

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, JUNE 11, 2014
MINUTES**

VIRGINIA

A joint public meeting for the Amherst County Planning Commission and the Board of Supervisors was held on Thursday, June 11, 2014, in the Auditorium at the Amherst County High School at 153 Lancer Lane, Amherst, VA.

MEMBERS PRESENT: Leslie Irvin, Chairman
Derin Foor, Vice Chairman
Michael Martineau
Beverly Jones
Lillian Floyd
George Brine

BOARD OF SUPERVISORS PRESENT: Donald Kidd, Chairman
David Pugh, Vice Chairman
John Marks
Claudia Tucker
Robert Curd

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

Planning Commission Agenda

1. Call to Order
2. Approval of Agenda
3. Public Hearing – PC & BOS
 - A. Ordinance, No. 2014-03 A-1
Agricultural Residential District Zoning
4. Adjournment

1. CALL TO ORDER

Mr. Irvin called the meeting to order at 7:05 PM.

2. APPROVAL OF AGENDA

The Planning Commission agenda was approved as submitted.

Planning Commission Action:

Motion: Jones Motion to approve the agenda.

Second: Foor

The motion carried by a 6-0 vote

The Board of Supervisors agenda was approved as submitted.

Board of Supervisors Action:

Motion: Kidd Motion to approve the agenda.

The motion carried by a 5-0 vote

3. PUBLIC HEARNG – PC & BOS

A. Ordinance, No. 2014-03 A-1 Agricultural Residential District Zoning

Changing the name of the A-1 Agricultural Residential District to the A-1 Agricultural Limited District, and provided that by right development of all residential lots in that district shall comply either with new provisions for sliding scale or cluster subdivisions. The requirements for sliding scale subdivisions impose limits on the number of lots that can be generated based on the acreage side of the parcel. The number of lots range from a minimum of two lots for parcels two (2) to twelve (12) acres in size, to a maximum of 70 lots for parcels of 180.01 acres or more. Cluster subdivisions are exempt from the sliding scale limitations (unless the subject parcel was created through the sliding scale subdivision process); however, at least 40 percent of the gross acreage of the cluster development must be preserved as open space, and the density of a parent parcel in a cluster subdivision shall not exceed one lot for every three acres. The provisions for sliding scale and cluster subdivision provisions do not apply in planned unit developments. While the minimum lot size for residential development in the A-1 district is unchanged at one acre, the sliding scale and cluster provisions eliminate the ability to develop on a by-right basis subdivisions containing one residence per acre.

Mr. Bryant gave a brief power point presentation explaining these key factors.

- Comprehensive Plan 2007-2027
- Sliding Scales
- Cluster Subdivisions
- Amherst County Future Land Use Maps
- Growth Areas in Amherst County

- Urban Development Growth Areas
- Amherst County Land Use Program

Mr. Bryant stated that the Agricultural District is designed to accommodate farming, forestry and limited residential use.

Mr. Bryant also stated that several public meetings had been held to discuss this ordinance change with the citizens. Such public meetings occurred over the past couple years and were held at Amelon & Temperance Elementary Schools.

Mr. Pugh asked if a lot was transferred from one individual to another if the rights go with owner or the land. Mr. Bryant replied that the rights (number of divisions) would follow the land.

Mrs. Tucker asked if all division rights had been used and the ownership had changed. Mr. Bryant replied that the property then would have to be rezoned if the owner wanted to subdivide further.

Mr. Kidd explained the public hearing process and told citizens to please make sure they have signed the sign in sheet if they wish to speak. Mr. Kidd explained that each person had three (3) minutes to speak and once their name was called to please stand and staff would approach you with a microphone to speak.

Mr. Kidd opened the public hearing

Marcha Rose, resides at 136 Rose Petal Lane in Amherst, spoke in opposition. Mrs. Rose asked where most of these properties that are affected are located. Mr. Pugh replied that the notices were sent to all property owners that owned land in the A-1 Agricultural Residential District. Mr. Pugh stated that the Agricultural Residential Zoning District consisted of two thirds of Amherst County.

John Rose spoke on behalf of Patricia Pendleton, who resides at 128 Rose Petal Lane in Amherst, spoke in opposition to the request. Mr. Rose was concerned this request would prohibit him to divide his property accordingly to his grandchildren. Mr. Bryant replied that family divisions were exempt.

