

Agenda

PLANNING COMMISSION MEETING

June 4, 2015 6:00 PM
207 West Second Avenue
Council Chambers
City Hall Building
Franklin, VA 23851

Meeting called by: Planning Commission
Type of meeting: Work Session
Facilitator: Dr. Daniel Peak, Chairman
Minute taker: Shelia Baker, Administrative Assistant, Community Development
Staff Representative: Donald E. Goodwin, Director of Community Development, H. Taylor Williams IV, City Attorney

Please read: Agenda Packages

Please bring: Agenda Packages

Roll Call: Peak; Artis; Williams; Darden; Tyler; Babb; Murphy

Agenda topics

1.) Citizens Time

2.) Approval of the minutes from the April 23, 2015 meeting.

RECOMMENDED ACTION: As per discussion

3.) Hold a public hearing to consider proposed text amendments to zoning ordinance, Chapter XI B-2 Central Commercial District Use Regulations;

RECOMMENDED ACTION: Make a recommendation to City Council for appropriate action.

4.) Review proposed land use application fees that require a public hearing notice publication as required by Code of Virginia Section 15.2-2004.

RECOMMENDED ACTION: Approve proposed fee changes for a future public hearing to be scheduled at a later date.

4.) Adjourn

PLANNING COMMISSION MEETING
APRIL 23, 2015

The Planning Commission held a meeting on Thursday, April 23, 2015, at 5:30 p.m. in the Council Chambers at City Hall.

Members Present: Dr. Daniel K. Peak, Jr., Chairman, Mr. R. W. (Bobby) Tyler, Mr. Oscar Babb, Mr. Dennis Murphy, Mr. Harvey Darden, Lawyer Artis and Mrs. Carolyn Williams.

Other Attendees: Mr. Donald E. Goodwin, Secretary, Beth Lewis, Deputy Director, Community Development and Ms. Leesa Livesay, Secretary, recording minutes.

Chairman Peak called the meeting to order at 5:30p.m.

CITIZENS TIME

Dan Howe, Director of Downtown Franklin Association asked to speak about an item that was on the list of items to be discussed on the Agenda. The Commission asked him to wait until that item was called.

March 5, 2015 Minutes

The first order of business was to approve the minutes of the March 5, 2015, meeting.

A motion was made by Mr. Tyler to approve the March 5, 2015, Planning Commission Minutes as presented. The motion was seconded by Mrs. Williams and passed with the vote as follows:

Dr. Daniel K. Peak, Jr. AYE; R.W. (Bobby) Tyler, AYE; Oscar Babb, AYE; Dennis Murphy, AYE; Harvey Darden; AYE; Lawyer Artis, Abstain; and Carolyn Williams, AYE.

Recommended Action 1

Chairman Peak stated the next recommendation of action would be to make a recommendation to the City Council concerning the possible vacation of a portion of a 12 foot alley between Walnut and Chestnut Street to be included with the property located a 509 Walnut Street.

Director Goodwin stated the Community Development Department has an application request and stted that the proposal will go on the next City Council agenda for action pending the Planning Commission's recommendation. He also added our City Code states this must be done by Public Hearing and that that would occur before City Council.

Director Goodwin reviewed the proposed alley closure through Geographic Information System (GIS).

Mr. Darden asked if there was any benefit to doing all of the alleyways versus one at a time.

Director Goodwin answered this could be made part of the recommendation to Council but there would be survey costs in order to record a plat for each property because there is an additional six feet added to each property and there would be the matter of who would bear the costs.

Mr. Babb stated would it not be to the City's benefit to do away with these alleyways.

Mr. Goodwin answered this would benefit the City by not having to maintain the alleyways and would add value to these properties.

Mr. Goodwin stated the issue would be that some citizens would want to acquire these alleyways and some would not.

A motion was made by Mr. Tyler to bring the proposed vacation to Council. Mr. Artis seconded the motion the motion passed with a 7-0 vote.

