TOWN OF AMHERST
PLANNING COMMISSION
Wednesday, April 5, 2017
AGENDA

7:30 PM

1. **Call to Order –Town Hall @ 174 S. Main Street**

2. **Determination of Quorum**

3. **Confirmation of March 1, 2017 meeting minutes**

4. **Rezoning Request: McDonalds 135/Richmond Highway**
   A request to relieve some of the zoning restrictions on the McDonald's site has been received. The rezoning process would be followed since that is required to adjust limitations imposed in conditional zoning situations. The action indicated at this time would be to schedule the Commission's public hearing on the matter at the May meeting.

5. **Other Matters**
   A. **Variance Application -** 195 Mt. Olive Road
   The Clemson Investments variance application is the subject of an April 4 Board of Zoning Appeals public hearing. Further information will be provided at the Planning Commission meeting.

   B. **Lloyd Property Conservation Easement**
   A presentation to the Amherst County Planning Commission on a proposal that would pave the way for a conservation easement on the Lloyd property west of the Town is expected on April 20. A county hearing process would be required before that comprehensive plan could be amended.

   C. **Comprehensive Plan**
   The Town Council has scheduled its public hearing on the Comprehensive Plan proposal for April 12.

6. **Concerns of Staff**

7. **Concerns of Commissioners**

8. **Adjournment**

Town of Amherst
Planning Commission Minutes
March 1, 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 March 1, 2017. It was noted that a quorum was present as indicated below:

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

Deputy Town Clerk Vicki Hunt and Town Manager Jack Hobbs, in his capacity as Secretary to the Commission, were present.

The minutes from the February 1, 2017, Commission meeting were approved on a motion by Mr. Jones, seconded by Mr. Hart, and carried 4-0 according to the following:

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

Comprehensive Plan
The Secretary reported as follows on the updated Comprehensive Plan.

The Code of Virginia requires the Town of Amherst to have a comprehensive plan. The Code also requires that the Planning Commission review its comprehensive plan every five years to determine whether it is advisable to amend the plan. The current plan was last officially revised on November 10, 2009. A quick survey of Commission's minutes for when the current review/update cycle started found mention of a project "kickoff" session with Kelly Hitchcock from Region 2000 on April 2014.

The proposal before the Commission included:

- Commissioners have been directly involved in the development of the document since 2014. This work was supported by the Town's administrative staff and two "consultants" in Region 2000 (census update) and Renaissance Planning Group (UDA study);
- Due to lack of growth and no general change in conditions, the approach has been to update the existing plan where appropriate instead of "creating" a completely new document;
- Statistics, particularly in the front portion of the document, were updated with figures from the 2010 census;
- The document has been "scrubbed" in an effort to make it appear less rigid and regulatory and more positive and promotional; and
- A section to meet the requirements of the Urban Development Area study has been included.

The Secretary reminded the Commission that the Town agreed to incorporate an Urban Development Area, if recommended, into its comprehensive plan within one year after the completion of the consultant's UDA study work. The final UDA document is dated June 3, 2016.

There being no one present who wished to speak, the public hearing was closed at 7:33 PM.

After discussion, on a motion by Mr. Hart which was seconded by Mr. Jones and carried 4-0 according to the following, the Commission agreed to recommend that the Town Council adopt the proposed Comprehensive Plan.

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

Variance Application Review: Clemson Investments, LLC – 195 Mt. Olive Road
After noting that §18.1-1006.02 of the Zoning and Subdivision Ordinance indicates that the Planning Commission "may consider the proposed request and may present its recommendations to the Board of Zoning Appeals, or appear as a party at the hearing" in these matters, the Secretary gave a report on a variance application that will be received by the Board of Zoning Appeals hearing on March 7, 2017, at 6:00 PM, in the Council Chambers of the Town Hall at 174 South Main Street, as follows:

The application by Clemson Investments, LLC involves property located at 195 Mt. Olive Road. (TM#96A3-2-5, zoned Light Commercial District B-1) that would support the conversion of an existing accessory building into a multifamily dwelling. If approved:

1. The 25' yard on the right side of the lot required by Section 18.1-804 of the Town Code would be reduced to 7', and
2. A gravel parking lot and driveways for the proposed total 7 dwelling units on the site would be allowed instead of constructed from concrete, asphalt, brick or paving stones as required by Sec. 18.1-602.04.1 of the Town Code.

