



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

August 18, 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), Beverly Jones, Derin Foor, Michael Martineau and Jim Thompson.

MEMBERS ABSENT: 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.

2. Approval of Agenda

Planning Commission Recommendation:

Motion: Motion to approve the agenda.

Motion made by: M. Bryant

Second: Foor

Motion carried by a 6-0 vote.

3. Invocation & Pledge of Allegiance

M. Martineau led in prayer.

Chair M. Bryant led the Pledge of Allegiance.

4. Election of Officers

Planning Commission Recommendation:

Motion: Motion to elect Catherine Gamble as Chair

Motion made by: Foor

Second: Jones

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

Planning Commission Recommendation:

Motion: Motion to elect Foor as Vice Chair

Motion made by: Jones

Second: Martineau

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

Planning Commission Recommendation:

Motion: Motion to elect Jeremy Bryant as Secretary

Motion made by: M. Bryant

Second: Foor

Motion carried by a 6-0 vote.

5. Citizens Comments

There were none.

6. Public Hearing - Rezoning

A. 2022-385 Terry Morcom (Lot 160A2-A-19A)

Request by Terry Morcom for a conditional zoning request of 15.63 acres from the B-2 General Commercial District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow high-density residential that will contain apartments, a community building, a pool and open space. The property is identified as tax map numbers 160A2-A-19A.

The request includes an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from commercial and medium density residential to high density residential in the area identified on the proposed rezoning map.

PROFFERS VOLUNTEERED:

1. Site Plans: All site plans are to be built generally in accordance with the Master Plan dated 6/22/22.
2. Utilities: All new utilities are to be underground.
3. Open Space: All open space will be included in a property-owners association that meets the requirements in Section 912 of the Zoning Ordinance.
4. Transit Station: Applicant will work with the Greater Lynchburg Transit Company (GLTC) to include space for a suitable transit stop.
5. Roads: All roads labeled white on the Plan submitted on 6/22/22 will be built to the Virginia Department of Transportation (VDOT) standards and taken into their statewide system.
6. Sidewalks: Sidewalks will be located on both sides of roads that will be taken into

the VDOT system, along the entire length of Route 163, along all parking lots when bordering a building and connecting the sidewalks from building to building.

7. Walking trails will be provided, giving access to the park area from the apartments and the senior villas.

Mr. Bryant presented the staff report and recommended approval with voluntary proffers submitted.

Chair M. Bryant opened the public hearing.

Terry Morcom, applicant, spoke in favor of the request and answered the Planning Commissions questions.

Mike Ogden, a resident at Moorman Drive in Madison Heights, spoke in opposition to the request. Mr. Ogden's concerns were that the area could not withstand that high density, especially the entrance at the stop light. Mr. Odgen stated that this development would generate more noise and he felt that there weren't enough buffers to protect the existing neighborhoods. Mr. Odgen stated that the community already has apartments and they aren't being kept up and they generate trash and are a nuisance to the neighborhood.

Heather Jamerson, a resident at 114 Moorman Drive in Madison Heights, spoke in opposition to the request. Ms. Jamerson stated that there was no way that the neighborhood could withstand that many people within that area. Ms. Jamerson was very concerned about safety and felt that this project could be planned better within another area that could accommodate the high volume of density.

Ann Norwood, a resident of Madison Heights, spoke in opposition to the request. Ms. Norwood stated that she believed in growth. However, she did not feel this was a suitable location for the development.

Carl Deans, a resident of Madison Heights, spoke in opposition to the request. Mr. Deans stated that there is a major concern about the traffic that would be coming in and out at that stop light.

Frank Thomas, who resides at 5309 S. Amherst Hwy in Madison Heights, spoke in opposition. Mr. Thomas was concerned with public sewer and how it would be laid out for the development, traffic, safety, other possible entrances and buffers.

Dennis Bradshaw, who resides at 118 River Ridge Rd in Madison Heights, spoke in opposition to the request. Mr. Bradshaw expressed his concern regarding the increased traffic and noise that the development would bring to the existing neighborhood.

Jeremy Brust, who resides at 180 Moorman Drive in Madison Heights, spoke in opposition to the request. Mr. Brust was concerned over the increased density in the area and was curious how the schools and public safety could accommodate this type of development.

