

***Campbell County Planning Commission
Minutes
December 28, 2009***

The regular meeting of the Campbell County Planning Commission was held on Monday, December 28, 2009, in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

- Patrick H. Tweedy, Chairman, Presiding
- Richard O. Metz, Vice-Chairman
- William E. Calohan, III, Secretary
- Dennis P. Rosser
- Mark Roberts
- Alice Smith
- John Thilking
- J. D. Puckett, Board of Supervisor Representative

Staff Members present:

- Paul E. Harvey, Community Development Director
- Sandra M. Shackelford, Planner
- Christin R. Elliott, Staff Secretary

// Chairman Tweedy called the meeting to order at 7:00 p.m. and Commissioner Rosser opened with invocation.

// The minutes from the regular meeting held on, November 23, 2009 were submitted for consideration. A motion was made by Commissioner Calohan to approve the November 23, 2009 meeting minutes. Commissioner Metz seconded the motion. The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None.

// **PUBLIC HEARINGS FOR CONSIDERATION:**

// **Public Hearing Request #10-00723**

// This request is from Rose Webb, agent for Family Life Christian Church, for a special use permit to install a sign that is 8 feet tall and 12 feet wide which is larger than that allowed by right on property zoned R-SF. The property is located at 294 Smith Road in the Timberlake Election district. The applicants would like to install a sign that is 8 feet tall and 12 feet wide (96 square feet) at the portion of the property fronting on Timberlake Road (between Turnpike Drive and Rowse Drive). Churches are allowed a sign up to 32 square feet on property zoned R-SF. Signs exceeding the maximum limits require a special use permit. The area is mixed use in nature. Zoning in the vicinity is Residential – Single Family (R-SF), Residential-Multi-Family (R-MF), Business-General Commercial

- (B-GC), and Business-Heavy Commercial (B-HC). The property does not lie within any FEMA 100-yr. flood plains. The area can currently be accessed from Smith Road (average daily traffic count 300 vehicles); another entrance is planned off of Timberlake Road where the proposed sign would be installed (average daily traffic county 16,000). The request should have a minimal impact on daily traffic counts; no traffic study is required. There is public water and public sewer on the property. The Planning Commission may recommend, and the Board of Supervisors may impose any reasonable conditions upon approval of the permit. Staff recommends the following condition: 1) the applicant adheres to the guidelines described in the narrative dated November 17, 2009. The property is located in an area designated to remain medium to high density commercial along Timberlake Road and medium to high density residential farther away from Timberlake Road. The request is generally consistent with the Comprehensive Plan.
- // Mia Johnson, 105 Temple Circle, Lynchburg and Darrell Whitten, 102 Winesap Drive Lynchburg were present to represent the request. Mr. Whitten stated there is no sign at the entrance now and the requested sign would be 8' x 12'. Ms. Johnson stated the sign would be visible at the entrance since the church is not visible from the road.
- // Commissioner Thilking asked Mr. Johnson if the proposed sign would be illuminated. Mr. Johnson advised the sign would be lit. Commissioner Tweedy asked why the allowable sign size would not work. Ms. Johnson stated the allowable sign size is just too small.
- // The following were present to speak in favor of the proposal:
- // Curtis Webb, owner of Bruce Signs, 126 Golf Course Trail, Amherst – Mr. Webb stated the proposed sign may sound quite large, but when installed it will not appear quite as big. The proposed sign is needed for good visibility on Timberlake Road and will not be as large as the 200 square foot sign at Tree of Life on Greenview Road, which he also installed.
- // There was no one present to speak against the proposal.
- // The public hearing was closed at 7:10 p.m.
- // Commissioner Tweedy stated he did not have a problem with the sign for the church but did not want to see additional signs cluttering Timberlake Road. Commissioner Smith visited the site and felt there is enough road frontage for the sign to be reasonable. Commissioner Tweedy questioned how far off Timberlake Road the sign would be installed. Staff advised it would be 20' off the road. Commissioner Thilking questioned if it wouldn't be more visible further off the road.
- // Commissioner Smith motioned to approve request from Family Life Christian Church for a special use permit as requested with conditions the applicants adhere to the guidelines in the November 17, 2009 narrative. Commissioner Thilking seconded the motion. The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None

// **Public Hearing Request #10-00731**

// This request is from Sam Falwell, trustee for Falwell Family Trust, for a special use permit to keep up to four horses. The property is located at 353 London Terrace, Evington in the Altavista Election district. The applicants would like to keep up to four horses on the property for personal enjoyment. The area is rural in nature and zoning in the vicinity is Residential – Single Family (R-SF) and Agricultural (A-1). The property does not lie within any FEMA 100-yr. flood plains. The area can currently be accessed from London Terrace (average daily traffic 47 vehicles). The request should have a minimal impact on daily traffic counts; no traffic study is required. The area is accessed by private water and a private septic system. The Planning Commission may recommend, and the Board of Supervisors may impose any reasonable conditions upon approval of the permit. Staff recommends the following condition: 1) the applicant adheres to the guidelines described in the narrative dated November 19, 2009. The property is located in an area designated as transitional. The request is generally consistent with the Comprehensive Plan.

