



AMHERST COUNTY PLANNING COMMISSION MEETING



MINUTES

April 18, 2024

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, Michael Martineau, Jim Thompson, Catherine Gamble and Calvin Kennon (EDA Liason Non-Voting Member)

MEMBERS ABSENT: David Pugh (Board of Liaison Non-Voting Member Non-Voting Member)

STAFF PRESENT: Tyler Creasy (Director of Community Development), Sarah Nickols (Assistant Zoning Administrator) and Stacey Stinnett (Administrative Assistant)

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

2. Invocation & Pledge of Allegiance

Mr. Thompson led the invocation and then led the Pledge of Allegiance.

3. Approval of Agenda

Mr. Creasy announced that case # 2024-151 Shimp Engineering had been withdrawn and would not be heard at tonight's meeting. Mr. Creasy also stated that as of today they had not resubmitted another application.

The agenda was approved as submitted.

Planning Commission Recommendation:

Motion to approve the agenda.

Motion made by: Jones

Second: Bryant

Motion carried by a 6-0 vote.

4. Citizens Comments

There were none.

5. Public Hearing - Special Exception

A. 2024-141 Charles Callaway

Request by Charles Callaway for a special exception in the A-1, Agricultural Residential District. The purpose of the special exception is to allow the short-term tourist rental of a dwelling. The property is located at 103 Nikonha Lane and is further identified as tax map number 120-7-5.

Mr. Creasy presented the staff report and gave the staff's recommended conditions as follows:

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: Guest 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 Foor opened the public hearing.

Kimberely Gear, an adjoining property owner, spoke in opposition to the request. Ms. Gear stated that she had safety concerns as well as concerns regarding noise. Ms. Gear gave the Planning Commission a petition of signatures opposing the request.

Roger Trent, resides at 279 Nikona Lane, stated that he was a neutral party, however, he did have concerns about this request potentially causing more traffic.

Robert Smith, resides at 466 E Perch Road, spoke in opposition to the request. Mr. Smith was concerned about noise.

John Ledingham, a developer, spoke in opposition to the request.

Karis Calloway, applicants spouse, spoke in favor of the request. Mrs. Calloway stated that this

was a short term rental that they were marketing to retirees and as a romantic getaway, not to be used for parties. Ms. Calloway responded to citizens concerns regarding traffic, stating that she didn't see that as a concern for just two people and there is a turn around area.

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

Mr. Thompson reiterated to the owner that stipulations for an Air BNB within the rural area must be met and if this request was approved, but later found that the applicant was not upholding the recommended conditions and/or the Air BNB stipulations, then the special exception could be revoked.

Planning Commission Recommendation:

Motion: I find that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and that such use will be in harmony with the uses permitted by-right in the zoning district. and with the public health, safety, and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a special use permit to allow short-term tourist rental of a dwelling in accordance with subsection 1003.03 of the Code of the County of Amherst, with staff's recommended conditions.

Motion made by: Jones

Second: M. Bryant

Motion carried by a 6-0 vote.

B. 2024-154 Alexis Fisher (2)

Request by Alexis Fisher for a special exception in the A-1, Agricultural Residential District. The purpose of the special exception is to allow a photography venue and special events for weddings and other similar uses. The property is located at 219 Phyllis Lea Drive and is further identified as tax map number 122A-1-24.

Mr. Creasy presented the staff report and gave the staff's recommended conditions as follows:

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. Number of Guests: No more than 100 guests shall be permitted at any single event.
5. Transportation: The entrance onto the property shall meet the Virginia Department of Transportation's low-volume commercial entrance standards.
6. 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.

7. Traffic: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.

8. Structures: The greenhouse and pavilion shall be properly permitted through the Amherst County Building Office.

9. Noise: No music shall be played after 10:00 pm.

10. Notification: The applicant shall mail out notifications 30 days in advance of any special event to all property owners along Phyllis Lea Drive and Kimberlea Road.

Mr. Creasy stated that the Air BNB request had been removed since the last public hearing and that condition number ten (10) regarding notification had been added.

Chair Foor opened the public hearing.

Alexis Fisher, the applicant, spoke in favor of the request and addressed the changes that had been made since the last public hearing.

Mr. Thompson and the applicant discussed the treeline buffer.

Ms. Jones inquired as to if a PA system would be used at special events. Mrs. Fisher replied that there would be no PA systems and that all music would be cut off by 10:00 pm.

Chair Foor opened the public hearing.

Talya Coleman, at 300 McConville Road in Lynchburg, spoke in favor of the request. Ms. Coleman stated that the Fishers were good respectful people that want to abide by the rules and that this has been their vision and dream for years. Ms. Coleman also added that guests from out of town that would attend events at the Fishers would bring revenue to Amherst County by lodging, shopping and dining here.

Rachel Vest, an Amherst resident, spoke in favor of the request. Mrs. Vest is a wedding coordinator and works in Bedford County, stated that Mrs. Fishers prices are reasonable and fair. Mrs. Vest asked the Planning Commission, "how far would you fight for your dream?"

