

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, JULY 20, 2017
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, July 20, 2017, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

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

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

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. Election of Officers
5. Public Hearing – Special Exception Case
 - A. 2017-08 Felicia Mays
6. Public Hearing – Ordinance, No. 2017-0004
 - A. Requirements Governing Subdivisions
7. Subdivision Review
 - A. The Property of Arrington Storage, LLC
(tax map 148-A-185A)
8. Debra Speyer Request
9. Comprehensive Plan
10. Old/New Business
11. Approval of Minutes for June 15, 2017
12. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was approved.

Planning Commission Action:

Motion: Jones Motion to approve the agenda as submitted.

Second: Floyd

The motion carried by a 6-0 vote

3. CITIZENS COMMENTS

There were none.

4. ELECTION OF OFFICERS

SECRETARY:

Motion: Jones Make a motion to nominate Jeremy Bryant as secretary.

Second: Martineau

The motion carried by a 6-0 vote.

CHAIRMAN:

Motion: Foor Make a motion to nominate Michael Martineau as Chairman.

Second: Thompson

The motion carried by a 6-0 vote.

VICE CHAIRMAN:

Motion: Thompson Make a motion to nominate Derin Foor as Vice Chairman.

Second: Martineau

The motion carried by a 6-0 vote.

Mr. Brine preceded the meeting as Chairman.

5. PUBLIC HEARING – SPECIAL EXCEPTION REQUEST

A. 2017-08 Felicia Mays

Request by Felicia Mays for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow boarding and grooming of dogs, horse boarding and a horse riding arena. The parcel is located at 228 Early Farm Road and is further identified as tax map 126-A-10A.

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

1. Hours of Operation:

Hours of Operation for customers:

Monday-Sunday 8AM-8PM

2. Entrance: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation and receive a proper entrance permit.
3. Sewage: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health and or the Department of Environmental Quality to determine if the septic system is adequate.
4. Number of dogs: No more than 20 dogs shall be boarded at the facility at any one time.
5. Noise: No animal shall howl, bark, whine, meow, or make other such noises which are plainly audible on the property of another person and which occur repeatedly or continuously for a period of thirty (30) minutes or more in duration.

Mrs. Felicia Mays and her husband Colby Mays took turns presenting a Power Point presentation that briefly reviewed the barn features such as square footage, pictures and amenities. The Mays stated that the facility would increase County revenue and that the facility would be open to the public and available for 4H events to be held here in Amherst County. The Mays also emphasized this facility as their dream and their goals in achieving agricultural heritage, growth and education in Amherst County.

Mr. Brine opened the public hearing.

Mr. Brian Dillin, Sweet Hills Subdivision homeowner, spoke in opposition to the request. Mr. Dillin expressed concern for safety with increased traffic and the noise from barking dogs as well as this request decreasing the property value in the area.

Ms. Copper, spoke in opposition to the request. Ms. Cooper was concerned for increased traffic and the possibility of contamination to the natural springs and wells from the facilities sewage disposal system due to the grooming and horse manure.

Mr. Douglas Wheatley resides at 195 Sweet Hills Dr. in Amherst, spoke in opposition to the request. Mr. Wheatley stated that he worked shift work and the barking dogs would make it difficult to sleep. Mr. Wheatley stated that safety was a great concern with logging trucks and now horse trailers with this new facility.

Mr. Sammy Mays resides at 1171 Sugar Hill Tunnel Rd. in Monroe, spoke in favor of the request. Mr. Mays stated that Amherst County needed to more welcoming and business friendly. Mr. Mays briefly explained how these cottage industries can grow and produce more revenue for the County. Mr. Mays used the story of how "Chapstick" was invented in Nelson County from a cottage industry.

Ms. Parker Stinnett resides at 216 Burford Farm Rd. in Monroe, spoke in favor of the request. Ms. Stinnett stated that she currently lives beside a dog grooming and boarding business and she does not have any problems with noise or increased traffic.

Mrs. Pam Giovanelli resides at 344 Higginbotham Creek Rd. in Amherst, spoke in favor of the request.

Mr. Elwood Mays resides at 1983 Buffalo Springs Turnpike in Amherst, spoke in favor of the request. Mr. Mays stated that he owns the sawmill on Ebenezer Rd and there was not been an accident involving his log trucks since 1987.

Mr. Craig Mays resides at 302 Love Lady Creek Rd in Monroe, spoke in favor of the request. Mr. Mays stated that this facility was a dream that the applicant had with her father who helped her purchase this land and is now deceased due to cancer. Mr. Mays stated that this request would help increase property value.

There being no further comments, Mr. Brine closed the public hearing.

The Planning Commission briefly discussed traffic, Health Department and VDOT regulations.

Planning Commission Recommendation:

Motion: Foor Motion to approve special exception for 2017-08 for
Felicia Mays with staff recommendations.

Second: Thompson

Motion carried by a 6-0 vote.

PUBLIC HEARING – ORDINANCE, NO. 2017-0004

A. Requirements Governing Subdivisions

Amending § 1301.07 of Appendix A to the Amherst County Code to clarify how the

requirements governing subdivision design vary depending on whether the private streets or forest service roads accessing the subdivision are constructed in accordance with the requirements of the Virginia Department of Transportation.

Mr. Bryant briefly reviewed the ordinance with the Planning Commission.

Mr. Brine opened the public hearing.

No one spoke in favor or opposition to the request, therefore, Mr. Brine closed the public hearing.

Planning Commission Recommendation:

Motion: Jones Motion to approve Ordinance, No. 2017-0004.

Second: Thompson

Motion carried by a 6-0 vote.

7. SUBDIVISION REVIEW

A. The Property of Arrington Storage, LLC (tax map 148-A-185A)

In accordance with Section 1007, Appendix A of the Code of Amherst County, Arrington Storage LLC submitted a request for approval of a final plat prepared by Nixon Land Surveying, L.L.C. for a four (4) lot subdivision on the above-referenced property located on Amelon Road and Dixie Airport Road (State Routes 669 & 677). The total project area is 3.084 acres (from plat). No common areas are being reserved for parks or open space.

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

1. Signature from the developer's Virginia Certified Onsite Soil Evaluator.

Mr. Russel Nixon, surveyor, stated that the lots would be sold for future sites as single family dwellings and all soil evaluations would be approved by Health Department standards and all entrances, roads etc. would meet Virginia Department of Transportation (VDOT) regulations.

Planning Commission Recommendation:

Motion: Foor Motion to approve Subdivision Review for the Property of Arrington Storage, LLC (tax map 148-A-185A) with the staff recommendation.

Second: Martineau

Motion carried by a 6-0 vote.

6. DEBRA SPEYER REQUEST

Mr. Bryant briefly stated that Ms. Speyer is requesting that staff compose a letter to the Virginia Outdoors Foundation (VOF) to support her efforts to place her property into a conservation easement; however, this request is unique due to the fact that a majority of the parcels that Ms. Speyer owns are located within a designated growth area for public water and public sewer as indicated by the Future Land Use Map found in the Amherst County Comprehensive Plan. Mr. Bryant stated that if this change was made that it would change the town's future land use map, therefore, this change would need to be made in the Comprehensive Plan.

Mr. Chad Mooney, attorney representing Ms. Speyer, stated that Ms. Speyer wants to put her property in a conservation easement for tax credit purposes. Ms. Speyer wants to raise cattle on the property and preserve the land. Mr. Mooney also explained that just because a property is located near water and sewer lines does not necessarily mean that the property is in the growth boundaries.

Ms. Debra Speyer, applicant, spoke in favor, requesting the Planning Commission to make this change in the Comprehensive Plan and find another area such as property on 60 east located near two schools or property located near and behind the Ambriar Shopping Center.

Mr. Michael Lockaby, County Attorney, stated that if the Planning Commission decides to go through with this request then a public meeting would need to be advertised and held acknowledging that this is an amended change to the Comprehensive Plan. Mr. Lockaby stated that if anyone wants to speak tonight that he advised the Planning Commission to amend the agenda by allowing citizens to speak in favor or opposition as section known as Citizen Comments on tonight's meeting agenda.

Planning Commission Recommendation:

Motion: Foer Motion to reopen the agenda by allowing citizens to speak about the Debra Speyer case at Citizen Comments.

Second: Thompson

Motion carried by a 6-0 vote.

7. CITIZEN COMMENTS

Mr. James Newman, owner of Kenmore Farm in Amherst, spoke in favor of the request. Mr. Newman asked that the Planning Commission remove Ms. Speyer property from the Comprehensive Plan's growth boundary so that she can put the property in a conservation easement.

Mrs. Janice Augustine, resides at 138 Garland Avenue in Amherst, spoke in favor of the request. Mrs. Augustine stated that this was a "gift" that Ms. Speyer is giving to the County therefore the County should consider other areas as options for growth boundaries.

Mr. Vance Wilkins, resides at 299 East Monitor Rd in Amherst, spoke in favor of the request. Mr. Wilkins stated that he currently owns over 600 acres located on 60 East if the County needed to look elsewhere for property for future growth with open space and preserved.

Mr. Duncan Augustine, resides at 138 Garland Avenue in Amherst, spoke in favor of the request. Mr. Augustine stated that the County needed to focus on preserving land to protect valuable assets. Mr. Augustine stated that he currently has land in conservation easements and it truly is a gift to the community.

Mrs. Libby Howell, resides at 124 Monitor Rd in Amherst, spoke in favor of the request. Mrs. Howell stated that she is a realtor and most of her clients are looking for agricultural land.

Mr. Monty Jennings, resides at 799 Lexington Turnpike in Amherst, spoke in favor of the request. Mr. Jennings is an adjoining property owner. Mr. Jennings stated that there are currently enough homes on the market rate to continue with the growth rate of Amherst County.

Mr. Gary Jennings, resides at 257 Grandview Drive in Amherst, spoke in favor of the request.

Mrs. Wendy Kendrick, resides at 668 Sandidge's Rd in Amherst, spoke in favor of the request stating that by being a local business owner Mrs. Speyer would be giving back to the community and schools.

Mrs. Susan O'neil, resides at 915 Lexington Turnpike in Amherst, spoke in favor of the request. Mrs. O'neil stated that she did not think it was fair that citizens cannot do what they want with their land when they pay taxes on their property and said it was not fair.

Mr. Terry Morcom, resides at 136 Shadow Oaks Drive in Amherst, spoke in opposition to the request. Mr. Morcom stated that people drive past Madison Heights if on the bypass and the next location is the Town of Amherst, which needs to find ways to bring businesses and people to the area for potential growth.

Mr. Tim Ware, resides at 405 Cherry Hill in Amherst, spoke in favor of the request.

Ms. Diane Patteson, resides at 221 Hanger Rd spoke in favor of the request as an adjoining property owner, stated that she was in support for preserving agricultural land.

Mr. Bryant stated that the County does want to preserve open space (18% of the County is in the National Forest) and that the County is not changing or dictating the agricultural use of Ms. Speyer's land and the County has not even said no to this but the Virginia Outdoors Foundation from whom Ms. Speyer is requesting the conservation easement from has stated

that the County must write a letter relinquishing her property from the growth boundaries. Mr. Bryant stated that these growth boundaries were put into effect after seeing how and where the Town and County had invested and grown over the years and where water and sewer lines have been installed.

The Planning Commission had a brief conversation with staff regarding potential growth, clarifying conservation easements, other areas to consider and where the County and Town will be investing money for future growth.

Planning Commission Recommendation:

Motion: Thompson

Motion to direct Staff to prepare a proposed change to the boundary line map by removing the Speyer property out of the growth boundary and how many houses have been built in that growth area since the water and sewer lines were installed.

Second: Jones

Mr. Pugh was under the assumption from the Planning Commission that a decision would be made tonight and advised the Planning Commission to not prolong this any longer.

Mr. Lockaby, County Attorney, responded to Mr. Pugh by stating that the Planning Commission could request staff to make a proposal to review at the next meeting but no changes could be made from tonight's meeting because a new public hearing would need to be advertised notifying the public of a change to the Comprehensive Plan.

Motion carried by a 6-0 vote.

8. OLD/NEW BUSINESS

None

10. APPROVAL OF MINUTES FOR JUNE 15, 2017

One change was made to the minutes.

Planning Commission Recommendation:

Motion: Floyd

Motion to approve Planning Commission Meeting Minutes for June 15, 2017 with the one change.

Second: Thompson

Motion carried by a 6-0 vote.

11. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 9:25 p.m.

Planning Commission Recommendation:

Motion: Foor Motion to adjourn.

Second: Jones

Motion carried by a 6-0 vote.



Chairman

/ss/8.14.17