TOWN OF AMHERST
PLANNING COMMISSION
Wednesday, May 3, 2017
AGENDA

7:30 PM

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

2. **Determination of Quorum**

3. **Confirmation of April 5, 2017 meeting minutes**

4. **Rezoning Request: McDonalds 135/Richmond Highway**
   A public hearing on the McDonald's rezoning application has been duly advertised for this meeting. Following the public hearing and Commission discussion, the matter will have matured so that the Commission will be able to vote on a recommendation to the Town Council.

5. **Other Matters**

   A. **Lloyd Property Conservation Easement**
   The Commission will remember that 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.

   B. **Comprehensive Plan**
   The Town Council approved the updated Comprehensive Plan on April 12 as recommended by the Commission. The document has been posted online and hard copies for public viewing and archiving are being printed.

   C. **Zoning and Subdivision Ordinance Update**
   With the approval of the Comprehensive Plan, the Town staff will turn its attention back to updating the Zoning and Subdivision Ordinance. Areas of concern include general updates, weaving comments and ideas from the UDA study into the ordinance, conforming to the MuniCode recodification legal review and format, and updating the sign ordinance. Staff would welcome comments from the Commissioners after a project status report is given.

6. **Concerns of Staff**

7. **Concerns of Commissioners**

8. **Adjournment**

Town of Amherst
Planning Commission Minutes
April 5, 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 April 5, 2017. It was noted that a quorum was present as indicated below:

A	Kevin Belcher	P	William Jones
P	June Driskill	P	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.

The minutes from the March 1, 2017, Commission meeting were approved on a motion by Mr. Hart seconded by Mr. Jones, and carried 5-0 according to the following:

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

Rezoning Request: McDonalds 135/Richmond Highway
The Commissioners discussed an application from Golden Arch Limited Partnership, through its signatory Scott Thompson and representative Scott Frye, for property located at 135 Richmond Highway, Amherst, VA, (TM#96A4-A-174B, zoned B-2 [Conditional] General Commercial District) for adjustments to condition 3 and 4 of the Conditional Zoning Ordinance adopted on July 20, 1994. If approved, adjustments to condition 3 would add the option of screening the dumpster with masonry materials and condition 4 would eliminate the prohibition on drive-through speakers of that ordinance.

Scott Frye of Stimmel Associates, P.A., and local McDonalds operator Mike Freeman were present to answer questions.

By consensus the Commissioners agreed to hold a public hearing on the matter at the Commission's May meeting.

Variance Application Review: Clemson Investments, LLC – 195 Mt. Olive Road
The Secretary reported that the application by Clemson Investment, LLC, involving 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 was approved by the Board of Zoning Appeals at its meeting on April 4, 2017, by a vote of 5-0 as follows:

> Mr. Carton made a motion, seconded by Mrs. Tatlock, that the Board (a) find that the shape and topography at the site and arrangement of the existing building on the property constitutes a hardship and the cantilevering of the balcony will result in no horizontal encroachment on the ground level so that impact on adjacent property will be minimal, and (b) approve the variance so that the conversion and renovation of the existing accessory building into the multifamily dwelling proposed could be built as close as 7' to the right side property line instead of having to maintain the 25' setback

specified in the Zoning and Subdivision Ordinance. The motion carried 5-0 with Messrs. Mays, Akershoek, Hensley, Carton and Mrs. Tatlock voting in favor.

Mr. Hensley made a motion, seconded by Mr. Carton, to approve a variance to the paving requirement as set forth in Sec. 18.1-602.04.1 of the Town Code as requested, except for a paved 150' driveway that would be installed into the property from Mt. Olive Road, due to the potential for increased stormwater runoff and potential for erosions and the practical problems associated with building a stormwater pond at the bottom of the property. The motion carried 5-0 with Messrs. Mays, Akershoek, Hensley, Carton and Mrs. Tatlock voting in favor.

Lloyd Property Conservation Easement

The Commissioners discussed a request that the Amherst County Planning Commission amend the Amherst County Comprehensive Plan Future Land Use Map so that a future request to the Virginia Outdoors Foundation (VOA) can be made to place approximately 480 acres of land on the Lloyd property west of the Town of Amherst into a conservation easement with the VOA. A presentation on the proposal is expected to be made to the Amherst County Planning Commission on April 20, 2017.

Comprehensive Plan

The Secretary reported that Town Council has scheduled a public hearing on the 2017 Comprehensive Plan proposal on April 12, 2017.

There being no further business, the meeting adjourned at 8:03 PM on a motion by Mr. Finney seconded by Mr. Bunch, and carried 5-0 according to the following:

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

_____
June Driskill, Chairperson

Attest: _____

McDonalds Rezoning Application (135 Richmond Highway)
April 28, 2017

Golden Arch Limited Partnership, through its signatory Scott Thompson and representative Scott Frye, has applied for what is effectively a rezoning of the McDonalds site at 135 Richmond Highway (TM#96A4-A-174B).