// David Hawkins was present to represent the request for Mr. Falwell. Mr. Hawkins stated the property in question was agricultural and rezoned to residential. One resident currently has horses on their property and Mr. Falwell's request for having horses on the property in question is for personal enjoyment.

// Commissioner Tweedy asked if the barn currently on the property would be used. Mr. Hawkins advised it would. Commissioner Calohan stated according to the aerial map there are two properties in question. Staff advised Mr. Falwell could have up to four horses between the two properties. Commissioner Roberts asked if Mr. Falwell lived at 353 London Terrace Road and noted there was a for sale sign on the property. Mr. Hawkins stated Mr. Falwell did live there and the property had been for sale but he was unsure if it is still up for sale now. Commissioner Roberts questioned staff on special use permits only being issued to the property owner. Mr. Harvey advised a new owner could carry over the special use permit if being used in the same fashion, but any alterations would have to come before the Planning Commission.

// There was no one present to speak in favor or against the request.

// The public hearing was closed at 7:22 p.m.

// Commissioner Rosser motioned to approve to the Board of Supervisors #10-00731, request by Sam Falwell for Falwell Family Trust to keep up to four horses for personal enjoyment based on narrative dated November 19, 2009. Commissioner Calohan seconded the motion.

The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None

// **Public Hearing Request #10-00745**

// This request is to rezone 15.60 +/- acres from Agricultural (A-1) to Residential – Single Family (R-SF) to subdivide for use as single family dwellings. The property is adjacent to

492 Leewood Road between Leewood Road and Lynch Mill Road in Lynch Station in the Altavista Election district. The client wants to rezone 15.6 of the 50.44+/- acres to Residential – Single Family (R-SF) and subdivide for use as a single-family residential subdivision. The subdivision has already been approved by the Planning Commission. After the subdivision was approved and the final survey was being prepared for final approval, the surveyor realized one of the lots lacked the necessary road frontage to permit the subdivision as proposed. The area is rural in nature, but on the fringe of a residential area. Zoning in the vicinity is Agricultural (A-1), Residential – Single Family (R-SF), and Residential – Multi Family (R-MF). No FEMA 100-yr. flood plains are located on the property. The property is accessed from Leewood Road (average daily traffic 90 vehicles) and Lynch Mill Road (average daily traffic count 1,800 vehicles). The request will not significantly impact the traffic flow and a traffic impact analysis is not required. The property will be served with private well and septic systems. No proffers have been submitted. The applicants have submitted additional restriction on the face of the plat, but these potential deed restrictions are separate from proffers and the Zoning Office will have no authority to enforce them. The property is located in an area designated as medium to high density residential. This request is generally consistent with the Comprehensive Plan.

// There was no one present to represent the request.

// The request will be delayed until the January meeting.

// **Public Hearing Request #10-00755**

// This request is from Kristin Steele, agent for Lynchburg Church of Christ, for a special use permit to operate a day care and after school program. The property is 19550 Leesville Road in the Sunburst Election district. The applicants would like to operate a day care and after school program from the church facilities. The center will open no earlier than 6:30 a.m. and close at 6:00 p.m. Monday – Friday. The area is residential in nature. Zoning in the vicinity is Residential – Multi Family (R-MF) and Residential-Single Family (R-SF). The property does not lie within any FEMA 100-yr. flood plains. The area can currently be accessed from Leesville Road (average daily traffic 9,000 vehicles). This request may have a small impact on daily traffic counts; no traffic study is required. There is public water and a private septic system on the property. The Planning Commission may recommend and the Board of Supervisors may impose any reasonable conditions upon approval of the permit. Staff recommends the following condition: 1) the applicant adheres to the guidelines described in the narrative dated November 30, 2009 and 2) the applicant receives approval form the Building Official to occupy the space as a daycare center. The property is located in an area designated as medium to high density commercial along Leesville Road and medium to high-density residential farther away from Leesville Road. The request is generally consistent with the Comprehensive Plan.

// Kristin Steele, 64 Valentine Drive, Lynch Station was present to represent the request. Ms. Steele stated she would like to open a day care center at the church for approximately 30-35 children. She has been with the building officials and they have discussed the square footage to determine the number of children she would be able to keep in each room. Ms. Steele also stated she is working with Social Services on her licensure. She

would also like to start an after school program within a year of opening the day care facility.

