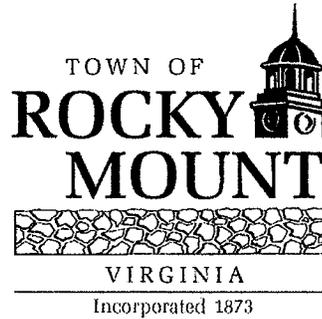


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PLANNING COMMISSION
Janet Stockton, *Chair*

Ina Clements John Speidel
Jerry W. Greer Sr. John Tiggle
Derwin Hall

C. James Ervin, *Town Manager*
Matthew C. Hankins, *Assistant Town Manager*
& *Community Development Director*

PLANNING COMMISSION AGENDA
Thursday, October 7, 2010 • 6 p.m.

Call To Order and Welcome

Janet Stockton, Chair

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
4. Public Hearings
None at this time.
4. Old Business
 - a. Zoning Clarification: Defining "50 percent of the main structure" for determining sizes of accessory buildings
 - b. Requiring electronic file submissions for site plans, plats and subdivisions
 - c. Arts & Culture District Development
5. New Business
 - a. Sign ordinance question regarding pennant flags
 - b. Staff reorganization
 - c. Commission membership
6. Commissioner Concerns
7. Adjournment

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
SEPTEMBER 7, 2010
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, September 7, 2010 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton and Vice Chair John Speidel; Planning Commission Members Jerry Greer, Derwin Hall, and John Tiggie. Let the record show Planning Commission Member Ina Clements was not present.

The following staff members were present when the meeting was called to order: Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk Stacey Sink.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda. The Assistant Town Manager requested that the agenda be amended to include a new business item regarding Planning Commission's consideration of changing the date for the October 2010 meeting. There being no other additions or corrections, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Tiggie to approve the agenda with the requested amendment, with motion on the floor being seconded by Vice Chair Speidel. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

APPROVAL OF MINUTES

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

➤ July 6, 2010 – Regular Meeting Minutes

Madame Chair Stockton asked if there were any additions or corrections to the minutes, and being none, entertained a motion.

- Motion was made by Planning Commission Member Hall to approve the minutes as presented, 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.

PUBLIC HEARINGS

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

1. *Special Use Request of Verdella Holland*

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning and Development Ordinance and the Code of Virginia, as amended, Verdella Holland requested a special use permit to add an accessory building to her property located at 50 Warren Street and known as Franklin County Tax Map and Parcel Numbers 2070057800 and 2070057900. The property is zoned Central Business District (CBD) and accessory buildings are not a use by right in the district. For the record, this public hearing was postponed from August 3, 2010.

Madame Chair Stockton called upon the Assistant Town Manager to deliver his staff report. He thanked Ms. Holland for her patience in rescheduling the meeting before stating the following:

- Verdella Holland requests a special use permit to install a small storage shed on her property at 50 Warren Street, specifically on Tax Map & Parcel Number 2070057800. Ms. Holland owns two adjacent lots, one vacant and one with Law Barber Shop, the top floor of which she is renovating for use as an owner-occupied apartment. The lots have a combined 73.26 feet of street frontage.
- In order to meet her storage needs, Ms. Holland would like to add a 10-foot by 12-foot accessory building to the vacant lot, as well as a gravel driveway to accommodate her residential parking needs. Town Code does not permit

- accessory structures either on vacant lots or in the CBD.
- Ms. Holland can resolve the vacant lot issue by vacating the property line that separates the two lots. Staff believes it would be poor public policy to permit accessory buildings to be erected on vacant lots and is eager to ensure that Planning Commission does not set such a precedent through its action this evening. Ms. Holland is currently working to vacate the property line.
 - This leaves one issue to decide: in order to build an accessory building in the CBD, Ms. Holland will need a special use permit. In staff's view, this accessory building would not be a significant exception, comparing it to existing CBD properties with pre-zoning accessory buildings. Staff has encouraged Ms. Holland to continue developing her mixed-use building because this is in compliance with the Comprehensive Plan, and this is the type of development that is desirable in the CBD. Ms. Holland believes this proposed structure is an important part of continuing this development.
 - Staff recommends approval of the applicant's special use permit, conditional upon the vacation of the lot line dividing the applicant's two current lots. Staff also recommends that Planning Commission and staff hold a future work session to discuss accessory structures and their usage in an effort to clarify the ordinance.

