

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 5, 2012  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, January 5, 2012, 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. Public Hearing -  
Pawnbrokers/Other Uses – Ordinance, No. 2011-0007
4. Site Plan
  - A. Wilco Hess # 0211-SP-006
  - B. Madison Heights Auto # 111-SP-001
5. Revised Facilities Ordinance – Ordinance, No. 2011-0005
6. Comprehensive Plan Update
7. Old Town Madison Heights Zoning Modifications
8. Old/New Business
  - A. Board of Zoning Appeals Training February 27, 2012 at 6:00 PM
  - B. Planning Commission Annual Meeting Schedule for 2012
9. Monthly Report for December 2011
10. Approval of Minutes for November 17, 2011 and December 1, 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 seven (7): Old Town Madison Heights Zoning Modifications and the addition of number eight (8) section A: Board of Zoning Appeal Training February 27, 2012 at 6:00 PM and section B: Planning Commission Annual Meeting Schedule for 2012.

#### **Planning Commission Recommendation:**

**Motion:** Jones                      Motion to approve the amended agenda.  
**Second:** Foor  
**The motion carried by a 6-0 vote.**

### **3. PUBLIC HEARING**

#### **A. Pawnbrokers/Other Uses – Ordinance, No. 2011-0007**

Ms. Bowyer, the County Attorney for Amherst County, stated that the Ordinance was ready for adoption.

Mr. Hedrick opened the public hearing.

No one spoke in opposition.

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

#### **Planning Commission Recommendation:**

**Motion:** Irvin                      Motion to approve Ordinance, No. 2011-0007.  
**Second:** Heishman  
**The motion carried by a 6-0 vote**

### **4. SITE PLAN**

#### **A. Wilco Hess                      # 0211-SP-006**

In accordance with Section 1103.03.1 of the Code of Amherst County, a major site plan has been submitted by Wilco Hess (c/o Steve Williams) for the

construction of an approximate 2,480 square foot replacement truck stop/convenience store building on property located off of S. Amherst Highway (U.S. Route 29 SBL). Copies of the plans were reviewed by the Development Review Committee on March 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 staff recommends approval of the site plan with the following conditions:

1. A rapid entry key box must be provided per Amherst County Code 11.5-107.
2. Per Section 602.02, all new parking areas and aisles must be surface treated.
3. Per Section 602.02(2), all lighting facilities must be arranged so that light is reflected away from adjacent properties and streets.
4. The existing entrances must be approved by a representative of the Virginia Department of Transportation (through site plan approval).
5. A landscaping bond must be established with Amherst County per Section 1602.
6. An erosion and sediment control bond must be established with Amherst County in the total amount of the cost of implementing the erosion and sediment control measures shown in the plan.

Mr. Foor asked why there was a difference of size between the DRC comments and the site plan.

Mr. Mosby, from Hurt and Proffitt Surveyors, Inc., stated that generally at first the size was to be larger, however, Virginia Department of Transportation stated that for the enlarged building size an expanded entrance would be necessary and this was not possible due to the geometrics for this entrance on Hwy 29 Business.

Mr. Brine asked if the applicant had addressed all concerns with the Amherst County Service Authority.

Mr. Rowe replied that Dan French had stated that all requirements had been met.

Mr. Rowe asked if the Planning Commission approved only a fence and no landscaping being placed around the dumpster site. The Planning Commission replied that the fence would be adequate enough screening.

**Planning Commission Recommendation:**

**Motion:** Jones

Motion to approve site plan for Wilco Hess # 0211-SP-006 with staff recommendations

**Second:** Foor

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

B. Madison Heights Auto # 111-SP-001

In accordance with Section 1103 of the Code of Amherst County, a major site plan has been submitted by Robert Kenneth Thompson for the construction of a 2,400 square foot storage building to serve the existing non-conforming salvage yard use, on property located at 239 Thunderbird Ridge Road. The proposed structure will provide an area where the applicant/owner can work on and store vehicles while being sheltered from adverse weather conditions. The proposed structure will not be tied into the existing on-site system and will not feature any plumbing. Copies of the plans were reviewed by the Development Review Committee on December 13, 2011. The following sections summarize staff and agency comments with respect to the major elements of the plan.

Mr. Rowe gave the staff report with the following condition:

1. Any and all existing signage violations associated with the business use on-site must be resolved prior to approval of the final site plan.

Mr. Rowe stated that a sign violation had previously taken place at this address, however, the violation has since been taken care of, and therefore, the staff recommended condition could be removed.

There was discussion amongst the Planning Commission Members regarding the road and adjacent property owners. Mr. Brooks, owner and surveyor for Acres of Virginia, speaking on behalf of the applicant stated that the applicant owned all of the land at the end of the road.

Mr. Hedrick asked if a litter receptacle would be required and if the area was under control as far as trash was concerned. Mr. Rowe stated no receptacles would be needed but there would be items associated with a salvage yard lying around but not trash.

Mr. Brooks stated that there were receptacles located on the porch and could be used for this area and a dumpster would be located near the site for trash items.

