

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, APRIL 19, 2012
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, April 19, 2012, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Donald Hedrick, Chairman
Beverly Jones
George Brine

MEMBERS ABSENT: Mitch Heishman, Vice-Chairman
Donald Kidd, Board Liaison
Leslie Irvin
Derin Foor

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

STAFF ABSENT: Matthew Rowe, Planner/Assistant Zoning Planner

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing – Special Exception
 - a. 2012-04 Liberty University
 - b. 2012-05 Fairview Bed and Breakfast
5. Old/New Business
6. Approval of Minutes for March 15, 2012
7. Adjournment

1. CALL TO ORDER

Chairman Hedrick called the meeting to order at 7:07 PM.

Chairman Hedrick explained that a quorum was not present at this meeting, however, the public hearing would proceed but no action could be held. Chairman Hedrick stated that both

cases would be included on the Planning Commission's May 17, 2012 agenda and once a quorum was established then action could be taken.

2. APPROVAL OF AGENDA

The agenda was accepted as submitted by consensus.

3. CITIZENS COMMENTS

There were none.

4. PUBLIC HEARING

A. 2012-04 Liberty University

Request by Liberty University for a special exception in the R-2 General Residential District and in the Flood Hazard Overlay District. The purpose of the special exception is to allow recreational uses similar to a private club, including the construction of a dock and boat ramp. The property is located at 747 River Road and is further identified as tax map number 155-A-52. Additionally, Liberty University intends to use Daniel Island for recreational opportunities. Daniel Island is zoned A-1 Agricultural Residential and is located in the James River and is partially in Amherst County and partially in the City of Lynchburg. Daniel Island does not contain a tax map identification number in Amherst County.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends approval of the request with the following conditions:

1. **Parking:** Regular parking spaces shall be 9'x18' in total size and shall be delineated on the siteplan. All vehicles must be parked in areas that were designated in accordance to the site plan. Parking will not be allowed on River Road (SR 685) unless approved by the Virginia Department of Transportation. The total number parking spaces shall meet the requirement of one (1) parking space for each 200 square feet of floor area. Therefore, the total number of parking spaces shall Be fourteen (14) parking spaces shall be designated for a vehicle and boat trailer.
2. **Hours of Operation:** i. Monday – Sunday 6AM-9PM
3. **Lighting:** All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
4. **Entrance:** A commercial entrance permit must be obtained from the Virginia Department of Transportation prior to the issuance of a zoning permit.
5. **Drainfiled:** The applicant must receive approval of a safe, adequate and proper

- review from the Virginia Department of Health prior to the issuance of a zoning permit.
6. Trash Disposal: Trash disposal facilities shall meet all screening requirements as required in the Amherst County Landscaping Ordinance.
 7. Users of property: In accordance with Section 703.03 (7) and 704.03 (1), “private clubs” are a special exception in the R-2 General Residential District. The property shall meet the definition of a “private club” as defined in Section 302.22 of the Amherst County Zoning Ordinance and the allowance of guests managed by Liberty University.
 8. Limited Access: A lockable gate at the front entrance shall be indicated on the site Plan. The lockable gate shall be installed and locked during non-business hours. A rapid entry key box shall be installed on the gate to allow the Amherst County Public Safety Department access to the building on the property.
 9. Other Permits: Prior to the issuance of a zoning permit the applicant shall demonstrate to the Zoning Administrator that all applicable permits have been received and approved from other governmental agencies. Examples include: the City of Lynchburg, Virginia Marine Resource Commission, Army Corps of Engineers, Department of Environmental Quality, and the Department of Conservation and Recreation.
 10. Site Plan: A site plan shall be submitted in accordance with Article XI.
 11. Additional Conditions: Additional conditions may be recommended by the Planning Commission, and imposed by the Board of Supervisors.

Mr. Hedrick opened the public hearing.

Mr. Norm Walton, engineer with Perkins and Orrison, represented the applicant. Mr. Walton presented the Planning Commission with a diagram of the property and explained how this property would be utilized by Liberty University.

Mr. William Parr, resides at 779 River Rd. in Madison Heights spoke in opposition to the request. Mr. Parr’s concerns were increased traffic, narrow roadways and the possibility for accidents. Mr. Parr also expressed concern as to how this private club request by Liberty University, a non-profit organization, would benefit the community and Amherst County.

