

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on Tuesday, May 9, 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

David Pendleton- Blackwater District

C.W. Doss- Blue Ridge District

Cheryl Ege- Gills Creek District

Angie McGhee- Boone District (By Phone)

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Stephanie Mathena- Principal Planner

Chris Dadak - County Attorney

Megan Fenner – Clerk

THOSE ABSENT:

NONE

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:00 p.m.

The first order of business was the approval of the minutes from the April 11, 2023, meeting. Due to the length of the minutes and the extensive review of the record, staff delivered the April 11, 2023 public hearing minutes to the Planning Commission at the beginning of this meeting. Director Lisa Cooper stated that the minutes are posted online and marked as draft, for public access. Chairwoman Sherrie Mitchell asked if the minutes will be updated online upon approval. Director Cooper confirmed the record will be updated online when the minutes are approved. Ms. Debbie Crawford suggested to table or delay the approval of the minutes until the Planning Commission could review the document in its entirety.

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Ms. Debbie Crawford motioned to postpone the approval of the April 11, 2023 meeting minutes until the June 13, 2023 meeting.

Ms. Cheryl Ege seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

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

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of American Window Real Estate LLC, Applicant, and Amos K. and Barbie M. Stoltzfus, Owners, requesting a special use permit, with possible conditions, on an approximate 4.07 acres of property zoned B-2, General Business. The property is located at 3305 Iron Ridge Road, in the Blackwater Election District of Franklin County and further identified by real estate records as Tax Map/Parcel Number 0440102301A. The purpose of this special use permit request is to allow for outdoor displays on a business property. This property is located in the 220 North Corridor Designated Growth Area and has a future land use designation of Commercial Mixed Use (SPEC-03-23-17609).

Director Lisa Cooper presented the staff report.

The property was approved for a special use permit in 2018 for outdoor display on business property for an auto sales lot. The conditions on the special use permit were specific for auto sales. This business never operated at this location.

American Windows Real Estate, LLC., (AWRE) applicant is requesting a special use permit for outdoor display on business property for manufactured housing sales and a retail location. The display area will have approximately six (6) model homes of different sizes of 16' x 76', 28' x 52', and 32' x 60' and a sales office of approximately 1344 square feet.

The property is located at the corner of Iron Ridge Road (Route 775) and Route 220 and is zoned B-2, General Business. The property consists of approximately 4.07 acres. The property is located in the 220-North Designated Growth Area and the 220-North Mixed Overlay District. Water is supplied by the Western Virginia Water Authority and the sewer supply is a septic system.

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

Mr. Adam McKelvey addressed the Planning Commission. Mr. McKelvey advised they are looking to place 5-8 manufactured housing units as outdoor displays on the property. He then discussed the property, and its location in relation to Route 220 and Rocky Mount. Mr. McKelvey stated they are willing to make changes to their plans as much as possible because they want the project to look right, and they want it to be visually pleasing. He also discussed their goal of providing affordable housing in the county by working with Fleetwood Homes. Mr. McKelvey stated that the property will not have trailers constantly moving the manufactured homes on and off of the property. They have already begun meeting some of the suggested conditions. He then introduced Mr. Carl Booth who advised they have ensured an egress to the front and rear of the property for emergency apparatus. The required Safe, Adequate and Proper is underway and waiting for approval from the Virginia Department of Health. The property already has water, sewer and electricity. Mr. Booth stated they have reached out to Ms. Lisa Lewis with the Virginia Department of Transportation, who stated they will need more detail in their site analysis.

Chairwoman Sherrie Mitchell asked if any Commissioner had questions for the applicant. Hearing none, Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed.

Chairwoman Sherrie Mitchell stated there is a confirmation by staff. Director Lisa Cooper stated the seven (5) parking spaces will be plenty. He would only need five (5) spaces, and a sixth (6th) space as handicap parking. This will be reviewed and discussed in the minor site plan review stage.

The Planning Commission then entered their period of discussion. There were no concerns or questions brought up by the Planning Commission.

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 outdoor display on business property in accordance with Section 25-336 of the Zoning Ordinance, with the five (5) conditions recommended by staff.

