginia, spoke in opposition to the request. Ms. Vigneau is a registered nurse and works at night, her concern is for her health and peace of mind. Ms. Vigneau stated that the area is already congested and this type of business could cause more noise and traffic, especially at night.

Ms. Mary Clark, who resides at 139 Cedar Crest Drive Apt. 102 in Madison Heights, Virginia, spoke in opposition to the request. Ms. Clark has lived at this address for over eighteen (18) years and she has done many improvements on her property. The Cash's property is approximately fifty (50) feet from Ms. Clark's property and she is concerned that the property value will decrease, as well as, the safety for the residents will be in jeopardy due to theft that could occur on the storage lot. Ms. Clark also stated that vehicles could attract many pests and drainage issues could result in problems to the Cedar Crest residents. Ms. Clark submitted to the Planning Commission pictures of her property as well as the Cash's property located at Lakeview Drive and 4927 South Amherst Highway and a petition of over three hundred (300) signatures from Amherst residents opposing the request.

Dr. James Camm, who resides at 609 Cedar Crest Drive in Madison Heights, Virginia, spoke in opposition to the request. Mr. Camm distributed a petition of over three hundred citizens; thirty-six (36) out of the forty two (42) units that signed the petition were in opposition to the request. Mr. Camm also distributed pictures of the Cash's property to the Planning Commission. Mr. Camm stated that currently an attorney is drafting a letter in support of the residents of Cedar Crest Drive. Mr. Camm stated that approval of this request would display a disturbance to the neighborhood, result in a decrease in property value and safety to the residents of Cedar Crest Drive.

Mr. C.T. Wingfield, who resides at 170 Gartin Place in Madison Heights, Virginia, spoke in opposition to the request. Mr. Wingfield stated that the Cash's operate a successful business therefore causing the need for expansion. Mr. Wingfield does not have any issues with the repair garage but does feel that the towing and need for expansion for a vehicle storage lot could result in problems since the lot does adjoin residential complexes. Mr. Wingfield stated that if this request was allowed then the adjoining property could be sold for the same purpose.

There being no further speakers, Mr. Hedrick closed the public meeting.

Mr. Brine asked how many lights would be on the property. Mr. Cash replied that there would be two (2) lights in the storage lot (a dusk to dawn light), and a security camera.

Mr. Brine was concerned that there would not be enough space for vehicles on the eight (8) foot wide road that the applicant is proposing to put beside the building. Mr. Cash has measured and eight (8) feet is adequate enough space for his tow trucks. Mr. Cash also stated that he had spoken to an engineer and the engineer said that a twelve (12) foot retaining wall would need to be added.

Mr. Heishman asked if the clearing of the storage lot area exceeded 10,000 square feet. Mr. Bryant replied that the Cash's were not in violation, and he did submit a letter to the Mr. Cash regarding the County's expectations when clearing the land.

Mr. Irvin felt that there should be a restricted time for the towing service and that there should be adequate screening around the towing lot, especially from Cedar Crest Drive. Mr. Irvin stated that the fencing should be high enough so that the storage lot area cannot be seen from a higher level. Mr. Irvin also stated that the (90) day period should be increased for cars on the lot and that there should only be vehicles and no auto parts stored on the storage lot.

Mr. Heishman clarified to the applicants that this area is zoned B-2 General Commercial District which allows for a auto repair garage, however, it doesn't allow for a primary use of towing and storage of vehicles, therefore, a special exception request is necessary. Mr. Heishman asked if it was possible to continue to use the business at Lakeview Drive as a storage lot and only use the property at 4927 South Amherst Highway as a repair garage. Mr. Cash replied that since their business is doing well there is need for expansion and that is why they purchased the parcel located on South Amherst Highway. Mr. Heishman asked what the average amount of



vehicles that would be stored on the lot. Mr. Cash stated that the request is for twenty (20), however, the average is usually between ten (10) to (12) twelve vehicles (this amount does not include the vehicles owned by the Cash's).

