

**PLANNING COMMISSION
MINUTES
JUNE 3, 2008
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Tuesday, June 3, 2008 at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members were present: Madame Chair Janet Stockton, Vice Chair John Speidel; Planning Commission Members Derwin Hall, John Tiggle, and Ina Clements, Staff members present included: Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, Planning and Zoning Administrator (PZA) Paul D. Stockwell, and Deputy Clerk Stacey B. Sink.

Let the record show that Planning Commission Members A. Milton Arrington and Jerry W. Greer., Sr. were not present.

APPROVAL OF AGENDA

- Motion was made by Planning Commission Member Tiggle to approve the agenda as presented, with motion on the floor being seconded by Planning Commission Member Hall. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

Prior to the meeting, the Planning Commission members received the following draft minutes for review and consideration of approval:

- May 7, 2008
 - Motion was made by Planning Commission Member Clements to approve the draft minutes as presented, with the motion on the floor being seconded by Vice Chair Speidel. There being no discussion, let the record show that the motion on the floor passed unanimously.

(Let the record show that Planning Commission Member Greer arrived at the meeting at 6:02 p.m.)

PUBLIC HEARING

Madame Chair Stockton recessed the regular meeting to hold the first of four public hearings:

A) Request of Richard J.T. LaBarbera for a Waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-3(L)(3) and Zoning and Development Ordinance Article 31-2-2 (c) for CG-6 Curbing and Guttering

After being duly advertised, Dr. Richard J.T. LaBarbera requested a waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-3(L)(3) and the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-2 (c), which requires CG-6 curbing and guttering along Meadow View Avenue for Franklin County Tax Map and Parcel Number 2010000501.

Madame Chair Stockton invited Dr. LaBarbera to the podium to speak on behalf of his request.

Dr. Richard John Thomas LaBarbera, of 5563 Alean Road, Boones Mill, VA 24065, came forward to speak, stating that he is very enthused about the prospect of his project. He feels that his clinic will add beauty to the North Main Street area. It is a two-level brick building designed by Mod-U-Kraf. The first store will be a clinic of approximately 2,000 square feet and the second level will be an apartment of approximately 2,200 square feet. The reason he is asking for the waiver is that it would be the only curbing and guttering on Meadow View. He understands the rationale for the ordinance; however, he feels that it would create a significant financial hardship for him, with very little public benefit. According to his site planner, the addition of the curbing and guttering would increase both the volume and velocity of the drain water. His planner also suggested that if the property were graded similar to the Olde Virginia Barbecue property (across the street) it would be more efficient, more ecologically sound, more attractive in keeping with the neighboring properties, and much less costly. This is the basis of his waiver request.

The PZA advised that the purpose of curbing and guttering along Meadow View would be to channel the runoff from Meadow View through storm water pipes to the Town's retention facility that is located next to the property. If the curbing and guttering were waived, the storm water from the road would flow into a natural drainage ditch instead. The curbing and guttering would connect to existing curbing and guttering on North Main Street but would not connect to anything further down on Meadow View.

Discussion ensued between the Planning Commission members and Dr. LaBarbera regarding his request:

- A question was raised about the history of flooding in the area, with Planning Commission Member Greer stating that the only problems in the past occurred when the Town did not clean out the storm retention pond.

- The tax value of the property is approximately \$120,000 and the newly constructed building will be approximately a \$500,000 investment.
- The additional cost of the curbing, guttering, and sidewalk will be approximately \$15,000 according to the estimator.
- Planning Commission Member Greer questioned Dr. LaBarbera, asking him (if the waiver is granted, and) if the Town decides to construct a sidewalk along Meadow View at some future time would he be willing to “ante up,” with Dr. LaBarbera agreeing that he would.
- Planning Commission Member Greer reiterated that if the sidewalk, curbing, and guttering are put in now, they will be going to nowhere.
- In regards to the elevation of the property, the plan is to bring in additional fill dirt that will bring the lower part of the lot up to about five feet, which will make the lot level with the road. Dr. LaBarbera then plans to divide the lot and sell the upper lot to a bank or similar type office. His clinic will be on the lower lot, which will be even with Meadow View but slightly below North Main.
- The planned building is brick all the way around.
- Runoff from the property will go into a natural drainage ditch which must meet all current stormwater management regulations. Roads can either be designed with curbing and guttering or with natural drainage ditches of sufficient capacity to carry the stormwater.
- A few years ago there was a runoff problem on Meadow View that resulted from the new development next to Member One. The retention pond wasn't taken care of properly and the Town had to go out during rainstorms to keep Mr. Hodges' house from floating away. Retention ponds must be maintained for them to be effective. Mr. Hodges is now taking care of the pond himself because the people who built the pond moved and sold the property to someone else.
- Current stormwater management regulations require that there be no increase in runoff for a ten-year storm event. There is a new dentist office on North Main and there has not been a significant impact due to that construction.
- Basically, the issue is: *Does the Town want curbing and guttering or a natural drainage ditch?* There is not going to be an increase in stormwater runoff on Meadow View. The water will either go into the natural drainage or else it will be diverted with curbing and guttering and will enter the pipes