**Planning Commission Recommendation:**

**Motion:** Heishman                      Motion to approve site plan for Madison Heights Auto # 111-SP-001.

**Second:** Irvin

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



## **5. REVISED FACILITIES ORDINANCE – ORDINANCE, NO. 2011-0005**

Ms. Bowyer, County Attorney, gave a brief description of the Wireless Ordinance and as it currently stands. Ms. Bowyer stated that she has drawn up a new ordinance which is very similar to that of Fluvanna County. Ms. Bowyer stated that the ordinance she was about to review is only in draft form and that it would need to come back to the Planning Commission for a first reading on February 2, 2012 and a public hearing scheduled with the Planning Commission for February 16. Ms. Bowyer recommended that the Planning Commission and Board of Supervisors get together and develop a policy and in doing so this should include a technology expert selected by the County and paid for by the applicant.

There was discussion regarding conservation areas within Amherst County.

There was discussion as to who defines what a ridgeline is and where it is located.

There was discussion amongst the Planning Commission members regarding hiring a third party, a technology expert in wireless communication, and having the applicant pay. Mr. Heishman disagreed with having the applicant pay. Ms. Bowyer stated that Amherst County needed the expertise of a professional.

There was discussion amongst the County Attorney and the Planning Commission regarding whether a balloon test would be accurate under certain weather conditions needed for the placement of cellular towers, and whether the test would be properly advertised for citizens.

Ms. Bowyer stated that she chose to model Fluvanna County's Ordinance because it had recently been adopted and positive results have come out of the changes that were made.

Mr. Bryant discussed that the ordinance needed to include cellular towers to be allowed in the Agricultural Districts as well as along primary corridors such as Route 60 and Hwy 151. Mr. Bryant also stated that he would like to see the setbacks streamlined. Mr. Bryant also wanted the Planning Commissioners' opinion of height requirements.

Mr. Irvin stated that the County should make the height requirements flexible enough so that facility companies will want to come to the County and there will be enough coverage. Mr. Irvin stated that these facility companies would only put the height coverage needed and would not over exceed due to expenses.

There was discussion amongst Planning Commission, Staff and County Attorney regarding what the necessary height should be.

Mr. Hedrick stated that the ordinance had too many technical details which needed to be redone. Mr. Hedrick was against a technical engineer being hired and paid for by the applicant in considering the application. Mr. Hedrick stated that this document was not a business friendly ordinance.

Ms. Bowyer stated that she was speaking on behalf of the Board of Supervisors and that access was the main goal, not height, however, once a tower height is over 200 feet then federal issues could be involved.

Mr. Kidd and Mr. Irvin both agreed that these higher towers should be permitted because it would eliminate the need for many smaller towers.

Ms. Bowyer stated that if a tower is constructed at 120 feet then it must be built to support three (3) carriers.

Mr. Bryant and Ms. Bowyer agreed that the first reading would be held at the February 2, 2012 Planning Commission Meeting.

## **6. COMPREHENSIVE PLAN UPDATE**

Mr. Bryant briefly explained that on June 21, 2007, the Amherst County Board of Supervisors adopted the Amherst Comprehensive Plan for 2007-2027. The plan was crafted over a four year timeframe beginning in 2003, in which many citizens contributed to its completion. The Virginia State Code states, *"At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether is advisable to amend the plan."* Therefore, the Comprehensive Plan Update will be on the agenda for the first meeting of each month for the Planning Commission to discuss.

## **7. OLD TOWN MADISON HEIGHTS ZONING MODIFICATIONS**

Mr. Bryant updated the Planning Commission on the Old Town Madison Heights Zoning Modifications. Mr. Bryant briefly discussed the report that he had drafted after having meetings with the Old Town Madison Heights Sub-Committee and citizens of Old Town Madison Heights.

There was discussion regarding certain types of businesses and the hours of operation and what the citizens', of Old Town Madison Heights, major concerns were.

## **8. OLD/NEW BUSINESS**

### **A. Board of Zoning Appeal Training February 27, 2012 at 6:00**

Mr. Bryant informed the Planning Commission that a new member had been appointed to replace Bonnie Limbrick, District 2, of the Board of Zoning Appeals, and invited all of the Planning Commission to the February 27, 2012 meeting which will be comprised of training provided by Mike Chandler. Mr. Bryant stated that if more than three (3) members were

interested in attending then he would need to advertise the meeting. Mr. Bryant asked that anyone that would like to attend to please contact the Planning and Zoning office.

Mr. Kidd will invite the Board of Supervisors to the meeting.

B. Planning Commission Annual Meeting Schedule for 2012

Mr. Bryant presented the Planning Commission with the 2012 yearly schedule for Planning Commission Meetings.

**Planning Commission Recommendation:**

**Motion:** Foor                      Motion to adopt the 2012 Planning Commission Meeting Schedule.

**Second:** Heishman

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

9. MONTHLY REPORT FOR DECEMBER 2011

There were no comments made to the monthly report for December 2011.

10. APPROVAL OF MINUTES FOR NOVEMBER 17, 2011 AND DECEMBER 1, 2011

There was one change made to the minutes for November 17, 2011.

**Planning Commission Recommendations:**

**Motion:** Heishman                      Motion to approve the Minutes for November 17, 2011 with one change.

**Second:** Foor

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

There were several changes made to the minutes for December 1, 2011.

**Planning Commission Recommendations:**

**Motion:** Heishman                      Motion to approve the Minutes for December 1, 2011 with modified changes.

**Second:** Foor

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

**11. ADJOURNMENT**

**Planning Commission Recommendations:**

**Motion:** Heishman                      Motion to adjourn.

**Second:** Irvin

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

There being no further business to discuss, the meeting was adjourned at 9:45 pm.

A handwritten signature in cursive script, appearing to read "J. Hedrick", is written over a horizontal line.

Chairman

/ss/1.17.11