

MEMORANDUM
Case # REZO-3-16-15243



To: Franklin County Planning Commission
From: Terrance Harrington, Senior Planner
Date: March 17, 2016
Tax #s: 0280012801 and 0280012700
District: Union Hall
Applicants: Louis Conway Jr.; Kathleen R. Conway; Mike Ferguson
Owners: Louis Conway Jr.; Kathleen R. Conway; Ferguson Properties

REQUEST:

This is a request of Louis and Kathleen Conway and Mike Ferguson to rezone two tax parcels from B-1 with proffers, to A-1 (Conway Property) and from B-1 with proffers to B-1 (Ferguson Property). The Conway's' desire to construct a single family home on their property (Lot #2) and Mr. Ferguson desires to preserve the existing B-1 zoning on his property granted by the Board of Supervisors in 2004.

RECOMMENDATION:

Staff recommends that the Planning Commission consider and recommend approval of the rezoning petition as requested by the applicants.



BACKGROUND:

In 2004 the two parcels which are the subject of this rezoning request existed as a single 2.21 acre parcel owned by the Conway's. The property was zoned A-1 Agriculture. In 2004, Mr. Conway petitioned the County to rezone the property from A-1 to B-1 Business District for the purpose of developing an office park. The rezoning was approved by the Board of Supervisors as a conditional rezoning in 2004. Proffers were accepted that (1) required development in accordance with a submitted concept plan, (2) limited signage to a single monument style sign, (3) required landscape screening along the southern and western borders, (4) required architectural designs consistent with those portrayed on the proffered concept plan, and (5) required all lighting to be shielded and directed downward. The proffers also allowed the existing single family house on the property to be used as an office until such time as the office park was developed. Mr. Conway's design studio and office were located in this existing house.

The development of the office park plan never progressed. In 2012 the Conway's subdivided the property into two lots and sold Lot #1 (Tax Parcel 0280012700) to Ferguson Properties. Lot #1 included the single family house that Mr. Conway continues to lease as his office. The subdivision of the property and the subsequent sale of Lot #1, limited the potential for the future development of the proffered office park plan approved in 2004.

Mr. Conway now wishes to use Lot #2 as a single family home site for his family, and also wishes to develop a small detached office on the property for his design studio business. The office would comply with Class B Home Occupation standards. The requested A-1 zoning designation on the Conway's Lot #2 allows the property to be used as a site for a single family home and a Class B Home Occupation.

Mr. Ferguson desires to preserve the B-1 zoning on his property (Lot #1). The approval of this current request will thus rezone the Ferguson property from B-1 with proffers to B-1. No new or modified proffers have been offered by Mr. Ferguson at this time.

SITE STATISTICS AND SURROUNDING LAND USES

<i>Location:</i>	6832 and 6866 Booker T. Washington, Hwy (Route 122) in the Union Hall District	
<i>Size:</i>	Lot #1	.972 acres
	Lot #2	1.238 acres
	Total	2.210 acres
<i>Existing Land Use:</i>	Lot #1	Office
	Lot #2	Vacant
<i>Adjoining Zoning:</i>	A-1 Agricultural District and B-2 General Business District	



*Adjoining and Nearby
Land Uses:*

Agriculture, Church, Single Family, Childcare Center,
Public School

COMPREHENSIVE PLAN:

These properties are designated in the 2025 Comprehensive Plan as the Village of Burnt Chimney. The Village of Burnt Chimney's geographic center is the intersection of Route 122/Booker T. Washington Highway and Route 116/Jubal Early Highway. The village has a half mile radius from the geographic center.

Villages are intended to be the primary focus for local services, social activities, and community life as well as providing opportunities for employment. Appropriate commercial services in Village areas include convenience shopping, general business, and professional services that serve the needs of the surrounding rural community. Community facilities include elementary schools, recreation areas, fire and rescue sites, post offices, and churches. Residential uses include farmhouses, rural dwellings, small subdivisions and apartments located on the upper floors of commercial development. Villages provide many of the daily needs of the area residents, but some services will still be provided outside of the village area.

POLICIES FOR VILLAGES

The policies for villages listed below should be considered in the review of this application for rezoning.

- Encourage small-scale residential subdivision, townhouses, garden apartments and apartments above commercial uses in locations that complement and support established or new villages with supporting services such as convenience shopping, general business, elementary schools, recreational areas, fire and rescue sites, and churches.
- Make future decisions about the location of community facilities so as to strengthen the identity and improve the quality of life of the village.
- New development in villages should preserve open space and view sheds; take into consideration existing vegetation; and incorporate these concepts into site planning to preserve the rural character.
- Development in the village should be based on adopted community plans that include architectural and site development guidelines.



