

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, December 4, 2024 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 November 6th, 2024 meeting minutes** – *Chair- The minutes of the November 6th, meeting are attached.*
5. **Public Hearing: Stuart Johnson/End of Vista Drive-** *Stuart Johnson is applying for a rezoning from A-1 to R-1 on 3.47 acres at the end of Vista Drive. A public hearing has been set and notified for this meeting. Staff recommends the Commission hold the public hearing and consider the request.*
6. **Public Hearing: Substantial Accord for Amherst Mountain Biking Club at Brockman Park-** *The Amherst Mountain Biking Club has requested the ability to create additional trails at the Brockman Industrial Park. The Economic Development Authority has heard this request and recommends approval. A public hearing has been set and advertised for a determination of substantial accord with the Comprehensive Plan. Staff recommends that the Commission consider this request, and if satisfied, recommends a finding of substantial accord. The request then goes to the Council for validation of the finding and a public hearing for the lease.*
7. **Discussion: Proposed Sign Ordinance-** *Staff has brought forward a revised Sign Ordinance for the Commission’s consideration. At the last meeting, the Commission specifically requested that the Ordinance be comprehensively reviewed. At this meeting, we will review the sections, “Signs authorized by special use permit”, “Sign districts,” and “Signs prohibited in all sign districts.”*
8. **Concerns of Commissioners**
9. **Adjournment**

**Town of Amherst Planning Commission
Minutes
November 6, 2024**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on November 6, 2024, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	Michael Driskill
P	William Jones	P	John Vandervelde
P	Anne Webster Day	P	Veda Butcher
P	Clifford Hart		

Town Manager Sara McGuffin was present. Clerk of Council Vicki K. Hunt, in her capacity as Secretary, was also present.

The Chair opened the floor for citizen comments.

Anna Ware, Town of Amherst resident, came forward on behalf of the Amherst Mountain Biking Club and spoke in support of permission to use additional land at Brockman Industrial Park for more bike trails.

There being no one else listed to speak on the citizen comment sign-in sheet, or otherwise, no comments were made.

Mr. Hart made a motion that was seconded by Mr. Driskill to approve the minutes of the October 2, 2024, meeting.

There being no discussion the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Michael Driskill	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

Town Manager McGuffin gave a report on an application received by Stuart Johnson to rezone 3.47 acres located at the end of Vista Drive in the Town of Amherst, Virginia, Tax Map Nos 82-A-47 and 96A-1-1-36, 33, from A-1 to R-1. Staff recommends that a public hearing be set on the request to rezone.

Mr. Vandervelde made a motion that was seconded by Mr. Jones to set a public hearing on December 4, 2024, on an application to rezone 3.47 acres located at the end of Vista Drive, Tax Map Nos. 82-A-47 and 96A-1-1-36, 33 from A-1 to R-1.

There being no discussion, the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Michael Driskill	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

Town Manager McGuffin gave a report on Amherst Mountain Biking Club’s request to allow areas of Brockman Industrial Park to be used as a trail system that would include beginner, intermediate and advanced bike trails. At its meeting on October 7, 2024, the Economic Development Authority heard the request and recommended approval. Staff requested that the Planning Commission set a public hearing for a determination of substantial accord with the Comprehensive Plan.

Mr. Hart made a motion that was seconded by Mr. Driskill to set a public hearing on December 4, 2024, on determination of a substantial accord with the Town’s Comprehensive Plan that would allow portions of Brockman Park to be used as a trail system.

After discussion, the motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Michael Driskill	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

Town Manager McGuffin gave a report on proposed amendments to the sign ordinance pertaining to signs exempt from a permit.

After discussion, Town Manager McGuffin was directed to make revisions. No further action was taken by the Commission and the matter was deferred.

