

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
FEBRUARY 1, 2011
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, February 1, 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, and John Tiggle. Let the record show that Planning Commission Member Derwin Hall was absent due to illness.

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 by those present.

APPROVAL OF MINUTES

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

- December 7, 2010 – Regular Meeting Minutes
- January 4, 2011 – 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 Tiggie to approve the December 7, 2010 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.

- Motion was made by Planning Commission Member Tiggie to approve the January 4, 2011 minutes as presented, 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.

PUBLIC HEARING

Madame Chair Stockton advised the audience that at this time, she wanted to give anyone who did not sign up to speak during the public hearing an opportunity to sign up. Let the record show that no additional persons came forward to sign up. She also advised that before going into the public hearing, she wanted to talk about the process. She advised that after the public hearing begins, the Assistant Town Manager will discuss the proposal and give the staff recommendation. Then, Mr. Perdue or his representative will be asked to discuss the request and the need for the rezoning, noting that only Planning Commission Members will be allowed to ask questions. Following this, speakers will be asked to come to the podium. Speakers will need to state their names and addresses for the record and are asked to limit their presentations to five minutes.

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

(1) Danny Perdue – Rezoning Request

After being duly advertised, Danny Perdue asked to rezone his property, known as Franklin County Tax Map & Parcel Number 2100028900, from Residential District R1, low density to General Business District GB, for the intended purpose of constructing and operating a retail convenience store, including fuel cells and a car wash.

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:

- It is unusual to see a crowd this large for a Planning Commission meeting, which indicates that there are some community interests and values at stake that Planning Commission will be asked to consider tonight. Planning Commission will also have to consider the interests of the property owner and his right to develop the property against the values of the community which may differ in how the property should be developed.
- Mr. Danny Perdue has filed a request with the Community Development Office to rezone a 1.41 acre parcel at the corner of South Main Street and Herbert Street, Tax Map & Parcel Number 2100028900. The lot is currently zoned R1 Residential for low-density residential purposes, and was purchased by Mr. Perdue in September from Dolores Hudson and Hazel Lovell, according to Franklin County tax records.
- The lot is surrounded by residential property with the exception of Dr. Rene Vementa's medical office to the north, which marks the boundary of the Central Business District (CBD). Herbert Street is a mix of traditional single family residential and townhouse/apartment residential, in an R2 setting. South Main, in that section, is a mix of traditional single-family, commercial and professional activity, and open space.
- Planning Commission has a number of questions to consider in determining if this is a good fit for the community: Does it fit with the Comprehensive Plan? What is the highest and best use of the property? Have any previous actions been taken on the property? Is there anything unusual about the rezoning request? Can the street handle the traffic volume and additional ingress and egress? Does it fit well with the character of the neighborhood? Would this type of development have any impact on future prospects for development? What is the expected impact on the economic health of the community? Would this development have any impact on nearby historic, natural or cultural resources?
- He has tried to address a few of these questions from the planning standpoint. Regarding the Comprehensive Plan, he noted that the adopted Comprehensive Plan calls for this space – and all of the current available spaces along this strip of South Main Street – to be used for commercial office and professional space, not business and retail. There is a distinction in the Comprehensive Plan, with business and retail being more retail outlet stores and professional and office being more medical, dental, or law office uses. From that perspective, this request does not meet the adopted expectations of the Town and Planning Commission. From the staff perspective, the ideal use would be medical, dental, or professional office space, a low-volume business which would not generate large amounts of traffic. This view is reflected by what Planning Commission and Town

Council adopted in the Comprehensive Plan.

