

Department of Planning & Community Development



A Public Hearing of the Franklin County Planning Commission was held on Thursday, June 11, 2015, in the Franklin County Board of Supervisors conference room located in the Franklin County Government Center.

THOSE PRESENT:

C. W. Doss, Jr. – Blue Ridge District
Edmund “Doc” Law – Rocky Mount District
Angie McGhee – Boone District
Earl Webb – Blackwater District
Sherrie Mitchell – Snow Creek District

THOSE ABSENT:

James Colby – Gills Creek District
Wendy Ralph – Union Hall District
Susannah Smith - Senior Current Planning Manager

OTHERS PRESENT:

Neil Holthouser, Director of Planning & Community Development
Jim Jefferson - County Attorney
Lori Crouch - Clerk

The meeting was called to order by Chairman Earl Webb at 6:01 PM in Board of Supervisors conference Room. The first order of business was the approval of the minutes from the May 12, 2015 Planning Commission. Mrs. Sherrie Mitchell, representative of the Snow Creek District, made a motion to approve the minutes as written. The motion was seconded by Mrs. Angie McGhee, representative of Boone District. Chairman Webb noted we have a motion and second for the approval of the minutes, all in favor say aye. Those opposed say nay; motion carried.

(RESOLUTION 06-15-1):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to approve the May 12, 2015 minutes as written and presented.

MOTION: Mitchell

SECONDED: McGhee

Voting on the motion was as follows:

AYES: Doss, Webb, Law, McGhee, Mitchell

NAYES:

ABSENT: Colby, Ralph

ABSTAIN:

At this time Chairman Earl Webb instructed those attending the public hearing to please keep their comments to five (5) minutes per person. Chairman Webb duly noted that they had received and read the letters that have been coming in all week.

Chairman Webb introduced the first petition on the agenda. The petition of Jay Richards and Roxanne Richards, Petitioner and Brysons Properties, LLC, Owners, requesting a Special Use Permit for "Recreational Facilities (private)" and "Hotels, Motels, Resort and Tourist Facilities". Chairman Webb opened the public hearing with comments from the Staff.

Mr. Neil Holthouser, Director of Planning & Community Development, thanked the Planning Commission. Mr. Holthouser introduced the petition for a Special Use Permit for a property that is 19.783 acres, by Jay Richards and Roxanne Richards. The parcel of land is currently zoned A-1, Agricultural District; with permitted and special uses permitted. Mr. Holthouser explained to the Planning Commission that the Richards are requesting two (2) uses for the Special Use Permit, the first being, "Recreational facilities

(private)". Second, "Motels, Hotels, Resort and Tourist Facilities". Mr. Holthouser stated the Richards would like to develop a counseling retreat, specifically a marriage retreat and build two (2) cabins for marriage counseling on the property at Hardy Road in the Gills Creek District. Mr. Holthouser informed the Planning Commission members that the zoning for this parcel of land is low density residential development, a note to this property could also be zoned as conservation area, or steep slope. The Staff believes that the area that is South of Hardy Road is more appropriately designated as Low Density Residential. Mr. Holthouser stated the Richards would like the 19.783 acres for residential use for recreation facilities. Mr. Holthouser asked the Planning Commission to consider recommending an approval of the petition with the following conditions. As listed:

1. ***Substantial conformity.*** *The property shall be developed in substantial conformity with the conceptual plan entitled "Linville Creek Cabins Site Proposal Drawing," prepared by Jay Richards, submitted with the revised application on 5/4/5015, as well as architectural plans and elevations of cabins prepared by Tar River Log Homes, LLC, dated 3/2/2-15.*
2. ***Limitation of Use.*** *The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort Facilities" shall be limited to two (2) cabins and associated facilities, including walking trails and outdoor activity areas, including walking trails.*
3. ***Subdivision.*** *The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort Facilities" shall not extend to any lot resulting from the subdivision of this parcel, including family division.*
4. ***Buffering.*** *The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort Facilities" shall require the perpetual maintenance of a wooded buffer along the northwest property line, measuring not less than fifty feet (50') in depth, as measured perpendicular to the property line.*

Mr. Holthouser informed the Planning Commission that the applicants are here, they have reviewed the staff report and have been asked if they have read it and are familiar with the conditions. Mr. Holthouser stated that he believes they are but they would be able to speak to that as they address the Planning Commission this evening. Mr. Holthouser asked the Planning Commission members if they had any questions at this time.

There were no questions by the Planning Commission at this time.

Mr. Jay Richards thanked the Planning Commission for their time. He stated that this proposal of a Special Use Permit would aid him in his work. Mr. Richards informed the Planning Commission that he is a Pastor. He and his wife work together with their staff to help marriages get back on the right track. Mr. Richards would like to provide the cabin for marriage counseling for the weekend to couples. This is essential for all those that are married. Mr. Richards asked the Planning Commission if he may show them what they would like to accomplish. The Property is 19.783 acres off of Hardy Road. Mr. Richards stated there is a current road coming off Hardy Road to access the two (2) cabins. They would like to use this road for the property with several improvements on the road with turn around and drive up to the cabins. Mr. Richards suggested that they would like to plant fifty (50') feet of pine trees. Mr. Richards stated that they would like to keep this area quiet, there would be no ATV's allowed or recreation vehicles of that type. The property is in his backyard as well. Mr. Richards informed the Planning Commission that he and his family are quiet people as well. Mr. Richards informed the commission that he is aware of the dangerous curve on Hardy Road. Mr. Richards told the Planning Commission a neighbor (in River Shore) has asked him to cut one (1) tree down in that area, but Mr. Richards stated he is committed to removing several trees in the entire area allowing more visibility and less of a problem area. Mr. Richards showed the Planning Commission a slide of what the cabins would be like once completed; the cabins are 18' by 24', designed for a couple not a family residence. Nor is the cabin designed for permanent residence. Mr. Richards explained to the commission that Lynville Creek flows on the back of the property, they would like to use this area for relaxing along the banks of the creek. Mr. Richards showed a slide of the view from the open field area where they would like to build the cabins with the sunset. Mr. Richards went on to explain to the Planning Commission why he and his wife would like to open this retreat area to married couples. Divorce is costly and it weakens the economy. Divorce is cyclic in children of divorced parents, it has a negative effect on

the community. Mr. Richards went on to say the children are the future of Franklin County. Mr. Richards stated his belief is that if you can help just one family at a time, it will renew the community. He thanked the Planning Commission again for their time and asked if they had any questions or concerns for him. Chairman Webb thanked Mr. Richards. There were no additional questions at this time.

Chairman Webb asked if there was anyone in the public hearing that would like to speak to this petition.

Ms. Tammy Williamson was called to speak on behalf.

Ms. Williams stated that she owns the property on the other side of the Richards 19.783 acre property. She told the Planning Commission that she has a horse and pig farm on her land. Ms. Williams informed the Planning Commission that she owns the land in the picture that was taken of the sunset and the majority of the land around there. She asked the Planning Commission to deny the petition for the special use permit to the Richards, Mrs. Williams does not want anything to be done in this area unless it's farms.

