

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, DECEMBER 21, 2017
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, December 21, 2017, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Derin Foor, Vice Chairman
George Brine
Leslie Gamble
Jim Thompson
Beverly Jones
Michael Russell, EDA Liaison (non-voting)

MEMBERS ABSENT: Michael Martineau
David Pugh, Board of Supervisors Liaison (non-voting)

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing - Rezoning
 - A. 2017-20 Economic Development Authority
Of Amherst County (Rezoning Phelps Rd School)
5. Site Plan Review
 - A. William Trout (Tax Map # 147C-8-A-42-53)
6. Old/New Business
7. Approval of Minutes for November 16, 2017
8. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA

The agenda was amended by changing item number five (5) for the Site Plan Review to be moved to item number four (4).

Planning Commission Action:

Motion: Brine Motion to approve the amended agenda.

Second: Jones

The motion carried by a 5-0 vote

Michael Lockaby, County Attorney arrived at 7:02 pm.

3. CITIZENS COMMENTS

There were none.

4. SITE PLAN REVIEW

A. William Trout (Tax Map # 147C-8-A-42-53)

In accordance with Section 1103 of the Amherst County Zoning Ordinance, a minor site plan has been submitted by Dr. William Trout, III for the construction of a 4,710 square foot boat barn at 3806 S. Amherst Highway. Existing on the property is the Batteau House, which is headquarters to the Virginia Canals and Navigations Society. This nonprofit organization founded in 1977 promotes the research, preservation, and education of Virginia's canals, river cultural heritage, and parks. The purpose of the barn would be to store historic boats and other items for the Batteau House. Copies of the plan were reviewed by the Development Review Committee on September 26, 2017. The following sections summarize staff and agency comments with respect to the major elements on the plan.

Ms. Bishop presented the Staff report and concluded her comments by stating that Staff recommends the following conditions:

1. The proposed modified entrance must be approved by a representative of the Virginia Department of Transportation (through site plan approval).

2. Virginia Department of Health approval of the site plan.
3. The existing landscaping is to remain at a minimum of the required 20 foot screening strip adjoining a residential district.

Planning Commission Recommendation:

Motion: Jones Motion to approve siteplan for William Trout (Tax Map # 147C-8-A-42-53) with staff recommendations.

Second: Thompson

Motion carried by a 5-0 vote.

5. PUBLIC HEARING – REZONING

A. 2017-20 Economic Development Authority of Amherst County (Rezoning Phelps Rd School)

Request by the Economic Development Authority of Amherst County to conditionally zone (rezone) approximately 2.82 acres from the P-1 Public Lands District to R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow for market rate multifamily apartments with proffered conditions relating to use, density, and layout. The request is also to amend the Future Land Use Map from Public to High Density. The property is located at 123 Phelps Road in Madison Heights and is further identified as tax map number 155D-A-44.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends approval of the rezoning under the voluntary proffers submitted by the applicant:

1. These proffers relate to our application for a rezoning of the property known as 123 Phelps Road, Madison Heights, Virginia, Amherst County Tax Map No. 155D-A-44 (the "Property"), and comprising 2.82 acres, more or less. We are seeking a rezoning of the Property from P-1 Public Lands to R-3 Multi-Family Residential. In the event the rezoning is not granted, or these proffers are not accepted in full they are null and void.
2. The development plans, including but not limited to the site plan as required by Section 1103 of the Zoning and Subdivision Ordinance, shall substantially conform to the minor site plan attached to these proffers and entitled Phelps Road School Minot Site Plan. The physical development of the Property shall conform to the development plans.
3. The Property shall be redeveloped, not later than October 17, 2020, with not fewer than 30 market-rate apartments, in a manner that preserves and maintains the historic character of the structure(s) on the Property while incorporating modern conveniences.