- Regarding previous actions on the property: The last major application for the property was a request by Calvin Hudson on behalf of Diversified Senior Services of Winston-Salem, North Carolina, to rezone in order to locate a 30-unit senior citizen assisted living facility on the parcel. This request was withdrawn in November 1998 after three months of debate and public hearings. In looking back through the record, he noted that some of the people who opposed that action have also signed the petition that is before Planning Commission tonight (see Attachment A.)
- Is there anything unusual about the zoning? None of the adjoining parcels would have the same zoning as this parcel. In asking for guidance in making this request, Mr. Perdue asked what zoning classification he should request. The Assistant Town Manager's reply was that CBD zoning would match the adjoining parcel and would allow most of the commercial activity he requests. However, the CBD excludes car washes, which Mr. Perdue would like to add to the property. Since GB allows, by right, all uses Mr. Perdue desires, he decided to request a rezoning to GB. Mr. Perdue and his representatives can address this.
- Regarding traffic impact: He asked the local Virginia Department of Transportation (VDOT) staff to do an analysis of the traffic impact of this development. He received a partial analysis from VDOT. They expect that clear sight distance, up and down the street, will be about 400 feet on each side from the entrance for this development. There is a possibility that a turn lane will be needed, but this will be addressed once there is a site plan which shows where the entrances and exits are.
- Regarding neighborhood character: This property is vacant and has been for a long time. Most of the surrounding uses are low-traffic, residential or professional uses. A traffic-generating retail store of any type would no doubt take some adjustment by surrounding uses and by drivers on South Main Street, whose traffic patterns would be disrupted. The development would add new noise, smells, and lights to the neighborhood, but this is a values question as to whether Planning Commission believes this will affect the neighborhood character.
- Regarding impact on future development: A retail outlet of any type may generate additional growth of a similar nature. The more retail clustered together, the more likely that additional retail will want to come in order to take advantage of existing traffic. This will create additional competition on the southern end of town in the convenience and fuel sectors. Staff can not readily determine whether the development would have any impact – either positive or negative – on future development along this corridor.

- Regarding impact on nearby resources: The nearby cultural and historical sites include the Washington Iron Works furnace on Old Furnace Road, a small cemetery just south and west of the proposed rezoning, as well as Dr. Amos' house, the historic property related to the Washington Iron Works. Again, this is a values question for Planning Commission.
- Staff recognizes that no site plan has been presented to the staff or the Planning Commission, and this may be addressed by Mr. Perdue or his representatives tonight.
- In making the staff recommendation, staff did try to take into account the rights of Mr. Perdue in developing the property, as staff would like to see him able to develop the property. However, staff also must take into consideration the fact that the Town has adopted a Comprehensive Plan that is not a match for the proposed use. Therefore, staff recommends that Planning Commission follow the guidance of its Comprehensive Plan in making its determination tonight.

There being no questions for the Assistant Town Manager from Planning Commission, Madame Chair Stockton called upon Mr. Perdue and/or his representative to come forward to speak.

Eric Ferguson, an attorney with Rhodes, Ferguson & Stone located at 305 South Main Street and residing at 335 Cromwell Drive, came forward stating that he is here on behalf of Danny Perdue, who has filed a request to rezone the parcel number previously stated. Mr. Perdue is not a stranger to anyone. He is familiar to anyone in Rocky Mount and Franklin County with the businesses he has operated, built and remodeled. With his efforts and participation, he has been responsible for much development in and around the Town, beginning with the Franklin Minute Market and shopping center, which certainly played a large role in the future development of Marketplace Drive, as well as the eastern corridor into Rocky Mount along Route 40. He has been involved in part of the expansion in the North Main area with the Mexican restaurant and other properties. Also, looking around the County at the convenience stores at Penhook, Glade Hill, Redwood, and Ferrum gives a flavor for his business endeavors. Certainly, it is his intention that the development on this property will be in comparison to what he has a history and a reputation for doing. All of his business endeavors are top-notch. They are well cared for, they fit in with the neighborhood, and more importantly, they generate tax revenue for both the Town and the County. Mr. Perdue is recognized and known for good business. He owns this 1.41 acre lot at the corner of South Main and Herbert Street, which is currently zoned R1. He bought the property in the fall after being on the market for at least 12 years, since the last rezoning effort was

