

Department of Planning & Community Development



A public hearing of the Franklin County Planning Commission was held on Tuesday, May 10, 2016, in the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Earl Webb – Blackwater District
C. W. Doss, Jr. – Blue Ridge District
Edmund “Doc” Law – Rocky Mount District
Wendy Ralph – Union Hall District
Sherrie Mitchell – Snow Creek District
James Colby – Gills Creek District
Angie McGhee – Boone District

THOSE ABSENT:

OTHERS PRESENT:

B. James Jefferson, County Attorney
Steven Sandy, Director of Planning & Community Development
Lisa Cooper - Principal Planner
Terrance Harrington - Senior Planner
Lori Crouch - Clerk

The public hearing was called to order by Chairman Earl Webb at 6:00 PM in Board of Supervisors conference room. The first order of business was roll call; seven (7) members were present and accounted for. The next order of business was the approval of the minutes from the April 12, 2016 Planning Commission public hearing. Chairman Webb asked if there were any comments or corrections to the minutes as written. With no additions or corrections, Mrs. Wendy Ralph, representative of the Union Hall District, made a motion to approve the minutes as written. The motion was seconded by Mr. C.W. Doss, Jr., representative of the Blue Ridge District. Chairman Webb noted we have a motion and a second for the approval of the minutes as written, all in favor say aye. Those opposed say nay; motion carried.

MOTION: Ralph

SECONDED: Doss

Voting on the motion was as follows:

AYES: Doss, Webb, Law, Mitchell, Ralph, McGhee, Colby

NAYES:

ABSENT:

ABSTAIN:

Chairman Webb introduced the next item on the agenda as a public hearing for petition to rezone. Petition of JMB Investment, LLC a TN LLC/Petitioner and Donald Maddy, David Maddy, Dan Maddy, Dennis Maddy, and Douglas Maddy/Owners, requesting to rezone from A-1, Agricultural District, to B-2, General Business District, for a total of 1.19 acres for the purpose of a Dollar General Convenience Store to be located at 3416 Iron Ridge Road, in the Boone District of Franklin County, and further identified as Franklin County Tax Map/Parcel # 0440017400. The petitioner has submitted a concept plan that will require a parking waiver from the Board of Supervisors pursuant to Section 25-401 of the zoning ordinance and variances granted by the Board of Zoning Appeals for primary building setbacks, landscaping and underground utilities. The Future Land Use Map of the Comprehensive Plan of Franklin County identifies this area as designated as Highway Corridor. (Case # [REZO-4-16-15313](#))

Mr. Terry Harrington, Senior Planner stated this is a request of JMB Investments to rezone a 1.19 acre parcel from its current zoning as Agricultural District (A-1) to the requested zoning of Business General (B-2). The

purpose of the rezoning is to allow the property to be used for retail use, specifically a Dollar General Store. The site is located in the 220 North Mixed Use Corridor District at the intersection of Iron Ridge Road and 220 North. The Corridor district extends from the Northern end of the Town of Rocky Mount to Brick Church Road. Both the Corridor plan and the Overlay district recommend that this property is suitable for commercial use at this location. A concept plan was submitted with the petition application as part of this request. The Concept plan proposes a ninety-one hundred (9,100) square foot Dollar General Store which would face Route 220. There are site entrances proposed to be off of Route 220, as well as on Iron Ridge Road. Proposed parking is located at the front of the building and on the North side of the lot between the building and Iron Ridge Road. VDOT has not yet made a determination with regards to the adequacy of the site design particularly with access issues pertaining to sight distance, the need for acceleration or deceleration lanes and the minimum required separation between the entrance on Route 220 and on Iron Ridge Road. If the site plan does not comply with any of these standards the applicant or the owner would have the option to request for waivers from VDOT standards. In addition to the road access issues that are before you, the Concept plan does not comply with the Zoning Ordinance standards for the required number of parking spaces, rear yard setbacks, landscaping, and underground utility lines. If the rezoning of the property is approved by the Board of Supervisors the applicant would need to go before the Board of Zoning Appeals to request variances to the landscaping requirement, set back requirements and underground utility requirements. The Board of Supervisors would have to grant a waiver to the parking requirement allow thirty (30) parking spaces to the thirty-seven (37) parking spaces that are required by the code.

It is Staff's opinion that the use of this property for retail use such as a Dollar General is appropriate, and consistent with the Comprehensive Plan The location of the site is a logical extension to the commercial zoning to the North of the property. Commercial uses should be promoted for this site. However, Staff is of the opinion that the intensity of the site design proposed is too great considering the County's adopted development standards; The need for setback variances, landscaping variances and parking waivers is evidence that the site is too small for the intensity of the development proposed. The submitted concept plan is too intense for this site. For these reasons Staff recommends denial of the rezoning. Mr. Harrington asked for questions from the Planning Commission at this time.