Recommended Action 2

Chairman Peak stated the next recommended action was to set a public hearing to consider proposed zoning ordinance amendments for the following:

- ✓ Changers to the B-2 zoning District regulations
- ✓ Add a definition of Temporary Family Health Care Structure to Article XXIX of the zoning ordinance.
- ✓ Rezoning and BZA fee changes

Mr. Goodwin gave a brief overview of the proposed text changes to the B-2 Central Commercial Business District as follows that are either strikethroughs or bold and underlined as follows:

ARTICLE XI. B-2 CENTRAL COMMERCIAL DISTRICT USE REGULATIONS

Sec. 11.1 Purpose of the district.

The purpose of commercial district, B-2, is to provide for commercial development to serve the needs of the residents within the district and the surrounding neighborhoods and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serves the entire city and the surrounding region. The B-2 district encompasses the central business district. It is also the intent of this chapter to preserve and enhance the established character of older mixed use commercial and residential neighborhoods in the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two and three stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling by right and through the conditional use permit process, commercial uses and mixed use developments that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

Sec. 11.2 Permitted principal uses.

(a) One-family detached dwelling units.

(b) Two-family dwelling units

(c) Single-family attached dwelling units, such as townhouses as set forth in section 2.7 of this ordinance provided that not more than four dwelling units shall be attached laterally in a series.

(~~e~~ d) Churches, public and private schools, public libraries and museums.

(~~d~~ e) Public parks, playgrounds and community centers, not operated for commercial purposes.

(e f) Existing railroad lines, not including switching or storage yards, or other station facilities.

(~~f~~ g) Public water and sanitary facilities, except sewage treatment or disposal plants.

(~~g~~ h) Rooming houses not primarily for transients.

(~~h~~ i) Any retail business or service establishment located entirely within a building. Representative businesses include food stores, drugstores, barbershops, clothes cleaning or laundry depots, self-service laundries, shoe repair shops, tailors, restaurants, clothing stores, hardware stores, business or professional offices, service stations, health and fitness clubs, dance studios, pawn shops, convenience stores, retail sales, services, recreation theatres, bus terminals, hotels, motels or motor hotels, banks, furniture stores and parking lots.

(~~i~~ j) Clubs, lodges and social or recreational buildings not conducted primarily for gain.

(~~j~~ k) Child day centers.

(~~k~~ l) Family day homes.

(~~l~~ m) Adult day care centers.

(~~m~~ n) Adult day treatment facilities.

(~~n~~ o) Assisted living facilities.

(p) Mixed Use Developments

Sec. 11.3 Permitted conditional uses.

Certain uses shall be conditionally permitted in the B-2 district, when authorized as a special exception by the board of appeals.

(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.

(2) Any principal use permitted in the B-3 district, which in the opinion of the board of appeals, and under such conditions as it may determine, will not be detrimental to other uses permitted in the B-2 district.

Sec. 11.4 Permitted accessory uses.

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot. They include

(1) Private garages or carports.

(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.

- (3) Guest homes.
- (4) Workshops.
- (5) Living quarters within a one-family dwelling for persons employed therein.
- (6) ~~Home occupations~~ **Live/work units, provided that:**
 - (a) **Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.**
 - (b) **Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.**
 - (c) **The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.**
 - (d) **There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use or storage or both of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.**

(7) Temporary family health care structure.

- (7 8) Signs, as permitted by article XXII of this ordinance.
- (8 9) Fences and walls as permitted in section 2.9 of this ordinance.
- (9 10) Satellite television antennas or ground-mounted conventional television or radio antennas, when installed and maintained in accordance with article XXIII.

Additional provisions dealing with the location and size of accessory structures are found in section 19.2(11).

(Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005)

Sec. 11.5 Minimum lot area.

- (a) Business uses **and mixed use developments** -- No minimum lot area is established.
- (b) Residential uses -- The minimum lot area is 7,500 square feet.
- (c) **The minimum lot area for each townhouse unit shall be 3,000 square feet including a pro-rata portion of common areas.**

Sec. 11.6 Setback regulations.