The property is zoned B-2 (Conditional) General Commercial District per an ordinance adopted on July 20, 1994. The applicant requests adjustments to condition 3 (add the option of screening the dumpster with masonry materials) and condition 4 (eliminating the prohibition on drive-through speakers) or that ordinance.

The property in question fronts on a primary highway that runs from the bypass to Main Street in the Town of Amherst, and beyond the corporate limits from Virginia Beach to Los Angeles. This area is obviously suited to businesses that serve the traveling public

The Planning Commission's public hearing on this application has been set up via newspaper advertisement required by the Code of Virginia and a sign posted on the site per the Town Code. The text of the notice follows and a draft of an amended conditional zoning ordinance follows.

PUBLIC HEARING NOTICE

The Town of Amherst Planning Commission will hold a public hearing at PM on May 3, 2017 at 7:30 PM in the Council Chambers of the Town Hall at 174 South Main Street. The subject of the hearing is a 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), currently zoned B-2(Conditional) General Commercial District. If approved, an option of screening the dumpster with masonry materials would be added and the prohibition on drive-through speakers would be removed.

Documents relating to the request are available for public inspection at www.amherstva.gov and in the Town Hall during normal working hours.

Following the Commission's public hearing and discussion on April 28, the action indicated would be for the Commission to make a recommendation to the Town Council on the matter.

DRAFT

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.

PUBLIC HEARING NOTICE

The Town of Amherst Planning Commission will hold a public hearing at PM on May 3, 2017 at 7:30 PM in the Council Chambers of the Town Hall at 174 South Main Street. The subject of the hearing is a 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), currently zoned B-2(Conditional) General Commercial District. If approved, an option of screening the dumpster with masonry materials would be added and the prohibition on drive-through speakers would be removed.

Documents relating to the request are available for public inspection at www.amherstva.gov and in the Town Hall during normal working hours.

AFFIDAVIT

I hereby certify that, on April7, 2017, this notice of public hearing was sent by first class mail to the last known address of the owners of neighboring property shown on the current real estate tax assessment books and as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The list of owners is below.

The required sign was erected on the site on April 7, 2017.

4/7/2017
Date

96A4-A-174B (Owner)	Scott Thompson Golden Arch Limited Partnership P.O. Box 418 Nellysford, VA 22958
96A4-A-174	Lillian W. and Loyd D. Johnson P.O. Box 22 Amherst. VA 24521
96A4-A-173	Yogesh and Mina Bhakta 116 Richmond Highway Amherst, VA 24521

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.

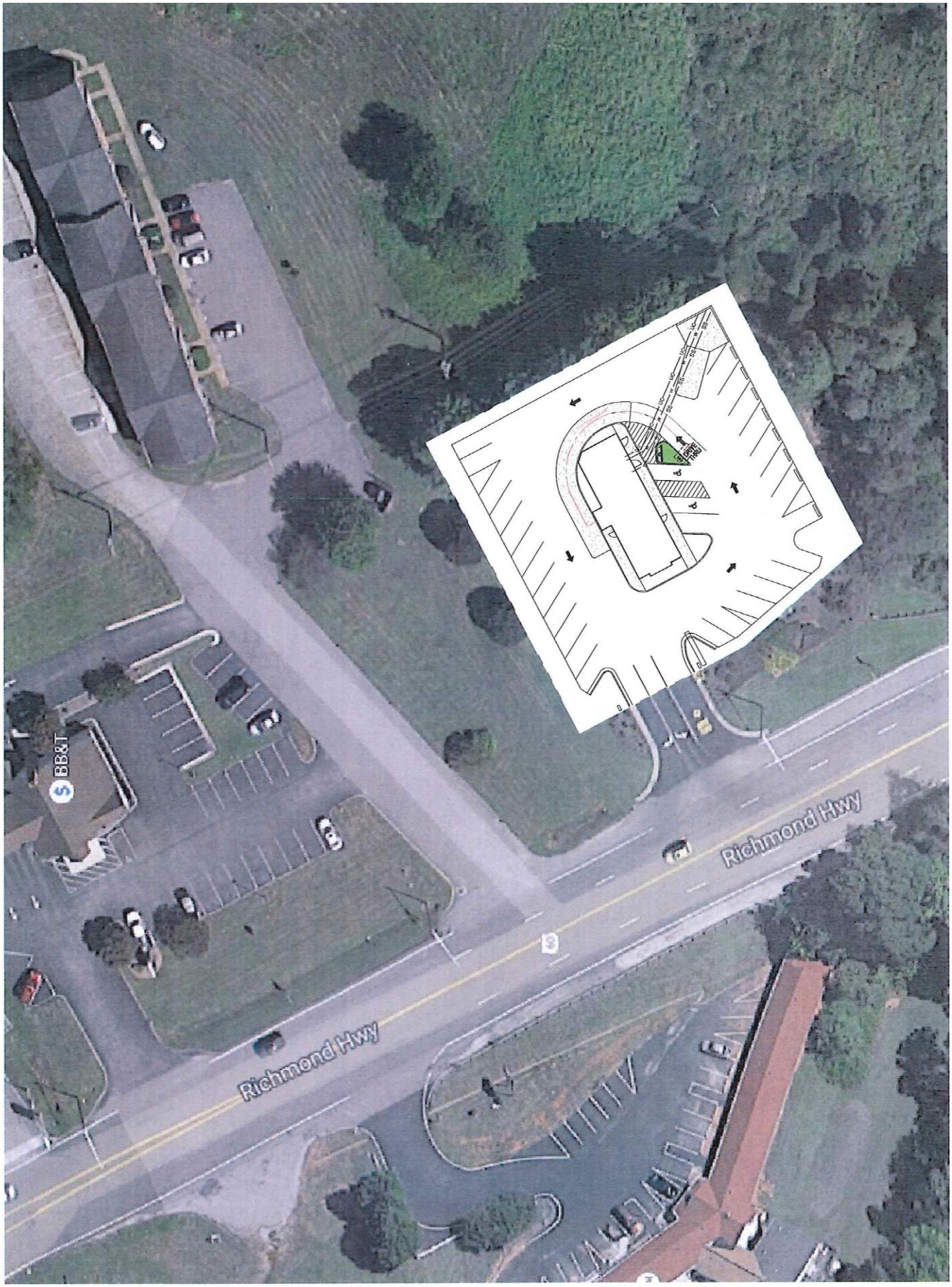
It has come to our attention that McDonald's wishes to petition for a rezoning before the Amherst Town Council to make two changes to the previously imposed conditions. The first change is to remove the condition prohibiting outdoor speakers at this location. We were originally in favor of said condition 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.

