



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

May 19, 2022

Administrative Office Complex
153 Washington Street
Public Meeting Room
Meeting Convened - 7:00 PM

1. Call to Order

MEMBERS PRESENT: Michael Bryant (Chair), Catherine Gamble (Vice Chair), Jim Thompson, Michael Martineau, Derin Foor, Chad Eby (EDA Liaison-Non Voting), Fatima Urmani (Youth Representative-Non Voting).

MEMBERS VIRTUAL: Beverly Jones

MEMBERS ABSENT: Emma McPhatter (Youth Representative-Non Voting) and David Pugh (Board of Supervisors Liaison-Non Voting)

STAFF PRESENT: Jeremy Bryant (Director), Tyler Creasy (Assistant Zoning Administrator) and Stacey Stinnett (Administrative Assistant)

Chair M. Bryant called the meeting to order at 7:00 pm.

Mr. J. Bryant stated that Ms. Jones would be attending virtually and that the Planning Commission would need to vote on the Electronic Meeting Policy Guidelines to have her participate as a voting member virtually.

2. Approval of Agenda

Planning Commission Recommendation:

Motion: Motion to amend the agenda to add Invocation and Pledge of Allegiance after number two (Approval of the Agenda).

Motion made by: Jones

Second: Gamble

Motion carried by a 5-0 vote.

Chair M. Bryant lead the Invocation and Pledge of Allegiance.

Planning Commission member Ms. Jones was contacted by phone to participate in the meeting.

3. Invocation & Pledge of Allegiance

Planning Commission Recommendation:

Motion: Motion to amend the agenda to add Electronic Meeting Policy after #2 Approval of Agenda and move EPR Master Plan after #4 Citizens Comments.

Motion made by: Thompson

Second: Martineau

Motion carried by a 5-0 vote.

Mr. Thompson lead the Invocation and Pledge of Allegiance.

4. Citizens Comments

There were none.

Vladimer with EPR in Charlottesville, presented the Madison Heights Master Plan and answered the Planning Commissions questions.

5. Public Hearing - Special Exception

A. 2022-196 Joshua A. Huffines (Motor World)

Request by Joseph Huffines – Motor World for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage at a location that sells used cars. The property is located at 3713 S. Amherst Highway and is further identified as tax map number 155-A-107. The property will also be used as a used car sales lot. The owner recently re-graded the site, paved the lot, closed an entrance on Dillard Road and added lighting to the site.

Mr. Bryant presented the staff report and recommended approval with the following conditions:

1. Parking: All vehicles shall be parked in a designated parking area that is 9' x18' in size. The parking lot shall have an aisle width of at least twenty-two (22) feet.
2. Lighting: All proposed lighting shall be glare-shielded and directed so as to prevent illumination across the property line. No light shall be installed that the zoning administrator finds will adversely affect traffic on Route 29 Business, Dillard Road or any neighboring property.
3. Outdoor storage: No miscellaneous items shall be stored outside the building other than vehicles that are waiting repair.
4. Entrances: Prior to the issuance of a zoning permit, the applicant will be responsible to ensure that the Virginia Department of Transportation (VDOT) minimum standards are met.
5. Trash Disposal: If an outdoor trash disposal facility is used, it shall be fully screened from

view.

6. Equipment: All equipment associated with the proposed use shall be installed and used inside the building.

7. Landscaping: A landscaping plan shall be submitted as part of the site plan and approved by the Zoning Administrator.

8. Repair Vehicle Parking: All vehicles waiting repair shall be placed in a designated parking area that is in general conformance with the submitted site sketch as determined by the Zoning Administrator. The maximum time any vehicle can be on the parcel is 10 days.

Russ Nixon, agent for applicant, spoke in favor of the request and answered the Planning Commission's questions.

Chair M. Bryant opened the public hearing. No one spoke in favor or opposition to the request.

Planning Commission Recommendation:

Motion to approve special exception 2022-196 Joshua Huffines with special conditions.

Motion made by: Thompson

Second: Gamble

Motion carried by a 6-0 vote.

