

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, OCTOBER 4, 2012
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, October 4, 2012, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Donald Hedrick, Chairman
Donald Kidd, Board of Supervisors Liaison
George Brine
Leslie Irvin
Beverly Jones
Mitch Heishman, Vice-Chairman

MEMBERS ABSENT: Derin Foor

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Site Plan
 - A. #0712-SP-004 Verizon – 311 N. Forks Rd. (Forks of Buffalo)
 - B. #0712-SP-005 Verizon – 3763 Lexington Turnpike (Sandidges wireless tower)
 - C. #0812-SP-004 Temple Baptist Church – Softball Field
 - D. #0812-SP-005 Verizon – Sardis Tower Facility (wireless tower)
5. Subdivision Plat Review
 - A. 0812-SUB-002 Ballard Tract Subdivision (Clayton Bryant, Jr.)
6. Review of Board of Zoning Appeals
 - A. 2012A-03 Stacey Glenn Tyree
7. Comprehensive Plan Discussion

8. Old/New Business
9. Approval of Minutes for September 6, 2012 and September 18, 2012
10. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Item number nine (9) on the agenda was deleted. The amended agenda was approved as submitted.

Planning Commission Action:

Motion: Heishman Motion to approve the amended agenda.

Second: Jones

The motion carried by a 5-0 vote

3. CITIZENS COMMENTS

There were none.

4. SITE PLAN

- A. #0712-SP-004 Verizon – 311 North Forks Rd. (Forks of Buffalo wireless tower)
In accordance with sections 919 and 1103.03.8 of the Zoning & Subdivision Ordinance, Verizon Wireless has submitted a site plan prepared by Tectonic Engineering & Surveying Consultants, P.C., for construction of a one-hundred and twenty (120) foot tall personal wireless service facility on property owned by Douglas W. Hackey and located on tax map parcel number 34-1-4. Copies of the plans have been reviewed by the Development Review Committee on September 11, 2012. The following sections summarize staff and agency comments with respect to the major elements of the plan.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following condition:

- 1) An approved Erosion and Sediment Control Plan must be submitted and approved by the County prior to issuance of a zoning permit.

Mr. Hedrick asked that the E&S bond be included on the staff recommendations.

Mr. Steve Waller, applicant with Waller Site Consultants, spoke in favor of the request.

Planning Commission Recommendation:

Motion: Irvin Make a motion that the site plan 0712-SP-004 for Verizon – 311 North Forks Rd. be approved with staff recommendations including the recommendation that an erosion and sediment control bond for the costs of implementing the ESC plan must be provided to the County prior to ESC plan / site plan approval.

Second: Heishman

The motion carried by a 5-0

- B. #0717-SP-0005 Verizon – 3763 Lexington Turnpike (Sandidges wireless tower) – In accordance with Sections 919 and 1103.03.8 of the Zoning & Subdivision Ordinance, Verizon Wireless has submitted a site plan prepared by Tectonic Engineering & Surveying Consultants, P.C., for construction of a one-hundred and twenty (120) foot tall personal wireless service facility on property owned by Larry and Mary Fauber and located on tax map parcel number 48-A-23. Copies of the plans have been reviewed by the Development Review Committee on September 11, 2012. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

- 1) An approved Erosion and Sediment Control Plan must be submitted and approved by the County prior if the total amount of land disturbance is greater than 10,000 square feet.
- 2) A Virginia Department of Transportation Land Use Permit shall be issued prior to the issuance of a zoning permit.
- 3) Landscape plan shall be included on the site plan (Sheet C-2A) that is in accordance with the screening provisions of Article XVI, Landscaping Ordinance.

Planning Commission Recommendation:

Motion: Heishman Make a motion that the site plan 0712-SP-005 for Verizon – 3763 Lexington Turnpike (Sandidges wireless tower) be approved with staff recommendations.

Second: Brine

The motion carried by a 5-0

- C. #0812-SP-004 Temple Baptist Church – Softball Field
- In accordance with Section 1103 of the Code of Amherst County, a major site plan has been submitted by Temple Baptist Church for the construction of a softball field to serve the existing church / religious facility, on property located at 4465 S. Amherst Hwy. The proposed softball field may increase the need for additional off-street parking, as determined by the Planning Commission. Copies of the plans were reviewed by the Development Review Committee on September 11, 2012. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

1. An erosion and sediment control bond for the costs of implementing the ESC plan must be provided to the County prior to ESC plan / site plan approval.
2. Prior to the issuance of a zoning permit, the Director of Public Safety must be satisfied that adequate access is available for public safety vehicles to the proposed field.