denied. Mr. Perdue has a plan that will allow for the orderly development of the property in a fashion that will be pleasing to the Town and the community. This property lies in an area designated by the Town as the Enterprise Zone. *(Let the record show that Mr. Ferguson distributed a copy of the Town's Enterprise Zone map to the Planning Commission and placed a copy of the map on the projector for the audience to see. See Attachment B.)* He noted that the Enterprise Zone is advertised on the Town's website. He also congratulated the Town on being named the best local government for business in 2008 by Valley Business Front Magazine, which is advertised on the same page of the Town's website, and noted that the Town has not obtained this recognition or designation by accident or by being anti-business. This designation recognizes the Town's efforts to attract business and orderly development within the Town limits. The Enterprise Zone is designated to attract business by offering state and local incentives. These incentives include, on the state level, job creation and real property investment grants, and at the local level, waiver of local fees including water and sewer hook-up fees and permit fees, all as advertised on the Town's website. Referencing the map on display, he noted that the dark circle is the property in question. This property is designated as part of the Town's Enterprise Zone. He realizes what the Comprehensive Plan says, but this property is part of the 631 acre Enterprise Zone and this makes it available for all of these grants to create jobs and get permits, and in essence, start a business that will generate revenue for the Town. This parcel is not conducive to a residential use. The proof is in the fact that there has never been a residence built on this piece of property that he knows of. It is well recognized by the community that this property will not be used for residential use. *(Let the record show that Mr. Ferguson distributed and displayed a copy of the Town's current Zoning Map. See Attachment C.)* Referencing the Zoning Map, he advised that the parcel in question is circled in black and is yellow in color, indicating that the current zoning is residential. But, the point of this illustration is that all of the red parcels along South Main Street and south of this property are GB zoned lots. So, within this area and in close proximity to this parcel are a number of parcels currently zoned GB, including almost all of the land on the west side of South Main Street extending south of Old Furnace Road all the way to the intersection at Scuffling Hill. And, on the other side of the road, all of the property that comprises Franklin Health Care is zoned GB and there are a few lots toward Cobb Street that are zoned GB according to the Zoning Map. Therefore, this is not an unusual request for the neighborhood. There are already some properties in this area that are zoned GB. Travelling down the street from the courthouse, everything down to Dr. Vementa's office is in the CBD. So, this request is not unusual, and it is important to recognize that this parcel is located between GB and CBD zoned parcels and is across the road, in essence, from other GB parcels, being those that are a little further down on South Main, not those

directly across which are single-family residences. He reiterated that Mr. Perdue is requesting a rezoning from R1 to GB in accordance with the current use of the surrounding properties, and noted that one of the nice things about Rocky Mount is that over the years Planning Commission and Town Council has worked together well to blend a nice mix of residential, commercial, business, and professional uses. North Main and Pell Avenue are examples of this development, and blending and mixing commercial with residential uses is not a concept that is foreign to Rocky Mount. The staff report talks about some issues that he also believes are important. Regarding the Comprehensive Plan, if this request was for any type of development other than what is in the Enterprise Zone, then he would suggest that there is clearly some misdirection or confusion as to which applies. The Enterprise Zone is not designed only for professional and office space. There is enough empty office and professional space in the Town of Rocky Mount already. This request is for a retail use that would be in-line and consistent with other uses going down South Main outside of the center part of town. It will be consistent with the neighborhood. *(Let the record show that Mr. Ferguson distributed and displayed a copy of a conceptual sketch of the property in question. See Attachment D.)* Referencing the sketch, Mr. Ferguson noted that Mr. Perdue will certainly work with the Town and the community in providing safeguards to protect any concerns that the neighbors have. The initial sketch is for a convenience store with 18 parking spaces, a car wash, gas pumps and a gas canopy. He does not believe that general business will adversely affect traffic patterns, and he does not believe that the purpose in putting a convenience store in any particular location would be to attract traffic that is not already coming by that site in the first place. The purpose would be to serve the traffic that is already coming by that location, and he thinks that the traffic impact will be less than what some people may anticipate in the area. There is already traffic on South Main from early in the morning until late at night. Regarding impact on future development, he thinks everyone should agree that the Town does not want to close the door after one kind of business come in. Just because there is one of a particular business, this does not mean that there cannot be two. Future development in this area will be limited to what can be built in the Town limits south of Herbert Street and Lawndale. This lot is the only vacant lot and it is designed to provide a service to this part of Town and to service the traffic that is coming by. The Town's clearly stated economic development plans are to encourage the expansion and relocation of business, and at this point in time, it would not make a lot of sense to declare something part of the Enterprise Zone, realizing that the Enterprise Zone provides incentives for the creation of jobs and attraction for people to use the service, and then say there should be any more traffic on South Main or that it is somehow inconsistent with the community. Regarding the impact on nearby resources that has been addressed in the staff report, the Town is