Ms. Jones stated that she had several concerns. Ms. Jones largest concern was the request for the vehicle storage lot. She wanted to know what type of vehicles would be located in the lot. Mr. Cash replied that the vehicles on the storage lot would be impounded or wrecked. Ms. Jones also asked if the vehicles in the storage lot as well as the repaired vehicles located on the upper lot would consist of an orderly appearance. Mr. Cash replied that all vehicles would be arranged in rows to enable easy access.

Mr. Cash discussed with Ms. Jones that he would use the upper lot to drop vehicles off at night and would only enter the lower storage lot at hours agreed upon by the residents and the County.

Ms. Jones stated that another one of her concerns is making sure that the screening on the back of the property that adjoins Cedar Crest Drive is high enough and vegetation is thick enough so that the residents will not see a junkyard.

Mr. Foor asked if the fenced area would be locked to help prevent vandalism and would all vehicles stored in the back lot be operable. Mr. Cash replied that the lot would be kept locked when not in use and always locked at closing time. Mr. Cash stated that most of the vehicles in the storage lot would be impounded vehicles which typically are operable.

Mr. Foor also asked how the fluids that drained from the vehicles would be prevented. Mr. Cash replied that most fluids can be released within a thirty (30) minute time frame after an accident; however, all vehicles located in the storage lot would have drip pans to prevent any leakage on the property.

Mr. Hedrick asked if the applicant had all necessary permits and licenses to operate his business. Mr. Cash replied that he did, except for the zoning permit to allow an automotive repair garage as a primary use and towing and storage of vehicles at his property located at 4927 South Amherst Highway.

**Planning Commission Recommendation:**

**Motion:** Irvin

Motion to approve the request with the fourteen (14) staff recommended conditions as modified below.

**Second:** Brine

1. All outdoor lighting will be glare-shielded and directed to prevent illumination across the property line.

2. A maximum of twenty (20) vehicles may be stored outside, provided they are located within a fenced in area that is on the eastern portion of the building. The fenced area must use privacy slats on the rear lot line if used on a chain linked fence, or a solid fence that is non-transparent. The fence shall be eight (8) feet in total height along the rear property line. Vehicles in the storage lot shall not be taller than the fence. Additionally, the lot used for automobile storage shall have a double staggered row of evergreens along the rear lot line (128.9 feet) in accordance with Section 1607 of the Amherst County Landscaping Ordinance.
3. No miscellaneous items shall be stored outside the building other than vehicles that are stored in the fenced in area.
4. The fenced in area used for storage of vehicles must be covered in gravel.
5. If and when the business closes all materials must be removed.
6. Hours of operation:
  - i. Monday - Saturday 7:30AM - 6 PM (Automotive Repair Garage)
  - ii. Closed on Sunday
  - iii. No specified hours of operation for the towing service (24 Hour Service) No vehicles may be towed into the rear lot between the hours of 9 PM – 8 AM.
7. Maximum time any vehicle can be on the parcel is 120 days; the date of arrival shall be written on the windshield of each vehicle located in the storage lot.
8. Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to determine if the existing entrances will require further review and to determine if the entrances are adequate.
9. Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health to determine the location of the drainfield and whether or not the storage of vehicles will affect the existing drainfield. A safe, adequate and proper review shall be obtained and submitted to the Planning and Zoning Department.
10. The property shall be in conformance with the re-submitted site plan dated, 5-26-11 by WM. O. Berkley, Jr.
11. The lot shall be properly stabilized and in conformance with Erosion and Sediment Control laws and regulations as given in Title 10.1, Chapter 5, Article 4 of the Code of Virginia, 1950 as amended.
12. Access to the rear portion of the lot using Cedar Crest Drive (private road) will be prohibited.
13. Vehicles in the existing parking lot (front yard) will only be allowed on the lot for 30 days; the date of arrival shall be written on the windshield of each vehicle.
14. The portion of the property that borders Cedar Crest Drive shall use vegetative screening in addition to the fence indicated on the site plan.

The screening shall consist of a single row of evergreens planted ten (10) feet on center. The evergreen trees must be six (6) feet in total height when planted.

