

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY MAY 16, 2019
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, May 16, 2019, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Derin Foor, Chairman
Beverly Jones, Vice Chair
Michael Martineau
Jim Thompson
Michael Bryant
David Pugh, Board of Supervisors Liaison (non-voting)

MEMBERS ABSENT: Catherine Gamble
Dan Sweeney, EDA Liaison

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

Agenda

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing – Special Exception
 - A. 2019-175 Tim Wright
 - B. 2019-181 Robert & Holly Fisher
5. Public Hearing – Rezoning
 - A. 2019-187 James E. Steuart
6. Subdivision Review
 - A. 2019-187 Trevor Gillispie
7. Ordinances – First Read
 - A. Section 712.03
 - B. Section 1207.03
 - C. Section 901
 - D. Section 1202.04
 - E. Section 913.03 130 Overlay District
8. Land Valuation

9. Planning Commission Youth Participants Interviews
10. Old/New Business
11. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was amended by adding under item number (7) Item (E) 130 Overlay District

Planning Commission Action:

Motion: Martineau Motion to approve the amended agenda.

Second: Thompson

The motion carried by a 4-0 vote

3. CITIZENS COMMENTS

There were none.

4. PUBLIC HEARING – SPECIAL EXCEPTION

A. 2019-175 Tim Wright

Request by Tim Wright for a special exception use in the R-2 General Residential District. The purpose of the special exception is to erect a sign. The sign will be approximately six feet in height and eight feet in width and will be located near the corner of Route 163 (S. Amherst Highway) and Williams Road. The property is located at 101 Williams Road and is further identified as tax map number 155D-A-31.

Mr. J. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following condition:

- 1) Sign: The proposed sign shall not block sight distance and shall be in conformance with all local, state and federal laws,

Mr. Pugh arrived at 7:03 pm

Chairman Foor opened the public hearing.

No one spoke in favor or opposition, therefore, Mr. Foor closed the public hearing.

Planning Commission Recommendation:

Motion: Martineau Motion to approve BZA Ordinance 2019-0002

Second: Bryant

Motion carried by a 4-0 vote.

B. 2019-181 Robert & Holly Fisher

Request by Robert and Holly Fisher for a special exception use in the R-2 General Residential District. The purpose of the special exception is for a short-term tourist rental of a dwelling. The property is located at 124 Melville Place and is further identified as tax map number 156A1-1-6.

Mr. J. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following conditions:

- 1) Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- 2) Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
- 3) Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist of swellings.

Robert Fisher, the applicant spoke in favor of the request and stated that this would be similar to a mother-in-law suite for family that live out of town. The kitchen would only consist of a sink and mini refrigerator.

Chairman Foor opened the public hearing.

No one spoke in in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

The Planning Commission had a brief discussion.

Planning Commission Recommendation:

Motion: Thompson Motion to approve special exception 2019-081 for Robert and Holly Fisher with staff conditions.

Second: M. Bryant

Motion carried by a 4-0 vote.

5. PUBLIC HEARING – REZONING

A. 2019-187 James E. Stuart

Request by James E. Stuart to rezone approximately 58 acres from R1 Limited Residential District to A1 Agricultural Residential District. The purpose of the application of the application is to rezone the property to agricultural zoning and to place a manufactured home on the property. The request includes an amendment the Future Land Use Map to Agricultural General. The property is located on Kentmoor Farm Road and is further identified as tax map number 149-A-64.

Ms. Jones arrived at 7:10 pm.

Mr. J. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage facilities: The applicant shall follow regulations prescribed by the Virginia Department of Health.
3. Short Term Tourist Rental: The applicant shall meet all requirements prescribed by the Virginia Department of Health.

Mr. Bryant stated that this request does not constitute spot zoning since it adjoins Agricultural zoning on one side of the parcel and that there were no voluntary proffers on the property.

Chairman Foor opened the public hearing.

Mr. Jack Briggs, resides at 271 Kentmoor Farm Road in Madison Heights, was curious as to where exactly the property was located. He was not in favor nor opposed to the request.

No one spoke in in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

Planning Commission Recommendation:

Motion: Thompson Motion to approve the rezoning request 2019-187 James E. Steuart with staff conditions.