perfectly capable through the Planning Commission, Town Council, and other agencies within the Town to protect historic sites and burial grounds. There would be no impact on those two locations with something being built on this property. The historical sites that are there are well-marked and well-identified. Currently, he is not aware of any impact this property has on those properties even from a positive standpoint, so it would be hard to analyze what the negative impact would be. This is not a new question. Economic development bumps up against historic sites every day in Virginia. If the Town wants economic development, and clearly by declaring this in the Enterprise Zone, the Town wants it, then developers must be able to weigh off through proffers, building requirements, landscaping, and buffering so that those areas can be protected. This is a request by a landowner to use his property in a way that is consistent with the community. Mr. Perdue has always tried to be a good neighbor, and regardless of what happens here, Mr. Perdue will continue to be a good neighbor, and he values the input of all the citizens that are here tonight. What is said tonight will become part of a more formal site plan that will be presented to the Planning Commission. He asks that this request be approved tonight so that Mr. Perdue can work closely with the Town planning office to meet all of the setback and buffering requirements the Town will require. In closing, he noted that both he and Mr. Perdue are available to answer any questions.

Madame Chair Stockton called upon Planning Commission for any questions they may have for Mr. Ferguson at this time. Being none, Madame Chair Stockton asked if there was anyone else in the audience who wished to speak in favor of the request. Let the record show that no one else came forward to speak in favor of the request.

For the record, Madame Chair Stockton noted that Planning Commission has received a petition with 173 signatures. *(Let the record show that these signatures are in opposition to the requested rezoning, and the original petition is attached to the minutes for reference. See Attachment A.)* She also advised that a letter of written comment was received from Mr. John Bumgarner, and Mr. Bumgarner is in the audience to speak, noting that when his turns to speak arises, he may read the letter himself or she will be happy to read it for him.

Madame Chair Stockton opened the floor to those on the sign-in sheet to speak:

Richard Shoemaker of 25 Old Furnace Road came forward, thanking the Commission for the opportunity to speak in order to address the rezoning request. He and his wife live across the street, approximately one-tenth of a mile from the

now R1 property. This change will allow a property in a residential setting to be established as something else, and it will then be established for any and all business. The GB district is described and characterized by heavy traffic, noise, and congestion of people and passenger vehicles, includes numerous commercial activities, such as retail stores, business offices, restaurants, and garages, located predominantly on primary arteries. R1, which is the entire area around the parcel in question, is composed of certain quiet, low-density areas, single-family homes, one to three units per acre, containing certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for family life where there are children and to prohibit all intensive commercial activities. *(Let the record show that this information was quoted from the Town's Zoning and Development Ordinance.)* This request does not meet the hopes and expectations of a wonderful, old neighborhood. The neighborhood does not need a grocery, convenience, eating, or gas sales business. There are nearby proprietors offering these services within a one- or two-mile radius. He appreciates what is available, and it is not on his street butting up against residential property, and he feels any more than what is already there would be superfluous. There are cultural and historic sites that have been discussed on some of the properties in the neighborhood, and in fact, during the year the Town posts historic area banners up and down South Main Street to indicate the value of these sites in the area. He does not want the style of the neighborhood changed for the purpose of attempting to make money, with no regard to the residents, the history, and the future in this fine, old part of town. He noted that he has no objection to making money. He respectfully requests that the Town continues to follow its Comprehensive Plan and that the proposed "spot zoning" change be denied.

Dee Shoemaker of 25 Old Furnace Road came forward, stating that she disagrees with what Mr. Ferguson said about the convenience store not attracting very much traffic. If Mr. Perdue is going to count on the existing traffic to build his business, then she thinks he will be out of business before very long. He will need more business than what currently drives by the area. There is an old saying "if you build it they will come" and she thinks this will be the case here. There are already some traffic problems on Old Furnace Road, though they are not too bad yet. People like to use Old Furnace as a short cut from Route 40 West to Main Street. Once a convenience store is there, then it will be really busy with people using it as a short cut, and those who do use it as a short cut tend to speed. This will not make the neighborhood as safe as it should or could be. Another fear that she has is that eventually, maybe not this year or next, but within the next five years, many

convenience stores have gone to being open 24 hours a day, seven days a week, and if this happens then the problem will be exacerbated. Another part of the traffic that concerns her is that people going south on Main Street who stop to make a left turn, will become a "sitting duck." Will a turn lane or traffic light be needed? This will take away from the country appearance of the area. And, if a lane or light is needed, then who will bear the burden of this expense? Eventually the hospital will be expanding and new doctors will come to the area. New doctors will need office space, and this might be a better use for this piece of property. She thanked the Commission for her time to speak.

