

***Campbell County Planning Commission  
Minutes  
May 22, 2023***

The regular meeting of the Campbell County Planning Commission was held on Monday, May 22, 2023, in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

Michael S. Condrey  
Trish R. Hedges  
K. William Kirk  
Tom Lawton  
Dean Monroe  
Megan Witt  
Steve Shockley, Board of Supervisors Representative

Members Absent:

John Thilking

Staff Members present:

Paul E. Harvey, Community Development Director/Assistant County Administrator  
Austin R. Mitchell, Zoning and Subdivision Administrator II/Deputy Director  
Theresa P. Phillips, Staff Secretary

// Chairman Kirk called the meeting to order with the invocation followed by the Pledge of Allegiance at 7:00 p.m.

// Chairman Kirk asked for corrections or comments on the minutes from the April 24, 2023 meetings. With none, Chairman Kirk made the motion to approve the minutes from the April 24, 2023 meeting. Commissioner Monroe seconded the motion.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// Chairman Kirk opened the public hearing at 7:04 p.m., stating these public hearings would go before the Board of Supervisors at the July 18 meeting.

// **PL-23-091 (Amendment – Comprehensive Plan Land Use map)**

// Chairman Kirk made the motion to recommend approval of PL-23-091, to change to “Medium to High Density Mixed” which would allow for a rezoning request to the Residential – Multi Family zoning district to be in accordance with the Comprehensive Plan. These parcels are accessed from Leesville Road in the City of Lynchburg and the adjoining zoning in the city is Low Density Residential (R-1). Due to topography and

access, it is unlikely that these three (3) parcels would be developed for commercial uses. Commissioner Lawton seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated a letter was submitted by Accupoint Surveying & Design, LLC on behalf of Karl Miller Realty, LLC requesting an amendment to the Future Land Use Map for three (3) parcels from “Urban Development Area Commercial” to “Medium to High Density Residential” or “Medium to High Density Mixed”. The three (3) parcels are accessed by Leesville Road and Bud Drive through the City of Lynchburg. Adjoining parcels in the City of Lynchburg are designated as Low Density Residential in their Future Land Use Map and zoned Low Density Residential (R-1). The parcels in the County are currently zoned Business – General Commercial but are used for legal non-conforming residential uses since the uses on the properties existed prior to the enactment of the Zoning Ordinance. A rezoning to Residential – Multi Family is required to develop the property as desired by the requester. Urban Development Area Commercial designation in the Comprehensive Plan does not support a rezoning for residential uses. The Board of Supervisors authorized staff to expand the area of the request and move forward with a public hearing for a change in the Comprehensive Plan Land Use Map from “Urban Development Area Commercial” to “Medium to High Density Mixed” for the area between Airport Road, the Route 460 Bypass, and the City of Lynchburg/Campbell County boundary and outside the Airport Development Area Master Plan area at their meeting on March 7, 2023.

// Chairman Kirk opened the public hearing at 7:03 p.m.

// With no one present to speak in favor, Chairman Kirk asked those in opposition to come forward.

// Mr. Frank Vennero, 128 Mt. Sterling Drive, Lynchburg, stated he was concerned this would change his zoning and his taxes, fearing imminent domain.

// Mr. Austin Mitchell, verified this would not change his zoning.

// Chairman Kirk closed the public hearing at 7:06 p.m.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Witt  
Nay: None  
Absent: Thilking

// **PL-23-088 (Rezoning – 725 Leesville Road & 73 Bud Drive)**

// Chairman Kirk made the motion to recommend approval of PL-23-088, to rezone property located at 725 Leesville Road and 73 Bud Drive from Business – General Commercial to Residential – Multi Family in order to construct duplexes, stating good zoning. Commissioner Condrey seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Amy Seipp, Accupoint Surveying and Design LLC, 6200 Fort Avenue, Lynchburg, agent for HMS Legacy Holdings LLC to rezone property located at 725 Leesville Road and 73 Bud Drive from Business – General Commercial to Residential – Multi Family in order to construct duplexes.

// Chairman Kirk opened the public hearing at 7:08 p.m.

// Ms. Amy Seipp, Accupoint Surveying and Design LLC, 6200 Fort Avenue, Lynchburg, agent for HMS Legacy Holdings LLC, stated this project falls between the jurisdictions of the City of Lynchburg and Campbell County with the main entrance being in the City of Lynchburg off of Leesville Road and the actual development located in Campbell County; also located in the County would be an emergency only entrance for emergency vehicles. Ms. Seipp also stated there would be a substantial buffer surrounding the project.

// Chairman Kirk inquired as to the notation of the privately maintained fire hydrants.

// Ms. Seipp explained because of the nature of the water lines, there would be fire hydrants located within the development.