There being no questions for the Assistant Town Manager following his staff report, Madame Chair Stockton called Ms. Holland to the podium to speak regarding her request.

Verdella Law Holland, owner of Law's Barber Shop located at 50 Warren Street, came forward stating that she currently lives out of Town but is getting ready to move into Town. She is leaving a four-bedroom house to move into a one-bedroom apartment and she needs the accessory building for storage since she doesn't have an attic. She thinks her move might encourage others to want to move into the area, noting that approximately 800 people are wanting to move into the downtown Roanoke area, and she thinks her move will be a good example for Rocky Mount and Franklin County.

Discussion ensued between Planning Commission and Ms. Holland:

- Planning Commission Member Hall questioned what the accessory building will be setting on, with Ms. Holland confirming with Planning Commission that they had received a diagram of the building, and noting that a gentleman suggested to her to use a gravel base, size 57 rock, so that the

building will not hold water.

- Planning Commission Member Greer confirmed with Ms. Holland that she plans to move upstairs above the barber shop, and she is remodeling it into living quarters. She is almost finished with the remodel.
- Madame Chair Stockton questioned what progress Ms. Holland has made with vacating the property line. Ms. Holland advised that she has talked to Gabriel Robertson (surveyor) and he has promised to come tomorrow. The property has already been surveyed, and the only thing that needs to be done is to have the line vacated. The Assistant Town Manager advised that she will need to bring the new plat for him to sign as the Subdivision Agent, and that this does not have to be done prior to the Town Council meeting, as it can be added as a condition.

There being no further questions for Ms. Holland, Madame Chair Stockton called upon anyone else from the audience who wished to speak. Let the record show that no one came forward to speak.

Madame Chair Stockton called for any further questions or comments. The Assistant Town Manager confirmed to Planning Commission Member Greer that once the lot line is vacated, the building and barber shop will all be on one lot and this is all that is needed.

There being no further discussion, the meeting was called back into regular session by the offer of a motion:

- Motion was made by Planning Commission Tiggle to recommend to Town Council the approval of the special use permit for Verdella Holland of 50 Warren Street, Tax Map & Parcel Number 2070057800, with the following condition: that the lot line dividing the lots 2070057800 and 2070057900 be vacated, either by deed or by survey, and approved by the subdivision agent. Let the record show that the motion on the floor was seconded by Planning Commission Member Hall. Vice Chair Speidel clarified that the special use permit is for the addition of the accessory building. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor was approved with a unanimous vote of members present.

Madame Chair Stockton recessed the meeting to hold the second public hearing:

2. *Special Use Request of Robert Jones*

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning and Development Ordinance, and the Code of Virginia, as amended, Robert Jones requested a special use permit to operate a used car dealership on his property located at 467 Franklin Street and known as Franklin County Tax Map & Parcel Number 2070057100.

Madame Chair Stockton called upon the Assistant Town Manager who delivered the following staff report:

- Robert Jones has indicated that he wishes to renew his automobile dealer's license and begin selling cars, primarily classics, in the small parking lot adjoining his property at 467 Franklin Street, which houses Image Transfer & Design and Taylor Made Photography.
- Based on conversation, Mr. Jones formerly operated as a dealer at Franklin Glass' current location. He owns a number of classic automobiles and wishes to display some of them for sale at the site.
- Automobile dealerships are not a use by right in the Central Business District (CBD), and Mr. Jones' use would require a special use permit from the Planning Commission and Town Council.
- The closest recent comparison is probably Four-Star Rent-A-Car, the automobile rental business that Planning Commission recommended for a special use permit last year to operate on Franklin Heating & Air's site.
- Questions for Planning Commission to consider are: (1) Is this the highest and best use for the lot? (2) Is the lot conducive to other commercial activities? (3) Would it generate significant traffic or parking issues? (4) Would it detract from the appearance or operation of surrounding businesses?
- Staff has received several phone calls regarding this matter. Some callers stated their belief that a car lot of any type is a stressful use in the CBD and does not match the character of businesses identified in the Comprehensive Plan. Additional concerns included one that the additional use would overburden the parking with two businesses located in the building lot, and that additional traffic in that curve could create dangerous driving conditions.
- Staff can see both good and negative points about the location of a used car dealership of any size in the CBD. However, most of the questions that have been raised are "values" questions that Planning Commission, as appointed representatives of the community, should decide. Therefore, staff's recommendation is neutral.
- He referred Planning Commission to the screen where map images of the

