TOWN OF AMHERST PLANNING COMMISSION
Wednesday, August 1, 2018
7:00 P.M.
AGENDA

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

2. **Determination of Quorum**

3. **Approval of June 6, 2018 meeting minutes –** *The minutes of the June 6, 2018 meeting are attached.*

4. **Possible Special Use Permit for Brockman Building –** *Jet Diesel Performance, currently located in the county, is considering relocating to the older of the two Brockman buildings. The owner would like to hear from the Commission regarding possible conditions that would be imposed during the Special Use Permit process.*

5. **Possible Code Amendment to 601.01-** *Staff would like to review with the Commission the current language regarding non-conforming lots, and ensure that the language meets the intent of the Commission. The issue has come forward due to a vacant lot for sale on Sunset Drive.*

6. **Site Plan Review for the Amherst Mill/Lazy River LLC-** *Staff is working with the applicant to have a draft site plan for the Commission's review at this meeting.*

7. **Substantial Accord Determination-** *The Town has a contract to purchase a building at 127 West Court Street for a police station. The Planning Commission is requested to make a determination of whether the site is 'substantially in accord with the Comprehensive Plan,' per State Code 15.2-2232.*

8. **Other Matters**

9. **Concerns of Commissioners**

10. **Adjournment**

Town of Amherst
Planning Commission Minutes
June 6, 2018

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 7:00 PM on June 6, 2018.

It was noted that one seat on the Planning Commission is vacant and that a quorum was present as indicated below:

P	Kevin Belcher	P	William Jones
P	June Driskill	A	Kenneth Bunch
P	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 March 7, 2018, Commission meeting were approved on a motion by Mr. Finney seconded by Mr. Hart and carried 5-0-1 according to the following:

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

Purchase of 7.7 Acre Parcel for Town Park

After noting that §15.2-2232 of the Code of Virginia indicates that no public utility facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof, and in connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing after notice, the Town Manager reported that the Town has entered into a contract to purchase a 7.7 acre parcel of land connected to the redevelopment of the old mill that would be suitable for a Town owned park offered to the Town for $35,000.

After discussion, Mr. Jones made a motion that was seconded by Mr. Finney that the commission determines that the proposed 7.7 acre parcel of land connected to the redevelopment of the old mill is found to be substantially in accord with the adopted Town of Amherst Comprehensive Plan and agreed to recommend that the Town Council purchase the proposed 7.7 acre parcel of land as recommended by staff and that council pay particular close attention to concerns by citizens pertaining to roadway conditions, appearance and ingress and egress to the proposed park.

The motion carried 5-0-1 according to the following:

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

FOR APPROVAL

Sign Ordinance

Noting the effects of *Reed v. Town of Gilbert* (576 U.S., June 2015), on sign ordinances and how cities and towns must comply with the Supreme Court ruling, Town Manager Carter gave an oral report on a proposed new sign ordinance. After discussion, Town Manager Carter was directed to make further revisions to the proposed new sign ordinance for consideration by the Commission. Further discussion on revisions to the sign ordinance is deferred to the July meeting.

There being no further business, on motion of Mr. Finney seconded by Mr. Belcher and carried 5-0-1 the meeting adjourned at 8:22 PM.

_____

June Driskill, Chairperson

Attest: _____

FOR APPROVAL

Sec. 18.1-601.01 Lots of record.

Where a lot of record at the time of enactment of this ordinance does not contain land of sufficient area or width to permit conformity with dimensional requirements of this ordinance, the following provisions shall apply:

1. When two or more adjoining and vacant lots with continuous frontage are in single ownership at the time of enactment of this ordinance or amendments thereto, and each of such lots has width or lot area less than is required by the district in which it is located, such lot shall be platted and reparcelled so as to create one or more lots which conform to the minimum lot width and area requirements of the district.

2. Where a single nonconforming lot of record at the time of enactment or amendment of this ordinance is not of continuous frontage with other lots in the same ownership, such lot may be used as a building site, provided that yard dimensions, and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through an appeal to the board of appeals, as outlined in Section 1008 herein.

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 Carter

Date: July 28, 2018

Re: Substantial Accord Process for Police Station

Background: The Town Council has expressed interest in finding property that would be suitable for a Police Department. An opportunity was made available to the Town to purchase the building at 127 West Court Street, currently owned by Skippy and Phyllis Brown, and in use as Charlie's Chicken. The building is approximately 2000 square feet, with a full basement, and has ample parking. It is currently used as a restaurant, and is zoned for business. The property has been offered to the Town for $195,000.

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:

> 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 address the provision of any additional public facilities in the Town.

Recommendation: Staff recommends a finding of substantial accord for this proposed facility. It is within an area designated for business development, and is extremely convenient to Town Hall.

Attachments: Sales Contract
Location map of the proposed facility

THIS CONTRACT OF SALE, made and entered into this 13th day of July, 2018, by and between CHARLES R. BROWN and PHYLLIS B. BROWN, hereinafter known as "Seller(s)", and TOWN OF AMHERST, a Virginia Municipality hereinafter known as the "Purchaser(s)".

