

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

The regular meeting of the Campbell County Planning Commission was held on Monday, July 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
Thomas H. Vaughan
James A. Borland, Board of Supervisors Representative

Members Absent:

O. Richard Metz
Dean B. Monroe
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 7:30 p.m.

// Chairman Cumbo asked for corrections or comments on the minutes from the June 24, 2019 meeting. With none, Commissioner Kirk made the motion to approve the minutes from the June 24, 2019 meeting. Commissioner Condrey seconded the motion.

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

// **PUBLIC HEARINGS FOR CONSIDERATION**

// PL-19-65 (Special Use Permit 41-A-71)

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Euan Fuller, agent for Austin Mill Properties LLC, for a special use permit to construct and operate a telecommunications tower on property zoned Agricultural. The applicant is requesting to construct a 195-foot steel monopole telecommunications tower (199 feet

with lightning rod). CityScape Consultants has reviewed the proposal and believes that the applicant has justified the need for a new tower and that the applicant's service goals can be met by approval of the application. The applicant will be leasing a 10,000 square foot area from the property owners for the purpose of constructing and operating the tower.

// Chairman Cumbo opened the public hearing at 7:34 stating these public hearings would go before the Board of Supervisors at the September 3, 2019 meeting.

// Mr. Andrew Condlin, Verizon Wireless, indicated this communications tower would be located approximately 325' from the closest structure and would be surrounded by fencing. Mr. Condlin stated with the increase of network usage, this tower would increase coverage approximately 3 to 4 radius miles. Mr. Condlin stated the conditions proposed by CityScape Consultants recommended there be no generator on site; they are proposing to install a generator.

// Chairman Cumbo asked for those speaking in favor to come forward. With none, he asked for those speaking against to please come forward.

// Mrs. Anna Westling, 11412 Leesville Road, Evington, stated she was opposed to additional traffic on the 90' easement which is also her personal driveway on her property with Campbell County Utilities and Service Authority (CCUSA) to the site.

// Mr. Condlin stated this would be an unmanned site once installation was completed with the exception of monthly maintenance testing of the generator. Mr. Condlin stated he would review the title work completed on the proposed site concerning the easement and also meet with the Mr. & Mrs. Westling concerning any issues they may have.

// Chairman Cumbo closed the public hearing at 7:48.

// Chairman Cumbo made the motion to recommend approving PL-19-65 for a special use permit to construct and operate a telecommunications tower. The applicant is requesting to construct a 195-foot steel monopole telecommunications tower (199 feet with lightning rod) with contingency of agreement between Verizon Wireless and Mr. & Mrs. Westling or an alternative driveway along with the conditions one through 7 recommended by CityScape Consultants and allowing a generator be installed. Commissioner Kirk seconded the motion.

The vote was: Aye: Cumbo, Condrey, Kirk, and Vaughan

Nay: None

Absent: Metz, Monroe, Tweedy

// **PL-19-98 (27-A-41A - Special Use Permit – Wedding and Special Events)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Jennifer Schmidt for a special use permit to host wedding and special events on property zoned Agricultural. The applicant would like to host weddings and special events on her property. There are no plans to construct additional buildings; the events would be held in tents rented and temporarily placed for each event. Events would mostly be on parcel 27-A-41A, where the applicant resides, but may expand to use a small portion of the adjoining parcel 27-4-2.

// Chairman Cumbo opened the public hearing at 7:52.

// Mrs. Jennifer Schmitt, 2953 Spring Mill Road, Concord, stated she would like to use her farm to host special events such as weddings, reunions, and birthdays. Mrs. Schmitt also stated her farm would remain a farm and the integrity of the farm would not disappear.

// Commissioner Kirk questioned the number of participants for parking purposes and the hours of the events.

// Mrs. Schmitt stated she would limit the number of guest to 150 and then with her staff and catering staff no more than 200 people. Mrs. Schmitt stated the events would last no longer than 10:00 or 11:00 pm.

// Commissioner Kirk inquired to the access for emergency vehicles.

// Mrs. Schmitt stated her personal driveway would not be blocked which was circular and would be opened at all time.

// Dr. Borland suggested Mrs. Schmitt include in her advertisement the number of guests limited to attend.

// With no one present to speak in favor or against, Chairman Cumbo closed the public hearing at 7:58.

// Chairman Cumbo made the motion to approve PL-19-98 for a special use permit to host wedding and special events on property zoned Agricultural. Commissioner Kirk seconded the motion.