property were available for review. He also noted that during the site visit Planning Commission was able to observe traffic entering from the south side close to the old municipal building and noted that traffic can exit out on the Franklin Street side. In closing, he offered to address any questions by Planning Commission.

Madame Chair Stockton questioned the number of cars the parking lot is allowed to have now, with the Assistant Town Manager advising that without measuring, he would say approximately seven. He also noted that the two businesses (Image Transfer and Taylor Made) also have on-street parking available, and both of them are low volume businesses. He never sees the spots filled up, and he is through the area frequently.

Madame Chair Stockton called Mr. Jones to the podium to speak regarding his request.

Robert Jones of 467 Franklin Street came forward stating that what he wants to do is what he has been doing for the past ten years. He just wants to make it legal. He buys and sells a lot of old, antique, and classic cars. The Department of Motor Vehicles (DMV) has decided that an individual should not sell over three cars a year without a license. He could sell three cars in his name, three in his wife's and three in his daughter's and get by, but he does not want to do this. He wants to have a license. He does not want to have a used car lot full of cars. All he wants is a dealer license and tag so that he can continue to do what he is doing now and has done for ten years.

Discussion ensued between Mr. Jones and the Planning Commission:

- Madame Chair Stockton questioned how many cars he expects to have at any given time, with Mr. Jones stating that he usually keeps seven or eight vehicles of his own, and he does not expect to keep more than that. He generally does not have more than five vehicles that are for sale.
- Madame Chair Stockton questioned how many customers he expects to have per day, with Mr. Jones stating maybe one, or maybe none. He sells most of his stuff out of town at car shows in places like Pennsylvania and Charlotte. He does not sell much locally.
- Planning Commission Member Greer questioned how many cars he intends to display inside, with Mr. Jones advising he generally keeps four cars inside. Planning Commission Member Greer confirmed with Mr. Jones that he would probably never have more than two or three cars displayed

outside.

- Planning Commission Member Tiggle questioned if this were approved and he were to pass the lot on any given day, then it would not look much different than the way it looks now, except that there may be one or two more cars setting there, with Mr. Jones confirming his statement. Mr. Jones added that he would not see a line of cars there. He reiterated that all he wants to do is what he is doing now, and to do it legally.
- Vice Chair Speidel questioned if Mr. Jones is displaying cars there now, with Mr. Jones answering only what he drives and plays with. He is not displaying items for sale. He has four classic cars inside the building that he keeps stored all the time. Vice Chair Speidel questioned if Mr. Jones really needed the use of the lot, with Mr. Jones advising not really as a car lot, as he uses it for parking his wife's car and his truck, and any customers that might come in. The photography shop is only open one night a week, so he does not have to worry about it. And, he washes a car once in awhile in the parking lot. Most of his wife's traffic parks on the street.
- Planning Commission Member Greer questioned if Mr. Jones planned to put a big sign up, with Mr. Jones advising no, and the only thing he will have to do is what the DMV requires, which is a small sign that says "Rocky Mount Motors" with his posted hours, which must be three hours per day. He plans to put the sign above his roll-up door on the side of the building. There is an office upstairs that he will use and a private entrance on the side, with a bathroom at the end of the hall.
- Planning Commission Member Hall questioned if Mr. Jones expected the special use permit to stay in place if the property is sold, with Mr. Jones stating he did not, as there is a lot involved with getting a dealers' license, like qualifying with the DMV, and going to school.
- Vice Chair Speidel questioned Mr. Jones if Planning Commission were to limit the number of cars that can be displayed, in his mind, what would be an acceptable number, with Mr. Jones advising that the DMV license requirement is that he must have room to park seven cars, inside or outside. He does not have to have seven cars or keep seven cars, he just has to have room for seven. He has had up to five inside the building, right now there are four and there is plenty of room.
- Vice Chair Speidel questioned if Planning Commission could limit the number of cars on the outside, with the Assistant Town Manager confirming they could make it a condition, and Planning Commission Member Hall noting that they did this with the rental place (Four-Star Rent-A-Car).

