

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, September 6, 2023
AGENDA

1. **Call to Order** – *Chair, Driskill*
2. **Determination of Quorum**
3. **Citizen Comment-** *This time is provided for citizens to bring concerns or comments to the Commission that are not scheduled for a public hearing. This is not meant to be a discussion or an exchange, but rather, an opportunity for citizens to have their concerns be heard.*
4. **Approval of August 2, 2023, meeting minutes** – *Chair Driskill- The minutes of the August 2, 2023, meeting are attached.*
5. **Ratification of setting of Public Hearing-** *Sara McGuffin- Public hearings are set by the body holding them. If a public hearing was not set by the body, ratification of the action must occur prior to the holding of the hearing. Staff requests a motion from the Planning Commission to ratify the setting of the public hearing for consideration of an amendment to the Comprehensive Plan.*
6. **Public Hearing: Comprehensive Plan Amendment-** *Chair Driskill- The Town has been offered a donation of a 22 acre property for a park. The owner is requesting approval of a conservation easement on the acreage for the tax benefit, prior to the donation. In order for the conservation easement to be approved, an amendment to the Comprehensive Plan must be adopted to be consistent with the use.*
7. **Public Hearing: Flag Lots–** *Chair Driskill- - A public hearing has been set for this issue at the last meeting. This language clarifies the requirements for flag lots in the Town.*
- 8.
9. **Discussion: Special Use Permit Request for Bed and Breakfast-** *Chair Driskill –A public hearing was held last month for a Special Use Permit for a bed and breakfast at 146 N. Main Street. Staff recommends reviewing the staff report and determining if the proposed conditions meet the request of the Commission.*
10. **Discussion: Code Amendment for Accessory Dwelling Units-** *Chair Driskill- A public hearing was held last month for a Code Amendment to allow Accessory Dwelling Units in selected zoning districts. Staff recommends reviewing the revised proposal to determine if it meets the Planning Commission's intent.*
11. **Concerns of Commissioners**
12. **Adjournment**



STAFF REPORT COMPREHENSIVE PLAN AMENDMENT

Paul Kilgore
Planning Commission
Public Hearing
September 6, 2023

General Information:

Processing schedule:	Staff advertised this amendment to the Comprehensive Plan for the Planning Commission for the September 6, 2023 meeting. Staff requests ratification of the setting of the public hearing. Staff requests hearing the proposal and forwarding a recommendation to the Council for the Council to hold a public hearing on September 13, 2023.
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Application Information:

Owner and Applicant:	Amber Farm- Paul Kilgore
Requested Action:	Comprehensive Plan Amendment
Location:	Across from ACHS, no address
Tax Map Numbers:	95 A 90, 90A, 91, 110 A 103
Existing Zoning:	B-2, T-1, R-1
Proposed Zoning:	No change requested
Existing land uses:	Vacant
Comp. plan area:	Residential
Comp. plan request:	Public/Semi-public
Adjacent Zoning:	various

Summary of Request and Background Information:

Paul Kilgore has purchased a total of 28 acres across from the Amherst County High School. His intention is to donate 22 of the 28 acres to the Town for the use of the park. He intends to retain the six acres at the south western end of the property for commercial purposes.

In order to fund the donation, he is seeking to place a conservation easement upon the 22 acres. Virginia State Code requires that a conservation easement be in compliance with the locality's

adopted Comprehensive Plan. In order to accommodate the request, and allow for the land donation to move forward, staff is requesting that the 22 acres be designated for public/semi-public uses.

A plat of the property is attached to this staff report.

No zoning change is requested as a part of this request.

Public Notice

The proposal was advertised for public hearing for two consecutive weeks, as required by State Code. Because the public hearing was not set by the Planning Commission, staff is requesting ratification of the public hearing by the Commission.

Consistency with the Comprehensive Plan and Zoning Ordinance:

The request will bring the request into conformity with the Comprehensive Plan.

Citizen Comment:

There has been no citizen comment at this time.

Conclusion:

Staff recommends that the Planning Commission hold a public hearing on this request. Staff further recommends approval of the request.

The timeframe for the completion of the land donation is as follows:

- | | |
|------------|--|
| September: | Planning Commission public hearing of Comprehensive Plan amendment |
| | Town Council public hearing of Comprehensive Plan amendment |
| October: | Planning Commission Determination of Substantial Accord |
| | Town Council Confirmation of Substantial Accord |
| | Town Council MOU with Ambler Farm, LLC |
| | Town Approval of Conservation Easement |
| November: | Town Council Public Hearing for land donation |
| | Acceptance of land donation |

NOTES:

1. THIS DRAWING HAS BEEN PREPARED FOR CONCEPTUAL PURPOSES AND DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY.
2. THIS DRAWING HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. ZONING LINES SHOWN HEREON HAVE BEEN SCALED FROM THE TOWN OF AMHERST ZONING MAP, LAST AMENDED JUNE 19, 2017. PORTIONS OF THIS PROPERTY ARE IN THE FOLLOWING ZONES:
B-2 GENERAL COMMERCIAL DISTRICT
R-1 LIMITED RESIDENTIAL DISTRICT
T-1 TRANSITIONAL USE ZONE DISTRICT