Applicant/property owner James Newman and representative Tommy Brooks from Acres of Virginia, were present to answer questions.

Mr. Hart made a motion that was seconded by Mr. Jones to recommend that the Board of Zoning Appeals approve the Clemson Investments proposal as requested. The motion carried 4-0 according to the following:

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

There being no further business, the meeting adjourned at 7:55 PM on a motion by Mr. Belcher seconded by Mr. Hart, and carried 4-0 according to the following:

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

_____
June Driskill, Chairperson

Attest: _____

DATE 03-07-17

APPLICATION FOR REZONING
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT	Stimmel Associates, P.A.	OWNER	Golden Arch Limited Partnership
ADDRESS	601 N. Trade St., Ste. 200	ADDRESS	C/O: Scott Thompson
			P.O. Box 418
CITY	Winston-Salem, NC 27101	CITY	Nellysford, VA 22958
TELEPHONE NO.	(336) 723-1067	TELEPHONE NO	(919)637-3274

REPRESENTATIVE Scott Frye/Stimmel Associates, P.A. ADDRESS 601 N. Trade St., Ste. 200

CITY Winston-Salem, NC 27101 TELEPHONE NO. (336) 409-2429

LOCATION OF REQUEST 135 Richmond Highway/Amherst, VA

TAX MAP NO. 96A4 A 174B LOT AREA 0.64 AC. +/-

EXISTING ZONING B-2 PROPOSED ZONING B-2

STATEMENT BY APPLICANT

See attached cover letter.

Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

Signature of Applicant — Date 03-07-17

PLANNING COMMISSION PUBLIC HEARING — Time — Date

PLANNING COMMISSION ACTION

Zoning Administrator — Date

TOWN COUNCIL PUBLIC HEARING — Time — Date

TOWN COUNCIL ACTION

Clerk of Council — Date

DATE 03-07-17

CERTIFICATE OF OWNER'S REPRESENTATIVE
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

Property Owner	Scott Thompson (Authorized Agent)
Company	Golden Arch Limited Partnership
P.O. Box	P.O. Box 418
City, State, Zip	Nellysford, VA 22958
E-mail Address	scott.thompson@us.mcd.com
Telephone	(919) 637-3274
Fax	

This is to confirm that I am the owner of the property described as follows:

Deed Book/Page Number	691 270
Tax Map Number	96A4 A 174B
Street Address	135 Richmond Highway/Amherst, VA 24521
Other Description	McDonald's Restaurant

and that I hereby make, constitute and appoint:

Representative	Scott Frye
Company	Stimmel Associates, P.A.
P.O. Box	601 N. Trade St., Ste. 200
City, State, Zip	Winston-Salem, NC 27101
E-mail Address	sfrye@stimmelpa.com
Telephone	(336) 409-2429
Fax	

my true and lawful agent and in my name, place and stead giving unto this individual full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make application for zoning change(s), special use permit(s), and/or variance(s) for the property referenced herein. The right, powers, and authority of said agent herein granted shall commence and be in full force and effect as of the date this is signed and shall remain in full force and effect thereafter until actual notice is received by the Town Manager of the Town of Amherst stating that the terms of this power have been revoked or that another individual has been appointed as my representative.

_____(SEAL)
Owner

STATE OF ~~VIRGINIA~~ North Carolina AT LARGE, TO WIT:
CITY/COUNTY OF Wake

I, Barbara A Adamski, a Notary Public in and for the State of ~~Virginia~~ North Carolina At Large do hereby certify that Scott Thompson signed the foregoing instrument before me this 17th day of March, 2017.

Barbara A Adamski
Notary Public

My Commission Expires: 6-11-2019

BARBARA A ADAMSKI
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 6-11-2019

Stimmel

Stimmel Associates, PA
Landscape Architecture
Civil Engineering
Land Planning

March 7, 2017

Mr. Jack Hobbs
Town of Amherst
174 S. Main Street
P.O. Box 280
Amherst, VA 24521

RE: Rezoning application for McDonald's restaurant at 135 Richmond Highway/Amherst, VA

Mr. Hobbs,
This letter is to accompany the attached Application For Rezoning to be heard by the Planning Commission and Town Council, specifically regarding Conditional Zoning Ordinance #940720. We are requesting, on behalf of the property owner, changes to two of the existing zoning conditions which were imposed during the original rezoning of the property on July 20, 1994.

