

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, DECEMBER 01, 2011
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, December 01, 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
Donald Kidd, Board Liaison

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Ordinance Number 2011-0007
4. Subdivision Plat Review
 - Shrader Lake
5. Site Plan Review
 - Cornerstone Baptist Church
6. Review of Board of Zoning Appeals
 - Rising Sun Missionary Baptist Church # 2011A-04
7. Rural Long Range Transportation Plan
8. Proposed Code Changes
9. Monthly Report
10. Approval of Minutes for October 20, 2011 & November 3, 2011
11. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was amended by adding item number six: Review of Board of Zoning Appeals – Rising Sun Missionary Baptist Church # 2011A-04

Planning Commission Recommendation:

Motion: Heishman Moved to approve the amended agenda.

Second: Jones

The motion carried by a 6-0 vote.

3. ORDINANCE NUMBER 2011-0007

Ms. Bowyer, the County Attorney for Amherst County, gave a brief presentation. In her presentation, Ms. Bowyer briefly explained the ordinance amendment and stated that the amendment could either remain the same or changes could be made, with the goal of giving the Zoning Administrator more flexibility and discretion. Ms. Bowyer discussed limiting Pawn Brokers to Commercial Districts only.

In response to Ms. Bowyer's comments Mr. Bryant had the following comments.

1. Adding a pawn broker and machine shop as a use in the A-1 Agricultural District.
2. Provide language that allows individuals to apply for special exceptions for uses that are not defined or given as being permitted by-right or through special exception processes, as long as use is in general character of existing defined uses and meets the intent statement for the applicable zoning district.

Mr. Bryant introduced Tommy McQuire, a pawn shop owner that is in the process of expanding his business.

Mr. Hedrick stated his concern about changing the ordinance.

Mr. Irvin stated that he felt that the Planning Director should not be given the ability to permit non-listed permitted uses administratively.

Mr. Bryant replied that added provisions could be made if an individual wanted to come before the Planning Commission for a special exception and the code could be amended later for that use.

Mr. Heishman agreed with staff, however, he had some concerns with the potential delays in the process.

Ms. Bowyer briefly gave examples of Henrico & Albemarle County's and stated the need to give the Zoning Administrator more authority and the need to simplify the ordinance. Ms. Bowyer stated that she was in favor of giving the Zoning Administrator more flexibility because this would result in less code changes.

Mr. Rowe stated that the Planning Commission needs to keep in mind that if the Zoning Administrator is given the authority to make these decisions and in the future makes a decision that the Board of Supervisors is unhappy with, then how will this affect the process and all parties involved?

Ms. Bowyer stated that it was the Commissioners and Mr. Bryant's decision on what they felt they were comfortable with doing. However, she stated that from a legal standpoint this process was efficient in other governments and although the Zoning Director could be given more flexibility, special exceptions would still be necessary for certain uses based on the code.

Mr. Bryant stated his concerns with permitted where stipulations couldn't be put on many of these uses. Mr. Bryant used an example that if a dance hall came to the area and was a permitted use then hours could not be restricted, however, if it were classified as a special exception then there could be stipulations set on hours and other recommendations could be made.

Planning Commission Recommendations:

Motion: Irvin Motion to amend Ordinance 2011-007 by striking sections 706.02, 707.02, 708.02 and adding A-1 Agricultural to the special exception, with staff recommendations

Second: Heishman

The motion carried by a 6-0 vote.

Ms, Bowyer stated that a first reading will be brought to the Board of Supervisors on 12/06/11 and brought back to the Planning Commission for a public hearing on 12/15/11.

3. SUBDIVISION PLAT REVIEW

- Shramer Lake – In accordance with Section 1007, Appendix A of the Code of the Amherst County, William Miles Wallace (owner) submitted a request for approval of a preliminary plat prepared by Fred Edward Willman, of Acres of Virginia, Inc, for a five (5) lot subdivision on the above-referenced property located on Buffalo Ridge Road (State Route 659) and abutted to the southeast by Larkin Mountain Road (Private). The total project area is 211.92 acres. No common areas are being reserved for parks or open space.

Mr. Rowe gave the staff report and stated that staff recommends that the preliminary subdivision plat be approved.

There was some discussion amongst the Planning Commissioners members about the number of lots and access to lots two (2), three (3), and four (4). Mr. Rowe replied that lot number four (4) would be accessed by a private road.

Mr. Kidd stated that notation regarding the requirement for Home Owners Association should be added to the final plat.

Mr. Brooks, surveyor and owner of Acres of Virginia, stated that he would not have a problem adding the Home Owners Association note to the final plat.

There was discussion regarding a bond for a roadway to make sure the road is maintained.

Mr. Bryant confirmed that Amherst County can issue bonds for public roads but cannot issue bonds for private roads.

Planning Commission Recommendations:

Motion: For

Motion to approve the Subdivision Plat with addition of Home Owners Association notation on the final plat that will be submitted.

Second: Irvin

The motion carried by a 6-0 vote.