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Mr. David Clements seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

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

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of Jerry and Peggy Mattox, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 3.5 acres of property zoned RC-1, Residential Combined Subdivision District. The property is located at 219 Major Holland Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0530009100. 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. (SPEC-04-23-17614).

Ms. Stephanie Mathena 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”) on a property that is approximately 3.5 acres and located at 219 Major Holland Road in the Union Hall district. There is one dwelling located on the parcel, occupied by the applicant. The second dwelling is intended for occupancy by the applicant's granddaughter.

The second dwelling is proposed to be provided by converting the existing 1980-model manufactured home located on the property. The existing manufactured home was placed on the property for storage, approximately 25 years ago. The applicant stated that over the last several years, they have been remodeling the manufactured home.

The second dwelling would be a single-family residence (single-wide manufactured home), consisting of two (2) bedrooms, one (1) full bathroom, with a total living area of approximately 840 square feet. The second dwelling would require the construction of a new septic system and drainfield, as well as connection to a water source. At the time of this staff report, the Virginia Department of Health stated they have not received any applications.

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The subject property is located on and served by a public, state-maintained road. The subject property shares a driveway with 225 Major Holland Road. 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.

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

Mr. Jerry Mattox addressed the Planning Commission. Mr. Mattox explained they are asking for a special use permit for their granddaughter to use the structure on their property as a second home. The building has been used for storage, but they have been renovating it for her and turning it into a residence. Ms. Peggy Mattox stated their granddaughter is single and works from home, and they appreciate the opportunity to be heard by the Planning Commission.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Hearing none and seeing none, Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed.

The Planning Commission then entered their period of discussion. There were no concerns or questions raised by the Planning Commission.

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. Ms. Crawford 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. David Pendleton seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

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

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Chairwoman Sherrie Mitchell introduced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of E. Cabell and Jessica A. Gardner, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 126.89 acres of property zoned A-1, Agricultural. The property is located at 500 Ayers Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0530013200. 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 Agriculture Forestry/Rural Residential, as shown in the Franklin County Comprehensive Plan. (SPEC-04-23-17634).

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 129.89 acres and located at 500 Ayers Road in the Union Hall district. This is the only dwelling located on the parcel and where the short-term rentals would take place. The applicant owns and resides full-time on an adjacent parcel, 805 Timber Ridge Road.

The dwelling is a two-story, single-family residence built in approximately 1900, and consists of three (3) bedrooms, one (1) full-bathrooms, one (1) half-bathroom, and has a total living area of approximately 1,392 square feet. The existing Sewage Disposal System Operation permit permits a maximum of two (2) bedrooms / four (4) adults. While the dwelling does have three (3) bedrooms, the short-term rental can only be advertised and operated as two (2) bedrooms in accordance with the septic permit; an upgrade or increase to the capacity would require all relevant approvals from the Virginia Department of Health.

Adjacent parcels include the applicant's single-family residence on an adjacent property; several dwellings; parcels used for agricultural purposes; and vacant parcels. The subject property is located along a state-maintained road with a private driveway and a parking area.

Chairwoman Sherrie Mitchell asked if there were any questions for staff. Ms. Stephanie Mathena stated the applicant may have spoken to the Virginia Department of Health regarding expanding their septic, but for now staff will continue with the current record on file. Ms. Sherrie Mitchell asked if the applicants chose to upgrade their septic, would they have to come before the Planning Commission again. Ms. Mathena stated staff would update their records regarding the septic information, but the applicants would not have to go through another public hearing.

Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

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Mr. E Cabell addressed the Planning Commission. He presented photos of the property and explained which area will be fenced in, as part of the land will still be used for agriculture. He stated he would answer any questions the commission had.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Ms. Debbie Crawford asked if renters would be able to interact with the farm animals on the property. Mr. E Cabell stated that was not his intent, and they shouldn't be able to get near the animals. Ms. Mitchell asked if it was their original intent while renovating to do short-term rentals. Mr. Cabell answered that was their original intent, but the more they worked on the property, the more they enjoyed being there. He explained they would like to be able to use the property whenever they want and rent it for a few days out of the month.

Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed. Chairwoman Sherrie Mitchell advised the Planning Commission would now enter discussion.

Ms. Debbie Crawford stated that she is familiar with the applicants and their work, and they always do a good job on their projects.

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. Ms. Crawford move 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 five (5) conditions recommended in the staff report.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

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

Chairwoman Sherrie Mitchell introduced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of the Franklin County Board of Supervisors, on behalf of Boxwood Green Homeowners Association, Owner(s), requesting to rezone, with

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possible proffers, on an approximate 94.386 acres (94 parcels) from A-1, Agricultural to R-1, Residential Suburban Subdivision. The properties are located in the Boxwood Green subdivision of the Union Hall election district of Franklin County and further identified by Franklin County Real Estate Records as the Tax Map/Parcel numbers listed on the attached spreadsheet. The purpose of this special use permit request is to allow for the short-term tourist rental of a dwelling. The purpose of this rezoning request is to provide a more compatible zoning district for its existing residential use. The properties have a future land use designation of Low Density Residential (Case# REZO-04-23-17642).

Ms. Stephanie Mathena presented the staff report.

The properties, currently 94 parcels, have been zoned A-1, Agricultural, since the creation of the Boxwood Green subdivision. The properties consist of single-family dwellings on both lakefront and inland lots.

This request was initiated by a letter sent by Peter Kaufmann, President of the Boxwood Green Homeowners Association (HOA), addressed to Chairman Tatum (Blue Ridge District Supervisor) of the Franklin County Board of Supervisors, on February 13, 2023. The letter stated the Boxwood Green HOA's initiative of collecting votes regarding the rezoning from all property owners within the subdivision. The letter stated the desire for the rezoning is due to a "strictly residential community [...] that clearly fits the profile of R-1 residential." An additional letter was sent to the Franklin County Board of Supervisors on April 4, 2023, reinforcing the sentiments of the original letter.

Chairwoman Sherrie Mitchell asked the Planning Commission if they had any questions for staff.

Ms. Debbie Crawford asked if staff had the exact tally of the votes from the subdivision. Ms. Stephanie Mathena stated she didn't have the number memorized, but the documentation should be in the packet of meeting materials. Ms. Cheryl Ege stated that the vote was about 90% in favor of rezoning. Director Lisa Cooper confirmed 90% approved the rezone, which was 78 owners. Five (5) owners disapproved, four (4) owners didn't respond at all. Those who voted no were concerned that the R-1 designation would effect their ability to work from home. Director Cooper clarified that R-1 does allow people to work from home, especially if they have an occupation where they can be out of the office. If anyone had a home occupation, and the property is rezoned, the existing businesses would be grandfathered in. However, if anyone wanted to expand their business that would require further discussion. Ms. Crawford asked if the applicants have filed for a rezone before and were denied. Director Cooper stated the president of the HOA previously came before the Planning Commission to request a rezone. The Planning Commission advised the president of the HOA to survey the subdivision and see how many landowners would

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support a rezone. The HOA got the information and then reached out to their Board of Supervisor member who presented the idea to the Board of Supervisors and got the votes to be able to file for the rezone as the applicant. Ms. Crawford asked if staff had a copy of the HOA by-laws. Director Cooper stated they do not, because the planning office does not regulate restricted covenants. Ms. Crawford spoke on the strength of the HOA, and mentioned a conversation with a contractor she had where rezoning could potentially raise taxes in the area. Ms. Mitchell advised they would let the applicant come up and address the Planning Commission after staff has concluded their presentation. Ms. Mitchell also confirmed that the letter from the HOA treasurer in their packet states 90% of the homeowners support the rezone. Ms. Mitchell asked if the vote of the Board of Supervisors to send the rezone to the Planning Commission was unanimous. Director Cooper believes the vote was six (6) in support, with one (1) member absent. Ms. Mitchell asked if there was any relevant discussion. Director Cooper stated that they noted the work the HOA had put in to obtain the opinion of the homeowners, but there were no questions. Ms. Mitchell asked if staff had an idea of how many subdivisions around the lake were zoned A-1. Director Cooper noted there were quite a few, but she couldn't name any from memory. She noted that many subdivisions that had mixed use were zoned Residential Planned Development (RPD), and if a lot of the property in the subdivision was still agricultural, it was zoned A-1. Many developers may not want to go through the rezoning process when creating a subdivision, which could contribute to subdivisions zoned A-1. Ms. Mitchell then asked how much work would be put on staff if there were an influx of subdivisions seeking to rezone. Director Cooper stated there is a certain amount of work that goes into making sure no parcels are left out of the rezone, which could cause issues down the road. If there was a large influx, she could consult the Board of Supervisors regarding a comprehensive rezone.