further down Meadow View. There will be a pipe that runs under Dr. LaBarbera's property, as well.

Let the record show that no one else from the public came forward to speak in regards to Dr. LaBarbera's request.

Madame Chair Stockton reconvened the meeting back into regular session.

There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Greer to recommend to Town Council the approval of the request of Richard J. T. LaBarbera for a waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-3(L)(3) and Zoning and Development Ordinance Article 31-2-2 (c) requiring CG-6 curb and gutter along Meadow View Avenue for Franklin County Tax Map and Parcel Number 2010000501, with motion on the floor being seconded by Planning Commission Member Clements. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

Madame Chair Stockton recessed the meeting to hold the next public hearing.

B) Request of Richard J.T. LaBarbera for a Waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-4(B) and the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-10 for Sidewalks

After being duly advertised, Dr. Richard J.T. LaBarbera requested a waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-4(B) and the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-10), which requires sidewalks for Franklin County Tax Map and Parcel Number 2010000501.

Dr. LaBarbera addressed the Planning Commission again, stating that the only thing he has to add to his previous comments is that, according to his site planner, Phil Nester, it is possible that the addition of the sidewalk could increase both the volume and velocity of the water, and that the gentle, natural drainage would be more conducive for the area.

The PZA added that if a sidewalk is required, it would connect to a sidewalk on Main Street, but would not connect to a sidewalk further down on Meadow View.

The Town Attorney confirmed that the Planning Commission can recommend approval of the sidewalk waiver request with the condition that if a sidewalk is, in the future, extended along Meadow View, the property owner agrees to contribute to his share of the sidewalk.

Let the record show that no one else from the public came forward to speak in regards to Dr. LaBarbera's request.

Madame Chair Stockton reconvened the meeting back into regular session.

There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Hall to recommend to Town Council the approval of the request of Richard J.T. LaBarbera for a waiver from the Town of Rocky Mount Subdivision Ordinance Article 8-4(B) and Zoning and Development Ordinance Article 31-2-10 requiring a sidewalk along Meadow View Avenue for Franklin County Tax Map and Parcel Number 2010000501, on the condition that the applicant pay for his pro rata share of sidewalk improvements to Meadow View Avenue if the Town, in the future, decides to construct a sidewalk on Meadow View Avenue, with motion on the floor being seconded by Planning Commission Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

Madame Chair Stockton recessed the meeting to hold the next public hearing.

C) Request of Richard J.T. LaBarbera for a Waiver from the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-3 (b) Requiring CG-6 or CG-7 For Parking Area Design

After being duly advertised, Dr. Richard J.T. LaBarbera requested a waiver from the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-3 (b), which requires CG-6 or CG-7 curb and gutter for parking area design for Franklin County Tax Map and Parcel Number 2010000501.

Dr. LaBarbera again addressed the Planning Commission, stating that according to his planner, a sidewalk would be important for patients, but the curb and gutter would not be necessary in light of the other changes that have been made.

The PZA advised the Planning Commission that instead of providing drop inlets, there would be natural attenuation from the parking lot.

Vice Chair Speidel questioned if there would be any use in requiring the curb and gutter when the other waiver requests have been recommended. The PZA and the Town Attorney confirmed that the parking area is separate from Meadow View Avenue, and the applicant wants to design the parking lot to provide for the natural attenuation of the runoff. The site plan will still have to provide for the storm water runoff and retention. Site plan approval will show how the water will be retained and deposited into the natural drainage area, so as not to increase the flow rate into the pond. Part of the parking area will naturally drain and part will be caught in

an underground stormwater pipe. The parking lot will be asphalt and there will be a sidewalk with curb and gutter against the building. The upper part of the parking area along Meadow View will not have curb and gutter.