With no questions for Mr. Harrington from the Planning Commission, Chairman Webb invited the Applicant to speak at this time.

At this time, Mr. Eric Ferguson with Rhodes, Ferguson and Stone, introduced himself and spoke as a representative for JMB Investment Company, LLC which is a Tennessee Limited Liability Company. JMB Investments has a contract to purchase 1.19 acres from the Shirley, Maddy, and Lynch Family at the intersection at Virgil Goode Hwy and Iron Ridge Road north of Rocky Mount. Their plan is to construct a Dollar General Store on this site as outlined by the County. In order for them to do that they have a need to rezone this property from Agricultural District (A-1) to Business District, General (B-2). Mr. Ferguson asked to tell the Planning Commission a little about JMB Investments. It is a Tennessee Limited Liability Company; they have been in the business of developing commercial properties. They currently have at least seventy-five (75) properties with thirty-five (35) of those within Virginia. They typically develop for Dollar General, which again is the purpose for this site. They have picked this site, as difficult as it may be for you, me or anyone else it suits what Dollar General and JMB Investments want for this site. This site is generally located to commercial property. It is on a busy stretch of road. As County Staff has pointed out, this site is actually a suitable site for this business because of its commercial use and retail use. It suits and fits into the community. As you know, the popularity of the Dollar General Stores has been growing, it's popular and convenient. Its retail establishment is good for all folks. It will serve a need for the citizens of Franklin County and a busy location where there is currently no other Dollar Generals or stores such as this at that location.

What I would like to tell you is representatives from JMB Investment Company, and some of their agents have met with County Staff on at least two (2) occasions, of which he was aware of, one (1) of which Mr. Ferguson attended. There were many discussions and concerns that were addressed before this meeting. There have been surveying questions, engineering questions, use discussions, whether or not the order would be coming to the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals. There have been a lot of discussions, as well as a lot of effort that has gone into this to try to ensure that the effort would not be difficult to see and hopefully approve. The location for this use is ideal. It is consistent with the Comprehensive Plan and the overlay district. The use of this parcel by JMB Investments to develop a Dollar General Store is ideal. It is a logical extension of the commercial area that is located out there, just north of this site; actually just on the other side of Iron Ridge Road going across Route 220 just north is all commercial. You can see why this location would be appealing to JMB Investments and why it would appeal to Dollar General on a larger scale. Starting from the perspective of the location as being ideal, let me address the issues that the County Staff have with the Concept Plan. County Staff has been concerned with the intensity of use; this lot size is more than sufficient for the desired use. The only issue with the size of the lot is necessarily the shape of the lot, which makes for a bit of a challenge. However, JMB Investments has gone to great expense and great investments and great effort to try to find a way that would suit the needs of the Dollar General Store, as well as satisfy the concerns of County leaders and Planning Department. There are two (2) major issues that are abundant from reading the Staff report with the shape. First, the setback off of Iron Ridge Road. Secondly, the parking waiver that would be needed from the Board of Supervisors. I will start with the setback issue; the setback that would be of any concern would be off of Iron Ridge Road. Upon reading of the Business District, General (B-2) zoning set back, there is no rear setback. Looking at the B-2 zoning there are front setbacks, side setbacks and rear setbacks mentioned in the ordinance. The ordinance specifically says in Section 25-339 of the County Code in reference to rear setbacks the minimum yard dimensions in a B-2 zoning setbacks says "no rear setback is required, except that no building structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters or residential district boundary". From our perspective the front of the lot is on Route 220, the rear of the lot has to be on Iron Ridge Road. There is no setback according to the County Ordinance, especially as it applies to the B-2 zoning. Consequently, the setback issue in our opinion is not an issue. Additionally, I understand that VDOT will weigh in on their feelings in dealing with the safety or use of the roads. I understand that there are preliminary discussions between JMB Investments engineers and VDOT regarding the need for acceleration and deceleration lanes were going to be required, Mr. Ferguson stated that he did not believe they were going to be required. The parking issue is for the Board of Supervisors. The Board can grant the deviation from the parking. The Concept plan is laid out and presented by the engineer that is acceptable to Dollar General nationwide. They have done their studies; they understand just how many parking spaces they need. Realizing their need and their desire may not coincide with County Code or policies of Franklin County. If a deviation is going down in number, it has to be somewhat of a benefit to the County. You will have less pervious area for water to run off, stormwater management would be less burdened by fewer parking spaces. Frankly, this issue is for the Board of Supervisors pursuant to the County ordinances. The third issue County Staff spoke about was for the variances for the landscaping. Understanding why the landscaping issues are there, but if this lot is ideal for this type of development, because of what it is adjacent to; there is no landscaping on 220 North between Iron Ridge Road and Plateau Plaza. There are no trees planted in front of the commercial uses on either side of Virgil Goode Hwy. The landscaping issues are issues for the Board of Zoning Appeals. The two (2) issues that are before you this evening are either issues to be dealt with by the Board of Supervisors or the Board of Zoning Appeals would be called upon to address. To recap, the location is appropriate. There is not a rear setback problem. There are no problems for VDOT that Mr. Ferguson is aware of at the time of the meeting. The only concerns that Staff has presented to the Planning Commission are issues that would be addressed by either the Board of Supervisors or the Board of Zoning Appeals. The representatives of Dollar General and their engineers feel that the concept plan