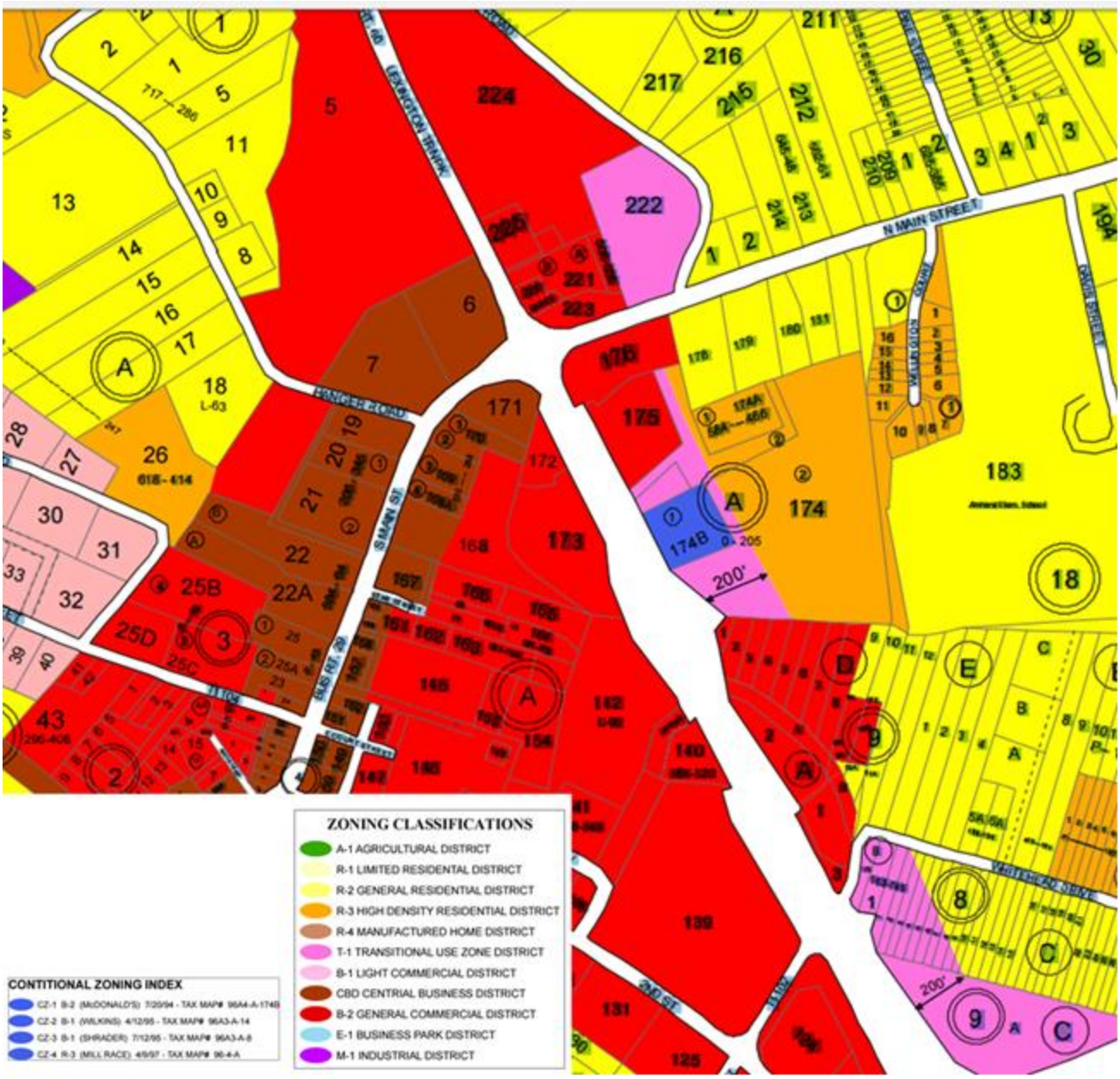
8. USE OF THE PROPERTY

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
BANNER ROAD
MAIN ST
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.