4. SITE PLAN REVIEW

- Cornerstone Baptist Church – In accordance with Section 1103 of the Code of Amherst County, a major site plan has been submitted by Corner Stone Baptist Church for the construction of a 1,800 square foot multi-purpose center to serve the existing church, on property located at 130 Williams Store Road. The proposed development will provide a building that can be used

for bible study classes, worship services and other informal gatherings. The proposed building will not be comprised of fixed sanctuary seating however, it may increase the need for additional off-street parking, as determined by the Planning Commission. Copies of the plans were reviewed by the Developmental Review Committee on November 8, 2011. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

1. The private well, and drain field and private onsite sewage disposal system must be reviewed and approved by the local office of the Virginia Department of Health.

There was some discussion amongst the members and the surveyor as to if there was adequate parking.

Mr. Heishman recommended that a rapid entry key box be available on the building.

Mr. Brooks, surveyor, owner of Acres of Virginia Inc., stated that the addition would have a rapid entry key box.

Planning Commission Recommendations:

Motion: Heishman

Motion to approve the Site Plan for Corner Stone Baptist church with staff recommendations and the addition to require a rapid entry key box.

Second: Foor

The motion carried by a 6-0 vote.

5. REVIEW OF BOARD OF ZONING APPEALS

- Rising Sun Missionary Baptist Church # 2011A-04 – A variance request from Sections 804 and 601-02-2 of the Zoning and Subdivision Ordinance to decrease the minimum permitted front property line setback from Fifty (50) feet to approximately twenty-eight and one-half (28.4) feet and follow the existing non-conforming structure to be enlarged in excess of fifty (50) percent of its original floor area through a non-conforming addition, in order to construct a new sanctuary for the existing church.

Mr. Irvin stated that the property is a well maintained and kept property.

Mr. Brooks, surveyor, owner of Acres of Virginia Inc., stated he was in the process of asking Virginia Department of Transportation if a portion of the state road could become a private road. Mr. Brooks stated that no decisions had been made by Virginia of Department of Transportation at this time.

Planning Commission Recommendations:

Motion: Heishman Motion to recommend the Board of Zoning Appeals to approve Rising Sun Missionary Baptist Church # 2011A-04.

Second: Foor

The motion carried by a 6-0 vote.

6. RURAL LONG RANGE TRANSPORTATION PLAN

Mr. Massie, Senior Planner with Virginia's Region 2000, briefly gave a presentation regarding the Planning Commission's input on the top projects found in the Amherst County portion of the 2035 Rural Long Range Transportation Plan. There were twenty-two (22) projects found in the aforementioned plan, however with the help and input of surrounding Planning Commissions, he would like to determine the top three (3) projects. The purpose of this exercise is to help Virginia Department of Transportation and the localities prepare for future secondary road six (6) year planning efforts.

There was discussion amongst the Planning Commission Members regarding the list and what roads should be first priority.

Mr. Hedrick stated that before any priority decisions were made, he felt that several issues should be considered and they are: safety, high volume of traffic, and accident rates in these areas.

Mr. Kidd agreed and stated that the Planning Commission should review this document and it should be brought back as Old Business at the next Planning Commission Meeting which will be held on December 15, 2011. Mr. Kidd also felt that Mr. Ayers, Sheriff for Amherst County as well as Mr. Roakes, Director of Public and Safety should be contacted by Mr. Massie and invited to the next Planning Commission Meeting in order to give their input. Mr. Massie agreed.

7. PROPOSED CODE CHANGES

Mr. Bryant briefly gave a presentation of the potential code change outline. Mr. Bryant explained resolution number 2011-0032 – R, which states: "the Planning and Zoning Director may submit written descriptions of up to three (3) proposed planning and zoning ordinances to

the County Attorney in January and in July of each year, for a total of six proposed ordinances annually.

There was discussion amongst the members regarding the sixteen (16) amendments recommended by staff which first three (3) would take priority. It was decided that items one (1), two (2), five (5) and possibly (3) would take first priority in January 2012 and items four (4), six (6) and eight (8) would take priority in July 2012. This would be discussed at a further January 2012 Planning Commission Meeting.

Planning Commission Recommendations:

Motion: Jones Motion to approve the support of the items one (1), two (2), five (5) and possibly three (3) to take first priority in July 2012 and items four (4), six (6) and eight (8) to take priority in July of 2012.

Second: Foor

The motion carried by a 6-0 vote.

8. MONTHLY REPORT

There were no comments regarding the November 2011 monthly report.

9. APPROVAL OF MINUTES FOR OCTOBER 20,2011 & NOVEMBER

The minutes were approved as submitted.

Planning Commission Recommendations:

Motion: Foor Motion to approve the Minutes for October 20, 2011.

Second: Jones

The motion carried by a 6-0 vote.

The minutes were approved as submitted.

Planning Commission Recommendations:

Motion: Jones Motion to approve the Minutes for November 03, 2011.

Second: Heishman

The motion carried by a 6-0 vote.

10. ADJOURNMENT

Planning Commission Recommendations:

Motion: Heishman Motion to adjourn.

Second: Foor

The motion carried by a 6-0 vote.

There being no further business to discuss, the meeting was adjourned at 9:25 pm.

A handwritten signature in blue ink, appearing to read "D. Hedrick", is written over a horizontal line.

Chairman

/ss/12.14.11