The following persons were in agreement with the recommendation of approval for the Special Use Permit for a Recreation facilities (private) and Motels, Hotels, Tourist and Resort facilities and called to speak to the Planning Commission:

Josh Cunningham - 3 year member of New Testament Baptist Church, agrees with Mr. Richards. Having this retreat is important and would have a great impact on the community by one marriage at a time.

James Wood - Member of New Testament Baptist Church and lives down the road from the proposed site, agrees with Mr. Richards.

Amanda Wood - Agrees with her husband, James Wood and Mr. Richards.

Steve Warren - Agrees with Mr. Richards and also stated the land affected would not change the area with increase of traffic or people.

Alana Martin - Agrees with Mr. Richards, and stated the concern that had been brought up about the noise that may be an issue, should not be seen as an issue since the surrounding property is mostly farm land.

Dan Thorson - Agrees with Mr. Richards

Dawn McKey - Member of New Testament Baptist Church, agrees with Mr. Richards. Mrs. McKey stated to the Planning Commission the property would be limited to just the two (2) cabins. She also reiterated that the Planning Commission should grow the community and have vision.

Heidi, Kevin & Aubrey Flowers - Agrees with Mr. Richards, she does not believe the noise would be of any impact to the community as other gatherings have taken place on the land and no one was aware.

The following persons were in disagreement with the recommendation of approval for the Special Use Permit for a Recreation facilities (private) and Motels, Hotels, Tourist and Resort facilities and called to speak to the Planning Commission:

Linda Quinn - Resident in the area living in Union Hall. Mrs. Quinn stated that the land use issue is important. The property in question is considered agricultural. Mrs. Quinn stated that this is essentially a Short Term Tourist Rental of a Dwelling, and what would hinder the Richards from not doing Short Term Rental in the long term.

Constance Watson - Mrs. Watson lives in the area off Hartwell Drive stated that two (2) cabins were reasonable, but she had been told, as had others there are plans for up to seven (7) cabins in the future. Mrs. Watson informed the Planning Commission she had also been told that youth retreats would take place on this property and that is a use that is concerning to her. She would like assurance that there would be no more than two (2) cabins and no further development would come to the area.

With no further public comment, Chairman Webb called the public hearing to close and went into regular session.

Mrs. Sherrie Mitchell commented that she had a few questions for Mr. Richards at this time. Mrs. Mitchell asked for clarification on the number of cabins to be built. Mr. Richards explained when he and his wife had first met with the current planning manager; she asked them to design their dream of what the area would look like. He explained that was a dream, that realistically that could not build that many cabins as they do not have the means to build that many, let alone the two (2) they are currently requesting. Mrs. Mitchell asked Mr. Richards about the occupancy of the cabins, would they be used only on the weekend, would they be used throughout the week? Mr. Richards replied that they would mostly be used for weekend marriage retreats, but that a couple may be allowed to stay through part of the week to visit in the surrounding area. Mr. Richards assured Mrs. Mitchell and the Planning Commission that the noise level that had been expressed as a concern would not be as loud as the shooting range that is in the area. It would be a very quiet setting.

Mrs. Mitchell expressed concern to Mr. Richards regarding the Short Term Tourist Rental of a Dwelling, how is this different from that definition. Mr. Richards explained that the difference is the couple would not be moving into the cabin. They would be there for a short period of time, only a few days. Mr. Richards went on to explain that the cabin has an efficiency kitchen, no stove, only a microwave and small refrigerator. They anticipate the couple to go into town to boost the economy in the surrounding area.

Mrs. Angie McGhee asked Mr. Richards if there would be any signage on the property? Mr. Richards expressed that they would like to clear out the trees in that area and at the entrance of the road onto Hardy Road they would like to place a small sign approximately 2' by 4' sign, nothing more. Mrs. McGhee commented to Mr. Richards that Short Term Rentals is a very hot topic at the moment. Mr. Richards assured Mrs. McGhee and the commission that they have no intent for Short Term Rentals, that they, he and his wife, were not in this for personal gain. He explained that this is not a money making adventure. Mr. Richards also commented that they want to be good neighbors to those in the area and keep this area and setting quiet.

Mr. Holthouser asked Chairman Webb if he might explain the confusion over the cabin number issue that had been raised. He stated that the original design and application was for seven (7) cabins, but they would not be able to develop more than two (2). VDOT and Health Department would not grant more than two (2) cabins.

Chairman Webb asked for a motion to this petition. Mrs. Sherrie Mitchell, representative of the Snow Creek District, moved to recommend to the Board of Supervisors an approval for the petition as amended with prohibiting short term rentals and clearing of the site distance. Mrs. Angie McGhee, representative of the Boone Districted, seconded the motion.

(RESOLUTION 06-15-2):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to approve the request for Special Use Permit for "Recreational Facilities (private)" and "Hotels, Motels, Tourist and Resort Facilities" with conditions as stated: (SPEC-4-15-14056).

1. **Substantial Conformity:** The property shall be developed in substantial conformity with the conceptual plan entitles "Linville Creek Cabins Site Proposal Drawing," prepared by Jay Richards, submitted with the revised application on 05/04/2015, as well as architectural plans and elevations of cabins prepared by Tar River Log Homes, LLC, dated 02/02/2015.

2. **Limitation of Use:** The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort facilities" shall be limited to two (2) cabins and associated facilities, including walking trails and outdoor activity areas, including walking trails.
3. **Subdivision:** The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort facilities" shall not extend to any lot resulting from the subdivision of this parcel, including family division.
4. **Buffering:** The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort facilities" shall require the perpetual maintenance of a wooded buffer along the northwest property line, measuring not less than fifty feet (50') in depth, as measured perpendicular to the property line.
5. **Clearing for Site Distance:** The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort facilities" shall require the area on Hardy Road, defined as the area northeast of the line connecting the property corners along Hardy Road, shall be cleared and kept clear of any vegetation from the site line on the road prior to construction.
6. **Short Term Tourist Rental:** The use of "Recreational facilities (private)" and "Motels, Hotels, Tourist and Resort facilities" shall prohibit use of Short Term rental if such use is not associated with on-site marriage counseling.

Voting on the motion was as follows:

MOTION: Mitchell

SECONDED: McGhee

Voting on the motion was as follows:

AYES: Doss, Law, Mitchell, McGhee, Webb

NAYES:

ABSENT: Colby, Ralph

ABSTAIN:

Chairman Webb called for a short recess for those in attendance who would like to depart may do so at this time.

Chairman Webb introduced the next petition on the agenda, Lori Dupier, a petition to rezone from R-1, Residential District to A-1, Agriculture District in the Union Hall District of Franklin County.

