

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, SEPTEMBER 01, 2011  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, September 1, 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  
George Brine  
Derin Foor  
Leslie Irvin  
Beverly Jones

**MEMBERS ABSENT:** Donald Kidd, Board Liaison

**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 P.M.

**2. APPROVAL OF AGENDA**

The amended agenda was approved as submitted.

**Planning Commission Recommendation:**

**Motion:** Irvin                      Moved to approve the amended agenda.

**Second:** Jones

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

### **3. PUBLIC HEARING – SPECIAL EXCEPTION**

- A. 2011-19                      Request by Bernard and Jane Proctor for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow agricultural/farm events, weddings and related events, corporate events/retreats, music festivals/plays/fundraisers, educational programs related to history and nature, and other similar special events. The property is located at 498 Historic Riverview Way and is further identified as tax map number 166-A-3.

Mr. Bryant informed the Planning Commission that this was a continuation from the last Planning Commission Meeting, since there was not a quorum present at the previous meeting. However, there was a public hearing at the last Planning Commission Meeting. Mr. Bryant presented the staff report and stated that if the Planning Commission were to approve the request, staff recommendations are as follows:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Parking: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.
3. 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.
4. Sewage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.

Mr. Heishman asked the applicant what would be the total number of guests at any given event. Mr. Proctor replied that not all events would be using the house and that most events would occur outside. Mr. Proctor stated that approximately one hundred seventy seven (177) cars could be on the property at any given time.

Mr. Brine asked if the events could be during any day of the week, as well as, any time of the year. Mr. Proctor stated that events could be held at any time; however, he suspected the busiest time to be during spring and summer months.

Mr. Irvin commented that this business, as well as, the property's history and appearance would be an asset to Amherst County.

**Planning Commission Recommendation:**

**Motion:** Jones

Moved to approve Zoning Case # 2011-19 with staff recommendations.

**Second:** Heishman

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

**4. SITE PLAN REVIEW**

**A. Proposed Fellowship Hall – Nueva Asamblea De Dios # 00711-SP-003**

Mr. Rowe gave a brief description of the staff report.

Mr. Heishman asked if there would be access from HWY 29 to the church. Mr. May, surveyor and speaking on behalf of the applicant, replied that the access would not be from Hwy 29 and that this right was given up by the previous owner. However, access to the church would be from Route 130.

Mr. Heishman asked how the parking would be determined on the site.

Mr. May stated that the existing home is being used as a meeting place with an approximate number of twenty-five (25) to thirty (30) members. Mr. May stated that the proposed fellowship hall would be used for events, classes, meals, etc. The proposed fellowship hall would not consist of bathroom or kitchen facilities; these facilities would be used in the existing building, however a Safe, Adequate, and Property review would need to be obtained from the Health Department.

Mr. Brine asked if the house is being occupied. Mr. May stated that the house was not a residential home. Mr. May stated that there was a gate and fence and the gate is usually kept locked.

Mr. Hedrick was concerned how the parking would be designed for future expansion. Mr. Rowe recommended designating an additional parking area for overflow. The Commission agreed.

Mr. May also stated that the entrance would be designed like that of a subdivision entrance and that VDOT could perhaps do a traffic study to determine if a stoplight or a reduced speed limit was necessary for this area.



**Planning Commission Recommendation:**

**Motion:** Heishman

Motion to approve Site Plan # 0711-SP-003 with staff recommendations and add a condition that the applicant must provide a 20 space overflow parking area that shall be shown on the revised site plan.

**Second:** Irvin

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

**5. WIRELESS FACILITIES – TEXT AMENDMENT**

Ms. Ellen Bowyer, Amherst County Attorney, explained that she would be going through the Wireless Communication Ordinance and discussing the textual changes that had been made.

Ms. Bowyer discussed subsection changes that were made to the Wireless Ordinance. Throughout her presentation the following was discussed by the Planning Commission:

Mr. Hedrick questioned Section 914.03 #7 by giving an example. He asked that if there was a current tower of 109 feet that had a letter of intent for co-location requesting to extend to 150 feet, and that if within 365 days the tower extension had not been installed then would the tower be reduced to 70 feet. Ms. Bowyer replied that the language should state, that said tower shall be reduced to the original height of seventy (70) feet.

Lori Scheweller, an attorney with Leclair Ryan representing Verizon Wireless, stated the new language in this ordinance regarding the intent to co-locate may be problematic since plans may change due to budgetary constraints changes in company policy and since potential co-locating companies may cancel their intent to co-locate on a given tower.

Ms. Bowyer stated that the County may need more than a letter of intent if it is the main determining factor to extend a tower is co-location by other parties.

Mr. Hedrick added that the County could require a bond.

Mr. Heishman stated that the letter of intent/contract requirement is to permit towers up to 70 feet “by-right” and up to 110 feet through Special Exception permit, except for cases involving co-location, which would allow (through the provision of a letter-of-intent/contract), up to a maximum height of 199 feet.

Ms. Bowyer responded, stating that the language could provide for heights greater than one-hundred and ten (110) feet for a single provider tower which would not be co-located, which could only be authorized through approval of a variance. However, increases in height beyond 110 feet necessitated by co-location, where the applicant can demonstrate that another

provider has committed in writing to co-locating facilities on the tower by a specified date, may be approved through the special exception process. The height of any antenna array associated with the tower shall be included in the calculation of tower heights.