John McKemten, resides at 263 Pendleton Drive in Amherst, spoke in opposition to the request. Mr. McKemten asked how the number of lots per square feet was determined. Mr. Bryant replied.

James Fulcher, resides in Earlyville Virginia, spoke in favor of the request. Mr. Fulcher stated that he currently owns a beef cattle business in Amherst County and this property is in a conservation easement. Mr. Fulcher also stated that the Planning Commission should consider larger lots for density bonus purposes.

Scott Strang, resides at 137 Rorytail Road in Monroe, spoke in favor of the request.

Mary Waller, resides at 1150 N. Amherst Hwy in Amherst, was in opposition to the request.

Linwood Allen, resides at 1296 Winesap Rd, Madison Heights, spoke in opposition to the request. Mr. Allen stated that this prohibited many land developers and land owners.

James May, resides at 189 Snowdrift Lane in Madison Heights, spoke in opposition to the request. Mr. May briefly explained a situation with one of his clients, John Batman, who has been through the review process and spent a lot of money in a subdivision on Fathers Judge Rd. Mr. May stated that Mr. Batman currently had not began to sell or build on these lots. Mr. May asked how this would affect his client? Mr. May also stated that speaking as a surveyor each individual lot is unique due to topography such as ridges, creeks, swamps, rocks, etc, which all prohibits a lots building site. Mr. May stated that Agricultural landowners had not misused the current ordinance and he doesn't see the need for any changes.

John Batman, resides at 295 Burford Farm Rd. in Monroe, spoke in opposition to the request. Mr. Batman stated that from 2000-2010 Amherst County population had only increased by one percent. Mr. Batman also stated that as landowners, farmers and good citizens, the people of Amherst should be able to protect their land, divide and use as they wish. Mr. Batman brought the following comments and questions to the Planning Commission and the Board of Supervisors attention:

- What is driving this change?
- Is the intent to protect growth?
- By downsizing, this is destroying and taking my rights and family's rights from our property
- How many division rights do I have?

Njeri Mwalimu, resides at 2006 Lexington Turnpike in Amherst, spoke in opposition to this request. Ms. Mwalimu was concerned about their property value and future subdivisions needing the use of county water and sewage and how this would affect taxes.

Vance Wilkins, resides in Amherst, spoke in opposition to the request. Mr. Wilkins stated that landowners should feel secure and have rights to their property. Mr. Wilkins stated that downzoning was taking rights from landowners and if the county does this then the county should compensate the landowner. Mr. Wilkins also stated that conservation easements were expensive and these expenses would cost most property owners their retirement.

Roy Stiltner, resides at 291 Stonebrook Lane in Monroe, spoke in opposition to the request. Mr. Stiltner asked what problem was the county trying to solve. Mr. Stiltner stated that there had been no growth in the County and the economy had not had much change within the last eleven (11) years. Mr. Stiltner explained that he came to Amherst County from Norfolk and has

seen this type of problem before and has spent a lot of money in Amherst County. Mr. Stiltner stated that the Board of Supervisors needs to consider the economic aspect of what Amherst County should offer.

Martin Heartley, resides at 14902 Hemp Avenue in Fredricksburg, Virginia, spoke in opposition to the request. Mr. Heartley stated that he has twenty-four (24) acres and that he should not have to have a minimum lot requirement, if he so wishes to divide his property.

Wendy Kendrick, resides at 668 Sandidges Rd in Amherst, spoke in favor of the request. Mrs. Kendrick expressed her appreciation to the Planning Commission and Board of Supervisors for their effort in putting together this ordinance. Mrs. Kendrick stated by preserving the land this enables the vital necessity to support cost for future infrastructure, forestry, and taxes.

Idalee Mick, resides at 319 Bruner Rd in Amherst, spoke in opposition to the request. Mr. Mick stated that the sliding scale was not very clear and why should the same amount of lots apply to two (2) acres would be the same for twelve (12) acres. Mr. Mick expressed how this would only decrease property value.

Terry Morcom, resides at 136 Shadow Oaks in Amherst, spoke in opposition to the request. Mr. Morcom stated that he is in the developing business and owns a lot of land in the Agricultural Residential Zoning District. Mr. Morcom was concerned that putting these stipulations on his property could cause difficulty in selling in the future. Mr. Morcom also stated that there were many other requirements that had to be met when building, such as topography, well and septic locations and setbacks required for watersheds and roadways.

Gary Jennings, resides in Amherst, spoke in opposition to the request. Mr. Jennings stated that this ordinance seems to control growth, but unfortunately, Amherst County had not had any growth. Mr. Jennings expressed his concern that Amherst County was not looking into how the county could bring growth and businesses to the area.

Phil Lotspeich, resides at 135 Amber Ridge Dr. in Madison Heights, spoke in opposition to the request. Mr. Lotspeich, a surveyor, stated that the current ordinance already allows enough flexibility to divide land. As a surveyor, Mr. Lotspeich stated that by allowing this ordinance it puts his job more at risk with zoning and lawyers, due to having to maintain and abide by the mandatory sliding scale charts on plats.

Steve Conner, resides in Appomattox, spoke in opposition to the request. Mr. Conner stated that from experience as a realtor and selling property, this ordinance would not be feasible and urged the Planning Commission and Board of Supervisors to table and reconsider the lot sizes.

Kerry Scott, resides at 346 Edloe Lane in Amherst spoke in opposition.

Thomas Brooks, Sr., resides at 129 Foxcroft Drive in Monroe, spoke in opposition to the request. Mr. Brooks, surveyor, stated that most landowners are unaware of the current

stipulations that are put on land, for example certain lot sizes for building, setbacks that are different due to each zone, watershed, scenic corridor and National Forest. Mr. Brooks stated that he felt nothing was "broke" so why the need to "fix" the current ordinance and by allowing this it constitutes as violating landowners rights.

Katherine Barnheart, resides at 1699 Amherst Hwy in Amherst, spoke in opposition to the request. Mrs. Barnheart stated that the notices were not sent out early enough to give citizens enough time to respond or make preparations to attend the public hearing. Mrs. Barnheart also stated that by scheduling the meeting on a Wednesday evening was not feasible for citizens that normally attend church services.

Bill Peters, resides on Tobacco Row Mountain in Monroe, spoke in favor of the request. Mr. Peters responded to many of the audiences comments and questions. Mr. Peters stated that the government must protect property rights because there are people that abuse these rights. Mr. Peters also stated that this ordinance has been in the making for a few years now and no one from this audience has addressed this issue or bothered to attend any meetings prior to tonight. Mr. Peters stated that this ordinance would allow a better quality of life, which comes at a price, as well as preserve the countryside of Amherst County.

Roberta Peters, resides on Tobacco Row Mountain in Monroe, spoke in favor of the request. Mrs. Peters stated that this issue has been a concern for the past five (5) to seven (7) years and this ordinance would preserve the beauty, peacefulness and over developing of the Agricultural District.

Mr. Irvin thanked the audience for attending the public meeting and giving the Planning Commission and the Board of Supervisors feedback. Mr. Irvin stated that this was the initial plan in the beginning to find out what the citizens and landowners in Amherst County had to say about the ordinance in order to create a document that was suitable for everyone. Mr. Irvin encouraged people to become involved in civic processes early and to stay active in such processes.

There being no other speaker, Mr. Irvin closed the public hearing.

The Planning Commission discussed the recommendation to the Board of supervisors.

Planning Commission Action:

Motion: Jones Motion to amend sub section F of section 921 of Ordinance 2014-0003 as recommended by the Zoning Administrator.

Second: Martineau

The motion carried by a 6-0 vote

Planning Commission Action:

Motion: Irvin Motion to reject Ordinance 2014-0003 as amended.
Second: Foor
The motion carried by a 6-0 vote

Board of Supervisors Action:

Motion: Pugh Motion to postpone Ordinance 2014-0003 as amended
 indefinitely.
The motion carried by a 3-2 vote (C. Tucker & R. Curd)

4. ADJOURNMENT

Board of Supervisors Action:

Motion: Tucker Motion to adjourn.
The motion carried by a 5-0 vote

Planning Commission Action:

Motion: Foor Motion to adjourn.
Second: Jones
The motion carried by a 6-0 vote

There being no further business, the meeting was adjourned at 9:12 p.m.

/ss/6.26.14



Planning Commission Chairman