4. The Property shall be maintained so as to be secure and so that the appearance of blight is minimized. For the purposes of these Proffers, the term "secure" means that unauthorized entry to the structure(s) on the Property may not be made without the use of special tools for the purpose, e.g., a crowbar. Until construction of the redevelopment contemplated in Condition 3 begins, the windows shall be covered with construction fabric, grass shall be mowed regularly, and trees and bushes visible from public streets shall be trimmed. Furthermore, major structural supports of the structures on the Property shall be maintained. Nothing in this condition shall be construed to limit the steps that may be taken to secure, maintain, or improve the Property or the structures thereon.
5. Not later than April 10, 2018, application shall be made for the Property to be listed on the State and/or National Historic Register.

Mr. Bryant introduced Victoria Hansen, Director of Amherst Economic Development and applicant of the rezoning request to make her presentation regarding Phelps Road School.

Mrs. Hansen gave a brief powerpoint presentation stating that the project would bring 30 to 50 market rate apartments to the former school property which is headed by Petersburg based Waukeshaw Development.

Vice Chairman Foor opened the public hearing.

Mr. Bryant read a letter from Juanita Harlow, who resides at 132 Phelps Road in Madison Heights. The letter stated that she was opposed to the rezoning of the property as well as the 30-50 possible apartments, citing that there just wasn't enough space.

Calvin Kennon, resides at 1805 Winesap Road in Madison Heights spoke in favor of the rezoning request.

Sabrina Kennon, resides at 1805 Winesap Road in Madison Heights and a member of the Amherst County Chamber of Commerce spoke in favor of the rezoning request stating that it would bring new families and cultures to the county.

David Wall, resides at 300 Amber Ridge Drive in Madison Heights spoke in favor of the rezoning request. Mr. Wall stated that he was a member of the Amherst Economic Development Authority and that the Waukeshaw project was the best opportunity for the property and by changing the zoning it would allow for more uses.

John Marks, Board of Supervisor for District 5, resides at 225 Clark Street in Madison Heights, spoke in opposition to the rezoning request. There were five major concerns that Mr. Marks addressed. They were:

1. Traffic
2. Term market rate being somewhat "nebulous."

3. Paragraph 3.3 of the Performance Agreement to relocate the boundary line between the project and the adjacent park,
4. Three triggers that could cancel the project if the rezoning is changed:
 - A. Failure of property to be listed on the State or National Historic Register, so as to qualify for historic designation tax credit and grants, within 14 months from closing date.
 - B. Waukeshaw is unable to identify a lender within nine months of closing.
 - C. If both parties agree the project as envisioned in the Performance Agreement is not financially feasible.
5. Upon completion of the project Waukeshaw owns the property and can sell this property with no strings attached.

Calvin Carlson, resides at 330 Main Street in Madison Heights spoke in favor of the rezoning request stating that the owner had taken a big risk in buying the property.

Les Irvin, resides at 210 Hans Hill in Madison Heights spoke in opposition to the rezoning request stated that he would rather see the county get rid of the 25-year eyesore and partner with Habitat for Humanity to build homes.

Mike Russell, resides at 852 stage Road in Amherst stated that he was on the Amherst County Economic Development Authority and that he was in favor of the rezoning request and the market rate apartments.

Claudia Tucker, resides at 713 Indian Creek Road in Amherst spoke in favor of the request. Mrs. Tucker stated that she was the District 2 Board of Supervisor and that her job was to see to the needs as Amherst County as a whole not divided.

David White, resides at 183 Phelps Road in Madison Heights spoke in opposition to the request. Mr. White was concerned with the increased traffic and parking that the new project would acquire.

John Butler, resides at 156 Phelps Road in Madison Heights spoke in opposition to the request. Mr. Butler stated that the school needed to be torn down. Mr. Butler was concerned that the project could take time and he didn't want to see another 30 years of no progress on this property.

Mitch Heishman, resides at 166 Glasgow Drive in Amherst spoke in favor of the rezoning request. Mr. Heishman stated that he was the co-chairman of the Amherst County Economic Development Authority. Mr. Heishman said that this is the best opportunity for this property.

Ricky Gammon, resides at 112 Phelps Road in Amherst spoke in opposition to the request. Mr. Gammom was concerned for the safety and stated that this road could not accommodate an apartment complex.

Rebecca Hall, resides at 138 Center Street in Amherst spoke in opposition to the request. Ms. Hall expressed concern with safety and increased traffic.

