

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on Tuesday, March 14, 2023, in the Board of Supervisors Conference Room located at the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Chair, Snow Creek District

Debbie Crawford- Vice Chair, Union Hall District

David Clements- Rocky Mount District (Tardy)

David Pendleton- Blackwater District

C.W. Doss- Blue Ridge District

Cheryl Ege- Gills Creek District

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Stephanie Mathena- Principal Planner

Chris Dadak - County Attorney

Megan Fenner - Clerk

THOSE ABSENT:

Angie McGhee- Boone District

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:08 p.m.

The first order of business was the approval of the minutes from the January 10, 2023, meeting. Chairwoman Mitchell asked if there were any changes or corrections to the minutes. Chairwoman Mitchell asked if there were any changes or corrections to the minutes. Hearing none, and seeing none, Chairwoman Mitchell stated the minutes will stand as written.

The second order of business was the approval of the minutes from the February 14, 2023, meeting. Chairwoman Mitchell asked if there were any changes or corrections to the minutes. Mr. C.W. Doss advised that he was not listed as present in the minutes and would like this corrected. Chairwoman Mitchell asked if there were any other corrections, deletions, or additions. There were none.

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Chairwoman Mitchell announced that the Planning Commission would take a moment to review their consent agenda. Ms. Mitchell advised concerns were raised regarding the work session for Energix US, LLC: Mountain Brook Solar.

Ms. Cheryl Ege advised it is a concern that there was a presentation scheduled during their work session from Energix. Ms. Ege advised she has reviewed the presentation, and mentioned that Energix has already conducted two community meetings. The Planning Commission has already heard from Energix at previous meetings. Ms. Ege stated the presentation would be better presented in front of the public when the public attends the public hearings for Mountain Brook Solar so they receive the same information. Ms. Ege would like to remove the presentation from the agenda for tonight's meeting and have Energix come back during their application hearing.

Ms. Debbie Crawford asked if it was public knowledge that Energix would be giving a presentation at the meeting. Director Lisa Cooper stated that the presentation was listed on the agenda which is posted on the Planning Commission webpage for the public to see. Ms. Crawford wanted to know if the presentation was advertised in the newspaper. Director Cooper stated the presentation was not advertised, as the Planning Department does not advertise any other work session the Planning Commission holds.

Chairwoman Sherrie Mitchell asked if the work session was advertised under Energix US, LLC. Director Lisa Cooper stated that the work session was not part of the legal ad, but the agenda the Planning Commission received was the same one posted on the Planning Commission webpage, which lists work sessions for Energix US, LLC and short-term rentals.

Ms. Debbie Crawford added that she would like for all Planning Commission members to be present to hear the presentation.

Ms. Cheryl Ege motioned to table Energix US, LLC's presentation on Mountain Brook Solar from the agenda and give their presentation at the public hearings for Mountain Brook Solar.

Chairwoman Sherrie Mitchell asked for clarification on Ms. Cheryl Ege's motion to table.

Ms. Cheryl Ege asked Director Lisa Cooper if the public hearing for Mountain Brook Solar is scheduled. Director Lisa Cooper stated that the Planning Department has not yet advertised the public hearing, but had told Energix staff planned on bringing the special use permit and rezone applications to the Planning Commission in April. Director Cooper explained staff decided it was a good idea to have Energix introduce themselves before the Planning Commission as this is the first solar facility in the zoned area to come before the Planning Commission.

Ms. Cheryl Ege motioned that Energix forgo the planned presentation and there not be a separate presentation, that Energix give the presentation at such time they present their application before the public.

Ms. Debbie Crawford and the commissioners consulted with Mr. Chris Dadak, county attorney, as to the legality of removing the item from the agenda. Mr. Dadak advised motions to change the agenda are permitted. Chairwoman Sherrie Mitchell stated while they can change the agenda, she was not sure if they could control over when or how the presentation is given. Mr. Dadak advised the motion should be more to remove it from the agenda, since they are an applicant, they will still present during their public hearing.

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Ms. Cheryl Ege motioned that the presentation from Energix during the scheduled work session be removed from the meeting's agenda.

Ms. Debbie Crawford seconded the motion.

The motion to approve was approved, 4-1-2-0; voting on the motion was as follows:

AYES: Ege, Doss, Pendleton, Crawford
NAYES: Mitchell
ABSENT: Clements, McGhee
ABSTAIN: None

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT - Application of Rebecca Helgeson, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 1.46 acres of property zoned R-1, Residential Suburban Subdivision District. The property is located at 550 Lakestone Road in the Union Hall Election District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0510307800. The purpose of this special use permit request is to allow for a "home—second single-family detached dwelling on a lot". This property has a future land use designation of Low Density Residential. (Case # SPEC-01-23-17549).