There being no further business, on motion of Mr. Vandervele, seconded by Mr. Driskill, and carried 7-0, the meeting adjourned at 8:03 PM, according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Michael Driskill	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Aye
Clifford Hart	Aye			

June Driskill, Chairperson

Attest: _____



**STAFF REPORT
REZONING**
Stuart Johnson
Planning Commission Public Hearing

General Information:

Processing schedule: The Planning Commission set a public hearing for this request at their November 6, 2024 meeting. The public hearing will be held on December 4, 2024. After the public hearing, the Planning Commission may continue their deliberations or forward the proposal onto the Town council with a recommendation.

Application Information:

Owner:	Samuel Masie Estate
Applicant:	Stuart Johnson
Requested Action:	Rezoning from A-1 to R-1
Location:	End of Vista Drive
Existing Zoning:	A-1
Proposed Zoning:	R-1
Existing land uses:	Vacant
Comp. plan area:	Residential

Summary of Request and Background Information:

Stuart and Jennifer Johnson live adjacent to the subject property, though their property is addressed from Lexington Turnpike (they are located behind Amherst Baptist Church). Mr. Johnson is interested in purchasing this property to create three building lots and also allow for an access to his home from Vista Drive.

In order to divide the property, Mr. Johnson would need to rezone the property to a residential category in order to meet building lot requirements. The designation to R-1 matches the adjacent neighborhood and would create building lots consistent with the surrounding community.

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, also as required by Code. The property had a sign placed on it for notice as well.

Consistency with the Comprehensive Plan:

The Comprehensive Plan reflects the current zoning, however, the language of the Plan validates the additional residential units in the area, as does the existing water and sewer infrastructure.

Consistency with the Zoning Ordinance:

The proposed use of the subject property is compatible with surrounding zoning and the intent of the district.

Citizen Comment:

There has not yet been any citizen comments.

Conclusion:

The proposed use in this area is compliance with the Comprehensive Plan and the intent of the R-1 district. Staff recommends approval of the proposal.

Recommendation:

Staff recommends approval of the proposal. Should there be concerns from the public regarding aspects of the use, staff recommends that the Commission hear these concerns and hold the application over to next month's meeting so that they can be addressed.



DATE 10-24-2024

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

APPLICANT
ADDRESS

Stuart D Johnson OWNER
Po Box 1071 ADDRESS

Estate of Samuel P Moss
127 Vista Dr

CITY
TELEPHONE NO.

Amherst VA CITY
434-660-1154 TELEPHONE NO

Amherst VA 24521
942-7603

REPRESENTATIVE

Stuart D Johnson

ADDRESS

Po Box 1071

CITY

Amherst

TELEPHONE NO.

660-1154

LOCATION OF REQUEST

end Vista Dr.

TAX MAP NO.

82-A-47, 96A-1-1-B6, 33

LOT AREA

3.47 acres total

EXISTING ZONING

A-1

PROPOSED ZONING

R-1

STATEMENT BY APPLICANT

wish to rezone the 2 parcels

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]
Signature of Applicant

10-15-24
Date

PLANNING COMMISSION PUBLIC HEARING

Time

Date

PLANNING COMMISSION ACTION

Zoning Administrator

Date

TOWN COUNCIL PUBLIC HEARING

Time

Date

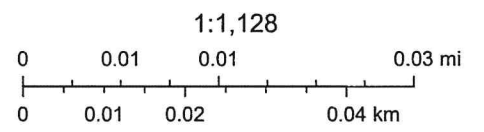
TOWN COUNCIL ACTION

Clerk of Council

Date



October 15, 2024



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
96A1-1-A22	163 Vista Dr	Richard M Wydner	PO Box 436 Amherst VA 24521
96A1-1-A (82)	160 Vista Dr Amherst VA	Terry H Jones	160 Vista Dr Amherst VA 24521
82-A-46C	138 Vista Amherst VA	Stephen + Michelle LeVine	138 Vista Dr. Amherst VA
82-A-48	293 Ridge Dr	Sarah Myers	1366 Turkey Hill Rd Lexington VA 24450
96A1-A-2	234 Lexington Turnpike	Stuart + Jennifer Johnson	PO Box 1071 Amherst
82-A-47		Sally Glynn, Ann Addison, Elizabeth massie + Samuel massie	127 Vista Dr 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.