Danny Abbott, resides at 114 High Street in Madison Heights. Mr. Abbott stated that he was opposed to the request. Mr. Abbott stated that traffic and safety would be an issue and that VDOT would have to take people's front yards to widen the road to make the roads accommodate an apartment complex.

Cathy Abbott, resides at 114 High Street in Madison Heights spoke in opposition to the request.

Lynn McBride, resides at 184 Williams Road in Madison Heights spoke in opposition to the request.

Donald Tyree, resides at 152 Phelps Road in Madison Heights spoke in opposition to the request. Mr. Tyree stated that he would like to see the demolished and a community park put in its place.

Jennifer Moore, resides at 113 Ridge Street in Madison Heights spoke in favor of the rezoning request, Mrs. Moore stated that by rezoning the property to R-3 Multi-Family Residential District it would give the property many more uses, including a park.

Mike Henderson, resides at 115 Morcom Drive in Madison Heights spoke in favor of the rezoning request. Mr. Henderson stated that this was an opportunity for revitalization to the County. Stating that the population was declining and the County needs to see more growth.

Thomas Wycoff, resides at 134 High Street in Madison Heights spoke in opposition to the request. Mr. Wycoff stated that the street was not wide enough and there were no sidewalks and he didn't want to see the road widened by taking people's front yards.

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

The Planning Commission had a brief discussion regarding the amount of time it would take to complete this project and traffic concerns.

Planning Commission Recommendation:

Motion: Jones

Motion to approve the rezoning request by amending the future land use map of the Amherst County Comprehensive Plan to change the land use designation around Phelps Road School property from public to high density.

The Amherst County Comprehensive Plan supports the amendment to the Comprehensive Plan as well as the rezoning in a variety of sections. First, the Phelps Road school is located in the growth boundary for public water and public Sewer which promotes higher levels of density. Second, the housing section states "Good housing and neighborhoods are more than a path to economic prosperity. Decent, affordable, and stable housing has a demonstrable positive and stabilizing effect on families with children".

Goal #1: To ensure access to safe, comfortable, attractive and affordable housing for all County residents.

- ° Strategy: Attract the supply of high quality, affordable housing for those in the low moderate income bracket.
- ° Strategy: Encouraging high density residential in areas served by public sewer and water.
- ° Strategy: Continue to work with the state and federal programs to assist with affordable and safe housing.
- ° Strategy: Facilitate enforcement of applicable laws to sustain housing and neighborhood quality and to prevent the effects of blight.

Additionally, the land use section of the Comprehensive Plan states that, one important objective of the proposed utility boundary is to encourage more compact infill development, which would allow the county to provide public utilities and services more efficiently.

Second: Brine

Motion carried by a 5-0 vote.

Planning Commission Recommendation:

Motion: Jones Motion to recommend rezoning 123 Phelps Road (tax tap number 155D-A-44) from P-1 Public Lands district to R-3 Multi-family Residential District with the voluntary proffers that were submitted by the applicant.

Second: Gamble

Motion carried by a 5-0 vote.

Mr. Bryant stated that this request would go to the Board of Supervisors Meeting on January 16th with a favorable recommendation from the Planning Commission.

6. OLD/NEW BUSINESS

Mr. Bryant updated the Planning Commission on the Broadband Committee.

7. APPROVAL OF MINUTES NOVEMBER 16, 2017

The minutes were tabled until the next meeting.

Planning Commission Recommendation:

Motion: Thompson Motion to table the minutes for November 16, 2017 until the next Planning Commission Meeting.

Second: Jones

Motion carried by a 5-0 vote.

8. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 8:59 p.m.

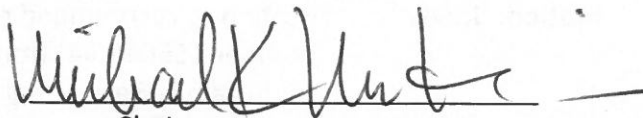
Planning Commission Recommendation:

Motion: Brine Motion to adjourn.

Second: Thomspson

Motion carried by a 5-0 vote.

/ss/2.9.18


Chairman