Dr. J. Francis Amos of 65 Lawndale Street came forward to speak, stating that he has real concerns about the traffic situation on South Main Street. Contiguous to this property is Herbert Street, on the other side is Old Furnace Road and on the other side is Lawndale Street. Considering the traffic coming into town in the morning and out of town in the afternoon, and then if slow traffic is added going into and out of the market, then there will be mass confusion. This will not be a safe situation. He is also concerned about the lot itself. There is a small creek beside of it, and anyone knows that if there is a gas station, gas will be spilled. Rain will wash it into the branch, from that into Furnace Creek, and from that into the Pigg River. So, he has some environmental concerns there. Does the Town really need this market there? The revenue is already being engendered up the street at a gas station and down the street at a minute market. The revenue will simply be shared. This is not something that will generate revenue for the Town. Also, in looking at the architecture of South Main Street, how would a service station compare? It would not fit in with the domestic architecture of even the businesses on South Main Street. This is a serious consideration that must be taken into account. The thing he is most concerned about is the historical resources of this area that simply need the Town's protection. Most towns would love to have what Rocky Mount has in town. Here we have Franklin County's first business, an 18,000 acre iron plantation that was centered in Rocky Mount and was one of the landmarks for the foundation of Franklin County. From here, in 1776 on these very grounds, Revolutionary War troops mustered and marched off to Tennessee to fight Indians. Munitions were made at the Iron Furnace for the Revolutionary War, and they were carried as far south as South Carolina and Georgia. The old house he lives in was a tavern/ordinary in 1784 before Franklin County was formed. This house was also where the Franklin County courts first met in 1786 to form Franklin County. This is historic grounds. The furnace and the house both date from 1779. After 230 years they deserve some protection. He has invested heavily in trying to protect the history for the County and for the Town. From his house, he has bought lots out to Main Street to protect the viewshed. He does not relish having the viewshed looking

directly into bright lights, gas pumps, signs that say “gas for sale” or a car wash. This just does not fit in, and the Town needs to be mindful of it. If people are investing in their residences as some of his neighbors have done recently, then there needs to be assurance that it is residential and will stay residential. He invested with this in mind. He does not relish looking out the windows of his 230 year old house into something that may look like Plateau Plaza. This is the wrong location for this.

Ben Pinkard of 125 Riverview Street came forward to speak stating that one thing that needs to be addressed, noting that this is not a personal attack on Mr. Perdue but just a statement of facts, is that he paid \$150,000 for the lot and the Town can make it a \$500,000 lot by rezoning it, but once this is done, then the other property values need to be reduced by 20-percent because it will be a blockbusting situation on South Main Street. The Comprehensive Plan does not call for this type business. A dentist or a doctor...he is all for it. He is not against developing the property in that manner, but the very idea of bringing cigarettes, beer, wine and gasoline to this neighborhood is all about profit. It is not about the citizens on South Main Street. When he was on Town Council Mr. Perdue ran the Panda Minute Market, and Council all but declared that a public nuisance. He feels that Mr. Perdue knew it and ran it for several years before finally getting security out there to control it. This kind of thinking is not needed on South Main Street, now or in the future. This is one of the finest parts of Rocky Mount and it is a grand place to live. It is not a place for a minute market in the middle of a residential area. If this were an area in transition with a multitude of rental properties and declining values, then it might would be a time for the use to turn. But, South Main Street is stable and he feels that it was the wrong proposition to even approach the Town about this location. The highest and best use is not for a convenience store but by the Comprehensive Plan.

Johnny Smith of 15 Holly Knoll Drive came forward to speak stating that he respects Danny Perdue. He is a great business man and they have been friends for many years. He hopes he can still say this after the meeting tonight. He is opposed to a minute market being put there even though he does not live near there. But, he is representing someone that has not been represented yet, and this is the young people and children who live on this street. He was blessed to have grandchildren who lived on that street and it was sort of like Mayberry in Rocky Mount. They played in the yard, rode skateboards in the driveway, played in the stream, and once they even had a lemonade stand and two police officers parked their cars in the street, got out, and bought lemonade. The kids also caught the bus on the corner. His concern is the children that are there now. There are three young children in the home directly behind this property. There will be a dirt bank next to

their property, lights in their bedroom at night, they will not be able to play in their yard unless it is on the other side, there will be delivery trucks and gas trucks at night, and a lot of noise. There are two children who live in the second house on the street, and they will not be able to do the things that his grandchildren got to do. This will be taking away a good place to raise kids if this rezoning is approved.