The first request is amend condition #3 to read as follows, with the substantive change indicated in blue:

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

The reason for this change is to be consistent with McDonald's normal method of dumpster area screening, and if approved the change would not take place on the site until future renovation or reconstruction of this location occurs.

The second requested change is to eliminate condition #4 in its entirety, which currently reads:

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

This change is requested to enable faster and more efficient drive-thru service for the restaurant's customers, and allow this store location to be operated similarly to virtually all other McDonald's and other casual dining restaurant uses.

601 N. Trade Street Suite 200
Winston Salem, NC 27101-2916
P: 336.723.1067 F: 336.723.1069

In addition to the rezoning application and as-built survey of the location I have also attached an original letter from Loyd D. and Lillian W. Johnson. The Johnsons own and manage the multifamily use immediately adjacent to the subject property, and were present and involved during the original rezoning process. As you can see from their letter they are not opposed to these requested condition changes.

Thank you in advance for processing the application for the earliest available Planning Commission and Town Council meetings. Please let me know if you have any questions, or need further information from me.

Scott Frye
Governmental Affairs
Stimmel Associates, P.A.
(336) 409-2429
sfrye@stimmelpa.com

February 6, 2017

Loyd D. and Lillian W. Johnson
~~449 Christian Springs Ct.~~
Amherst, VA 24521

To whom it may concern,
The purpose of this letter is to state that we are not opposed to specific changes to zoning conditions that McDonald's Corporation is proposing at its restaurant location at 135 Richmond Highway in Amherst, VA. The two changes deal with outdoor speakers at the drive-through and dumpster screening.

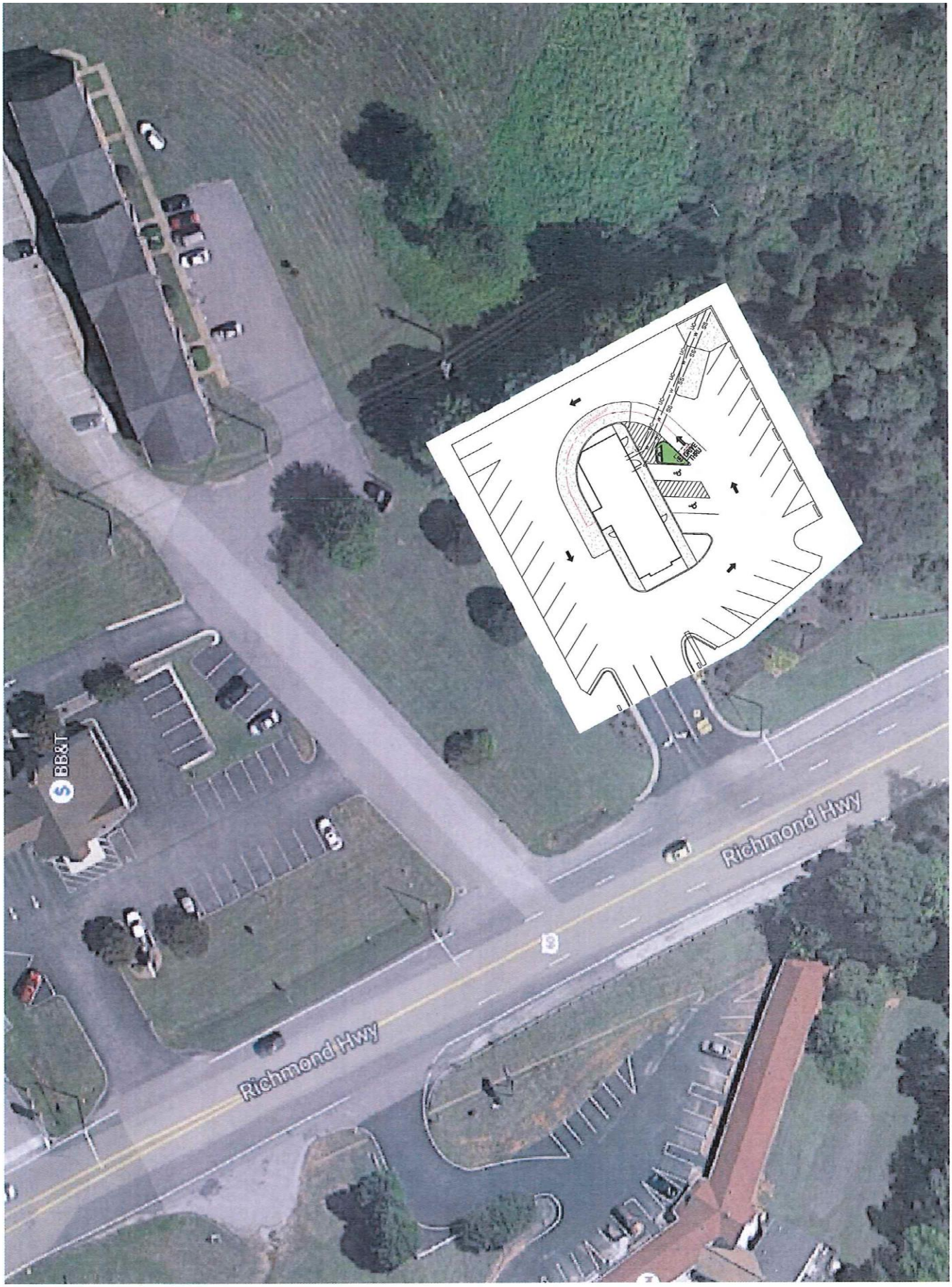
It has come to our attention that McDonald's wishes to petition for a rezoning before the Amherst Town Council to make two changes to the previously imposed conditions. The first change is to remove the condition prohibiting outdoor speakers at this location. We were originally in favor of said condition when it was initially approved. However, we believe that advances related to loudspeaker technology since the original rezoning will mean that speakers at the drive-through will not negatively impact adjacent residents.

