

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on Tuesday, August 8, 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

C.W. Doss- Blue Ridge District

David Pendleton- Blackwater District

Cheryl Ege- Gills Creek District (By Phone)

Angie McGhee- Boone District

OTHERS PRESENT:

Lisa Cooper- Director, Planning & Community Development

Tina Franklin- Planner II

Chris Dadak- County Attorney

Megan Fenner- Clerk, Planning Commission

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 July 11, 2023, meeting. Chairwoman Mitchell asked if there were any corrections or deletions. Hearing none and seeing none, the July 11, 2023 meeting minutes pass as written.

Chairwoman Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of Jamie Murray, Applicant, and Jim Murray/SML South, LLC, Owner, requesting a special use permit, with possible

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conditions, on two (2) parcels with a combined total of 2.23 acres, zoned B-2, General Business. The property is located at 11970 Old Franklin Turnpike, in the Union Hall Election District of Franklin County and further identified by real estate records as Tax Map/Parcel Numbers 0660102000 and 0660102101. The purpose of this special use permit request is to allow for a daycare center, day nurseries on a business property. This property has a future land use designation of the Village of Union Hall (SPEC-07-23-17716).

The property was rezoned in 1990, from A-1 to B-2, to allow for “a restaurant and small shop commercial site.” The proffers to this 1990 rezone included owner to comply with the wishes of the staff as far as signage, outdoor lighting, dumpsters, or storage; adequate fire protection and compliance with staff; hours no later than 11:00 pm; signage to be no greater than sixty (60) square feet; and 20’ of landscaping along the road frontage.

The property also had a special use permit approved in 1999 for the purpose of a “dance hall”. The conditions of this 1999 special use permit included compliance with VDH, VDOT, and Public Safety; noise level compliance; a plan showing the buffer along the eastern boundary of the parking lot from the Route 40 entrance to the rear of the lot; music beginning at 9:00 pm and ceasing at 12:00 midnight; no spillover parking off-site; and screening of the dumpster site to alleviate trash blowing off-site.

The site has an existing one-story structure that is approximately 10,329 square feet. The applicant proposes to use approximately 4,000 sf of the structure at first with the option to use an additional 3,000sf if the need to expand. A maximum number of 40 children and eight (8) teachers and/or employees. The concept plan shows the parking, the existing structure, and the playground. The applicant indicated there will be a kitchen and the proposed hours of operation are 6:00 am to 6:00 pm. The day care center and day nursery will utilize the existing parking; however, at the time of site plan review, additional parking may be required.

The property is in the Corridor Overlay District. Water is supplied by a well and the sewer supply is a septic system.

Ms. Cheryl Ege asked for clarification on the comments made in the staff report by

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Fire Marshall Andy Pendleton: “Andy Pendleton spoke with Ms. Murray and stated that as the structure will be for an “E” use and over 49 occupants the structure will need a panic hardware and a fire alarm installed.” Ms. Tina Franklin stated the “E” designation is used to classify daycare centers and stands for “educational.” The panic hardware and fire alarms will be held to the standards of other commercial properties.

Ms. Debbie Crawford asked why the rezone was included in the staff report. Ms. Tina Franklin advised that the rezone that occurred to the property and all included proffers do not go away, and still apply to the property. When a rezone or special use permit is acquired for a property, the information is included in the background portion of the staff report. Ms. Franklin added that with special use permits, if there is no activity commenced within 18 months, the permit expires.

Chairwoman Mitchell asked to revisit the last slide of the conditions, as she wanted to look at condition number six (6): “The owner shall install and maintain a 20’ landscaping strip along the frontage, along Route 40, in accordance with the 1990 proffers for the project property.” Ms. Debbie Crawford then asked to go back to the aerial photo of the property. Ms. Crawford asked if the buffer on the lower portion of the map is acceptable. Ms. Franklin advised the buffer is acceptable but ends prematurely. The site plan will require more shrubbery planted from the end of the existing buffer to the road, but not in the VDOT right of way.