Director Lisa Cooper presented the staff report.

The applicant is requesting a special use permit to allow for a "home—second single-family detached dwelling on a lot" (hereafter referred to as "second dwelling") 1.46 acres and located at 550 Lakestone Road in the Union Hall Election District. There is one dwelling located on the parcel, occupied by the applicant. The second dwelling is intended for occupancy by the applicant's mother.

The second dwelling is proposed to be provided by converting the existing detached garage located on the property. The detached garage is built on a concrete slab and is currently 22 x 22 feet; the applicant intends to enlarge the footprint of the structure by 10 feet, to be a total of 22 x 32 feet.

The second dwelling would be a single-story, single-family residence (apartment), consisting of one (1) bedroom, one (1) full bathroom, with a total living area of approximately 704 square feet. The second dwelling would be served by public water, provided by the Western Virginia Water Authority, and septic would be provided by the construction of a new septic system and drainfield. The applicant has worked with an AOSE to receive a Site and Soil Evaluation Report that states the parcel is suitable to accommodate an additional septic system and drainfield; additionally, the AOSE has provided Construction Drawings.

The subject property shares a driveway with 546 Lakestone Rd. The construction of the second dwelling would constitute the existing driveway providing access to three (3) residences; this will require that the applicant work with the Franklin County GIS Department to address the second dwelling for emergency access.

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Chairwoman Sherrie Mitchell asked if the Commission had any questions for staff. There were none. Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

Ms. Rebecca Helgeson advised while she does not have a formal presentation, she is more so on answering any questions the Planning Commission may have. Ms. Helgeson has a 91-year-old mother who is fiercely independent and does not want to live in the same home as her. Her mother's current home in Chatham is becoming too dangerous for her to reside in, which is the reason for their request.

Ms. Debbie Crawford asked if the applicant has spoken to any of her neighbors regarding her plans. Ms. Helgeson stated that her neighbor she shares the driveway with has expressed approval, and is with her tonight in the audience. Ms. Helgeson also stated her other immediate neighbor has also expressed approval.

Chairwoman Sherrie Mitchell asked if any of the Commissioners had questions for the applicant. There were none. Chairwoman Mitchell advised they would open the floor to public comment. Hearing none, and seeing none, Chairwoman Mitchell closed the period for public comment. Chairwoman Mitchell then advised that the Planning Commission would now enter discussion.

Ms. Debbie Crawford motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a special use permit to allow for the home—second single-family detached dwelling on a lot with the six (6) conditions recommended in the staff report.

Mr. C.W. Doss seconded the motion.

The motion to approve was approved, 5-0-2-0; voting on the motion was as follows:

AYES: Pendleton, Ege, Doss, Crawford, Mitchell
NAYES: None
ABSENT: Clements, McGhee
ABSTAIN: None

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT - Application of Thomas Yerkey and Kathryn Polk, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 0.8 acres of property zoned A-1, Agricultural. The property is located at 1645 Morewood Road in the Gills Creek Election District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0150001503. The purpose of this special use permit request is to allow for the short-term tourist rental of a dwelling. This property has a future land use designation of Suburban Residential 2 Units per Acre, as shown in the Westlake Hales Ford Area Plan. (Case # SPEC-02-23-17557).

Director Lisa Cooper presented the staff report.

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The applicant is requesting a special use permit to allow for the short-term tourist rental of a dwelling on a property that is approximately 0.8 acres and located at 1645 Morewood Road in the Gills Creek Election District. This is the only dwelling located on the parcel and where the short-term rentals would take place.

The dwelling is a one-story, single-family residence built in 2007, and consists of three (3) bedrooms, three (3) full-bathrooms, and has a total living area of approximately 3,800 square feet. The applicant(s) does not currently reside in the dwelling on the property full-time but does plan to reside in the home part-time; The applicant's full-time home is on Kenwood Rd in Glade Hill.

Adjacent parcels include other single-family residences; adjacent zoning designations include A-1, Agricultural. Nearby zoning (not immediately adjacent) includes R-1, Residential Suburban Subdivision, and B-2, General Business. The subject property is located along a state-maintained road with a private driveway and a hard-surface parking area. There are three (3) off-site dwellings adjacent to the subject property; one of the adjacent dwellings to the proposed short-term rental dwelling is an approximate 106 feet away (to the west), other adjacent dwelling is approximately 217 feet away (to the north/rear of the subject dwelling), and the other adjacent dwelling is approximately 121 feet away (to the east).