Dr. Labarbera confirmed that the underground storage pipe will be 42 inches. His parking area will resemble that of Olde Virginia Barbecue and it will have 10 parking spaces with a two car garage.

Let the record show that no one else from the public came forward to speak in regards to Dr. LaBarbera's request.

Madame Chair Stockton reconvened the meeting back into regular session.

There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Tiggle to recommend to Town Council the approval of the request of Richard J.T. LaBarbera for a waiver from the Town of Rocky Mount Zoning and Development Ordinance Article 31-2-3 (b) requiring CG-6 or CG-7 curb and gutter for parking area design for Franklin County Tax Map and Parcel Number 2010000501, with motion on the floor being seconded by Planning Commission Member Clements. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

Madame Chair Stockton recessed the meeting to hold the next public hearing.

D) Amending Article 28 Sign Regulations

After being duly advertised, the Planning Commission held a public hearing on the proposed changes to the Article 28 of the Town of Rocky Mount Zoning and Development Ordinance. The proposed changes are as follows:

Article 28-14 (CBD Sign Regulations)

(Note: Proposed changes are noted in bold, italics, and underlined.)

(D) CBD Central Business District Regulations

- 1) A maximum of three (3) signs plus three (3) directional signs is permitted per lot in the Central Business District.
- 2) Notwithstanding the foregoing, a maximum of two (2) signs is permitted per establishment in a multi-establishment building.
- 3) In shopping center developments, one freestanding identification sign shall be allowed announcing the name of the shopping center and listing the tenants. The size of this sign shall be limited to sixty (60) square feet. Out parcels of shopping center developments are excluded from this provision and may erect their own freestanding sign so long as it conforms to subparagraph (4) of this section.
- 4) *Business Signs.* Each permitted business in the CBD shall be allowed a maximum of sixty (60) square feet of signage. No freestanding sign shall be allowed on any lot having less than ***fifty (50)*** feet of lot frontage. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be ***one hundred (100) feet.*** If two (2) uses share the same lot or

lots under single ownership, each use may install a freestanding sign in compliance with these regulations. Such signs shall not be closer than fifteen (15) feet. If more than two (2) uses share the same lot or lots under single ownership, they shall be considered a shopping center for sign purposes and shall comply with the regulations governing shopping centers. No freestanding sign shall be located within fifteen (15) feet of any other freestanding sign on an adjacent or adjoining lot. No freestanding sign shall exceed twenty (20) square feet in area, per freestanding sign. In residential areas of the CBD, the maximum allowed square footage for freestanding signs shall be two (2) square feet.

- 5) Any freestanding sign erected must have a minimum sign setback of five (5) feet from any front property line. Signs advertising the sale or rental of the premises are exempted from this setback and may be erected within two (2) feet of the property line.
- 6) *Identification Signs.* Identification signs shall be subject to the same regulations as business signs within this district.
- 7) *Historic Site Signs.* A maximum of fifteen (15) square feet shall be allowed per sign.
- 8) *Temporary Signs.* Temporary signs shall be allowed in accordance with Section 28-8 (Temporary Signs).
- 9) No freestanding sign shall exceed eight (8) feet in height. Freestanding signs over six (6) feet in height may have no more than two (2) sides; those less than six (6) feet in height may have three (3) or four (4) sides.
- 10) **Freestanding signs on lots less than one hundred (100) feet in lot width shall have the maximum square footage for a freestanding reduced by one percent for each foot less than the one hundred foot minimum lot width.**
- 11) **Electronic message signs are prohibited.**

The PZA advised the Planning Commission that these regulations will produce a more business friendly sign environment in the Central Business District (CBD), by reducing the amount of lot frontage required for a freestanding sign from 100 feet to 50 feet, reducing the separation of the signs, and retaining the historic character of the area by restricting electronic signs. In addition, signs on lots with less than 100 feet of lot frontage would be reduced by one percent for each foot less than the 100 feet.

Planning Commission Member Greer questioned if the prohibition of electronic message signs would pertain to electronic "Open/Closed" signs, with the PZA advising that it only applies to scrolling electronic message signs like at McDonald's or CVS. "Open/Closed" signs are considered illuminated signs and would not be prohibited.