**The motion carried by a 5-1 vote (Heishman).**

- B. 2011-18 Comprehensive Plan Amendment – Urban Development Areas
- The purpose of the hearing is to consider the adoption of a revision to the Amherst County 2027 Comprehensive Plan in accordance with the Virginia Code 15.2-2223.1 B which states: “Every locality that has adopted zoning pursuant to Article 7 of this chapter and that (1) has a population of a least 20,000 and population growth of at least five percent may amend its comprehensive plan to incorporate one or more urban development areas”. Further, Virginia code 15.2223.1 B 2 states for those localities which or may adopt an urban development area(s): “The Comprehensive Plan of locality having a population less than 130,000 persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof”. In conformance with Virginia Code 15.2223.1 B 5, “The boundaries of each urban development area shall be identified in the localities comprehensive plan and shall be shown on future land maps contained in such comprehensive plan”.

Mr. Bryant introduced Vladimir Gavriloric, representative from the Renaissance Planning Group from Charlottesville, Virginia. Mr. Bryant stated that this presentation was to allow the Planning Commission to decide whether or not to approve the comprehensive plan amendment to include this language so that progress could be made on moving forward with the new proposed zoning district.

Mr. Gavriloric gave a presentation.

Mr. Hedrick opened the public hearing.

No one spoke in favor or in opposition of the request; therefore, Mr. Hedrick closed the public hearing.

Mr. Hedrick identified a few items that he recommended re-wording.

**Planning Commission Recommendation:**

**Motion:** Irvin

Motion to continue zoning case # 2011-18 to July 7, 2011.

**Second:** Foor



**The motion carried by a 6-0 vote.**

#### **4. SITE PLAN REVIEW**

- A. Monroe Church of God – The site plan is for a 1,200 square foot church detached fellowship hall addition and the creation of an eighteen (18) space parking area in the R-2 General Residential District. The parcel is located at 157 Rothwood Rd. and further identified as tax map parcel 137-A-124.

Mr. Bryant gave the staff report and stated that staff recommends approval of the site plan with the following conditions:

1. Per Section 602.02, all new parking areas and aisles must be surface treated.
2. The amended drainfield and private onsite sewage disposal system must be reviewed and approved by the local office of the Virginia Department of Health

#### **Planning Commission Recommendations:**

**Motion:** Foor

Motion to approve site plan under the staff recommendations.

**Second:** Jones

**The motion carried by a 6-0 vote.**

#### **5. ZONING TEXT AMENDMENT PROCESS**

Mr. Bryant discussed the zoning text amendment process and asked for the Planning Commission to recommend approval to appendix II.

#### **Planning Commission Recommendations:**

**Motion:** Irvin

Motion that the Amherst County Planning Commission recommends approval to the Amherst County Board of Supervisors that the text amendment procedure be revised to establish a process as delineated in the schematic presented in appendix II.

**Second:** Heishman

**The motion carried by a 6-0 vote.**

#### **6. OLD/NEW BUSINESS**

Mr. Bryant discussed that a joint meeting with the Planning Commission and Board of Supervisors may be held on Tuesday, September 27 at the Amherst County High School. This meeting would be in regards to a possible amendment to the A-1 Agricultural Zoning District.

## 7. MONTHLY REPORT

There were no questions or comments regarding the monthly report.

## 8. APPROVAL OF MINUTES FOR MAY 5, 2011 AND MAY 19, 2011.

There were no changes made to the minutes for May 5, 2011.

### Planning Commission Recommendation:

**Motion:** Jones                      Make a motion to approve the minutes for May 5, 2011.

**Second:** Foor

**The motion carried by a 6-0 vote.**

Two changes were made to the minutes for May 19, 2011.

### Planning Commission Recommendation:

**Motion:** Jones                      Make a motion to approve the minutes for May 19, 2011 with modifications.

**Second:** Brine

**The motion carried by a 6-0 vote.**

## 9. ADJOURNMENT

### Planning Commission Recommendation:

**Motion:** Jones                      I move to adjourn.

**Second:** Irvin

**The motion carried by a 6-0 vote.**

There being no further business to discuss, the meeting was adjourned at 9:40 pm.



Chairman

/ss/07.05.11