Bif Johnson, engineer with Hurt & Proffit spoke in favor of the request and answered the Planning Commissions questions.

Planning Commission Recommendation:

Motion: Brine Make a motion that the site plan 0812-SP-004 for Temple Baptist Church Softball Field be approved with staff recommendations.

Second: Irvin

The motion carried by a 5-0

- D. 0812-SP-005 Verizon – Sardis Tower Facility (wireless tower)
In accordance with Sections 919 and 1103.03.8 of the Zoning & Subdivision Ordinance, Verizon Wireless has submitted a site plan prepared by Thompson & Litton, for construction of a one-hundred and twenty (120) foot tall personal wireless service facility on property owned by Billy W. Jennings and located on tax map parcel number 64-A-44. Copies of the plans have been reviewed by the Development Review Committee on September 11, 2012. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

- 1) An approved Erosion and Sediment Control Plan must be submitted and approved by the County prior if the total amount of land disturbance is greater than 10,000 square feet.
- 2) A Virginia Department of Transportation Land Use Permit shall be issued prior to the issuance of a zoning permit.
- 3) Sheet C-3 shall be amended to fully show that the tower meets the 120' setback as required.

Mr. Bryant stated that on one of the drawings he could not see the distance from the tower to one of the property lines. Mr. Waller explained that the engineers did not center the picture properly, but he will have this drawing redone to show that it does meet the proper setbacks.

Planning Commission Recommendation:

Motion: Heishman Make a motion that the site plan 0812-SP-005 for Verizon Sardis Tower Facility (wireless tower) be approved with staff recommendations.

Second: Irvin

The motion carried by a 5-0

Mr. Bryant asked Mr. Waller the expected timeframe for services to these towers. Mr. Waller replied that as soon as the final plats are signed off on and the Erosion & Sediment plans are complete then Verizon would begin work if weather permits in December. Mr. Waller stated that the target date for service if weather, design, etc. permits could be within the first quarter of next year.

5. SUBDIVISION PLAT REVIEW

A. #0812-SUB-002 Ballard Tract Subdivision (Clayton Bryant, Jr.)

In accordance with Section 1007, Appendix A of the Code of the Amherst County, Clayton C. Bryant, Jr. (contract owner) submitted a request for approval of a preliminary plat prepared by Michael Ray Goin, of Dickerson Surveying, LLC, dated September 12, 2012, for a seventeen (17) lot subdivision on the above-referenced property bordered by the Buffalo River to the North, Rocky Creek Lane (State Route 603) to the West, Richmond Highway (U.S. Route 60) to the South and Park Lane (State Route 602) to the South-East. The lots without public road frontage will be served by private road "Ballard Trail" and "River Way Trail". The total project area is 179.10 acres. No common areas are being reserved for parks or open space, however, the plat does legitimize and reconfigures an existing family cemetery lot that has not been depicted on the County's Tax Map and provides a proposed twenty (20) foot easement.

Mr. Bryant stated that If the Planning Commission deems that it finds the grounds for approval, Staff recommends the following conditions:

(*Note: Numbers 1-4 were the staff conditions from the previous Planning Commission meeting regarding this subdivision plat. This section will likely be revised and updated)

1. The applicant shall provide evidence satisfactory to the County Attorney of the easement for the private road "Ballard Trail".
2. The applicant shall provide evidence satisfactory to the County Attorney indicating that all lots will be included in the homeowner's association.
3. The applicant shall provide a copy of the homeowner's association agreement satisfactory to the County Attorney.
4. The approved reconfiguration plat and its associated deed for parcel 98-A-13 shall be recorded in the Clerk's office. The revised lot 98-A-13 shall comprise approximately 243 acres. A copy of the deed receipt shall be provided for the reconfiguration prior to Staff approving the final subdivision plat for Ballard Tract Estates.
5. The private road name "River Way Trail" serving lots 12 and 13 should remain the name of "Rocky Creek Lane".

Tom Berry, attorney representing Clayton Bryant, Jr., spoke in favor of the request and answered the Planning Commissions questions. Mr. Berry stated that the road Rocky Creek Lane would continue as such and the name Rocky Trail would not exist.