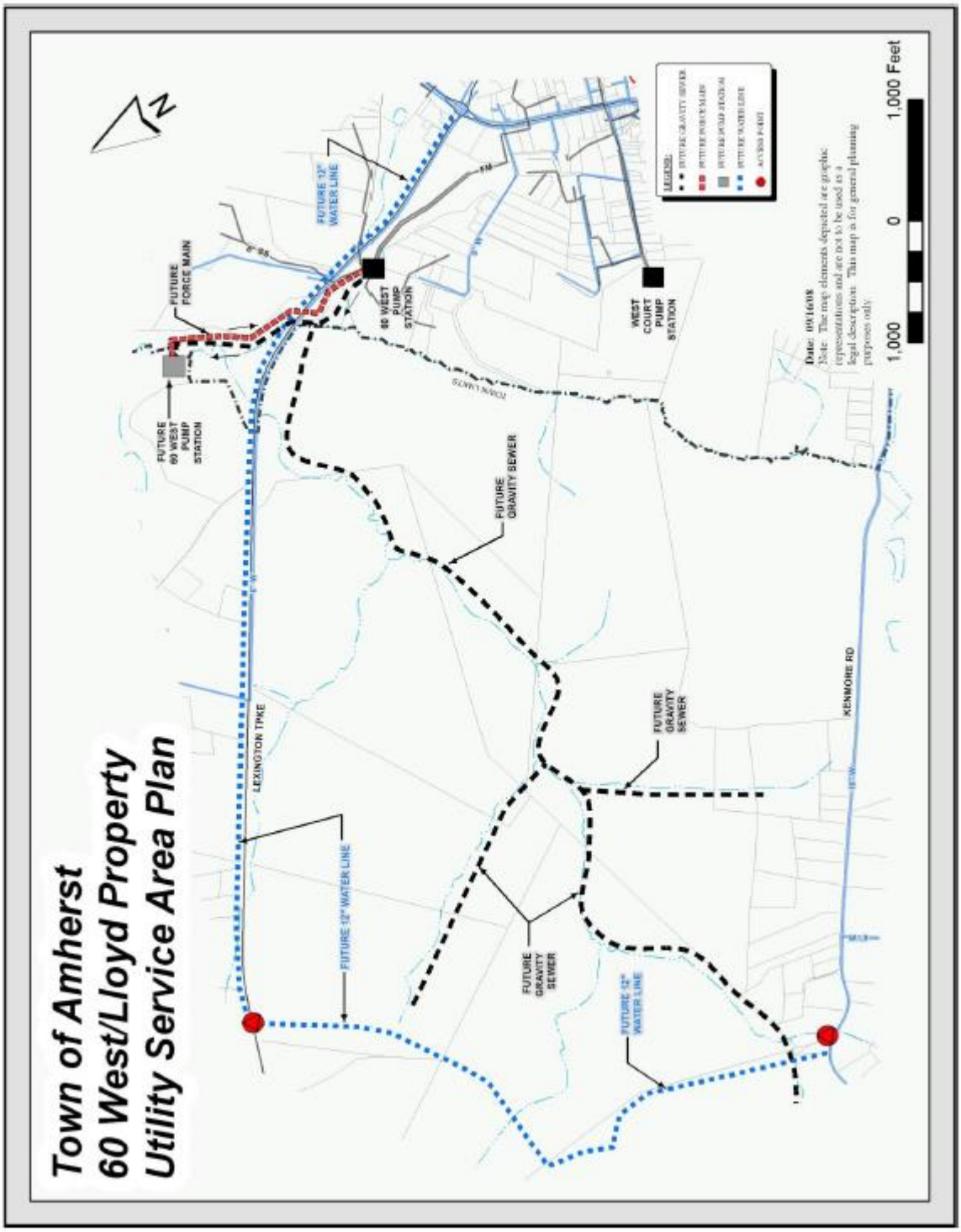
However, whether to provide sewage treatment service to such a large extraterritorial sewer user is a significant and as-yet unresolved issue for the Town. A primary concern is that the Town's utility system is an attractor for businesses that generate large amounts of tax revenue for the Town, particularly 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



Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-101	Authority to establish zoning	18.1-101. Authority to establish zoning. Delete. This is a regurgitation of the enabling legislation in Code of Virginia, § 15.2-2280.		
§18.1-102	Authority to regulate the subdivision of land	18.1-102. Authority to regulate the subdivision of land. Delete. This is a regurgitation of the enabling legislation in Code of Virginia, § 15.2-2240, 15.2-2241 that no longer tracks such statutes.		
§18.1-103	Enactment			
§18.1-104	Short titles			
§18.1-201	Purpose	18.1-201. Purpose. Delete as covered by Code of Virginia, § 15.2-2283. If retained, conform to same.		
§18.1-202	Nonexclusionary intent			
§18.1-301	General			
§18.1-302	Specific definitions	18.1-302.21. Cemetery defined. Per Code of Virginia, § 15.2-2288.5, conform definition of cemetery to the definition in Code of Virginia, § 54.1-2310.		
		18.1-302.45. Family defined. As Code of Virginia, §§ 15.2-2291—15.2-2292.1 require that certain group homes, etc. be considered single-family uses, add language references such statutes as an exception.		
		18.1-302.62. Home for the aged. Alter to be the definition of assisted living facilities or group homes tied to Code of Virginia, § 15.2-2291.		
			18.1-302 Define Mixed Use Development: Consider adding a provision to Article III (Definitions of Terms Used in this Ordinance) to define "mixed use development." An example definition is "mixed use development means a building or project containing residential uses in combination with commercial and/or institutional uses. No use that is or will be merely accessory to, or ancillary to, a residential use shall qualify as a commercial or industrial use, for purposes of this definition."[2] The town could customize its definition to meet local desires. For example, the Amherst definition might also consider a combination of office space, retail, and light manufacturing to be a mixed use development.	Should "mixed use" require residential use? For example, we would want to allow a combination of office/retail/light manufacturing in the business zone.
		18.1-302.86. Nursing home. Revise to read as follows: an establishment that provide long-term care services as defined in Code of Virginia, § 51.5-134 to older persons who reside in such establishment.		
			18.1-302 Define Town Development Area: Consider adding a provision to Article III to define "town development area." A definition for the town to consider and expand upon is: . o Areas that are appropriate for higher density development, redevelopment, or infill development due to their proximity to transportation facilities, public water and sewer system, and existing areas of higher density development.	Add this definition
§18.1-401	Uniform application of regulations			
§18.1-402	Subdivision of land			
§18.1-403	Use			
§18.1-404	Buildings			
§18.1-405	Lots and yards			
§18.1-406	Permits issued prior to adoption of ordinance			
§18.1-407	Uses exempt from a zoning permit			
§18.1-408	Number of dwellings on a single lot			
§18.1-409	Access through another zoning district			
§18.1-501	Division of Town of Amherst into districts			
§18.1-502	Incorporation of the zoning map			

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-503	Map amendment	18.1- 503. Map amendment. Delete if the notation procedure in this section is not followed. The section probably should be deleted in any event, as it describes administrative actions.		
§18.1-504	Replacement of the official zoning map	18.1-504. Replacement of the official zoning map. Delete as not needed. This section is enabling in nature.		
§18.1-505	Rules for determining boundaries			
§18.1-506	Classification of districts		18.1-506 Consolidate the General Commercial District (B-2), General Transitional Use Zone District (T-1), and Central Business District (CBD) into a Mixed Use District (MXD) o The areas of town with these zoning designations are included within the Town Development Area, meaning they are suitable for higher density and mixed use development. Consolidating these zones into a single zone will bring consistency to the development requirements for the TDA. However, the Central Business District should continue to have an additional set of requirements or allowances given its unique nature. The existing CBD zone could become an overlay zone that addresses unique parking, setback, and mixed use situations. The new Mixed Use Zone would emphasize the elements of traditional town design, including: ; § Allowing mixed use development by right ; § Reduced setback requirements or built to lines ; § Encouragement of shared parking and shared driveways ; § Encouragement of interconnectivity between adjacent parcels ; § Allowing a mix of housing types ; § Allowing for higher density development	The Urban Development Area concept encourages high density mixed uses which is consistent with the Town's idea of encouraging infill development/redevelopment where appropriate. Consolidate the CBD, T-1, B-1 and B-2 zones into a new "opportunity" zone, with the CBD becoming an overlay so that adjustments can be made. ★
§18.1-507	Annexed territories			
§18.1-601	Nonconforming lots, buildings and uses	18.1-601.03. Nonconforming uses of land. In subsection C, per Code of Virginia, § 15.2-2307(C), change 24 months to two years.		
		18.1-601.06. Vested rights. In the second paragraph, add Code of Virginia, § 14.2-2307(B).		
§18.1-602	Off-street parking		18.1-602.05: Calculation of number of off-street parking spaces o Issue: This section states that "in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately." The issue with this provision is that not all uses generate their peak demand at the same time of day. For example, residential and office uses generate peak demand at different times. Therefore, a mixed-use development that includes both uses may not require as much parking as they would separately because they can share parking. o Opportunity for Improvement: Provide a mechanism for the Planning Commission to reduce the parking requirement when the applicant can demonstrate that peak demand differs between the uses and therefore providing the sum of the required parking for each use is unnecessary. This type of "Shared Parking" provision is frequently used in zoning ordinances to encourage mixed use development. It generally puts the burden of proof on the applicant to demonstrate the reduction in parking needed due to effective sharing of parking spaces between uses that have different peak parking times.	This concept was supposed to have been covered by 18.1-602.07, but a discussion on whether the consultants and special use permits should be required would be appropriate.
§18.1-603	Off-street loading and unloading space			
§18.1-604	Control of vision clearance			
§18.1-605	Minimum distance between buildings			
§18.1-702	Agricultural District A-1			
§18.1-703	Limited Residential District R-1			
§18.1-704	General Residential District R-2			
§18.1-704.1	General Transitional Use Zone District T-1			
§18.1-705	High Density Residential District R-3			