presented is appropriate for this lot. Consider this, this project is appropriate under every level of the County's Zoning Ordinance, the Comprehensive Plan and the 220 North Corridor Overlay district. I would like to ask the Planning Commission to recommend approval of this rezoning request to the Board of Supervisors. Mr. Ferguson stated he would be happy to answer any questions. Mr. Ferguson introduced Aaron Dickenson, JMB Investments representative and Clyde Spencer, Stone Engineering.

Mr. Jim Colby reminded Mr. Ferguson that everything that is before the Planning Commission will be decided by the Board of Supervisors. The Planning Commission just recommends to the Board of Supervisors. Mr. Colby stated he had a few questions at this time. Mr. Colby stated that Mr. Ferguson did state that this Concept plan was in full conformance with the Comprehensive Plan. However, the Staff report has a comment that states otherwise, maybe almost but not fully. Staff report says "the adopted Route 220 North Corridor Plan recommends a minimum separation of four hundred (400) feet between commercial entrances and intersecting streets. The proposed Route 220 entrances are approximately three hundred (300) feet from the Iron Ridge Road intersection." Mr. Colby stated that this seems to be an exception to the conformance that you claim.

Mr. Ferguson stated that if he is reading the plan correctly, the 220 North Corridor Plan does not require a minimum separation of four hundred (400) feet between commercial entrances and intersecting streets. The Staff report states that it recommends that separation. It is an unusual lot in that there is a State Road on the North side of the property and there is a commercial entrance. Mr. Ferguson stated that Mr. Spencer would be able to answer the question better than he. Mr. Spencer was asked to comment at this time.

Mr. Clyde Spencer, Stone Engineering stated, that he has discussed the plan with VDOT Staff. In fact VDOT requires more than four hundred (400) feet separation between a cross over on 220 and an entrance. Mr. Spencer stated that according to the concept plan, there will not be a full entrance onto 220. The flow would be a right turn in and a right turn out, with tapers and spacing on the 220 entrance that has also been discussed with VDOT. VDOT will not make an official statement on what will be required until they receive a full submission packet. Lisa, VDOT staff, has already spoken with the maintenance and with district staff, stating that the right turn in and the right turn out would be allowed to be put in on Route 220. VDOT is not looking for tapers, acceleration or deceleration lanes at this point. There is a tapered access to get onto Iron Ridge Road and there is an adjoining residential lot. Again, with the amount of traffic that will be using this site, VDOT has stated that they don't see a problem with the right turn in and right turn out with no acceleration, deceleration or tapers at this point

Mr. Colby asked further about the access into the property. When Planning Commission members went out to the site, he stood on the site with the concept plan and got the impression due to the significant height difference, that if you were to cut a road into that area there would be an obstruction of vision due to the height of the sides to exit onto 220 from the property. Are walls what are anticipated? How will you see the traffic coming? How will they see you exiting the property?

Mr. Spencer clarified; there are not walls on both sides of the exit. As you would turn into the entrance there is a short wall between this property and the residential property that would end before coming to VDOT's right of way, we would grade back. On the opposite side there is a short wall that is approximately three (3) to four (4) feet in height that is again back outside of VDOT's right of way. VDOT's right of way is approximately fifteen (15) to twenty (20) feet back. Lisa Lewis, VDOT staff had sent a letter to Mr. Spencer the day of the meeting. Lisa informed us in this letter that the access management exception would be required, sight distance analysis would need to be completed and a traffic impact narrative would be required as well.

Mr. Colby stated he had a further question regarding the seemingly inconsistent presentation in regards to the concept plan. This concept plan proposes to apply for four (4) variances, plus the parking waiver. According to the concept plan and what I am hearing you say is different from one another. Upon reading through the concept plan, I believe certain things will take place, but yet in your presentation you say differently. Will the concept plan be changing?