Mr. Irvin referred to Section 914.03 #12 and commented that he felt another government agency such as the Blue Ridge Parkway Land Planner should not be involved and given rights unless required by regulations.

Ms. Bowyer concluded the discussion by suggesting to the Commission that a first reading of the proposed amendment before the Board of Supervisors should occur on September 6, 2011 and that a joint public hearing of the Board of Supervisors and Planning Commission regarding the proposed amendment should be held on September 20, 2011.

The Commission discussed the suggestion and there was a consensus that the proposed amendment should not be heard through a joint meeting, but instead should be heard again by the Planning Commission on October 6, 2011, in order to solve any problems and/or issues that may arise in the near term. This would allow the Board of Supervisors to consider the proposed amendment at their regularly scheduled meeting on October 18, 2011.

**Planning Commission Recommendation:**

**Motion:** Irvin

Motion to approve having the proposed amendment, as amended, be heard during the Commission's regularly scheduled meeting on October 6, 2011.

**Second:** Foort

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

**6. OTHER PERMITTED USES IN ZONING DISTRICTS – TEXT AMENDMENT**

Ms. Bowyer presented to the Planning Commission ordinance amendment 2011-0007, which would add and accomplish the following:

- Add "pawn shops" as a permitted use in the B-2 General Commercial District;
- Provide the Zoning Administrator/Planning Director with the flexibility to approve various uses that are consistent with the intent of the applicable Zoning District. The approval of the use shall be accomplished through a resolution that is considered by the Planning Commission subsequent to a public hearing, which hearing shall be advertised as if it were a public hearing on a special exception application and approved by the Board of Supervisors. The stated process's goal is to lessen the financial burden on the County's citizens while also decreasing County Staff time, regarding the creation of amendment language and the zoning text amendment process.

Mr. Irvin stated that this process had been attempted before, but the Board of Supervisors did not want to pursue the option at the time of its consideration.

The Commission discussed the pros and cons of the approach, stating that they did not want the amendment to be too broad or narrow, with regards to permitted uses within the various districts. There was some concern about the potential of permitting intensive uses in residential and agricultural areas, which may result in land use conflicts.

Ms. Bowyer stated that she appreciated the Commission's comments and suggestions and that she would continue to work on the amendment and address the Commission's concerns. She agreed to present a revised amendment to the Commission in approximately a month.

## **7. OLD TOWN MADISON HEIGHTS ZONING DISTRICT – DISCUSSION OF SUB-COMMITTEE**

Mr. Hedrick informed the Commission that two (2) individuals would be needed to comprise the previously discussed Old Town Madison Heights Zoning District Sub-committee. He asked if there were any volunteers.

Ms. Jones and Mr. Brine volunteered to be on the sub-committee.

### **Planning Commission Recommendation:**

Hedrick: All those in favor of Ms. Jones and Mr. Brine representing the Planning Commission for the Sub-Committee for Old Town Madison Heights.

AYES: Heishman, Foor, Irvin, Hedrick  
**The motion was carried by a 4-0-2 vote.**

(Ms. Jones and Mr. Brine did not vote)

## **8. BUSINESS TASKFORCE – PLANNING COMMISSION NOMINATION**

Mr. Bryant asked that the Planning Commission nominate one member to be involved on the Business Taskforce.

There was discussion regarding the main topic of the taskforce, which are focusing on the sign and landscaping ordinance.

Mr. Foor volunteered, however he asked that Mr. Bryant find out how often the group would need to meet.



**Planning Commission Recommendation:**

Hedrick : All those in favor of Mr. Foor representing the  
Planning Commission for the Business Taskforce.

AYES: Heishman, Foor, Irvin, Hedrick, Jones, Brine  
**The motion was carried by a 5-0-1 vote.**

(Mr. Foor did not vote)

**9. OLD/NEW BUSINESS**

Mr. Bryant stated that the joint Board of Supervisors meeting with the Planning Commission that had been scheduled for September 20, 2011 had been cancelled and that there would not be a Planning Commission meeting on September 15, 2011. The next Planning Commission meeting would be held on October 6, 2011.

**10. APPROVAL OF MINUTES FOR JULY 21, 2011 and AUGUST 4, 2011**

There was one change made to the minutes for July 21, 2011.

**Planning Commission Recommendation:**

**Motion:** Jones Make a motion to approve the minutes for July 21,  
2011 with the modified change.

**Seconded:** Heishman

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

There were no changes made to the minutes for August 4, 2011.

**Planning Commission Recommendation:**

**Motion:** Jones Make a motion to approve the minutes for August  
4, 2011.

**Seconded:** Heishman

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

## 11. ADJOURNMENT

### Planning Commission Recommendation:

**Motion:** Heishman                      I move to adjourn.

**Seconded:** Jones

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

There being no further business to discuss, the meeting was adjourned at 9:44 pm.

A handwritten signature in blue ink, appearing to read "D. Hedrick", is written over a horizontal line.

Chairman

/ss/09.22.11