

**Town of Amherst  
Planning Commission Minutes  
April 1, 2015**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the new Town Hall 174 S. Main Street at 7:30 PM on April 1, 2015. It was noted that a quorum was present as indicated below:

P Kevin Belcher	P William Jones
P June Driskill	P Kenneth Bunch
P Ted Finney	P Rachel Thompson
P Clifford Hart	

Town Manager Jack Hobbs was present in his capacity as Secretary to the Commission.

**Ambriar Development Corporation Subdivision**

The Town Manager presented a report on a proposed subdivision created to support a new Centra medical clinic behind Ambriar Shopping Center as follows:

Drawings titled "Plat Showing Division-Easement Vacation-Easement Dedication for Property of Ambriar Development Corporation", dated January 5, 2015 by Michael Cassidy/Piedmont Surveyors (Lynchburg) were delivered to the Town Hall on March 6, 2015. All items appearing to be in order, on March 10 a sign was posted on the site to notify the public that the Planning Commission would be asked to consider approving the preliminary plat for this development during its meeting on April 1.

The proposed subdivision would create 6 General Commercial District B-2-zoned lots from the existing 29.5 acre Ambriar Shopping Center parcel, the most significant of which is a new 18 acre parcel for a proposed Centra medical clinic. The Town staff recommends that the Planning Commission approve the preliminary plat with the understanding that the following items would be resolved prior to the presentation of the final plat:

Clerical and Technical Items

1. The surveyor needs to verify the acreage on each parcel as the plat has inconsistencies – i.e. 17.142 vs. 17.977 & 9.585 vs. 8.750.
2. In addition to the owner and surveyor, the only signature lines needed would be for the Town of Amherst and VDOT (county, county water department and VDH do not apply).
3. Include the current zoning on the plat.
4. The Briarherst Drive street name needs to be corrected.

Suggestions

5. Since the Town Code requires setbacks for freestanding signs, Centra should verify that there is enough easement for a sign at the northern Ambriar Shopping Center entrance for Lot B.

Outstanding Items

6. Include language on the plat or in the deed restrictions, satisfactory to the Town Attorney, that will prevent vehicular access between the commercial property shown on the plat and Briarherst Drive.
7. The Town of Amherst cannot agree to an easement abandonment request unless adequate water and sewer utilities are available on each lot created or "guaranteed" to be there. The utility easement abandonments are subject to Town Council approval.

8. The owner will provide a deed or other appropriate instrument, satisfactory to the Town Attorney, to dedicate the cul de sac to the Town of Amherst so that that part of the road can be maintained by VDOT.
9. Review against traffic impact review ordinance (18.1-919):
  - a. Per 18.1-919.3, *Those .... plans (subdivision or site plan) whose development will generate greater than five hundred (500) vehicle trips per day shall submit a study that addresses the criteria outlined in this section. Per 18.1-919.5: In determining the "build out" for undeveloped parcels in the area, three-fourths (75%) of the maximum allowable residential density should be assumed along with a floor area ratio of 0.25 for retail uses, and 0.4 for office uses, except in cases where the Town has been given assurances as to the total residential and commercial development perceived for a given tract of land. Provide an explanation as to why the "build out" was not included in the traffic impact study.*
  - b. The Town's full, final review cannot be completed until VDOT's traffic impact review recommendation has been received.
10. Review against Ambriar access management area ordinance (18.1-922):
  - a. Sec. 18.1-922.11.1 indicates restrictions on flag lots which can be addressed by adequate cross access easements. The language for such easements needs to be reviewed by the Town Attorney for adequacy per Sec. 18.1-922.08.3.
  - b. Sec. 18.1-922.13 requires the inclusion of bicycle and pedestrian accommodations which would be evaluated during the site plan design process.
  - c. The Town's full, final review cannot be completed until VDOT's recommendation on access management needs has been received.

Joe Archambeault from Centra Health came forward to explain his organization's proposed development plan and the utility rerouting proposal his group plans to present to the Town Council. Other individuals present were Henry Creasy, Bill Downer, Patrick Proffitt, Mike Cassidy, and Rick Read.

On a motion by Mrs. Thompson, seconded by Mr. Hart, and carried 7-0 according to the following, the proposed preliminary plat was approved subject to the recommended understandings:

Kevin Belcher	Aye	William Jones	Aye
June Driskill	Aye	Kenneth Bunch	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

The minutes of the February 4, 2015 Commission meeting were approved on a motion by Mr. Finney, seconded by Mrs. Thompson, and carried 7-0 according to the following:

Kevin Belcher	Aye	William Jones	Aye
June Driskill	Aye	Kenneth Bunch	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

### **Comprehensive Plan**

Kelly Hitchcock from Region 2000 Local Government Council came forward to discuss recent updates on the comprehensive plan update project. It was agreed that the Commission's work on this project would continue in May.

### **Horizon Behavioral Health Building**

Mr. Hart reported that the work has started at the Horizon

Behavioral Health site in Brockman Park.

**Changes to State Code re Variances**

The Secretary relayed a report from the Virginia Municipal League that the state code is being changed so that it will be easier for the board of zoning appeals to grant a variance to a landowner who applies for relief from zoning rules. The new law articulated under §§ 15.2-2201, 15.2-2308, 15.2-2308.1, 15.2-2309, and 15.2-2314 of the Code of Virginia:

- Adds the height of buildings and shape of a lot to the kinds of regulation from which a variance provides relief. Currently, a variance is allowable when the rules "result in unnecessary or unreasonable hardship to the property owner." The bill changes that test to one in which the rules "unreasonably restrict the utilization of the property."
- Provides that an applicant is entitled to a variance if the "strict application of the ordinance would unreasonably restrict" the use of the property or that the variance will "alleviate a hardship due to the physical condition relating to the property or improvements." Existing standards, such as "the lot was bought in good faith," still apply.
- Provides that neither the BZA and its members nor the applicant may discuss the details of a variance with staff unless the other side is given the opportunity to be there. If that requirement is violated, the other side must be provided the substance of the discussions.

It was understood that the Town Code will probably need to be amended to accommodate this change.

There being no further business, the meeting adjourned at 8:10 PM on a motion by Mr. Hart that was seconded by Mrs. Thompson and carried 7-0 according to the following:

Kevin Belcher	Aye	William Jones	Aye
June Driskill	Aye	Kenneth Bunch	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

\_\_\_\_\_  
June Driskill, Chairperson

Attest: \_\_\_\_\_