DATE 10-24-2024

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

Property Owner	<u>Estate of Samuel P Massie</u>
Company	
P.O. Box	<u>127 Vista Dr</u>
City, State, Zip	<u>Amherst VA 24521</u>
E-mail Address	
Telephone	<u>434-942-7603</u>
Fax	

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

Deed Book/Page Number	
Tax Map Number	<u>96A1-1-B 6,33 82-A-47</u>
Street Address	
Other Description	<u>WL 240000102</u>

and that I hereby make, constitute and appoint:

Representative	<u>Stuart D Johnson</u>
Company	
P.O. Box	<u>1071</u>
City, State, Zip	<u>Amherst VA 24521</u>
E-mail Address	<u>stuart.johnson@CSEonline.net</u>
Telephone	<u>434-660-1154</u>
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.

Lewis C. Addison, Esq. (SEAL)
Owner

STATE OF VIRGINIA AT LARGE, TO WIT:
CITY/COUNTY OF Amherst

I, Joy Williams Long, a Notary Public in and for the State of Virginia At Large do hereby certify that Lewis C. Addison signed the foregoing instrument before me this 24th day of October, 2024.

My Commission Expires: 11-30-2026

Joy Williams Long
Notary Public

JOY WILLIAMS LONG
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7769351
My Commission Expires 11-30-2026



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town of Amherst Planning Commission
From: Sara McGuffin
Date: November 20, 2024
Re: Substantial Accord for AMBC use of Brockman Park for trails

Background: The Amherst Mountain Biking Club is seeking to use a portion of Brockman Park for multi-use trails. A map is attached that shows the generalized location of their proposal. The Economic Development Authority, as the steward of Brockman Park, has approved this concept, and suggests that the Town move forward with a lease. The next step in the process is a determination of ‘substantial accord.’

Substantial Accord: State Code requires that any public facility be found to be “substantially in accord” with the adopted Comprehensive Plan. The determination is made by the Planning Commission, and procedurally is then accepted or rejected by the elected body. A public hearing may be held, but is not required.

From State Code:

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § [56-265.1](#) within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § [15.2-2204](#). Following the adoption of the

Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § [33.2-353](#) and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

The Comprehensive Plan: The Comprehensive Plan does not specifically address the provision of any additional recreations uses in the Town. Therefore, a finding of ‘substantial accord’ must be made based upon the language and context of the Plan.

The Plan does specifically say in the Parks and Recreation section:

Although the Town of Amherst does not have a recreation program as such, it supports other public agencies and private for-profit and non-profit initiatives that will promote recreational activities in the greater Town of Amherst area. The Town’s policy is to work with such groups to provide adequate and diversified recreational opportunities for the enjoyment of residents of all age groups and income levels. To aid in satisfying the recreation needs of its residents, the Town will endeavor to:

- Reserve open space in areas of expected population concentrations;
- Encourage, but control, commercial recreational facilities;
- Plan for the development of a community center; and
- Work with civic organizations to hold community activities of interest to Town residents.

Following are initiatives that the Town is pursuing or will pursue in the near future:

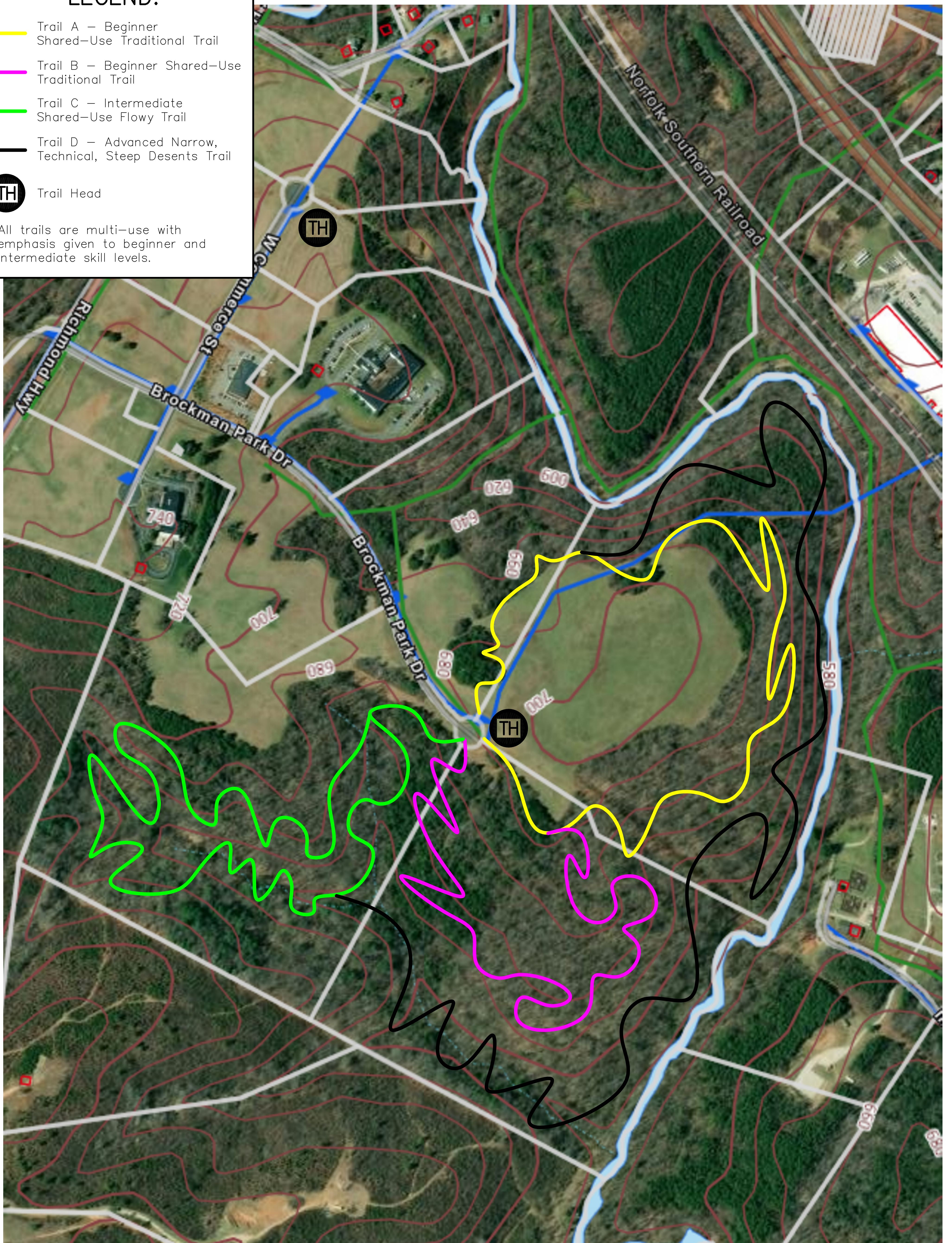
- Expansion of the sidewalk system along U.S. Route 60 from the traffic circle to the Town’s eastern corporate limits as funding becomes available;
- Development of bicycle accommodations along Main Street; and
- Connections of the Town’s sidewalk to the Sweet Briar College trail system.

Recommendation: Staff recommends a finding of substantial accord for this proposed facility. The AMBC is supportive of future use of Brockman Park and the lease will address the need to allow for the industrial use of the Park, should it come into conflict with the proposed trails.

LEGEND:

- Trail A – Beginner Shared–Use Traditional Trail
- Trail B – Beginner Shared–Use Traditional Trail
- Trail C – Intermediate Shared–Use Flowy Trail
- Trail D – Advanced Narrow, Technical, Steep Desents Trail
-  Trail Head

All trails are multi–use with emphasis given to beginner and intermediate skill levels.



**AMHERST MOUNTAIN BIKE CLUB
RUTLEDGE CREEK TRAIL SYSTEM
PHASE 2 – CONCEPTUAL PLAN**

L. Barnes Brockman, Sr. Business and Industrial Park
Amherst...a small town with big dreams and big potential!!

