

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, MARCH 16, 2017
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, March 16, 2017, in the Administrative Conference Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: George Brine, Chairman
Beverly Jones
Jim Thompson
Derin Foor
Lillian Floyd
Michael Martineau
Mitch Hieshman, EDA Board of Liaison (non-voting)

MEMBERS ABSENT: David Pugh, Board of Supervisors Liaison (non-voting)

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. Board of Zoning Appeals Request
 - A. 2017A-01 Jerry P & Sharon L Walker, Trustees / Walker Revocable Living Trust
5. Site Plan Review
 - A. Little Caesars & Sprint Retail Store
6. Discussion of Private Street Recreational Lot Exemption
7. Old/New Business
8. Approval of Minutes for February 16, 2017
9. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Action:

Motion: Brine Motion to approve the agenda.

Second: Jones

The motion carried by a 6-0 vote

3. CITIZENS COMMENTS

There were none.

4. BOARD OF ZONING APPEALS REQUEST

A. 2017A-01 Jerry P & Sharon L Walker, Trustees / Walker Revocable Living Trust

Request by Jerry P. & Sharon L. Walker for approval of a variance from Section 804 of the Amherst County Zoning Ordinance. The requested variance will reduce the setback from the side yard requirement of ten (10) feet to six (6) feet. The purpose of the request is to allow for the addition of an attached carport. The request is referenced by a drawing submitted by the applicant. The property is located at 132 Lynn Street and is further identified as being tax map parcel number 148B-A-22.

Mr. Mitchell presented the Staff report and concluded his comments by stating Staff's recommend conditions.

1. The variance is granted for Tax Map Parcel No. 148B-A-22 to reduce the ten (10) foot side yard setback to six (6) feet to allow for an addition of an attached carport.
2. The granting of this variance shall not be construed to vest in the application a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed.
3. 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. Walker, applicant, spoke in favor of the request. Mr. Walker stated that his wife had been diagnosed with a neurovascular disorder and because of this disease she has difficulty walking and requires either a walker or wheel chair at all times. This request is necessary because Mr. Walker states concern for her safety with bad weather conditions when getting in and out of vehicles at their home.

Planning Commission Recommendation:

Motion: Foors Motion to make a favorable recommendation to the Board of Zoning Appeals for case # 2017A-01 for Jerry P & Sharon L Walker, Trustees / Walker Revocable Living Trust with staff recommended conditions.

Second: Thompson

Motion carried by a 6-0 vote.

Mr. Bryant stated that this request would go to the Board of Zoning Appeals Meeting on April 13, 2017 with a favorable recommendation from the Planning Commission.

5. SITE PLAN REVIEW

A. Little Caesars & Sprint Retail Store

In accordance with Section 1103 of the Code of Amherst County, a major site plan has been submitted by Balzer and Associates, Inc. for the construction of a 3,560 square foot fast food restaurant and retail store at 4758 S. Amherst Hwy. The property is currently Koto Grill, which will be demolished for the proposed new construction. Copies of the plans were reviewed by the Development Review Committee on February 22, 2017. The following sections summarize staff and agency comments with respect to the major elements of the plan.

Mr. Mitchell presented the Staff report and concluded his comments by stating that Staff's recommends approval of the site plan with the following conditions.

1. The proposed modified entrance must be approved by a representative of the Virginia Department of Transportation (through site plan approval).
2. Amherst County Service Authority approval of the site plan.
3. Per Section 602.02(2), all lighting facilities must be arranged so that light is reflected away from adjacent properties and streets.
4. Landscape bond in the corrected amount must be established with Amherst County in the total amount of the cost of implementing the proposed landscaping per Section 1602.

5. The Erosion & Sediment Control plan must be approved and a bond must be established with Amherst County in the total amount of the cost of implementing the erosion and sediment control measures shown in the plan.

The staff and Mr. Crew, applicant with Balzer & Associates, Inc. answered the Planning Commission's questions.

Mr. Crew stated that the Little Caesars would open first then soon after the Sprint Retail Store would open and that the project would begin late spring to early summer.

Planning Commission Recommendation:

Motion: Jones Motion to approve site plan request for Little Caesars & Sprint Retail Store with staff recommendations.

Second: Floyd

Motion carried by a 6-0 vote.

6. DISCUSSION OF PRIVATE STREET RECREATIONAL LOT EXEMPTION

Mr. Bryant stated that it had been brought to staff's attention that Amber Ridge Subdivision, a private subdivision, has an owner that wants to divide one piece of their property and give to the subdivision's homeowners association for a community pool. However, the county cannot allow this because there are more than the allowed five (5) lots in the private subdivision.

Mr. Bryant briefly explained the meaning of a private subdivision and stated that each private street or road may provide access to a maximum of five (5) lots all of which shall be ten (10) acres or greater in size. The proposed change would state that: *"A lot used for a private club (private clubs are a special exception use in the residential district) may be subdivided, provided that the lot meets the underlying zoning district minimum yard requirements. This lot shall not be counted in the maximum number of lots associated with the private street system."*

The Planning Commission was concerned with "what if not everyone in the subdivision was in agreement with a situation like this and if that was the case did a percent rate need to be established." Mr. Bryant reminded the Planning Commission that a "private club" was a term that was a "special use exception;" therefore conditions could be put on each request if necessary and a public hearing before the Planning Commission and Board of Supervisors would be required.

Mr. Bryant stated that staff recommends submitting this to the Board of Supervisors to review prior to submittal to the County Attorney.

Planning Commission Recommendation:

Motion: Martineau Motion to send "Private Street Recreational Lot Exemption" draft to Board of Supervisors as staff presented for recommendations.

Second: Jones

Motion carried by a 6-0 vote.

7. OLD/NEW BUSINESS

Staff updated the Planning Commission on progress made with the Comprehensive Plan and Route 29 Business Beautification Corridor Committee.

8. APPROVAL OF MINUTES FOR FEBRUARY 16, 2017

Planning Commission Recommendation:

Motion: Foor Motion to approve Planning Commission Meeting Minutes for February 16, 2017 with one change.

Second: Thompson

Motion carried by a 6-0 vote.

8. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 7:40 p.m.

Planning Commission Recommendation:

Motion: Thompson Motion to adjourn.

Second: Martineau

Motion carried by a 6-0 vote.



Chairman

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