There being no further questions for Mr. Jones, Madame Chair Stockton called Ms. Elizabeth Greer to the podium to speak, who had indicated her desire to speak on the sign-in sheet.

Elizabeth T. Greer of 50 Floyd Avenue, directly across the street from the property in question, came forward stating that her comments have nothing to do with her friendship with the Jones family, as she is good friends with Mrs. Jones. Her concerns come from the wording of the special use permit and, after living here for 20 years, her fears regarding the continued deterioration of this part of downtown, directly across from her house. There are a lot of empty buildings on that street and they are starting to look worse, and this corner lot is a place where motorists have to look through to turn because of visibility issues at the intersection, and if it were any busier than it is now with teenagers who are on cell phones and old people who do not watch stop and yield signs, then it is only going to get worse. She also has a concern as to why the special use permit is not written to say "antique car dealership" instead of "used car dealership" because there is a huge difference in her opinion. A "used car dealership" in this county means "junkers" up on little pieces of cement, and then people tinkering with them and making a mess, spilling oil, and the kind of people who hang around used car places. She thinks that if it were written as an "antique car" – not dealership – but "display area" – because if it becomes a dealership, then she needs to ask – having lived here this long – if indeed right now it has a permit to be selling lawn mowers and the various things that are already sometimes for sale in the lot. She thought it was a graphic design business, and is it in fact zoned to sell old cars now, or did it just sort of creep into the business because the space was available? She is looking down the road, and this has nothing to do with the Joneses, but if something happened to them, and someone inherited it or bought it, and this is zoned as a used car dealership, then this will deteriorate property values, it will be an eyesore and a danger to traffic, and it is already a problem. So, her concerns are partly cosmetic and partly legal. She wants to know why this cannot be an "antique car display area" but have the vehicles sold and looked at somewhere else. And, if the carport and lawnmowers that are on display now are not allowed now, then can that be stopped now, and taken back to what its original intent was, which was a parking lot for the graphic design business? She has cosmetic and legal issues, and traffic and property value concerns, and leaking oil and crummy parking lot concerns directly across the street from her house.

Discussion ensued:

- Madame Chair Stockton called upon the Assistant Town Manager to address Ms. Greer's concerns regarding the wording of the special use request. The Assistant Town Manager advised that staff used language that is typically a little broader. If Planning Commission would like to narrow it to something less broad, then staff can look at that, but the wording used is based on the wording and definitions that are in the code now. The code does not currently define a "classic car display area," and this is based on what is currently on the books.
- Madame Chair Stockton reiterated again comments made by Planning Commission Member Hall that the special use permit could be given the condition that it does not stay with the property, with the Town Attorney confirming this to be true.
- From the audience, Ms. Greer again asked the Planning Commission to address her concerns about what is for sale on the lot now. The Assistant Town Manager advised that the property is zoned CBD and staff has not received any complaints about the display of lawn mowers or any items for sale. If a complaint is received then staff usually verifies that the use meets code. Ms. Greer advised that she plans to file a complaint then because she does not want it to become that anymore.
- Planning Commission Member Greer questioned if the zoning is CBD in downtown in front of Angle Hardware too, with the Assistant Town Manager confirming that it is, and Planning Commission Member Greer adding that if it cannot be done in one place then also not in the other. The Assistant Town Manager advised that he would have to look at the code to determine if the display of lawn mowers or other equipment is a violation.
- Planning Commission Member Tiggie stated that the way he looks at it, displaying lawn mowers to show what you have for sale on the inside is one thing, but is displaying a personal lawnmower for sale on property that the person owns illegal? From the audience Ms. Greer commented that someone could put an elephant out for sale too, and there has to be some kind of selling restrictions. The Assistant Town Manager reiterated that he does not like to give answers without backing it up based on what is in the code.
- Vice Chair Speidel questioned if yard sales are allowed in the CBD, with the Assistant Town Manager advising apparently so.

