

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY DECEMBER 20, 2018  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, December 20, 2018, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

**MEMBERS PRESENT:** Derin Foor, Chairman  
Beverly Jones, Vice Chair  
Michael Martineau  
Leslie Gamble  
Jim Thompson  
Michael Bryant  
Calvin Kennon, EDA 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

**STAFF ABSENT:** Dylan Bishop, Assistant Zoning Administrator/Planner

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Special Exception – (Non Public Hearing)
  - A. #2018-437 Poplar Grove HOA, LLC
5. Variance Review
  - A. #2018-484 Florence Gaines
6. Site Plan
  - A. #2018-458 Waffle House (Balzer & Associates – Justin Fournier)
7. Special Exception Code Changes
8. Old/New Business
9. Approval of Minutes for November 15, 2018 & November 19, 2018
10. Adjournment

### **1. CALL TO ORDER**

Chairman Foor called the meeting to order at 7:00 p.m.

### **2. APPROVAL OF AMENDED AGENDA**

The agenda was approved as submitted.

#### **Planning Commission Action:**

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

**Second:** Martineau

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

### **3. CITIZENS COMMENTS**

Andy Youngs, resides at 1185 Old Stage Road in Amherst addressed the VDOT comments in their letter written to staff regarding their regulations.

Carolyn Bryant, resides at 182 Forest Canopy Drive in Amherst, spoke in favor of the Poplar Grove HOA. Mrs. Bryant stated that she couldn't understand why the twenty-one houses in Poplar Grove could not use the gated entrance on Old Stage Rd.

John Jenson, resides at 1324 Old Stage Road in Amherst stated that he didn't know what had changed from the 2006 conditions to now. Mr. Jenson stated that he was opposed to the request and did not see how Poplar Grove could manage the traffic going in and out of the gate and on Old Stage Road.

Jeff Bryant, applicant, spoke in favor of the Poplar Grove request. Mr. Bryant stated that there are no current plans to build 120 homes and that the Union Hill has not been used due to the road being overgrown. Mr. Bryant gave a brief power point presentation that touched on the reasonable usage of the gate and monitoring the gate as well as the inaccurate traffic study that VDOT did.

### **4. SPECIAL EXCEPTION – (NON PUBLIC HEARING)**

A.        2018-437 Poplar Grove HOA, LLC

At the November 15, 2018 Planning Commission meeting, Poplar Grove requested that the

County consider modifying a condition that was required as part of Poplar Grove's approval in August of 2006.

The existing condition reads:

Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to emergency vehicles only.

The proposed condition states:

Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to homeowners of Poplar Grove Golf Community and emergency vehicles only.

Mr. Bryant presented the Staff report and an aerial map, which showed each parcel as well as the different phasing areas of Poplar Grove. The Planning Commission had a discussion how Poplar Grove could be separated into different areas that would use the gate versus areas that would not.

Mr. Bryant and the Planning Commission discussed several scenarios for the case. The Planning Commission was concerned that more research needed to be done by VDOT and a more recent accurate traffic check should be requested before they could make a final decision.

Mr. Bryant explained to the Planning Commission that they had up to one hundred days from when the application was submitted on October 25, 2018 to reach a decision.

**Planning Commission Recommendation:**

**Motion:** Thompson Motion to delay special exception 2018-437 for Poplar Grove HOA until the next Planning Commission meeting on January 17, 2019, requesting staff to have VDOT perform a more accurate traffic study.

**Second:** Jones

**Motion carried by a 6-0 vote.**

**5. BOARD OF ZONING APPEALS VARIANCE REVIEW**

**A. 2018-484 Florence Gaines**

Request by Florence Gaines for approval of three variances from Section 901.2.4 and Section 804. The purpose of the request is to allow a carport (accessory structure) to be placed in the front yard of a residential lot.

The first requested variance is for a carport which will reduce the setback from the front yard

requirement of 50 feet to 25 feet and the second requested variance will reduce the side yard setback of 15 feet to 2 feet.

The purpose of the third variance is to allow the applicant to place the carport in the front yard of a residential lot. The property is located at 187 Lamont Drive and is further identified as tax map number 148D-3-2.

Mr. Bryant presented the Staff report and concluded his comments by stating that should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel 148D-3-2 for a carport that will reduce the setback from the front yard requirements of 50 feet to 25 feet and will reduce the side yard setback of 15 feet to 2 feet and will allow the applicant to place the carport (accessory structure) in the front yard on a residential lot.
2. The granting of this variance shall not be construed to vest in the applicant 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 provisions of Federal, State or local regulations.

There was a brief discussion amongst the Planning Commission members.

**Planning Commission Recommendation:**

**Motion:** Foor                      Motion to deny #2018-484 Florence Gaines.

**Second:** Bryant

**Motion carried by a 6-0 vote.**

**6. SITE PLAN REVIEW**

**A. #2018-458 Waffle House (Balzer & Associates – Justin Fournier)**

In accordance with Section 1103 of the Amherst County Zoning Ordinance, a major site plan has been submitted by Balzer & Associates for new construction of a Waffle House restaurant in Madison Heights, located at tax map parcel 155C1-A-17A. The parcel on which the restaurant will be located comprises 1.092 acres. Copies of the plan were reviewed by the Development Review Committee on November 28, 2018. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

1. Amherst County Service Authority approval of the site plan.
2. Virginia Department of Transportation approval of the site plan.
3. Approval of the Erosion and Sediment Control Plan.

There was a brief discussion amongst the Planning Commission members.

**Planning Commission Recommendation:**

**Motion:** Jones      Motion to approve site plan 2018-458 Waffle House with staff recommendations.

**Second:** Gamble

**Motion carried by a 6-0 vote.**

**7. SPECIAL EXCEPTION CODE CHANGES**

The Planning Commission agreed to review further and requested staff to produce hard copies for the next Planning Commission Meeting on January 17, 2019

**Planning Commission Recommendation:**

**Motion:** Martineau      Motion to review at the January 17, 2019 Planning Commission, directing staff to produce a printed copy to review.

**Second:** Gamble

**Motion carried by a 6-0 vote.**

**8. OLD/NEW BUSINESS**

Mr. Mike Russell discussed with Mr. Jeremy Bryant his concern about VDOT having the wrong road name for Old Stage Rd. He stated that the part of Old Stage that bears to the right is properly called Stage Road but VDOT has it incorrectly listed as Old Stage Road and that staff should inquire about this error.

**9. APPROVAL OF MINUTES FOR NOVEMBER 15, 2018 & NOVEMBER 19, 2018**

November 15, 2018

**Planning Commission Recommendation:**

**Motion:** Jones            Motion to approve the Planning Commission meeting Minutes for November 15, 2018.

**Second:** Gamble

**Motion carried by a 4-0 vote. (Martineau & Bryant abstained)**

November 19, 2018

**Planning Commission Recommendation:**

**Motion:** Jones            Motion to approve the Planning Commission meeting Minutes for November 19, 2018.

**Second:** Gamble

**Motion carried by a 5-0 vote. (Martineau abstained)**

**10. ADJOURNMENT**

There being no more business to discuss, the meeting was adjourned at 9:20 p.m.

**Planning Commission Recommendation:**

**Motion:** Martineau    Motion to adjourn.

**Second:** Bryant

**Motion carried by a 6-0 vote.**

/ss/1.14.19

  
Chairman