

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, JUNE 21, 2012
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, June 21, 2012, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Donald Hedrick, Chairman
Derin Foor
George Brine
Leslie Irvin

MEMBERS ABSENT: Mitch Heishman, Vice-Chairman
Beverly Jones
Donald Kidd, Board Liaison

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing - Conditional Zoning (Rezoning)
 - A. 2012-08 Linwood L. Allen Investment, Inc.
5. Public Hearing - Special Exception
 - A. 2012-09 Hilda & Wayne Dunning
6. Public Hearing - Ordinances
 - A. 2012-10 Establishing RMU-1 Zoning district
 - B. 2012-11 Farm Wineries
 - C. 2012-12 Parking Lots
 - D. 2012-13 Uses Authorized in Single Family Residential Districts
7. Draft Text of Proposed Zoning Amendments
 - A. Language Regarding Temporary Uses, Wayside Stands
 - B. Definitions
 - C. Amherst County FPO

8. Comprehensive Plan Discussion
9. Old/New Business
10. Approval of Minutes for May 3, 2012 & May 17, 2012
11. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Recommendation:

Motion: Irvin Motion to approve the agenda as submitted.

Second: Brine

The motion carried by a 4-0 vote

3. CITIZENS COMMENTS

There were none.

4. PUBLIC HEARING – CONDITIONAL ZONING (REZONING)

A. 2012-08 Linwood L. Allen Investment, Inc.

Request by Linwood L. Allen Investment Inc., for a conditional zoning from the R-2 General Residential District to the B-2 General Commercial District. The purpose of the conditional zoning is to allow for the construction of a personal wireless communications tower on the property. The parcel is approximately 6.242 acres and is located on Crescent Lane and is further identified as tax map number 137-A-157.

Mr. Bryant gave the staff report and explained the rezoning process with conditions or voluntary proffers. Staff recommends approval with the proffers for conditional rezoning voluntarily submitted by the applicant. These proffers are:

1. All uses allowed as a permitted or special exception use in the B-2 General Commercial District will be prohibited with the exception of personal wireless service facilities, Section 707.02 (68).
2. Subject property shall be developed in compliance with the approved site plan.

There was discussion amongst the Planning Commission members regarding the entrance and drainage issues.

Mr. Hedrick opened the public hearing.

Mr. Linwood Allen, the applicant, spoke in favor of the request and passed out a signed petition from seven (7) out of the eleven (11) adjoining property owners. Mr. Allen stated that this request would not create additional traffic, but would benefit the County by increasing wireless communication.

Mr. Tom Christian, resides at 117 Crescent Lane, spoke in favor of the request.

No one spoke in opposition of the request.

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

Planning Commission Recommendation:

Motion: For Motion to approve the conditional rezoning request 2012-08 with proffers.

Second: Brine

The motion carried by a 4-0 vote

5. PUBLIC HEARING – SPECIAL EXCEPTION

- A. 2012-09 Request by J. Wayne and Hilda Dunning for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a manufactured home located on Rothwood Drive and is further identified as tax map number 138-A-187.

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

1. Drainfield: Prior to issuance of a zoning permit, approval from the Virginia Department of Health will be required to determine that the drainfield will be adequate for the dwelling.
2. 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. Mike Frazier, spoke in favor of the request. Mr. Frasier explained that Hilda and Wayne Dunning were his in-laws and the property owners. However, the application from the Health Department was in his name.

Mr. Ronald Kiser, resides at 336 Rothwood Rd. in Madison Heights, spoke in opposition to the request. Mr. Kiser is an adjoining property owner and is concerned that by allowing a single wide manufactured home could cause his property value to decrease.

Mrs. Doris Kiser, resides at 336 Rothwood Rd. in Madison Heights, spoke in opposition to the request. Mrs. Kiser was concerned with the appearance that the neighborhood would have in the future if this request, as well as similar requests, was granted.

Mr. Steve Adams, a resident on Rothwood Rd. stated that he was not opposed to this particular request, however, in the future he would like no more singlewide manufactured homes be allowed in this general residential area.