WITNESSETH

THAT for and in consideration of the sum of Ten Dollars ($10.00), by cash in hand paid, receipt of which is hereby acknowledged, the Purchasers agree to buy and the Sellers agree to sell for the sum of ONE HUNDRED AND NINTY THOUSAND AND NO/100 DOLLARS $190,000.00 that certain lot or parcel of land described as follows, to-wit:

> All that certain lot of land, together with all buildings, fixtures and improvements thereon and rights, privileges and appurtenances thereunto belonging, lying in the Courthouse District of Amherst County, Virginia located within the Town of Amherst and more particularly described as:
>
> See Attached Schedule A

The purchase price is to be paid as follows:

$ 1,000.00 Deposit with Attorney
$189,000.00 Additional needed at closing
$190,000.00 Total purchase price

The Sellers agree to convey the above property with a General Warranty Deed with the usual covenants of title, same to be prepared at the expense of the Seller(s). The Sellers agree by their signatures(s) below to bind this contract for his/hers/their heirs, personal representatives(s) and successors in title.

The risk of loss or damage to said property by fire or other casualty until the deed of conveyance is recorded is assumed by the Sellers.

All taxes, insurance, rents or interest are to be prorated as of the date of closing. Settlement to be made at the office of the Purchaser's attorney on or about August 9th, 2018 or as soon thereafter as title can be examined and papers prepared, allowing a reasonable time to correct any defects reported by the title examiner. Seller and Purchaser responsible for the respective legal fees and recording cost. Seller responsible for preparation of deed.

It is understood that the title is to be free and clear of all liens and indebtedness of every kind.

It is understood that the property is to be conveyed subject to any restrictions now thereon.

The following contingencies are to be met before or at closing:

1. Purchaser must obtain approval by Town Council and complete government process requirements to acquire real property (to include appraisal).

Purchaser should note that Virginia Law (Section 43-1, et seq.) permits persons who have performed labor or furnished materials for the construction, removal, repair or improvements of any building or structure to file a lien against the property. This lien may be filed at any time after the work is commenced or the material is furnished, but not later than the earlier of (i) 90 days from the last day of the month in which the lien or last performed work or furnished materials or (ii) 90 days from the time the construction, removal, repair or improvement is terminated. AN EFFECTIVE LIEN FOR WORK PERFORMED PRIOR TO THE DATE OF SETTLEMENT MAY BE FILED AFTER SETTLEMENT. LEGAL COUNSEL SHOULD BE CONSULTED.

Choice of Settlement Agent: You have the right to select a settlement agent to handle the closing of this transaction. The settlement agent's role in closing your transaction involves the coordination of numerous administrative and clerical functions relating to the collection of documents and the collection and disbursement of funds required to carry out the terms of the contract between the parties. If part of the purchase price is financed, your lender will instruct the settlement agent as to the signing and recording of loan documents and the disbursement of loan proceeds. No settlement agent can provide legal advice to any party to the transaction except a settlement agent who is engaged in the private practice of law in Virginia and who has been retained or engaged by a party to the transaction for the purpose of providing legal services to that party.

The owner(s) make no representations with respect to any matters which may pertain to parcels adjacent to the subject property. You should exercise whatever due diligence you deem necessary with respect to adjacent parcels in accordance with the terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement. You should exercise whatever due diligence you deem necessary with respect to information on any sexual offenders registered under Chapter 23 (Section 19.2-387 et. seq.) of title 19.2, whether the owner proceeds under subdivision 1 or 2 of subsection A of Section 55.519. Such information may be obtained by contacting your local Police Department or the Department of State Police, Central Crime Report Exchange, at (804) 674-2000.

WITNESS, the following signatures and seals:

Charles R. Brown (SEAL)
Charles R. Brown

STATE OF Virginia
CITY/COUNTY OF Amherst to-wit:

The foregoing instrument was acknowledged before me this 13th day of July, 2018 by Charles R. Brown.

NOTARY PUBLIC

My commission expires: 1/31/2022
My Registration No.: 7766163

SARA ELIZABETH CARTER
NOTARY PUBLIC
REGISTRATION # 7766163
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2022

Phyllis B. Brown (SEAL)
Phyllis B. Brown

STATE OF Virginia
CITY/COUNTY OF Amherst to-wit:

The foregoing instrument was acknowledged before me this 13th day of July, 2018 by Phyllis B. Brown.

NOTARY PUBLIC

My commission expires: 1/31/2022
My Registration No.: 7766163

SARA ELIZABETH CARTER
NOTARY PUBLIC
REGISTRATION # 7766163
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2022

(SEAL)
Town of Amherst, a Virginia Municipality
By its Mayor

STATE OF Virginia
CITY/COUNTY OF Amherst to-wit:

The foregoing instrument was acknowledged before me this 13th day of July, 2018 by Town of Amherst, a Virginia Municipality.