Mr. Holthouser thanked the Planning Commission, introducing the petition located at 112 Cedar Ridge Road, the parcel is approximately configured at 32 acres in the Union Hall District of Franklin County. The property is located off of Standiford Road which is off of Kemp Ford Road which ties into the Village Center of Union Hall, this area is designated in the county's comprehensive plan as appropriate for low density residential development. Mr. Holthouser also reminded the Commission that the county has adopted a Union Hall Village plan in this area to be developed as low density residential development, including the potential for public water in the future. The Staff has identified this area as a candidate for rezoning to our suburban categories that are currently being developed. Mr. Holthouser stated he is aware of some opposition to the petition to rezone on the basis that the rezone would be to an A-1, Agricultural District, zoning. Mr. Holthouser stated that Staff and Planning Commission do not typically rezone to A-1 in an area where we have identified for suburbanization. The property is currently zoned R-1, it is immediately adjacent to the Cedar Ridge subdivision, which is zoned R-1 with a number of smaller residential lots both on and off the lake. There are also some subdivided lots that are off the lake that are zoned A-1, with the balance of the properties zoned A-1. Mr. Holthouser showed the Planning Commission a photo slide of the original zoning map from 1988, the property is not subdivided at this time, the original zoning was listed as R-1. Mr. Holthouser stated, it is Staff's opinion, at that time owners were allowed to choose their zoning category based on the

pattern of development they had at that time or the proposed development of the property. In 1988, this zoning was implied based on some of the zoning intended for the future. The area of the 32 acres is bordered to the South by A-1 zoning, which is fairly heavily wooded. Mr. Holthouser stated the property is defined by open fields loosely defined by some tree line including some tree line interior to the property following some drainage areas, creeks or branches on the property. Mr. Holthouser stated there is an existing barn on the property, there is also an existing former tobacco shed on the property. Mr. Holthouser informed the Planning Commission that the property owner, Mrs. Dupier is requests a rezoning since the use she has in mind is not a permitted use in the R-1 zoning category. Mr. Holthouser informed the Planning Commission, that Mrs. Dupier approached the Planning Department with a use of a Wedding or Event facility to be on the property. Mrs. Dupier's desire is to use the barn structure as an assembly hall and to be able to use some of the exterior of the property for outdoor weddings and receptions, or other outdoor events. Mr. Holthouser stated according to Mrs. Dupier's application and letter to Staff it is her desire to keep the property largely undeveloped and unsubdivided and retaining the existing wooden structures and the wooded buffer. Mr. Holthouser again stated that Mrs. Dupier's intension is to use the property only for weddings and events. Mr. Holthouser did state that Mrs. Dupier does have a desire to build private horse stables on the property as well. Mr. Holthouser stated the Mrs. Dupier has submitted to us, the Staff, a statement of proffers. Mr. Holthouser reminded the Planning Commission that proffers are of course voluntary and come from the applicant. Mr. Holthouser stated that He and the Staff have had an opportunity to review the statement of proffers that were given. Mr. Holthouser asked the Planning Commission if he might go over the statement of proffers with the Planning Commission and give some potential edits to them. Mr. Holthouser stated that it is Staff's position that we support the request for rezoning to A-1, subject to proffers that would restrict and limit the use of the property to only a few things, including only a wedding and event center. The proffers that the Planning Commission have received are dated, June 11th, as enumerated seven (7) proffers. Mr. Holthouser stated, the Staff having reviewed the proffers have some suggestions and edits. Mr. Holthouser asked the Planning Commission to look at the first proffer. 1. **Substantial Conformity**. The site shall be developed in substantial conformity with the concept plan entitled "Cedar Ridge Farm, 112 Cedar Ridge Road, Union Hall, VA 24176 Plat/Concept Plan," dated April 30, 2015, and submitted in support of this rezoning petition. Mr. Holthouser suggested that while it is generally a concept plan, it is not to scale and not to survey accurate, but serves as more of an illustration. Mr. Holthouser stated that it is Staff's opinion that it does not clearly delineate an area for outdoor assembly. Mr. Holthouser stated he feels it would be very important to give the adjoining property owners some protection. Mr. Holthouser stated the outdoor assembly area should not be immediately adjacent to their homes or other lots, Staff suggests that the concept plan be amended to depict and limit an area of outdoor assembly in the western most field of the property bounded by Cedar Ridge Road and the existing tree line, this is the area on the plan labeled as "Existing bucolic view shed to remain unchanged" pointing to that field being recommended. Mr. Holthouser stated he believes that it is the intent of the applicant to limit all the activity to that field, as it is farthest away from the Cedar Ridge Development itself. Mr. Holthouser moved on to the second proffer. Staff encouraged the applicant to proffer in the specific uses rather than proffering out. 2. **Limitation of Use**. The following uses, and only these uses, are to be allowed on the property: The items in Red is suggested by Staff to be deleted from the Proffers.

- a. Agriculture, farming.
- b. Assembly hall.
- c. Conservation areas.
- d. Garage, storage of personal vehicles
- ~~e. Home occupations, Class A~~
- ~~f. Home occupations, Class B.~~

- g. Home, Single-family detached dwelling.
- h. One (1) sign to be used for proposed Assembly hall.
- i. Off-street parking.
- j. Temporary Events, subject to the requirements of Sec. 25-134.
- k. Stables, private.
- l. ~~Wind energy facilities; small system (See Sec 25-128(c)).~~
- m. Accessory uses.

Mr. Holthouser moved to item three (3). 3. **Outdoor Assembly Use Area Limited.** All parking, assembly and temporary event uses and activities are to take place within the area delineated on the Concept Plan and labeled "~~Assembly Use Area~~". Recommendation would be that item one (1) and item three (3) to be consistent therefore the Staff recommends the edit that the concept plan be labeled "**Outdoor Assembly Use Area.**" This area should be delineated on the concept plan. Mr. Holthouser stated at with those stated conditions Staff believes that the use of the property would be significantly limited and although zoned A-1, Staff again, believes that the potential impacts associated with A-1 zoning could be effectively mitigated. Mr. Holthouser noted that under this R-1 zoning category it is consistent with the County's Comprehensive Plan. The property could remain undeveloped, but the property could also develop to an R-1 subdivision with relatively small lots, if public water and/or sewer were available to the area, this 32 acre area could potentially develop into a substantial or significant density. Mr. Holthouser stated that if it is the desire of the community to see this area stay undeveloped this proposal may very well be a strategy for keeping some of the area preserved within the community. Mr. Holthouser at this time asked if there were any questions from the Planning Commission.

There were no questions for the Staff at this time.

Chairman Webb invited the applicant to speak.