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-705.1	Manufactured Home District R-4			
§18.1-706	Light Commercial District B-1		18.1-706.1.01: Intent of Central Business District Issue: The description of the intent of the Central Business District is identical to the description for the General Commercial District (B-2). o Opportunity for Improvement: Consider updating the description of the intent of the CBD to be consistent with the town's desire for this small area to be walkable and include a mix of uses. An example from another small town in Virginia is provided below: § "This district covers the portion of the town located in downtown Floyd which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setbacks. Uses in the district include retail sales, services, banks, restaurants, and other similar businesses. The intent of the district is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures."	Rewrite the "intent" language for the CBD and emphasize mixed use, walkability, etc.;
§18.1-706.1	Central Business District CBD			
§18.1-707	General Commercial District B-2			
§18.1-707.1	Business Park District E-1			
§18.1-708	Industrial District M-1			
			18.1-709 Table 7.1: Commercial Uses and Industrial Uses o Issue: Several uses are listed as permitted uses for the Central Business District that might be more suitable as special uses due to their potential impact to walkability and the development of a thriving retail area. Opportunity for Improvement: Consider amending Table 7.1 to change the following uses from permitted to special uses in the CBD zone: ; § Automobile laundry or car wash ; § Automobile service stations ; § Automobile, motor home, travel trailer, and mobile home sales (new and used) ; § Building materials dealer, not including handling of bulk materials such as sand and gravel ; § Agricultural, farm and lawn machinery display, sales and services, provided that all inoperable machinery must not be visible from any public right of way ; § Shopping centers ; § Cold storage plants and frozen food lockers not including lard rendering and abattoirs ; § Contractor facilities not involving outside storage of materials and machinery ; § Dry cleaning plants	Recategorize the listed uses as special uses (i.e. require the two-hearing process and Council approval) as indicated.
			18.1-709Table 7.1: Institutional Uses Table Issue: Public parks and playgrounds are allowed in most zoning districts, but cannot be within 250 feet of a residential lot line. o Opportunity for Improvement: Consider removing the provision prohibiting playgrounds and public parks from within 250 feet of a residential lot line in the CBD, B-2 and Transitional districts. This would give developers more flexibility to propose public open space or a playground within a development proposal. o Issue: Farmers markets are not listed as a use. o Opportunity for Improvement: Consider adding farmers markets as a permitted by right use in the Central Business District.	Remove the 250' playground setback for the suggested zones and clarify that farmers' markets are allowed by right as a primary use.
			18.1-709Table 7.1: Residential Uses Table Issue: The use table allows a mixture of residential and commercial uses, but only in the Central Business District, as "single family, two family and multifamily dwellings within a building that contains a business, provided that no dwelling shall be on the sidewalk-level floor of the front of the building." o Opportunity for Improvement: Consider amending the residential use table to also allow this type of residential use, which is typical as a mixed use development provision, in the B-2 and Transitional zones. However, consider allowing for ground floor residential in these zones while continuing to restrict it in the CBD.	Clarify this language. This clause was meant to prevent ground-floor dwellings in downtown business buildings, and the interpretation is that mixed use buildings allow dwellings anywhere in the other commercial areas.