John Bumgarner of 10 Old Furnace Road was called to the podium, but instead asked Madame Chair Stockton to read his letter. Let the record show that Madame Chair Stockton read his comments into the record. (See Attachment E.) His only additional comments were that his driveway is 51 feet from the proposed site and he has two granddaughters who are six and eight years old.

Hannah Stalnaker of 65 Herbert Street came forward stating that she appreciates the opportunity to speak. She has written some things that came to the forefront of her mind, and they echo many of the things that have already been said. Her intent tonight is not to offend anyone or to accuse any person falsely. She simply stands before the Planning Commission to protect her home, neighbors, friends and family. She does not know Mr. Perdue personally, but she has heard many good things about him and knows that he is a man who is respected in this community. She has heard the comment tonight that he is a very good neighbor, and she is sure he is to those he lives next to, but she does not believe that he would want a gas station placed next door to him in his back yard, front yard, or even across the street. With this being said, her family, friends and neighbors are people whom she does know personally. She knows many good things about them, and she knows that they are equally as well-respected in the community. A phrase came to her mind when she heard about this proposed business: "it's not personal, it's just business." But, for all of them, it is not just business, it is very personal. A home is a person's most valuable possession. It is a place where one comes to at the end of the day for peace, safety and rest. When she and her husband were looking for a house to buy almost six years ago, they felt like there were a limited number of streets and neighborhoods that had been preserved in good condition inside the Town limits. The area surrounding South Main Street is desirable, beautiful, and safe. The look of the proposed business is the least of her worries. It is the things that it will bring to the community that are ludicrous, ruthless, and dangerous to her, and it endangers her family and the families of those she knows around her. The Town of Rocky Mount needs more family friendly neighborhoods to call home. This area is historic in nature with beautiful well-kept homes. When visiting other towns in the past, many notable historic towns, she has noted that the towns appear to be thriving and they have preserved their residential communities, and historic homes. They give their citizens a safe haven and they make the towns warm and

welcoming to those who may want to move into the town. Quite impressionable to her was how much of the Zoning Map that Mr. Ferguson displayed was yellow/residential surrounding this property. More of it was yellow that was business and to preserve this area, the line has to be drawn somewhere, and she proposes tonight that it be drawn at this piece of property. A change of zoning at the corner of Main and Herbert Streets would take the peace, safety and rest away from all residing there. At present she is able to walk out her front door pushing her kids in the stroller and to return home at any time of day feeling safe and secure. Her daughter rides her tricycle up and down the street. There are some facts that come to her mind when she thinks of a gas station, convenience store, or car wash. Burglary – it is a known fact that convenience stores are often burglarized. It puts a business of this nature in the middle of a residential community and would bring crime to the streets. Traffic – there is some traffic on South Main Street, but it does not affect any of the residents the way it is currently. She lives on a dead end street and the traffic would probably cause turn-arounds at the end of Herbert Street, completely defeating the things that Herbert Street has to offer to its residents. Noise – loud engines, car horns and a crowd of people, gasoline and alcoholic beverage delivery trucks. These deliveries could happen early in the morning before daylight, and the disturbances this could create are self explanatory. Bright lights – they would not only affect those that live adjacent, but would also affect those who live on Avalon Street, Knollwood, and Old Furnace. Everyone's yard would be saturated with bright lights as if it were daytime. Alcoholic beverages – this is one of the number one items purchased inside a convenience store. It cannot be guaranteed that those buying alcohol will make responsible decisions. This brings a possibility of public intoxication and driving while intoxicated to the area. It also brings the possibility of foul smells and dangerous chemicals. The smell of gasoline would pollute the air outside their homes, and it is hazardous to one's health, and she does not want to jeopardize the health of her children, family, or neighbors. The chemicals would also seep into the ground, run through the parking lot, and seep into the creek. Changing the zoning of this piece of property to allow for a business that would compromise the neighborhood and town is not only a bad decision, it is a dangerous one. She asks that Planning Commission try to put itself in her shoes. It infringes on their homes, the one place that they feel safest, and they would like to keep it the way it is. She loves her town and does not want to see anything change. It is great the way it is in the area where she lives.