Mrs. Lori Dupier thanked the Planning Commission for taking the time to hear her request. Mrs. Dupier stated she realizes that there is a lot of interest in her property. In the interest of time, due to all the letters that have been written and questions asked, Mrs. Dupier asked to read a letter she had written to the Planning Commission on what she and her husband, Jeff were purposing. Mrs. Dupier stated that her husband was unable to attend the meeting, as he was tending to the animals at their current home in New York. Mrs. Dupier stated that after twenty-seven (27) years in the Postal Service, her small office was absorbed by a larger office due to current reorganization. Mrs. Dupier went on to say that this is an opportunity for her to be reunited with her family, of which she has some family members here in Franklin County. She stated that they feel at home in Franklin County. The beautiful rolling farm land is one in which she is accustomed to. Mrs. Dupier fell in love with the property and farmland is where they feel most comfortable. Mrs. Dupier stated that she and her husband would like to preserve the property from a possible major subdivision. Mrs. Dupier stated there are three (3) historical buildings on this particular tract of land, there is a stable barn and two (2) tobacco barns. Mrs. Dupier added that she and her husband are excited about the challenge to take on this restoration project. Mrs. Dupier stated when she and her husband originally viewed this property there was some confusion in the real estate listing, in regards to the zoning, it was thought to be A-1. Upon further investigation, the property is in fact zoned R-1. She believes that this large tract was left over and has remained undeveloped. Mrs. Dupier stated their intention for this property is to use it as a farm for her horses and to produce hay and crops, as are necessary. They would also like to be able to have special events on this property in the historical barn, which is not currently allowed under the R-1 zoning. Mrs. Dupier informed the Planning Commission that the farm on this property was originally built in 1946, before Smith Mountain lake came to be. She stated that they have been made aware of the concerns their neighbors and surrounding homeowners have brought to the Staff; Mrs. Dupier feels that the revised proffer statement they have submitted greatly reduced and limits the uses of the property to alleviate most of the concerns. Mrs. Dupier stated that she would be on the property as management for every event. The concern over trash pickup; trash would be removed within a 24 hour

time period. Trash would be cleaned up and disposed of properly. Mrs. Dupier stated the concern over noise for events that would take place would be no louder than a neighbor that was using a chainsaw, motorcycles, lawnmowers and such that they are able to hear from their own property. Mrs. Dupier stated that in fact, the receptions they would allow would end by 11:00 pm, which the current noise ordinance would allow until 11:30 pm. Mrs. Dupier proposed to the Planning Commission that they would like to add a small addition to the barn to include sound deadening insulation, a small kitchen area, bathrooms and a changing area for the bridal party. Mrs. Dupier commented on the concern over parking for the guests attending the event; as noted in the proffer statement the guests would be parking on their property only. Since the Dupier's own 32 acres there is a lot of space for parking on their property. Well out of sight to neighbors or on the roads. She addressed the concern regarding lighting for a special event. Lighting would be in accordance with the local lighting ordinance, which does require downcast lighting, there is no need for extreme lighting for a wonderful wedding reception. Mrs. Dupier assured the Planning Commission she has no intention of applying for an ABC license. An ABC license is a requirement of a caterer if a bride so choose to have that available to her wedding guests, these services would be cut off by 10:00 pm. She also stated that the special events would be seasonal operation, the service and reception would last up to six (6) hours, with booking approximately twenty (20) weddings over the course of a year, totaling 120 hours, as opposed to a 24/7/365 impact. Mrs. Dupier informed the Planning Commission that guest traffic entering into the subdivision would enter on to their farm and not on any other neighboring property. She also stated the safety issue of Standiford Road would be a VDOT issue and not hers personally. Mrs. Dupier stated she and her husband were drawn to this property in part because of the existing community, and would like neighbors to have continued access to their property. Mrs. Dupier thanked the Planning Commission again for considering her petition; she asked if the Planning Commission had any questions she may address at this time.

The Planning Commission had no questions at this time.

Chairman Webb asked if anyone would like to speak to this petition at this time.

Jeff Maggied was asked to come forward to speak.

Jeff Maggied, 270 Cedar Bay Road, in Union Hall. Mr. Maggied is an adjoining property owner. He stated that he was here as to represent himself as well as the large group of people that were sitting in the audience behind him. Mr. Maggied stated that he has an agenda to speak to the Planning Commission. Mr. Maggied stated that the purpose today is to state our opposition to the zoning request to change the zoning of the Dupier's property in Union Hall from R-1 to A-1. Mr. Maggied asked to correct some omissions that were in the memorandum dated June 11, 2015, to the Franklin County Planning Commission. As well as to question or clarify statements that were in the memorandum. Mr. Maggied informed the Planning Commission that this area is residential, they are Cedar Ridge, Cedar Bay and surrounding areas. Mr. Maggied stated that they represent fifty-three (53) lots, approximately, twenty-one million (\$21,000,000) dollars total assessed value. Every owner is within a tenth (1/10th) of a mile of the Dupier's property. Mr. Maggied informed the Planning Commission that all the properties are regulated by specific deed restrictions. Most of the home owners are retired and some of the home owners are vacation homes. Mr. Maggied wanted to point out that the subdivisions are less than four (4) miles from US 40 which is the main business district, where any commercial business is on US 40 in Union Hall. Mr. Maggied went on to ask the questions, "Why do we live here?", "Why are we so upset?". When speaking of this neighborhood the people say it is "peaceful", "beautiful", "serene", "quiet", and "tranquil". Mr. Maggied stated that this is an excellent way of life, there is no crime in the area, very secluded and a safe environment. No one knows that the subdivisions are back there, with minimal traffic and no thru streets. Mr. Maggied showed a slide presentation of the area roads and neighborhood homes that may be effected. Mr. Maggied stated the objections and consequences of rezoning, there is obviously going to be increased traffic, lose of privacy and potential for crime in the neighborhood. There is also the possibility of intoxicated drivers, as Mrs. Dupier mentioned there would be alcohol. Mr. Maggied stated that unless there were police patrolling the area, what would stop wedding/event guests from parking on the streets. There would be intrusive and excessive noise with a large number of vehicles, music whether recorded or live celebrations. Mr. Maggied inferred there would be lose of property value, with a business located right in the center of a residential area this would affect property values. Mr. Maggied believes that this affect would also reduce the tax

base as well. Mr. Maggied reminded the Planning Commission that they are talking about a business, commerce in a residential area, weddings, family gatherings, special events, and reunions. There was mention in the memorandum (the Staff report) of the use of a Bed & Breakfast, antique shop, green houses, lodges, or assembly hall, he feels that some of these would be considered short term rental. Mr. Maggied continued with environmental impact with this rezoning petition; there would be increased water usage effecting the local water aquifer, toxins from multiple vehicles, excessive sewage and trash leaking into that aquifer. There would be noise pollution, and light pollution. These are things that would affect the venue of where we live. Any signage, would be visual pollution, not adding to the beauty of the area. Mr. Maggied confessed that although Mrs. Dupier did acknowledge an issue with trash and her ability to clean it up quickly, there would still be trash blown along the neighborhood roadsides. Mr. Maggied asked the question of clarification, that stated in the memorandum that "guests" use of the buildings on the property as the existing barn, shouldn't those "guests" be called paying customers. This is a commercial venture and Mrs. Dupier would be receiving money for services provided, in a residential area. Mr. Maggied continued to show pictures of the property that is being discussed, barn, tree line buffer that Mr. Maggied described at young and immature trees. Mr. Maggied went on to say the Dupier's state that they do not intend to use tents, but their intent is to use the barn for special events and activities. Mr. Maggied read from the Staff report, The Dupier's plans for renovating the barn are a handicapped restroom, a small catering kitchen, storage and dressing area, from page 2 of the memorandum on the last paragraph. Mr. Maggied asked the question, What does that really mean? Does that mean that the special events, weddings, receptions, the bathroom and the kitchen will all be housed in that barn at one time? Where will the wedding receptions be held and what kind of protection are they going to use? Why weren't the tents proffered out, if they were not going to be used? How do these changes support maintaining the historical nature of the area? Mr. Maggied went on to read from the memorandum regarding Staff receiving some inquires regarding the petition from surrounding property owners and the public with some positive comments. Mr. Maggied stated that obviously this evenings attendance challenges that as there have been letters to the Planning Commission by those that could not attend and the people here in attendance are here to say that there is quite a bit of opposition. Mr. Maggied continued to read from the memorandum "the purpose of this rezoning application is the move this property into security the preservation of this historically significant property in Franklin County for future generations." Mr. Maggied asked the question, How does changing the venue of this property and making all these changes and having a commercial business, by turning this property into a for profit business preserve the history of the site. Mr. Maggied came to a conclusion with regards to the mention of a historical house on the property. He showed a picture of the home that is on the property, asking the questions, "Does this look like an historical house?". Mr. Maggied stated that their request today as we the residence and property owners of Cedar Ridge, Cedar Bay and the surrounding area respectfully request that the Franklin County Planning Commission reject the R-1 to A-1 rezoning change for the request of the property located at 112 Cedar Ridge Road, in Union Hall, Virginia. As it will not aid in the preservation of a convenient and attractive, safe and harmonious community. Mr. Maggied asked those in attendance, if everyone agreed with the statement and what he has said, the majority of those in attendance stood and clapped in agreement with him. Mr. Maggied thanked the Planning Commission.

