

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

VIRGINIA

A public meeting of the Amherst County Planning Commission was held on Thursday, March 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
George Brine, Jr.
Beverly Jones

STAFF PRESENT: Jeremy Bryant, Director of Planning/Zoning
Matthew Rowe, Planning/Assistant Zoning Administrator
Stacey Stinnett, Administrative Assistant

MEMBERS ABSENT: Donald Kidd, Board of Supervisors Liaison
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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 Recommendation:

Motion: Heishman Moved to approve the agenda
Second: Jones
The motion carried by a 5-0 vote.

3. PUBLIC HEARING

A. 2011-02 Request by Greg Thomas for a special exception request in the

V-1 Village Center District. The purpose of the special exception is to allow a dual use structure limited to a single-family dwelling use and a business use. Mr. Thomas would like to open a general car care and hand wash business. The parcel is located at 2436 Elon Road and is further identified as tax map number 121-A-64.

Mr. Bryant gave a brief description of the property, stating that the building was vacant and located on 0.690 acres. Mr. Bryant explained to the Planning Commission that Mr. Thomas has in the past operated a car wash business in Amherst County. The first location was the former Taylor Ramsey building located at 134 Elon Road. The most recent location was at the corner of Route 29 and Dixie Airport Road. Mr. Thomas would also like to rent out the rear portion of the building for a residential apartment. Mr. Bryant explained that although the proposed property is located on Route 130, the corridor overlay district begins and ends at each terminus of the V-1 Village Center zoning district. Therefore, all of the properties located in the V-1 Village Center District in Elon are not required to meet the provisions of the overlay district. Staff recommendations are as follows:

1. Lighting: All proposed outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line. No light shall be installed that will adversely affect traffic on Route 130 or any neighboring property.
2. Drainfield: Prior issuance of a zoning permit, a letter from the Virginia Department of Health will be required to determine that the drainfield will be adequate for the use of a car wash facility and a residential use.
3. Hours of Operation: Monday-Friday: 8 AM-5 PM
Saturday: 8AM-12:30 PM
4. Parking: All vehicles shall be located in designated areas as indicated on the attached site plan and shall not be parked in areas that would interfere with the traffic on Route 130, or the neighboring parcels. An additional parking space shall be added for a total of six (6) parking spaces.
5. Landscaping: A total of twelve (12) shrubs shall be planted in the existing curbed area and located in the front of the building. The shrubs shall be spaced five (5) feet from one another. Additionally, four (4) Leyland Cypress trees shall be planted as indicated on the attached site plan.
6. Vegetative Buffer: The vegetative buffer indicated on the site plan and located along the eastern property line, (262 foot property line), shall not be removed and shall remain as a natural buffer.
7. Building Code: Prior to the issuance of a zoning permit, the applicant shall contact the Amherst County Building Department to ensure that all building codes are met.
8. Signage: All signage shall comply with the Amherst County Zoning Ordinance.

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.

Mr. Hedrick asked if the Planning Commission considered including a condition that regulated outdoor storage. Mr. Hedrick stated that a previous use at this location had a number of items stored outdoors.

The Planning Commission discussed adding a ninth condition that states:

9) Outdoor Storage: Outdoor storage shall not be allowed on the property, unless stored behind a six (6) foot tall wooden privacy fence. The privacy fence shall be located in the rear yard, and no items may be allowed to be seen from Route 130 scenic byway.

Planning Commission Recommendation:

Motion: Heishman To approve Zoning Case Number 2011-02 with staff recommendations and adding a ninth staff recommendation.

Second: Jones

The motion carried by a 5-0 vote.

- B. 2011-03 Request by Anthony Stephen White for a special exception request in the Flood-Fringe and Approximate Flood Plain District. The purpose of the special exception is to allow the placement of a manufactured home in the Flood Hazard Overlay District. This request represents a second dwelling. The parcel is located at 503 Woodson Road and is further identified as tax map number 29-A-5F.

Mr. Bryant presented to the Planning Commission that The Amherst County Flood-Fringe and approximate Flood Plain District states that *"All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision where no manufactured home has increased substantial damage as a result of flooding must be elevated so that:*

A: The lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or

B: The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above the grade; and

C: The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement".

Mr. Bryant stated that Mr. White has not been able to provide the Planning and Zoning Department with enough information to determine base flood elevation. Mr. White provided the elevation of the lot where the manufactured home will be located (Elevation 775' but cannot establish base flood elevation). Therefore, Section A as stated above cannot be met, and Mr. White will be required to meet the provisions of section B and C. Staff recommendations are as follows:

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 additional dwelling.
2. Additional Conditions: Additional conditions may be recommended by the Planning Commission, and imposed by the Board of Supervisors.

Mr. Brine asked if the existing dwelling was currently occupied.

Mr. White replied that the existing dwelling was currently occupied, however, if the special exception request is approved and the manufactured home is placed on the property then the existing dwelling will be vacant.

Mr. Hedrick asked if any re-enforcement would be required to the structure being that it was located in the Flood Plain District.

