



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

March 16, 2023

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

1. Call to Order

MEMBERS PRESENT: Catherine Gamble (Chair), Derin Foor (Vice Chair), Beverly Jones, Michael Bryant, Michael Martineau, David Pugh (Board Liaison Non-Voting) & Andrew Proctor (EDA Liaison Non-Voting)

MEMBERS ABSENT: Jim Thompson & Annalyn Burley (Youth Representative Non-Voting)

STAFF PRESENT: Tyler Creasy (Interim Community Development Director) & Stacey Stinnett (Administrative Assistant)

Madam Chair Gamble called the meeting to order at 7:00 pm.

2. Approval of Agenda

The agenda was amended by moving item D of Public Hearings to item A of Public Hearings.

Planning Commission Recommendation:

Motion: Motion to amend the agenda by moving item D of Public Hearings to item A of Public Hearings

Motion made by: Jones

Second: Bryant

Motion carried by a 5-0 vote.

David Pugh arrived at 7:01 pm.

3. Invocation & Pledge Allegiance

Martineau led in prayer and then led in the Pledge of Allegiance.

4. Citizens Comments

There were none.

5. Public Hearings

A. 2023-033 Cowan Systems LLC (Special Exception)

Request by Benjamin Thompson (Cowan Systems, LLC) for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a propane tank that is 12,000 gallons in size. The property is located at 178 Elon Road and is identified as tax map number 147-A-159.

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

1. Setback: Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic.
2. Public Safety/Building Official: The Director of Public Safety and Building Official shall approve the location of the tank prior to the issuance of a zoning permit.

Jack Heckman, representative for Cowan Systems, LLC., spoke in favor of the request.

Madam Chair Gamble opened the public hearing,

No one spoke in favor or opposition of the request. Therefore, Madam Chair Gamble closed the public hearing,

Planning Commission Recommendation:

Motion to approve 2023-033 Cowan Systems LLC with staff recommendations.

Motion made by: Bryant

Second: Martineau

Motion carried by a 5-0 vote.

B. 2023-034 Adam Huffines (Rezoning - 4446 S. Amherst Hwy)

Request by Adam Huffines for a conditional zoning request of 2.57 acres from R-2, General Residential District to the B-2, General Commercial District. The purpose of the conditional zoning is to allow for a Transport Truck Maintenance Shop and Automotive Center. The property is identified as tax map numbers 155-A-106 (portion of) and 155-A-103 (portion of).

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

Mr. Creasy presented his staff report and stated that staff recommended approval with the voluntary proffers. The voluntary proffers are:

1. Applicant will upgrade the entrance onto Coleman Road and maintain the portion of the road being used by the automotive center from the entrance to where the automotive center property stops.
2. When screening is required, there will be an increase of the screening width from 20' to 25'.
3. Utilities will be underground.
4. Site shall be built to substantial compliance with site plan.
5. Stormwater Management facilities will be designed to provide 30% run off improvement factor instead of the 20% required under the law.

Russ Nixon with Nixon Land Surveying, representing the applicant, spoke in favor of the request and answered the Planning Commissions questions.

Madam Chair Gamble opened the public hearing.

Ryan Adams, resides at 141 Coleman Road in Madison Heights, spoke in opposition to the request. Mr. Adams stated that for an entrance to be used off of Coleman Road the road would have to be widened to make it safe and that would encroach onto his property. Mr. Adams also stated that this small neighborhood could not withhold the increased traffic that this development would impose.

Chris Maddox, resides at 215 Coleman Road in Madison Heights, spoke in opposition to the request. Mr. Maddox stated that this use would only benefit the landowner, not the small neighborhood along Coleman Road.

Randy Morrison, resides at 153 Coleman Road in Madison Heights, spoke in opposition to the request. Mr. Morrison stated that this was a quiet and safe neighborhood and allowing this residential development would be detrimental to the quaint and peaceful community. Mr. Morrison was concerned about the traffic and water run-off issues.

There being no further speaker, Madam Chair Gamble closed the public hearing.

