

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, MAY 19, 2011
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, May 19, 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
Donald Kidd, Board Liaison
Leslie Irvin
Derin Foor
Beverly Jones

MEMBERS ABSENT: George Brine

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

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: Jones Moved to approve the agenda.

Second: Irvin

The motion carried by a 5-0 vote.

3. PUBLIC HEARING – SPECIAL EXCEPTION

- A. 2011-12 Request by Carolyn Folkers for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow special events, weddings, horse shows and charity fund raising programs. The property is located at 3749 Elon Road and is further identified as tax map number 120-A-9.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant stated that if the Planning Commission were to approve the request, staff recommendations are as follows:

1. Hours of Operation: All events shall be over no later than 11 PM.
2. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
3. Parking: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.
4. Entrance: Applicant shall contact the Virginia Department of Transportation (VDOT) to determine if a commercial entrance permit will be required prior to the issuance of a zoning permit. If a change in the entrance permit is required, the applicant shall provide the Amherst County Planning and Zoning Department an approved entrance permit number to be included on the zoning permit.
5. Sewerage Facilities: The applicant shall seek approval from the Virginia Department of Health prior to the issuance of a zoning permit.

Mr. Hedrick asked if there was a reason why there wasn't a limit on the number of guests and why the noise ordinance was not referenced as it was on the Avance Property recommendation. Mr. Bryant replied that the Avance Property was a three (3) acre parcel and the Folker Property is three (3) tax map parcels totaling approximately 315 acres. The concern with a large amount of people would relate to parking issues and Mr. Bryant felt that the Folkers would not have an issue with that. Mr. Bryant also stated that the noise ordinance didn't need to be referenced because it was already in the County Code.

Mr. Hedrick opened the public hearing.

Ms. Carolyn Folker, owner of the property and applicant, raised her hand in favor of the request.

No one spoke in opposition to the request.

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

Mr. Irvin used the Avance property as an example and stated that in past there has been an issue regarding the noise level.

Ms. Folkers replied that her closest neighbor is Dr. Dobyns and in the winter time the home can be seen, but she didn't anticipate any events during the winter time. Ms. Folkers explained that there are many trees that would be in bloom during the springtime when events would be held, therefore, she felt that would be a good sound and visual barrier between the properties.

Planning Commission Recommendation:

Motion: Heishman Motion to approve Zoning Case 2011-12 with staff recommendations.

Second: Foor

The motion carried by a 5-0 vote.

- B. 2011-13 Request by William Mays, Jr., for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to permit the construction of a self-service mini-storage building. The property is located at 1744 South Amherst Highway and is further identified as tax map numbers 124B-1- lots 1 through 16.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant stated that Mr. Mays has agreed to vacate interior lot lines and change the tract from sixteen (16) parcels to two (2) parcels. Mr. Bryant explained that the insurance business would remain on one parcel and the storage business would be on the other parcel. Mr. Bryant stated that if the Planning Commission were to approve the request, staff recommendations were 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 29 Business or any neighboring property.
2. Entrance: One (1) ingress/egress point to Route 29 Business should be allowed for vehicle access and in accordance with the site plan submitted by David Collins, dated April 22, 2011.
3. Drainfield: The applicant shall provide a Safe, Adequate and Proper review approval from the Virginia Department of Health prior to the issuance of a zoning permit to ensure that the proposed structure will not interfere with the waste disposal system.
4. Interior Lot Lines: The applicant shall vacate all interior lot lines prior to the issuance of a zoning permit.

Mr. Heishman asked where the parcels would be split. Mr. Bryant replied that nothing has been submitted yet regarding vacating lot lines. Being this tract is in the B-2 General Commercial District and there are no restrictions on setbacks for the sides of the property, Mr. Bryant felt there would be adequate space for the proposed structure.

Mr. Hedrick asked if the parking area would be surface treated. Mr. Bryant replied that it would be surface treated.

Mr. Hedrick opened the public hearing.

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

Mr. Hedrick mentioned that he had been contacted by a citizen that was concerned and didn't want to see a row of buildings on the beautiful hillside.

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

Planning Commission Recommendation:

Motion: Irvin

Motion to approve Zoning Case 2011-13 with staff recommendations and the amending of staff recommendation number four (4) to vacate sixteen (16) parcels to fourteen (14) parcels, resulting in two (2) conforming total parcels.

Second: Heishman

The motion carried by a 5-0 vote.

- C. 2011-15 Request by Timothy Baptist Church for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a cemetery for the church. The proposed cemetery will be located on two acres and will be comprised of 1,952 burial lots. The parcel is located on Buffalo Springs Turnpike (State Route 635) and further identified as tax map number 76-A-19A.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant stated that if the Planning Commission were to approve the request, staff recommends the following:

1. A Commercial entrance permit shall be obtained from the Virginia Department of Transportation prior to approval of a zoning permit.