Let the record show that no one else from the public came forward to speak in regards to Dr. LaBarbera's request.

Madame Chair Stockton reconvened the meeting back into regular session.

There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Greer to recommend to Town Council the approval of the proposed changes to Article 28 Sign Regulations (*as noted above*), with motion on the floor being seconded by Vice Chair Speidel. There being no discussion, let

the record show that the motion on the floor passed unanimously by those present.

OLD/NEW BUSINESS

A) Old Business

1. Discussion of Proposed Strategic Planning Retreat

Madame Chair Stockton opened the floor to discussion regarding the strategic planning retreat, stating that she had thought of three possible locations to hold the retreat, being:

- The Franklin Center
- The Police Department conference room
- The Depot

Planning Commission Members Greer and Speidel agreed that the Franklin Center would be the best place to hold the retreat.

Discussion ensued:

- Dinner will be provided.
- The date of the retreat will depend on what format the Planning Commission chooses (whether or not they wish to have a joint meeting with the Town Council). Scheduling will be more difficult for a joint meeting.
- Madame Chair Stockton advised that she would like for the Planning Commission to first meet separately from Town Council so that the Commission can develop its own ideas and agenda. Then she would like to meet with Town Council in early or late fall. The question for Planning Commission is this: *Does the Commission need to meet prior to a joint meeting with Town Council?*
- Planning Commission Member Greer agreed that Planning Commission needs to develop its own ideas and then meet with Town Council.
- July and August will be difficult months to plan the retreat.
- Staff will select several dates and circulate them to the Planning Commission in an attempt to get a consensus on the best date for the meeting.

B) New Business

1. Discussion of Proposed Change in Meeting Structure

The Assistant Town Manager advised the Planning Commission that when he worked in Martinsville, the meeting structure that he was accustomed to was that the Community Development Director served as the staff member at the dais with the Commission to assist the Planning Commission Chairman with the administration of the meeting. If the Planning Commission was to adopt a similar structure in the Town of Rocky Mount, it would free the Town Planner to be more of an advocate for policy changes or for applicants who need guidance through the process. This suggestion is not a slight against Paul Stockwell, the current Planning and Zoning Administrator, nor is it a complaint about the performance of his job duties. The PZA is doing a fine job and is progressing as a young professional. However, the Assistant Town Manager is accustomed to a different structure and thinks that now, as the Town enters a new fiscal year, would be a good time to consider any changes. The PZA would still bear most of the responsibility for planning the agenda and bringing items to the Commission. The major change would be in the staff member at the dais during meetings. This process has worked efficiently in other localities.

Planning Commission Member Greer stated that this is all new to him. He would like to investigate this further before a change is made. The Planning Commission does a good job and he thinks that Town Council also thinks the Planning Commission does a good job. He is uncertain about having management involved in the process. He feels the Planning Commission should be an independent board. Planning Commission can ask the PZA questions and the PZA answers them.

Madame Chair Stockton questioned how a meeting would change if the new structure was implemented. The Assistant Town Manager advised that the only change would be that he would be sitting where the PZA sits now and introduce the topic. The PZA would address any issues that need to be brought up and then the meeting would proceed as usual. There would not be a great deal of change. This would free up the PZA to be more of an advocate for both the people going through the process and public policy changes.

Madame Chair Stockton confirmed that there are times during meetings when she wishes there was someone available to guide the applicants and make them feel more comfortable.

Planning Commission Member Clements advised that she would like to see the change in action, before making a decision.

The Assistant Town Manager advised that any change is left to the discretion of Planning Commission. The change could be implemented for a couple of meetings, and if the Commission does not like the new structure, it can be changed back. He also advised that in most localities in Virginia it is unusual

for the Planner to be the staff member at the dais. In most cases, it is the Community Development Director.

It was the consensus of the Planning Commission to postpone a decision regarding a change in meeting structure, as they would like additional time to consider the change.

(Let the record show that Madame Chair Stockton recognized and welcomed Council Member-Elect Gregory Walker's attendance at the meeting. Council Member-Elect Walker addressed the Planning Commission, stating that he has enjoyed attending Planning Commission meetings in the past, he thinks they do an excellent job, and he looks forward to their recommendations.)

ADJOURNMENT

There being no further business to discuss, motion was made by Planning Commission Member Tiggle at 6:55 p.m. to adjourn, seconded by Vice Chair Speidel, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs