

**Town of Amherst  
Planning Commission Minutes  
May 3, 2017**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 174 S. Main Street at 7:30 PM on May 3, 2017. It was noted that a quorum was present as indicated below:

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

It was noted that one seat is vacant. Deputy Town Clerk Vicki Hunt and Town Manager Jack Hobbs, in his capacity as Secretary to the Commission, were present.

**Rezoning Request: McDonalds 135/Richmond Highway**

At 7:32 P.M. a duly advertised public hearing on a rezoning request was opened.

The Secretary reported that the proposal by Golden Arch Limited Partnership to adjust the conditions on the zoning for the McDonalds site at 135 Richmond Highway (TM#96A4-A-174B, zoned B-2 [Conditional] General Commercial District) would, if approved, add the option of screening the dumpster with masonry materials and eliminate the prohibition on drive-through speakers.

Scott Frye of Stimmel Associates, P.A., was present to answer questions.

Correspondence from Lloyd and Lillian Johnson on the proposal was provided to the Commissioners.

There was no one present who wished to speak on the matter. The hearing was closed at 7:35 P.M.

After discussion, on a motion by Mr. Hart which was seconded by Mr. Finney and carried 4-0 according to the following, the Commission agreed to recommend that the Town Council approve the rezoning request for adjustments to condition 3 and 4 of the ordinance adopted on July 20, 1994. A copy of a draft ordinance that would affect this is attached.

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

The minutes from the April 5, 2017, Commission meeting were approved on a motion by Mr. Hart, seconded by Mr. Jones, and carried 4-0 according to the following:

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

**Lloyd Property Conservation Easement**

The Commissioners were informed that a presentation is expected to be made on May 18, 2017, to the Amherst County Planning Commission that would pave the way for a conservation easement on approximately 480 acres of land on the Lloyd property west of the Town of Amherst.

**Comprehensive Plan**

The Secretary reported that Town Council approved the updated Comprehensive Plan on April 12, 2017, as recommended by the Commission. The document has been posted online and hard copies for public viewing and archiving have been printed.

**Potential Zoning and Subdivision Ordinance Amendments**

A discussion was held by the Commission on a list of potential zoning ordinance amendments including those suggested by the Urban Development Area Study. A list of comments made by Municode, the Town’s recodification contractor, on Town Code Chapter 18.1 Zoning and Subdivisions, was distributed to the Commission.

There being no further business, the meeting adjourned at 8:24 PM on a motion by Mr. Finney, seconded by Mr. Hart, and carried 4-0 according to the following:

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

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

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

**AN ORDINANCE AMENDING THE CONDITIONS ON THE B-2, (CONDITIONAL), GENERAL COMMERCIAL DISTRICT ZONING OF THE MCDONALDS SITE AT 135 RICHMOND HIGHWAY.**

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the conditions in the July 20, 1994 ordinance pertaining to property located in the Town of Amherst and described as a parcel of land on the northern boundary of U.S. Route 60 shown as Tax Map 96A4-A-174B containing approximately .64 acres, zoned B-2, (Conditional) General Commercial District, at the request of owner Golden Arches Limited Partnership, are hereby amended to read as follows:

1. **SIGN HEIGHT:**

No freestanding sign on the property shall have a height exceeding twenty-five feet above road level.

2. **LANDSCAPING:**

The entire northern boundary of the property shall be landscaped with evergreen trees or shrubs, which attain a minimum height of five (5) feet within three years of planting. Along this boundary, shrubs shall be planted at a minimum of three feet on center; trees shall be planted at a minimum of five (5) feet on center.

The western and eastern boundaries shall be landscaped as well and shall consist of plant materials indigenous to the area and shall be watered, trimmed and maintained in an attractive, professional manner.

3. **TRASH DUMPSTER SCREENING:**

The trash dumpster shall be installed at the northeast corner of the property and shall be fully enclosed eight foot fencing of either pressure treated wood or masonry walls matching the building exterior. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner.

~~The trash dumpster shall be installed at the northeast corner of the property and shall be fully screened by eight foot, pressured treated solid wood fencing. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner.~~

~~4. **DRIVE THRU FACILITY:**~~

~~The drive thru service area shall not utilize electronic voice boxes or speakers.~~

4. There will be no designated dog walk/pet relief areas on the property.

5. **HOURS OF OPERATION:**

Hours of operation will end by 11:00 p.m. Sunday through Thursday and by 12:00 midnight Friday and Saturday.

6. **TRASH RECEPTACLES:**

There will be a minimum of seven (7) exterior trash receptacles on the property, with a minimum of six (6) of these receptacles located on the perimeter of the property.

7. **USE OF THE PROPERTY**

The property will only be used for the purpose of a McDonalds restaurant.

And the zoning administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended in accordance therewith.