Mr. Berry presented the Planning Commission with a "Deed of Easement Termination." This document legally states that the Sonnes Famiy will have access of Ballard Trail for one year, which

is dated to 9/13/13. Mr. Hedrick stated that the "Deed of Termination Easement" should be reviewed by the County Attorney.

Planning Commission Recommendation:

Motion: Heishman Make a recommendation to approve the subdivision plat review for #0812-SUB-002 Ballard Tract Subdivision with one condition that the Deed of Termination and Easement of License shall be approved by the County Attorney prior to the approval of the final plat.

Second: Irvin

The motion carried by a 5-0

6. REVIEW OF BOARD OF ZONING APPEALS

- A. 2012A-03 Stacey Glenn Tyree
Request by Stacey Glenn Tyree, for approval of a variance from Sections 913.03 (1) and 804 of the Zoning & Subdivision Ordinance to reduce the front property line setback from one-hundred (100) feet to approximately sixty-five (65) feet and to reduce the rear property line setback from thirty-five (35) feet to approximately thirty-three (33) feet to allow for an addition to an existing single-family dwelling. The request is referenced by a drawing submitted by the applicant. The property is located at 1527 Elon Road in Madison Heights, VA, and is further identified as being tax map parcel number 136-A-65.

Mr. Bryant presented the Staff report and concluded his comments by stating that should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel No. 136 – A – 65 to reduce the front property line setback from one-hundred (100) feet to approximately sixty-five (65) feet and to reduce the rear property line setback from thirty-five (35) feet to approximately thirty-three (33) feet to allow the existing non-conforming structure to be enlarged.
2. The single-family addition shall be located as shown on the "Site Plan" that was included with the application.
3. The granting of this variance shall not be construed to vest in the applicant a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed.
4. This approval may be revoked by the County of Amherst or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations.

Mr. Sam Davis, contractor, spoke in favor of the request.

Mr. Stacey Glenn Tyree, applicant spoke in favor of the request and explained his hardship to the Planning Commission. Mr. Tyree stated that he needed to expand his home because the home is currently a one bedroom home and he is expecting his first child. Mr. Tyree also stated that this is an older home and due to the topography of the land he would have to get a variance.

There was discussion amongst the Planning Commission and Mr. Bryant answered the Commission's questions.

Planning Commission Recommendation:

Motion: Irvin Motion to recommend to the Board of Zoning Appeals approval of case 2012A-03 for Stacey Glenn Tyree.

Second: Jones

The motion carried by a 5-0

7. COMPREHENSIVE PLAN DISCUSSION

Mr. Bryant presented the Transportation Element section of the Comprehensive Plan and answered the Planning Commission's questions. Mr. Bryant stated that once changes have been made then he anticipated holding two meeting at two different locations for the public to hear. Mr. Bryant stated that he would have Scott Smith from Region 2000 come back to speak to the Planning Commission.

8. OLD/NEW BUSINESS

The Planning Commission discussed the status of the Zoning Ordinance Priority List. Mr. Bryant put a list together that dated back three (3) years and discussed the status of each item.

There was discussion regarding future projects and costs towards the Capital Improvement Plan coming before the Planning Commission first.

Mr. Bryant discussed a current issue that he was having with an individual that has a hunting club and the adjoining neighbor is concerned for the safety of their children. Mr. Bryant stated that the Zoning Ordinance only stated "private clubs" and did not specify "hunt clubs" as a permitted use in the Agricultural District.

Mr. Irvin stated that the County needed to comply with the hunting laws. Mr. Kidd stated that there were state laws that protected hunters.

Mr. Heishman was concerned that Virginia Department of Transportation was approving entrances for businesses then later going back and having the business redo the entrance. Mr. Heishman did not feel this was fair to the business owners and that this did not look good on the County for acquiring new businesses. Mr. Bryant replied that this had been an issue and that the County Administrator was looking into.

9. APPROVAL OF MINUTES FOR SEPTEMBER 6, 2012

Several changes were made to the minutes.

Planning Commission Recommendation:

Motion: Jones Motion to approve the minutes for September 6, 2012
with changes.


Second: Brine

The motion carried by a 5-0

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 pm.

/ss/10.25.12



Chairman