The Planning Commission had a brief discussion.

Planning Commission Recommendation:

Motion to approve the conditional rezoning of 2023-034 Adam Huffines with submitted voluntary proffers.

Motion made by: Bryant

Second: Foor

Motion carried by a 5-0 vote.

C. 2023-037 Adam Huffines (Special Exception - 4446 S. Amherst Hwy)

Request by Adam Huffines for a special exception in the B2 General Commercial District. The purpose of the special exception is to allow for a 10,000 square foot transport and truck maintenance shop and a 30,000 square foot automotive center, which will hold office space and an automotive body shop. The property is identified tax map number(s) 155-A-106 (portion of) and 155-A-103 (portion of).

Mr. Creasy presented his staff report and stated that staff 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 South Amherst Hwy and Coleman 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 shall meet all requirements of Article XVI - Landscaping Ordinance.

Repair Vehicle Parking: All vehicles awaiting repair shall be placed in a designated parking area behind the proposed automotive center 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 with Nixon Land Surveying, represented the applicant, spoke in favor of the

request and answered the Planning Commissions questions.

Madam Chair Gamble opened the public hearing.

Mr. Adams, resides at 141 Coleman Road in Madison Heights, spoke in opposition to the request. Mr. Adams stated he would basically be looking out of this backyard at a junk yard. He was concerned about lighting affecting his property because of this request. Mr. Adams stated that the development would cause major safety issues on Coleman Road.

Gary Gregory, a citizen of Madison Heights, spoke in opposition of the request. Mr. Gregory stated that this request would greatly impact the small Colman Road community and the noise from the automotive repair shop would definitely be detrimental to the quiet neighborhood coming from an automotive repair shop. .

There being no further speaker, Madam Chair Gamble closed the public hearing.

The Planning Commission had a brief discussion regarding planting of trees and vegetation to help reduce noise and light issues to the neighbors.

Planning Commission Recommendation:

Motion to approve the special exception for 2023-037 Adam Huffines with staff recommended conditions and require three rows of trees that at the time of planting are at least six to eight feet tall.

Motion made by: Bryant

Second: Martineau

Motion carried by a 5-0 vote.

D. 2023-038 Adam Huffines (Rezoning - 697 Dillard Rd)

Request by Adam Huffines for a conditional zoning request of 13.86 acres from the B2 General Commercial District and R2, General Residential District to the R3 Multi-Family Residential District. The purpose of the conditional zoning is to allow high density residential that will contain 136 townhouses and open space. The property is identified as tax map numbers 155-A-106 (portion of), 155-A-110 and 155-A-109.

Mr. Creasy presented his staff report and stated that staff recommended approval with the voluntary proffers. The voluntary proffers are:

1. The applicant will take full responsibility to upgrade and maintain Coleman Road from its entrance on South Amherst Highway to the end of tax map number 155-A-106 (townhome

entrance) as shown on the conceptual plan dated 10/1/2022.

2. Where screening is required, increase vegetative screening from 20' to 25' in width where applicable.
3. Provide right turn land into new entrance along Dillard Road as shown on the conceptual plan dated 10/1/2022.
4. Utilities: All utilities shall be underground.
5. Site shall be built to substantial compliance with the conceptual plan dated 10/1/2022.
6. Stormwater Management Facilities will be designed to provide a 30% run off improvement factor instead of the 20% required under law.

Russ Nixon with Nixon Land Surveying, represented the applicant, spoke in favor of the request and answered the Planning Commissions questions.

Madam Chair Gamble opened the public hearing.

Robert Adams, a homeowner on Coleman Road in Madison Heights, spoke in opposition to the request. Mr. Adams stated that he did not oppose the commercial work that the applicant is doing but is opposed to the townhome development. Mr. Adams stated that Coleman Road could not accommodate that much traffic from a large town home development.

Kristen Adams, a resident of Coleman Road in Madison Heights, spoke in opposition to the request. Ms. Adams stated that she has young children. She has concerns with increased traffic as well as the dog park that the town home development shows in their plan.