Likewise, we are not opposed to a change including an option for "eight foot masonry walls matching the building exterior" as dumpster screening (in addition to the only existing option of pressure treated solid wood fencing).

Please let us know if you have any questions or need additional information.

Sincerely,

Loyd D. Johnson
Lillian W. Johnson


Richmond Hwy
Richmond Hwy
BB&T
DRIVE THRU

Adjacent property owner information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

Tax Map #	Physical Address	Owner's Name	Owner's Mailing Address
96A4 A 174	N/A	Johnson, Lillian and Loyd	P.O Box 22/Amherst, VA 24521
96A4 A 173	116 Richmond Hwy.	Bhakta, Yogesh & Mina	116 Richmond Hwy./Amherst, VA 24521

Applicants should use as many forms as are needed to provide the needed information.

Note: *Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.*

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO B-2, (CONDITIONAL), GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the property located in the Town of Amherst and described as follows:

A parcel of land on the northern boundary of U.S. Route 60 shown as Proposed parcel # 4 on a plat by Donald R. Miller, Land Surveyor, dated March 13, 19 9, entitled "Plat Showing parcels 2 & 3 of property of LILLIAN W. & LOYD D. JOHNSON", containing approximately .64 acres,

....is hereby changed from R-3, Medium Density Residential District, to B-2, (Conditional) General Commercial District, subject to the conditions set out hereinbelow which were voluntarily proferred in writing by the owners, namely: Loyd D. Johnson and Lillian W. Johnson, to-wit:

1. SIGN HEIGHT:

No freestanding sign on the property shall have a height exceeeding 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 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.