The application was advertised, site posted, and notifications sent to all adjacent property owners. The Development Review Team (DRT) has reviewed the application at its February 8, 2023, meeting. As of the date of this report, staff has received four (4) inquiries or comments concerning the petition; two (2) comments were against the approval of the short-term rental, one (1) requested more information and did not support nor oppose; and one (1) citizen did not support nor oppose but did state that they want to ensure their property is not trespassed on. Additional comments and concerns may be raised as a result of the public hearings.

Chairwoman Sherrie Mitchell asked if the Commission had any questions for staff. There were none. Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

Mr. Thomas Yerkey acknowledged some comments made by those in opposition of the application. Mr. Yerkey advised accessing the lake through the property is impossible as there is a retaining wall and a split rail fence around back of the property. After that, there is a gully people would have to go through. Mr. Yerkey stated that he himself has four (4) children so he understands the concern for safety. The family has a farm in the Glade Hill area and owns their own company, so going far distances for vacation is difficult. The property will not be a full-time short-term rental, as the family stays there often due to the proximity of their office space. In the event that someone needs to respond to the property, Mr. Yerkey stated they live nearby, and they have also purchased cameras for the property and planted trees. The website Mr. Yerkey uses requires him to review each request to rent and they have to list why they are staying.

Ms. Cheryl Ege asked Mr. Yerkey how many weeks of the year they plan on renting the property. Mr. Yerkey answered possibly two weeks a month.

Chairwoman Sherrie Mitchell asked how long the average stay is. Mr. Yerkey advised that was difficult to guess, but probably 2-3 days a week. Ms. Mitchell also asked if the applicant had a required minimum length for renting. Mr. Yerkey answered there is a two (2) night minimum. Mr. Yerkey also wanted to add they have put together a book for renters who stay at the property and

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there are very strict rules: no partying, no one not renting staying after hours.

Chairwoman Sherrie Mitchell advised they would open the floor to public comment. Hearing none, and seeing none, Chairwoman Mitchell advised they would then close the period for public comment. Chairwoman Mitchell advised that the Planning Commission would now enter discussion.

Ms. Cheryl Ege advised that she does appreciate the applicants live locally, strict rules would be in place, and the applicants have constructed a border. However, she does not want to grant a short-term rentals in a residential area that is designated low density residential. Ms. Ege stated the existing residents deserve to have their property values, and the harmony and peace of their neighborhood protected. Ms. Ege wants the Planning Commission to test the application and consider how it would change the neighborhood. Ms. Ege views short-term rentals as a business, and she believes it would impact the harmony and character of the neighborhood. Ms. Ege stated that the benefits, like increased tourism, is not one of the standards they need to hold applications to, but rather if something would be a detriment to the area. Ms. Ege stated this would not be an appropriate special use permit to grant.

Chairwoman Sherrie Mitchell asked if any other Commissioners had any comments. There were none. Chairwoman Mitchell asked if anyone had a motion.

Ms. Cheryl Ege motioned that such use will be of substantial detriment to adjacent properties, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Ege moved to recommend denial of applicant's request.

There was no second. Chairwoman Sherrie Mitchell advised with no second, the motion fails.

Mr. David Pendleton motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Mr. Pendleton moved to recommend approval of the applicant's request for a special use permit to allow for the short-term tourist rental of a dwelling with the six (6) conditions recommended in the staff report.

Ms. Debbie Crawford seconded the motion.

The motion to approve was approved, 5-1-1-0; voting on the motion was as follows:

AYES: Pendleton, Clements, Doss, Crawford, Mitchell
NAYES: Ege
ABSENT: McGhee
ABSTAIN: None

Chairwoman Sherrie Mitchell advised the Planning Commission would take a short recess.

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Work Session: Energix US, LLC: Mountain Brook Solar.

The Planning Commission voted 4-1-2-0 to remove the presentation from their agenda.

Work Session: Short-Term Rentals: Signs and Buffers

Ms. Stephanie Mathena, Principal Planner, advised to keep the momentum moving on reviewing the short-term rental ordinance. The goal of the work session is to review signage, buffers, and landscaping. Ms. Mathena wanted the commissioners to keep in mind the following while reviewing the ordinance: is this efficient, is this enforceable, is this a legitimate zoning concern. Ms. Mathena encouraged the commission to keep in mind the things that concern them regarding short-term rentals and what would mitigate those concerns rather than what looks nice and what doesn't.

Signage was the first topic addressed.

Ms. Debbie Crawford asked where the ordinance was located, as she was looking for it. Ms. Stephanie Mathena advised that there is no specific ordinance for signage in the current short-term rental ordinance so whatever was decided would be completely new to this section. Director Lisa Cooper added there are sign regulations within other sections of the Zoning Ordinance which will be used to regulate short-term rental signage if the Planning Commission does not specify requirements. Areas zoned A-1, Agricultural, can have a sign up to 32 square feet.