- (a) Business uses **and mixed use developments** -- There is no minimum setback.
- (b) Residential uses -- All structures shall be set back at least ten feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

(Ord. of 11-24-1997(3); Ord. of 2-25-2002(3))

Sec. 11.7 Minimum lot frontage.

- (a) Business uses - **and mixed use developments**-- There is no minimum lot frontage.
- (b) Residential uses - **The minimum lot frontage shall be at least 50 feet for single-family detached dwellings, 60 feet for two family dwellings and at least 20 feet for attached single family dwellings (townhouses).**

Sec. 11.8 Minimum lot width.

- (a) Business uses **and mixed use developments** -- There is no minimum lot width.
- (b) Residential uses -- **The minimum lot width shall be at least 50 feet for single-family detached dwellings, 60 feet for two family dwellings and at least 20 feet for attached single family dwellings (townhouses).**

Sec. 11.9 Yard regulations.

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) *Side yard--Business uses **and mixed use developments**.* There is no minimum side yard.
- (2) *Side yard--One- and two-family dwelling units.* The minimum width of the side yard shall be ten feet for one yard. The minimum width of the combined side yards shall be 15 feet.
- (3) Side yard--Townhouses. The minimum width of the side yard for an exterior unit shall be fifteen feet.**
- ~~(3)~~ (4) *Rear yard--Business uses **and mixed use developments**.* There is no minimum rear yard, except in those cases where a conditionally permitted B-3 use abuts an R District. In that case there shall be a rear yard of at least 30 feet.
- (4) (5) *Rear yard--One- and two-family dwelling units.* The minimum depth of the rear yard shall be 40 feet.
- (6) Rear yard for Townhouses. The minimum depth of the rear shall be at least 25 feet from the principal permitted structure.**
- ~~(5)~~ (7) *Front yard.* Except as provided for in article XIX, front yard regulations are set forth in section 11.6 of this article.

Sec. 11.10 Height regulations.

- (a) *Business uses **and mixed use developments**.* The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.
- (b) *Residential uses **other than mixed use developments**.* The maximum height of all structures shall not exceed ~~50~~ **80** feet and may not exceed six stories.

Sec. 11.11 Special provisions for corner lots.

Are as set forth in section 19.2(7).

Sec. 11.12 Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

Sec. 11.13 Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

Sec. 11.14 Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

Sec. 11.15 Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

Director Goodwin also informed the Commission about the Code of Virginia Section 15.2-2292.1 which states that zoning ordinances for all purposes shall consider **temporary family health care structures** (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Therefore he recommends that the following definition be added to Article XXIX Definitions of the Zoning Ordinance.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § [63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. Additional Statutory regulations for the use of a temporary family health care structure are located in Section 15.2-2298.1. of the Code of Virginia

Director Goodwin asked if there were any questions concerning the proposed changes.

Chairman Peak asked if there would have to be a public hearing concerning this matter.

Director answered yes there would have to be a public hearing to adopt the changes to the B-2 District and the amendments to the definitions chapter.

Mr. Tyler requested these changes be addressed separately.

Chairman Peak asked for a motion addressing these changes.

A motion was made by Mr. Tyler to set up a public hearing to include the changes to the B-2 District and the amendments to the definitions chapter and to delay our next meeting which will

be the public hearing for June 4, 2015. The motion was seconded by Mrs. Williams and passed with a 7-0 vote.

Recommended Action 3

Director Goodwin reviewed changes to rezoning application fees, conditional rezoning application fees and Board of Zoning Appeals fees. He stated our current fee is \$500.00 which only covers staff time. The Community Development Department has been faced with the rising cost of advertising and this fee does not come close to covering the cost of the required advertising and publication of the public notice for Public Hearings.

Chairman Peak confirmed that advertising for public hearings is required by state code.

Mr. Tyler asked what other localities are doing about this situation.

Chairman Peak suggested making the individual responsible for the advertising cost.

Mr. Darden asked how many of these applications are done in a year's time.

Director Goodwin answered on average about 3 or 4 a year.

