

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
MARCH 6, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, March 6, 2012 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; and Planning Commission Members Bud Blanchard, Ina Clements, Jerry Greer, Derwin Hall, and John Tiggler.

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

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 Planning Commission Member Tiggler. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

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

- November 1, 2011 – Regular Meeting Minutes
- January 10, 2012 – Regular Meeting Minutes

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

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

PUBLIC HEARING

Let the record show that Madame Chair Stockton recessed the meeting to hold the following public hearing:

(1) Special Use Request of Mary Thelma Wray for Mural

After being duly advertised and pursuant to the Town Code of Rocky Mount and the Code of Virginia, Mary Thelma Wray came before Planning Commission to request a special use permit for a mural sign to be erected on the north side of the Artisan Center building, located at 224 Franklin Street, and known as Franklin County Tax Map and Parcel Number 2070037200. The proposed mural will depict the theme "People, Places, and Things that make this area special," and will be painted by the artisans from the center. Pursuant to Article 28-15(E) of the Zoning and Development Ordinance, a special use permit is required for all new signs of this type.

The Town Planner gave a brief staff report regarding the request, which contained the following points:

- The mural would be visible when traveling west on Franklin Street.
- Mrs. Wray wishes to have several local artists paint scenes onto panels which will then be erected on the wall.
- There will be sixteen total panels depicting the theme referenced above.
- In the Central Business District (CBD) murals are allowed under special exception. Under Article 28-15 of the Zoning and Development Ordinance, all murals require a special use permit. Also, the article states that mural signs must comply with the dimensional requirements of a wall sign, with exceptions being granted to landmark signs that may be preserved and maintained, even if they no longer pertain to the present use of the premises.
- Staff's recommendation is that Planning Commission recommends approval for the special use request with conditions. Murals can be a positive impact for the Town by creating tourism and beautifying the area if done properly. The recommended conditions are: (1) that the mural be painted directly on the north side wall; (2) that the images for the mural must be submitted to staff for

review prior to being erected on the building and that no commercial advertising shall be part of the mural; and (3) that the size of the mural will be determined upon Planning Commission's recommendation, as currently the ordinance says that that mural signs must comply with the dimensional requirements of a wall sign, and in the CBD, this would limit the size to 60 square feet, which would also include the two signs on the front of the building.

- There is some leeway on the size of the mural through two sections of code. One is because this is being handled as a special exception and the other is that this will be located in the Arts & Culture District, and the ordinance allows for some flexibility.

Madame Chair Stockton called upon the applicant to speak in reference to her request.

Mary Thelma Wray of 1860 Riverbend Drive, Rocky Mount, gave the following comments:

- Plan is to erect a mural that will bring attention to the Artisan Center, the Arts & Culture District, and the Town for tourism purposes, as she is starting to get more traffic from the Crooked Road and 'Round the Mountain.
- Chose the specific theme because she wants something that will highlight the area. She asked artisans from the center for feedback and went over the various possibilities of the people, places and things the mural might depict.
- At first, the idea was to paint the mural directly onto the wall; however, due to the building being cinderblock and not smooth, she was advised that it would be difficult to get a good image on the rough surface. The panels would also allow her to take the mural with her if she moves. In addition, by using panels, the artists could take the panels home and paint them at their leisure.
- Panels will be 4-feet by 8-feet and will be placed in a combination of vertical and horizontal orientations.
- Consulting with Lisa Floyd of Floyd Artworks who does a lot of murals, both indoor and outdoor, and she is consulting with sign companies to make sure she gets the best materials.
- Panels are more costly, will cost about \$2000, but panels will be easier to move and repair.
- Hopes to have a ceremony when it is complete.
- Size needs to be large to get attention of motorists. This will not be advertising, it will be more like a painting of a collage of things. There will be no benefit in hanging something that is really small. It is expected to be 16 feet high and 32 feet wide, which equates to 512 square feet.
- The mural will represent the Town and County, but it will also represent the

Artisan Center. She does not want something that is tacky or offensive. She wants it to be admired.

- The paint will be resistant to weathering and fading.
- Will most likely be finished with an outer frame, but will probably be no framing between the panels.

