

***Campbell County Planning Commission
Minutes
August 26, 2019***

The regular meeting of the Campbell County Planning Commission was held on Monday, August 26, 2019 in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

Dean P. Cumbo, Chairman
K. William Kirk
Dean B. Monroe
Patrick Tweedy
Thomas H. Vaughan

Members Absent:

Michael S. Condrey
O. Richard Metz
James A. Borland, Board of Supervisors Representative

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 July 22, 2019 meeting. With none, Commissioner Kirk made the motion to approve the minutes from the July 22, 2019 meeting. Commissioner Monroe seconded the motion.

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

// Commissioner Tweedy announced due to health concerns he will be retiring from the Planning Commission after serving for 33 years. Commissioner Tweedy's last meeting will be December 3, 2019.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// PL-19-109 (Special Use Permit 22-A-81A)

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated applicant is seeking to rezone the parcel to Residential – Multi Family, Conditional in order to construct a 232 unit apartment complex. The property adjacent to this parcel was rezoned to Residential – Multi Family, Conditional on February 5, 2019 to allow for the development on a townhouse development and two apartment buildings. This request is for a second phase to the previously approved development. The development would be served by public water and public sewer provided by CCUSA. A proffer was submitted to construct a full right turn lane and taper per the site plan.

// Chairman Cumbo opened the public hearing at 7:08 stating these public hearings would go before the Board of Supervisors at the October 1, 2019 meeting.

// Mr. Justin Fournier, 1141 Brewington Dr, Forest, representing Gordon Cudd Development stated this project would be adjacent to Phase I. Plans have been submitted with changes to the number of units being only 143 townhouses with no apartments for Phase 1. Phase II will be apartments only with no townhouses. This project will have a shared clubhouse, a dog park, pool and green areas. Mr. Fournier indicated there would only be two entrances with two turn lanes.

// Commissioner Cumbo questioned the estimated completion date.

// Mr. Fournier indicated it would take approximately 3 years to complete both Phases.

// Chairman Cumbo asked for those speaking in favor to come forward.

// Mr. Jerry Houck, 13 Crocetti Lane, Lynchburg, stated he was inquiring why this second request was necessary if the first request was approved by the Planning Commission and the Board of Supervisors.

// Mr. Austin Mitchell stated this is a portion of the land owned by the Lyn-Dan Heights Ruritan Club.

// Mr. Donald Floyd, 219 Hopkins Road, Lynchburg, President of Lyn-Dan Heights Ruritan Club, stated he was representing the Ruritan Club and the members felt selling a portion of the extra land would be a way to help the Ruritan Club to maintain its status. Mr. Floyd indicated Mr. Cudd approached the membership concerning an easement after meeting with Mr. Cudd it was decided the best interest for both would be to sell a portion of the property.

// Commissioner Tweedy inquired if there was full support from the membership of the Ruritan.

// Mr. Floyd stated 24 members were in favor of selling a portion of the property with 1 being against. Mr. Floyd also stated the Ruritan Club would be keeping the building and the pond.

// Mr. Gordan Cudd, 1470 Cedar Ridge Drive, Lynchburg, stated the development would have a resort type pool, club house, a dog park, fitness center and walking trails being geared towards the college community.

// With no one present to speak in opposition, Chairman Cumbo closed the public hearing at 7:18.

// Commissioner Kirk stated the Planning Commission was aware of Phase II with the largest concern being the increased traffic on English Tavern Road. Commissioner Kirk also indicated there was a proffer to include a right hand turn lane

// Chairman Cumbo made the motion to recommend approving PL-19-109 to rezone the parcel to Residential – Multi Family, Conditional in order to construct an apartment complex. The property adjacent to this parcel was rezoned to Residential – Multi Family, Conditional on February 5, 2019 to allow for the development of a townhouse development and two apartment buildings, stating good zoning practice. Commissioner Kirk seconded the motion.

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

// **PL-19-120 (43-9-1A Rezone 0.846 acres)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Albert Hewitt to rezone 0.846 +/- acres from Agricultural to Business – General Commercial in order to construct and operate an automobile service and repair establishment. The applicant would like to construct a 2,400 square foot metal building for general vehicle repair on the property. A previously existing dwelling on the property was removed in 2018. A buffer serving as a barrier to vision or noise will be required along the property line bordering the adjoining property zoned Agricultural.

// Chairman Cumbo opened the public hearing at 7:30.

