

*Campbell County Planning Commission
Minutes
September 25, 2023*

The regular meeting of the Campbell County Planning Commission was held on Monday, September 25, 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
John Thilking
Steve Shockley, Board of Supervisors Representative

Members Absent:

Megan Witt

Staff Members present:

Paul E. Harvey, Community Development Director/Assistant County Administrator
Austin R. Mitchell, Zoning and Subdivision Administrator II/Deputy Director
Brooke S. Wright, 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 August 28, 2023 meetings. With none, Chairman Kirk made the motion to approve the minutes from the August 28, 2023 meeting.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// Chairman Kirk opened the public hearing at 7:03 p.m., stating these public hearings would go before the Board of Supervisors at the November 9 meeting.

// **PL-23-160 (Rezone – 72 Church Lane)**

// Chairman Kirk made the motion to recommend approval of PL-23-160 to rezone 41-A-55, 1.773 +/- acres to Residential – Manufactured Housing to allow for a reduced minimum lot size. Commissioner Lawton seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is to rezone the parcel to Residential – Manufactured Housing to allow for a reduced minimum lot size. There is an existing dwelling on the property. The preliminary plat shows that 0.890 acres would be divided off on the rear of the property as a family

division to allow the owner's son to place a manufactured home. A residue parcel of 0.883 acres would remain with the existing dwelling along Church Lane. These parcels would meet the required minimum lot area for the Residential – Manufactured Housing zoning district.

// Commissioner Lawton inquired if the request allowed the owner to subdivide the property even further in the future.

// Mr. Mitchell stated the owner would be bound to the requirements of the Residential – Manufactured Housing district. Based on the size of the property, he did not believe it would be possible to split it again.

// Commissioner Lawton asked if the owner could demolish the existing dwelling and only have a trailer on the property.

// Mr. Mitchell stated in order to place another dwelling on the property under the current zoning, the existing dwelling would need to be removed.

// Mr. Russ Nixon, agent for Vickie K. Carter, would like to have this property rezoned to allow for a reduced minimum lot size. A portion of the property would be divided off on the rear as a family subdivision to allow the owner's son to place a manufactured home. Mr. Nixon added that the property would not be able to be divided again.

// Commissioner Hedges inquired to the plans for the existing dwelling.

// Mr. Nixon responded it was going to stay on the property. It was uninhabitable at this time.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 7:13 p.m.

// Commissioner Lawton was concerned about this request being considered spot zoning.

// Commissioner Thilking was reasonably certain that the owner was not going to attempt to sell the property.

// Ms. Carter indicated the existing dwelling was going to stay on the property.

// Commissioner Condrey was familiar with Church Lane and stated it was largely residential, despite the Agricultural zoning. He believed this request was appropriate for the area.

// Chairman Kirk believed this was clearly a request for spot zoning.

The vote was: Aye: Condrey, Hedges, Lawton, Monroe, and Thilking
Nay: Kirk
Absent: Witt

// **PL-23-161 (Special Use Permit – Kiowa Road)**

// Chairman Kirk opened the public hearing at 7:19 p.m.

// Chairman Kirk made the motion to recommend approval of PL-23-161 for a special use permit to operate an automobile sales and minor automobile repair business on property zoned Agricultural. Commissioner Condrey seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Russ Nixon, agent for Ethan T. Baker, who is seeking to operate an automobile sales and minor automobile repair business on the property. A special use permit was approved for this property for an automotive repair center on August 2, 2022 with a number of conditions. This request would replace the previously approved special use permit and includes removing the previous conditions placed on the property. The request is for the display of no more than 10 vehicles for sale at any time on the property. There is an existing building that was constructed by the owner for storage of lawn care equipment and tools for work on the property. This building would be used for minor automotive repair on vehicles that will be for sale on-site. The concept plan shows landscaping along the Kiowa Road and southern property lines. The buffer shown on the plan is not required by the Zoning Ordinance and would need to become a condition of approval to be enforceable, if desired by the Board of Supervisors.