David Stillwell, who resides in Madison Heights, spoke in opposition to the request. Mr. Stillwell felt that the citizens needed to see actual pictures of what this development would like because the site plan presented made it a very difficult visual aid. Mr. Stillwell stated that traffic and noise would definitely cause issues for the existing neighborhood and he asked if public sewage was going to be run to this development and if so, then would the existing neighborhood also get these amenities.

Laverne Johnson, who resides at 213 Moorman Drive in Madison Heights, spoke in opposition to the request. Ms. Johnson was concerned about traffic, the safety of pedestrians with such a high density of people, these apartments becoming low income over time and increasing drugs and violence within the area. Ms. Johnson asked what were the criteria that one had to meet to live in the apartments.

There being no further comments, Chair M. Bryant closed the public hearing.

The Planning Commission had a brief discussion regarding the stop light, traffic, buffers, and the septic system.

M. Martineau stated that VDOT would determine the entrance by doing a traffic study and that they would regulate the entrance, not the County.

Ms. Jones stated that the property is currently zoned B-2 General Commercial, meaning that as it is zoned now, any business could be permitted there as a by-right use. However, Mr. Morcom is wanting to rezone the property to residential.

Terry Morcom addressed the concerns asked by citizens and the Planning Commission.

Planning Commission Recommendation:

Motion to approve special exception 2022-385 for Terry Morcom with voluntary proffers and staff recommendations.

Motion made by: Foor

Second: Gamble

Motion carried by a 6-0 vote.

B. 2022-387 Terry Morcom

Request by Terry Morcom for a conditional zoning request of 0.3 acres from the R-1 Limited Residential District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is for the property to become part of a senior living community. The parcel is identified as tax map number 160A1-2-1.

The request includes an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from commercial and medium density residential to high density residential.

Mr. J. Bryant presented the staff report and recommended approval.

Chair M. Bryant opened the public hearing.

Terry Morcom, applicant, spoke in favor of the request and answered the Planning Commissions questions.

Carl Deans, a resident of Merrymoor Drive in Madison Heights, spoke in opposition to the request. Mr. Deans stated that his house would be affected the most by the increased traffic since he resides near the stop light. Mr. Deans is concerned about safety as well as noise. Mr. Deans stated that he has grandchildren and safety is his biggest concern.

There being no further speaker, Chair M. Bryant closed the public hearing.

Terry Morcom addressed the concerns asked by citizens and the Planning Commission.

Mr. Thompson asked Mr. Morcom if he would consider adding an additional proffer stating that he would not use his additional parcel to access Morman Drive.

Mr. Morcom responded that he had no problem agreeing to that so long as VDOT approved him access to the stop light.

Planning Commission Recommendation:

Motion to approve special exception 2022-387 for Terry Morcom and the addition of the voluntary proffer that Mr. Morcom will not use the separate parcel to access Merrymoor as

long as he is granted access by VDOT to tie into the entrance at the stop light.

Motion made by: M.Bryant

Second: Foor

Motion carried by a 6-0 vote.

7. Public Hearing - Special Exception

A. 2022-386 Terry Morcom (Lot 160A2-A-19A)

Request by Terry Morcom for a special exception in the R-3 Multi-Family Residential District. The purpose of the special exception is to allow a density bonus from 176 apartment units to 264 apartment units. The property is identified as tax map number 160A2-A-19A.

The applicant desires to seek a density bonus from 184 units (by-right) to 276 units (50 percent) density bonus. Conditions recommended by staff:

1. Exterior Lighting. All exterior lighting should be installed to prevent glare on adjacent properties and streets. Exterior lighting should be sufficient to illuminate the internal parking areas, sidewalks, doorways, stair wells and steps. (Comprehensive Plan, page 155)
2. Bus Shelter. The Greater Lynchburg Transit Company shall be notified of the development prior to the certificate of occupancy. (Comprehensive Plan, page 86, 110)
3. Public Utilities. All buildings should remain on public water and public sewer and shall be in compliance with the regulations specified by the Amherst County Service Authority. (Comprehensive Plan, page 51, pg 111)
4. Trash Disposal. If a dumpster is located on the parcel it shall be screened from view from all residential districts. The dumpster should be screened with solid wood fence or solid material that is opaque. (Zoning Ordinance, Sec. 1601)
5. Landscaping. In addition to plantings that will be required as part of the site plan, screening shall be required in accordance with Section 906 (Comprehensive Plan, page 122)
6. Site Plans: All site plans are to be built generally in accordance with the Master Plan dated 6/22/22.
7. Utilities: All new utilities are to be underground.
8. Open Space: All open space will be included in a property-owners association that meets the requirements in Section 906 of the Zoning Ordinance.
9. Roads: All roads labeled white on the Plan submitted on 6/22/22 will be built to the Virginia

Department of Transportation (VDOT) standards and taken into their statewide system.