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

6. HOURS OF OPERATION:

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

7. TRASH RECEPTACLES:

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

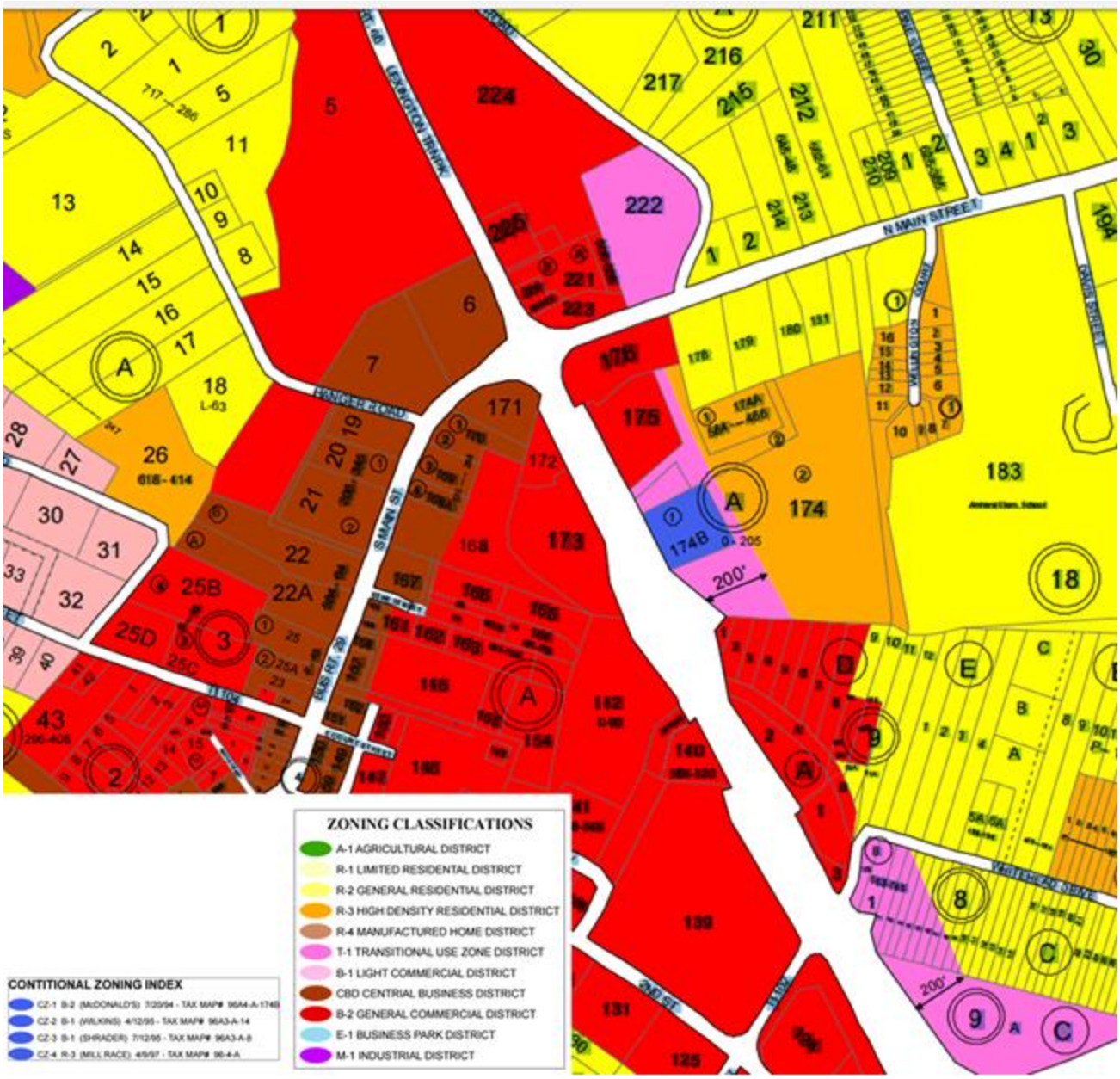
8. USE OF THE PROPERTY

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.

Mayor

Adopted: 7/20/94


ZONING CLASSIFICATIONS
A-1 AGRICULTURAL DISTRICT
R-1 LIMITED RESIDENTAL DISTRICT
R-2 GENERAL RESIDENTIAL DISTRICT
R-3 HIGH DENSITY RESIDENTIAL DISTRICT
R-4 MANUFACTURED HOME DISTRICT
T-1 TRANSITIONAL USE ZONE DISTRICT
B-1 LIGHT COMMERCIAL DISTRICT
CBD CENTRIAL BUSINESS DISTRICT
B-2 GENERAL COMMERCIAL DISTRICT
E-1 BUSINESS PARK DISTRICT
M-1 INDUSTRIAL DISTRICT
CONTITIONAL ZONING INDEX
CZ-1 B-2 (McDONALD'S) 7/20/94 - TAX MAP# 96A4-A-174B
CZ-2 B-1 (WILKINS) 4/12/95 - TAX MAP# 96A3-A-14
CZ-3 B-1 (SHRADER) 7/12/95 - TAX MAP# 96A3-A-8
CZ-4 R-3 (MILL RACE) 4/9/97 - TAX MAP# 96-4-A
N MAIN STREET
LEXINGTON TRAIL
BRIDGE ROAD
MAIN ST
WALTER GLOCK COURT
200'

Planning Office

March 20, 2017

VIA: ELECTRONIC MAIL
Debra Speyer
1515 Market Street, Suite 1200
Philadelphia, PA 19102

RE: Request for Amherst County Comprehensive Plan Modifications

Dear Ms. Speyer:

Over the telephone you expressed your interest in understanding the process to change the Amherst County Comprehensive Plan's Future Land Use Map (FLUM), due to your purchase of property to the west of the Town of Amherst. After speaking to you in person and over the telephone, I understand that the reason that you would like to request an amendment to the FLUM is in part because you have interest to place approximately 480 acres of your land into a conservation easement with the Virginia Outdoors Foundation (VOF). I also understand through conversation with you that the VOF may not be interested in a conservation easement unless it is in general compliance with the County's Comprehensive Plan.