Madame Chair Stockton called for anyone else in the audience who wished to speak in regards to the special use request. Let the record show that no one came forward to speak. She then called for additional questions or comments from the Planning Commission.

- Planning Commission Member Greer advised that he does not think he should vote on the issue because he and Robert Jones bought a piece of property together several years ago.
- Madame Chair Stockton stated that one of her major concerns is the traffic in the area. If the special use permit is allowed then she wants the number of vehicles that Mr. Jones is allowed to have to be limited. If people are coming to the other two businesses and cannot see well, then this concerns her and she thinks the number of vehicles stored outside should be limited.
- Planning Commission Member Greer questioned if it should also be required that all of the stored vehicles must pass inspection, with the Assistant Town Manager advising that this could be added as a condition. Planning Commission Member Greer added that this would keep the Town from getting a junkyard anywhere, and he does not think this will be a junkyard anyway. Referencing a similar and previous example, the Assistant Town Manager stated that he believes the outside display was limited and the types of services and hours of operation were restricted, but he would have to look back at the file to say for sure.
- Again, from the floor, Ms. Greer commented on the current zoning use of the property and whether or not the parking lot was zoned to sell things from, and how it impacts traffic and property values since she lives across the street from it.
- Vice Chair Speidel commented that Planning Commission is also concerned with making sure this does not develop into something else as it goes along, even though what is described seems quite palatable with restrictions.
- Madame Chair Stockton questioned what was meant by "inspection" with Mr. Jones coming back to the podium and advising that it would mean making sure everything passes (the required annual state) inspection.
- Planning Commission Member Hall questioned if Mr. Jones would have a problem with just selling cars there and not selling some of the other things that he often has for sale, with Mr. Jones confirming he would not have a problem with it, and stating that the only thing he might have for sale is sometimes he has an extra lawn mower that he puts out there for sale.
- Planning Commission Member Greer stated that he felt this was "opening up a new keg of nails" because the hardware store uses the sidewalk to sell and rent its products. It was noted that the hardware store is not requesting a special use, and the Town Attorney advised that (matters regarding the hardware store) are not before the Planning Commission

tonight.

- Planning Commission Member Hall stated that he is only trying to find a way to make Mr. Jones' request workable, and if Planning Commission can put some parameters on it, then it looks like it could be made to work.
- Madame Chair Stockton questioned what parameters Planning Commission is looking at, with Planning Commission Member Hall stating that the first would be to make it specific to Mr. and Mrs. Jones, the current property owners. The Town Attorney advised this would mean it is "non-transferrable".
- Planning Commission Member Tiggles stated that no more than three cars should be displayed at one time outside. Planning Commission Member Hall stated that it should be for cars only and the cars should pass state inspection.
- Vice Chair Speidel questioned if there was a way to get the "antique cars" included in the parameters, with Planning Commission Member Tiggles stating that "classic" and "antique" do not mean the same thing, as cars must be 25 years old to be considered "antique". He noted that Mr. Jones could have a 20-year-old car that is a "classic" and then he would not be able to park it there. The Town Attorney advised that limiting the types of cars sold may affect Mr. Jones' licensure. The DMV has told him that he must get a dealer's license. In order to get the license, he must have a place of business that is open three hours a day. It must have a sign and bathrooms, and a place to park seven cars, and an office with a filing cabinet, a desk, and seven chairs. He noted he was just thinking out loud, but the Town already has "automobile dealership" defined in its zoning ordinance. He noted that Planning Commission should include that no mechanical work can be done outdoors. But, if you start talking about the types of cars then it may mess up the licensure.
- Madame Chair Stockton stated that if Mr. Jones can have four cars inside and three cars outside with a limit of seven cars, then seven cars is seven cars, and if he cannot do any mechanical work outdoors then she is happy with this. She also added that the cars should meet inspection.
- Mr. Jones commented that Planning Commission might want to state he could have "three cars without tags" as he is concerned that he could have customers' cars also parked in the lot, with the Town Attorney advising that Town officials would make sure to differentiate between his cars and his customers' cars before writing him up. Mr. Jones noted that four or five firemen park there when there is a fire.
- Madame Chair Stockton asked Planning Commission to listen to what she has written down and advise if this is what the Commission is considering:

- (1) no mechanical work to be done outside; (2) the special use permit is specific for the current owners only; (3) maximum of three cars to be displayed outside; (4) cars must pass state inspection; (5) specialty cars – and she has a question mark for this; (6) type of service; and (7) hours of operation.
- From the floor, Ms. Greer, added that “nothing else could be sold except for cars”, with several Planning Commission members advising no, and the Town Attorney advising that matter was not before Planning Commission tonight.
 - Vice Chair Speidel noted that it should include a total of seven cars to be displayed.
 - Madame Chair Stockton questioned if this was doable for Mr. Jones, with Mr. Jones advising that it was.

The meeting was called back into regular session by the offer of a motion.

- Motion was made by Planning Commission Member Tiggle for Planning Commission to recommend to Town Council the approval of the special use permit for Robert Jones at 467 Franklin Street, Tax Map and Parcel Number 2070057100, with the following conditions, which he requested Madame Chair Stockton to read back into the motion, and being: (1) no mechanical work outdoors; (2) the special use permit is specific for the current owners only; (3) only three cars can be displayed outside with a maximum of seven cars total; (4) the cars must pass state inspection; and (5) the type of service and hours of operation are to be discussed with the Assistant Town Manager and staff. Discussion ensued. The Assistant Town Manager advised that staff would prefer to have some definition to the last statement. Planning Commission Member Tiggle questioned Mr. Jones as to what hours he plans to operate, with Mr. Jones advising that the DMV requires him to post three hours and he will probably post from 9:00 A.M. to 12 noon, Monday through Friday. The Assistant Town Manager pointed out that what Madame Chair Stockton was probably getting at is not wanting it open at 10:00 P.M. Planning Commission Member Tiggle questioned if it would be permissible for Planning Commission to limit hours between 9:00 A.M. and 5:00 P.M, Monday through Friday, allowing Mr. Jones to select the hours that he wants. In regards to “type of service” it was agreed that this statement was clarified by stating no mechanical work could be performed outdoors. Planning Commission Member Hall questioned if Saturday hours would be necessary, with Mr. Jones advising that most of his work is done on-line on Craig’s List or E-bay and that he does not really need Saturday hours. He also takes his

cars to shows where they are sold. Mr. Jones stated that he really does not want to park cars for sale, but wants to be legal with the DMV, and with what he has been doing for the past ten years. For the record, the conditions of the motion are as follows: (1) no mechanical work outdoors; (2) the special use permit is specific for the current owners only; (3) only three cars can be displayed outside with a maximum of seven cars total; (4) the cars must pass state inspection; and (5) the hours of operation must be between 9:00 A.M. and 5:00 P.M., Monday through Friday. Let the record show that the motion on the floor was seconded by Vice Chair Speidel. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor was Planning Commission Members Hall and Tiggle, Vice Chair Speidel, and Madame Chair Stockton. Let the record show that Planning Commission Member Greer abstained from voting. Let the record further show that the motion on the floor passed with a vote of four for and zero against, with one abstention and one member absent.

OLD BUSINESS

(1) Arts and Culture District Update

The Assistant Town Manager addressed the Planning Commission, stating that staff has been trying to find some arts and culture district incentives that will help to located some businesses in the Central Business District. It has been somewhat of a struggle to find something that will work for all. He is planning to attend a two-day conference on this subject to try to bring this to some closure.