- In conjunction with community plans, identify villages where small-scale County public water and sewer systems are feasible.
- Develop the villages in such a way that residents are in walking distance to services and public spaces.
- Encourage development of small scale commercial and light industrial in villages for residents to work and provide services to the surrounding rural community.
- The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according to good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.

PUBLIC UTILITIES

A public water line is located in the Route 122 right-of-way. The proposed Conway residence will be within 300 feet of this line and will be required to connect to this line. No public sewer currently exists in this area. The existing house on Lot 1 is served by a well and an existing septic drain field. This drain field extends into a drain field easement on Lot # 2, created at the time of the subdivision of the property in 2012.

A new drain field is proposed on Lot #2 to serve the proposed Conway residence.

TRANSPORTATION

A commercial entrance permit, issued by VDOT, will be required for any new access to Lot #1 associated with future commercial development on this lot. Lot #2 development as a single family home will not require a commercial entrance permit.

PUBLIC COMMENTS

One (1) adjacent property owner (Beckner) contacted the staff supporting the rezoning of Lot # 2 to A-1. The Beckner property is also zoned A-1

ANALYSIS

The subdivision of this property in 2012 all but precluded the development of these two lots as an office park as envisioned in 2004. The A-1 zoning district requested by the Conway's returns the property back to a zoning district that existed prior to 2004 and allows the construction of a single family home and Class B Home Occupation on the site.

**RECOMMENDATION:**

Staff recommends that the Planning Commission consider and recommend approval of the rezoning petition as requested by the applicants. Specifically:

Lot #1 (Ferguson) B-1 w/Proffers to B-1	.972 acres
Lot #2 (Conway) B-1 w/Proffers to A-1	1.238 acres
Total	2.210 acres

SUGGESTED MOTIONS:

The following suggested motions are sample motions that may be used.

(APPROVE) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request to rezone Lot 1 from B-1 with proffers to B-1 (.972 acres) and rezone Lot 2 from B-1 with proffers to A-1 (1.238 acres).

OR

(DENY) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to recommend denial of the request.

OR

(DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until additional necessary materials are submitted to the Planning Commission.

FRANKLIN COUNTY
PETITION/APPLICATION FOR REZONING
(Type or Print)

I/We, Louis E. Jr. & Kathleen R. Conway, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors to amend the Franklin County Zoning Maps as hereinafter described:

1. Petitioners Name: Louis E. Jr. & Kathleen R. Conway

2. Property Owner's Name: Same

Phone Number: 540-334-1210

Address: 6866 Booker T. Washington Hwy.
W1T2, VA Zip: 24184

3. Exact Directions to Property from Rocky Mount: 122 North (Booker T. Washington Hwy) property on R ds you enter Burnt Chimney community

4. Tax Map and Parcel Number: Tax No. 28-128-1 # 02800/2801

5. Magisterial District: Gills Creek

6. Property Information:

A. Size of Property: 1.238 Acres

B. Existing Land Use: vacant lot

C. Existing Zoning: B1

D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: _____

E. Is property located within any of the following overlay zoning districts:

Corridor District Westlake Overlay District Smith Mountain Lake Surface District

F. Is any land submerged under water or part of a lake? Yes No If yes, explain.

7. Proposed Development Information:

A. Proposed Land Use: Single Family Residence, detached studio/office (Type B)

B. Proposed Zoning: A1

C. Size of Proposed Use: 2900 sq. ft.

D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: 1

Checklist for completed items:

- Application Form
- Letter of Application
- List of Adjoining Property Owners and Addresses
- Concept Plan
- Application Fee

I certify that this petition/application for rezoning and the information submitted herein is correct and accurate.

Petitioner's Name (Print): Louis E. Conway Jr. / Kathleen R. Conway
Signature of Petitioner: [Signature] x Kathleen R. Conway
Date: March 7, 2016
Mailing Address: 807 Crafty Fox Dr
Boones Mill VA 24065
Telephone: 540-334-1210 (H) 540-420-0494 (C)

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): _____
Signature of Owner: _____
Date: _____

Date Received by Planning Staff: _____
Time: _____
Clerk's Initials: _____

CHECK #: _____
RECPT. #: _____
AMOUNT: _____

March 5, 2016
Louis E., Jr. & Kathleen R. Conway
807 Crafty Fox Dr.
Boones Mill, Va.