PID #110-A-109
DEBORAH A. WORSHAM
D.B. 1063 PAGE 293
PC 1 SLIDE 69

PID #95-A-93
HOWELL BARRETT THOMPSON, JR. &
JEAN DILLARD THOMPSON TRS.
D.B. 1303 PAGE 1
PC 3 SLIDE 3

PID #110-A-103
6.864 ACRES

PID #110-A-108A
CENTRA HEALTH, INC.
D.B. 1282 PAGE 675
PC 3 SLIDE 53

PID #110-A-108B
CENTRA HEALTH, INC.
D.B. 1282 PAGE 675
PC 3 SLIDE 53

PID #110-A-104A
CENTRA HEALTH, INC.
D.B. 1264 PAGE 766
PC 2 SLIDE 241

PID #110-A-104
PTC REAL ESTATE, LLC
D.B. 1078 PAGE 399
D.B. 300 PAGE 29 (PLAT)

6.00 ACRES

PID #110-A-103
4.260 ACRES

PID #95-A-90A
3.533 ACRES

PID #95-A-90
3.503 ACRES

PID #95-A-89
JOAN V. LINGERFELT
INST. #170001416
PC 2 SLIDE 277

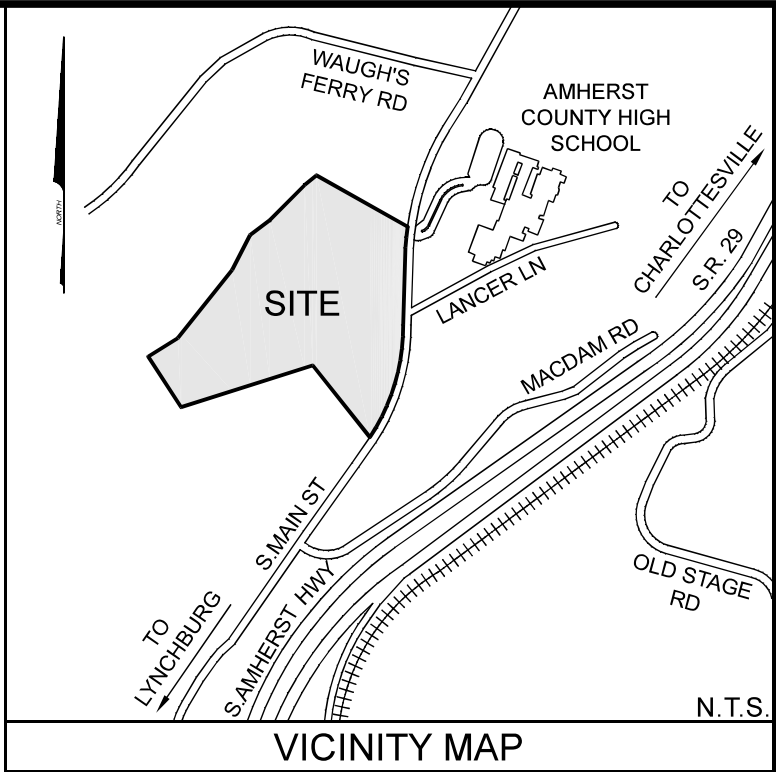
PID #95-A-97
DONALD THURMAN WOOD &
JUNE ELAINE TURMAN WOOD
D.B. 265 PAGE 219
PB F PAGE 112

PID #95-A-94
ETHAN M. CHASE &
KATRINA P. CHASE
INST. #19002482
PB F PAGE 108

PID #95-A-95
WANDA L. BURLEY
D.B. 1291 PAGE 181
D.B. 238 PAGE 131 (PLAT)

- LEGEND**
- ELECTRIC POLE
 - WATER VALVE
 - FIRE HYDRANT
 - CREEK
 - FENCE
 - OVERHEAD UTILITY

NORTH
VIRGINIA STATE PLANE: SOUTH ZONE (NAD 83)



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EXHIBIT DRAWING SHOWING

RECONFIGURATION OPTION 4 OF

AMBLER FARM, L.L.C.

TOWN OF AMHERST, AMHERST COUNTY, VIRGINIA

PROJECT NO.	20221383
FILE NO.	
LAT.	37.568443°
LONG.	-79.062309°
DATE:	02/27/2023
DRAWN BY:	JMM
CHECKED BY:	JMM

SHEET NO.
1 OF 1

REV.



Flag lots- The creation of flag lots will only be considered in those instances where topographic constraints or unusual existing lot lines make this type of lot arrangement the only feasible way to develop the tract.

Flag lots must meet the following criteria:

- (a) Each flag lot must have a minimum of 25 feet of frontage on the street.
- (b) The required minimum lot area shall meet the zoning ordinance requirement of the district in which it is located and shall not include the area of the long narrow "flagpole" portion.
- (c) The development of one flag lot behind another flag lot shall be prohibited.
- (d) A home on a flag lot must meet all setbacks within the "flag" portion of the lot, not including the "pole" portion of the lot.