Director Lisa Cooper asked to show the slide containing the concept plan. Director Cooper noted which side is the East part of the property, and that where the buffer stops, there is only fencing. This is where condition number five (5) and the applicant will have to meet landscaping requirements set in the zoning ordinance.

Director Lisa Cooper stated condition six (6) comes from the previous rezone of the property. The condition is a proffer that was to be met in the 1990’s following the rezone of the property. The condition will ensure this proffer is finally met. Low-lying shrubbery can be planted, so as not to block the view of exiting motorists. Landscaping cannot be planted in the VDOT right of way. Chairwoman Mitchell stated this was a similar concern the Planning Commission had at the last public hearing.

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Ms. Debbie Crawford asked where the playground was to be located. Ms. Tina Franklin was able to show on the applicant's site plan where the proposed playground is located. Director Lisa Cooper directed the Planning Commission's attention to the handouts on their desk. The applicant has updated their concept plan and letter of application to include the possibility of expanding the business; staff has updated the staff report to reflect these changes. To be covered by the proposed special use permit, the expansion should take place 18 months after opening. If it takes two (2) or more years, the applicant should file for another special use permit. Director Cooper stated that economic development has stressed the need for childcare at all age levels. Ms. Crawford asked if the applicant's estimate of 40 children was the most she was considering, even after expansion. Ms. Tina Franklin advised she believed so, but she would allow the applicant to speak to that. Director Cooper stated the state has standards for childcare and will regulate the number of children in the daycare.

Ms. Cheryl Ege asked if the kitchen in the daycare would be regulated by the Virginia Department of Health. Ms. Ege did not see any comments from them regarding the kitchen. Ms. Tina Franklin advised it would be regulated by the Virginia Department of Health.

Chairwoman Mitchell stated they would now hear from the applicant.

Ms. Jamie Murray addressed the Planning Commission. Ms. Murray stated there is a dire need for childcare in Franklin County. She added that any childcare facility in Franklin County has a waiting list, and parents can be waiting for a year for an opening. Ms. Murray stated childcare is her passion and she is very excited about this opportunity.

Ms. Debbie Crawford asked the applicant if the estimated 40 children was the most she was considering. Ms. Jamie Murray stated she met with Fire Marshall Andy Pendleton, and for the starting square footage she can have up to 40 children. If she were to have more than 50 total people in the building, it would be required for her to have the secondary fire alarm system. Starting with the 4,000 sq. ft. area she will be caring for children from one (1) to five (5) years old. Once she expands the space, she would like to start caring for older children and running an after-school program. With the expansion she will be required to have the secondary alarm

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system mentioned by the Fire Marshall.

Chairwoman Mitchell asked if any members of the audience would like to address the Planning Commission regarding this application. Seeing none and hearing none, the period for citizen comment was closed.

In the period of deliberation, Chairwoman Mitchell wanted to comment on the need for childcare in Franklin County. She advised her workplace has over 400 employees, many of whom have young children who require childcare. They too get stuck on a waiting list like the applicant talked about. Ms. Debbie Crawford advised that she wished she had childcare in the Union Hall area when her children were young. The closest childcare facilities are in Rocky Mount. The building the applicant has selected has been sitting empty, and she is happy to see it be used within the village.

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 moved to recommend approval of the applicant's request for a special use permit to allow for a daycare center, day nursery in accordance with Section 25-336 of the Zoning Ordinance, with the six (6) conditions recommended by staff.

Mr. C.W. Doss seconded the motion.

A rollcall vote was conducted. 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 Mitchell introduced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of Loren Boone, Applicant, and

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Loren and Amanda Boone, Owners, requesting a special use permit, with possible conditions, on an approximate 3.00 acres of property zoned A-1, Agricultural. The property is located along Red Valley Road in the Boone Election District, accessible through 6654 Boones Mill Road, and further identified by real estate records as Tax Map/Parcel Number 0180001703. The purpose of this special use permit request is to allow for garages, commercial, automobile, recreational vehicles, motorcycles. This property has a future land use designation of Agricultural, Forestry, and Rural Residential (SPEC-07-23-17729).