A motion was made by Mr. Tyler to table this request until a future meeting before moving forward with public hearing. The motion was seconded by Mr. Artis and passed with a 7-0 vote.

Mr. Darden added he would like to look into what other localities were doing and did not want the City to take on the reputation of not being business friendly.

Dan Howe, Director of Downtown Franklin Association suggested talking to the local paper about reducing their costs of advertising for the City.

Chairman Peak asked if there was anything else to be discussed.

Mr. Tyler stated that the Downtown Franklin Association asked if the Planning Commission would consider rescheduling their meetings from Thursday to Tuesday.

Mr. Babb asked if this would be a permanent change or just for the summer.

Mr. Tyler stated this would be a permanent change.

Mr. Darden stated he travels a lot in his line of work and would have to resign if the Planning Commission changed the scheduled meeting nights.

Mr. Artis asked if the Planning Commission rescheduled their meetings would there be a guaranteed increase in the attendance.

Mr. Howe answered that depends on the topic of the meeting.

Mr. Tyler withdrew his suggestion.

ADJOURNMENT

Chairman Peak asked if there was any further discussion. There being none.

He adjourned the Planning Commission Meeting at 6:22 P.M.

RESOLUTION NO: _____

A RESOLUTION INITIATING TEXT AMENDMENTS
TO THE ZONING ORDINANCE RELATING TO CHAPTER XI,
B-2 CENTRAL COMMERCIAL DISTRICT REGULATIONS

WHEREAS, the Planning Commission of the City of Franklin finds that the public necessity, convenience, general welfare and good zoning practice require that Article XX, Central Commercial Business District regulations of the City of Franklin Zoning Ordinance be amended to include mixed use development; and

WHEREAS, the Planning Commission held a duly advertise public hearing at their June 4, 2015 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby initiate an amendment to the text of the Zoning Ordinance by recommending that the Franklin City Council set a public hearing to amend the zoning ordinance text as identified as either strikethrough or bold font and underlined below as follows:

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orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling by right and through the conditional use permit process, commercial uses and mixed use developments that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

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(b) Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.

(c) The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.

(d) There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use or storage or both of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(7) Temporary family health care structure.

~~(7)~~ **8) Signs, as permitted by article XXII of this ordinance.**

~~(8)~~ **9) Fences and walls as permitted in section 2.9 of this ordinance.**

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(Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005)

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(6) Rear yard for Townhouses. The minimum depth of the rear shall be at least 25 feet from the principal permitted structure.

(-5 7) *Front yard.* Except as provided for in article XIX, front yard regulations are set forth in section 11.6 of this article.

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Are as set forth in section 19.2(7).

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All provisions for the regulation of signs in this district are found in article XXII.

Sec. 11.13 Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

Sec. 11.14 Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

Sec. 11.15 Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

Certified copy of a resolution adopted by the Planning Commission at its regular meeting held on June 4, 2015.

**A RESOLUTION AMENDING ARTICLE XXIX DEFINITIONS TO INCLUDE
TEMPORARY FAMILY HEALTH CARE STRUCTURE**

WHEREAS, the Planning Commission of the City of Franklin, finds that the public necessity, convenience, general welfare and good zoning practice require that Article XXIX Definitions be amended to include temporary family health care structures; and

WHEREAS, the Planning Commission held a public hearing as duly advertised at their June 4, 2015 meeting; and

WHEREAS, the Code of Virginia Section 15.2-2292.1 states that zoning ordinances for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings; and

WHEREAS, the definition of a temporary family health care structure is defined in Code of Virginia Section 15.2-2292.1 B; and

WHEREAS, this definition does not currently exist in the City of Franklin Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Franklin does hereby recommend that the Franklin City Council amend the text of the Zoning Ordinance Article XXIX Definitions to include the following:

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § [63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. Additional Statutory regulations for the use of a temporary family health care structure are located in Section 15.2-2298.1. of the Code of Virginia

Certified copy of a resolution adopted by the Planning Commission of the City of Franklin at its regular meeting held on June 4, 2015.

Secretary to the Planning Commission