Gabe Stalnaker of 65 Herbert Street came forward stating that he is speaking on behalf of the residents who oppose the rezoning of this piece of property. Many things have already been stated, and there are a number of reasons why he opposes this. Safety is a concern that everyone has mentioned. He also would like

to add the he is not interested in, for one minute, someone pulling up at eleven o'clock at night to buy beer across the street from the house that his children are sleeping in. Safety is a big concern. They have a very quiet street and he and his wife chose this street on purpose. It will become a loud and disrupted street. If GB is approved it will open the flood doors to anything that wants to come in the future. It could be something worse. A concern that he has is the fact that there is no site plan. There could be stages or phases to this, piece-meal add-ons that are not being brought up right now. As a business owner in town, he realizes the importance of patronage from customers to keep the doors open. In speaking on behalf of his fellow business owners, one of them being Mr. Singleton who owns Riverside Minute Market and the other Mr. Clinton Tosh who owns BP, they are in a small town, not a big city, and there is not tons of business to go around sometimes, and it is quite certain to him that if this convenience store and gas station comes in, the only way it can thrive is if the convenience store and gas station already there suffers. Revenue is a big consideration. This will not generate revenue. It will redistribute the same revenue, and this is not growth. It was once told to him that in making decisions like this a big concern is who was there first, and the Town has two businesses that were there first. They service the community well and they do not need another convenience store and gas station. There are probably eight or more convenience stores within a three-mile radius of this property and there are car washes. With all of the residential area that surrounds this one piece of property, this could be a case of spot zoning. He is also concerned about the bright lights, the things that this could bring. He is for growth and development, but in this case he believes the negatives will outweigh the positives. They do not need this at all. Most of the businesses in the area are an eight to five type business, and this will be a late night business, and probably eventually a twenty-four hour business. Is it really serving the community and does the community really want this? Will the community really turn out and patron this place?

Following his comments, Mr. Stalnaker asked if everyone in the audience who is opposed to the rezoning would please stand. Let the record show that the majority of the audience stood at this time.

Wesley Worthington or 40 Herbert Street came forward stating that he lives on the property adjoining Mr. Perdue's property. He and his wife purchased the house approximately one year ago and they have three small children, two of them being young boys who spend a lot of time playing in the back yard. He is concerned about the lights, even if the store closes at eleven o'clock. The dark yard that he has now will be gone. He is concerned about trash coming into his yard, traffic, noise, taking

away from the peacefulness. When he bought the property, he checked into the property next door and saw that it was zoned residential, and this was the deciding factor in buying their home. They would not mind someone buying that and building a house and having a neighbor on that side, but he cannot say that he would want it to be a gas station or a car wash. This is his main concern. What will it do to their kids and their first home? Will they be able to enjoy it to the fullest? Will their neighbor to the other side make them move out and find another place? He asks that Planning Commission take this into consideration.

There being no one else on the sign-in sheet to speak, Madame Chair Stockton allowed Mr. Ferguson to come back to the podium to address some of the concerns raised tonight.

Mr. Ferguson made the following points:

- On behalf of Mr. Perdue, they appreciate all of the concerns that were raised. This is not antagonistic.
- Most of the concerns such as traffic, lights, buffering, screening, etc. can be addressed through the concept plan stage and the development of this property.
- This property was purchased at what was asked for it. It was purchased in an area that is adjacent to other business uses.
- 90-percent of the concerns that were raised can be addressed through the planning stage and through the development of the property to protect the integrity of the community.
- The Penhook property that Mr. Perdue owns is built next to a church. The church was adamantly opposed to it, and within a year after its development sent a letter to Mr. Perdue thanking him for the way in which he developed the property, handled it and maintained it, and thanking him for being a good neighbor.
- It can work. It has worked before. It can work here with proper planning and development with the Town.
- He asks that the rezoning request of Mr. Perdue be approved.

Madame Chair Stockton called upon Planning Commission Members for any questions. Discussion ensued:

- Vice Chair Speidel asked if there could be an elaboration of the concept plan in any way, noting that he realizes this is not a site plan, but asking for someone to speak on this. Mr. Ferguson deferred comment to Dean Stone with Stone Engineering, who prepared the sketch. Mr. Stone advised that where the

entrance is located is typically the grade for the sight, so there will be fill material on the south side and cutting on the Herbert Street side of the property. The intent would be to balance the cut and fill so that material does not have to be brought in or taken out. The plan would follow all of the ordinances that the Town has for lighting and a photometric plan will be submitted if required. He confirmed to Vice Chair Speidel that there will be a single entrance into the property in the approximate location as shown on the sketch.