Second: Jones

Motion carried by a 5-0 vote

6. SUBDIVISION REVIEW

A. 2019-187 Trevor Gillispie

In accordance with Section 1207 of the Amherst County Subdivision Ordinance, a major subdivision plat has been submitted by Trevor Gillispie (plat by James C May & Associates) for the creation of four (4) new lots located at tax map parcel 147-A-98. The parcel where the proposed subdivision is located comprises a 23.83 acre wooded lot. Copies of the plat were reviewed by the Development Review Committee electronically. The following sections summarize staff and agency comments with respect to the major elements of the plat.

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

1. Virginia Department of Transportation approval of the subdivision plat.
2. Amherst County Service Authority approval of the subdivision plat.
3. Virginia Department of Health approval of the subdivision plat.

Mr. Thompson stated that he thought the property would be great building sites he did have concerns with the speed and safety of the curve in the road near the property.

Planning Commission Recommendation:

Motion: Bryant Motion to approve subdivision plat #2019-187 for Trevor Gillispe with staff recommendations.

Second: Martineau

Motion carried by a 5-0 vote.

7. ORDINANCE – FIRST READ

A. Section 712.03

Adding restaurants as a special exception use in the Residential Mixed Use District (RMU-1).

Chairman Foor opened the public hearing.

No one spoke in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

Planning Commission Recommendation:

Motion: Jones Motion to approve Section 702.03 and submit to the County Attorney for review.

Second: Thompson

Motion carried by a 5-0 vote.

B. Section 1207.03

Increasing the number of lots for an administrative review of subdivision plats from three (3) to ten (10).

Chairman Foor opened the public hearing.

No one spoke in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

Planning Commission Recommendation:

Motion: B.Bryant Motion to approve Section 1207.03 and submit to the County Attorney for review.

Second: Martineau

Motion carried by a 5-0 vote.

C. Section 901

Allowing accessory buildings to be located closer to the main structure when fire separation as prescribed by the statewide building code is met.

Allowing accessory buildings to be located on internal lot lines where a main structure is also located, and setbacks to external lot lines are met.

Chairman Foor opened the public hearing.

No one spoke in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

Planning Commission Recommendation:

Motion: Jones Motion to approve Section 901 and submit to the County Attorney for review.

Second: Martineau

Motion carried by a 5-0 vote.

D. Section 1202.04

Allowing vacation of boundary and internal lot lines through recordation of a deed.

Chairman Foor opened the public hearing.

No one spoke in in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

Planning Commission Recommendation:

Motion: Thompson Motion to approve Section 1202.04 and submit to the County Attorney for review.

Second: Jones

Motion carried by a 5-0 vote.

E. Section 913.03 130 Overlay District

Mr. Bryant briefly stated how the Route 130 Corridor Section 913 states:

As an overlay zone which is established along Route 130 from the point of intersection of U.S Route 29 to the Amherst/Rockbridge County boundary. The width of the overlay zone extends four hundred (400) feet beyond the right-of-way of Route 130, as prescribed by the Virginia Department of Transportation, on both sides of the right-of-way.

913.01 Signs. All off site signs, except those indicated in section 907.03, are to be permitted only as special exceptions in accordance with section 1003.03.

913.02 Manufactured homes less than twenty (20) feet in width.

1. Manufactured homes less than twenty (20) feet in width.
2. Only those manufactured homes less than twenty (20) feet in width meeting the standards established in 1976 by the Department of Housing and Urban Development (H.U.D. Code) may be approved as special exceptions.

913.03 Minimum setback of all structures from Route 130.

1. Beginning at the railroad bridge crossing, and extending to the eastern boundary of the V-1 Village zoning (district) in the Village of Elon, a minimum set back from the Route 130 right-of-way of one hundred (100) feet is required of all structures.

2. Beginning at the western boundary of the V-1 Village zoning (district) in the Village of Elon, and extending to the Amherst/Rockbridge County line, a minimum set back from the Route 130 right-of-way of one hundred twenty-five (125) feet is required of all structures.

Mr. Bryant stated that the Elon Ruritan Club had requested a variance for a front porch, which was demolished by the tornado, to be rebuilt bigger and it did not meet the front yard setbacks.

On April 11, 2019, Mr. Bryant explained that the Board of Zoning Appeals denied the request.

