



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

December 21, 2023

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

1. Call to Order

MEMBERS PRESENT: Derin Foor (Chair), Beverly Jones (Vice Chair), Michael Bryant, Catherine Gamble, Jim Thompson, David Pugh (Board of Liaison Non-Voting Member) & Calvin Kennon (EDA Non-Voting Member).

MEMBERS ABSENT: Michael Martineau

STAFF PRESENT: Jeremy Bryant (County Administrator), Sarah Nichols (Assistant Zoning Administrator) & Stacey Stinnett (Administrative Assistant)

STAFF ABSENT: Tyler Creasy (Director of Community Development)

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

2. Approval of Agenda

The agenda was approved as submitted.

Planning Commission Recommendation:

Motion to approve the agenda.

Motion made by: Jones

Second: Thompson

Motion carried by a 5-0 vote.

3. Pledge of Allegiance & Invocation

Ms. Jones led the Pledge of Allegiance and then led in prayer.

4. Citizens Comments

There were none.

5. Public Hearings

A. 2023-595 Laura Pezzulo (Special Exception)

Request by Laura Pezzulo for a special exception in the A-1, Agricultural Residential District. The purpose of the special exception is to allow a kennel (Dog Training Business). The property is located at 1181 Cedar Gate Road and is further identified as tax map number 123-A-10A.

Mr. J. Bryant presented the staff report and concluded his comments with staff recommended conditions as follows:

1. Entrance: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation and receive a proper entrance permit, if required.
2. Sewage: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health and/or the Department of Environmental Quality to determine if the septic system is adequate.
3. Number of dogs: No more than five (5) dogs shall be kept at the facility at any one time.
4. Noise: No animal shall howl, bark, whine, meow, or make other such noises that are plainly audible on the property of another person and which occur repeatedly or continuously for a period of thirty (30) minutes or more in duration.
5. Inspection: The facility shall be inspected and approved by Amherst County Animal Control and issued a Certificate of Compliance (Amherst County Kennel Ordinance) prior to the issuance of a zoning permit.

Chair Foor opened the public hearing.

Mark Opoka, adjoining property owner, spoke in opposition to the request. Mr. Opoka is concerned that the barking dogs will be an issue for his sheep and goats that he plans to use on his property to graze the overgrowth.

No one spoke in favor to the request.

Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve special exception 2023-595 Laura Pezzulo with staff recommended conditions.

Motion made by: M. Bryant

Second: Jones

Motion carried by a 5-0 vote.

B. 2023-601 South Amherst Investments LLC (Rezoning)

Request by South Amherst Investments LLC for a rezoning request of 0.386 acres from the R-1, Limited Residential District to the B-2, General Commercial District. The property is identified as tax map number(s) 155C-1-F-1B.

Mr. J. Bryant presented the staff report.

Chair Foor opened the public hearing.

No one spoke in favor or in opposition to the request.

Chair Foor closed the public hearing.

There was a brief discussion regarding outside storage, fencing requirements and adding a proffer that the developer shall provide screening between tax map number 155C-1-F-1B and 155C-1-F-1A.

Planning Commission Recommendation:

Motion to approve rezoning case 2023-601 South Amherst Investments LLC with the addition of the proffer that the developer shall provide screening between tax map number 155C-1-F-1B and 155C-1-F-1A.

Motion made by: M. Bryant

Second: Jones

Motion carried by a 5-0 vote.

C. 2023-571 Stephen Revis (Special Exception)

Request by Stephen Revis for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage. The property is located at 4728 South Amherst Highway and is identified as tax map number(s) 155C-A-1, 155B-1-2, 155C-1-F-1B, and 155C-A-1A.

Mr. J. Bryant presented the staff report and concluded his comments with staff recommended conditions as follows:

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 or any neighboring property.
3. Outdoor storage: No miscellaneous items shall be stored outside the building other than

vehicles that are waiting for 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 Planning Commission and 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.

Chair Foor opened the public hearing.

No one spoke in favor or in opposition to the request.

Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve special exception 2023-571 Stephen Revis with staff recommended conditions.

Motion made by: Jones

Second: Gamble

Motion carried by a 5-0 vote.

D. 2023-562 Russell Nixon (Special Exception)

Request by Russell Nixon for a special exception in the B-2, General Commercial District. The purpose of the special exception is to allow a truck business. The property is located at 3713 S. Amherst Highway and is further identified as tax map number 148-1-2.

Mr. J. Bryant presented the staff report and concluded his comments with staff recommended conditions as follows:

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 any neighboring property.

3. Outdoor storage: No miscellaneous items shall be stored outside the building.

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. Landscaping: A landscaping plan shall be submitted as part of the site plan and shall meet all requirements of Article XVI – Landscaping Ordinance.

Chair Foor opened the public hearing.

