TOWN OF AMHERST PLANNING COMMISSION
Wednesday, December 4, 2019
AGENDA

1. **Call to Order** – *Mrs. Driskill, Chair*

2. **Determination of Quorum**

3. **Approval of November 6, 2019 meeting minutes –** *The minutes of the November 6, 2019 meeting are attached.*

4. **Public Hearing: Comprehensive Plan Amendment-** *This request, by Mr. Dave McCormack, if approved by the Council, would allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation. This would allow Mr. McCormack to complete a conservation easement process for the property.*

5. **Question regarding the Sign Ordinance-** *The currently adopted sign ordinance does not allow for changing text signs, other than time or temperature. The Town has received a request from McDonald's to consider allowance of a changeable text sign. Included in the packet is a letter from the owner of the local McDonald's and following is the applicable Code section. Staff would like guidance from the Planning Commission and the Council as to whether this is a change that should be considered, and if so, a public hearing should be set.*

   18.1-908.10 (6)
   Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, inflatables or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

6. **Concerns of Commissioners**

7. **Adjournment**

Town of Amherst
Planning Commission Minutes
November 6, 2019

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of Town Hall at 174 S. Main Street at 7:00 PM on November 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	Anne Webster Day
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 October 2, 2019, 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	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye

The Chair opened a duly advertised public hearing at 7:02 PM on a proposed amendment to Table 7.1 of Chapter 18.1 of the Town Code, regulating uses in districts, that would, if approved, allow residences to be co-located with businesses in the B-1 and B-2 district and delete the prohibition on sidewalk level residences where business and residences are co-located.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:03 PM.

After discussion, Mr. Jones made a motion that was seconded by Mr. Hart to recommend that Town Council approve the proposed amendment to Table 7.1 of Chapter 18.1 of the Town Code, regulating uses in districts, allowing residences to be co-located with businesses in the B-1 and B-2 district and delete the prohibition on sidewalk level residences where business and residences are co-located.

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

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye

FOR APPROVAL

Town Manager Carter reported that Lazy River, LLC, having completed their review and received VDOT approval of their site plan for Amherst Milling Company, staff finds that plans are found to be satisfactory and recommends approval of the site plan by the Planning Commission.

After discussion, on a motion by Mr. Jones which was seconded by Ms. Day, per Section 18.1-1102 of the Town Code, final approval of site plans for Amherst Milling Company is granted by the Planning Commission as presented and as recommended by staff.

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

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye

After discussion, Ms. Day made a motion that was seconded by Mr. Hart to ratify the setting of a public hearing on an amendment to the Town's Comprehensive Plan to allow a request by J. David McCormick for a conservation easement on the remainder of approximately 80 acres of Mill Race subdivision. The motion carried 4-0-2 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye

There being no further business, on motion of Mr. Hart, seconded by Mr. Jones, and carried 4-0-2 the meeting adjourned at 7:28 PM.

_____
June Driskill, Chairperson

Attest: _____
Secretary

FOR APPROVAL

STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT

Request by Dave McCormack
Portions of Mill Race and adjacent land
Planning Commission Public Hearing

General Information:

Processing schedule:	The Planning Commission will consider this proposal on December 4, 2019 with a public hearing. If they complete their recommendation to the Town Council, the Council will hold their public hearing on December 11, 2019.

Application Information:

Owner and Applicant:	Dave McCormack, Lazy River LLC
Requested Action:	Amend Comprehensive Plan to allow a conservation easement
Location:	South side of Union Hill Road between Amherst Milling Company and the developed portion of the Mill Race subdivision
Tax Map Numbers:	96-4-A and 96-1-1-7
Acreage:	76.2+/-
Existing Zoning and Land Use:	R-2 and CZ-4 (Residential development)
Proposed Land Use:	Conservation
Existing land uses:	Undeveloped

Summary of Request and Background Information:

Mr. Dave McCormack, who is developing the Amherst Milling Company into a brewery/restaurant, would like to have a conservation easement placed on the above referenced acreage. The County of Amherst would be the holder of the easement. By State Code, any conservation easement must be in compliance with the adopted Comprehensive Plan. Because the Plan calls for residential development in this area, a conservation easement would not be appropriate for this location without a change in the Plan.

The process to change the adopted plan is to hold a public hearing at both the Planning Commission and Town Council level. The Planning Commission will make a recommendation to the Council and the Council will make a final determination after their public hearing.

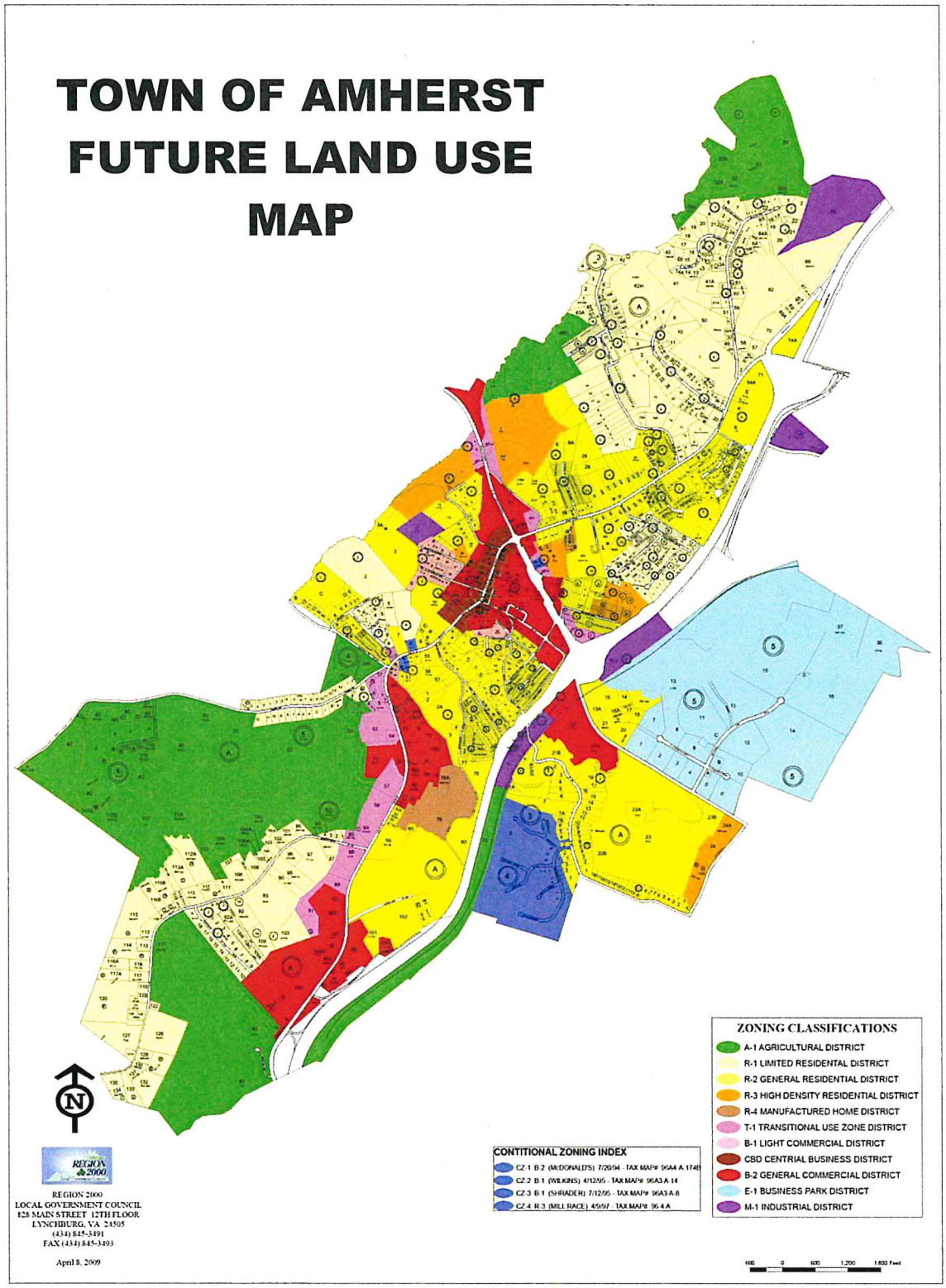
Conclusion:

The conservation easement would be in compliance with the Comprehensive Plan if the land use in the proposed area is changed to a conservation or agricultural designation. The current plan does not support the proposed easement. There are utilities and infrastructure in place in the geography, particularly in the portion of land that was previously planned for the expansion of the Mill Race subdivision.

The conservation easement would be permanent. No future development on this land would occur if the easement is accepted.

Figure 23: Future Land Use Map

(Reference Special Focus Areas discussed in previous chapter)



FREEMAN ENTERPRISES INC

McDonalds of BLACKSTONE * AMHERST * LOVINGSTON * FAIRFIELD
SOUTH BOSTON CENTERVILLE * SOUTH BOSTON RIVERDALE * CLARKSVILLE

Attention: Sara Carter
Amherst Town Manager
11/06/2019

Dear Sara,

I hope this letter finds you doing well!! Time certainly flies when you are serving burgers, shakes, and fries. It is hard to believe that the Amherst McDonalds has been re-opened 8 months now. I am happy to report that we have been growing significantly since we opened our doors back in March. Success in our business is always built on creating satisfied customers and we could not be growing without the full support of community of Amherst and its visionary leaders. When our company first purchased this location back in 2016, we were told by many that this location would not grow and that the forecast was flat for the foreseeable future. Boy were they wrong!! Our sales have been up approximately 20% over the same period last year. Thanks again for your partnership as we continue to invest together in the town of Amherst and the people of this community.

Additionally, I would like to make a request of the Town. We have had good success with updating our manual Roadsign Reader Boards at some of our other locations. I am not sure of the zoning required in Amherst, but we would like to replace our current manual/letter reader board with a similar sized electronic messaging board. These new boards are very attractive, convenient, safer and overall more effective - displaying typed messages, short video clips, and pictures. The proposed sign would be 3' tall x 5' wide and would be mounted in the same general area as the current manual letter board. The primary use of the board would be to communicate hiring opportunities, promote products and sale items, and invite customers to our restaurant. I am respectfully requesting permission to replace the current manual board with a new electronic one to be installed as soon as possible. I have also attached some video of one of our boards in a nearby town. The board featured in the video is the exact board that we would install in Amherst. Please advise if you need additional information or I could attend a town meeting if needed to discuss.

Thanks for your consideration,

Mike Freeman

Mike Freeman
Owner
Freeman Enterprises dba McDonalds of Amherst

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