Mr. Bryant mentioned that it had been brought to his attention that the setbacks along the Route 130 Corridor be increased to allow non-conforming structures such as the rebuilt porch on the Elon Ruritan Club be in compliance.

Chairman Foor opened the public hearing.

Mr. Jimmy Ayers, resides at 825 Grant Hollow Rd in Monroe, Virginia, spoke in favor of increasing the front yard setbacks along the Route 130 Corridor. Mr. Ayers stated that this would be helpful to all people especially on the north side of Route 130 and the Ruritan Club, which is a community building that was demolished by the tornado.

Mr. Barry Tucker, resides at 250 Camden Dr. in Madison Heights, Virginia, spoke in favor of the request. Mr. Tucker stated that he is the President of the Ruritan Club and that the building needed a porch to shelter individuals as they are entering and exiting the building.

Mr. Alan Nixon, resides at 124 Manse Rd. in Madison Heights, Virginia, spoke in favor of the request. Mr. Nixon represents the contractor, Wall Construction, as well as a member of the Elon community. Mr. Nixon stated that the reason the Ruritan Club did not appeal the Board of Zoning Appeals decision in court is because he was under the impression that based on the information that the BZA had the case could not be overturned because it wasn't considered a hardship.

Mr. John Oblinger, resides at 463 Johns Creek Rd. in Madison Heights, Virginia spoke in favor of the request. Mr. Oblinger stated that he is the Vice President of the Elon Ruritan Club. Mr. Oblinger

There was a brief discussion as to if the septic and drainfiled could be moved so that building could meet setback.

Mr. Oblinger replied that this would cost more money and that the organization did not have the funds to relocate the septic system.

Mr. Phil Lotspeich, resides at 135 Amber Ridge in Madison Heights, Virginia, spoke in favor of the request. Mr. Lotspeich addressed the difficult topography of the property and stated that this structure should not be treated like a house but instead it should be considered as a community building that was destroyed by an act of nature. Mr. Lotspeich stated that an ordinance should be considered due to the lay of the land and that this was a stable building of the community.

No one spoke in in favor or in opposition to the request. Therefore, Chairman Foor closed the public hearing.

The Planning Commission had a brief discussion amongst staff on options.

Planning Commission Recommendation:

Motion: Thompson Motion to change Route 130 building offset to 70 feet for structures from geodetic boundary marker (east of Rurutan Club on Route 130) to Elon Village District Boundary on the northeast side of Route 130. Change to Graham Creek Rd if geodetic is not practical.

Second: Jones

Motion carried by a 5-0 vote.

The Planning Commission and staff to a brief break at 8:50 pm.

The meeting reconvened at 8:53 pm.

8. LAND VALUATION

Mr. Bryant shared with the Planning Commission VACo draft revisions (see attached) to the current rules on land use valuation, including removal of qualifying requirement for previous use in agriculture.

Mr. Pugh stated that the Agricultural Committee as well as himself were in favor.

Planning Commission Recommendation:

Motion: Jones Motion to move on with the change.

Second: Thompson

Motion carried by a 5-0 vote.

9. PLANNING COMMISSION YOUTH PARTICIPANT INTERVIEWS

The Planning Commission interviewed Carl Hayden, Alexandria Goins, Caroline Branham and Kennedy Campbell.

Planning Commission Recommendation:

Motion: Jones Motion to elect Alexandria Goins and Kennedy Campbell to the Planning Commission to be representatives as the Youth Participants.

Second: Thompson

Motion carried by a 5-0 vote.

10. OLD/NEW BUSINESS

Due to the Amherst County Fair being held on the night of the August meeting the Planning Commission decided to change the meeting date.

Planning Commission Recommendation:

Motion: Martineau Motion to change the August meeting from August 15, 2019 to August 13, 2019.

Second: Jones

Motion carried by a 5-0 vote.

11. ADJOURNMENT

There being no more business to discuss, the meeting was adjourned 9:40 pm

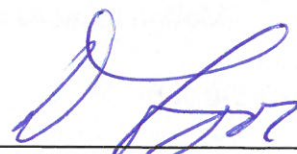
Planning Commission Recommendation:

Motion: Jones Motion to adjourn.

Second: B. Bryant

Motion carried by a 5-0 vote.

/ss/6.25.19



Chairman