

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, APRIL 18, 2013  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, April 18, 2013, 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  
Beverly Jones  
Leslie Irvin  
Derin Foor  
George Brine

**STAFF PRESENT:** Jeremy Bryant, Director of Planning/Zoning  
Austin Mitchell, Assistant Zoning Administrator/Planner  
Stacey Stinnett, Administrative Assistant

**MEMBERS ABSENT:** Donald Kidd, Board of Supervisors Liaison

**Agenda**

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Special Exception – Public Hearing
  - A. 2013-04 Thelma Taylor
  - B. 2013-05 Mountain View Market
  - C. 2013-06 Best Bet Mini Mart – Satya Narayan
5. Draft Text of Proposed Zoning Amendments – Public Hearing
  - A. 2013-01 (2013-005) Hunt Clubs, Shooting Ranges, Private Clubs
6. Old/New Business
7. Approval of Minutes for March 21, 2013
8. 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 Action:**

**Motion:** Heishman    Motion to approve the agenda.

**Second:** Jones

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

## **3. CITIZENS COMMENTS**

There were none.

## **4. SPECIAL EXCEPTION – PUBLIC HEARING**

A.     #     2013-04     Thelma Taylor

Request by Thelma R. Taylor for a special exception in the V-1 Village Center District. The purpose of the special exception is to allow a physical fitness business that will include self defense techniques used in martial arts. The property is located at 353 Old Wright Shop and is further identified as tax map number 156B-6-B-1.

Mr. Bryant presented the Staff report and concluded his comments by stating the proffers associated with the parcel (conditional zoning 2009):

- 1) Trash receptacles shall be kept inside the building except for one morning per week when they are emptied by a contract trash service;
- 2) Lighting for the free-standing sign shall be prohibited at this site;
- 3) Business hours are from 6:00 AM until 9:00 PM.

Staff has no recommendations other than the proffers listed above that the applicant must adhere by if the request is approved.

Mr. Hedrick opened the public hearing.

Mr. Welch, the applicant, spoke in favor of the request.

Ms. Thelma Taylor, the applicant, spoke in favor of the request. Ms. Taylor stated that in the past she had operated a thrift store from this location. Ms. Taylor stated that this is a family orientated business that is geared towards teaching people of all ages the benefits of martial arts. Ms. Taylor is calling her business "HAPS," which stands for Health, Appearance, Performance and Self Defense.

No one spoke in opposition; therefore, Mr. Hedrick closed the public hearing.

**Planning Commission Action:**

**Motion:** Heishman                      Make a motion that special exception request # 2013-04 Thelma Taylor be approved.

**Second:** Jones

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

**B.      # 2013-05      Mountain View Market**

Request by Cathy Larson (Mountain View Market) to remove a condition from previously approved special exception in the V-1 Village Center District. The previously approved condition requires that the restaurant close by 9:30 p.m. The property is located at 1900 Lowesville Road and is further identified as tax map number 39-A-51.

Mr. Bryant presented the Staff report and staff had no additional recommendations.

Mr. Hedrick opened the public hearing.

Ms. Larson gave Mr. Bryant a letter to read from adjacent property owners, Mary Ann and Reggie Wilburn. The letter was in favor of the request and stated that as long as a business was making a profit and not a nuisance, then no government agency should dictate the hours of operation.

No one spoke in opposition; therefore, Mr. Hedrick closed the public hearing.

Ms. Jones asked would this business have a closing time. Mr. Bryant replied that by removing this condition there would not be a restriction on a closing time. However, if there is a problem with noise then the noise ordinance would still remain in effect.

**Planning Commission Action:**

**Motion:** Jones

Make a motion to approve special exception request # 2013-05 Cathy Larson (Mountain View Market) and to remove a condition that the restaurant close by 9:30 p.m.