// Mr. Albert Hewitt, 456 Chapel Grove Road, Evington, stated he would like to build a vehicle repair shop on this property for supplemental income when he retires from his current job.

// Commissioner Vaughan questioned the number of vehicles Mr. Hewitt intended to have on the property at one time.

// Mr. Hewitt indicated possible up to twenty-five if business went well.

// With no one present to speak in favor or against, Chairman Cumbo closed the public hearing at 7:34.

// Chairman Cumbo made the motion to approve PL-19-120 to rezone 0.846 +/- acres from Agricultural to Business – General Commercial in order to construct and operate an automobile service and repair establishment. The applicant would like to construct a 2,400 square foot metal building for general vehicle repair on the property. A buffer serving as a barrier to vision or noise will be required along the property line bordering the adjoining property zoned Agricultural, stating good zoning practice. Commissioner Kirk seconded the motion.

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

// **PL-19-121 (721 Doss Road - Special use permit)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Robert Jordan for a special use permit to use an existing single family dwelling to rent on a short-term basis as a tourist house on property zoned Residential – Single Family.

// Chairman Cumbo opened the public hearing at 7:40.

// Mr. Robert Jordan, 917 Beaver Creek Xing, Lynchburg, stated he had in the past rented his dwelling as long term but has found renting short term his property is taken better care of. He stated he has had no concerns or complaints from his neighbors.

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

// Ms. Rebecca Revis, 917 Beaver Creek Xing, Lynchburg, stated the dwelling had been vacant for 6 years prior to renting the property. Ms. Revis stated there had been problems with the long term renters and since switching to short term there have been no problems.

// With no one present to speak in opposition, Chairman Cumbo closed the public hearing at 7:48.

// Commissioner Monroe inquired the distance Mr. Jordan lived from the property.

// Mr. Jordan indicated he goes by the property two or three times a week and he himself had lived at that property for 19 years and knew the neighbors and they had not had any concerns.

// Commissioner Vaughan inquired if the owners had already been renting short term.

// Ms. Revis indicated they had been renting short term for approximately one year and had received a letter from the Mr. Mitchell, indicating Mr. Jordan needed to apply for a special use permit. Ms. Revis also stated they had no idea Mr. Jordan needed the special use permit and they wanted to do everything correct.

// Commissioner Monroe inquired approximately the number of times the property had been rented within the prior year. Ms. Revis indicated approximately 40 times.

// Chairman Cumbo made the motion to recommend approval of PL-19-121 a request for a special use permit to use an existing single family dwelling to rent on a short-term basis as a tourist house on property zoned Residential – Single Family, stating good zoning practice. Commissioner Monroe seconded the motion.

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

// **PL-19-122 (2470 Clarks Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Thomas and Juliet Parmiter for a special use permit to operate a commercial sawmill and host special events on property zoned Agricultural. The applicant would like to operate a commercial sawmill on the property. The applicant currently owns a portable sawmill that has been used for personal use and would like to expand to a commercial sawmill. Eventually, the applicant would construct a 4,960 square foot barn to house the mill, milled wood, and other equipment. The sawmill would be located outside near the house until the barn is constructed. The applicant also wishes to use the second floor of the barn as a multi-purpose hall for events related to the sawmill business such as seminars, workshops, or customer appreciation events. The space may eventually be rented out for special events such as birthday/graduation parties, art studio classes, a place of worship, and other similar events.

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

// Mr. Thomas Parmiter, 2470 Clarks Road, Rustburg, stated he owned and operated a small tree service business and would like to have the ability to do events with the logs that are not sellable to mills. He would like to host events approximately once a month showing people where wood comes from.

// Commissioner Vaughan inquired where parking would be permitted.

// Mr. Parmiter indicated there was parking for approximately 30 vehicles at his barn. He also indicated he had two driveways.

// Commissioner Vaughan inquired the number of people attending the events.

// Mr. Parmiter also indicated he owned the adjacent property that contained 64 acres and Phase II would be to build a house and larger barn.

// With no present to speak in favor, Chairman Cumbo ask those in opposition to please come forward.

// Ms. Willie Thornhill, 151 Clarks Road, Rustburg, stated she has lived on Clarks Road for the past 30 years and feels Clarks Road is not large enough for logging trucks and school buses. Ms. Thornhill stated there were approximately 5 – 10 logging trucks a day.