B. 2022-202 Foxtail Lilies LLC

Request by Foxtail Lillies, LLC – Rebecca O’ Connell for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is for a short-term tourist rental of a dwelling.

Mr. J. Bryant presented the staff report and recommended approval with 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. Parking: Guests shall be required to park on the property and not park on neighboring lots or on any right-of-way outside of their property unless they have written permission.

4. Transportation: The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.

5. Public Safety: The owner shall meet all requirements set forth by the Director of Public Safety as it has to do with access to the property.

6. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which

regulates short-term tourist rental of dwellings.

The applicant spoke in favor of the request and answered the Planning Commission's questions.

Chair M. Bryant opened the public hearing.

Cindy Ferguson, manager of the Air BNB spoke in favor of the request.

No one spoke in opposition.

Chair M. Bryant closed the public hearing.

Planning Commission Recommendation:

Motion: Motion to approve 2022-202 Foftail Lilies with staff recommendations.

Motion made by: Martineau

Second: Gamble

Motion carried by a 6-0 vote.

6. Ordinance No. 2022-0007- Public Hearing

A. Subdivision Platting Requirements

State Code Section § 15.2-2244 indicates that any locality may also include aunts, uncles, nieces and nephews in its definition of immediate family. This ordinance expands the County's definition of immediate family members to include aunts, uncles, nieces and nephews.

Mr. Creasy presented the ordinance to the Planning Commission.

Chair M. Bryant opened the public hearing.

No one spoke in favor or opposition to the request, therefore the public hearing was closed.

Planning Commission Recommendation:

Motion to approve Ordinance No. 2022-0007 to the Board of Supervisors.

Motion made by: M. Bryant

Second: Foor

Motion carried by a 6-0 vote.

7. Rezoning Request (Public Hearing)

A. 2022-204 Rowan Holdings, LLC

Chair M. Bryant stated that he will be abstaining from this request since he is employed by Hurt & Profitt, the firm that has drawn the siteplans for the Rowan Holdings, LLC case.

Request by Rowan Holdings, LLC for a conditional zoning request of 9.9 acres from the B-2 General Commercial District and the M-1 Industrial District to the MU/TND - Mixed Use/Traditional Neighborhood Development District. The purpose of the conditional zoning is to allow high density residential of 108 apartment units, 54 in each building. The site will feature garage units with a clubhouse, pool and open space with trails. The property is identified as tax map numbers 156-A-3A, 156-A-3 (portion), 156-A-5 (portion), 156-1-2,3,4A,5,C (portion) and 156-A-4 (portion).

The request includes an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from the Commercial to Urban Development Area.

Mr. J. Bryant gave the staff report and concluded his comments by giving the volunteer proffers submitted by applicant and recommended proffers given by staff.

Voluntary Proffers Submitted by Applicant:

1. The site plans are to be built in accordance with the master plan.
2. All new utilities are to be underground.
3. The densities shown on the current rezoning for the 9.9 acres will be adopted with the upcoming 170.1 acre development rezoning.
4. The site plans for each site shown within the master plan will need to be approved by VDOT prior to site construction.

Staff Recommended (additional) Proffers:

1. All amenities in the area designated as open space on the submitted "Master Plan" shall be the responsibility of the developer. All park areas shall be connected to the overall development by a series of trails and or sidewalks. All improvements are subject to approval by the Director of Parks and Recreation.
2. Design standards for all buildings.
3. Submit a Master Plan for the remainder of the property that will include tax map numbers 156-A-3A, 156-A-3 (portion), 156-A-5 (portion), 156-A-2,3,4A,5,C (portion) and 156-A-4 (portion) that meets all regulations found in Section 711 of the Amherst County Zoning Ordinance.

Trent Warren, with Hurt & Profitt representing the applicant, passed out three handouts and answered the Planning Commission's questions.

Sam Patel, the applicant, spoke in favor of the request and answered the Planning

Commission's questions.

Vice Chair Gamble opened the public hearing.

No one spoke in favor or opposition to the request.

Vice Chair Gamble closed the public hearing.

Planning Commission Recommendation:

Motion: Motion to approve 2022-204 Rowan Holdings, LLC request with voluntary proffers that are submitted and recommend an amendment to the Future Land Use Map of the Amherst County Comprehensive Plan from commercial to urban development area over the parcels that have been advertised.

Motion made by: Martineau

Second: Foor

Motion carried by a 5-0 vote. (M. Bryant abstained)

8. Rezoning Request (Non Public Hearing)

A. 2022-022 Russell E. Nixon

Request by Russell E. Nixon for the rezoning of a parcel of land at the corner of Dillard Road and Route 130. Currently, the parcel is zoned B-2 General Commercial District. The request is to rezone the parcel to the R-3 Multi-Family Residential District to allow the property to be developed for high density residential. The property owner desires to build townhomes.

Mr. J. Bryant presented the staff report and stated that staff recommended approval with the recommended proffer that a formal site plan shall be submitted that is in general compliance with the concept plan submitted. (Comprehensive Plan - Land Use, goal #1 - To accommodate future population growth in a planned manner).

Russ Nixon, surveyor representing the applicant, spoke in favor of the request and answered the Planning Commission's questions.

Chair M. Bryant opened the public hearing.

No one spoke in favor or opposition.

Chair M. Bryant closed the public hearing.

Mr. Eby spoke in favor. Mr. Eby stated that the EDA had reached out to many business owners throughout the County regarding this new development and no one seemed to have any problems with this.

Mr. Thompson was concerned for safety, stating that the intersection was not the right area to build 24 town homes. Mr. Thompson stated that the lot was too narrow and he had concerns with drainage issues.

Planning Commission Recommendation:

Motion: Motion to recommend rezoning 2.3 acres from the B-2 General Commercial District to the R-3 Multi-family residential District and ask the applicant to voluntarily proffer the condition recommended by staff and update the Future Land Use Map of the Amherst County Comprehensive Plan to high density residential.

Motion made by: Foor

Second: Gamble

Motion carried by a 5-1 vote. (Thompson)

9. Potential Code Change

A. Campground Ordinance Discussion

Mr. Creasy presented the Planning Commission with information about a potential code change to the current travel trailer ordinance. Mr. Creasy stated that at the April Planning Commission meeting, staff was directed to revise section 702 and 904 of the Zoning and Subdivision Ordinance.

Planning Commission Recommendation:

Motion: Motion to approve and direct staff to send the proposed code changes to the County Attorney's Office to be put into the form of an ordinance.

Motion made by: Foor

Second: Thompson

Motion carried by a 6-0 vote.

10. Comprehensive Plan

A. Supporting Documents

11. EPR

- A. Discussion of Madison Heights Master Plan

12. Site Plan Updates

- A. Site Plan Attachment

13. Old/New Business

- A. New Business Members to Consider for the Rt 29 BBC

Mr. J. Bryant stated that there were two vacancies for any business owner along the Rt. 29 Business Corridor, on the Rt 29 Business Beautification Committee. Tony McBride and Adam Huffines have submitted letters of interest for the two vacant spots.

Tony McBride

Planning Commission Recommendation:

Motion: Motion to accept Tony McBride and Adam Huffines as the two new business owners to the Route 29 Business Beautification Committee.

Motion made by: Jones

Second: Foor

Motion carried by a 6-0 vote.

Adam Huffines

14. Approval of Minutes for April 21, 2022

- A. Minutes Attachment

Planning Commission Recommendation:

Motion: Motion to approve May 19, 2022 Planning Commission Minutes as submitted.

Motion made by: Thompson

Second: M. Bryant

Motion carried by a 5-0 vote. (Foor abstained due to being absent)

15. Adjournment

Planning Commission Recommendation:

Motion: Motion to adjourn.

Motion made by: Thompson

Second: Martinuea

Motion carried by a 6-0 vote.

There being no further business to discuss the meeting was adjourned at 8:55 pm.