**Second:** Foor

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

C. # 2013-06 Best Bet Mini Mart – Satya Narayan

Request by Satya Narayan for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow an above liquefied petroleum gas container that is 1,000 gallons. The property is located at 188 Faulconerville Drive and is further identified as tax map number 124-A-9.

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

- 1) The proposed tank shall be adequately protected from vehicular traffic. Staff recommends post to be installed on the traffic sides of the tanks to ensure that it is protected from the vehicles.

Mr. Hedrick opened the public hearing.

Mr. Bill Moss, a representative from Foster Fuels spoke on behalf of the applicant. Mr. Moss stated that all codes are compliant with the National Fire Association and all tanks are properly installed. Mr. Moss stated that Foster Fuels has certified personnel that train the businesses employees that will administer the propane to customers.

The Planning Commission was concerned for safety reasons and asked what the setbacks were from the propane tank to the fuel tanks as well as the setbacks from Hwy 29 to the propane tank. Mr. Moss replied that all setbacks were in compliance and from Hwy 29 the propane tank is twenty-seven (27) feet, and from the fuel tanks the propane tank is twenty-five (25) feet.

No one spoke in opposition; therefore, Mr. Hedrick closed the public hearing.

Mr. Foor questioned the minimum lot size for a propane tank of that size. Mr. Bryant stated that the regulations for Section 707.03 (19) which read: *"Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The*



The Planning Commission discussed the difference between a private club versus a hunt club with the use of dogs, kennels and single family dwellings as a byright use versus special exception. Mr. Bryant replied that if the hunt club was an established club at a business location then it would not be allowed as a permitted use as this draft text reads.

Mr. Bryant explained that the zoning ordinance currently reads that private clubs are a special exception in the R-1, R-2, R-3 Residential District and the V-1 Village District. Mr. Bryant stated that a private club was an establishment operated for the social, education or recreational benefit where no enterprise is conducted except for the convenience of the members thereof and their guests.

Mr. Hedrick stated that the definition of a private club seems more of the intent of what Mr. Metts is trying to do with the use of this property. Mr. Hedrick stated that the majority of hunt clubs aren't as organized or to the depth of this particular situation.

Mr. Irvin asked what would happen to the hunters if they had to go through a special exception. Mr. Bryant replied that each hunt club would have to apply for a special exception. Mr. Irvin stated that with the number of existing hunt clubs within the county he felt we should not harass the hunters of Amherst County.

Mr. Foor stated that most hunt clubs are more organized than what people may think and that the term "hunt clubs" has a better reputation than what people may have considered a hunt club to be many years ago.

**Planning Commission Action:**

**Motion:** Heishman    Make a motion to approve draft text amendment 2013-01  
(2013-005) Hunt Clubs, Shooting Ranges, Private Clubs.

**Second:** Foor

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

**6. OLD/NEW BUSINESS**

Mr. Bryant gave an update on the May 16, 2013 Business Taskforce Meeting. Mr. Bryant briefly stated that Kenneth Campbell, the Amherst County Building, Safety & Inspection Official, spoke on public nuisances.

Mr. Hedrick asked if code was being enforced concerning Bestway Inn and America's Best Value Inn. Mr. Bryant stated the Planning & Zoning, Building & Inspections, Health Department & Public Safety departments were all enforcing the code, doing routine inspections and working together to make sure the problems that these motels have had in the past are being handled properly.

**7. APPROVAL OF MINUTES FOR MARCH 21, 2013**

Approval of the March 21, 2013 Planning Commission Meeting Minutes

**Planning Commission Action:**

**Motion:** Heishman      Motion to approve the March 21, 2013 Meeting Minutes  
as submitted.

**Second:** Foor

**The motion carried by a 5-0 vote (Irvin abstained)**

**8. ADJOURNMENT**

There being no more business to discuss the meeting was adjourned at 8:30 p.m.

**Planning Commission Recommendation:**

**Motion:** Foor              Motion to adjourn.

**Second:** Brine

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

/ss/5.16.13

  
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Chairman