Mr. Ferguson stated that there would not be a change in the concept plan, but that his purpose was to address the only issues that County staff had with the concept plan. At the appropriate time, whatever variances that County staff suggests we should go to the Board of Zoning Appeals for approval; those are the variances we will apply for. Mr. Ferguson stated that he addressed the setback, in his mind there is no need to go to the Board of Zoning Appeals for a variance on the set back, since the setback requirement is at the rear of the lot. Mr. Ferguson continued saying that they would need to go to the Board of Zoning Appeals in regards to the landscaping variance.

Mr. Spencer stated that this is two (2) different points in time and the variance for the accessory setbacks which tied into the walls. On March 31, when we spoke with Staff about what was on the concept plan, Staff was requesting a twelve (12) feet setback from all the walls around the perimeter of the property. Mr. Spencer stated that he thought the Planning Commission would be discussing that accessory structure setback at this meeting. Also as being in the Overlay District we are required to address all variances on the concept plan.

Mr. Colby stated that the concept plan was easy to follow. Mr. Colby asked regarding Item K on the concept plan the "traffic circulation plan" that has not be completed as yet?

Mr. Spencer stated that is for the trucks coming in and out of the site for delivery. Mr. Dickenson has all that information regarding the traffic plan. Mr. Spencer stated that was one of the driving needs for the right turn in and right turn out off of 220 to make the truck deliveries that much easier.

Mr. Colby thanked Mr. Spencer and had no further questions at this time.

Chairman Webb asked if any other Commission member had questions at this time.

With no further questions at this time, Chairman Webb asked if there was anyone that would like to speak in behalf of this petition.

Mr. Walter Dillon, 3514 Iron Ridge Road, was called to speak at this time. Mr. Dillon expressed a couple of concerns he has with this petition. First, specifically the traffic. There is a lot of truck traffic at that intersection from Hilltop Mulch and Jewell Machine. They have trucks in and out of their businesses alot. There is heavy traffic and it is a hard intersection to get out of. What is a Dollar General Store going to add to that already heavy traffic. Second, the concern of debris and trash from this new business. Mr. Dillon stated he is constantly picking up trash and debris from the businesses that are already there. Mr. Dillon stated that his property does not adjoin the applicant's property, but he is very near.

Mr. Edward "Brent" Dillon, 19658 Virgil Good Hwy, was called to speak at this time. Mr. Dillon thanked the Planning Commission for the opportunity to speak. Mr. Dillon stated he is the adjoining property owner to that of the applicants. Mr. Dillon stated he had a couple concerns, First, the debris flowing over from the business's property onto his; would there be some kind of wall erected in between the two properties to keep the debris out of his yard. Mr. Dillon stated, secondly, he has property on the rear where a driveway

comes out of the back side. Mr. Dillon asked if his driveway would be effected by anything negative. The petitioners property line comes onto about eight (8) to ten (10) feet of the driveway. This particular driveway has been there since about 1956 or so. Mr. Dillon asked if he would be losing his back driveway. Thirdly, Mr. Dillon is concerned about the school bus that picks up his daughter on Iron Ridge Road. He would like to know if that would stop anything for bus traffic. The buses will not stop on 220 for pick up or drop off. She has to be picked up on the back side of Iron Ridge Road.

Mr. Colby mentioned that the Planning Commission saw one or two of the school buses when they were at their site visit.

Mrs. Ralph stated that there is also a big curve right there, that you don't see until you are right upon it.

Chairman Webb asked if there was any other one else that would like to speak to this petition.

Mr. Ferguson asked if he may address the concerns for Mr. Dillon very briefly. Mr. Ferguson stated that, yes there will be a wall or fence of some kind that would separate the two properties. Additionally, Mr. Ferguson stated that there would be nothing done to the rear driveway on his property as that would not effect this plan. Mr. Ferguson stated that he didn't see how this would affect the bus traffic on Iron Ridge Road.

With no further comments or concerns, Chairman Webb moved to regular session.

Mr. Law stated he thought there should be at least a turn off lane. There is fast traffic that goes through there. This is a bad place to cross the road, it's rough to do.

Chairman Webb stated that he agreed. That this property would probably be a good commercial spot. However, Chairman Webb stated, that this site design is a little too heavy for the property. While it may not be a back setback, Chairman Webb stated that the zoning ordinance would call this property a corner lot and there is a setback from state road from both sides. He has concerns with site distance as well.

Mr. Colby stated that he shares the same thoughts on this property that were just expressed. Mr. Colby stated what he sees is a site with a lot of hurdles to be met; four (4) variances that will have to be taken care of, one (1) waiver, there is a non-plan conformance issue with regard to the distance between the intersection, and there are safety concerns. Mr. Colby stated the hurdles are too many and too high to conclude that this particular site is suitable for this particular proposed use.

Mr. Doss expressed concerns with the new access roads to 220. Mr. Doss would like to see something from VDOT in writing stating that this is cleared for the access management plan that is required. In having an existing intersection and a cross over in the future a good possibility with businesses accumulating in that area there may be a stop light there someday.

Chairman Webb closed the public hearing at this time. Chairman Webb asked if there was a motion. Mr. Jim Colby, Gills Creek District, made a motion to **deny the request for a rezone**. Mrs. Wendy Ralph, Union Hall District, seconded the motion.

MOTION: Colby
SECONDED: Ralph

Voting on the motion was as follows:

AYES: Doss, Law, Mitchell, Ralph, Colby, Webb
NAYES: McGhee
ABSENT:
ABSTAIN:

The Commission's recommendation is to **deny the request**.

Chairman Webb noted this petition would be heard by the Board of Supervisors on June 21, 2016.

Chairman Webb introduced the next item on the agenda as PETITION of Franklin County Board of Supervisors to amend Chapter 25, "Zoning" of the Franklin County Code, as follows: amend Article II, Division 2, Section 25-72, Uses and structures permitted in required yards to specify the types of accessory structures and uses allowed in required yards and Section 25-74, Accessory structures in required yards to clarify location of other accessory structures in required yards. (Case # A-4-16-001)

Mrs. Lisa Cooper, Principal Planner, thanked the Planning Commission. On March 31, 2016, the Home Builders Association requested the Board of Supervisors and Planning Commission to direct staff to revise the zoning ordinance to allow retaining walls and other accessory structures to be constructed within the required yard. In April, the Board of Supervisors requested staff and Planning Commission members to consider possible changes to the zoning ordinance concerning accessory structures in the required yards.

On April 28th, staff and Planning Commission members held a work session to discuss certain accessory structures to be included in the required yard, including but not limited to retaining walls. Staff has proposed to bring before you from our work session Section 25-72 to read "structure permitted in the required yards; the following accessory structures shall be deemed to be permitted in the required yards as long as site distance and fire safety requirements are met and maintained and being in compliance with the Franklin County Code. The eight (8) items are as follows:

1. Bay windows
2. Clotheslines
3. Fences, provided no fence in a front yard shall exceed four (4) feet in height.
4. Freestanding air conditioning units
5. Walls and retaining walls must comply with International Building Code (IBC) and Uniform Statewide Building Code (USBC), as amended. For walls requiring a design bearing the stamp of a Virginia Registered Design Professional, a safety railing shall be required along the top of wall.
6. Satellite dishes.
7. Sculpture, fountain, etc.
8. Solar power panels, residential.

Planning Commission members and Staff added an additional sentence stating, "Any other structures the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter shall also be permitted to be in the required yard. Planning Commission members and Staff decided to also look at Section 25-74 "Accessory Structures in Required Yards" and make changes to clarify required setbacks for other types of accessory structures not addressed in Section 25-72.

Staff has notified the Home Builders Association (HBA), contractors, surveyors and engineers, of the proposed changes to Sections 25-72 and 25-74. They received the draft copy of the ordinance. The HBA responded by a letter informing the Planning Commission that they were in favor of the new amendments to Sections 25-72 and 25-74. The HBA wanted to thank the Planning Commission for the changes that would benefit the citizens. Mrs. Cooper asked the Planning Commission if they had any questions for her pertaining to the amendment.

Mrs. Sherrie Mitchell asked if the issue that came up had to do with retaining walls? Mrs. Cooper stated that was correct as well as some questions regarding fencing. Mrs. Mitchell asked where did the eight (8) suggested structures come from? Mrs. Cooper stated when Staff came to the Planning Commission work session on April 28, we brought a suggested list of items that should be allowed in a required yard. Planning Commission helped Staff decide which items to place on this list. There was some discussion between Staff and the Commission members on several items that were not on the list as well. Originally, Staff had five (5) items that we thought should be allowed in the required yard setback. Planning Commission members opted to add three (3) additional items to the list. Mrs. Wendy Ralph stated that she feels the Commission tried to pick things that were probably not going to be a nuisance to someone and to help the Planning Staff as they are dealing with these types of things. Mrs. Mitchell asked if this ordinance would be for the whole zoned portion of the county. Mrs. Cooper stated that was correct. Mrs. Mitchell asked if there had been discussion regarding pools and gazebos. Mrs. Cooper stated that there had been discussion regarding both those items, by definition a gazebo would be considered an accessory structure, with the change of the ordinance the required setback would be twelve (12) feet rather than the required thirty (30) feet. Mrs. Mitchell stated her final question is there a Section 25-73, if so what does it say? Mrs. Cooper stated that section is reserved.

Mr. Sandy stated that Section 25-74 kind of said all accessory structures had to be twelve (12) feet to any adjacent lot line, but in reading further it states that no structure can be located within any required yard. Staff felt this section conflicted with itself, this section says you can be in the required yard within twelve (12) feet but you cannot be in the front yard which is thirty (30) feet. Mr. Sandy stated this is Staff attempt to make this section more clear.

Mr. Webb stated it was mentioned that there is to be a required safety hand rail over six (6) feet, but he does not see where that was placed in Article II. Mrs. Cooper stated that is under number five (5) on the list. "Walls and retaining walls must comply with International Building Code (IBC) and Uniform Statewide Building Code (USBC), as amended. For walls requiring a design bearing the stamp of a Virginia Registered Design Professional, a safety railing shall be required along the top of wall." Mr. Sandy stated that Building Code states that you are required to have a design stamped by a licensed engineer if it is over six (6) feet. Mr. Sandy stated what Staff is asking is that is it requires a design stamp by an engineer it will also need a hand railing.

Mr. Colby asked if sidewalks had been addressed or should we. Mrs. Cooper stated no. Mr. Sandy stated that Planning Commission and Staff did not address them; additionally, they are usually at grade level and similar to drive ways. Mr. Sandy stated that wooden decks have been addressed, even though you do not see decks listed in the section they would have to meet the setback requirements for the front or side yards, and would have to meet the twelve (12) feet requirement if they are in the rear yard. Mr. Colby stated he had a note from the discussion on April 28 regarding vegetation, screening if necessary so not able to view from public right of way. Have we dealt with that subject in this section? Mr. Sandy stated that Staff did not deal with that, but was unsure of the context of the matter. Mrs. Wendy Ralph stated she remember two discussion, one was from a question Mr. Colby had asked whether or not we should require that screening and there was some discussion all the requirement with screening (i.e. how much, how tall do they have to be, what kind, upon death of screening what do you do). Mr. Sandy stated that the reason for the setback is to get the object away from the road and out of the public view. Mr. Colby stated that he would rely on the letter that was sent to the Planning Commission from the Home Builders Association. Mr. Sandy stated the HBA were the individuals to start the conversation regarding retaining walls but to answer Mrs. Mitchell's question, it is about more than just the retaining walls. Staff knows that some of the other things that are on our list are issues as well, and staff needed to address them as well to clarify them.

Chairman Webb if there were any other in attendance that would like to speak to the issue of the amendment of Section 25-72 and 25-74. With no public comment at this time, Chairman Webb closed the public hearing at this time.

Chairman Webb asked if there was a motion. Mrs. Wendy Ralph, Union Hall District, made a motion to **approve the amendment** to Section 25-72 and 25-74 of the Franklin County Code. Mrs. Angie McGhee, Boone District, seconded the motion.

MOTION: Ralph
SECONDED: McGhee

Voting on the motion was as follows:

AYES: Doss, Law, Mitchell, Ralph, McGhee, Colby, Webb
NAYES:
ABSENT:
ABSTAIN:

The Commission's recommendation is to **approve the amendments**.

Chairman Webb noted this petition would be heard by the Board of Supervisors on May 17, 2016.

Chairman Webb introduced the next item on the agenda as citizen comments; if there is any one in attendance that would like to speak at this time, to please come to the podium and state your name for the record.

Ms. Bonnie Turner thanked the Commission members for their time, stating she was here to request the Planning Commission to recommend removal or amending the Condition #5 of a Special Use Permit obtained in 2006 to Kenneth Bousman. Ms. Turner stated that she, Kenneth Bousman and Jimmy Bousman are all owners of an auto graveyard. Ms. Turner stated that Condition #5 eliminates any recycling or removal of any vehicles from graveyard. Ms. Turner asked the Commission to consider amending or changing the language related to auto graveyards. There is a letter with a list of efforts made to be in compliance with a number of regulatory agencies regarding the auto graveyard. This particular auto graveyard began in the 1960's with Ms. Turners father. Upon his death the three (3) children inherited the farm along with the auto graveyard within the property. At that time the family realized they were not in compliance with the Zoning Ordinance. The family came to the planning department to ask what they would need to do to be in compliance. They were directed to get a Special Use Permit. The family has struggled to meet these requirements; at this point the family is requesting that the Planning Commission amend the language to Condition #5 which is part of the Special Use Permit.

Mr. Colby asked Ms. Turner what she would like to accomplish. Mrs. Ralph asked what would Ms. Turner like to do.

Ms. Turner stated the auto graveyard has sixty (60) to seventy (70) cars parked in the middle of a pasture that are just sitting there, they are not able to recycle, sell parts, demolish so that it may be scrap metal because of Condition #5. Ms. Bousman stated that the three owners would like to have this auto graveyard eliminated. However, it is a source of income for Ms. Turners brother, Kenneth. Ms. Turner stated that they would like to be in compliance with the Franklin County Code, however with the way the current zoning rules are written it makes it difficult for them to do anything with the auto graveyard.

Mrs. Ralph stated that this is basically a place to take a car, to park it there and that is all you are able to do with it. Ms. Turner stated that was correct. Ms. Turner stated that they need to be able to recycle these vehicles. The way to recycle them is through either salvage, which requires the removal of parts and ability to sell those parts that have been removed or demolish them for scrap metal. Ms. Turner stated that they would like to recycle these vehicles in the most appropriate way.

Ms. Turner noted in her letter that the auto graveyard is in compliance with the Department of Environmental Quality (DEQ), registered to record VIN #'s, have held a demolishers license through the

Department of Motor Vehicles. Ms. Turner stated they have done everything that can be done within the conditions of the Special Use Permit, but are now up against Condition #5.

Mr. Colby asked Ms. Turner if they had gone to the Board of Zoning Appeals (BZA) first. Ms. Turner stated that they had gone to the BZA. Mr. Colby asked if the BZA had referred her to the Planning Commission. Ms. Turner stated the BZA made a recommendation that they pursue an amendment of some sort to Condition #5.

Mr. Colby asked Mr. Sandy if they would not have to go through the normal procedure for an amendment to their Special Use Permit. Mr. Sandy stated that is correct they could go through the usual process, but that is not the only thing that is needed for this case. The issue is the definition of an automobile graveyard is a place where five (5) or more vehicles are kept or stored. However, the definition does not speak to the demolishing, salvage, and repair. The definition only states that an automobile graveyard is a place where vehicles are kept. Mr. Sandy asked to review the case with the Commission, a Special Use Permit is required in A-1 district, they were granted a Special Use Permit in 2006. At that time, the Board of Supervisors put conditions on the Special Use Permit one of those being Condition #5, which says no demolishing, no salvaging, no repair, no sales. The condition allows them to store the vehicles there but that is all you can do in the A-1 district. Mr. Sandy stated Ms. Turner's other option is to rezone the property to Industrial (M-1) which would allow salvaging and demolishing. Staff has advised them not to rezone to M-1 and it is not what the Turner/Bousman Family would like to do. Since it is a farm, staff feels the choice is to have an amendment to the definition of automobile graveyard or the uses in A-1 would be more appropriate. The A-1 district does not allow for salvaging. There would need to be some sort of change to the A-1 zoning district to allow that type of use. Possibly in conjunction with an automobile graveyard that is approved by a Special Use Permit.

Mrs. Ralph asked about the typical definition of automobile graveyard and salvage yard. Are they two different things. Mr. Sandy stated they were. Mrs. Ralph stated that since her property is an automobile graveyard, is the typical definition the same as different localities. Mr. Sandy stated that most other localities have the same definition. Mr. Sandy asked Mr. B. James Jefferson if that were true. Mr. Jefferson stated that he thought that was correct. Mrs. Ralph asked if we would be trying to change our definition what you can do in A-1 is only allow in an industrial type of zoning. Mr. Sandy stated that is what he believes she would like the Planning Commission to do, or at least some aspect of demolishing in conjunction with an automobile graveyard. Mr. Sandy stated the issue would be limiting the scale of that. Mrs. Ralph agreed. Mr. Sandy stated that you could put an acreage limit of up to one (1), three (3) or five (5) acres in A-1 otherwise you would have to go to Industrial.

Mrs. Ralph asked why Condition #5 was placed on that Special Use Permit. Mrs. Ralph asked Ms. Turner how many acres the family owns. Ms. Turner stated they own one hundred seventy acre, of which seven (7) acres are designated in the Special Use permit. There were two (2) tracts. One tract has almost been eliminated. The other they would like to eliminate the vehicles there. Ms. Turner stated that in all actuality there is less than seven (7) acres. Mrs. Ralph stated again, why was the condition put on this Special Use Permit from the beginning, what the concern was. Maybe environmental. Mrs. Cooper stated she would have to look back at the minutes, as she probably did not work on this particular case directly. Mrs. Cooper stated that her thoughts would be that it was probably done this way just as an auto graveyard that there would not be a need for demolishing or salvage, but without the notes she would be hard pressed to answer the question. Mrs. Mitchell stated the definition seems pretty standard from the automobile graveyards we have done throughout the years. Mrs. Mitchell agreed that the definition really should be looked at but unsure how they can address the concern because, you don't want to turn the A-1 district into something it is not. Mrs. Ralph agreed and stated again, how do you describe it so that it does not become an Industrial situation. Chairman Webb stated that if there were a limitation such as no new vehicles would be added, it would not become Industrial, it would become a cleanup effort. Mrs. Ralph stated that efforts Mr. Bousman's income situation. Ms. Turner stated that it would affect Mr. Bousman's income somewhat, but as it is currently, they are not able to do anything with the vehicles that are there. Ms. Turner stated that one small phrase would be helpful, "salvaging, demolishing as well as sales, service and/or vehicle repair business shall be prohibited unless licensed by the Department of Motor Vehicles".

That little phrase would allow Mr. Bousman the opportunity to eliminate some of the vehicles on the property.

Mrs. Ralph stated the Planning Commission can ask Staff to look into the definition further to come up with language that might allow you to do what you are trying to do. Ms. Turner stated that she would appreciate their consideration in going that direction.

Chairman Webb asked if there were any other in attendance that would like to speak at this time. With no further public comments at this time, Chairman Webb returned to regular session.

Chairman Webb asked if there would be someone that would like to formulate a policy or recommendation at this time. Mrs. Mitchell stated that it would take some research. Mrs. Ralph stated we cannot make a decision tonight without more research. Mr. Sandy asked the Commission members to give Staff a direction in what the members would like whether research, ideas of possible amendments or if the Commission is not interested in further discussion, Staff would need to know what path to follow. Mrs. Mitchell asked if Staff can look to see how many SUP's have been granted in the A-1 district. Mr. Colby stated he would like more information on other jurisdiction in the Southwest VA area. How they may have handled such things. Mr. Doss agrees that the family wants to do the right thing. Mr. Sandy stated that Staff would come up with some ideas to try to address the issue.

Chairman Webb introduced the next item on the agenda as the work session with a Renaissance update. Mr. Sandy stated there would not be a work session this evening. Staff has directed Renaissance to continue their work and what had been decided based on the last work session to have a full work session on May 24.

Mr. Colby stated that he would like to offer a motion to hold a public hearing on the Westlake Hales Ford plan in the Westlake area, Trinity Ecumenical Church is the only suitable place to hold such a meeting. Mr. Sandy stated the Mr. Brian Runk offered to allow a public meeting at his facility as well. Trinity church is probably a larger area for a meeting. Chairman Webb stated that he, personally, does not think the Commission should move a meeting, unless the only thing on the agenda was the public hearing for the Westlake Hales Ford plan. To move a regular public hearing meeting does not seem to be right. Mrs. Mitchell stated that it did not matter to her where the meeting were to take place, but that she would need extra time to get to Westlake, maybe having a 6:30pm hearing would be allow her time to arrive. Mr. Sandy stated Staff could arrange for the Westlake Hales Ford plan was the only public hearing on the agenda for that particular meeting by having it on another night. A question was asked about the recording system whether or not Trinity church had that capability. Mr. Sandy stated that Staff is flexible in the needs of the Commission. If they chose to have the public hearing in each village as they are completed, would be up to the Planning Commission. Mrs. Ralph asked if the Commission would be having a public hearing on Southway Commerce Park at the same time as the Westlake Hales Ford plan. Mr. Sandy stated that they would be separate public hearings. Mrs. Mitchell asked when will the public hearing happen. Mr. Sandy stated possibly August, 2016, but really depends on how much time it will take for the Planning Commission and Staff to work through the plan. Mr. Colby asked Chairman Webb if the only thing on the agenda was the Westlake Hales Ford plan would he approve of the meeting at Trinity church. Mrs. Mitchell stated if the Planning Commission has a public hearing in Westlake, the Planning Commission should also than have all the public hearings at the villages plans as they are completed. Mrs. Ralph stated that it would be suitable to do that for all the plans. Mr. Sandy stated that he would like to express the importance of the Planning Commission members all be in attendance at the meeting, so that each of them will hear the same information. Staff can advertise for two (2) public hearing in a single month, if that is the wish of the Planning Commission.

The Commission agreed to hold a separate public hearing on the Hales Ford Area Plan to take place at Trinity Ecumenical Church at 6:30pm on a Tuesday that will not conflict with a Board of Supervisors meeting.

With no further business the work session was adjourned at 7:40pm

Lori A. Crouch

Clerk

May 25, 2016

Date