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

There was discussion amongst the Planning Commission members and the applicant's conditions for approval were discussed.

Planning Commission Recommendation:

Motion: Irvin

Motion to approve the special exception request 2012-09 with the following conditions.

1. Drainfield: Prior to issuance of a zoning permit, approval from the Virginia Department of Health will be required to determine that the drainfield will be adequate for the dwelling.
2. Existing vegetation between the public street and proposed manufactured dwelling shall remain in place.
3. The use of the manufactured home shall be allowed only by Hilda and Wayne Dunning and Mike Frazier.
4. In the event the manufactured home is abandoned for more than (twenty-four) 24 months, the manufactured home and related items shall be removed from the property.

Second: Foor

The motion carried by a 3-1 vote (Brine)

6. PUBLIC HEARING – ORDINANCES

A. 2012-10 Established RMU-1 Zoning District

The purpose of the hearing is to consider the adoption of a revision to the Amherst County 2027 Comprehensive Plan in accordance with Virginia Code 15.2-2225, 2226, and 2204 and the addition of a newly created zoning district that would allow for a future rezoning of an area of the County known as Old Town Madison Heights. The purpose of establishing the Residential Mixed Use District (the "RMU-1 district") is to accommodate development of mixed-use, pedestrian-oriented, activity centers for a variety of uses, including residential, supporting commercial, cultural, educational, and other public and private uses. The standards applicable in the RMU-1 district are intended to encourage redevelopment and reinvestment in residential and supporting commercial areas. The RMU-1 district shall incorporate publicly accessible community open space areas and encourage high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The RMU-1 district standards permit a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and is intended to discourage piecemeal development. The RMU-1 district standards will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility and innovative and creative design.

Mr. Bryant briefly explained this revision.

Mr. Hedrick opened the public hearing.

Mrs. Janice Camden, resides at 419 Main Street in Madison Heights, spoke in favor of the request. Mrs. Camden had concerns and asked that this information be better clarified concerning group homes, family day homes and temporary health structures.

Mr. Calvin Carson, resides at 330 Main Street in Madison Heights, spoke in favor of the request. Mr. Carson stated that he felt that most of Old Town Madison Heights concerns were acknowledged in putting together this district. Mr. Carson stated that by allowing this ordinance it would provide charm to Old Town Madison Heights as well as help increase economics and population. Mr. Carson did express his concerns with businesses staying open late at night and front parking issues.

No one spoke in opposition to the request.

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

Mr. Bryant replied to Mrs. Camdens concerns and defined group home, family day home and temporary family health care structures. Mr. Bryant stated that these terms were the same as

listed in the ordinance 2012-13 (Planning and Zoning's assigned number) 2012-0006 (County Attorney's Office assigned number) for Uses Authorized in Single Family Residential Districts. The Planning Commission had a brief discussion concerning hours, parking and permitted uses.

Planning Commission Recommendation:

Motion: Brine Motion to approve ordinance 2012-10 (number assigned through the Planning & Zoning Department) 2012-003 (number assigned through the County Attorney's Office), also include the definitions for a group home, family day home and temporary family health care structure so that these definitions are consistent with ordinance 2012-13 (Planning and Zoning's assigned number) 2012-0006 (County Attorney's Office assigned number) for Uses Authorized in Single Family Residential Districts.

Second: Irvin
The motion carried by a 4-0 vote

B. 2012-11 Farm Wineries

The purpose of the hearing is to amend the Amherst County Zoning Ordinance so that farm wineries are consistent with Virginia Code Section 15.2-2288.3. The amendment will allow farm wineries as a permitted use in the A-1 Agricultural Residential District. Farm wineries will be defined as an establishment licensed as a farm winery under Virginia Code § 4.1-207.

Mr. Bryant briefly explained this revision.

Mr. Hedrick opened the public hearing.

No one spoke in favor or opposition to the request.

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

Planning Commission Recommendation:

Motion: Irvin Motion to approve ordinance 2012-11 Farm Wineries (number assigned through the Planning & Zoning Department) 2012-004 (number assigned through the County Attorney's Office).