// Mr. Russ Nixon, agent for Ethan T. Baker, stated his client wanted to use the lot to display 10 cars for sale, and no automobile repair would be done on the property.

// Commissioner Lawton inquired if the landscaping shown in the site plan would be installed on the property.

// Mr. Nixon indicated that it would be installed.

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

// Ms. Toy Eagle, 250 Kiowa Road, Lynchburg, stated the property plan had changed numerous times so neighbors were uncertain of what was going to happen. She said Kiowa Road was a narrow residential street that had already seen an increase in traffic. She believed Mr. Baker's family owned property across Richmond Highway (Route 460) that could be used for automobile sales and repair. She was disappointed that the residents of Kiowa Road had to keep fighting for their neighborhood.

// Ms. Robbie Mize, 140 Kiowa Road, Lynchburg, wanted Mr. Baker to be successful, but did not believe this location was the right place to conduct his business. She was concerned that the property plan kept changing. She also thought Mr. Baker should use his family's property across Richmond Highway.

- // Ms. Vivian Waller, 96 Kiowa Road, Lynchburg, wanted Mr. Baker to follow the law and do the right thing. She was under the impression that Mr. Baker was going to raise chickens in the shell building on his property. She now felt deceived because the plan had changed and Mr. Baker now wanted to sell automobiles on the property. Ms. Waller was concerned about her property being affected by automotive fluids.
- // Chairman Kirk closed the public hearing at 7:47 p.m.
- // Commissioner Monroe asked what was different between this request and the special use permit that was approved in August 2022.
- // Mr. Mitchell stated the request for the display of no more than 10 vehicles for sale at any time on the property was the section that was explicitly different from the current special use permit in place. This request would replace the current special use permit if approved by the Board of Supervisors.
- // Commissioner Lawton stated the neighbors had painted a bad picture of Mr. Baker and it appeared that he did not take the opportunity to be a good neighbor. Commissioner Lawton was comfortable with the application because it was more restrictive and less of a concern than the current special use permit.
- // Mr. Nixon indicated that if this special use permit request was denied, he would advise Mr. Baker to move forward with his current special use permit, which includes automobile repair. He believed the property on Kiowa Road was a prime location for an automobile sales business because it was a major corridor through Campbell County.
- // Commissioner Condrey asked if Mr. Baker would be agreeable to making no automobile repair a condition of the special use permit request.
- // Mr. Nixon indicated Mr. Baker would be agreeable to that.
- // Commissioner Condrey indicated to Chairman Kirk that he wanted to make no automobile repair a condition of the special use permit.
- // Commissioner Lawton indicated to Chairman Kirk that he wanted to make the buffer shown on Mr. Nixon's site plan a condition of the special use permit.
- // Commissioner Condrey asked if special use permits were transferrable with the property.
- // Mr. Mitchell indicated they were.
- // Commissioner Lawton advised Mr. Baker to spend time talking with his neighbors to hopefully come to an understanding.
- // Chairman Kirk indicated this request was a down use, and likely a better use, of the property.

// Chairman Kirk amended the motion by adding the following conditions:

- Install buffer as shown on the conceptual site plan;
- No automotive repair on the property; and
- Maximum of 10 vehicles for sale on-site, which must be drivable.

// Chairman Kirk asked Mr. Shockley to relay to the Board of Supervisors that Mr. Baker was agreeable to all of the conditions.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Thilking

Nay: None

Absent: Witt

// **PL-23-169 – (Special Use Permit – Town Fork Road)**

// Chairman Kirk opened the public hearing at 8:02 p.m.

// Chairman Kirk made the motion to recommend approval of PL-23-169 for a special use permit to operate a special events venue on property zoned Residential – Single Family. Commissioner Thilking seconded the motion.

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated the applicant would like to operate a special events venue on the property. The property would be used to host weddings, birthday parties, family reunions, and other small events. According to the applicant, the maximum capacity would be 150 people. Sketches submitted with the application show the layout for parking and the event spaces for different types of events. All events would end by 9:30 p.m.