Discussion by Planning Commission ensued:

- Mrs. Wray already has one panel on the side of the building (a quilt block), and it may look funny to require the mural to be painted on the wall.
- It is within Planning Commission's purview to allow panels instead of directly painting on the wall.
- It was the consensus of Planning Commission that panels would be the best option.
- Planning Commission also agrees that the size should be such that it catches attention.
- Concerns were expressed regarding allowing a "blank check" in determining the size and content of the mural, with Planning Commission preferring that staff review the proposed artwork for advertising and offensive content prior to being erected, though no one believes it is Mrs. Wray's intent to display advertising or offensive content.
- Concern was also expressed about weathering of the mural over time; however, this issue is already addressed in Town Code, with the Zoning Administrator having the authority to require repairs.

Let the record show that no one from the public came forward to speak in regard to the special use request.

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

- Motion was made by Planning Commission Member Tiggle that Planning Commission recommends approval of the special use request for 224 Franklin Street, Tax Map & Parcel Number 2070037200, with the following conditions: (1) that the Community Development Director will work with Mrs. Wray to make sure that the mural does not have advertisements or offensive content; and (2) that the mural will be limited to a maximum of 512 square feet, with motion on the floor being seconded by Planning Commission Member Greer. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor passed unanimously.

OLD BUSINESS

(Let the record show that Madame Chair Stockton dismissed herself from the meeting at 6:38 p.m., with Vice Chair Speidel assuming leadership.)

(1) Work Session regarding Zoning Ordinance update

Let the record show that for the past several months and at Planning Commission's direction, staff has been working to update the Town's Zoning and Development Ordinance to correct grammar and punctuation errors, to insure that contained references are correct, and to look for other substantive issues which may require Planning Commission's attention. Prior to the meeting, Planning Commission received documentation regarding the proposed changes, many of which were discussed in last month's work session. The purpose of this work session is to discuss the remaining items. Discussion regarding the proposed updates was as follows:

- Last month there was discussion regarding the definition of the word "footprint". Roanoke's code defines the building's perimeter as the footprint. The proposed definition to be inserted into Town Code is as follows: ***building footprint*** – *the outline of the total area covered by a building's perimeter, as measured from the outside of all exterior walls, at the ground level.*
- It is proposed that accessory buildings be addressed in the Zoning Ordinance as follows: *Accessory building, as defined: however, garages or other buildings such as carports, porches, and stoops structurally attached to the main structure shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of the property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.* This language would need to be inserted into the language for each zoning district regarding accessory buildings.
- Staff also proposed the addition of two definitions, being: ***attached, structurally*** and ***detached, structurally***, noting that guidance was sought from the Franklin County Building Inspector and other localities. It was the preference of Planning Commission that the definitions include the word "substantially". The Town Attorney will look at this definition before it is added to the ordinance.
- Staff noted that some work needs to be done in reference to the definitions for

child care centers, adult care centers and the like in the Zoning Ordinance. Several issues exist, including: (1) The ordinance defines certain types of facilities, but the terminology does not match up with what is actually listed in the individual zoning districts as uses-by-right; (2) State code uses different terminology to define child and adult care facilities, than the town ordinance; (3) In some cases, the town ordinance is more restrictive than state code. Is this allowed? (4) In Residential District R3, “day care centers” are listed as a use-by-right; however, “day care centers” are by definition commercially zoned structures, which should not be permitted in residential zoning; (5) If the terminology the town ordinance uses is amended, then each zoning district would also need to be amended to match the terminology and to be consistent; (6) Nursing homes and assisted living facilities are listed as uses-by-right, but they are not defined in the ordinance. It was the consensus of Planning Commission that this item needs work. Staff and the Town Attorney will review all the issues and will bring it back before Planning Commission at a later date.

- Article 4 (Definitions): Discussed the addition of several new definitions and amendments to existing definitions.

NEW BUSINESS

Let the record show that there was no new business to discuss at this time.

COMMISSIONER CONCERNS

Discussed the following:

- Update of Comprehensive Plan.
- Notified Planning Commission of upcoming variance request for 690 East Court Street for a covered carport near the road.
- Traffic light issues.

ADJOURNMENT

At 7:40 p.m., and with no further business to discuss, Vice Chair Speidel entertained a motion to adjourn, with motion being made by Planning Commission Member Tiggle, seconded by Planning Commission Member Clements, and carried unanimously by those present.

John Speidel, Vice Chairman

ATTEST:

Stacey B. Sink, Deputy Clerk

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