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-801	Minimum lot area and lot width		18.1-801: Minimum lot area and lot width o Issue: The minimum lot size for multifamily development in the CBD could limit development on the area's typically small parcels. The minimum lot size would allow for only eight units on a 1 acre parcel. State code for urban development areas states that UDAs are areas that may be appropriate for development at a density on the developable acreage of at least 12 apartments per acre. o Opportunity for Improvement: Consider eliminating the minimum lot size for multifamily development in the CBD, or setting a maximum net density instead (such as 12 units per acre, or higher depending on what the town is willing to accept).	Increasing the apparent density for multifamily was required by the earlier UDA language in the state code. Eliminat the minimum lot size as indicated.
§18.1-802	Maximum lot coverage			
§18.1-803	Maximum height restrictions			
§18.1-804	Minimum yard requirements		18.1-804: Minimum yard requirements o Issue: There are no minimum setback requirements in the Central Business District. This is a good practice, yet there is no requirement that development is built to the lot line. ; o Opportunity for Improvement: Consider adding a maximum setback provision in the Central Business District of between three and six feet for front and side yard setbacks. This will ensure that the urban form of development with minimal front and rear setbacks between 2nd Street and West Court Street is extended up to the traffic circle as redevelopment occurs over time.	The "build to" line idea requires further discussion.
			18.1-804: Minimum yard requirements Issue: The zoning code requires a front setback of at least 50 feet in the B-2 District. o Opportunity for Improvement: Consider removing the minimum setback requirement in this district, or reducing it to 15 feet or less.	This idea requires further discussion.
§18.1-805	Adjustments to minimum yard requirements			
§18.1-901	Accessory and temporary buildings			
§18.1-902	Automobile service stations			
§18.1-905	Home occupations			
§18.1-906	Multi-family developments		18.1-906.02: (Multi-family developments) Amenities o Issue: The zoning code includes provisions for multi-family housing development that may be difficult to meet in the Central Business District. For example, it requires one percent of the gross area of the site be devoted to common open space for each dwelling unit per acre of density. This effectively would make more compact dense developments more suburban in character by requiring them to be surrounded by wide open space. It also requires fencing or vegetative screening be provided to a height of six feet. o Opportunity for Improvement: Consider making the Central Business District or Town Development Area exempt from these requirements, or replacing screening requirements for the open space and fencing requirement. These are areas where higher density uses are anticipated, and the need to mitigate the possible effects of these uses is less important than in lower density or single use zones.	Need to review multifamily development requirements found in in 18.1-906 for potential relief, whether in the CBD or not.
§18.1-907	(Reserved)			
§18.1-908	Signs	18.1-908.03. Signs allowed without a permit. In subsection, change "Handicapped" to "Disabled." See Code of Virginia, § 46.2-1240 et seq.	18.1-908 Update sign ordinance per Reed v. Town of Gilbert.	4-page ordinance drafted and ready for hearing.
§18.1-909	Large-scale development			
§18.1-912	Townhouses	18.1-912.07. Streets and utilities. In subsection 3, deleted reference to repealed Code of Virginia, § 15.1-867.	18.1-912.01: Townhouses o Issues: The front, side, and rear yard; maximum lot coverage; common area; and screening requirements are an impediment to townhome development in the Central Business District. o Opportunity for Improvement: Consider relaxing or eliminating these requirements for townhome developments in the Central Business District or within the Town Development Area.	Need to review townhouse development requirements found in in 18.1-912 for potential relief, whether in the CBD or not.
§18.1-913	Manufactured homes and manufactured home parks			

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-914	Regulation of wireless telecommunication facilities		18.1-914 Simplify the cell phone tower ordinance (18.1-914)	Should substantially reduce this ordinance as too complicated/confusing.
§18.1-915	Flood plains			Update/conform to FEMA model
§18.1-916	Confined livestock facilities			
§18.1-917	Planned unit development		18.-917.05: (Planned unit development) Density requirements o Issue: The maximum allowable density for multi-family dwellings, townhouses, and condominiums (10 units per acre) is less than the density guidelines provided in 15.2-2223.1 for urban development areas. While these guidelines are not requirements for urban development areas, they do represent suitable densities for the type of mixed-use development desired by the Town of Amherst within the town development area. o Opportunity for Improvement: Consider increasing the maximum density to 12 units per acre for multi-family dwellings and condominiums where public water and sewer are available. Meanwhile, the town should consider reducing the maximum density for townhouses to between six and eight units per acre.	Increasing the apparent density for multifamily was envisioned by the earlier UDA language in the Code of Virginia. The Town should benchmark the density for the Wellington Court and The Meadows developments against the proposed higher standard.
			18.1-917.07: (Planned unit development) Application of minimum lot area, lot width and yard setback requirements o Issue: The planned unit development regulations calls for front setbacks of twenty feet for single-family and two-family dwellings, and 10 feet for townhouses. o Opportunity for Improvement: Consider relaxing or eliminating these standards to give developers more flexibility and allows for traditional town development forms with minimal setbacks. If the town elects to reduce the front setback requirement, consider 15 feet for single family detached and six feet for townhomes.	Given that PUD's require special use permits, a case could be made to eliminate all setback requirements.
§18.1-918	Adult entertainment establishments			
§18.1-919	Traffic impact review			
§18.1-920	Landscaping			
§18.1-921	Lighting			
§18.1-922	Ambriar access management area		18.1-922: Ambriar Access Management Area Issue: This section of the town's zoning and subdivision ordinance includes several requirements for interconnected streets. For example, in the Ambriar area, this section calls for shared and cross access between parcels (18.1-922.08); bicycle and pedestrian accommodations in new construction and reconstruction (18.1-922.13); sidewalk connections between all new building entrances and all streets adjacent to the development site (18.1-922.13); a twenty foot wide bicycle/pedestrian easement to connect cul-de-sacs, or to pass through blocks in excess of 660 feet (18.1-922.13); and designing the street system of a proposed subdivision to coordinate with existing, proposed, and planned streets outside of the subdivision (18.1-922.14). Opportunity for Improvement: Section 18.1-922 applies to "all property that accesses the Ambriar corridor. The Ambriar corridor is defined as that portion of S. Main Street from Waugh's Ferry Road south to the Town of Amherst corporate limits." The town could extend this zoning overlay district up South Main Street to Kenmore Road. This is the geography of the southernmost TDA.	Higher standard/not practical at this time. The reason for the Ambriar regulation was to avoid the proliferation of stoplights in that part of the Town and was imposed after a significant land use/potential traffic impact study. Large developments are already regulated by VDOT access management rules.
§18.1-1001	Appointment of zoning administrator			
§18.1-1002	Powers and duties of the zoning administrator	18.1-1002.03.04. Notice Signs. While giving additional notice is not prohibited by law, it should be notices that notice as provided in this section is not required by law and could be eliminated.		
§18.1-1003	Zoning permits			
§18.1-1004	Procedure for requesting a zoning amendment			
§18.1-1005	Conditional zoning			