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

// **PL-19-99 (2245 Village Highway - Special use permit)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from A. Kent Shelton, agent for Harry F. & Teresa C. Shelton for a special use permit to operate a used car dealership on property zoned Agricultural. The applicant is seeking to operate a used car dealership at this location. An automotive repair business has operated in this location since January 2007, when it was a permitted use in the Agricultural district, and will continue to operate. The dealership would operate mostly off the internet and the existing office for the automotive repair business would serve as the base for the dealership. There would be no additional construction to the existing building. There would be no more than ten (10) vehicles for sale at any time on the property and the submitted site plan shows the spaces for the vehicles for sale to the rear of the existing garage.

// Chairman Cumbo opened the public hearing at 8:01.

// Mr. A Kent Shelton, 2315 Village Highway, Rustburg, stated he enjoyed purchasing, repairing and selling vehicles and to be in compliance with the Department of Motor Vehicles he needs to operate under a used car dealership. Mr. Shelton indicated his sales are mostly sold on the internet through Craigslist or Facebook Marketplace and usually sells between 3 or 4 vehicles a month.

// Chairman Cumbo asked those in favor to please come forward.

// Mr. Harry Shelton, 2231 Village Highway, Rustburg stated he built the original garage in 2006 and at that time spoke of selling vehicles and would not have more than 10 vehicles.

// Chairman Cumbo asked for those against to please come forward.

// Mr. Clarence Dowdy, 2333 Village Highway, Rustburg, stated he currently had problems with customers missing the driveway belonging to the Shelton's and turning into his driveway, sometimes missing his circular drive and running off the pavement putting ruts in his yard. He also stated there were approximately 12 vehicles parked at the garage and with an additional 10 parking spaces would be too many on the property. Mr. Dowdy did indicate he would be in favor of a buffer between the properties.

// Ms. Sherry Dowdy Brady, 411 Meadow Ridge Drive, Lynchburg, stated being a future heir to the property, stated she wanted to be a good neighbor and to have good neighbors.

// Mr. John Dowdy, 37 Cardinal Lane, Rustburg, stated he was not in favor of the special use permit. He also stated if the vegetative buffer was not disturbed and some type of safety fencing was installed he would be more in favor of the project.

// Commissioner Vaughan reiterated if the natural vegetation was not disturbed and the timber was not disturbed the Dowdy's would be more in support of the project and they agreed.

// Mr. Phillip Morris, 2362 Village Highway, Rustburg, stated he was undecided about the special use permit but if the vegetation and trees were not disturbed and the value of the neighboring properties did not decrease in value he had no problem.

// Mr. Kent Shelton addressed some of the issues stating he himself did not want the vehicles parked near Village Highway and it would not have a large sign.

// Chairman Cumbo closed the public hearing at 8:50.

// Commissioner Condrey stated if Leland Cypress would be planted approximately 25' of the property line and the natural vegetation would be left the neighbors would not disapprove of the project.

// Chairman Cumbo made the motion to recommend approving PL-19-99, Mr. A. Kent Shelton for a special use permit to operate a used car dealership on property zoned Agricultural on the condition that there be no display of cars for sale along the road . Commissioner Kirk seconded the motion.

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

// **PL-19-102 (Special Use Permit – 247 Station Lane, Concord)**

// This application was withdrawn prior to the meeting.

// **SUBDIVISION MATTERS FOR CONSIDERATION**

// Preliminary Plat Approval – 68 townhouse lots (Emberly Way Villas)

Proposed is a 68-lot subdivision off Emberly Way, to be known as Emberly Way Villas in the Sunburst Election District. The parcel is zoned Residential – Multi Family, Conditional and is owned by 21934 Timberlake LLC. The proposed subdivision is for a townhouse development off the to-be-constructed Emberly Way and will contain 68 townhouses. There are proffers on the property that are being met with the proposed development. There are new streets as part of the development that will need to be named but no names have been submitted at this time. The plat was distributed to the approval agents for comments but staff did not receive any comments back that would affect the proposed subdivision. Staff recommends preliminary approval of the plat subject to the conditions that the final plat meets all of the administrative requirements from each of the approval agents including acceptable street names; the plat meets the final requirements of § 21-31; and the plat is reviewed and approved by the four approval agents.

// Chairman Cumbo made the motion to approve the preliminary plat for Emberly Way Villas, 68 townhouse lots. Commissioner Kirk seconded the motion.

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

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

None

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

None

// **MATTERS FROM THE PLANNING COMMISSION**

Next scheduled meeting is August 26, 2019

// Commissioner Kirk made the motion to adjourn the meeting at 8:55.

Dean P. Cumbo, Chairman

K. William Kirk, Secretary