Jewell Newman, who resides at 245 Phyllis Lea Drive, spoke in favor of the request. Mrs. Newman stated that the Fishers were great neighbors and, since the Airbnb had been removed from her initial request, her and her husband were in favor of the request. Mrs. Newman and her husband, Mark, were against the original request for an Airbnb, however, they have no issues with the wedding venue. Mrs. Newman is in full support of the request as long as there were conditions that restricted loud noise.

Kyle Ortham, spoke in favor of the request. Mr. Ortham stated that the Fisher's were great people and the events were always well-thought-out and planned. Mr. Ortham complimented

the Elon area and stated that porta potties would be used by guests.

Sharon Mays, who resides at 2613 Elon Road, spoke in favor of the request. Mrs. Mays stated that her daughter is a neighbor to the Fisher's and that she has visited her daughter before when events were being held next door and there was no disturbance, increased traffic or noise present.

Hannah Mays, who resides at 177 Phyllis Lea Drive, spoke in favor of the request. Ms. Mays stated that she could see Mrs. Fisher's property from her front porch and her property and the buildings that would be used for the venues are beautiful. Ms. Mays also added that there have never been any issues with noise during events held at the Fisher's property.

Whitney Gregory, who resides at 306 Phyllis Lea Drive, spoke in opposition to the request. Mrs. Gregory stated that this neighborhood was not the location for a party venue and that the neighborhood is a peaceful community with thirteen (13) of the neighbors opposing this request and only three (3) of the community members in favor. Mrs. Gregory expressed how this request, if approved, would be a substantial detriment to the area because party venues are not located on small lots in neighborhoods. Mrs. Gregory felt that this would only create an external obsolescence. Mrs. Gregory asked that the Planning Commission follow their Comprehensive Plan and preserve the agricultural areas in the county, not allow party venues, which would cause neighboring properties to lose property value.

John Ledingham, who resides at 225 Kimberlea Road, spoke in opposition to the request. Mr. Ledingham was concerned about the safety of and the demand for the water supply.

Stuart Gregory, who resides at 306 Phyllis Lea Drive, spoke in opposition to the request. Mr. Gregory stated that if this request is approved, then the county is setting a precedence that 100 guest venues with a lot of traffic and small acreage lots within neighborhoods on small dead end roads are acceptable and allowed. Mr. Gregory felt that would be poor decision planning. Mr. Gregory stated that the majority of the supporters in favor of the request are not residents in this neighborhood and the residents that live in the community of this venue should be the people that the Planning Commission should consider when making a decision. Mr. Gregory asked that the Planning Commission deny this request and stated that the neighbors of this community should not have to keep returning to public meetings to have their voice heard, when they have done so already (twice), and their decision has not and will not change.

Greg Freshour, who resides at 224 Kimberlea Road, spoke in opposition to the request. Mr. Freshour stated that he didn't have any issues with the photography business, but he did not want to see a venue in a peaceful neighborhood. Mr. Freshour was concerned about increased traffic, road maintenance, safety and noise.

Monica Dalton, who resides at 164 Kimberlea Road, spoke in opposition to the request. Mrs.

Dalton's concerns were the maintenance of the private road and water issues that could arise with the existing pumphouse if this request was approved.

Joseph Ledingham, who resides at 225 Kimberlea Road, spoke in opposition to the request. Mr. Ledingham was concerned that noise from a venue would disrupt the peaceful neighborhood. Mr. Ledingham said that the woods beside the Fisher's property were mostly dead trees and that wasn't a good sound barrier since noise travels.

Mark Newman, who resides at 245 Phyllis Lea Drive, stated that he was a neutral party in the matter. However, he did agree with Joseph Ledingham that the woods were not a good sound barrier.

Tayla Coleman, who was in favor of the request and had already spoken, asked Chairman Foor if she could speak again. Chairman Foor allowed her to come to the podium to speak. Mrs. Coleman commented that many of the speakers in opposition tonight were attacking the character of the Fisher's and using inflammatory language when discussing their reason for opposition.

The applicant, Alexis Fisher, addressed Chairman Foor asking if she could speak. Chairman Foor allowed Mrs. Fisher to speak for a second time. Mrs. Fisher gave examples of when her and her husband tested their Bluetooth speaker outside and visited other areas within the neighborhood to see if the noise could be heard. Mrs. Fisher stated that no noise was heard from Kimberlea Road. Mrs. Fisher also stated that she had tested the noise from outside while the speaker was being played inside the greenhouse and was able to confirm that no noise could be heard outside the property.

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

Mrs. Gamble commented that most of the supporters for Mrs. Fisher are friends and business owners within the wedding industry. Mrs. Gamble stated that she doesn't doubt the good character of the Fisher's, but these supporters do not live in this neighborhood like the ones that are in opposition.