NOTARY PUBLIC

My commission expires: 1/31/2022
My Registration No.: 7766163

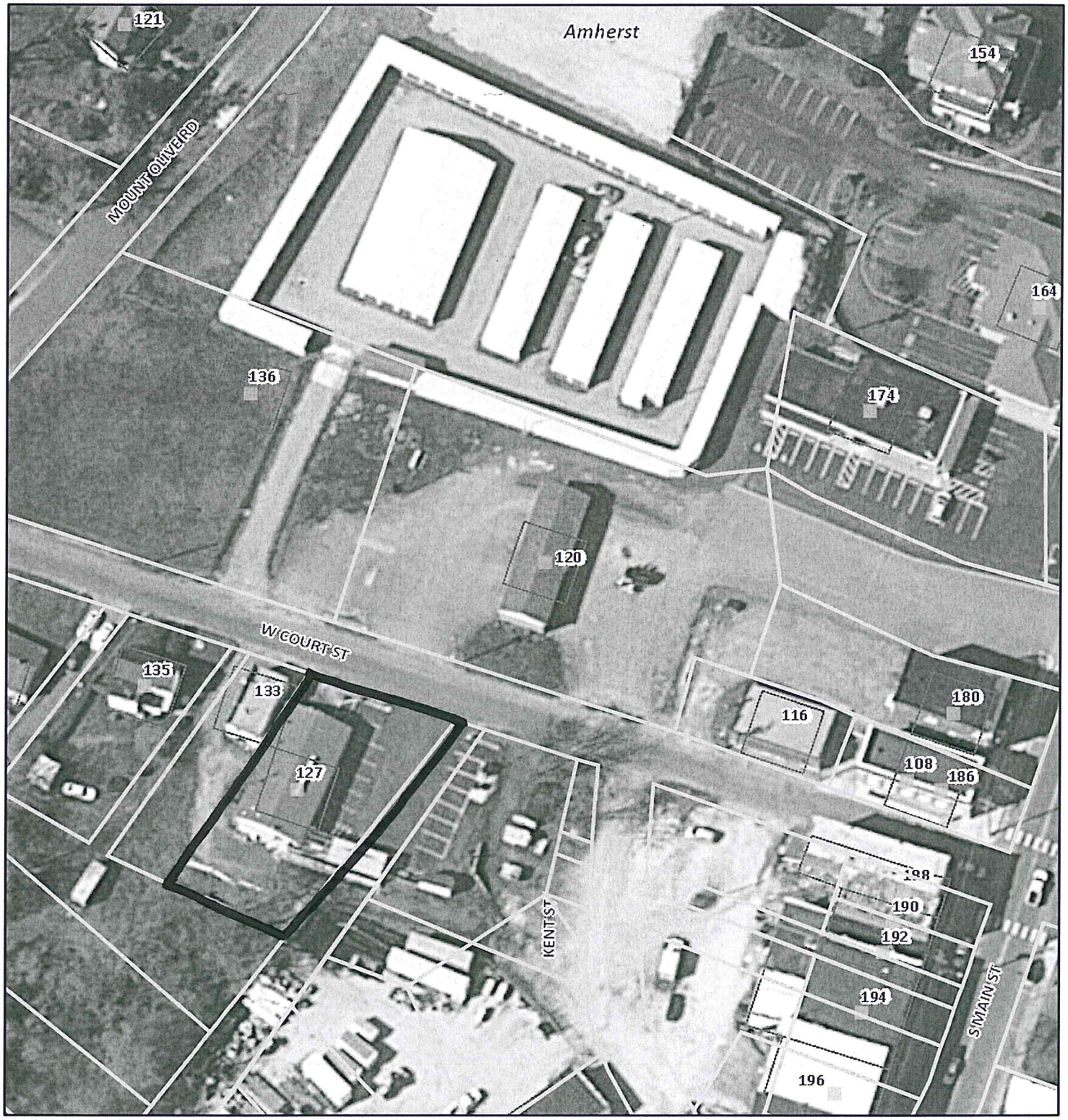
SARA ELIZABETH CARTER
NOTARY PUBLIC
REGISTRATION # 7766163
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2022

Schedule A

Those two certain lots or parcels of land situated in the Town of Amherst, Virginia on West Court Street (formerly Needmore Avenue) fronting 71 feet on West Court Street and running back between parallel lines 160 feet, and being designated as Lot #2 and #3 on a Plat entitled "Property Showing Subdivision for J. R. Goodwin at Amherst", by T. W. Saunders, S.A.C., 1948, which said Plat is recorded in the Circuit Court Clerk's Office of Amherst County along with the deed from J. R. Goodwin to Lonnie Higginbotham, dated March 18, 1948, and recorded in Deed Book 136, page 364-366, to which reference is hereto made for a more particular description.

Being the same property conveyed unto Charles R. Brown and Phyllis B. Brown by deed from Richard P. Cunningham, dated March 23, 1984 and recorded in the aforesaid Clerk's Office in Deed Book 505, page 96.

Tax Map No. 96A4-2-3



July 28, 2018

1:1,129

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

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