Mrs. Sherrie Mitchell, asked Chairman Webb, if she may ask Mr. Maggied a question. Mrs. Mitchell stated that Mr. Holthouser stated that a piece of property this size has a lot of development potential, as he may know. There could be a number of very density housing to go onto this property, as it is zoned R-1. Mrs. Mitchell asked Mr. Maggied and those that he represents if they would rather see the possibility of this property be developed into a lot of homes, then to keep it as it is. Mr. Maggied stated that there are a couple things to consider, one that she (Mrs. Dupier) stated that she does not want to turn it into that type of a property; two, It has been there for a long time, a real long time and it has never been used for residential; three, it is not lake view property or lake access property, it is in an area where that would not happen. Mr. Maggied agreed that it is a possibility, or a veiled threat, but he and the other residents do not think that would be an issue.

Mr. David Sherman was called to speak.

Chairman Webb reiterated to the audience that if they had stood in agreement with Mr. Maggied, to please state your agreement, if they should have anything other to add to please feel free to state it.

Mr. Sherman, agreed with Mr. Maggied and has submitted a letter. He stated, he would rather see a development of residents that would honor the tranquility of the area rather than a string of party goers. He stated the Planning Department's website states: "Great communities don't just happen. They are the result of a series of good decisions made over time by a diverse and committed group of people, all pulling in the same direction". Mr. Sherman stated that he thinks that the residents of this neighbourhood have pulled together to make it a quiet community; he does not want the Planning Commission to rapidly reverse this course for the single purpose of this property, when they knowingly purchased R-1 property as part of this residential community. He asked the Planning Commission to please retain the residential status. Mr. Sherman thanked the Planning Commission for their time.

Ms. Michelle White was called to speak.

Ms. White agreed with everything that had be said. She loves the peace and solitude of coming home. Ms. White thanked the Planning Commission

Ms. Pat Van Dyke was called to speak.

Ms. Van Dyke agrees with all that has been said. She and her husband purchased their property back in 1988 when it was zoned R-1, they appreciate the quiet and peace of this area. She thanked the Planning Commission.

Mr. James DeHaven was called to speak.

Mr. DeHaven lives at 515 Cedar Ridge, he is in agreement with all that has been said. He also had a concern that if rezoning was allowed some of the events that could occur are festivals, such as festivals in Galax or Floyd or even something like Woodstock. Mr. DeHaven loves the peace and quiet and would like to retain that.

Mr. Neal Aberman was called to speak.

Mr. Aberman lives at 519 Cedar Ridge Road, he agrees with all that has been said so far. He asked the Planning Commission if any of them had been to a destination wedding recently in a barn or some type of facility as that. This is the hottest type of wedding in the country right now. He recently went to a wedding, the friend having the wedding was handed the keys to the property. She was told the music had to stop at 9:00 pm, but any guests that wanted to stay may pitch tents and stay on the grounds overnight. Mr. Aberman asked the Planning Commission to "do their homework" on these types of things. He thanked the Planning Commission.

Mr. Jay Shoffner was called to speak.

Mr. Shoffner wholeheartedly agrees with everything that has been said. He lives at 535 Cedar Ridge Road. Mr. Shoffner stated that he and his wife, Paula, have lived there for over twenty (20) years. He would like to take issue, he stated that he knows this property well, with herding everyone to the Western most edge and expecting that to mitigate the noise that would permeate the neighbourhood, would not work. This area is a meadow, as on the lake, if you are talking you can hear it come over open water, the same will happen with this open meadow. Mr. Shoffner took issue with the alcohol being cut off at 10:00 pm and music by 11:00 pm, and having it compared to lawnmowers running. He stated that we do not run our lawnmowers at 10:00 or 11:00 pm at night. Mr. Shoffner feels this application seems to be a request for a tax burden, in fact, Mrs. Dupier stated that very thing. He stated Mrs. Dupier wants to go to the A-1 classification to reduce her tax burden and her business. Mr. Shoffner asked the Planning Commission to not change the zoning for this application. He thanked the Planning Commission.

Ms. Debbie Aberman was called to speak.

Mrs. Aberman agrees with what has already been said. She would like to speak about the environmental impact that putting a parking lot up on the area specified. Mrs. Aberman stated that all the homes are downhill from that area, they would have extra rainwater washing down to their properties; this could be a potential problem. She also commented on the noise pollution; dancing, bands, microphone announcements, traffic and the possibility for the drone of generators from catering truck would be a problem. Mrs. Aberman commented that having music cut off at 9, 10 or 11:00 pm would not help when they as a family are having dinner on their back decks at 6:00pm trying to enjoy the lake. She stated each of the residents have spent a lot of money on their homes and this rezone is sure to devalue them and the tax base. Mrs. Aberman went on to speak about the event sign being put up right beside the Cedar Ridge entrance. Anytime anyone comes to look at a property to purchase a home, the first thing they will see is that there is a commercial property right across the street. Mrs. Aberman suggested that if the Planning Commission decides to approve this petition, that the entrance be moved to David Lane and not on Cedar Ridge Road. As there are fewer homes, to her knowledge, and would be less of an impact on them. She also requested that there not be allowed any outdoor music or microphones. Mrs. Aberman stated that it has been mentioned that this area was meant to be a low density residential area and is the way they would like to keep it. She thanked the Planning Commission.

Mr. John Short was called to speak.

Mr. Short lives at 248 Shady Wood Lane. Mr. Short purchased his property about thirty (30) years ago, back in the mid 80's. He believes at that time it was already zoned as R-1, his realtor at that time assured them that the property in question would most likely be turned into a horse farm. With that in mind, Mr. Short thought that he would be able to retire to this area. He stated to the Planning Commission that for the last thirty (30) years that he has been paying taxes here, that they should respect the rights of those owners that have been there by not rezoning this property. Mr. Short thought it to be unfortunate that Mrs. Dupier thought the zoning was different from what it is, but he believes that there are many other properties the Mrs. Dupier could have purchased to allow her to do what she intended to do on this property. Mr. Short informed the Planning Commission before coming, he looked up on the internet that within a 50 mile radius of Rocky Mount there are over fifty (50) venues that offer what Mrs. Dupier is proposing. He doesn't feel this would be unique to this area. Mr. Short made mention of the parking area, that would be directly over the area where the aquifer and the pump currently sits. He knows that their community does not allow RV's to be parked up in that area, for the simple fact that they may leak oil or gas and possibly contaminate the water source. Mr. Short commented on the "historical" features are basically falling down. That the tax bracket in the County does not recognize them as having any value. Mr. Short asked the Planning Commission to deny this request and keep it as R-1. He thanked the Planning Commission.

Mrs. Wanda Amos came forward to speak. She lives at 49 Carlos Road, in Union Hall. Mrs. Amos commented that she has to frequently travel Standiford Road to get to her home. She is very concerned with the bridge that is a one (1) lane right of way. Only one (1) car can cross at a time. She stated that this is a dangerous road to travel at night, especially if you are not from that area. Mrs. Amos thanked the Planning Commission.

Ms. Barbara Hinely came forward to speak. She lives at 2162 Standiford Road. Ms. Hinely stated that people coming to and from this property would be passing by her home constantly. She informed the Planning Commission that it is very easy to miss the right hand turn that is needed to go to the venue; there would be a lot of traffic with people turning around possibly in her or her neighbour's drive way. Ms. Hinely stated that the area does have a great deal of wild life, turkey, deer, bear; she would be very concerned with people travelling the road that were not familiar with that area, as well as those having drank alcohol. She concurs with everything that has been said this evening and strongly urges the Planning Commission to deny the petition.

Mr. Ken Jenson lives at 496 Cedar Ridge Road. Upon purchasing their property they intended for this home to be their permanent residence in the not too distance future and are opposed to the rezone. He thanked Mr. Maggied for the effective presentation. Mr. Jenson asked if he may add to what has also been said, in regards to the twenty (20) weddings or events that were to take place in a period of one (1)

year. Twenty (20) weddings in one (1) year represents every single weekend from April to August. Mr. Jenson again stated that every single weekend the peace and quiet they have all grown accustomed to would be nonexistent. He asked the Planning Commission to vote No on this petition. Mr. Jenson thanked the Planning Commission.

Mr. Jeff Aldridge, President of the Cedar Ridge Association. He stated he was at the meeting speaking for himself and not on behalf of the Cedar Ridge Association. Mr. Aldridge stated that he is in support of all that has been said. Mr. Aldridge asked to speak in regards to the aquifer that sits adjacent to the Dupier's property that supplies all the water for Cedar Ridge. He thanked the Planning Commission.

Chairman Webb moved to regular session.

Mrs. Dupier asked if she may address a few of the concerns that were brought to light at the meeting. She stated that she has no intentions of effecting the aquifer, parking will not be on lot #34, which is the aquifer site. Mrs. Dupier mentioned that no one has spoken in regards to the processing of some sewage that their properties were not able to on their own. She stated that upon deciding to purchase this particular property she did contact her two (2) closest neighbors, Helen and Jerry Lindsey and Virginia Brown, who would be most impacted by this venture. Both were very happy about the thought and welcoming. Mrs. Dupier stated that she did contact Mr. Aldridge and spoke with him at that time as well. Mr. Aldridge seemed to be quite in agreement with the venture, not only with Mr. Dupier but also with Mrs. Dupier. Mr. Aldridge has since changed his mind. She stated upon speaking with Ms. Virginia Brown, whose family used to own this farm, Ms. Brown told her she would hate to see that turned into a subdivision and I am so thrilled honey that you would be across the street. Mrs. Dupier stated that some think that this area probably isn't prime subdivision property, but she disagrees that it probably is. She thinks there could be a great need for affordable housing in Franklin County. Mrs. Dupier went on to point out to the Planning Commission and citizens of a very successful wedding venue in Boones Mill called Sundara. Sundara is located on a single lane road and on the other side of a community. Essentially all the wedding guests have to drive through the neighborhood to get to the venue. Sundara operates out of a tent, allow two hundred fifty (250) guests; we are limiting our venue to one hundred fifty (150) guests, we are only allowing wedding to be a specific part of the property that is the farthest away from the subdivision. Mrs. Dupier stated as it had been mentioned regarding the devaluing of the properties, that she had done a little research on the property values, as she herself would not want to put money into something that would be devalued. A current property that are surrounding Sundara is listed for sale. The current selling price is has increased by 14.2% from the previous sale price. Mrs. Dupier asked for any further questions and thanked the Planning Commission for allowing her to clarify some things.

Mr. John Short returned to the podium asking to correct a statement that Mrs. Dupier made. Mr. Short asked Mr. Houthouser to bring up the aerial photo slide, He pointed out the barn. He wondered how many people would allowed in that barn at any one time. Mrs. Dupier also stated that people would not be parking on Lot #34. Mr. Short pointed to where the trailer/RV parking was allowed, which is by the water tower and pump house. He stated an aquifer can extend further out, though Mrs. Dupier has stated that they would not be parking on Lot #34, on the concept map it indicates the parking would essentially be in this area, he does not feel that seventy-five (75) cars would fit into this area. He stated his concern is that the parking would go over and beyond where the area is over the aquifer. Mr. Short stated that the parking would not be on Lot#34 but would actually be over their aquifers. Chairman Webb asked Mr. Short if he was familiar with the storm water regulations that went into effect July of 2014 here in Franklin County. Mr. Short stated he was not aware of those regulations. Chairman Webb stated that he believes those regulations addresses the very problem he is concerned about. Mr. Short asked Chairman Webb to explain the regulations to him. Chairman Webb stated that all storm water runoff has to be captured and treated

before it is allowed to run off the property. Mr. Short commented that he is not concerned about the storm water runoff, but is more concerned about the residues of the cars that would be parked there and would leak down through the ground into the aquifer.

Mrs. Sherrie Mitchell made a comment that she agrees with the Staff that the rezone of A-1 with the proffers as mentioned would be very restrictive. She stated that historically she has not voted against a rezone from R-1 to A-1. Mrs. Mitchell also liked the idea of preserving the historical value of the property from a very dense development. She stated that was the reason why she asked the question about the development, it seems that the neighborhood would rather see the property developed as residential rather than the use that is being proposed. A member of the audience stated that was not on the table. Mrs. Mitchell explained to them, that it is always a possibility. The audience member asked if that was a threat. Mrs. Mitchell responded by saying, that she was not making any threats, but that is just her opinion.

Chairman Webb commented that he thinks that this property was zoned R-1 and has never been developed over the 27 years and it is probably not going to be. He commented this was probably a mistake from the beginning, that it was ever made R-1. Chairman Webb agreed with the audience member that this property would never become a housing development and that is what most of the citizens are counting on that if it stays R-1 it will never become anything. He doesn't believe that is the proper way or the best use of the property.