Recently, the County's Planning Commission began a review of the Comprehensive Plan. The purpose of the adopted Plan is to provide guidance for critical decisions that impact growth and development within the County over a twenty year period. The Virginia State Code, §15.2-2230 states, "*At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.* In 2013, the Amherst County Planning Commission and Board of Supervisors approved an update to the Comprehensive Plan.

If you would like for the Planning Commission and Board of Supervisors to consider a specific request, please write a letter to the County's Planning and Zoning Department detailing your request. The Planning Commission meets on the third Thursday of each month at 7 PM. A request should be received in writing at least two (2) weeks prior to a meeting in order for that item to be considered for inclusion in the agenda. All amendments to the County's Comprehensive Plan require review and consideration from the Planning Commission and approval by the Board of Supervisors. Also, a public hearing is required by the Planning Commission and Board of Supervisors in order to make any amendments to the Plan.

If you have additional question regarding this matter, please contact me at (434) 946-9303 or by e-mail at jsbryant@countyofamherst.com.

P. O. Box 390 • Amherst, Virginia 24521-0390 www.countyofamherst.com Ph: 434.946.9303 • Fax 434.946.9370

Sincerely,

Jeremy S. Bryant
Director of Planning/Zoning

Cc: Dean Rodgers (County Administrator); via: Hand-Delivered
Ellen Bowyer (County Attorney); via: Hand-Delivered
Jack Hobbs (Amherst Town Manager); via: U.S. Mail

Debra G. Speyer
3908 Leafy Way
Coconut Grove Florida, 33133
215-519-6426

March 27, 2017

Jeremy S. Bryant, Director of Planning/Zoning
Amherst County Planning/Zoning Department
P.O. Box 390
Amherst, VA 24521

Re: Debra G. Speyer/Virginia Outdoor Foundation Request
481 acre property located on Route 60 West
Formerly known as the Lloyd Property

Dear Mr. Bryant:

I request a hearing before the Amherst County's Planning and Zoning Commission and the Board of Supervisors regarding an amendment to the County's Comprehensive Plan's Future Land Use Map. That amendment being to support a donation of a conservation easement to the Virginia Outdoor Foundation regarding the 481 acre property located on Route 60 West formerly known as the Lloyds' property that is consistent with a revised Amherst County Comprehensive Plan.
I plan to attend and make a presentation on April 20, 2017.

Respectfully,

Debra G. Speyer

DGS/sl

60 West Area-Lloyd Property Development Area

The large tracts of land assembled into one ownership west of the Town of Amherst between U.S. Route 60 and Kenmore Road is known as the Lloyd Property. Although the property is for sale, the approximately 400 acres could develop as a mix of residential, golf, commercial and residential land uses. No developer has approached the Town as of this writing.

However, whether to provide sewage treatment service to such a large extraterritorial sewer user is a significant and as-yet unresolved issue for the Town. A primary concern is that the Town's utility system is an attractor for businesses that generate large amounts of tax revenue for the Town, particularly taxes from restaurants and lodging establishments. Since those types of businesses would probably not be able to open or operate without access to Town utility services, and all things being equal, instead of such establishments being outside of the corporate limits the Town would prefer that they be located inside the corporate limits so the lodging and meals tax revenues could flow to the Town.

The Town hopes to be in a position to fully and specifically respond to the developer's specific proposals and plans to open a dialogue with the developer during the planning and design phase of the project. The benefits that the development of the Lloyd Property could offer the current and future residents and business operators of the Town are acknowledged, but it is understood that the Town will need to carefully study the specifics of all aspects of the proposed project due to its scale and potential impact on local services in general and utilities in particular. It is also understood that a series of documents would need to be prepared by qualified individuals and submitted for consideration by various agencies before the development and/or its connection to the Town's water and/or sewer systems would be considered fully "approved" by the Town of Amherst.

