

***Campbell County Planning Commission
Minutes
April 22, 2019***

The regular meeting of the Campbell County Planning Commission was held on Monday April 22, 2019 in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

Dean P. Cumbo, Chairman
Michael S. Condrey
K. William Kirk
O. Richard Metz
Dean B. Monroe
Thomas H. Vaughan
James A. Borland, Board of Supervisors Representative

Members Absent:

Patrick Tweedy

Staff Members present:

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

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

// Chairman Cumbo asked for corrections or comments on the minutes from the February 25, 2019 meetings. With none, Commissioner Kirk made the motion to approve the minutes from the February 25, 2019 meeting. Commissioner Metz seconded the motion.

The vote was: Aye: Cumbo, Condrey, Kirk, Metz, Monroe, and Vaughan
Nay: None
Absent: Tweedy

// **PUBLIC HEARINGS FOR CONSIDERATION**

// **PL-19-39 (Rezoning 22-A-82A 10.75 +/- Acres)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is to rezone 10.75 +/- acres from Residential – Single Family, Conditional to Residential – Multi Family in order to construct a 92-unit townhouse development as an expansion of

the existing Tavern Grove development. The development would be served by public water and public sewer provided by CCUSA connecting with existing utilities in the Tavern Grove development. Access would be provided by two entrances onto Tavern Grove Lane, which is an existing private street providing access to the Tavern Grove development.

// Ms. Amy Seipp, Accupoint Surveying & Design LLC, 950 Airport Road Suite 2, Lynchburg, 24502 stated this project would be an expansion of the existing Tavern Grove Townhouse Development. Ms. Seipp indicated the proposed units would be technically aligned with the existing townhomes located in Tavern Grove. She also indicated with VDOT not requiring a turn lane, the traffic would use the existing Tavern Grove Lane with each intersection having a 4-way stop. Ms. Seipp stated there would be a 20' access road used for fire trucks entering from English Tavern Road. Ms. Seipp also indicated the remaining acreage located at the back end of the parcel would be used for walking trails and other outdoor activities.

// Dr. Borland inquired if the residents of the Spring Oaks neighborhood had been contacted concerning this development.

// Ms. Seipp stated she had personally not been in touch with those neighbors but had suggested the land owners contact with it being recommended.

// Dr. Borland stated no proffers had been put in place for the bordering neighborhood, Russell Oaks.

// Ms. Seipp stated the owners were open to proffers.

// Commissioner Vaughan stated how could the Planning Commission be sure that in future more townhomes would not be built in the area where the walking trails were being proposed.

// Ms. Seipp stated there were no plans to expand the proposed development in the future.

// Commissioner Kirk inquired to the amount of footage from the edge of the units to the neighboring property line.

// Ms. Seipp stated it was 30 feet and the owners were open to fencing and or cypress trees.

- // Commissioner Monroe questioned the location of the storm water retention ponds.
- // Ms. Seipp stated this proposed development would split the storm retention ponds and the one located in the front of the development would be very attractive with a fountain and landscaping. The pond located in the rear of the property would be more of a feature for the walking trails and walking dogs.
- // Commissioner Vaughan inquired on the school district and what impact this development would have on the schools.
- // Ms. Seipp indicated with the mixed residency in Tavern Grove there wasn't a concern with the number of students impacting the schools.
- // Commissioner Metz inquired to the number of parking spaces per unit.
- // Ms. Seipp indicated there would be a total of 243 with 10 of those being ADA.
- // Dr. Borland inquired if the proposed units would have a deck or patio attached to the unit and if so would that be extending from the outline of the proposed size.
- // Ms. Seipp indicated the deck or patio was included within the size of the units, stating the units would be two story with approximately 700 square feet per floor.
- // Commissioner Vaughan questioned the number of feet between the existing subdivision of Spring Oaks and the proposed units.
- // Ms. Seipp stated she believed it was 28.6 feet and the owners would be willing to install fencing and trees or a combination of both and if possible maintain any mature trees already in place.
- // Commissioner Kirk stated with the end of the units and the 28 feet to the neighboring property lines, he did not see room for the fencing and tree buffers.
- // Commissioner Vaughan questioned the width of the travel lanes between the units and some vacant areas between the units.

- // Ms. Seipp stated the travel lanes were 24 feet and the vacant areas between the units would be grassy areas with some landscaping.
- // Chairman Cumbo opened the public hearing at 7:30, stating these public hearings would go before the Board of Supervisors at the June 4, 2019 meeting.
- // With no one present to speak in favor, Chairman Cumbo asked for those speaking against to please come forward.
- // Mr. Jerry Houck, 13 Crocetti Lane, Lynchburg, stated he lived in the Lakewalk Villa development on the other side of English Tavern road and was the current President of the Home Owner's Association but was not there to speak on behalf of the HOA but as a resident. Mr. Houck stated his major concern was the amount of traffic entering onto English Tavern Road from Wards Road (Route 29) going south, turning into Davis Fruit Stand on the corner of Wards Road and English Tavern Road and then just further onto English Tavern was a back entrance for Mead Memorial Methodist Church, the danger of being rear ended. Mr. Houck stated he felt the speed limit should be reduced for 45 mph to 35 if not 25 mph.
- // Mr. John St. Clair, 139 Spring Oaks Drive, Lynchburg, stated he too was concerned about the additional traffic the development would create on English Tavern Road. He indicated he had been living in his house since 2005 and if he had known the intentions were to build townhouses on that property; he would not have purchased his house.
- // Mrs. Stephanie Williams, 118 Spring Oaks Drive, Lynchburg, stated she also felt the traffic would be a problem. Mrs. Williams stated she loved the natural buffer between her home and the current Tavern Grove development. She indicated she had some concerns with the proposed pond with children in the development and wondering off to the pond.
- // Ms. Rhonda Womack, 126 Spring Oaks Drive, Lynchburg, indicated she purchased her home last year and if she had known this development was being proposed, she would not have purchased her home. She stated being a nurse she worked different shifts and long hours and slept during the day and was afraid the noise would not allow her to get the rest she needed. She stated she had an autistic child in her home and had a concern about the proposed pond. She felt the traffic would cause a problem on English Tavern Road.
- // Mr. Charles Anderson, 67 Spring Oaks Drive, Lynchburg, stated this development would destroy the character of the neighborhood. He stated the fencing and trees buffering the

property were not a guarantee and the townhomes would change the dynamics of the neighborhood.