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-1006	Procedure for requesting a variance or an Interpretation of the zoning district map			
§18.1-1007	Request for subdivision plat approval	18.1-1007.02 Preliminary plat review. Alter to be consistent with Code of Virginia, § 15.2-2260(A) by inserting provisions making submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots.		
		18.1-1007.04 Final plat review. Alter to be consistent with Code of Virginia, § 15.2-2259.		
§18.1-1008	Appeals procedures			
§18.1-1009	Administrative fee structure			
§18.1-1010	Performance bond requirements			
§18.1-1011	Application deadlines			
§18.1-1101	Intent			
§18.1-1102	Procedure for site plan review	18.1-1102. Procedure for site plan review. Alter to be consistent with Code of Virginia, § 15.2-2259.		
		18.1-1202.01. Vacation of plats with no lots sold. Conform to Code of Virginia, § 15.2-2271.		
		18.1-1202.02 Vacation of plats with lots sold. Conform to Code of Virginia, § 15.2-2272.		
		18.1-1202.04 Vacation of boundary lines. Conform to the requirements of the first paragraph of Code of Virginia, § 15.2-2275.		
§18.1-1103	Developments subject to special site plan review			
§18.1-1104	Documentation			
§18.1-1105	General site plan review			
§18.1-1201	Platting required			
§18.1-1202	Vacation of plats			
§18.1-1203	Preparation of preliminary plat			
§18.1-1204	Preparation of final plat			
§18.1-1205	Acceptance of improvements			
§18.1-1206	Administrative review of certain plats			
§18.1-1301	Design requirements		18.1-1301.02: Street Requirements: Issue: This section states that "alleys in residential subdivisions are prohibited unless the developer provides satisfactory evidence on the need for alleys." This is an issue because alleys support walkability by reducing driveways and curb cuts, which are potential conflict points between pedestrians and vehicles. Opportunity for Improvement: Delete this provision to remove an obstacle to traditional neighborhood design and allow developers to respond more easily to market demands. Design standards can be added to ensure that alleys are appropriately designed for safety and functional requirements. Consider in the long run an overhaul of the street requirements to be consistent with VDOT standards.	Overhaul all of 1301.02 since street design standards must be per VDOT standards and this portion of the ordinance can complicate design/review processes.
§18.1-1302	Physical improvements			
§18.1-1303	Reservation of land for community facilities and open space			
§18.1-1401	Intent			
§18.1-1402	The Board of Zoning Appeals	18.1-1402.01. Board of Appeals--Membership. Delete subsections 1—5 as covered by Code of Virginia, § 15.2-2308.		
		18.1-1402.04. Financing the Board of Appeals. Delete as covered by Code of Virginia, § 15.2-2308.		
		18.1-1402.06. Decision of Board of Appeals. Delete as covered by Code of Virginia, § 15.2-2314. If retained, conform to same.		

Section #	Section Title	Municode Comment	UDA/Mike Callahan Comment	TOA comment
§18.1-1403	The Planning Commission	18.1-1403.02. Cooperation of planning commission with other agencies. Delete as covered by Code of Virginia, § 15.2-2211.		
		18.1-1403.03. Qualifications, appointment, removal, terms and compensation of members of the planning commission. Except for the number of members and the second sentence, delete as covered by Code of Virginia, § 15.1-2212.		
		18.1-1403.04. Meetings. Delete as covered by Code of Virginia, § 18.1-2214.		
		18.1-1403.05. Quorum majority vote. Delete as covered by Code of Virginia, § 15.2-2215.		
		18.1-1403.06. Facilities for holding of meetings and preservation of documents; appropriations for expenses. Delete as covered by Code of Virginia, § 15.2-2216.		
		18.1-1403.07. Officers, employees and consultants; expenditures; rules and records; special surveys. Delete as covered by Code of Virginia, § 15.2-2217.		
		18.1-1403.08. Duties of commissions. Delete as covered by Code of Virginia, § 15.2-2221.		
		18.1-1403.09. Expenditures; gifts and donations. Delete as covered by Code of Virginia, § 15.2-2222.		
§18.1-1404	The Amherst Town Council			
§18.1-1501	Violations			
§18.1-1502	Complaints regarding violations			
§18.1-1503	Penalties			
§18.1-1504	Conflict with other laws and private contracts			
§18.1-1505	Validity			
§18.1-1506	Repealed resolutions and ordinances			
§18.1-1507	Effective date			