

**TOWN OF ROCKY MOUNT  
PLANNING COMMISSION  
MINUTES  
JANUARY 4, 2011  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, January 4, 2011 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present: Madame Chair Janet Stockton and Vice Chair John Speidel; Planning Commission Members Bud Blanchard, Ina Clements, Jerry Greer, Derwin Hall, and John Tigger.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk Stacey B. Sink.

**APPROVAL OF AGENDA**

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

- Motion was made by Planning Commission Member Clements to approve the agenda as presented, 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.

**APPROVAL OF MINUTES**

Let the record show there were no minutes presented for consideration at this time.

**PUBLIC HEARING**

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

- (1) Wally & Kirby's Switchback Ridge, LLC – Special Use Request to locate an accessory building at 490 South Main Street***

After being duly advertised, Charles T. Clemens, registered agent for Wally & Kirby's Switchback Ridge, LLC, requested a special use permit to add an accessory building to its property located at 490 South Main Street, known as Franklin County Tax Map and Parcel Number 2070053800, and housing the business Franklin Dental Associates, among others. The property is zoned Central Business District (CBD) and accessory buildings are not a use by right in the district.

Madame Chair Stockton called upon the Assistant Town Manager to deliver his staff report in reference to the request, with the Assistant Town Manager noting the following:

- In May, the Town's code enforcement officer noted during routine inspections that one of the occupants at Franklin Dental's complex had placed a 10-foot by 20-foot accessory building on the property. Accessory buildings are not uses by right in the Central Business District, and require a special use permit, noting that Planning Commission recently reviewed a similar request for Verdella Holland.
- Staff notified the building owner that the use requires a special use permit. The Assistant Town Manager then spoke to Donna Wray with Franklin Dental, who indicated that the building is needed for storage because the property owner has leased the space that was previously used for storage to the Free Clinic. Franklin Dental took a couple of months to determine whether to keep the building and has relocated it on the property several times.
- In recent memory, Planning Commission has permitted an accessory structure to be added to the Law Barber Shop property on Warren Street.
- Staff makes no recommendation either way. This is more of a values question for Planning Commission to decide if this is desired on Main Street.
- If Planning Commission approves the special request, he suggests that the building meet the screening requirements between residential and commercial zones to make sure it is less visible by the neighbors. He also suggests that the owner be required to get permission from the Community Development Office or the Planning Commission prior to relocating the building on the property, and if a special use is granted, the property owner will have to go through the building permit process with Franklin County.

There being no questions for the Assistant Town Manager from Planning Commission, Madame Chair Stockton called upon Donna Wray, representing

Franklin Dental Associates to come forward.

**Donna Wray, of 4044 Pleasant Hill Road, Rocky Mount**, came forward stating that the dental office has been in this location since 1989, and over the past twenty years she has moved things from place to place due to rentals and renovations. She has had an empty office space of about 1300 square feet for sixteen years. This was perfect for their dental practice needs, as they see approximately 100 patients per day, and there is a lot of paperwork and models that they must keep and store. This summer they were in negotiations with the Free Clinic. They had an empty office space of about 2500 square feet on one side and 1300 square feet on the other side, and the Free Clinic rented the whole space. This is the first time that the building has ever been completely rented. At that time, she had no place for the storage that she had, so to allow the Free Clinic to move in, she rented storage on Route 220. This has been very inconvenient for her, as it is about once per week that she must go and get something from storage. So, they decided to purchase the storage building. She was told that she did not need a building permit, and did not even think that she might need a zoning permit because she has never done this before. Her only concern was for the neighbors, as she wants it to be as unobtrusive and to blend in as much as possible. This is the second time that she has moved the building in an effort to find a place that looks nice. She would like to be able to have this on the property for the convenience.

Following her comments, Madame Chair Stockton opened the floor to Planning Commission for questions for Mrs. Wray.