Mrs. Angie McGhee stated that she agrees with Mr. Webb, that is it unfortunate that Mrs. Dupier was not made aware of the zoning or perhaps was misinformed. Mrs. McGhee does think that the rezone has impacted quite a few of the neighbors and their decisions to purchase property there. Mrs. McGhee stated that she does not agree with rezoning the property.

Mr. C.W. Doss commented that access to this property is via rural and secondary roads. He stated that it would definitely increase traffic on them and it may impose a dangerous situation. Mr. Doss also commented that there should be respect to the neighbors that have purchased their property that is zoned R-1, as it has always been.

Mr. Edmund Law agreed with Mr. Doss' comments

Chairman Webb asked if there was a motion. Mrs. Sherri Mitchell, representative of the Snow Creek District, made a motion to recommend to the Board of Supervisors to deny the request for rezone from R-1 to A-1. Mrs. Angie McGhee, representative of the Boone District, made a motion to second

(RESOLUTION 06-15-3):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to recommend a denial for the request to Rezone from R-1, Residential District to A-1, Agricultural District with proffers, as submitted. (REZO-5-14-14310).

Voting on the motion was as follows:

MOTION: Mitchell

SECONDED: McGhee

Voting on the motion was as follows:

AYES: Doss, Mitchell, Webb, McGhee

NAYES: Law

ABSENT: Colby, Ralph

ABSTAIN:

Chairman Webb called for a short recess for members of the audience to depart before the next agenda item, if they so wished.

Chairman Webb introduced the last item on the agenda of a Special Use Permit for the Franklin County Public Safety and Blue Ridge Group, LLC for the use of a Communications Tower on +/- 2.0 acre parcel of land located on 2081 Bluewater Drive in the Gills Creek District of Franklin County. Mr. Webb stated the applicant has deferred the public hearing due the applications incompleteness. Mr. Holthouser stated that the Staff did in fact receive an application for a Special Use Permit for the Communications Tower, upon further investigation the application was deemed incomplete at this time. Since the petition had already been advertised for a public hearing the applicant asked to defer the public hearing at this time. Mr. Holthouser stated the Special Use Permit is not here for the Planning Commissions consideration this evening.

Chairman Webb introduced the next item on the agenda of a petition for Franklin County Public Safety and Audrey Mitchell request a Comprehensive Plan Conformance Review to construct and operate a wireless telecommunications facility for the purpose of a radio communications lattice tower, located on 4495 Sontag Road.

Mr. Holthouser, again, thanked the Planning Commission. He introduced the petition as most people know this area as Tom's Knob which is located at 4495 Sontag Road in a non-zoned area of Franklin County. Therefore it is not subject to the zoning ordinance. Mr. Holthouser stated, however, under State law 15.2-2232 of the Code of Virginia "if a location of a feature classified as a public utility is not shown on the adopted future land use plan contained within the comprehensive plan, such a facility cannot be constructed, established or authorized until the general location and character of such a facility has been submitted to and approved by Planning Commission as being substantially in accordance with the Comprehensive Plan." Mr. Holthouser stated this conformance review is coming from the Franklin County Public Safety department as they have embarked upon a plan to construct towers throughout the County in order to move and shift to a better technology that would require these communication towers. This is so the County may have a more effective and efficient form of telecommunication and emergency communication system county wide, this would eliminate gaps that the County currently has no coverage. Mr. Holthouser stated, Staff does believe that to an extent this application certainly goes a long way toward Public Safety's need, not just in this general location but county wide. Mr. Holthouser stated that there is an extensive section on Communication towers in the Comprehensive Plan, this section has been used before in the past for evaluation of other site locations. It is Staff's recommendation that this tower does conform to those policies and directives that are contained in the Comprehensive Plan. He reminded

the Planning Commission that it was noted in the Staff report that there were three (3) particular policies that were not previously addressed in the application at the time of submittal, but have been completed as of the public hearing. Mr. Holthouser stated that the first of three was the balloon test for visibility, second was the certification on the abandoned tower and third was a certificate of safety of the tower. Mr. Holthouser assured the Planning Commission that he had received and reviewed the policies; it is still the Staff's recommendation that this petition is in conformance with the Comprehensive Plan. Mr. Holthouser apologized to the Planning Commission on the lack of documentation for their review of the three (3) items in questions. He asked the Planning Commission to turn their attention to the slides that have been provided for a simulated view of the tower on the property. Mr. Holthouser showed an aerial view of Tom's Knob. He stated the existing tower is not able to hold the new communication equipment. Mr. Holthouser stated that he was not able to state as iron clad fact because his research is not as detailed as he would prefer, the existing tower that is currently there was subject to a conformance review at the time it was located on Tom's Knob. Mr. Holthouser asked Mr. Daryl Hatcher when the tower was originally built. Mr. Hatcher stated it was built in 2005. Mrs. Sherrie Mitchell commented that there had been a conformance review for that site in 2005. Mr. Holthouser commented that since it had been to a previous Planning Commission it was deemed appropriate and an acceptable location. Mr. Holthouser introduced Public Safety to approach the podium to address any questions or concerns the Planning Commission may have.

Mrs. Sherrie Mitchell stated she did have some questions to ask, but was unsure who would be better suited to answer the question, Staff or Public Safety. Mr. Pat Reagan introduced himself as Public Safety Communications Coordinator and Mr. Daryl Hatcher introduced himself as the Director of Public Safety. Mrs. Mitchell commented that she lives in the area of the current tower site, there have been several forest fires over the years and lightning strikes the tower all the time. Mrs. Mitchell asked the question what happens with the lightning when it strikes the tower, is it made to reflect? Mr. Daryl Hatcher commented the cell tower has a grounding network that is underground, it is actually a grounding ring that is around the tower, when lightning strikes the tower it is then diverted into that ring as much as possible. Since lightning is a fact of nature you can only control it to a certain extent. Mr. Hatcher stated there was an inspection of the tower site moving up to this project, it was found that Tom's Knob had some grounding issues when the site was first built. Mr. Hatcher stated for an example there is a perimeter fence that surrounds the tower, that fencing was not properly grounded at the time. It has since been fixed and upon that fix a lot of the damage that was occurring has stopped happening, because it is now grounded properly. Mrs. Mitchell stated that a 195' tower is not required to be lighted under FAA regulations but that planes flight very low at night over the Tom's Knob area. Mr. Hatcher agreed with Mrs. Mitchell and he understood the concern for those flying over. Mrs. Mitchell asked about the placement of the new tower, she stated that according the pictures, it looks to be on the right of the existing tower. Mr. Hatcher stated that if you are looking from Tom's Knob road the tower would actually be in front of the existing tower.

Mrs. Angie McGhee asked about the existing tower, what would happen to it? Does it stay there? Mr. Hatcher commented that part of the problems they are facing including this site, the towers are overloaded. The existing tower came to the County second hand, it had previously been used in the Shenandoah Valley, it was dismantled and brought here after purchasing it. Mr. Hatcher stated that this tower and others are rated over their capacity. The original plan was to keep the existing tower in place, that is what Public Safety would like to stick with to be used for internet, cell communication and so forth, the new tower would then not be compromised. Mr. Hatcher stated in the plan Public Safety suggested this tower would be a central hub for much of the communication activity. Our plan is for Tom's Knob to be the entry point of most of the County.