Loren Boone, applicant, is requesting a special use permit to operate a “mechanic shop”, formally known as “garages, commercial, for automobiles, recreation vehicles, motorcycles” in the Franklin County Zoning Ordinance. The property is located on Red Valley Road (near the intersection of Boones Mill Road) and is zoned A-1, Agricultural. The property consists of approximately 3.00 acres. The applicant owns, resides, and currently operates the business at the adjacent property, located at 6654 Boones Mill Road; this property surrounds the subject property on three sides.

The site has been vacant and is currently being used as a “parking lot,” or for the storage of vehicles, as stated in the applicant’s letter of application. The applicant proposes to build an 80’ x 100’ mechanic shop to accommodate their existing business – Boones Diesel Repair. Boones Diesel Repair offers diesel truck repairs and diesel engine repairs.

The provided Layout, Utility, and Grading Plan shows the proposed shop building, one parking area, and the location(s) of the proposed drainfield, septic tank, and well. The applicant stated that there will be three (3) employees, and the mechanic shop will include a full bathroom (restrooms and shower), as well as an office space. In the application and preliminary conversations, the applicant has stated that the commercial entrance will eventually be located on Red Valley Road, and until such time as that is constructed, the applicant proposes to utilize the existing driveway located on the adjacent property, 6654 Boones Mill Road, for access to the subject property – as that existing driveway has direct access to the subject property.

Chairwoman Mitchell asked staff to display the concept plan. She then asked if the concept plan showed the entire three (3) acres of the property. Ms. Tina Franklin

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answered in the affirmative.

With no other questions or concerns, Chairwoman Mitchell advised they would now hear from the applicant.

Mr. Loren Boone addressed the Planning Commission. Currently, Mr. Boone is operating his diesel mechanic shop out of a cinderblock building on the adjacent property. The existing building is very small, and they are only able to service one vehicle at a time. Mr. Boone states he has many customers and may start servicing the county's public safety diesel vehicles to keep the repairs within the county, rather than sending them to a shop located in another jurisdiction. A larger building would mean they would be able to better serve their customers.

Chairwoman Mitchell asked if there were any questions for the applicant.

Mr. David Pendleton stated it sounds like the applicant needs the larger building to continue his business. Ms. Debbie Crawford agreed, and asked the applicant how many total acres the proposed property will be. Mr. Loren Boone answered three (3) acres. Ms. Crawford then asked how many acres the property is where the current shop is located. Mr. Boone stated that the property is 41 acres. Director Lisa Cooper pointed out the proposed property is surrounded by land owned by the applicant. Ms. Crawford asked if you would be able to see the new building from the road. Mr. Boone answered the building will be visible by Red Valley Road, but not Boones Mill Road. Mr. Pendleton asked if the building was proposed to be 300 to 400 feet from the roadway. Mr. Boone answered in the affirmative.

Chairwoman Mitchell advised they would now open the floor to citizen comment.

Mr. Brian Yeary, 270 Oak Garden Drive, stated there is a lot of acreage in the area. His only concern was the impact on property values to the residential properties if commercial property was allowed.

Ms. Angie Pittendrigh stated she was also concerned about the impact of property values.

With no one else in the audience who wished to speak regarding the application,

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Chairwoman Mitchell closed the period for citizen comment.

Director Lisa Cooper noted that in the suggested motions there was a typo. Where Section 25-336 is listed, this should read Section 25-179.

Mr. C.W. Doss stated the existing area is already used as commercial property for the diesel mechanic shop. There should be no impact to the property values with the applicant conducting the business on the proposed property.

Ms. Debbie Crawford stated this is a needed service. Chairwoman Mitchell agreed.

Ms. Cheryl Ege acknowledged the property is in the A-1 District, and the use is not changing significantly. There would be several vehicles parked outside of the business, so she wanted to know what constituted an outdoor display. Director Lisa Cooper stated outdoor displays would be when a commercial property stores materials used, or products for sale such as the mobile/modular home sales the Planning Commission heard last month. Director Cooper stated as the Zoning Administrator she didn't feel like this application constituted outdoor display, as it is normal to have vehicles parked on the property when operating a commercial garage. Staff did not suggest screening, because they believed the property did not require such a condition. Ms. Ege asked why staff felt screening was not necessary for this application. Director Cooper stated the business is existing, so they felt they did not have to designate an area for screening on the new lot. The applicant plans for most of the storage to stay on the existing property and in the cinderblock building, so staff decided not to do a screened area for vehicles. Ms. Ege questioned if they should add screening to protect the neighboring residential area, or possibly require vehicles to be stored in the back of the business. She would like to see a buffer between commercial use and residential use. Director Cooper advised the Planning Commission could create additional requirements through conditions. However, Director Cooper advised to keep in mind the conditions set would not apply to the 41-acre property, which is visible from Boones Mill Road, where the applicant is currently operating.

Ms. Debbie Crawford asked where the subdivision was located. The aerial map was displayed, and staff was able to show where the residential area was located. Ms. Cheryl Ege advised she was currently looking at the zoning map, showing the

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properties as A-1, Agricultural. The zoning map was displayed. Ms. Ege advised the corner lot on Red Valley Road and Boones Mill Road, across from the applicant's 41-acre property, is also part of the Oak Hill community. Ms. Ege described what other lots were included in the Oak Hill community. Most lots are clustered around Oak Garden Drive, but there are three (3) other lots along Red Valley Road that are part of the community.

Ms. Debbie Crawford asked if Red Valley Road was a dirt road. Mr. David Pendleton answered in the affirmative. Ms. Crawford advised she believes the existing vegetation is adequate. Ms. Crawford wanted to know if there were any reasons why houses have not been built on the three (3) lots on Red Valley Road. Mr. Brian Yeary explained the properties have not been developed due to the steep slopes of the property.

Clerk Megan Fenner explained that currently the lot listed on the special use application is accessible through Boones Mill Road. Fire Marshall Andy Pendleton, Mr. Eric Schmidt (GIS Coordinator) and herself discussed in detail the potential challenges of emergency personnel responding to the proposed garage through this access point. Emergency responders would have to differentiate between the old commercial building, the residential home, and the newly constructed business property. To save time and prevent confusion, they wanted the new business to be addressed off Red Valley Road and have that access point. Chairwoman Mitchell asked if they considered the large curve in the road of Boones Mill Road. Clerk Fenner stated this was not part of the discussion but could pose a potential problem.

Mr. Loren Boone stated he was required to have road frontage, so they created an entrance on Red Valley Road. Mr. Boone stated there is a large dip on Red Valley Road, and then a steep incline. They are planning to use the current entrance on Boones Mill Road in conjunction with Red Valley Road. Ms. Debbie Crawford asked if customers will still be able to use Boones Mill Road as an entry point. Mr. Boone confirmed. Chairwoman Sherrie Mitchell asked how the applicant was going to access his personal property. Mr. Boone answered he would also use the entrance on Boones Mill Road.

Ms. Cheryl Ege asked if the proposed building and its location will be less noticeable from Boones Mill Road. Mr. Loren Boon confirmed the building along with the client's

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vehicles will be moved to the back of the property and will be less visible.

Ms. Angie McGhee 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. McGhee moved to recommend approval of the applicant's request for a special use permit to allow for "garages, commercial, for automobiles, recreation vehicles, motorcycles" in accordance with Section 25-179 of the Zoning Ordinance, with the six (6) conditions recommended by staff.

Mr. David Pendleton seconded the motion.

A rollcall vote was conducted. 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 Mitchell stated before they adjourned, there was a staff announcement.

Director Lisa Cooper announced Tina Franklin has been promoted to the Planner II position. Ms. Franklin will be taking over the staff reports and presentations.

Meeting adjourned at 6:40pm.