// Mr. Richard Tuck, 110 Spring Oaks Drive, Lynchburg, stated he purchased his property in 2007 and if at that time he had known the desire to rezone the property and build townhomes, he would not have purchased the dwelling. He also indicated he would be the closest to the pond and trash dumpster storage facility and did not think this was an appropriate use for the land. Mr. Tuck too stated his concern for the traffic on English Tavern and also the amount of trash thrown along the road. He stated he had spent some time walking along English Tavern Road collecting the trash to make the area look more desirable.

// Ms. Amy Seipp clarified the proposed development was keeping within the Comprehensive Plan and the traffic study conducted by VDOT was during peak hours.

// Chairman Cumbo closed the public hearing at 7:45 pm.

// Commissioner Monroe stated he had a problem with the owners of the property not being present. He also stated he had a real concern for the turn lane not being needed. Commissioner Monroe also stated he had a concern about no definitive answers to many of the issues brought before the floor.

// Commissioner Kirk stated he did not travel English Tavern Road on a daily basis; however, he did on occasion and he was very sympathetic with the neighbors.

// Chairman Cumbo asked for a show of hands of the citizens living in the Spring Oaks subdivision that received a letter from the property owners to raise their hand. No one in the audience raised their hand in acknowledgement of receiving a letter.

// Commissioner Condrey stated this project should have buffers on the site plans and did not and he would like to see a traffic study conducted on a weekend especially during worship hours or after.

// Chairman Cumbo made the motion to recommend approving PL-19-39, to rezone 10.75 +/- acres from Residential – Single Family, Conditional to Residential – Multi Family in order to construct a 92-unit townhouse development as an expansion of the existing Tavern Grove development. Commissioner Kirk seconded the motion.

// The vote was: Aye: None
Nay: Cumbo, Condrey, Kirk, Metz, Monroe, and Vaughan
Absent: Tweedy

// **PL-19-45 (Rezoning Adjacent to 7996 Wards Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is to rezone 0.49 +/- acres from Business – General Commercial to Residential – Manufactured Housing in order to allow for the use of a manufactured or modular home. The owner of the property has lived on an adjoining property in a legal non-conforming manufactured home. The applicant wishes to place a manufactured or modular home on this property and remove the non-conforming manufactured home from the adjoining parcel. There are no existing public utilities directly serving this parcel, although public water is available on Wards Road. Access is provided by an existing unnamed private street off Wards Road.

// Commissioner Kirk inquired if this would be considered spot zoning.

// Mr. Paul Harvey, Director of Community Development, indicated this would not be spot zoning. He indicated this parcel was actually split on the future land use map with a very small portion of the property being designated medium to high density residential.

// Mr. Ryan Mickles, 7996 Wards Road, Rustburg, stated he had approximately 10 parcels he printed from the County GIS public website where just a sliver of the parcel was split zoned. Mr. Mickles also stated he was in favor of this.

// Ms. Delphine Mickles, 7996 Wards Road, Rustburg, indicated this property had been in her family for 40 years and enjoyed living in that area but she is now in need of a larger place to live and would like to have the ability to live on this parcel.

// Chairman Cumbo opened the public hearing at 8:03pm.

// With no one present to speak in favor or against, Chairman Cumbo closed the public hearing at 8:05.

// Commissioner Condrey stated the existing commercial parcels in that area were not truly large enough for a private well and septic to support a large commercial business.

// Chairman Cumbo made the motion to recommend approving PL-19-16, for a special use permit to rezone 1.653 acres of the property from Business – General Commercial, Conditional to Business – General Commercial in order to remove existing proffers stating good zoning practice. Commissioner Kirk seconded the motion.

// The vote was: Aye: Cumbo, Condrey, Kirk, Metz, Monroe, and Vaughan
Nay: None
Absent: Tweedy

// **SUBDIVISION MATTERS FOR CONSIDERATION**

None

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

// Mr. Paul Harvey, Director of Community Development, stated the General Assembly has passed a bill that will allow localities to have discussions with applicants concerning proffers.

// Mr. Paul Harvey, Director of Community Development had included in the meeting packet a memorandum concerning recommended changes to the zoning and subdivision ordinances. Mr. Harvey informed the Commissioners the schedule for the spring code updates has changed this year due to a schedule change in the Board of Supervisor's July meeting and the total number of days between the June 24th Planning Commissioner's meeting. Mr. Harvey had included in the packet a summary of changes being requested by Supervisor Charlie Watts.

// After a brief discussion, the Commissioner's felt they needed more time to review the proposed changes.

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

None

// **MATTERS FROM THE PLANNING COMMISSION**

Next scheduled meeting is May 28, 2019

// Commissioner Kirk made the motion to adjourn the meeting at 8:20.

Dean P. Cumbo, Chairman

K. William Kirk, Secretary