Director Lisa Cooper stated there was only one short-term rental property that wanted to post a sign. The property was a farm-stay, and it was only a single small sign. Director Cooper stated that the Planning Department would not require a sign permit unless the sign reached 32 square feet or larger.

Ms. Cheryl Ege recalled possibly placing conditions regarding signage on some special use permits. Ms. Stephanie Mathena advised that somewhere in the ordinance it states that the outside appearance of the rental shall not change, and that could possibly be argued to mean signs. Ms. Ege advised that what she was thinking of. Ms. Mathena encouraged the commissioners to decide whether or not they wanted short-term rentals to be allowed signs.

Discussion turned to the different signs allowed by locality. Chairwoman Sherrie Mitchell stated pole signs to her tend to be temporary like election or holiday signs. Ms. Stephanie Mathena brought up the point that some localities that only allow wall signs may not have long driveways, and some people may need signs to guide guests to the residence.

Mr. C.W. Doss suggested the signs be the size of those used by the county to advertise properties that are going before a public hearing. He also commented that a 32 square foot sign is very large. Chairwoman Sherrie Mitchell commented that she thought the suggested size would still be too

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big. Mr. Doss retorted that the sign could also be used to display contact information for owners or property managers in case issues arise.

Ms. Cheryl Ege mentioned that if you drive around Smith Mountain Lake, many properties have small signs by their mailbox or within landscaping to display the name of their property. Ms. Ege wanted to know if the County has any regulations regarding that type of situation. Director Lisa Cooper stated that any sign one (1) square foot or larger is considered a sign by the County. However, a sign permit is not required until the sign reaches 32 square feet. Director Cooper also stated in the example Ms. Ege provided, the County would consider that to be more of a decoration. Ms. Ege asked if there were any regulations regarding temporary signs, such as those mentioned by Chairwoman Mitchell. Director Cooper answered there were no regulations in place for temporary signs. Chairwoman Mitchell agreed there was a large difference between decorative signs, and those advertising short-term rentals.

Mr. David Pendleton stated that when everyone starts putting signs up at the end of their driveway advertising, that becomes a detriment. Mr. Pendleton supported 5x5 911 address signs with the name of the owner, but not for advertising business.

There was discussion as to what information the signs were allowed to contain. Mr. Chris Dadak added that it may be difficult to regulate and enforce what information is allowed to go on the signs.

Ms. Debbie Crawford asked if anyone on the Planning Commission wanted short-term rental properties to be able to post signs. Ms. Stephanie Mathena asked for a show of hands. No Commissioners voted in favor of signs. Ms. Crawford advised that she believed signs advertising short-term rentals would increase the chance of theft. Ms. Cheryl Ege wanted people to be able to have a decorative sign naming the property.

It was decided to leave the ordinance as is, and to keep the language of the outward appearance. The ordinance will be revisited if signs become an issue.

The next topic for discussion was landscaping and buffering. There is currently no baseline for landscaping and buffering in the state of Virginia.

Ms. Debbie Crawford mentioned that landscaping and buffering is not needed across the board, especially when the rental is in the middle of a large property.

Chairwoman Sherry Mitchell stated that landscaping and buffering should be a case by case basis, and can be put in the conditions if they are recommending approval.

Ms. Cheryl Ege asked if there was language they could add making people aware that they could be required to add landscaping and buffering. Ms. Stephanie Mathena mentioned on the application for special use permits there is language stating that the Planning Commission or Board of Supervisors may impose conditions the applicants are required to meet. Ms. Cheryl Ege

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agreed it sounds like it's already covered by this language on the applications.

Ms. Debbie Crawford agreed with Chairwoman Sherrie Mitchell that buffers and landscaping should be a case by case basis since every lot is different. Ms. Crawford also questioned if the Planning Commission should require short-term rentals to have a certificate of occupancy. However, when Ms. Crawford spoke to Building Official John Broughton, he didn't think it was a good idea. The inspector, Mr. Bill Raney, would notify the building department if he thought a property would benefit from having a certificate of occupancy.

Chairwoman Sherrie Mitchell announced they would now open the meeting to any citizen who wished to address the Planning Commission on any planning related topics not addressed during the meeting.

Director Lisa Cooper announced the site visit to the Mountain Brook Solar site. Energix has submitted a list of dates for potential site visits, and are willing to meet in the evening to work around everyone's work schedule. The list will be emailed to the commissioners so everyone can check their schedule and designate a day for the site visit. The Planning Commission was leaning to April 5th, the date already set for site visits.

Meeting adjourned at 7:43 pm.