// Mr. Karl Miller, HMS Legacy Holdings, stated our area has a need for housing. Mr. Miller also stated there would be a six-foot fence across the back of the property along with natural shrubbery and greenery surrounding the whole project.

// Commissioner Hedges inquired if these would be rentals or privately owned duplexes.

// Mr. Miller stated that would be determined; adding the development may be changed to condominium units instead of duplexes.

// With no one present to speak in favor, Chairman Kirk asked those in opposition to come forward.

// Ms. Donna Bryant, 721 Leesville Road, Lynchburg, stated she was very concerned about the traffic on Leesville Road, concerns on the buffer and an existing right-of-way shared with her neighbors.

// Ms. Seipp stated the buffer would be more stringent from the City of Lynchburg and they may require a traffic study which may require some type of deceleration or acceleration

lane. The right-of-way in question, Ms. Seipp stated this was on the opposite side of the property in question and would not be affected.

// Commissioner Kirk closed the public hearing at 7:31 p.m.

// Commissioner Condrey stated he was pleased with the proposed buffers.

// Commissioner Monroe stated he too was pleased with the proposed buffers and working with the neighbors prior to the meeting.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Witt  
Nay: None  
Absent: Thilking

// **PL-23-087 (Rezone – 410 English Commons Drive)**

// Chairman Kirk made the motion to recommend approval of PL-23-087 to rezone the parcel to Residential – Multi Family in order to construct additional apartment buildings. Most of this parcel was rezoned to Residential – Multi Family, Conditional on October 1, 2019 to allow for the apartment complex currently under construction, stating good zoning. Commissioner Monroe seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the applicant is seeking to rezone the parcel to Residential – Multi Family in order to construct additional apartment buildings. Most of this parcel was rezoned to Residential – Multi Family, Conditional on October 1, 2019 to allow for the apartment complex currently under construction. A site plan was approved for nine (9) apartment buildings in the current phase on March 15, 2021. The subject area to be rezoned was purchased and added to the existing development's property in June 2021. The concept plan shows an expansion of one of the previously approved buildings and an additional apartment building in the area to be rezoned.

// Chairman Kirk opened the public hearing at 7:35 p.m.

// Ms. Amy Seipp, Accupoint Surveying and Design LLC, 6200 Fort Avenue, Lynchburg, stated VDOT reviewed the plans and indicated the current right turn lane would be sufficient for the two additional units. Ms. Seipp also stated the land was purchased for the sewer placement instead of having an easement placed on the property. With the purchase of the property came additional opportunities, also indicating there are no plans for further construction.

// Commissioner Lawton questioned if additional projects were planned, stated concerns about the additional traffic.

// Ms. Seipp stated at this time the developer did not have additional land for future development.

// With no one present to speak in favor, Chairman Kirk asked those in opposition to come forward.

// Ms. Jennifer Troyer, 1452 English Tavern Road, Lynchburg, stated she is concerned about the additional traffic. Ms. Troyer also questioned if there were plans for a traffic light to be installed.

// Ms. Seipp indicated the light would be a VDOT decision.

// Mr. Eric Szandzik, 484 Lazy Creeks Drive, Rustburg, stated he too was concerned about the traffic. Mr. Szandzik also stated he was concerned about litter.

// Chairman Kirk closed the public hearing at 7:47 p.m.

// Chairman Kirk agreed with Mr. Szandzik on the litter problem throughout the County stating he has led some litter pick-up projects.

// Commissioner Hedges inquired to the current number of units in the development.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the approved number of units to be completed is approximately 222.

// Commissioner Monroe stated there was a traffic problem but denying two units would not solve the problem.

// Commissioner Condrey stated he was concerned about leaving it at the current zoning, what the by-right uses could possibly cause.

// Commissioner Lawton stated he too was and has been concerned about the traffic in the area.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Witt  
Nay: None  
Absent: Thilking

// **PL-23-089 (Special Use Permit - 211 Bridge Tree Court)**

// Chairman Kirk made the motion to recommend approval of PL-23-089 for a special use permit to use an existing single-family dwelling as a rooming house on property zoned Residential – Single Family, stating good zoning. Commissioner Condrey seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the applicant is the owner of the property and wishes to rent out a portion of the existing single-family dwelling for overnight guests using a platform such as Airbnb. The parents of the applicant have resided in the basement of the dwelling for the past 11 years, but will be moving to an assisted living facility. The basement includes a living area, kitchen, bathroom, and one bedroom. There is a separate entrance and off-street parking provided for guests at the basement entrance.

// Chairman Kirk opened the public hearing at 7:55 p.m.

// Mr. Jamie Trent, 211 Bridge Tree Court, Evington, stated his parents had been living in the basement for the past 11 years but have both been moved to an assisted living care facility.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 7:58 p.m.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Witt  
Nay: None  
Absent: Thilking

// **PL-23-092 (Rezoning 2612 & 2624 Sunnymeade Road)**

// Chairman Kirk made the motion to recommend approval of PL-23-092 to approve rezoning of 2612 & 2624 Sunnymeade Road from Agricultural to Residential – Multi Family in order to construct duplexes, stating good zoning. Commissioner Witt seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the applicant is seeking to rezone the parcel to Residential – Multi Family in order to construct duplexes for rent to the general public.

// Chairman Kirk opened the public hearing at 8:00 p.m.

// Mr. Thomas Brooks Sr., Acres of Virginia, 404 Clay Street, Lynchburg, stated the existing dwellings would be torn down and replaced with three-two story, 1,200 square foot duplexes. Mr. Brooks also stated there would remain an existing 20' tree line buffer along the rear of the properties.

// Commissioner Condrey inquired if storm water management had been addressed.

// Mr. Brooks indicated once the project is approved by the Board of Supervisors, each individual lot needs would be addressed.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 8:08 p.m.

// Commissioner Hedges stated this would be very nice for area.

// Commissioner Condrey stated there was not much Agricultural use in this area.

// Chairman Kirk agreed with Commissioner Condrey stating he did not think this was spot zoning with the majority of the land being used as residential.

// Commissioner Witt stated she liked the size of the lots and the spacing between the units.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Witt  
Nay: None  
Absent: Thilking

// **PL-23-093 (Special Use Permit – 48 Oak Street)**

// Chairman Kirk made the motion to recommend approval of PL-23-093 to approve a special use permit to operate a private school and preschool on property zoned Residential – Single Family, stating convenience and good zoning. Commissioner Condrey seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the applicant is seeking a special use permit to operate a private school and preschool on property zoned Residential – Single Family. The applicant is seeking to operate a private school and preschool on the property. The property is the former location of Faith Baptist Church. Winfall Baptist Church is the contract purchaser of the property and is seeking to operate a Christian school for grades K-12 in addition to a preschool. The former church building would be renovated for the school. There would be a new parking lot created and a new tot lot. There is also a portion of the property for a future recreation area for the upper grades.

// Chairman Kirk opened the public hearing at 8:12 p.m.

// Mr. Thomas Brooks Sr., Acres of Virginia, 404 Clay Street, Lynchburg, stated Winfall Baptist Church would like to establish a private school after renovations are completed upon final approval. The plans are to operate kindergarten through the 3<sup>rd</sup> grade and then expanding through the 12<sup>th</sup> grade. When opening the school in the year of 2024, the plans are to have 25 students; with the maximum number of students would be 150 in the future. The hours of operation would be Monday through Friday 8:00 a.m. to 3:00 p.m. with qualified teachers.

// Mr. Phillip Stevens, 199 Shannon Forest Drive, Rustburg, stated he has been the Pastor at Winfall Baptist Church for the past seven years and is extremely excited for the Brookneal Christian Academy to become a reality and the community support is overwhelming with monetary support.

// Mr. Eric Szandzik, 484 Lazy Creeks Drive, Rustburg, stated private education was in demand and this is a great community project.

// Ms. Rebecca Shepard, 974 Dodson Drive, Rustburg, stated she has four children that attended private Christian schools and is currently a teacher in a Christian schools and feels more private schools are needed.

// Ms. Cheryl Parker, 670 Rain Tree Drive, Gladys, she was thankful for the donor of the property.

// With no one present to speak in opposition, Chairman Kirk closed the public hearing at 8:27 p.m.

// Chairman Kirk stated Commissioner Monroe would be recusing himself from voting due to a potential conflict but would like to make a comment.

// Commissioner Monroe stated he was the current owner of the property and there was no financial gain in this project. Commissioner Monroe also stated he has seen the community come together on this project and feels there are no negative sides including traffic. He also stated none of the neighbors have voiced any objections.

// Commissioner Condrey stated the majority of the reasons for approval or denial of applications were for good zoning. Commissioner Condrey stated he felt this should be approved based on convenience and or public necessity.

// Commissioner Lawton stated he was very supportive of this project.

// Commissioner Witt stated it was always nice when a project had no opposition.

// Chairman Kirk stated he was in full support of this project.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, and Witt  
Nay: None  
Absent: Thilking  
Abstain: Monroe

// **SUBDIVSION MATTERS FOR CONSIDERATION**

None



// **MATTERS FROM THE COMMUNITY DEVELOPMENT DIRECTOR/  
ASSISTANT COUNTY ADMINISTRATOR**

None

// **MATTERS FROM THE ZONING AND SUBDIVISION ADMINISTRATOR**

None

// **MATTERS FROM THE PLANNING COMMISSION**

// Next scheduled meeting is June 26, 2023.

// Chairman Kirk adjourned the meeting at 8:32 p.m.

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K. William Kirk, Chairman