Ms. Debbie Crawford asked the difference between R-1 and RC-1. Director Lisa Cooper explained that R-1 is the most restrictive zoning, as it doesn't allow a lot of permitted uses and is limited on the special use permits you can obtain. RC-1 zoning has smaller lots and allows manufactured homes, where R-1 does not. Ms. Cheryl Ege wanted to point out that Boxwood Green is a well-established neighborhood, and there are few lots that belong to the HOA. She does not think it would make sense to zone the area RC-1.

Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

Mr. Pete Kauffman, president of the HOA, advised he is joined by the treasurer Mr. Sam Bready. Mr. Kauffman advised that they did submit a presentation to the Board of Supervisors with the work they have done, and why they would like to rezone to R-1. They would like to rezone mainly because they are a residential area, and there is no agricultural use in the area. He believes the subdivision meets the standards of the zoning ordinance

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for R-1 zoning. There are some lots that have not been developed. Two (2) of the lots are not developable. Another two (2) lots are expected to be developed soon. Mr. Kauffman advised about 67% of homeowners reside in Boxwood Green full time, and 30% of them are not lakefront property. He believes that they have strong restricted covenants that they have posted online. Mr. Kauffman discussed some of their procedures when they want to change something about the subdivision or covenants.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Ms. Debbie Crawford asked if Mr. Pete Kauffman considered a possible change in tax rate. Mr. Kauffman stated he consulted with the county's treasurer office and was advised that the zoning of the property does not affect the rate of property tax. Ms. Crawford asked if they had taken a preliminary vote when they came before the Planning Commission the first time. He stated they had not. Mr. Sam Bready stated it was discussed in many of the HOA meetings and generally supported.

Chairwoman Sherrie Mitchell advised they would now open the floor to citizens who wished to comment on the applications.

Ms. Margret Mendenhall, who has resided in Boxwood Green for over a year, stated the subdivision's HOA is the most impressive they have been involved in. She and her husband have served on several HOAs in the past. She wanted to address the thought 'if it's not broken, why fix it?' She believes this will prevent it from being 'broken' in the future. She believes that they should have a designation to reflect their residential area.

Chairwoman Sherrie Mitchell stated they would now close the period for citizen comment. Chairwoman Sherrie Mitchell advised the Planning Commission would now enter discussion.

Ms. Cheryl Ege stated the Boxwood Green community has done a great job in presenting their work to the Planning Commission, they are a residential community and should have a zoning designation that reflects such. Ms. Ege would be in favor of supporting the rezone.

Ms. Debbie Crawford motioned that such rezoning will not be of substantial detriment to adjacent property, that the character of the surrounding area will not be changed thereby, and that such rezoning will be in harmony with the purpose and intent of the County Code and the Comprehensive Plan. Ms. Crawford moved to recommend approval of the request to rezone the approximate 94 acres from A-1, Agricultural, to R-1, Residential Suburban Subdivision.

Ms. Cheryl Ege seconded the motion.

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The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

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

Chairwoman Sherrie Mitchell opened the floor for citizen comment on anything related to planning that has not already been heard tonight. Seeing none and hearing none, Chairwoman Mitchell closed the period for citizen comment.

Director Lisa Cooper announced there were no applications for next month's meeting, so they will hold a work session instead. Site visits for June 7, 2023 have been canceled. Ms. Stephanie Mathena discussed what staff briefed the Board of Supervisors on at their April work session, and provided materials that were given to the Board of Supervisors. She also updated the Planning Commission on current projects.

Meeting adjourned at 7:29 pm.