

*Minutes of the Town of Bedford*

**PLANNING  
COMMISSION**

The Planning Commission held a regularly scheduled meeting on Thursday, October 5, 2023, at 5:30 p.m. in the Town Municipal Building Council Hall.

Planning Commission members present: Jason Horne, Chair; Lonnie R. Bailey, Vice Chair; Frances Coles, Secretary; Darren Shoen, Town Council Representative; and Cynthia Gunnoe

Planning Commission members absent: Curtis Marshall; and Brock Malcolm

Town Staff present: Mary Zirkle, Director of Planning and Community Development and Cathy Johnson, Clerk of the Commission

Town Staff absent: None

**CALL TO ORDER:**

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

**DETERMINATION OF QUORUM:**

There was a quorum to conduct business with five members present.

**REMARKS BY CHAIRMAN & MEMBERS:**

None.

**APPROVAL OF MINUTES:**

Upon a motion by Ms. Coles and seconded by Ms. Bailey, with five members voting aye the September 7, 2023, minutes were approved as presented.

**STAFF & COMMITTEE REPORTS:**

Ms. Zirkle stated that the Town Attorney wrote bylaws for the Housing Authority that included a provision for remote meetings. She recommends that this language be added to the Planning Commission Bylaws to allow members to attend and vote remotely. She handout the bylaws showing the recommended text change and stated that no action will be made at tonight's meeting, but will be discussed at the December meeting.

## **NEW BUSINESS:**

Ms. Zirkle presented an item for the Commissioners action per Section 906.01, and directed attention to the staff memorandum in the meeting packet. She stated that Section 906 of the Zoning Ordinance requires Planning Commission action on a multi-family dwelling or development as a formality. She stated that staff received a zoning permit application for a multi-family building on Piedmont Street (Tax Map number 216-3-27T). Ms. Zirkle stated that the property is zoned R-3, Multi-family District, where the use is by right. As Zoning Administrator, she waived the full site plan requirements since this will be a single building with four residential units, two upstairs and two on the lower level. She stated that Ed Friar, the owner/developer, provided a sketch showing the parking area, trash receptacles storage, and the required open space area.

Ms. Zirkle stated that the Commission needs to make a recommendation for the Zoning Administrator to approve the plan, recommend conditional approval to imply conditions, or a recommendation of disapproval. She stated that this provision is recommended to be stricken in the zoning ordinance rewrite draft.

The Chair asked for a motion. Ms. Gunnoe made a motion to recommend approval for the Zoning Administrator to approve the multi-family use on Piedmont Street (Tax Parcel 216-3-27T) based on the plan submitted by the owner/developer dated September 26, 2023, with Section 906.01 in the ordinance and staff conditions pertaining to the driveway/parking spaces, trash receptacle storage, and open space shall be maintained. Ms. Bailey seconded.

The Chair asked for a discussion. Ms. Bailey stated that other duplexes and townhomes are along the street. The Commissioners did not see a problem with the multi-family use at this location. When asked about contacting the neighbors, staff stated that the neighbors don't have to be contacted since this is a by right use and Section 906.01 is an additional standard in R-3.

The Planning Commission voted 5-0 to recommend approval for the Zoning Administrator to approve the multi-family use application submitted by Edward J. & Tina L. Friar based on the plan submitted dated September 26, 2023, with Section 906.01 standards and staff requirements including driveway/parking spaces, trash receptacle storage, and open space shall be maintained.

## **UNFINISHED BUSINESS:**

Mr. Todd Gordon, Senior Planner with EPR, PC was present to discuss the continuation of zoning ordinance updates. Mr. Gordon gave a presentation of the draft zoning text and map with staff and the Commissioners. Prior to the meeting, each Commissioner received a binder in full text form of the draft text, use table, and map to review. The Planning Commissioners discussed the recommendations presented by EPR, PC. The following were questions and/or concerns:

- The Planning Commission discussed "Homestays" as a conditional use permit. The use was shown on the use chart but not in the text. Mr. Shoen spoke against "Homestays" in a residential district. He was concerned that the use will change the character of the neighborhood and Town.
- The Commissioners discussed the need to get septic systems for "Homestays" inspected similar to Bedford County and wanted to consider the inspection requirement. Mr. Gordon will follow-up with staff to write text similar to the County. Ms. Johnson read from the May 4, 2023, minutes when the Commissioners previously discussed the same requirement as follows, ... *"a requirement that the septic system is required to be inspected within 7 years and the provision is to provide proof to staff for annual renewal."* Commissioners decided that five years is an

acceptable time for septic pump out by a licensed company to match what Bedford County is proposing in its short-term rental ordinance.

- The Commissioners discussed how to regulate churches that provide or become private schools in residential districts. Religious assembly is a by right use but private religious schools are not. The Commissioners were concerned about school traffic impact on weekdays versus weekend traffic generated by a church. It was discussed about what size limits are appropriate and whether the use can be conditional by square footage or days of operation. The Commission asked Mr. Gordon to consider appropriate text to recommend before the public hearing. Mr. Gordon made a note to review other zoning codes to define private schools associated with a church without violating the freedom of religion laws. Discussion involved requiring schools associated with a church be allowed by conditional use permit.
- Clarified private solar panels – roof mounted should be permitted by right for on-site electric generation.
- For the zoning map, Ms. Zirkle stated that the rezoning approval for the old Harris Printing business to R-2 zoning on W. Franklin Street was missed on the zoning map. She had forwarded the correction to Mr. Gordon.
- Article X. Administrative Procedures reviewed by Town Attorney, Mike Lockaby were incorporated in the draft text. Staff asked the Commissioners to review Articles 10, 11, and 12 with the full markup by the Town Attorney.
- Agricultural is a by right use in R-1 districts. The use includes existing farms, chickens, horses, pigs, and farm animals. It was discussed that a definition for “Agriculture” needed to be added to the ordinance.
- There was discussion of historic preservation whether in the designated historical district or beyond. Staff stated that the Town does not have a locally-designated historic district with standards; if it had one it must create an Architectural Review Board. Mr. Gordon stated for the Commissioners to study if it wants to continue that path. Ms. Zirkle stated that the Economic Development Authority is also discussing how to preserve historic buildings in Town.
- The Planning Commission discussed a date for the public meeting and notification dates. The public meeting was set for Monday, October 23, 2023, at 7:00 pm in the Town Council Hall. The Commission public hearing will be held on Thursday, November 2, 2023, at 5:30 pm. This will be a regular Planning Commission meeting. The Commission can make a recommendation to Council. This will be the same standard procedure of a rezoning. This action requires an initiating motion from the Commission.

The Chairman read the following motion: I move to initiate amendments to the Bedford Town Land Use Regulation Ordinance, as set forth in the presentation by staff, as required by the public necessity, convenience, general welfare, and good zoning practice. I further move that public hearing before this Commission on the amendments be set for Thursday, November 2, 2023. Ms. Gunnoe seconded.

The Clerk took the roll-call:

Jason Horne	Aye
Lonne Bailey	Aye
Frances Coles	Aye
Darren Shoen	Aye
Cynthia Gunnoe	Aye
Brock Malcolm	Absent
Curtis Marshall	Absent

The motion carried by a vote of 5-0 to hold the public hearing on Thursday, November 2, 2023, at 5:30 pm.

The Chair stated that the next meeting will be on Monday, October 23, 2023, at 7:00 pm for the public to review the draft ordinance.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:55 pm. The next regularly scheduled meeting is Thursday, November 2, 2023.

Respectfully submitted,  
Cathy Johnson, Clerk of the Commission

Approved on November 2, 2023.



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Frances B. Coles, Secretary