Russ Nixon, applicant and surveyor, spoke in favor of the request. Mr. Nixon stated that this location would only be used as a transportation site.

Mr. Roger Tinnell, an adjoining property owner, spoke in opposition to the request. Mr. Tinnell wanted to know how many transport trucks he would potentially have now as well as in the future and hours of operation. Mr. Tinnell was concerned about added traffic and noise.

Mr. Adam Huffines, applicant and owner, spoke in favor of the request. Mr. Huffines stated that the hours of operation would be from Monday to Friday, 8:00 am to 5:00 pm and that the trucks would remain parked during the after hours. Mr. Huffines said that to start off there would be four (4) transport trucks, but as his business grows, he could potentially have up to ten (10) transport trucks, depending on whether the trucks would comfortably fit the lot.

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

Mr. M. Bryant stated that he would like to see the transport trucks kept away from the main road and questioned if the entrance was wide enough.

Mr. Nixon replied to Mr. M. Bryant and stated that he could shift the parking spaces on the siteplan to keep the transport trucks away from Route 29. Mr. Nixon also stated that the entrance exceeds the required width for the transport trucks and meets commercial entrance standards.

Planning Commission Recommendation:

Motion to approve special exception 2023-562 Russell Nixon with staff recommendations.

Motion made by: Thompson

Second: M. Bryant

Motion carried by a 5-0 vote.

E. 2023-561 Russell Nixon (Conditional Rezoning)

Request by Russell Nixon for a conditional rezoning of 2.013 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. This request is to also amend the

proffers and conceptual development plan associated with conditional rezoning 2023-034. The property is identified as tax map number 155-A-106 (portion of).

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

Mr. J. Bryant presented the staff report with the voluntary proffers. They are as follows:

1. The developer shall take full responsibility for upgrading from the entrance of Coleman Road and S. Amherst Highway intersection to the proposed emergency access at the rear of the townhouse development. This will ensure that Coleman Road will meet Amherst County fire access requirements as provided by the Director of Public Safety, as shown on the conceptual plan dated 10/01/2023.
2. The developer shall purchase and install a gated entrance at the back of the townhouse development as shown on the conceptual plan dated 10/01/2023. The gated entrance shall only be used by emergency personnel.
3. The site shall be built to substantial compliance with the plan dated 10/01/2023.
4. When screening is required, increase vegetative screening from 20' to 25 in width, where applicable.
5. Utilities shall be underground.
6. The developer shall provide a double-staggered row of evergreen trees between townhouses and existing single-family residential structures.
7. The developer shall reconfigure the property lines to match the property lines shown on the conceptual plan dated 10/01/2023.

Chair Foor opened the public hearing.

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

Mr. Robert Adams, an adjoining property owner, spoke in opposition to the request. Mr. Adams questioned the buffers and if Virginia Department of Transportation had approved the entrance permits.

Bryan Adams, a resident of Coleman Road, spoke in opposition to the request. Mr. Adams asked why there is an increase in townhome units now, but originally only 136 units were approved. Mr. Adams also asked if the additional units were the same style as the previous ones that were approved.

Kristen Adams, a resident of Coleman Road, spoke in opposition to the request.

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

Mr. Thompson made a comment about ensuring Coleman Road entrance meets fire safety standards.

There was a brief discussion between the applicant and the Planning Commission regarding the style and price of townhouses being built.

Planning Commission Recommendation:

Motion to approve rezoning case 2023-561 Russell Nixon with voluntary proffers.

Motion made by: M. Bryant

Second: Thompson

Motion carried by a 5-0 vote.

F. 2023-559 Russell Nixon (Conditional Rezoning)

Request by Russell Nixon for a conditional rezoning of 0.263 acres from the B-2, General Commercial District to the R-2, General Residential District. The purpose of the conditional zoning is to allow for a single-family dwelling to be placed on the property. This request is to also amend the proffers and conceptual development plan associated with conditional rezoning 2023-034. The property is identified as tax map number 155-A-103 (portion of).

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

Mr. J. Bryant presented the staff report with the voluntary proffers. They are as follows:

1. Site shall be built to substantial compliance with the conceptual plan date 10/01/2023 and signed 10/1/2023.
2. Utilities shall be underground.
3. Tax Map Number 155-A-103 shall be reconfigured as shown on the conceptual plan dated 10/01/2023.
4. A double staggered row of evergreens shall be planted between Tax Map Number 155-A-104 and Tax Map Number 155-A-103.

Chair Foor opened the public hearing.

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

Robert Adams, an adjoining property owner, spoke in opposition to the request. Mr. Adams stated that this house is an eyesore and is falling down. He stated that this property is decreasing the property value of other homes on Coleman Road. Mr. Adams passed out

pictures to the Planning Commission members of the home that the applicant wants to move.

Bryan Adams, a resident of Coleman Road, spoke in opposition to the request. Mr. Adams stated that the property should be "bought out right and the house demolished."

Mr. Huffines, the applicant, spoke in favor of the request. Mr. Huffines answered some of the citizens' concerns, stating that the house would be moved and while renovations are being made, Mr. Singleton would reside in one of his other rental properties. Mr. Huffines stated that if the house is unable to be moved, then he will demolish the house.

Mr. Singleton, the property owner, stated that he has an adult autistic son that he has to take care of and that, due to the economy, there are cosmetic issues that he has not been able to tend to on the house but that the home is structurally sound. (Mr. Singleton stated that if Mr. Huffines is unable to move the house, then there would be no deal because he was not going to permanently move or demolish his home.) Mr. Huffines has a plan to move another home to the property for Mr. Singleton if unable to move his home.

Brandon Morrison, a resident of Coleman Road, spoke in opposition to the request. Mr. Morrison felt that the county should condemn the house because he didn't think the structure was strong enough to withstand the move.

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

Mr. Thompson suggested giving (30) thirty days for the applicant to tweak the plan to meet all the party needs.

There was a brief discussion among the Planning Commission members regarding whether the structure was strong enough to be moved. Mrs. Gamble stated that she would like to see the Building Official inspect the property to see if the structure is able to be moved.

Mr. M. Bryant wanted the remaining vegetation to remain so long as the extent complies with the buffer ordinance.

Planning Commission Recommendation:

Motion to approve rezoning case 2023-559 Russell Nixon with voluntary proffers and amend proffers to include a double staggered row of evergreen trees as a buffer to be planted between tax map number 155-A-104 and tax map number 155-A-103.

Motion made by: M. Bryant

Second: Jones

Motion carried by a 4-1 vote. (Thompson)

G. 2023-600 Russell Nixon (Conditional Rezoning)

Request by Russell Nixon for an amendment to the proffers and conceptual development plan associated with conditional rezoning 2023-038. The property is identified as tax map number(s) 155-A-109 and 155-A-110.

Mr. J. Bryant presented the staff report with the voluntary proffers. They are as follows:

1. The developer shall provide a right turn lane into the townhouse development on Dillard Road.
2. Utilities shall be underground.
3. The developer shall provide a double-staggered row of evergreen trees between townhouses and existing single-family residential structures.
4. The site shall be built to substantial compliance with the plan dated 10/01/2023.
5. The developer shall reconfigure the property lines to match the property lines shown on the conceptual plan dated 10/01/2023.

Chair Foor opened the public hearing.

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

No one spoke in opposition, therefore, Chair Foor closed the public hearing.

Planning Commission Recommendation:

Motion to approve rezoning case 2023-600 Russell Nixon with voluntary proffers.

Motion made by: Gamble

Second: Jones

Motion carried by a 5-0 vote.

6. Potential Code Change

A. Code Changes

The Commission is being presented with potential code changes to Section 707 of the Amherst County Zoning and Subdivision Ordinance.

Mr. J. Bryant reviewed the code changes that pertained to self-service mini storage and warehouse facilities shifting from a permitted use to a special exception, in the B-2, General Commercial District.

Planning Commission Recommendation:

Motion to direct staff to submit to the County Attorney to be put into the form of an ordinance then advertised as a public hearing.

Motion made by: Jones

Second: Gamble
Motion carried by a 5-0 vote.

7. Site Plan Updates

A. Site Plan Review

Mrs. Nichols updated the Planning Commission on the siteplan reviews.

8. Old/New Business

Mrs. Gamble asked about the current status of the J Dave McCormick case regarding Winton. Mr. J. Bryant replied that there had been no new movement in the case and that the property was still in violation.

Mr. Thompson asked staff for an update on the Solar Ordinance. Mr. J. Bryant replied that Mr. Creasy is currently still working on that.

9. Planning Commission Meeting Dates for 2024

A. Attachment

Planning Commission Recommendation:

Motion to approve the Planning Commission Meeting Dates for 2024.

Motion made by: Jones

Second: Gamble

Motion carried by a 5-0 vote.

10. Approval of Minutes for November 16, 2023

A. Minutes

Planning Commission Recommendation:

Motion to approve the November 16, 2023 minutes as submitted.

Motion made by: Thompson

Second: Bryant

Motion carried by a 4-0 vote. (Jones abstained)

11. Adjournment

There being no further business to discuss, the meeting was adjourned at 9:03 pm.

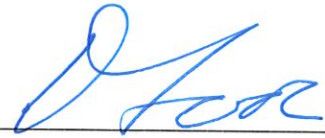
Planning Commission Recommendation:

Motion to adjourn.

Motion made by: Gamble

Second: Jones

Motion carried by a 5-0 vote.

A handwritten signature in blue ink, appearing to be "D. H. R.", written over a horizontal line.

Chairman