

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY JANUARY 17, 2019  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, January 17, 2019, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

**MEMBERS PRESENT:** Derin Foor, Chairman  
Leslie Gamble  
Jim Thompson  
Michael Bryant  
Edgar (Kinny) Kinnier, EDA Liaison (non-voting)  
David Pugh, Board of Supervisors Liaison (non-voting)

**MEMBERS ABSENT:** Beverly Jones, Vice Chair  
Michael Martineau

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

**STAFF ABSENT:** Stacey Stinnett, Administrative Assistant

**Agenda**

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Special Exception – (Non Public Hearing)
  - A. #2018-437-Poplar Grove HOA, LLC
5. Site Plan Review
  - A. #2018-495 Biscuitville
6. Board of Zoning Appeals – Variance Review
  - A. #2019-018 Terry Lewis Thompson
7. Text Review for Special Exception Code Changes
8. Review Planning Commission Meeting Dates for 2019
9. Conflict of Interests Forms for 2019
10. Old/New Business
11. Approval of Minutes for December 18, 2018 and December 20, 2018 meetings.
12. Adjournment

## 1. CALL TO ORDER

Chairman Foor called the meeting to order at 7:00 p.m.

## 2. APPROVAL OF AMENDED AGENDA

The agenda was approved as submitted.

### Planning Commission Action:

**Motion:** Thompson Motion to approve the agenda.

**Second:** Gamble

**The motion carried by a 4-0 vote**

## 3. CITIZENS COMMENTS

Andy Youngs, resides at 1185 Old Stage Road in Amherst, spoke in opposition to the Poplar Grove Special Exception request.

Jeff Bryant, President of the Poplar Grove Homeowners Association, spoke in favor of the Poplar Grove Special Exception request.

## 4. SPECIAL EXCEPTION – NON PUBLIC HEARING

### A. 2018-437 Poplar Grove HOA, LLC

Request by Poplar Grove HOA LLC, for an amendment to a previously approved condition that was part of a special exception request in the A-1 Agricultural Residential District, Planned Unit Development designation. The purpose of the special exception is to amend a condition that was originally approved on August 15, 2006 for a gate located on Old Stage Road. The existing condition reads:

Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to emergency vehicles only.

The proposed conditions states:

Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to homeowners of Poplar Grove Golf Community and emergency vehicles only.

## **5. SITE PLAN REVIEW**

### **A. #2018-495 Biscuitville**

In accordance with Section 1103 of the Amherst County Zoning Ordinance, a major site plan has been submitted by Commercial Site Design for new construction of a Biscuitville restaurant in Madison Heights, located at tax map parcel 155B-1-1-8. The parcels on which the restaurant will be located currently comprises 1.6 acres. Copies on the plan were reviewed by the Developmental Committee on December 28, 2018. The following sections summarize staff and agency comments with respect to the major elements of the plan.

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

1. Amherst County Service Authority approval of the site plan.
2. Virginia Department of Transportation approval of the site plan.
3. Approval of the Erosion and Sediment Control Plan.

#### **Planning Commission Recommendation:**

**Motion:** Thompson Motion to approve site plan #2018-495 for Biscuitville with staff recommendations.

**Second:** Bryant

**Motion carried by a 4-0 vote.**

## **6. BOARD OF ZONING APPEALS VARIANCE REVIEW**

### **A. #2019-018 Terry Thompson**

Request by Terry Thompson for approval of a variance from Section 804. The purpose of the request is to allow a single-family dwelling within the front yard setback. The requested variance is for a single-family dwelling which will reduce the setback from the front yard requirement of 50 feet to 32 feet. The property is located at 511 Dillard Hill Road and is further identified as tax map number 21-A-62.

Mrs. Bishop presented the Staff report and concluded her comments by stating that should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:

1. The variance is granted for Tax Map Parcel 21-A-62 for a single-family dwelling that will reduce the setback from the front yard requirements of 50 feet to 32 feet.

The existing gate is located at the intersection of London Lane and Old Stage Road and is located near tax map parcels 111B-1-1 and 111B-1-12.

Mr. Bryant gave the Planning Commission a brief summary of the case stating that the public hearing was held at the November 15, 2018 Planning Commission Meeting and a motion was made to table to the December 20, 2018 Planning Commission due to more time for the applicant and VDOT to discuss what regulations that they must meet shall the request be approved. At the December 20, 2018 Planning Commission meeting the Planning Commission made a motion to postpone the request to the January 17, 2019 Planning Commission meeting and requested staff to have VDOT perform a more accurate traffic study and to determine if the speed limit could be lowered

The Planning Commission had a general discussion.

**Planning Commission Recommendation:**

- Motion 1**      **Motion:** Thompson      Motion to allow temporary access for all emergency vehicles only, to be monitored by residents and revisit in 12 months.  
**Second:** M. Bryant  
**Motion failed by a 2-2 vote. (Gamble & Foor opposed)**
- Motion 2**      **Motion:** Foor      Motion to recommend approval of the request for lots 1-43 usage of the gate as illustrated on Sheet number 3 of 3, labeled "Rezoning Plan for Poplar Grove" dated August 2006 (Case #2006-25), provided the applicant obtains approval from the Virginia Department of Transportation.  
**Second:** M. Bryant  
**Motion failed by a 2-2 vote. (Gamble & Thompson opposed)**
- Motion 3**      **Motion:** Gamble      Motion to deny #2018-437-Poplar Grove HOA, LLC.  
**Second:** None  
**Motion failed.**
- Motion 4**      **Motion:** Foor      Motion to not make a recommendation to the Board of Supervisors.  
**Second:** M. Bryant  
**Motion carried by a 4-0 vote.**

2. The granting of this variance shall not be construed to vest in the applicant a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed.
3. This approval may be revoked by the County of Amherst or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations

There was a brief discussion amongst the Planning Commission.

**Planning Commission Recommendation:**

**Motion:** Bryant      Motion to recommend approval of Board of Zoning Appeals request #2019-018 for Terry Lewis Thompson.  
**Second:** Gamble  
**Motion carried by a 4-0 vote.**

**7. TEXT REVIEW FOR SPECIAL EXCEPTION CODE CHANGES**

The Planning Commission had a brief discussion regarding changes that were made.

**Planning Commission Recommendation:**

**Motion:** Thompson      Motion to move Village (V-1) Brewery/Distillery/Cidery to a special exception use.  
**Second:** Bryant  
**Motion carried by a 4-0 vote.**

**Planning Commission Recommendation:**

**Motion:** Thompson      Motion to add truck business to the General Commercial (B-2) as a special exception use. Move to public hearing.  
**Second:** Gamble  
**Motion carried by a 4-0 vote.**

**8. REVIEW PLANNING COMMISSION MEETING DATES FOR 2019**

**Planning Commission Recommendation:**

**Motion:** Thompson      Motion to approve the 2019 Planning Commission Meeting Schedule as submitted.  
**Second:** Gamble  
**Motion carried by a 4-0 vote.**

**9. CONFLICT OF INTERESTS FORMS FOR 2019**

Mr. Bryant asked that all Planning Commissioners please complete the forms and return them back to Regina Rice in the County Attorney's Office.

**10. OLD/NEW BUSINESS**

There was none.

**11. APPROVAL OF MINUTES FOR DECEMBER 18, 2018 and DECEMBER 20, 2018**

December 18, 2018 Meeting Minutes

**Planning Commission Recommendation:**

**Motion:** Gamble      Motion to approve the December 18, 2018 meeting minutes as submitted.

**Second:** Thompson  
**Motion carried by a 4-0 vote.**

December 20, 2018 Meeting Minutes

**Planning Commission Recommendation:**

**Motion:** Bryant      Motion to approve the December 20, 2018 meeting minutes as submitted.

**Second:** Thompson  
**Motion carried by a 4-0 vote.**

**12. ADJOURNMENT**

There being no more business to discuss, the meeting was adjourned at 8:30

**Planning Commission Recommendation:**

**Motion:** Thompson Motion to adjourn.

**Second:** Gamble

**Motion carried by a 4-0 vote.**

A handwritten signature in cursive script, appearing to read "Don Stan", is written over a horizontal line.

Chairman

/ss/2.26.19

