

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, October 2, 2019
AGENDA

1. **Call to Order** – *Mrs. Driskill, Chair*
2. **Determination of Quorum**
3. **Approval of March 6, 2019 meeting minutes** – *The minutes of the March 6, 2019 meeting are attached.*
4. **Request from Darryl Motley** – *Darryl and Tangie Motley own a building on Second Street that is currently used for commercial purposes. They would like to consider using the building for both residential and commercial uses. The Town Code allows mixed use in the Central Business District (along Main Street) but does not allow for mixed use with residential and commercial in the B-2 district. They are requesting a change in the Zoning Ordinance to allow residential and commercial uses in the same building in the B-2 district.*
5. **Updates regarding Town projects**
 - a. *Attached is next year's adopted Budget and CIP Calendar.*
 - b. *Update regarding Town park and trails.*
6. **Concerns of Commissioners**
7. **Adjournment**

**Town of Amherst
Planning Commission Minutes
March 6, 2019**

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 7:00 PM on March 6, 2019.

It was noted that one seat on the Planning Commission is vacant and that a quorum was present as indicated below:

| | | | |
|---|---------------|---|----------------|
| P | June Driskill | P | William Jones |
| A | Kevin Belcher | P | Janice Wheaton |
| A | Ted Finney | P | Clifford Hart |

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the December 5, 2018, Commission meeting were approved on a motion by Mr. Hart, seconded by Mr. Jones, and carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

Public Hearing – Special Use Permit 488 S. Main Street

The Chair opened a duly advertised public hearing at 7:01 PM on a special use permit requested by Jay and Crystal Harris, representatives of Front Street Garage, LLC, that would, if approved, allow Front Street Garage, LLC, to have an auto and tire center located in the old Brockman building at 488 S. Main Street (TM#95A56) zoned B-2.

Copies of the special use permit application, advertising notice and sign affidavit, and Table of Zoning Use were provided to the Commissioners.

An oral report was given by Town Manager Carter. Jay and Crystal Harris were present to answer questions.

Wanda Spradley came forward on behalf of Christian Aid Cemetery with a request that the fence between the adjoining properties be repaired.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:10 PM.

Mr. Jones made a motion that was seconded by Mr. Hart to ratify the setting of a public hearing on the application received from Front Street Garage, LLC, through its representatives Jay and Crystal Harris for a Special Use Permit for an auto and tire center at 488 S. Main Street (TM#95A56) zoned B-2. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

After discussion, Mr. Jones made a motion that was seconded by Mr. Hart to recommend that Town Council approve a Special Use Permit for Front Street Garage, LLC, through its representatives Jay and Crystal Harris for an auto and tire center at 488 S. Main Street (TM#95A56) zoned B-2, with conditions as recommended by staff. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

Public Hearing – FY19-20 Capital Improvement Program

Town Manager Carter gave an oral report on the development of the Town of Amherst FY19-20 Capital Improvement Program proposal, copies of which were distributed to the Commissioners.

Mr. Hart made a motion that was seconded by Mrs. Wheaton and carried 4-0-2 to ratify the setting of a public hearing on the proposed Town’s 2019 – 2020 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

The Chair opened a duly advertised public hearing at 8:13 P.M.

There being no one present who wished to speak on the matter, the public hearing was closed at 8:13 PM.

After discussion, Mr. Jones made a motion that was seconded by Mr. Hart to recommend that Town Council approve of the Town of Amherst FY19-20 Capital Improvement Program proposal, as recommended by staff, with the following changes:

- Additional Purchase of 4-wheeler in 2019-2020
- Deletion of Touch Water Meters

The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

Public Hearing – Determination of Substantial Accord of 6.6 Acre Parcel In and 40+/- Acre Parcel Adjacent to Brockman Industrial Park

After noting that §15.2-2232 of the Code of Virginia indicates that no public utility facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof, and in connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing after notice, the Town Manager reported the Town has entered into a contract to lease a 6.6 acre parcel of land in Brockman Industrial Park and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s96.58, #96.A13, and #96.A36) that would be suitable for biking trails.

Mr. Hart made a motion that was seconded by Mrs. Wheaton and carried 4-0-2 to ratify the setting of a public hearing on a determination on whether proposed biking trails on a 6.6 acre parcel of land in and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s 96.58, 96.A13, and 96.A36), is substantially in accord with the adopted Town of Amherst Comprehensive Plan in accordance with §15.2-2232 of the Code of Virginia. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

The Chair opened a duly advertised public hearing at 8:27a.m

There being no one present who wished to speak on the matter, the public hearing was closed at 8:27 PM.