There being no further speaker, Madam Chair Gamble closed the public hearing.

The Planning Commission had a brief discussion regarding the number of townhomes, the number of stories of the townhomes, the grading and the topography of the lot as well as if the dog lot would be fenced.

The Planning Commission felt that they needed more information from VDOT's study report before they could make a decision.

Planning Commission Recommendation:

Motion to table special exception for 2023-038 Adam Huffines to the next Planning Commission Meeting on April 20, 2023.

Motion made by: Bryant

Second: Martineau

Motion carried by a 5-0 vote.

E. 2023-087 Piney River Solar LLC (Special Exception)

Request by Piney River Solar, LLC for a special exception request in the A-1, Agricultural Residential District for a solar energy system, utility-scale. The project site will utilize the parcels' 431.4 total acres, with approximately 169 acres being utilized for the solar arrays. The parcels have frontages on Patrick Henry Highway and Roses Mill Road, is located at 2508 Patrick Henry Highway and 1187 Roses Mill Road, and is further identified as tax map number(s) 40-A-64 and 41-A-50. This request also requires a review for compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for a proposed solar facility, on a portion of Tax Map Parcel(s) 40-A-64 and 41-A-50, zoned A-1, Agricultural Residential.

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

1. Site Plan: The use shall be in general conformance with the approved site plan.
2. Lighting: If exterior lighting is provided, all proposed lighting shall be glare-shielded and directed so as to prevent illumination across the property line.
3. Outdoor storage: No miscellaneous items shall be stored outside other than the solar panels and ancillary equipment that is part of the approved use.
4. Entrances: The applicant will be responsible to obtain all necessary permits from the Virginia Department of Transportation.
5. Use: The use of the parcel shall be in conformance with the advertised use as part of the special exception request.
6. Landscaping: The site shall maintain all existing trees and proposed trees as shown on the site plan. Should any screening trees cease to exist during the life of the proposed solar farm, such trees shall immediately be replaced at the start of the next planting season. In addition, for any portion of the leased area as shown on the site plan dated 02/15/2023 that fronts along Patrick Henry Highway and Roses Mill Road, the vegetative buffer shall be increased to 40' in depth with plantings being 10' on center.
7. Parking: No more than twenty (20) vehicles (including trailers, campers and similar units) may be parked on the lot at any one time.
8. All necessary environmental approvals shall be obtained prior to the issuance of the zoning permit. These approvals, if required, include the following but are not limited to:
 - a. Wetland disturbance / impacts – US Army Corps of Engineers, Department of Environmental Quality and any other applicable agencies.
 - b. Storm water – Department of Environmental Quality
 - c. Erosion and Sediment Control - Department of Environmental QualityCompliance: Tax Map Parcels 40-A-64 and 41-A-50 shall come into compliance with all Federal, State and Amherst County codes, regulations, and ordinances prior to issuance of the zoning permit.

9. The applicant shall hire and retain a certified third-party building plan reviewer and inspector throughout the construction of the project.
10. The applicant shall hire and retain a certified third-party erosion and sediment control inspector throughout the construction of the project.
11. Prior to issuance of the zoning permit, the applicant shall enroll both parcels 40-A-64 and 41-A-50 into the Department of Environmental Quality **Voluntary Remediation Program** and submit for approval a **soil management plan** to the Department of Environmental Quality.

Shawn Hershberger, representative for Energic, spoke in favor of the request and presented a brief PowerPoint and answered the Planning Commission's questions.

Madam Chair Gamble opened the public hearing,

Massie Saunders, a resident of Nelson County, spoke in opposition of the request. Mr. Saunders had concerns since the property was classified as a brownfield site. Mr. Saunders shared pictures and gave a little history of the property when it was a titanium mine site and when the property flooded in the 1969 Camille flood.

Mark Campbell, who resides on Lowesville Road, spoke in opposition of the request. Mr. Campbell was concerned that with erosion and sediment control issues and the parcel being a brownfield site, that this could possibly contaminate the Piney River that runs along one of the property lines. Mr. Campbell also asked if a bond would be required as well as asked questions about the panels once they are decommissioned.