10. Sidewalks: Sidewalks will be located on both sides of roads that will be taken into the VDOT system, along the entire length of Route 163, along all parking lots when bordering a building and connecting the sidewalks from building to building, sidewalks shall connect to open space areas.

Mr. Bryant presented the staff report and recommended approval.

Chair M. Bryant opened the public hearing.

Terry Morcom, applicant, spoke in favor of the request and stated that this development would be within the growth area of the Comprehensive Plan.

Mike Ogden, spoke in opposition to the request. Stating that his concerns all go back to safety and increased traffic and how VDOT will regulate.

Dennis Bradshaw, spoke in opposition to the request. Mr. Bradshaw stated that although these apartments may not be Section 8 Housing now, can the county and developer promise the community that these will never develop into Section 8 Housing?

Heather Jamerson, spoke in opposition to the request. Ms. Jamerson stated that Terry Morcom built the apartments that are currently there now and they have over the years become an eyesore for the community. Therefore, she stated that she was not putting her trust in Mr. Morcom.

Stephanie Martin, spoke in opposition to the request. Ms. Martin agreed with Ms. Jamerson, stating that the current apartments there now have trash and over the years have continued to run down. Ms. Martin asked the question, "is Mr. Morcom going to stand behind his word that these apartments are going to always remain luxury apartments?"

There being no further speaker, Chair M. Bryant closed the public hearing.

Terry Morcom addressed the concerns asked by citizens and the Planning Commission.

Planning Commission Recommendation:

Motion to approve special exception 2022-386 for Terry Morcom with staff conditions

Motion made by: M. Bryant

Second: Gamble

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

B. 2022-388 Terry Morcom (Lot 160-A-14)

Request by Terry Morcom for a special exception in the R-3 Multi-Family Residential District. The purpose of the special exception is to allow for an assisted living/memory care facility as well as an independent living facility for seniors. The property is identified as tax map number 160-A-14.

The proposed two-story independent living senior facility would contain 150 units and the two-story assisted living/memory care facility would contain 140-units.

Staff recommended conditions:

1. Exterior Lighting. All exterior lighting should be installed to prevent glare on adjacent properties and streets. Exterior lighting should be sufficient to illuminate the internal parking areas, sidewalks, doorways, stair wells and steps. (Comprehensive Plan, page 155)
2. Bus Shelter. The Greater Lynchburg Transit Company shall be notified of the development prior to the certificate of occupancy. (Comprehensive Plan, page 86, 110).
3. Public Utilities. All buildings should remain on public water and public sewer and shall be in compliance with the regulations specified by the Amherst County Service Authority. (Comprehensive Plan, page 51, pg 111).
4. Trash Disposal. If a dumpster is located on the parcel it shall be screened from view from all residential districts. The dumpster should be screened with solid wood fence or solid material that is opaque. (Zoning Ordinance, Sec. 1601) -
5. Landscaping. Plantings will be required as part of the site plan process. (Comprehensive Plan, page 122)
6. Site Plans: All site plans are to be built generally in accordance with the Master Plan dated 6/22/22.
7. Utilities: All new utilities are to be underground.
8. Open Space: All open space will be included in a property-owners association.
9. Roads: All roads labeled white on the Plan submitted on 6/22/22 will be built to the Virginia Department of Transportation (VDOT) standards and taken into their statewide system.
10. Sidewalks: Sidewalks will be located on both sides of roads that will be taken into the VDOT system, along all parking lots when bordering a building and connecting the sidewalks from building to building, sidewalks shall connect to open space areas.

Mr. Bryant presented the staff report and recommended approval.

Chair M. Bryant opened the public hearing.

Terry Morcom, applicant, spoke in favor of the request and stated that Amherst County has a need for this type of request. It's convenient, and will have public transportation within the growth area, within the main corridor of Amherst County, close to Lynchburg as well as close to hospitals.

Lavernne Johnson, spoke in opposition to the request. She asked if the facilities and apartments were setup to accommodate disabled veterans.

Theresa Ogden, expressed her concern about traffic and did not think that the entrance at the stop light could accommodate such a large development.

Gary Thomas, spoke in opposition to the request. Mr. Thomas felt that a development of this size should have at least three (3) entrances.

David Stillwell, spoke in opposition to the request, stating that he was concerned for safety and wanted to know how the schools would accommodate such a growth within one area.

Heather Jamerson, spoke in opposition to the request. Ms. Jamerson stated that there definitely needed to be more than one way in and one way out to this development which would share access to the neighboring community.

There being no further speaker, Chair M. Bryant closed the public hearing.

Mr. Martineau stated that this is only the first phase and this hearing is for a rezoning request. Mr. Martineau stated that VDOT holds the key to most of the neighboring communities' concerns, which are traffic, safety and access.

Mr. Foor stated that the county needs this type of development and growth and not only would Mr. Morcom be providing additional housing for the county but also jobs.

Planning Commission Recommendation:

Motion to approve special exception 2022-388 for Terry Morcom with staff conditions

Motion made by: Gamble

Second: Foor

Motion carried by a 6-0 vote.

C. 2022-350 James Krueger

Request by James and Carolyn Krueger for a special exception in the R-1 Limited Residential District. The purpose of the special exception is to allow a short-term tourist rental of a

dwelling. The property is located at 343 Elon Road and is further identified as tax map number 147E-1-1.

The applicant wishes to use their basement as the unit for short-term tourist rental.

Mr. 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. Building Safety: The applicant shall have the basement unit inspected to meet all building code regulations.
7. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.

Chair M. Bryant opened the public hearing.

Mr. James Kruegar, the applicant, spoke in favor of the request.

There being no further comments, Chair M. Bryant closed the public hearing.

Planning Commission Recommendation:

Motion to approve special exception 2022-350 for James Krueger with staff conditions

Motion made by: Thompson

Second: M. Bryant

Motion carried by a 6-0 vote.

D. 2022-366 Joshua A. Huffines

Request by Joshua A. Huffines for a special exception in the R-1 Limited Residential District. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 129 Apple Way and is further identified as tax map number 137E-1-71.

Mr. 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.

Chair M. Bryant opened the public hearing.

Martha Mayhugh, the applicant, representing property owner, Joshua Huffines, spoke in favor of the request.

Wendell Wyland, who resides at 147 Apple Way in Madison Heights, spoke in opposition to the request. Mr. Wyland stated that he was concerned about different people staying in the home as well as parties and loud noise. Mr. Wyland felt that Mr. Huffine was making money off the property in such a way that was not in the best interest of the neighborhood.

There being no further comments, M. Bryant closed the public hearing.

There was a brief discussion amongst the Planning Commission and staff.

Planning Commission Recommendation:

Motion to approve special exception 2022-366 for Joshua A. Huffines with staff conditions

Motion made by: M. Bryant

Second: Jones

Motion carried by a 6-0 vote.

8. Site Plan Updates

A. Siteplan

Mr. Creasy updated the Planning Commission on the current site plans within the office.

9. Youth Participant Discussion

Mr. J. Bryant stated that no one has reached out to staff yet regarding the position and he urged the Planning Commission to help in recruiting.

10. Old/New Business

A. Route 29 Business Beautification Committee - Member Replacement

Mr. J. Bryant stated that a position on the Rt 29 Business Beautification Committee for a property owner along the Rt 29 Corridor was available and asked the Planning Commission to help recruit and fill the position. Mr. Huffines of Motor World is unable to fulfill his duties due to other engagements and has removed himself from the position.

11. Approval of Minutes for June 16, 2022 & August 10, 2022

A. August 10, 2022 Meeting Minutes

Planning Commission Recommendation:

Motion to approve the August 10, 2022 Meeting Minutes as submitted.

Motion made by: Foor

Second: Jones

Motion carried by a 6-0 vote.

B. June 16, 2022 Meeting Minutes

Planning Commission Recommendation:

Motion to approve the June 16, 2022 Meeting Minutes as submitted.

Motion made by: Gamble

Second: M. Bryant

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

12. Adjournment

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

Planning Commission Recommendation:

Motion to adjourn.

Motion made by: Foor

Second: Jones

Motion carried by a 6-0 vote.