// Commissioner Thilking stated the submitted building plan showed a new addition. Ms. Steele advised the plan submitted was the most current available it was from the last addition completed at the church. There is no addition being planned in order to open the facility, whereas she will only use the existing structure.

// There was no one present to speak in favor or against the request.

// Commissioner Thilking has looked at the property it felt it has a nice layout for a daycare facility. He stated there is adequate parking and it is handicap accessible. Commissioner Rosser questioned the narrative regarding the guidelines. Staff advised whichever set of guidelines were more strict would be the ones to take precedent.

// Commissioner Thilking motioned to approve Special Use Request #10-00755 as long as the applicant adheres to the guidelines in the narrative or County code, whichever is more applicable and the applicant also receive approval from the building code officials based on good zoning practices and general welfare. Commissioner Smith seconded the motion. The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None

// **SUBDIVISION MATTERS FOR CONSIDERATION:**

// There were no subdivision matters for consideration.

// **MATTERS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

// Community Development offices have moved across the street to the new County building.

// **MATTERS FROM THE PLANNER**

// There were no matters from the Planner.

// **MATTERS FROM THE COMMISSIONERS**

// All Commissioners plan to be in attendance for the January 25, 2010 meeting.

// A discussion was held regarding election of officers as submitted by Commissioner Calohan.

// Commissioner Calohan proposed an automatic, rotational system to select Planning Commission officers each year. This system is used by the Board of Supervisors and has worked well. This system rotates by district with a preset order. He suggested the same rotation used by the Board, but with a different starting point. This would avoid Board and PC officers being from the same District at the same time. Commissioner Calohan suggested starting the rotation with the Concord District. This would make the current

Vice-Chair Richard Metz next years Chairman. This would be followed by Brookneal (2010 V-Chair), Rustburg (2010 Secretary), Timberlake, Seneca, Sunburst and Altavista. The Seneca District Supervisor would become Chairman next year. This staggers the starting point by 4 years. He also recommended a 2-years of service requirement to be chairman. Commissioner Roberts, potentially 2011 chair will have met this minimum. If a Commissioner does not meet this test, the rotation would move forward 1 notch.

Commissioner Calohan received feedback from Commissioner Rosser asking that the Planning Commission Chairman and Board of Supervisors Chairman not be from the same election district. Commissioner Roberts was concerned whether this rotation would comply with the current bylaws. Commissioner Calohan stated this was only a nomination process and it would still require a vote, which would comply with the bylaws.

Commissioner Calohan also stated that the Commissioner in rotation should have the right to refuse the rotation, even though he was not personally in favor of the right to refusal. If a refusal did occur then the rotation would move up one notch further.

Commissioner Rosser thanked Commissioner Calohan for coming up with a game plan since a process has been discussed for years, but nothing had ever brought before the Commission.

- // Commissioner Calohan motioned to accept the rotation system as presented.
Commissioner Rosser seconded the motion.
The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None
- // The floor was opened for nominations for Chairman, Vice-Chairman and Secretary for the 2010 Planning Commission.
- // Commissioner Calohan nominated Commissioner Metz as Chairman. Commissioner Thilking seconded the motion.
The vote was: Aye- Tweedy, Calohan, Rosser, Smith, Thilking and Roberts.
Nay- None
Abstain- Metz
- // Commissioner Calohan nominated Commissioner Roberts as Vice-Chairman.
Commissioner Rosser seconded the motion.
The vote was: Aye- Tweedy, Metz, Calohan, Rosser, Smith, and Thilking.
Nay- None
Abstain- Roberts
- // Commissioner Rosser nominated Commissioner Calohan as Secretary. Commissioner Thilking seconded the motion.
The vote was: Aye- Tweedy, Metz, Rosser, Smith, Thilking and Roberts.
Nay- None
Abstain- Calohan

- // Commissioner Tweedy stated he had enjoyed being Chairman of the Commission and had enjoyed working with everyone in his role as Chairman. Commissioner Calohan thanked Commissioner Tweedy for his service.
- // Commissioner Metz recognized Supervisor Puckett for his tenure on the Planning Commission representing the Board of Supervisors.
- // Supervisor Puckett thanked the Commissioners for the important job they do. He stated he had enjoyed working with Commission over the past 4 years and the insight gained from the Planning Commission decisions were a great help to the decisions made by the Board of Supervisors.
- // On motion of Commissioner Tweedy, and duly adopted by unanimous vote the meeting was adjourned at 7:50 p.m.

Mr. Patrick Tweedy, Chairman

Mr. William Calohan, Secretary