**STAFF REPORT
SPECIAL USE PERMIT**
Jeremiah and Andrea Kirkland
Planning Commission
September 6, 2023

General Information:

Processing schedule:	The Planning Commission set this proposal for a public hearing for the August 2 meeting. The public hearing was notified and advertised as required by law. A sign has been posted in the yard of the home in advance of the meeting, and since that time. The Planning Commission requested that staff review the proposal and provide conditions for the Special Use Permit, addressing the concerns of the Commission.
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Application Information:

Owner and Applicant:	Jeremiah and Andrea Kirkland
Requested Action:	Special Use Permit for Bed and Breakfast
Location:	146 N. Main Street
Tax Map Numbers:	96A4A 179
Existing Zoning:	R-2
Proposed Zoning:	R-2, with SUP for Bed and Breakfast
Existing land uses:	Single family residential
Comp. plan area:	Residential
Adjacent Zoning:	R-2

Summary of Request and Background Information:

The current Zoning Ordinance for the Town only allows bed and breakfasts (defined as less than 30 day occupancy, on the same property as the owner's residence) in the R-2 district with a Special Use Permit.

Jeremiah and Andrea Kirkland purchased this home in July, 2021. The home was originally designed as a duplex, with two doors in the front of the home. Each side contains two bedrooms. The home had a garage in the back of the property. There was damage to the garage, and the

Kirklands have sought to convert it to a studio apartment for rental as a bed and breakfast. They also have been renting one side of the duplex as a bed and breakfast.

By the current Zoning Ordinance in the Town, the duplex is a legal, conforming structure, and may be used as a home or long term rental. The use as a bed and breakfast requires an SUP.

The use of the previous garage structure for living space requires a change in the Ordinance regarding accessory dwelling units. Additionally, if there is an approval of the accessory dwelling unit ordinance, there will need to be clarification regarding how many bed and breakfast accommodations would be legal for the Kirklands on the lot.

Public Notice

The proposal was advertised for public hearing for two consecutive weeks, as required by State Code, and adjacent property owners received a public notice by certified mail, also as required by Code. The property had a sign placed on it for notice as well.

Consistency with the Comprehensive Plan and Zoning Ordinance:

The existing zoning of the lot is consistent with the use of the duplex and the SUP for a bed and breakfast. The use of the garage structure will require a change in the Code in order to allow it to be used for living space.

Citizen Comment:

There has been one citizen comment received about this proposal. A neighbor who received the adjacent notification expressed concern about the possible number of units, but was reassured that the SUP was only requested for the existing home and the garage structure.

Conclusion:

In general, the public has been very favorable in Town regarding bed and breakfast proposals. There have no complaints about the use by the Kirklands to date.

Staff recommends approval of the proposal. Based upon feedback from the Planning Commission, staff proposes the following possible conditions:

1. The Special Use Permit shall only apply to the use of the duplex unit as a bed and breakfast unit, and shall only apply to the garage structure if the living space is compliant with the Accessory Dwelling Unit zoning and Building Code requirements.
2. A maximum of two rental units shall be allowed on the property, and only if all dwelling units on the property meet zoning requirements.
3. The property owner shall live on the property while the short-term rental use is in effect.
4. If the property owner will not be home for the night while the property is being rented, they will have a responsible property manager on site for the night.
5. Quiet hours shall be from 10 p.m. to 7 a.m., consistent with the Town's adopted noise ordinance.
6. Occupancy in the duplex rental unit shall be limited to four people.

7. Occupancy in the garage unit shall be limited to two people.
8. Camping, overnight stays in RV's or other motor vehicles is prohibited.
9. All guest parking must be off street parking.

Accessory Dwelling Unit Examples:

- **Sec. xx.xx- Dwellings units accessory to single-household residences.**

Dwellings units, which include guest houses, garage apartments, additional dwellings within a home, mother-in law dwellings, and other residential accommodations, may be established accessory to a single-household residence either in the principal dwelling or as a detached accessory structure subject to the following provisions:

(a) Accessory dwelling units within the home shall retain the appearance of a single-household residence, or be located in an accessory structure located in the rear yard and outside the required setback lines for principal structures.

(b) The number of dwellings shall not exceed the limits established in the applicable zoning district.

(c) One additional accessory dwelling may be allowed above the limits established in the applicable zoning ordinance, if the additional unit meets the area requirements for subdivision for the district, meets all primary dwelling setbacks, and meets the requirements for water and wastewater provision.

(d)(d) Accessory dwellings shall comply with all applicable parking, building coverage and density requirements.

(e) No lot shall contain more than two accessory dwellings, for a total of three dwellings on a lot.

(f) Before a zoning certificate will be issued for development of an accessory dwelling unit, acceptable provision for water and wastewater must be obtained.