The preparation of the complete development proposal would be the developer's responsibility, design and construction of needed infrastructure would be done by the developer's organization, and the Town's tax or rate base should not be put at risk by any private development.

A plan showing the anticipated location of future water and sewer mains within the Lloyd property as well as the development's access points is shown on Figure 21.

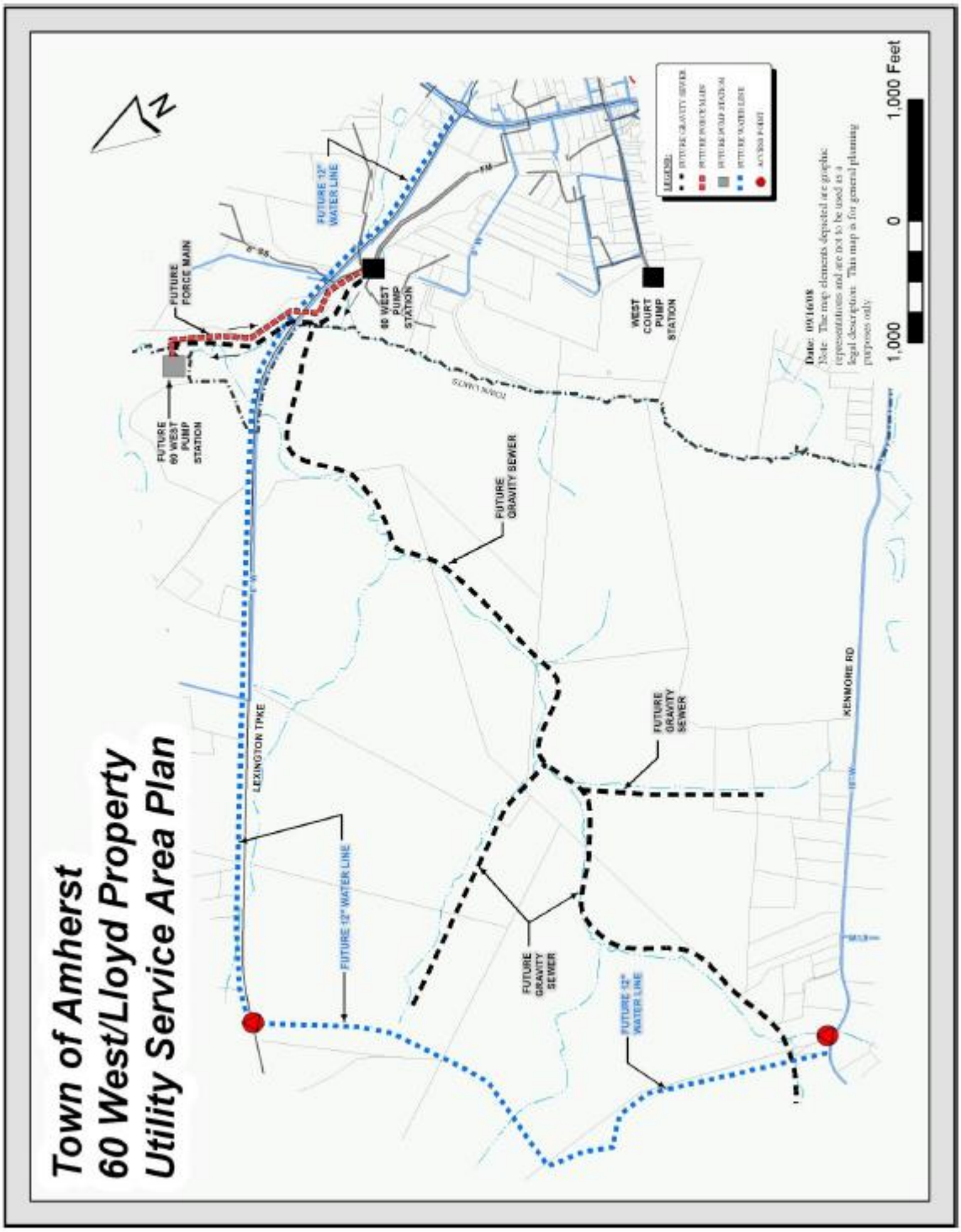



Figure 21: 60 West Area-Lloyd Property Development Area Map