Second: Foor
The motion carried by a 4-0 vote

C. 2012-12 Parking Lots

The purpose of the hearing is to amend the Amherst County Zoning Ordinance off-street parking regulation. The proposed amendment requires that all parking areas, except those serving one- and two-family dwellings, that are located within the County's designated growth boundary, or front along a U.S. highway or primary highway shall be surface treated or paved. The regulation provides the Zoning Administrator the ability to require paving in certain circumstances. The regulation creates a standard parking lot aisle width of at least twenty-two (22) feet.

Mr. Bryant briefly explained this revision.

Mr. Hedrick opened the public hearing.

No one spoke in favor or opposition to the request.

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

Planning Commission Recommendation:

Motion: Foor Motion to approve ordinance 2012-12 for Parking Lots
(number assigned through the Planning & Zoning
Department) 2012-005 (number assigned through the
County Attorney's Office).

Second: Brine

The motion carried by a 4-0 vote

D. 2012-13 Uses Authorized in Single Family Residential Districts

The purpose of the hearing is to amend the Amherst County Zoning Ordinance to allow uses authorized in single-family residential districts. The modification will allow group homes, family day homes, and temporary health care structures consistent with the Code of Virginia section(s) 15.2-2291, 2292, 2292.1. These uses will be allowed in the R-1 Limited Residential District and the A-1 Agricultural Residential District as a permitted use. The proposed ordinance also defines each of the above stated uses.

Mr. Bryant briefly explained this revision and answered the Planning Commission's questions.

Mr. Hedrick opened the public hearing.

No one spoke in favor or opposition to the request.

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

Planning Commission Recommendation:

Motion: Irvin Motion to approve ordinance 2012-13 for Uses Authorized in Single Family Residential Districts (number assigned through the Planning & Zoning Department) 2012-006 (number assigned through the County Attorney's Office).

Second: Foor

The motion carried by a 4-0 vote

7. DRAFT TEXT OF PROPOSED ZONING

A. Language Regarding Temporary Uses, Wayside Stands

Mr. Rowe gave a brief discussion and gave examples of wayside stands, location and restrictions for certain zoning districts.

B. Amherst County Flood Plain Ordinance (FPO)

Mr. Rowe discussed how this amendment language aims to address the State's Department of Conservation and Recreation (VADCR) comments pertaining to the County's Flood Zones.

C. Definitions

Mr. Rowe briefly stated that additional definitions would aim to better define certain uses and use categories, and acknowledge existing uses within the County. The language also defines existing terms within the Ordinance that are crucial in making determinations regarding potentially vague uses.

8. COMPREHENSIVE PLAN DISCUSSION

Mr. Bryant briefly presented to the Planning Commission changes that had been made in the Land Use Section of the Comprehensive Plan. Some of the major changes that were made consist of:

1. The adoption of the sliding scale in the Agricultural Zoning District (A-1).
2. References to Old Town Madison Heights and supporting Residential Mixed Use Districts
3. Grammar errors
4. MU-TND (Mixed Use Traditional Neighborhood District)

Mr. Bryant stated that Scott Smith from Region 2000 would be attending the July 5th Planning Commission and discussing his concept on the future transportation section.

Mr. Bryant answered the Planning Commission's questions.

Mr. Hedrick asked that Staff look further into having an agriculture suitability map, which is a map that can better define the soil and terrain of an area.

9. OLD & NEW BUSINESS

There were none.

10. APPROVAL OF MINUTES FOR MAY 3, 2012 & MAY 17, 2012

Several changes were made to the May 3, 2012 minutes.

Planning Commission Recommendation:

Motion: Irvin

Motion to approve the minutes for May 3, 2012 with changes.

Second: Foor

The motion carried by a 4-0 vote

The May 17th minutes could not be approved due to a several members being absent.

9. ADJOURNMENT

Planning Commission Recommendation:

Motion: Irvin

Motion to adjourn.

Second: Brine

The motion carried by a 4-0 vote

There being no further business to discuss, the meeting was adjourned at 8:51 pm.

/ss/7.11.12



Chairman