- Vice Chair Speidel questioned if Mrs. Wray anticipates moving the building anywhere else on the property, with Mrs. Wray advising not unless it is recommended, although she will be happy to move it if she is asked to do so.
- Planning Commission Member Blanchard questioned if the building belongs to the dental practice, with Mrs. Wray clarifying that Dr. Clemens is the owner of the property as Wally & Kirby's Switchback Ridge, LLC and he is the owner of Franklin Dental Associates. The building is used for the dental practice.
- Madame Chair Stockton questioned if they would be willing to add necessary screening such as trees or shrubbery, with Mrs. Wray advising she would, as she had already planned on doing it but decide to wait when she found out about this process.
- Planning Commission Member Clements questioned if the plan was to leave the building on cinderblocks or to put it on a cement slab, with Mrs. Wray confirming that the building is to be left on blocks, and then skirted to make it more aesthetic.

- Vice Chair Speidel questioned if Mrs. Wray anticipates any additional space needs, with Mrs. Wray advising no. She hopes this will take care of the need, as she never anticipated needing this space either. She confirmed that she will be moving what is currently in the space on Route 220 into this building. She stated she has tried hard to purge everything to get it into the office space, but she is at the point where she must have a storage building. If she can't have a building on this property, then she must have it someplace.

Madame Chair Stockton opened the floor to anyone in the audience who would like to speak in reference to the request.

**Clark Arrington, of 560 South Main Street, Rocky Mount,** came forward to speak, stating that he owns the property adjacent to this building. He briefly went over his history of the surrounding area and how it has changed over the years. He feels that the Franklin Dental building is beautiful and wonders why they will not make an attractive addition there. He is opposed to the accessory building.

Let the record show that no one else from the audience came forward to speak in reference to the request.

Madame Chair Stockton called upon the Planning Commission for further comment. Discussion ensued:

- Planning Commission Member Greer stated that he does not think the building fits its location. He understands that Franklin Dental is in a bind for storage space. He thinks that the property owner needs to think about adding on. To him, it does not fit in. He further stated that he would like for the Town to work with them. He thinks it does not look good to South Main Street or to all of the brick buildings. He is happy that the building is full.
- Planning Commission Member Blanchard stated that he agrees with Planning Commission Member Greer. When the decision was made to rent to the Free Clinic, the space should have been looked at to see how much was available without spreading out into the yard with a wooden shed. He hates to see this continue. Right now, if Planning Commission says this is the last one, then what happens as the Free Clinic grows.
- Planning Commission Member Greer questioned if this could be put on hold, with the Town Attorney advising that Planning Commission is making a recommendation to Council, and Town Council will decide on the special use.
- Vice Chair Speidel agreed that the building is inconsistent with the rest of the property. He is unsure of what the solution is, as he also understands the need.

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

- Motion was made by Planning Commission Member Greer that Planning Commission recommends to Town Council the denial of the Special Use Permit for the property designated at Tax Map & Parcel Number 2070053800 for the stated reason, being that the building does not fit in, with motion on the floor being seconded by Planning Commission Member Blanchard. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Blanchard, Clements, and Greer, Vice Chair Speidel, and Madame Chair Stockton. Voting in opposition to the motion on the floor were Planning Commission Members Hall and Tiggle. Let the record show that the motion to recommend denial of the Special Use Permit was approved with a vote of five to two.

Following the vote, Madame Chair Stockton addressed Mrs. Wray, stating that she believes the Town is willing to work with Franklin Dental on something, and she is just not sure that this is the “right” something. The Franklin Dental building is a beautiful building and it is in a beautiful neighborhood. Mrs. Wray agreed and stated that she only had a short time to do something. She also noted that making an addition to their current building would be a costly effort and that if the accessory building is not approved then she will have to find somewhere else to locate it.

Madame Chair Stockton recognized students in the audience who were visiting from Mr. Buckman’s College Government class from Franklin County High School.

## **OLD BUSINESS**

### ***(1) Planner Search Update***

The Assistant Town Manager advised that the planner search is underway, and the first review of the applications was done the week of December 10<sup>th</sup>. There were ten applications submitted, which was fewer than expected. In reviewing the applications, he is not satisfied with the applicant pool and plans to re-advertise this month. Current applicants have been advised that the Town will hold their applications upon for further review.

### ***(2) Update on STEP, Inc. Request to Subdivide Lot on Dent Street***

The Assistant Town Manager advised that he has received a letter from STEP,

Inc.'s executive director, Jon Morris, and noted that there have been recent newspaper articles that STEP has decided not to pursue locating their duplexes on Dent Street. They have, instead, found some property on Sontag Road, and they will be moving their effort for providing shelter, housing, and job opportunities for individuals who are homeless or transitional out on Sontag Road. He and Mr. Morris have spoken several times over the past year, and he has done his level best to explain to Mr. Morris that the Town's definition of "shelter" is much broader than Mr. Morris' definition, and that STEP simply was not going to meet the Town's zoning requirements when it comes to shelters. Mr. Morris expressed some disappointment that the Town was not willing to work with him; however, the Assistant Town Manager has expressed to Mr. Morris that the Town is willing to work with him on the right projects that conform to the Town's zoning, and particularly those that would be welcomed by neighborhoods.

### ***(3) Annual Report Update***

The Assistant Town Manager advised that due to the holidays, he has been unable to complete the annual report but expects that it will be ready for the February meeting.

### ***(4) Oaks at Rakes Tavern Update***

The Assistant Town Manager advised that some utility work is currently underway at the Oaks at Rakes Tavern. The developer has also brought in the subdivision plat of the first section of the development under the Residential Planned Unit Development (RPUD) code. He has approved this section as the Subdivision Agent, and the developer plans to pull the first building permits as soon as the lot numbers are available for the new parcels. These numbers must be designated by the Franklin County Real Estate office.

## **NEW BUSINESS**

### ***(1) Public Hearing set for February***

The Assistant Town Manager advised that staff is already aware of a possible public hearing set for February's meeting, as an application has been received from Danny Perdue who has bought the approximately one and one-half acre lot at the corner of Herbert and South Main Streets, across from Old Fort Road.

Mr. Perdue is applying for a rezoning of this property. It is currently zoned Residential District R1, and is adjacent to Central Business District (CBD) zoning. Mr. Perdue is applying for General Business District (GB) zoning, which was not staff's recommendation, to allow for retail development, specifically a convenience store with gasoline pumps and a carwash.

### **COMMISSIONER CONCERNS**

The Assistant Town Manager reminded the Planning Commission that their Statements of Economic Interest are due in to the Town Clerk by January 18<sup>th</sup>.

Planning Commission Member Clements noted that she felt like the Town's recent annual Christmas dinner was one of the nicest she has attended and she appreciated the invitation to the firemen to attend. She has heard many positive comments from them. Madame Chair Stockton agreed, noting that the location and decorations were great, and she feels like it was well planned. The Assistant Town Manager noted that there is a small committee that worked hard on this, and staff appreciates Town Council's willingness to support the event.

Planning Commission Member Clements questioned if the new boys' home required a special use permit, with the Assistant Town Manager advising they did not, as group homes are a use by right in the Central Business District, which was a recent mandate from the General Assembly. He also noted that the group home's site plan met all of the Town's requirements. The primary concern was the amount of drainage.

The Assistant Town Manager gave a brief update on the status of the Uptown Revitalization project, with many Planning Commission Members expressing concern over the mess in Uptown. He also advised that he consistently tries to impress upon the contractor and its employees that they do not have to live here and deal with the mess, but the residents do. This is not something that will draw positive reviews from the Town as the contractor goes forward with its business operations. Planning Commission Member Hall noted that this may be something to look at as the Town goes forward with choosing other contractors.

### **ADJOURNMENT**

At 6:36 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 Clements, seconded by Vice Chair Speidel, and carried unanimously.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

/sbs