Mr. Jesse Argebright Jr., resides at 602 River Rd. in Madison Heights and is also the owner to Red & Dots located at 581 River Rd. spoke in opposition of the request. Mr. Argenbright stated that the proposed activity would use Amherst County’s public safety department, roads and water lines. Mr. Argenbright expressed concern pertaining to hours of operation and past tragic accidents that this area has had involving Liberty University’s students. Mr. Argenbright was concerned for the safety of the students and the residents of the community. Mr. Argenbright stated that this facility could also jeopardize fishing in the James River.

Mr. Carl Howell, resides at 549 River Rd. in Madison Heights spoke in opposition to the request. Mr. Howell was concerned for safety pertaining to the narrow roads and many bike riders that ride through the area. Mr. Howell stated that a boat ramp was not necessary for canoes or kayaks and that Red & Dots currently has a boat ramp which is open to the public for a small charge, but accessible free of charge for the County's use. Mr. Howell stated that he did not want this part of the river to appear congested because he appreciates the tranquility and privacy of the James River.

Ms. Susan Howell, resides at 549 River Rd. in Madison Heights spoke in opposition to the request. Ms. Howell stated that by allowing this request it would cause pollution and littering along the river and roadway. Mr. Howell was also concerned for the residents' safety once the traffic increases. Ms. Howell stated that her family and neighbors intend to preserve the land for many generations to come.

Ms. Patty West, resides on River Rd. in Madison Heights spoke in opposition to the request. Ms. West asked if Liberty University would be ecologically and neighbor friendly. Ms. West stated that there is a dilapidated and mangled steel bridge that remains partially in the river and partially on the river bank. Ms. West stated that this dilapidated bridge has been there for twenty-seven (27) years collecting trash and Liberty University has done nothing to clean this site up. Ms. West stated that this was a prime example of how Liberty University would upkeep the river.

Ms. Virginia Blanks, resides at 1970 River Rd. in Madison Heights spoke in opposition to the request. Ms. Blanks was concerned that this facility would disrupt the community. Ms. Blanks stated that Liberty University should use their own resources such as the lake at Camp Hide Away.

Mr. Chuck Coleman, resides at 835 River Rd. in Madison Heights spoke in opposition to the request. Mr. Coleman stated that by allowing Liberty University to construct a large dock would only intensify the area with trash. Mr. Coleman explained that in time the dock could get destroyed and cause another negative site within the river, such as the dilapidated steel bridge.

Mr. Adam New, resides at 971 River Rd., spoke in opposition to the request. Mr. New stated that all of Liberty University's events and facility's should remain in Lynchburg and not in the surrounding counties such as Amherst.

Mr. Dave Mapes, resides at 872 River Rd. in Madison Heights spoke in opposition to the request. Mr. Mapes expressed concerns pertaining to safety, parking, traffic, security and septic issues within this area.

Ms. Patricia Aronson, resides at 920 River Rd. in Madison Heights spoke in opposition to the request. Ms. Aronson stated that she enjoys the serenity of the area and is concerned for the environment if this request is granted. Ms. Aronson expressed her concern that Liberty

University may scar Amherst County just as Liberty University has scarred Lynchburg by the LU initials on top of Candler's Mountain.

Ms. Angie Coleman, resides at 835 River Rd. in Madison Heights spoke in opposition to the request. Ms. Coleman stated that this property is in the flood plain and expressed concern when the area floods. Ms. Coleman also stated that recently Liberty University had purchased property at Ivy Lake to use for events and regatta races and she didn't see the need for Liberty University to use the residential community on River Road. Ms. Coleman also stated that when the annual regatta races are held the parking would be limited and she did not want to see traffic parked along the side of the road.

Mr. Edward Coleman Jr., resides at 835 River Rd. in Madison Heights spoke in opposition to the request. Mr. Coleman stated that he did not want to see the area lit up at night until 9:00 PM and by allowing this request it would impact the residents of the area in a negative way.

Ms. Jan Parsons, resides at 685 Waughs Ferry Rd. in Amherst spoke in opposition to the request. Ms. Parsons stated that the serenity, history and fishing on the James River must to be preserved.

Ms. Lois Ann Pfister, resides at 855 Winesap Rd. in Madison Heights spoke in opposition to the request. Ms. Pfister expressed concerns pertaining to operating hours, noise ordinance, off street parking, the need for trailer parking and who determines the conditions that the applicant must meet. Ms. Pfister stated if the applicant doesn't uphold the conditions then the neighbors must complain in order for the County to take action. Ms. Pfister also asked who would monitor and control the issue of trespassers.

Mr. Carlton Manley, resides at 108 Bluebird Lane in Madison Heights, spoke in opposition to the request. Mr. Manley expressed concern that Liberty University would deface the River Road area just as it has Candler's Mountain and stated he did not want to see this happen in Amherst County.

Ms. Penny Millson, resides at 868 River Rd. in Madison Heights spoke in opposition to the request. Ms. Millson began by passing out a signed petition to all the Commissioners. Ms. Millson expressed concern with the school bringing in large amounts of students to this small area causing the area to become congested and unsafe. Ms. Millson also stated that the septic system could be an issue with a facility trying to cater to so many people.

Ms. Clare Mapes, resides at 872 River Rd. in Madison Heights is a seventh grade student at Monelison Middle School spoke in opposition to the request. Ms. Mapes stated that a dock that is 128 ft is not necessary for a canoe or kayak. Ms. Mapes also expressed concern pertaining to the increased traffic that this facility would have on River Rd.

Mr. Douglas Courier, resides at 400 Garrett Farm Rd. in Madison Heights spoke in opposition to the request. Mr. Courier expressed concern pertaining to the narrow roadways, traffic, septic issues, parking, dock and the crew boats that would be allowed.

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

Mr. Bryant responded to the citizen's questions pertaining to traffic, parking, drainfield, membership and crewboats.

Mr. Lee Beaumont answered the Planning Commission's questions and discussed the intentions of what this recreation facility would involve.

Ms. Jones asked if the building currently on the property would be renovated. Mr. Beaumont replied that if this building is salvageable then the building would be renovated, however if the building could not be saved then a new building would be constructed. The use for the building is to house the equipment and a space designated for an office.

- B. 2012-05 Fairview Bed and Breakfast
Request by Fairview Bed and Breakfast for a special exception in A-1 Agricultural Residential district. The purpose of the special exception to allow weddings and other similar special events. The property is located at 2416 Lowesville Road and is further identified as tax map number 39-A-86A.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends approval of the request with the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Parking: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.
3. Entrance: Applicant shall contact the Virginia Department of Transportation (VDOT) to determine if a commercial entrance permit will be required prior to the issuance of a zoning permit. If a change in the entrance permit is required, the applicant shall provide the Amherst County Planning and Zoning Department an approved entrance permit number to be included on the zoning permit.
4. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
5. Easement: The applicant and the applicant's guests associated with the proposed special exception shall not block the shared easement and shall allow for open and shall allow for open and unobstructed access to adjoining properties that have legal access across the easement.

Mr. Bryant read a letter from Mr. J.E. Brockman, an adjoining property owner. The letter pertained to his right-of-way that he shares with the applicant being blocked or partially blocked keeping Mr. Brockman from entering his property to feed and water his cattle. With this concern in mind, Mr. Bryant added the fifth condition pertaining to the easement.

There was a discussion as to if there were any residential dwellings close to the applicant's property.

Mr. Hedrick opened the public hearing.

Ms. Kilgore, the applicant, spoke in favor of the request. Ms. Kilgore stated that she is working with the Health Department on the drainfield and septic system capacity as well as with Virginia Department of Transportation (VDOT) on the entrance.

Ms. Pfister, resides at 855 Winesap Rd. in Madison Heights spoke from experience with her neighbors that recently opened a bed and breakfast. Ms. Pfister stated that the applicant should be aware of the property lines and enforce that no trespassing occurs when events are being held.

No one spoke in opposition to the request.

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

5. OLD/NEW BUSINESS

There was discussion about the Comprehensive Plan (chapters 5 and 6) that would be reviewed at the next Planning Commission Meeting on May 3, 2012.

There was a discussion as to if the Exxon Mobil job had begun on Fertilizer Road.

6. APPROVAL OF MINUTES FOR MARCH 15, 2012

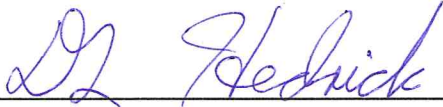
The minutes could not be approved because a quorum was not present. Consideration of the approval of minutes for March 15, 2012 will be added to the May 17, 2012 Planning Commission Meeting.

7. ADJOURNMENT

The meeting was adjourned by a consensus.

There being no further business to discuss, the meeting was adjourned at 9:03 pm.

/ss/4.27.12


Chairman

These minutes were unable to be approved
therefore the minutes were approved by a
consensus.