- Madame Chair Stockton questioned if they had thought about buffers with Mr. Stone advising there would be buffers in accordance with GB zoning, which is 50 feet along residential properties.
- Planning Commission Member Blanchard asked if there would be stormwater retention with Mr. Stone confirming that law requires discharge into an adequate receiving channel and the creek is the only one on the property. Discharge will be toward the creek on the south side of the property, with a pond to capture the water and hold for discharge at a rate not to exceed the predevelopment rate.
- Vice Chair Speidel questioned if the sketch presented represents the developable area or if it could be bigger, with Mr. Stone confirming that this would be the extent of the development.
- Vice Chair Speidel addressed Mr. Perdue, questioning if the rezoning were granted, did he conceive of a possibility of it not becoming a service station, as with the Town ordinance, there are thirty-eight possible businesses that could go in there, with Mr. Perdue advising that he does not conceive of anything else, and noting that there are empty office buildings everywhere, and apartments would have to be rezoned and that has been turned down in the past. This would be the sole purpose of the rezoning.
- Planning Commission Member Greer stated that he was hopeful for a better concept plan than what has been presented. He is concerned with what the building will be built of, signage, lights, buffer zones, etc. Mr. Perdue responded, stating that the building would be a brick building similar to his Glade Hill store only smaller, brick with a nice façade on the front, lighting directed inward. He would try to work with the people of the community on design. He has built two from scratch and they were nice buildings. He bought Franklin Minute Market and put a nice façade on it. He bought Ferrum and put a new façade on it. He has tried to operate good businesses. Mr. Perdue also addressed comments made by Mr. Pinkard regarding his operation of the Panda Minute Market, stating that there were complaints, but it was the neighborhood, and when he heard complaints he addressed them. He tries to operate a good business.

- Madame Chair Stockton advised that she would have liked to see a site plan as well.
- Planning Commission Member Blanchard noted that the sketch presented is dated August 10, 2010, so there was time to do a little bit more. It was not last minute. He also noted that most lighting requirements address lighting in a business location, but this is still a residential area. What is good for lighting on Route 40 near Sheetz may not be what is needed in a residential area and this is a concern.
- Planning Commission Member Clements acknowledged all of the concerns presented and stated that she feels this should be kept as a cultural and historic area. She has left Flora Funeral Home on many occasions with traffic concerns, and she does not think this fits in with the residential area. She wonders what purpose this will serve with two established businesses on each end of town.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session by entertaining a motion.

Vice Chair Speidel advised that he sees this rezoning as two questions: (1) is the rezoning compatible with the zoning that is there and the character of the neighborhood; and (2) is it compatible with the Comprehensive Plan, and he does not see this, as he thinks that it meets neither of those requirements. For this reason he offered the following motion:

- Motion was made by Vice Chair Speidel that Planning Commission recommend denial of the proposed rezoning request of Tax Map & Parcel Number 2100028900 to Town Council, with motion on the floor being seconded by Planning Commission Member Clements. There being no further discussion, a roll call vote was taken, with all members present voting in favor of the motion on the floor. Let the record show that the motion on the floor passed with a vote of six to zero.

STAFF UPDATES

The Assistant Town Manager gave a brief update on the search for a new town planner. The position has been re-advertised and staff is hopeful to establish a deeper applicant pool, with the hope of interviewing at the end of February or the beginning of March.

There was general discussion regarding rezonings and whether or not a site plan should be required or optional for a rezoning process, with the Town Attorney advising that it should be optional because a site plan contemplates a specific use and a rezoning does not. However, he noted that staff could also look into what other jurisdictions require. The Assistant Town Manager noted that a photometric plan is not required in Town Code, though a lot of engineering firms will include it. He thinks this is something that should be added as a requirement to the code.

COMMISSIONER CONCERNS

The Assistant Town Manager gave a brief synopsis of how the work is progressing on the Uptown Revitalization Project, with Planning Commission Member Blanchard expressing concern over some unsafe work practices of the contractor which were photographed and displayed in the newspaper. The Assistant Town Manager advised that this issue has been addressed with the contractor.

ADJOURNMENT

At 7:45 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 Planning Commission Member Blanchard, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs