

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 17, 2011
MINUTES**

VIRGINIA

A public meeting of the Amherst County Planning Commission was held on Thursday, February 17, 2011, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst VA

MEMBERS PRESENT: Donald Hedrick, Chairman
Mitch Heishman, Vice-chairman
Leslie Irvin
Derin Foor
George Brine, Jr.
Donald Kidd, Board of Supervisors Liaison

STAFF PRESENT: Jeremy Bryant, Director of Planning/Zoning

MEMBERS ABSENT: Beverly Jones

STAFF ABSENT: Matthew Rowe, Planner/Assistant Zoning Administrator

1. CALL TO ORDER

Chairman Hedrick called the meeting to order at 7:00 PM.

2. APPROVAL OF AGENDA

The agenda was approved as submitted.

Planning Commission Recommendations:

Motion: Heishman Moved to approve the agenda

Second: Irvin

The motion carried by a 5-0 vote.

3. PUBLIC HEARING

- A. 2010-22 Request by William T. Masencup for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage, mechanical and/or body shop. Additionally, the request is for a change in an existing condition that allowed a maximum of twelve (12) vehicles for sale. The condition was made on September 7, 1999, stated: *"no more than twelve (12) vehicles for sale be out front"*. The request is to extend the number of vehicles for sale to a maximum of thirty-five (35) vehicles. The parcel is located at 1340 North Amherst Highway and is further identified as tax map number 83-A-16A.

Mr. Bryant presented to the Planning Commission that the purpose of this special exception is to allow an automotive repair garage, mechanical and/or body shop. The request is also to increase the number of vehicles for sale from twelve (12) to a maximum of thirty-five (35). On September 7, 1999, the Board of Supervisors approved the request for twelve (12) vehicles for sale in front under the following three (3) conditions:

1. Subject to receive an acceptable landscaping plan.
2. No more than twelve (12) vehicles for sale out front.
3. All vehicles needing repairs be kept in the fenced-in area with the exception of towed vehicles dropped off at night.

In addition to the request, Mr. Bryant discussed that Mr. Masencup also plans to erect a structure that serves two (2) uses. The proposed structure will have a building footprint that is 40' x 100' and 4,000 square feet in total size. The building will be divided into two (2) sections. The front section will serve as retail or automotive parts and is proposed to be 1,600 square feet. The rear section of the building will serve as an automotive repair and or body shop, with 2,400 square feet designated. A site plan was reviewed by the Development Review Committee (DRC) on October 12, 2010, however due to several changes that were made, the proposal was reviewed again by the DRC on February 8, 2011. The site plan will be presented to the Planning Commission for consideration on March 3, 2011.

Mr. Hedrick asked the applicant if he would like to add any additional information.

Mr. Masencup introduced himself to the Planning Commission and stated that he has been in business for eleven (11) years. His reasoning for constructing a separate building was due to not mixing mechanical work with automotive body repair. Mr. Masencup emphasized that that vehicles being dropped off during evening hours would remain in the back of the building until being picked up.

Mr. Hedrick asked if tires would be sold or stored on the property.

Mr. Masencup replied that no tires would be sold or stored on his property.

The Planning Commission discussed concern about items being stored outdoors. Mr. Bryant stated that proposed condition number three (3) would restrict Mr. Masencup from storing items outdoors.

Mr. Hedrick opened the public hearing.

No one spoke in favor or in opposition of the request.

There being no further speakers Mr. Hedrick closed the public hearing.

Planning Commission Recommendations:

Motion: Heishman

To approve the public hearing with staff recommendations as follows:

1. Lighting facilities shall be so arranged that the light is reflected away from adjacent properties and streets.
2. The maximum number of vehicles that will be allowed for sale is thirty-five (35). Each vehicle must be located in a designated parking space that is 9'x18 in total size.
3. All vehicles needing repairs be kept in the fenced-in area with the exception of towed vehicles dropped off at night. However, vehicles that were dropped off at night must be placed in the fenced in area by 12 noon of the next business day. All other equipment shall be stored inside.
4. The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.

Second: Brine

The motion carried by a 5-0 vote.

- B. 2011-01 Request by Sajal Narayan for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to change an existing condition that allowed a maximum of fifteen (15) vehicles. The condition was made on April 20, 2010 and stated: *"maximum of fifteen (15) vehicles for sale at*

any one time". The request is to extend the number of vehicles for sale to a maximum of forty-two (42). The parcel is located at 188 Faulconerville Drive and is further identified as tax map 124-A-9.

Mr. Bryant presented to the Planning Commission a special exception amending conditions that were placed on a previous special exception hearing. The condition was imposed on April 20, 2010, by the Amherst County Board of Supervisors allowing a maximum of fifteen (15) vehicles for sale. This request is to extend the number of vehicles for sale to a maximum forty-two (42). Five (5) conditions were set forth by the Board of Supervisors on February 20, 2011, when the applicant submitted a request for consideration for a used automobile sales lot. The conditions are as follows:

1. Remove the free standing letter sign that is approximately 4' x 8'.
2. Maximum of fifteen (15) vehicles for sale at any one given time.
3. Minimum of two hundred (200) square feet of low profile plants shall be planted along hillside adjacent to the Route 29 Business and/or Smokey Hollow Road.
4. Display area for automobiles may be surface treated or paved.
5. Lighting facilities shall be so arranged that the light is reflected away from the adjacent properties and streets.

Mr. Bryant stated that Mr. Narayan is requesting to modify the condition from fifteen (15) to forty-two (42) vehicles for sale at any one time.

Mr. Foor asked if it was adequate space on the .85 acre lot to sustain all the vehicles.

Mr. Bryant stated that the parking space measurements must be nine (9) feet wide and eighteen (18) feet in length. The display area will be along Route 29 Business and along Smokey Hollow Road as indicated on the site plan with dimensions of display area.

Mr. Irvin was concerned that the forty-two (42) vehicles could appear cluttered and he questioned whether the measurements were correct.

Mr. Bryant said that Mr. Narayan indicated measurements on the site plan.

Mr. Heishman asked whether the lot would be surface treated and would the drain field be affected in anyway.

Mr. Bryant explained the depth on the drain field is located approximately 120 inches below the surface. The Health Department requires that any parking areas above drain fields shall be paved and that the pavement must be thirty (30) inches above the drain field lines.

Currently Mr. Narayan has milling (ground asphalt) on the parking lot but his intentions are to pave the lot and he will start the landscaping in the Spring of 2011. He will also store any additional equipment in a garage in which he owns on Izaak Road.

Mr. Narayan introduced himself to the Planning Commission and said that on an average he sells about fifteen (15) vehicles a month and the vehicles range in price from \$5,000 to \$20,000. He stated that he has upgraded the appearance of the property since owning it and maintained all requirements requested by Amherst County.

Mr. Hedrick opened the public hearing.

The owner of S'Amanda's Natural Merchantile Inc., Ms. DeColigney, is an adjoining property owner located adjacent to the property. Ms. DeColigney stated she had several issues concerning the property at 188 Faulconerville Drive. Her concerns are as follows:

- A. The dumpster at the far end of the lot is exposed with overflowing trash and she would like to see an enclosed area designated from trash collected by the growing business.
- B. Ms. DeColigney would like to see the lot paved therefore giving the lot a more appealing appearance.
- C. Ms. DeColigney feels that forty-two (42) cars is too many for the lot, causing a distraction and safety issue which could arise from the busy intersection.

There being no further speakers, Mr. Hedricks closed the public hearing.

Mr. Heishman requested that Mr. Narayan provide the Planning Commission with a new site plan, prepared by a surveyor, with details of parking spaces including Virginia Department of Transportation property lines and the location of an enclosed dumpster.

Mr. Bryant stated that a survey should be completed and this could be brought back to the Planning Commission within forty-five (45) days to review. The updated site plan would be due March 17, 2011, to the Planning Department and be presented to the Planning Commission April 7, 2011.

Mr. Narayan agreed to the terms.

Planning Commission Recommendations:

Motion: For

Move to table the case until April 7, 2011.

Second: Heishman

The motion carried by a 5-0 vote.

4. OLD/NEW BUSINESS

A. Non-Motorized Watercraft – Zoning Text Amendment

Mr. Bryant discussed the revisions made since the February 3, 2011, Planning Commission Meeting regarding Motorized Water Craft as follows:

- Change the term of distance to be allowed to expand to other rivers such as Buffalo, Tye, Pedlar and James Rivers.
- Change the term snack to the sale of food, beverages, and other non-motorized personal watercraft including fishing bait.

Mr. Bryant stated that these would go to County Attorney for final review then to the Board of Supervisors for a first reading.

Planning Commission Recommendations:

Motion: Heishman Move to continue forward for County Attorney to review then submit to Board of Supervisors for a first reading.

Second: Irvin

The motion carried by a 5-0 vote.

B. Meeting Guidelines

On February 3, 2011, the Planning Commission reviewed the public meeting guidelines. Mr. Bryant explained to the Planning Commission that the proposed guidelines would be considered at the March 3, 2011 Planning Commission Meeting.

C. Level of Service

Mr. Bryant discussed that subcommittee three (3) regarding level of service policies had not met. He also recommended that the committee meet after the other two (2) subcommittees meet, draft an ordinance and provide a recommendation.

D. No-Shoot Zone

Mr. Hedrick asked Mr. Bryant to update the Planning Commission on the No-Shoot zone. Mr. Bryant stated that he would provide the Planning Commission with a complete packet of information at the March 17, 2011 Planning Commission Meeting.

E. Train Depot and Riverside Park

Mr. Kidd provided the Planning Commission with an update of the pending grants and funds related to the Train Depot and Riverside Park.

F. Retreat

Mr. Bryant gave a brief summary in reference to the two (2) day Board of Supervisor's Retreat, which was held February 17 -18, 2011.

5. ADJOURNMENT

Motion: Foor

I move to adjourn

Second: Irvin

The motion carried by a 5-0 vote.

There being no further business to discuss, the meeting was adjourned at 8:20 PM.



CHAIRMAN

/ss/030111