James Bibb, a resident in Arrington, Virginia, spoke in opposition of the request. Mr. Bibb stated that there were too many unknowns about the property and it would affect the viewsheds of Amherst and Nelson County.

Susanna Trefsgar, who resides at 683 Maple Run Road, spoke in opposition to the request. Ms. Trefsgar stated that she runs an Air BNB close to the requested property and she was concerned that the noise during the solar panels construction phases would hinder her business. She also asked what species of trees would be used for the screening process and how tall and far apart they needed to be when planted.

Jerry Dokos, an Amherst resident, spoke in opposition to the request. Ms. Dokos stated that this property would affect the county's view shed and it could possibly decrease the value of her property. Ms. Dokos questioned the bond regulations, decommission process as well as what would happen if the solar panel company went bankrupt.

Dave Koshmer, resides at 1125 Roses Mill Road, spoke in opposition to the request. Mr. Koshmer felt that Amherst County should research other similar localities and what their regulations are on large solar farms in agricultural districts.

Wayne Massie, sides at 109 Massie Lane in Amherst, spoke in favor of the request. Mr. Massie felt that this would bring much needed revenue to Amherst County.

There being no further speakers, Madam Chair Gamble closed the public hearing.

The Planning Commission discussed esthetic concerns as well as the unknowns of this property since it was a brownfield site.

Planning Commission Recommendation:

Motion to deny special exception 2023-087 for Piney River Solar LLC.

Motion made by: Gamble

Second: Martineau

Motion carried by a 5-0 vote.

6. Potential Code Changes

A. MU/TND Potential Changes

The Planning Commission held a workshop on February 2, 2023 to discuss possible code changes to the MU/TND zoning district. The staff is asking the Planning Commission to provide direction on how to move forward with the drafted code change from the workshop discussion.

Mr. Creasy brought to the Planning Commission's attention that Mr. Sam Patel would like to change the allowed 10 units and increase to 25 units so that he can add more above his commercial buildings.

Mr. Bryant stated that this MU/TND change would allow more density to the Planned Development and this is very inviting to developers because it enables them to maximize the area.

Planning Commission Recommendation:

Motion to move forward with changes as identified by the workshop as well as the addition of an increase from 10 units to 25 units and to put the draft in ordinance form and advertise for a public hearing.

Motion made by: Gamble

Second: Foor

Motion carried by a 5-0 vote.

B. Accessory Dwelling Units Discussion

There was a consensus amongst the Planning Commission to skip until the next scheduled Planning Commission meeting.

7. Site Plan Updates

A. Attachment

Mr. Creasy updated the Planning Commission on siteplan reviews.

8. Old/New Business

The Planning Commission briefly discussed solar farms and where throughout the county they should be regulated.

There was a consensus amongst the Planning Commission to direct staff to look into other similar localities and how they regulate solar farms.

Mr. Creasy asked that the Planning Commission consider if they want to remove self storage as a by-right use in the B2 Commercial District to a special exception. Mr. Creasy would like to hear their responses at the next scheduled Planning Commission Meeting.

Mr. Creasy brought to the Planning Commission's attention regarding the rock site across from 84 Lumber. Mr. Creasy stated that the previous County Attorney, Ellen Bowyer had written the code incorrectly. Mr. Creasy will meet with the current County Attorney, Mark Popovich, to advise and discuss conformance.

9. Approval of Minutes for January 19, 2023 & February 2, 2023

A. Minutes for January 19, 2023

The minutes could not be approved.

B. Minutes for February 2, 2023

Planning Commission Recommendation:

Motion to approve the February 2, 2023 Planning Commission Meeting Minutes.

Motion made by: Foor

Second: Jones

Motion carried by a 5-0 vote.

10. Adjournment

There being no further business to discuss, the meeting was adjourned at 10:25 pm.

Planning Commission Recommendation:

Motion to adjourn.

Motion made by: Jones

Second: Martineau

Motion carried by a 5-0 vote.