(2) Membership Vacancy Status Update

The Assistant Town Manager addressed the Planning Commission regarding Planning Commission's vacancy, noting that Town Council is now trying to fill vacancies on both Town Council and Planning Commission. The indication from Town Council is that the Council vacancy will be filled first, which must be filled by September 26th, and then Council will move on to the Planning Commission vacancy.

(3) Central Business District Vacancies and Causes

The Assistant Town Manager advised that this item is for informational purposes only. He has touched on this before and involves both his work in planning and

zoning, and in community/economic development. The Town has seen several closures recently, including Edible Vibe and the Fit Club, and then outside the Central Business District, Caroline's in the City also closed. These are notable and noticeable businesses, and there is cause for concern that they have closed, but in talking to the business owners, and also through other means, such as through Facebook, these vacancies are not caused by economic conditions, which is the good news and what Planning Commission should take away from the meeting. With Caroline's in the City, the owner had another professional opportunity and chose to pursue that rather than continuing to stay in retail. Edible Vibe was a profitable business and John Schopp will tell you that up front. His decision to close came from not wanting to re-train management and staff as much of his staff was college students. Mr. Schopp is actively looking for someone else to locate there and he has had some interest. At the Fit Club, the Turmans were offered positions with the YMCA again, and have chosen to pursue those. The good thing is that they have done a lot to improve the building, and it is in a good location. He also noted that one of the major downtown vacant spaces will have a business opening up in the next six weeks or so and it will be a very complimentary business for downtown. He wants Planning Commission to know about this because there are some people who feel the "sky is falling" but he feels confident that the marketplace will take care of filling the spaces. He also noted that John Schopp's catering business is still going well and occupies a lot of their time. Mr. Schopp has also said that if he does not find the right fit to occupy the restaurant space, then he may open another business there.

NEW BUSINESS

(1) Review of staff action in recent inquiries regarding palm reading and astrology businesses

The Assistant Town Manager advised he is just looking for some affirmation from Planning Commission as staff has received several inquiries over the past few months regarding psychic readings, astrology, palm reading and similar businesses, most of which want to locate along Pell Avenue and Tanyard Road. He has determined that this type of business is not contemplated in any zoning district and as such will require a special use permit. In each case, the customers have tried various methods to skirt the zoning ordinance by trying to have themselves classified as psychology businesses. Staff is unsure why there have been so many inquiries in such a short period of time, and he wanted to

give Planning Commission an opportunity to weigh in on his interpretation of the code. It was the general consensus of Planning Commission that the Assistant Town Manager is headed in the right direction.

(2) Consideration of moving October's regularly scheduled meeting

The Assistant Town Manager advised he is scheduled to be out of Town at the Virginia Municipal League annual conference during the regularly scheduled October 5th meeting, noting that Planning Commission Member Greer is scheduled to be at the conference as well. Because of this, he asks that Planning Commission consider moving the meeting to Thursday, October 7th, which will allow Planning Commission to keep its regular schedule.

- Motion was made by Planning Commission Member Greer to move the regularly scheduled meeting of Tuesday, October 5, 2010 to Thursday, October 7, 2010, 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.

COMMISSIONER CONCERNS

Vice Chair Speidel questioned if there was any report on South Main as to when all of the construction would be complete. The Assistant Town Manager confirmed that construction is supposed to be substantially complete by Thanksgiving, although he thinks they are a little behind. He then gave a brief overview of the construction progress. The major concern is that the street paving must be done in time before the asphalt plants close, which typically close in mid-December. Hopefully this will not affect the Christmas parade.

The Assistant Town Manager confirmed to Madame Chair Stockton that Walgreens is beginning the hiring process now and he is looking for them to be open in time for Christmas.