Mr. Heishman stated that this case was a good example of how the effort to amend the ordinance to change the requirements regarding surface treating to allowing gravel parking areas in certain circumstances, was a positive goal for the County.

Mr. Hedrick asked if there would be any landscaping requirements. Mr. Bryant replied that landscaping was not required for a church or its cemetery.

Mr. Hedrick asked if there would be any signs. Mr. Bryant replied that there would be none.

Mr. Hedrick opened the public hearing.

Mr. Brooks, surveyor from Acres of Virginia Inc., speaking on behalf of the applicant, presented to the Planning Commission the site plan review request.

No one spoke in opposition to the request.

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

Planning Commission Recommendation:

Motion: Foor

Motion to approve Zoning Case 2011-15 with staff recommendations.

Second: Jones

The motion carried by a 5-0 vote.

- D. 2011-16 Request by Rusty A. Richeson for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow non-motorized personal watercraft rentals. The property is located at 8424 Elon Road (State 130) and is further identified as tax map number 72-A-1.

Mr. Bryant presented to the Planning Commission the staff report. Mr. Bryant stated that if the Planning Commission were to approve the request, staff recommendations were as follows:

1. Parking: Parking spaces shall be 9' x 18' in total size and shall be delineated on the site plan. All vehicles must be parked in areas that were designated in accordance to the site plan.
2. Safety: The applicant shall paint warning notices on the pavement notifying customers of the danger of fast moving traffic on Route 130. The applicant shall request an inspection and approval by the Zoning Administrator prior to the issuance of a zoning permit. The applicant should also contact the Virginia Department of Transportation to inquire about installation of signage along Route 130 informing motorists of the potential for vehicles entering and exiting the highway.
3. Entrance: A commercial entrance must be obtained from the Virginia Department of Transportation prior to the issuance of a zoning permit.
4. Drainfield: The applicant must receive approval of a Safe, Adequate and Proper review from the Virginia Department of Health prior to the issuance of a zoning permit.
5. Additional Conditions: Additional conditions may be recommended by the Planning Commission, and imposed by the Board of Supervisors.

Mr. Bryant stated that Mr. Richeson would submit a revised site plan which would show the additional land that he owned across the road that lies between the road and the railroad. Mr. Richeson would like to use this land for additional parking.

Further, Mr. Bryant was concerned that crossing the road could be a safety issue and he wanted to make sure that motorists would be well alerted of potential pedestrians crossing the road.

Mr. Hedrick opened the public hearing.

Mr. Richeson, applicant, stated that he had spoken with Matt Clark from the Virginia Department of Transportation and that Mr. Clark advised that a thirty (30) foot long curb be placed in front of the building, separating the parking area from the roadway. Mr. Richeson also stated that Mr. Clark felt that blinking caution signs were not necessary; however, caution signs stating pedestrians crossing ahead would be sufficient enough. Mr. Richeson stated that Mr. Clark was going to talk this over with his supervisor and get back to him regarding approval. Mr. Richeson informed the Commission that there would be no parking in front of the building, and that all parking would be designated on the side of and across the road from the property. Mr. Richeson stated that he would be willing to have signs located on the building in view for customers to see emphasizing safety and the close proximity of Route 130.

George Caylor, of the Lynchburg Chamber of Commerce, felt that this would be a great resource for both Amherst County, as well as Lynchburg, since commercial canoeing is not offered in surrounding areas.

No one spoke in opposition to the request.

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

Mr. Heishman asked if special training would be offered.

Mr. Richeson stated that there would be training, kayak, canoes and boat rentals, and sales and storage offered.

Mr. Heishman asked if the floating route would be limited to one particular area. Mr. Richeson replied that customers could take the shorter float which would start at the Glasgow area or take the longer float which would include a shuttle ride to Iron Gate. All float rides would end at the local boat ramp in Glasgow. The longer float to Iron Gate would consist of a three (3) day float intended for overnight camping.

Mr. Irvin asked the volume of customers that would be expected per day. Mr. Richeson replied that he wasn't sure, but it could be as many as thirty (30) per day. Mr. Richeson stated that customers would have the advantage to go online and schedule their appointments. Mr. Richeson also stated that they would be contacting Verizon to install a pay phone in the area since currently there is no cellular service.

Mr. Hedrick stated that the revised site plan needed to include all parking, as well as, setbacks to all adjoining properties.

Mr. Irvin asked Mr. Bryant if the County Attorney, Ms. Bowyer, would include this as a special exception use for the existing code. Mr. Bryant replied that Ms. Bowyer has reviewed the request and stated in a document that it can be included as a special exception use in the A-1 Agricultural District as "public entertainment."