// Mr. Everett Sparrow, 546 Alum Springs Road, Evington, and Mr. Zachary Higgins were co-owners of The Sparrow Estate. They provided the commissioners with an overview of their business plan, which included sketches to show the layout for parking and event spaces on their approximately 17-acre property.

// Chairman Kirk indicated the Planning Commission had been very favorable to event spaces in the past, but never one quite so small. He asked about noise abatement for the surrounding neighbors.

// Mr. Sparrow indicated 56 trees had been planted on the property to provide a buffer, and they had not received any noise complaints from events previously held on the property. He added that all events would end by 9:30 p.m.

// Commissioner Condrey asked about the driveway surfaces and was concerned about muddy conditions.

// Mr. Sparrow indicated both driveways were gravel.

- // Commissioner Thilking inquired about the security lighting, particularly around the pond.
- // Mr. Higgins indicated one panel box was located near the parking area. There was motion activated lighting near the driveway and the shop, and they wanted to purchase more flood lights. Mr. Sparrow added that the property would be adequately lit for safety.
- // Commissioner Lawton asked how many nights they would be hosting events.
- // Mr. Higgins indicated they would be hosting events on Saturdays.
- // Commissioner Monroe inquired about the number of parking spaces on the property.
- // Mr. Higgins indicated 50-60 cars could fit in the designated parking area. He added that cars would not be parked in a way that would restrict fire and EMS access.
- // Chairman Kirk asked for those in favor to come forward.
- // Mr. Russ Nixon, 172 Jumping Creek Lane, Rustburg, was in favor of the request because he did not believe the property could be developable for anything else.
- // Chairman Kirk asked for those in opposition to come forward.
- // Mr. Matthew Fifer, 49 Emerald Meadows Lane, Evington, was opposed to the request because he did not want Mr. Sparrow's guests entering and exiting the shared driveway. Emerald Meadows Lane was not designed for commercial traffic, and was a private driveway that was not maintained by VDOT. Mr. Fifer did not believe a business of this nature should be operating in a residential neighborhood.
- // Commissioner Condrey asked if Emerald Meadows Lane was restricted for use by residents only.
- // Mr. Fifer indicated he did not know.
- // Mr. James Bourne, 43 Emerald Meadows Lane, Evington, stated this was not the proper place for an event venue. He was concerned about security and the use of alcohol at the venue. His house was right beside the property and there was no buffer in that area.
- // Mr. Russell Mear, 539 Tanglewood Drive, Lynchburg, asked if the number of events could be limited. He also asked if the next owner of the property could continue with the event venue if the special use permit was approved.
- // Chairman Kirk indicated that the special use permit would stay with the property.
- // Chairman Kirk closed the public hearing at 8:45 p.m.

// Commissioner Thilking believed the venue would be very tight, given all of the residences in the vicinity.

// Commissioner Hedges inquired if the entrance could be moved from Emerald Meadows Lane to Town Fork Road.

// Commissioner Monroe was concerned about the venue being in a residential area. He believed if the request was approved, there would need to be a lot of buffering on the entire property.

// Commissioner Condrey commended the applicant for a great presentation. He encouraged Mr. Sparrow to speak to as many of the surrounding neighbors as possible before this matter goes before the Board of Supervisors. Commissioner Condrey had concerns about the nature of the request.

// Chairman Kirk believed the area was too dense for the type of venue Mr. Sparrow wanted to operate.

The vote was: Aye: Hedges
Nay: Condrey, Kirk, Lawton, Monroe, and Thilking
Absent: Witt

// **SUBDIVISION MATTERS FOR CONSIDERATION**

Proposed is an 18-lot subdivision on Down Creek Road, to be known as Down Creek Estates – Section 3, in the Brookneal Election District. The parcel is zoned Agricultural and is owned by HMS Legacy Holdings LLC.

// Chairman Kirk made the motion to approve Down Creek Estates – Section 3.

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

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

// None

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

// None

// **MATTERS FROM THE PLANNING COMMISSION**

// Next scheduled meeting is October 23, 2023.

// Chairman Kirk adjourned the meeting at 8:58 p.m.

K. William Kirk, Chairman