To: Mr. Terry Harrington
Franklin County Planning & Community Development
1255 Franklin St., St. 103
Rocky Mount, Va. 24151

RE: Parcel 0280012801
6866 Booker T. Washington Hwy.
Wirtz, Va. 24184

Mr. Harrington,

Per your recommendation, we are requesting a re-zoning of the above noted parcel we own in the Burnt Chimney Community from its current B1 back to its original zoning of A1. Our plans for the 1.2 acre parcel are to build our new home on the property and include a detached office/studio in which I'll be locating my architecture and construction business, Conway Design-Build, Inc.

Our business office has been in Burnt Chimney since 1994 and has been located next door to the subject parcel at 6832 Booker T. Washington Hwy. since 2004. We originally purchased both of these parcels at that time as a single 2.2 acre parcel, had it re-zoned to B1 (#R 04-04-02), then subdivided it into the 2 separate parcels in 2012. We subsequently sold the parcel with the house to Ferguson Properties, Inc. in 2014 and have been leasing the property back from them since then.

The effect of this re-zoning from B1 to A1 for our stated purposes will certainly result in a lot less activity than if we'd have followed through and been successful with our original plans for the professional office park that we proffered with the 2004 re-zoning request. In contrast, Conway Design-Build is a small, closely held architecture and construction firm whose office activities are limited to the owner's required workspace and the rare visits by clients and other associates.

We certainly appreciate your considering this request and we look forward to continuing both our personal and business commitments here in Franklin County.

Louis Conway, Jr.
Kathleen Conway

Louis Conway, Jr.
Kathleen R. Conway

March 5, 2016

Ferguson Properties, Inc.
117 Serpentine Rd.
Roanoke, Va. 24014

RE: Parcel #0280012700
6832 Booker T. Washington Hwy.
Wirtz, Va. 24184

Mr. Harrington,

Ferguson Properties, Inc., owners of Parcel #0280012700, hereby assign Louis & Kathleen Conway as our agent representing our interests that are a part of their rezoning request for their Parcel #0280012801.

We understand that our parcel will maintain its current B1 zoning although the original proffers that were part of the approved 2004 rezoning no longer apply. Any new proffers we may offer will need to be submitted in writing and signed by us.

Mike Ferguson, President, Ferguson Properties Inc.
Mike Ferguson

Date

3/7/2016

Ferguson Properties, Inc.

ROSALINDA BROWN
#0280012211
TAX NO. 28-122.11

ROSALINDA BROWN
#0280012300
TAX NO. 28-123

J & K HTCC LLP
#0280012800
TAX NO 28-128

BURNT CHIMNEY
ELEMENTARY SCHOOL
#0280013300
TAX NO. 28-133

VA. ROUTE 122

170,880'
SMALL SIGN W/
BUSINESS NAME &
ADDRESS

CONWAY

1.238 ACRES
#0280012801
TAX NO. 28-128.1
PB 816 PG 2278
(LOT 2)

NEW DRIVEWAY

EXISTING WOODED
AREA TO REMAIN

FERGUSON PROPERTIES

.972 ACRES
#0280012700
TAX NO. 28-127
(LOT 1)

289,261'
EXISTING WOODED
AREA TO REMAIN

PROPOSED
OFFICE/STUDIO

PROPOSED
CONWAY HOME

LOT 1 DRAINFIELD W/
EASEMENT ON LOT 2

167.71'
PROPOSED SEPTIC
DRAINFIELD

HARMON L. & WANDA B. BECKNER
#0350002702
TAX NO. 35-27.2
DB 596 PG. 265

CONCEPT PLAN

SCALE: 1" = 60'-0"
MARCH 7, 2016



March 5, 2016

Louis & Kathleen Conway Rezoning Request
Parcel # 0280012801
6866 Booker T Washington Hwy
Wirtz, Va. 24184

List of adjacent property owners

Parcel #0280012700
Ferguson Properties, Inc.
117 Serpentine Rd.
Roanoke, Va. 24014

Parcel #0280012800
J & K HTCC LLP
418 First St.
Roanoke, Va. 24011

Parcel #0280013300
Burnt Chimney Elementary School
108 E. Court St.
Rocky Mount, Va. 24151

Parcel #0350002702
Harmon & Wanda Beckner
P. O. Box 163
Wirtz, Va. 24184

Parcel #0280012300 & Parcel 0280012211
Rosalinda Brown
1495 Murray Hollow Rd.
Thaxton, Va. 24174