Mr. Hederick asked if there would be a sign. Mr. Bryant replied that an attached wall mounted sign would be allowed, but in order to have a detached sign in the Route 130 overlay corridor, Mr. Richeson would have to be granted a special exception.

Mr. Hederick and Mr. Kidd both agreed that safety warning signs would be more effective than painting the pavement. Therefore, Mr. Bryant changed the staff recommendation #2 to read: The applicant shall provide warning notices notifying customers of the danger of fast moving traffic on Route 130.

Planning Commission Recommendation:

Motion: Jones

Motion to approve Zoning Case 2011-16 with staff recommendations with modifications to condition number two (2), relating to safety.

Second: Heishman

The motion carried by a 5-0 vote.

4. LANDSCAPE ORDINANCE DISCUSSION – EXAMPLES FROM OTHER JURISDICTIONS

Mr. Rowe presented landscape ordinances from other jurisdictions.

Mr. Kidd stated that the landscape requirements should be less strict in areas such as Route 60, areas designated in the A-1 Agricultural Residential District, and in areas with smaller businesses. Mr. Kidd also stated that he would like for the Zoning Administrator to use discretion with many of these different businesses and consider where they are located.

Mr. Foor and Ms. Jones both agreed that there should be a tiered landscaping ordinance so that certain areas, for example Madison Heights, would be a "Tier Two (2)" which would be more restricted versus a "Tier One (1)" which would be less restricted, for an area such as Route 60.

Mr. Bryant stated that if discretion is left up to the Zoning Administrator then there could be issues with being consistent and certain individuals may feel that Amherst County is not treating everyone the same. Mr. Bryant stated that different Zoning Administrators' discretions could vary; therefore, it is a good idea to have language in writing to which the Zoning Administer can refer, to ensure consistency.

Mr. Kidd stated that the Economic Development Authority should be involved. Mr. Hedrick agreed.

Mr. Irvin stated that he thought the examples for Campbell County could apply to Amherst County with the limit of no less than five (5) percent canopy for a given site.

Mr. Hedrick stated that step one should be to define the various areas, and once areas were defined then they could be categorized in the identified tiers.

5. OLD TOWN MADISON HEIGHTS – MIXED USE ZONING DISTRICT

Mr. Bryant discussed the prioritization of a potential new mixed use zoning district tailored for Old Town Madison Heights. Mr. Bryant presented the Planning Commission with two options and they are as follows:

- Option 1: Direct staff to begin efforts of amending the Comprehensive Plan, as well as finalizing a proposed mixed use zoning district for Old Town Madison Heights.
- Option 2: Wait until the Comprehensive Plan is amended in 2012 and include that item along with other items in a collective manner.

Mr. Hedrick asked if there was a deadline that would have to be met, because he was concerned this could be a lengthy process. Mr. Bryant replied there was not a deadline; however, the Mixed Use Zoning District for Old Town Madison Heights would be the first priority once the Comprehensive Plan is amended.

The Planning Commission discussed the need to update the Comprehensive Plan to address a new zoning district. The Comprehensive Plan was adopted on June 21, 2007 and will be updated again in 2012. The Planning Commission voted on "Option Two," and discussed keeping this concept as priority number one (1) of Comprehensive Plan amendments, but voted to wait to address the topic during the 2012 Comprehensive Plan update.

Planning Commission Recommendation:

Motion: Hedrick	All those in favor of going with completing the Comprehensive Plan and then begin zoning code for mixed Use District say aye.
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The motion was carried by a 4-1 vote (Hedrick).

6. OLD/NEW BUSINESS

Mr. Foor suggested that, in regards to Zoning Case # 2011-16, Rusty Richeson, the Virginia Department of Transportation could allow an attention attracting pinwheel sign to be installed.

The traffic would cause the reflective parts to move and therefore help to alert motorists. Mr. Bryant stated that he would look further into the matter.

Ms. Jones stated that the Planning Commission meeting for June 2, 2011 needed to be rescheduled. The Planning Commission decided that next meeting would be held June 16, 2011.

Mr. Bryant stated that a memorandum was sent by the County Attorney, Ellen Bowyer, which stated that she was appealing, on behalf of the Board of Supervisors, the Board of Zoning Appeals decision for both the Childrey and O'reilly cases. Mr. Bryant stated that he would keep the Planning Commission informed of the cases progression.

7. APPROVAL OF MINUTES FOR APRIL 21, 2011

Several changes were made to the minutes.

Planning Commission Recommendation:

Motion: Jones

Make a motion to approve the minutes for April 07, 2011 with the modified changes.

Second: Irvin

The motion carried by a 5-0 vote.

8. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned.



Chairman

/ss/05.26.11