After discussion, Mr. Hart made a motion that was seconded by Mrs. Wheaton that the commission determines that the use of a 6.6 acre parcel of land in and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s 96.58, 96.A13, and 96.A36) for biking trails is found to be substantially in accord with the adopted Town of Amherst Comprehensive Plan and recommends that the Town Council lease said property as recommended by staff. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

Code of Ethics

After discussion, a motion was made by Mrs. Wheaton that was seconded by Mr. Hart to adopt a Code of Ethics incorporating the same sections contained in the Amherst Town Council Code of Ethics adopted on January 11, 2017, and affirmed January 9, 2019, as recommended by Town Council and staff. The motion carried 4-0-2 according to the following:

| | | | |
|---------------|--------|----------------|-----|
| June Driskill | Aye | Clifford Hart | Aye |
| Kevin Belcher | Absent | Janice Wheaton | Aye |
| Ted Finney | Absent | William Jones | Aye |

A copy of the Town of Amherst Planning Commission Code of Ethics is attached to and made a part of these minutes.

By consensus, the Commissioners will add an item for public comment at the beginning and end of the Commission Meeting Agenda, as recommended by Town Council and staff.

There being no further business, on motion of Mr. Hart, seconded by Mrs. Wheaton, and carried 4-0-2 the meeting adjourned at 8:48 PM.

June Driskill, Chairperson

Attest: _____
Secretary

FOR APPROVAL

Town of Amherst Planning Commission

CODE OF ETHICS

Recognizing that public officials hold office as a public trust, and that their stewardship of such office requires a superior degree of ethical conduct on their part, any person serving on the Amherst Planning Commission agrees to adhere to the following Code of Ethics:

1. Uphold federal, state, and local laws, and never knowingly be a party to their evasion.
2. Respect and uphold the Constitution of the United States and the Constitution of Virginia and never act in a way that will restrict individual liberties. Planning Commissioners should operate from a belief that the Constitution is the road map for every decision that the Planning Commission makes.
3. Put loyalty to the Town as a whole above loyalty to individuals or particular groups.
4. Dedicate sincere effort and service to the position of trust for which stewardship has been granted, giving earnest action and best thought to the performance of duties in an ethical manner.
5. Seek to find and use the most equitable, efficient, effective, and economical means for accomplishing Town business.
6. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or disability.
7. Ensure the integrity of the actions of the Planning Commission by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances that might be construed by reasonable persons as influencing the performance of governmental duties.
8. Make no private promises of any kind which purport to bind performance of public duty.
9. Engage in no business with the Town government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties, and ensure full compliance with the Conflict of Interest Act (Code of Virginia, Title 2.2, Chapter 31).
10. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act, using closed meetings only as authorized by the Code of Virginia.
12. Avoid involvement, or the perception thereof, in matters that when completed, come before the Planning Commission for resolution or approval.
13. Seek to communicate fairly and equally with all other Town of Amherst Planning Commissioners outside of formal meetings; avoid excluding one or more Commissioners from information shared with others, while consistently maintaining adherence to the requirements of the Virginia Freedom of Information Act.
14. Never use a position of public trust to gain access to the public or the media for purposes of criticizing colleagues, staff, or citizens, impugning their integrity, or vilifying their personal beliefs.
15. Ensure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Planning Commission.
16. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

September 6, 2019

Attn: Sara Carter
Manager, Town of Amherst
PO Box 280
Amherst, VA 24521

Dear Sara:

Thank you for meeting with Tangie and I on Wednesday to help us better understand the existing town ordinance regarding business use on Second Street where our building is located. Currently, as we understand it, we are limited to either all business or all residential use of the property. We would like to request the town council to consider making an ordinance change to allow this property, located at 158 2nd Street, to operate as mixed-use, specifically the combination of business and residential.

There are multiple suites in the building and we would like to have the ability to mix the use as rental apartments while retaining the ability to lease to a business opportunity if it became available. Your consideration in this matter is greatly appreciated. If I can be of any assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Darryl Motley". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Darryl Motley
524 Sunset Drive
Amherst, VA 24521
434 841-6538
darryl@dtmotley.com