Mr. Bryant said that Section 709.07 (2) (i) (b,c) must be met, and the provisions from Section 908.

Mr. Hedrick opened the public hearing.

Mr. Labadie was opposed to the mobile home being located in the Flood-Fringe and Approximate Flood Plain District. He stated that in the past this has been an area that flooded.

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

Planning Commission Recommendation:

Motion: Jones

Motion to approve with staff recommendations and to be in compliance with Section 709.07 (2) (i) (b,c). Also support re-enforcement to structure due to the area.

Second: Brine

The motion carried by a 5-0 vote.

4. ZONING TEXT AMENDMENTS

A. Off Street Parking Regulations – Zoning Case # 2011-05

Section 602.02(1) states (referring to off-street parking areas) that: *“All such parking areas, except those serving one and two family dwellings, shall be surface treated or paved to eliminate dust.”* Such examples include parking areas that are not located on primary highways and are not in the County’s designated growth boundary.

Mr. Rowe presented to the Planning Commission that the site requirements of all off street parking shall be laid out, constructed, and maintained in accordance with the following requirements. Staff request that the requirements below be reviewed and welcome any comments or feedback.

1. All such parking areas, except those serving one and two family dwellings, that are located within the County’s designated growth boundary or are accessed along U.S. highways and /or primary highways (as classified by the Virginia Department of Transportation) shall be surface treated or paved to eliminate dust. All other such parking areas shall not need to be surface treated or paved, unless otherwise determined at the discretion of the Zoning Administrator.
2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
3. The parking lot shall be adequately drained.
4. Access to off street parking facilities from public streets shall meet the requirements of Section 33.1198 of the Code of Virginia, 1950, as amended and the Minimum Standards of Entrances to State Highways and be approved by the resident engineer.
5. The parking lot shall have an isle width of at least twenty-two (22) feet to provide for the safe and orderly movement of vehicular traffic.

Planning Commission Recommendation:

Motion: Irvin

Motion to conceptually approve the proposed zoning textual amendment case # 2011-05 with eliminating bituminous surface treating from the definition, 302.95.1 Pavement.

Second: Heishman

The motion carried by a 5-0 vote

B. Wireless Communication Ordinance - Zoning Case # 2011-04

Mr. Rowe presented the Planning Commission with a revised Wireless Communication Facilities Ordinance Amendment and requests that the Commission thoroughly review the revised draft amendment, and provide appropriate feedback to Staff, as to whether or not this amendment addresses the concerns and issues that the Commission originally wished to address. If the document is accepted in its current form by the Commission, it will be forward to the Board of Supervisors for a “first reading”.

Mr. Hedrick doesn't feel that the County should require antennas to be painted. He feels that this could affect the accuracy of the antenna.

Mr. Rowe stated that he could take the word “paint” out of the ordinance to read “*shall be painted a natural or neutral base color*”.

Mr. Hedrick was concerned that logos on the wireless antennas should not be restricted since they are common markers on many types of antennas. Mr. Bryant stated that if the logo is a sign advertising a product, it shall comply with the Sign Ordinance.

Mr. Bryant explained that advertisements could not be located on the towers.

Mr. Bryant recommended that the ordinance should read: *"each additional antenna shall be a neutral nonreflecting color and if a logo is deemed to be a sign than the logo coincide with the sign ordinance."*

Once the Planning Commission approves the revised Wireless Communication Facilities Amendment the Board of Supervisors will consider the request as a “first reading.”

Planning Commission Recommendations:

Motion: Jones Motion to approve case # 2011-04 conceptually and to be presented to the Board of Supervisors.

Second: Heishman

The motion carried by a 5-0 vote

C. Tim Campbell – Zoning Case # 2011-09

Mr. Bryant presented to the Planning Commission that on Feb 19, 2008, Mr. Campbell had a special exception request in the A-1 Agricultural Residential District to allow machinery sales and equipment at the corner of Route 29 and Fletchers Level Rd. Mr. Campbell currently sells and repairs items relating to lawn mowers. Mr. Campbell has been in business for three (3) years. He would like to expand his business by selling UTV, ATV and scooters. However, to do

so, he must obtain a dealer's license from the Department of Motor Vehicles if selling anything over 50cc, or that moves faster than 35 mph. Mr. Campbell is requesting a zoning text amendment, asking the Planning Commission to consider modifying the code.

In 2008, when dealing with Tractor Supply Company, staff considered amending similar language to allow retail sales of off-road vehicles and retail sales of trailers. The definition was also to determine what a trailer was as well as an off road vehicle. The proposed code change was never considered by the Board of Supervisors.

Mr. Campbell stated that the manufacturer stipulates anything sold over 50cc or faster than 35 mph is required to get a dealer's license from Department of Motor Vehicles.

Mr. Hedrick stated that since the area was zoned A-1 Agricultural Residential District, the zoning currently does not permit this usage and would have to be changed.

Mr. Bryant stated that once the Planning Commission agrees to go forward with this use in the A-1 Agricultural Residential District, staff would draft into the code amendment and present it back to the Planning Commission for further review.

Planning Commission Recommendation:

Motion: Heishman Move to make a motion for staff to draft zoning changes that would allow the use that Mr. Campbell is requesting.

Second: Irvin

The motion carried by a 5-0 vote

D. Bryan Ventre – Zoning Case #2011-08

Mr. Bryant presented to the Planning Commission a zoning permit from December 20, 2010, that Mr. Ventre obtained for uses in the B-2 General Commercial Zoning District. The uses are for a retail business consisting of a gift shop, antiques and hardware store supplies. The ordinance does not define the use of a pawn shop or pawnbroker. With the zoning approval it was made clear to Mr. Ventre that his request did not include pawning and no pawning could be done at this location until a text amendment was successfully completed. If this is a use that the Planning Commission would like to allow, then staff will draft a proposed amendment for further review.

Mr. Brine asked Mr. Bryant the location Mr. Ventre's place of business.

Mr. Bryant stated that the property is located on Route 29, the physical address is 4116 South Amherst Highway, Madison Heights, Virginia. Mr. Bryant also wanted to note that this

amended change to the zoning ordinance would only reflect modifications in the B-2 General Commercial Zoning District.

Mr. Ventre introduced himself and stated that he lives in the City of Lynchburg. He stated that he has been in business for three (3) years. He started the first pawn shop in Bedford County and stated that he has a perfect record with the Bedford County Sheriff's Department. He also started a pawn shop across from Lynchburg Nissan in the City of Lynchburg. Mr. Ventre stated that his intention in Madison Heights was to start a pawn shop, therefore, daily he has submitted to the Amherst County Sheriff's Department electronic report's consisting of the customers's driver's license, pictures and full description of the item. Currently, his business is buying, selling and trading used items. However, he is not able to currently advertise the word "pawn." He stated that eighty (80) percent of his work is similar to that of pawning.

Mr. Irvin asked if a customer comes in to sell something if they are guaranteed to get that item back within a certain time period.

Mr. Ventre said that as of now he cannot regulate any agreements to a customer once an item is sold. If he is allowed to do a pawn shop then he could loan money and collect collateral.

Mr. Hedrick asked what items he would not sell.

Mr. Ventre responding that he will not sell clothing or furniture.

Mr. Ventre stated that his goal is to expand the business and create a uniform look and logo.

Planning Commission Recommendations:

Motion: Jones

Motion to direct staff to draft a code amendment that would allow a pawn shop as a use in the B-2 General Commercial District.

Second: Irvin

The motion carried by a 5-0 vote

E. No Shoot Zone

Mr. Bryant read from a previous memorandum that he submitted to the Board of Supervisors on May 7, 2009, a subcommittee determined that two (2) options should be considered. Option A would leave the no-shoot zone boundary the way it is currently, included in the ordinance without changes. Option B would require that the no-shoot zone boundary be consistent with specified zoning districts. In this option the requirements in the no-shoot zone would be applicable to the R-1 Limited Residential District, R-2 General Residential District, R-3 Multi-Family District, V-1 Village Center District, B-2 General Commercial District and the M-1

Industrial District. Only two (2) zoning districts would not be included they are the A-1 Agricultural Residential District and the P-1 Public Lands District.

A handout was giving to the Planning Commission highlighting the No-Shoot Zones.

Mr. Bryant added that the No-Shoot Zone excluded indoor archery.

Mr. Irvin felt that having the No-Shoot Zone tied to certain zoning districts could bring a lot of controversy within Amherst County and would be hard to enforce.

Mr. Bryant recommended that the No-Shoot Zone be added on the Sherriff's Department website.

Mr. Bryant explained that the existing No-Shoot Zone will be placed on the County Geographic Information System.

5. ZONING TEXT AMENDMENT PROCESS

Mr. Bryant discussed the Zoning Text Amendment flowchart. On January 6, 2009, the Amherst County Board of Supervisors approved a resolution that organized the Zoning Text Amendment (ZTA) process. Staff proposed an amendment to the Zoning Text Amendment process that provides a formalized location of review from the County Attorney's office. The Planning and Zoning Department would like to receive comments on this process prior to the Board of Supervisors consideration of the Zoning Text Amendment process.

Mr. Bryant would like the Planning Commission's recommendation. Mr. Bryant stated that this would be a very thorough process and could take four (4) to six (6) months. Mr. Bryant explained that the Board of Supervisors needed to formally approve the changes.

Planning Commission Recommendations:

Motion: Heishman Make a motion to go forward with the Zoning Text Amendment Process Modifications.

Second: Brine

The motion carried by a 5-0 vote

6. OLD/NEW BUSINESS

Mr. Rowe stated to Ms. Jones that the drafted Business Corridor Ordinance would be ready by Monday, March 21, 2011.

Mr. Bryant stated that there was no old or new business.

7. APPROVAL OF MINUTES FOR FEBRUARY 17, 2011

Planning Commission Recommendations:

Motion: Heishman Move to approve minutes with modified changes.
Second: Irvin
The motion carried by a 5-0 vote

8. **ADJOURNMENT**

Motion: Jones 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.



CHAIRMAN

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