Mrs. Mitchell asked for clarification in regards to other public utilities using this tower. Mr. Reagan and Mr. Hatcher commented that that was a correct statement. The Public Safety plans to design the tower to have at least three (3) co-locates on each tower, to try to improve the communication in Snow Creek District for the citizens. Mr. Hatcher feels that the citizens deserve to have some of the benefits from any of the projects that are being done. Also, this would allow Public Safety to have better communication for law enforcement, fire and EMS services. Lastly, Mr. Hatcher stated that the intention to design the towers to withstand the loading that we face, such as the ice loads in the winter time, the wind loads that sometime come along with winter storms.

Mrs. Mitchell asked for information on maintenance to the tower. How often will the County be up there? Mr. Hatcher stated that prior to electricity being run they were up there frequently. Since then no more than once a month.

Chairman Webb asked if anyone would like to speak to this petition.

Mr. Wilbur Hopkins was called to speak.

Mr. Hopkins owns property adjoining to the property requesting this review. His Father received a letter from the Planning & Community Development office on May 6, that was labeled as a recreation facility. Mr. Hopkins stated when his Father read it he just put it down and did not think about it again. Mr. Hopkins stated he picking it up to read it, he contacted the Planning & Community Development Office to ask about the petition, what the petition was about. Mr. Hopkins spoke to a woman in the office, she told him that the letter was incorrect and that the petition was for a cell tower. He told the woman in the office that was not what his letter said. The woman transferred the call to Mr. Holthouser, who did inform him that the petition was indeed for a cell tower to be located on Tom's Knob. Mr. Hopkins stated that on May 11 he received a new letter for the Planning Department that stated correction to the petition as a cell tower. He wanted to know why the County was hiding this information from him, his family and the surrounding home owners. Mr. Hopkins would like to know why the information was hidden. On May 11, Mr. Hopkins contacted his representative, Mr. Leland Mitchell. Mr. Mitchell informed Mr. Hopkins that the cell tower is a twelve million (\$12,000,000) project for the county, Mr. Hopkins was ok with that. Mr. Mitchell told Mr. Hopkins it was going to go up sometime this summer, Mr. Hopkins was ok with that. Mr. Mitchell told Mr. Hopkins there have already been contact with cell company to be put on this tower, Mr. Hopkins was ok with that. Mr. Mitchell informed Mr. Hopkins that from the bridge on 619 through Snow Creek to 890 no one has cell service, they were not able to use cell service to contact fire and rescue. Mr. Hopkins told Mr. Mitchell that Virginia is charging everyone in Virginia for 911 whether it is cell service or land line. Mr. Hopkins does not believe that there is no communication over in Snow Creek (Colonial Turnpike), Glade Hill would reach them before Snow Creek would be able to reach them. Mr. Hopkins asked Mr. Mitchell to clarify the information received, that the meeting on June 11 is just a formality because it has already been approved by the Board of Supervisors and the Director of Planning. Mr. Hopkins stated to the Planning Commission, how many property owners up there would have agreed to put the tower on their property. If there is a tower there that was placed there in 2005, it was originally to be placed on Mr. Hopkins' Father's property. Mr. Hopkins stated that the County did not want to do anything to reimburse or pay anything to them for the property, so the County moved it to Tom's Knob. Mr. Hopkins stated that his Father used to own Tom's Knob, but it was sold to Mr. Leonard Byrd and later to the Mitchell's. Mr. Hopkins stated that he has also been told, and he prays that it is not the truth, that the tower that is to be placed there it has already been approved that over six thousand (\$6,000) a year will be paid for that property. Mr. Hopkins stated that he may be incorrect in his information, but if he isn't why did the Planning Commission and the Board of Supervisors plan to undermine all the other residents in the area. He wanted to know if it is fair to the people in that area. Mr. Hopkins feels that the letters sent were very undermining. He stated that the letters were only sent to one member of the family. Mr. Hopkins wanted to know if this was fair to the

others. He stated that No it is not. Mr. Hopkins informed the Planning Commission that he disagrees that the tower be placed up there. Mr. Hopkins stated that he had contacted the Attorney General's office and they informed him that someone has already made the decision and it has already been approved. Mr. Hopkins asked Mr. Holthouser to explain the letter of a recreational facility. Mr. Holthouser apologized to the Planning Commission and the citizens for the letter that was originally sent out that were incorrect. There had been a previous petition for a recreational facility, where a copy and paste error occurred. However, upon learning of the error, a corrected and specific letter was sent out immediately to all the adjoining homeowners. He did admit that we had sent out one letter in error but we did resend the corrected letters.

Chairman Webb asked the Public Safety if they would like to answer the question that was presented on the cell tower. Mr. Hatcher answered that to his knowledge there were no cell companies contacted about co-location. Chairman Webb asked a question to clarify, that the cell tower is not for cell phones but is actually a radio tower. The tower is not for people to use for their cell phones but the Public Safety to use for directing the rescue squad to an emergency. Mr. Hatcher explained this tower is indeed a 2-way radio tower, but that they do design the towers to have room for 3 co-locates whether it be for cell phone, wireless internet or whomever needs to use that tower. Chairman Webb asked Mr. Hatcher if Franklin County would be using that tower to recoup some of the expenses for the building of the tower. Mr. Hatcher responded that if Franklin County does do that, it would recoup very little. Mr. Hatcher did say that Franklin County can lease out the space on the tower or towers to recoup a small portion.

Mr. Hopkins clarified his question, it was not whether or not the tower is renting space, but rather about the contract being awarded to the property owner. Mr. Hatcher stated that they are in negotiation with the property owner.

Mr. Hopkins disagrees with how the County has chosen this area.

Mr. Reagan answered Mr. Hopkins that Motorola engineers feel this is the best site, which allows more coverage.

Mrs. Angie McGhee asked Mr. Holthouser about the dates on the letters sent, how long between the letter being sent out correctly. Mr. Hopkins stated it was only after speaking with Mr. Mitchell that he received the new letter.

Chairman Webb moved to regular session.

Mrs. Mitchell asked when the Planning Commission worked on the Comprehensive Plan the information on co-locating on towers. Chairman Webb thinks that is the best place. Mrs. McGhee stated that you usually see the towers together on the highest point.

Mr. C.W. Doss, representative of the Blue Ridge District of Franklin County, motioned to approve the conformance review of the Comprehensive Plan. Mr. Edmund Law, representative of the Rocky Mount District of Franklin County, seconded the motion.

(RESOLUTION 06-15-4):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission finds pursuant to Section 15.2-2232 we find this Conformance Review is substantially in accordance with the Comprehensive Plan. (CONF-5-15-14333).

Voting on the motion was as follows:

MOTION: Doss

SECONDED: Law

Voting on the motion was as follows:

AYES: Doss, Law, Mitchell, Webb, McGhee

NAYES:

ABSENT: Colby, Ralph

ABSTAIN:

With no other business, the meeting was adjourned.

Lori A. Crouch

Clerk

June 25, 2015

Date