Mr. Thompson stated that this property was in his district, and although he was very impressed with the superb construction of the greenhouse and pavilion, that doesn't change the fact that he has concerns about the potential water, septic and noise that this request may impose.

Mr. Martineau commented that after hearing the concerns, he felt that some sort of documented sound test should have been done to help aid in the Planning Commission's decision.

Ms. Jones stated that the applicant has agreed to not have a PA system and recommendations

would be put in place to restrict any music after 10 pm. Ms. Jones was impressed with the property and felt like the Fisher's would adhere to all the set conditions. Ms. Jones reminded the Planning Commission that Amherst County strives to remain business friendly and in such cases as this, you can't please everyone.

Mr. M. Bryant commented that the neighbors that would be affected most are the immediate neighbors, and they are all in favor of the request. The ones that oppose are the neighbors that are further away from the Fisher's property. Mr. Bryant stated that at first he was against this request, but now he is on the fence. Mr. Bryant discussed that if the request is approved, but the applicant didn't abide by any of the conditions, then the use could easily be revoked by the Board of Supervisors. Mr. M. Bryant stated that he was one hundred percent in favor of the photography business but still undecided about the venue.

Mr. Foor commented that there was only one change within the request from what they had heard two months ago and that was removing the Airbnb. Mr. Foor stated that the same concerns heard from the last meeting are the same concerns heard again tonight. Mr. Foor agreed with Mr. Gregory, the community has spoken, and they should not have to keep revisiting this and speaking out when they have clearly already done so with the County.

Planning Commission Recommendation:

Motion to deny special exception 2024-154 for Alexis Fisher due to I find that such use will be a substantial detriment to adjacent properties, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Therefore, I move to recommend denial of the applicant's request for a special use permit for a photography venue and special events space.

Motion made by: Thompson

Second: Gamble

Motion carried by a 4-2 vote. (M. Bryant & Jones opposed)

6. Accessory Dwelling Unit Discussion

A. Attachment

Mr. Creasy stated that this issue had been brought up with Jennifer Kilgore's property and currently the state legislature has not passed this. However, Mr. Creasy stated that the ordinance had been drafted and if passed by the state legislature, then the Planning Commission could revisit it.

Planning Commission Recommendation:

Motion to table until further notice.

Motion made by: Thompson

Second: Jones

Motion carried by a 6-0 vote.

7. Hill Studios - Recreation Department Master Plan Update

A. Presentation

Randy Nixon, Director of Parks and Recreation in Amherst County, introduced Matthew Lindsay (Community Planner) and Katherine Packer (Landscape Designer), representatives from Hill Studio. Matthew and Katherine gave a PowerPoint presentation, which included a detailed master plan of each of the county parks.

The representatives from Hill Studio answered the Planning Commission's questions.

8. Route 29 Business Beautification Committee Annual Report for 2023

A. Report

As Chair of the Route 29 Business Beautification Committee, Beverly Jones, presented the annual report for the committee. Ms. Jones discussed projects that the committee has been currently active with throughout the year, improvements, discussed the VACO Achievement Award that the committee had won, approved businesses that received a mini-grant, as well as discussed the businesses that had won the A+ Improvement Awards that the committee has issued throughout the year.

9. Planning Commission Annual Report for 2023

A. Report

Mrs. Nichols presented the Planning Commission Annual Report.

Ms. Jones recognized Mr. Creasy and Mrs. Stinnett's efforts in keeping the Planning and Zoning Department on task after being short-staffed for many months as Jeremy Bryant assumed the role as the Interim County Administrator, then as County Administrator. Ms. Jones also wanted to implement in the annual report Mr. Creasy's promotion as the new Community Development Director and Sarah Nichols as the new Assistant Zoning Administrator.

Planning Commission Recommendation:

Motion to make changes in the Annual Report regarding staff and bring the revised report back to the next Planning Commission meeting.

Motion made by: Jones

Second: Gamble

The motion carried by a 6-0 vote.

10. Site Plan Updates

A. Site Plan Review

Mrs. Nickols updated the Planning Commission on site plan reviews.

11. Old/New Business

There were none.

12. Approval of Minutes for February 15, 2024 & March 19, 2024

A. Minutes for February 15, 2024

Planning Commission Recommendation:

Motion to approve the February 15, 2024, meeting minutes as submitted.

Motion made by: Jones

Second: Gamble

The motion carried by a 6-0 vote.

B. Minutes for March 19, 2024

Planning Commission Recommendation:

Motion to approve the March 19, 2024, meeting minutes as submitted.

Motion made by: Jones

Second: Bryant

The motion carried by a 6-0 vote.

13. Adjournment

There being no further business to discuss, the meeting was adjourned at 9:35 pm.

Planning Commission Recommendation:

Motion to adjourn

Motion made by: Gamble

Second: Bryant

The motion carried by a 6-0 vote.



Derin Foor, Chair

Amherst County Planning Commission