ADJOURNMENT

At 6:30 p.m. and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Greer, seconded by Planning Commission Member Tiggie, and carried

unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

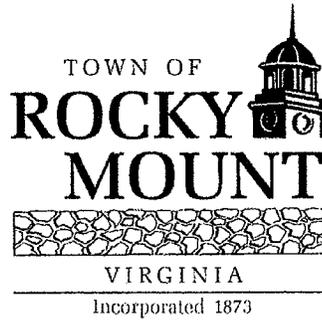
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John Tiggle

C. James Ervin, *Town Manager*
Matthew C. Hankins, *Assistant Town Manager*
& *Community Development Director*

MEMORANDUM

To: Janet Stockton, Chair
Planning Commissioners

From: Matthew C. Hankins
Community Development Director *MCH*

Date: October 4, 2010

Re: Zoning Clarification regarding accessory building size

Members of the Commission:

Stacey Sink and I have come across this issue twice in zoning permit applications and during our blue book review in preparing to produce the most up-to-date version of the Code Book.

Our code indicates that accessory buildings in residential areas may comprise no more than 50 percent of the area of the main structure.

In determining the maximum size allowed for buildings, staff is forced to read this on its face. If a main building has 2,200 square feet of area on two levels, then the maximum an accessory building could be is 1,100 square feet. However, this could lead to having an accessory building with a footprint equal to or larger than the main structure's footprint, provided it fits on the lot.

Is it the intent of this body and Town Council is to have accessory buildings with no more than half the footprint of the main structure? If so, we need to add some clarity to our ordinance.

When we bring you the updated version of the Zoning Ordinance for adoption, we would alter the language in question to the following for all residential districts and all references to accessory buildings to the following:

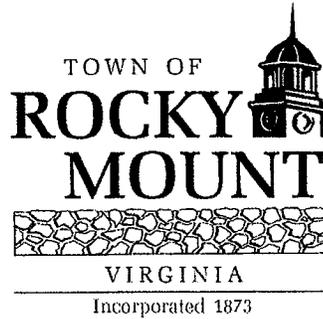
An accessory building may comprise not more than 50 percent of the foundation area of the main structure.

Adoption would be considered as part of the Zoning Ordinance master update.

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PLANNING COMMISSION
Janet Stockton, *Chair*

Ina Clements John Speidel
Jerry W. Greer Sr. John Tiggle
Derwin Hall

C. James Ervin, *Town Manager*
Matthew C. Hankins, *Assistant Town Manager*
& *Community Development Director*

MEMORANDUM

To: Janet Stockton, Chair
Planning Commissioners

From: Matthew C. Hankins
Community Development Director *MCH*

Date: October 4, 2010

Re: Sign Ordinance Question

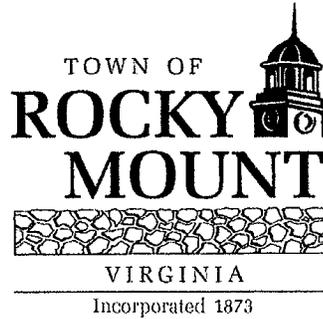
Commissioners:

For clarity's sake, it appears to me that the Planning Commission and Town Council removed references to prohibiting pennant signs during a 2004 revision of the Town Zoning Ordinance. We have a number of businesses currently flying the signs, and we are treating them as temporary signs requiring a sign permit. Is that interpretation correct?

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MEMORANDUM

To: Janet Stockton, Chair
Planning Commissioners

From: Matthew C. Hankins
Community Development Director

A handwritten signature in black ink, appearing to read "MCH", is written over the name "Matthew C. Hankins" in the "From:" field.

Date: October 4, 2010

Re: Staff Reorganization

Commissioners:

My GIS Technician and Code Enforcement Officer, Nathan Wright, left the Town's service last Friday to pursue an opportunity with a defense contractor in Northern Virginia. While we will sorely miss Nathan's abilities, our immediate short-term need is to fill the planner's position.

On Monday, I will present a plan to Town Council that calls for filling the planner position by December 1, increasing some of Stacey Sink's responsibilities and leaving the GIS position vacant through the end of the fiscal year.

As I've told you previously, my intent is to retain the subdivision agent and planning & zoning responsibilities with the planner taking on an advisory role with additional responsibilities in plan review and code enforcement.