

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, MARCH 17, 2016
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, March 17, 2016, in the School Board Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Beverly Jones, Chairman
George Brine, Vice Chairman
Les Irvin
Lillian Floyd
Michael Martineau
David Pugh, Board of Supervisors Liaison

MEMBERS ABSENT: Derin Foor

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing
 - A. 2016-03 Lois M. Wilson
 - B. 2016-04 Industrial & Commercial District Ordinance Changes
5. Memo – Technical Assistance for Review of Personal Wireless Service Facilities
6. New Business
 - A. Request from Firas Alquablan (Vape & Hookah Café)
 - B. Campground Provisions Sec. 904 Appendix A.
 - C. Modifying Permitting Process for Personal Wireless Facilities Ordinance
- Old Business
 - A. Ordinance 2016-01 Timeshares in the A-1 Agricultural Residential District (Ordinance 2016-0003)

7. Approval of Minutes for February 18, 2016
8. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA

The agenda was amended by moving item number five (5) "Memo-Technical Assistance for Review of Personal Wireless Service Facilities" under item Six (6) (C) "Modifying Permitting Process for Personal Wireless Facilities Ordinance."

Planning Commission Action:

Motion: Brine Motion to approve the amended agenda.

Second: Martineau

The motion carried by a 5-0 vote

3. CITIZENS COMMENTS

Mr. Tommy Brooks Jr., Surveyor with Acres of Virginia in Lynchburg, VA, recognized the Planning and Zoning Department staff and wanted to put on record the great job they were doing. Mr. Brooks stated that they are always helpful and always available when he needs assistance.

4. PUBLIC HEARING

A. 2016-03 Lois M. Wilson

Request by Lois M. Wilson (owner), and Thomas Brooks Jr., (applicant) for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a manufactured home.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends 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. Abandonment: In the event that the manufactured home is abandoned for a period of more than twenty-four (24) months, the manufactured home and related items shall be removed from the property.

Ms. Jones opened the public hearing.

Mr. Tommy Brooks, resides at 172 Myrtle Street in Monroe, Virginia, spoke in favor of the request.

No one spoke in opposition; therefore, Ms. Jones closed the public hearing.

Planning Commission Recommendation:

Motion: Martineau Motion to approve request 2016-03 for Lois M. Wilson with staff conditions.

Second: Brine

Motion carried by a 5-0 vote.

B. 2016-04 Industrial & Commercial District Ordinance Changes

Amending §§ 302, 707, and 708 of Appendix A to the Amherst County Code to Clarify the intent of the general commercial district; eliminate newsstands, oil and gas activities, and video sales and rental businesses as permitted uses in that district; define call centers and warehousing and distribution facilities; make those facilities and government facilities permitted uses in that district; authorize oil and gas activities as special exception uses; and clarify screening requirements for permitted and special exception uses. The ordinance also clarifies the intent of the industrial district; defines corporate offices, data centers and research and development facilities; authorizes those facilities and call centers and contactor facilities as permitted uses in that district; and authorizes emergency services and governmental facilities as special exception uses in that district. The ordinance also authorizes the Zoning Administrator to determine whether a specific use not listed in County Code as a permitted or special exception use in the general commercial district is similar to specified uses and hence eligible to locate in that district, and makes non-substantive amendments to Code structure to better alphabetize some use listings.

Ms. Jones opened the public hearing.

No one spoke in favor or in opposition; therefore, Ms. Jones closed the public hearing.

There was a brief discussion amongst the Planning Commission Members.

Planning Commission Recommendation:

Motion: Irvin Motion to approve Ordinance 2016-0004 and send to Board of Supervisors.
Second: Brine
Motion carried by a 5-0 vote.

5. NEW BUSINESS

A. Request from Firas Alquablan (Vape & Hookah Café)

Mr. Bryant briefly explained that the Vape & Hookah Café had received a number of code violations consisting of plumbing, electrical and life safety (exit signs, panic hardware, and general means of egress). Mr. Bryant stated that a hookah lounge was not a permitted use in the Zoning Ordinance. Currently staff has requested the removal of "Hookah Lounge" signs on the property and advised the owner to write a letter to the Planning Commission to consider his request.

The Planning Commission reviewed the letter written by Mr. Alquablan and had a brief discussion.

Planning Commission Recommendation:

Motion: Martineau Motion that Hookah Lounges not be permitted as a use in the Zoning Ordinance.
Second: Floyd
Motion carried by a 5-0 vote.

B. Campground Provisions Sec. 904 Appendix A.

Mr. Bryant briefly reviewed a memo stating that on March 1, 2016 the Board of Supervisors unanimously approved the following motion:

"I move that the Board refer the question of the meaning of the maximum stay provisions governing travel trailer site to the Planning Commission, and request that they identify useful modifications to the duration or application of the maximum stay provisions, specifically extending the maximum to 90 days."

Currently Section 904 of the Amherst County Zoning Ordinance regulates the maximum stay on any one travel trailer site within a park be forty-five (45) days.

A representative from Izaak Walton League spoke to the County about considering lengthening the stay for campers in the park. The representative from the Izaak Walton League stated that extending maximum time limit would be useful for their business.

There was discussion amongst the Planning Commission Members.

Planning Commission Recommendation:

Motion: Irvin Motion to make a recommendation to County Attorney to review Section 904 Zoning Ordinance regarding Travel Trailer and change from forty-five (45) days to one hundred twenty (120) days maximum that a travel trailer is allowed within a park.

Second: Floyd

Motion carried by a 5-0 vote.

C. Modifying Permitting Process for Personal Wireless Facilities Ordinance

Mr. Bryant stated that on March 1, 2016 the Board of Supervisors unanimously approved the following motion: *"I move that the Board refer the question of modifying the permitting process for personal wireless service facilities to the planning commission, and ask specifically that they consider the value of the modifications contained in the draft ordinance prepared by the County Attorney."*

Staff informed the Planning Commission that House Bill 883 – Telecommunication Towers; in accordance with the Comprehensive Plan, is being considered by the General Assembly. As of 3/9/16 the Bill has been considered by both chambers and is being reconsidered by the House with Amendments from the Senate. The Bill currently states:

"Provides that a proposed telecommunications tower, and certain other facilities shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right. The provisions of the bill do not apply in Planning District 8."

Mr. Bryant continued by stating that if House Bill 883 were to be approved into law then it would change the nature of how the County would consider approving telecommunication towers. State Code Section 15.2-2232, which requires a review of the Comprehensive Plan would no longer be applicable. If the Bill is approved by the General Assembly and the Governor, it is likely that it could be in effect as early as July 1, 2016.

Mr. Pugh commented that the Board felt Wireless Communications should be a special exception request because they felt the citizens of Amherst County should be able to "have a say" in their community.

Mr. Russell, member of the EDA (Economic Development Authority), spoke in opposition of the Board requesting special exceptions for new cellular towers. Mr. Russell stated that permitting cell towers is essential in the economic development growth of Amherst County.

Mr. Thompson, resides at 214 Camden Drive, spoke in favor of having special exceptions for new cellular towers. Mr. Thompson stated that this gives the community the opportunity to weigh in on the process.

Mrs. Thompson, resides at 214 Camden Drive, spoke in favor of having special expectations for cellular towers so the county and community can hold the telecommunications companies somewhat accountable.

D. Memo – Technical Assistance for Review of Personal Wireless Service Facilities

Mr. Mitchell reviewed a memo that he had prepared. The memo stated that during the process of reviewing the proposed personal wireless service facility at Elon Elementary School, the question was asked if staff should seek technical assistance from an outside consultant in the review of the proposed facility. Per Section 919.08.B.3(1), *"the county may, in its discretion, obtain additional technical assistance to review and assess the technical merits of the documents."* Mr. Mitchell stated that staff would like feedback from the Planning Commission. However Mr. Mitchell explained the process that if the desire of the Planning Commission is for staff to seek technical assistance for the review of personal wireless service facilities, a Request for Proposal (RFP) would be created to seek a consultant for staff to work with during the review process.

There was a brief discussion amongst staff and the Planning Commission.

Planning Commission Recommendation:

Motion: Irvin Move to order the County Attorney to add the changes to the Personal Wireless Service Facility in accordance to the draft she provided and bring back in ordinance form for the Planning Commission to review.

Second: Matineau

Motion carried by a 5-0 vote.

6. OLD BUSINESS

A. Ordinance 2016-01 Timeshares in the A-1 Agricultural Residential District (Ordinance 2016-0003)

Amending certain definitions associated with time share projects to remove time constraints, repealing the prohibition of time share projects in the agricultural residential district, and authorizing them as special exceptions in that district and as by right permitted uses in planned

unit developments. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702 and 911 have been replaced with bulleted paragraphs.

The Planning Commission had a brief discussion.

Planning Commission Recommendation:

Motion: Brine Motion to approve Ordinance 2016-01 for Timeshares in A-1 Agricultural Residential District.

Second: Irvin

Motion carried by a 5-0 vote.

7. APPROVAL OF MINUTES FOR FEBRUARY 18, 2016

Planning Commission Recommendation:

Motion: Brine Motion to approve Planning Commission Meeting Minutes for February 18, 2016.

Second: Martineau

Motion carried by a 4-0 vote. (Floyd abstained)

8. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 8:23 p.m.

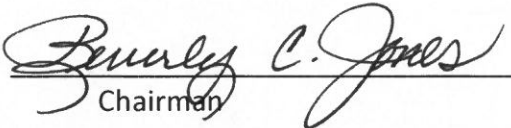
Planning Commission Recommendation:

Motion: Brine Motion to adjourn.

Second: Floyd

The motion carried by a 5-0 vote.

/ss/4.12.16


Chairman