// Commissioner Tweedy inquired to the number of logging trucks and the time of day they travel on Clarks Road.

// Ms. Thornhill stated she didn't know the exact the number but mainly they were on the road in the mornings.

// Ms. Jeanie Young, 177 Clarks Road, Rustburg, stated she too was concerned about the trucks traveling on Clarks Road with the number of school bus stops.

// Mr. Henry Eubank, 2563 Clarks Road, Rustburg, stated there were logs and shaving piles already piled up on Mr. Parmiter's property. He stated he felt a sawmill was dangerous and there were small children in the area.

// Mr. Parmiter requested to address some of the concerns brought before the Commissioners. He indicated the logging trucks were not his and the largest truck he

owned was a dump truck and he did not own any type of bucket trucks that he climbed the trees to be cut. He also stated he had 3 full time employees and the trees in the field were from the tornado and he has tried giving away the wood for free firewood.

// Chairman Cumbo closed the public hearing at 8:20.

// Chairman Cumbo made the motion to recommend approval of PL-19-122 a request for a special use permit to operate a commercial sawmill and host special events on property zoned Agricultural with a maximum of 50 guests, stating good zoning practice. Commissioner Kirk seconded the motion.

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

// **PL-19-123 (Rezone 23-A-190B from Agricultural to Residential-Single Family)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is to rezone 28.891 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. The applicant is seeking to rezone 28.891 acres of the parcel to Residential – Single Family for use as a single-family subdivision. The concept plan shows a proposed twenty-one (21) building lots for single-family dwellings. The proposed lots would have frontage on Dodson Drive and meet the required minimum lot area and lot width.

// Chairman Cumbo opened the public hearing at 8:29

// Mr. Michael Goin, Dickerson Surveying, Appomattox, stated this request is to subdivide approximately 28 acres into 21 lots being estimated one acre or more each with the remaining acreage being used as a small farm or to harvest timber.

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

// Mr. Michael Dykty, 403 Mabel Lane, Rustburg asked if there were plans of development for the remaining 39 acres.

// Mr. Jerry Houck, 13 Crocetti Lane, Lynchburg, stated Dodson Road was off of Suburban Road which in turn could create more traffic onto English Tavern.

// With no one present to speak in opposition, Chairman Cumbo closed the public hearing at 8:35.

// Commissioner Vaughan questioned if this would be developed and sold or would the lots be sold then developed.

// Mr. Goin stated his understanding it would be both; sold as developed and some lots would be sold for development.

// Commissioner Monroe stated he was disappointed no one was present to answer questions concerning the logistics of the proposed development.

// Chairman Cumbo made the motion to recommend approval of PL-19-123 a request to rezone 28.891 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. The applicant is seeking to rezone 28.891 acres of the parcel to Residential – Single Family for use as a single-family subdivision. The concept plan shows a proposed twenty-one (21) building lots for single-family dwellings, stating good zoning practice. Commissioner Vaughan seconded the motion.

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

// **SUBDIVISION MATTERS FOR CONSIDERATION**

// **Wheeler Estates Section II**

Proposed is a 14-lot subdivision on Wheeler Road, to be known as Wheeler Estates Section II, in the Rustburg Election District. The parcel is zoned Agricultural and is owned by Wheeler Estates, LLC.

// Chairman Cumbo made the motion to approve the preliminary plat for Wheeler Estate Section II. Commissioner Kirk seconded the motion.

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

// **Sunburst Villas**

// Proposed is a 73-lot subdivision off Sunburst Road, to be known as Sunburst Villas in the Sunburst Election District. The parcel is zoned Residential – Multi Family and is owned by Sunburst Properties LLC.

// Chairman Cumbo made the motion to approve the preliminary plat for Sunburst Villas. Commissioner Tweedy seconded the motion.

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

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

None

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

Included in the Planning Commission packet were the changes to the Comprehensive Plan for Chapters 2, 4, 6, 7, and 8. A public hearing for approval of the entire updated Comprehensive Plan will be scheduled after the Planning Commission has reviewed all draft chapters.

// **MATTERS FROM THE PLANNING COMMISSION**

// Commissioner Vaughan stated he would be resigning from the Planning Commission as of this meeting due to his moving out of Campbell County. Commissioner Vaughan also stated he had enjoyed his time serving on the Planning Commission.

Next scheduled meeting is September 22, 2019.

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

Dean P. Cumbo, Chairman

K. William Kirk, Secretary