

**TOWN OF ROCKY MOUNT  
PLANNING COMMISSION  
MARCH 5, 2013  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, March 5, 2013 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, Vice Chair John Speidel and Planning Commission Members Bud Blanchard, Ina Clements, Jerry Greer, and John Tiggle. Let the record show that Planning Commission Member Derwin Hall was not present.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Town Planner Patrick Rust, 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 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 the following minutes for review and consideration of approval:

- February 5, 2013 – 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 Tiggle to approve the draft

minutes for February 5, 2013 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 recessed the meeting to hold the first of two public hearings:

### **(1) *Peggy Shilling, doing business as Ceramic Tradition – Special Use Request***

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance and the Code of Virginia (1950), as amended, Peggy Shilling, doing business as Ceramic Tradition, requested a special use permit to operate a kiln in relation to the manufacture and retail sale of ceramics at 451 South Main Street, Rocky Mount, Virginia, also known as Franklin County Tax Map & Parcel Number 2070072300 and zoned Central Business District (CBD).

Let the record show that a site visit was held at the property immediately prior to this meeting and no business was discussed during that visit.

Assistant Town Manager Hankins gave a staff report regarding the request, making the following points:

- He clarified that Ms. Shilling is expecting to operate more than one kiln.
- Kilns are a use by special exception in the CBD.
- She intends to operate a ceramics manufacture, instruction, painting, and finishing business.
- It will be a combination of retail and manufacturing and Ms. Shilling has over 10,000 molds to make everything from plates to figurines.
- This will be a unique business for the Town and the region. Very few businesses like this exist.
- Fits in well with the CBD and the Arts & Culture District.
- In CBD, manufacturing is not a use by right, but custom manufacturing is a use by special exception. Also in CBD, businesses using kilns require a special use permit. This business will use kilns to melt ceramic clay.
- Staff unanimously recommends approval of this special use request based on the following: (1) This art use will enhance the Town's vision of arts and cultural businesses and uses; (2) The manufacturing use of a kiln does not appear likely to affect the surrounding area and adjoining uses; and, (3) This

use is consistent with the future use land map in the current adopted comprehensive plan.

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

**Peggy Shilling of 3322 Green Level Road, Rocky Mount** came forward and introduced her husband George Scott. Ms. Shilling stated the following:

- This will be a family-owned and operated business.
- There is no other comparable business located in the area. The two closest by are in Haymaker, Virginia and Charlottesville, Virginia.
- She intends to cater to schools, churches, nursing homes, and will also have an on-line store.
- She will also have some pre-painted offerings.
- She has roots in Franklin County and is looking for some extra retirement income.
- Days of operation will be Tuesday through Saturday.
- She will teach evening ceramics classes with enough space for six participants.
- She currently has an operation at Garden City Brethren Church, which also uses a kiln. The kiln is located in a small room, does not get hot and has its own cutoff.
- Confirmed to Vice Chair Speidel that she does not plan to add any additional ventilation to the space. She will use blinds to control the dust and will clean up every day, and she will have a fan.
- Confirmed to Planning Commission Member Clements that her daughter will open the store at 9:00 a.m. and she, herself, will close the store at 8:00 p.m.
- She hopes to open by the end of March.

Madame Chair Stockton opened the floor to anyone else in the audience who wished to speak in reference to the request. Let the record show that no one from the audience came forward to speak.

With no further comments from Planning Commission, Madame Chair Stockton called the meeting back into regular session and entertained a motion:

- Motion was made by Vice Chair Speidel to recommend to Town Council the approval of the special exception for the property located at 451 South Main Street, Tax Map & Parcel Number 2070072300, with motion on the floor being seconded by Planning Commission Member Greer. There being no

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

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

**(2) *Larry and Glenna Moore – Rezoning Request***

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance and the Code of Virginia (1950), as amended, Larry and Glenna Moore requested to rezone the property located at 85 Claiborne Avenue from Residential R2 to Residential R3, for the purpose of converting the single-family residence into a three-unit apartment.

Let the record show that a site visit was held at the property immediately prior to this meeting and no business was discussed during that visit.

Town Planner Rust gave the staff report about the request, making the following points:

- The Moores have recently purchased the property in question, and are asking to rezone the property from Residential R2 (medium density residential) to Residential R3 (high density residential), and they wish to convert the single family residence into a three-unit apartment.
- Claiborne Avenue has a large number of non-conforming structures that have developed over the past 30 years as multi-family apartments. The de facto use of many properties on the street is R3, predating the Town's zoning ordinance.
- Residential R2 is limited to single- and two-family dwellings.
- In Residential R3, multiple-family dwellings are a use by right.
- Staff has reviewed this case and does not have a consensus recommendation to offer to Planning Commission, as there are good arguments both for and against approval.
- Some items which Planning Commission might want to consider are:
  - (1) Why are parts of Claiborne Avenue zoned R2 with others zoned R3? Was R2 implemented to try to limit the number of families able to live on the street, and if so, is that a policy that should be continued?
  - (2) The surrounding residential properties are generally zoned R2 and CBD. There are no R3 zoned properties that share property lines with the property in question. Nearby uses are consistent with R3 zoning, even if they are not classified as such.

- (3) The requested use is consistent with the current adopted comprehensive plan, which calls for this and surrounding parcels to be mixed use.
- (4) Rezoning this property to a standalone R3 is single parcel zoning, and doing so is not good planning practice and could be challenged as preferential.
- (5) In the event the parcel is rezoned, the applicants must demonstrate ample parking for the residential units, and code requires space to park two automobiles for each dwelling unit either in a private garage or on the lot.
- (6) Confirmed to Planning Commission that there are approximately four single-family residences on the street, and several of the houses on the east side of Claiborne are multi-family.

Town Attorney Boitnott pointed out for Planning Commission's consideration that Planning Commission cannot specify conditions on a rezoning request. Conditions can be discussed and proffers can be made by the applicant, but Planning Commission cannot recommend conditions.

Madame Chair Stockton called upon the applicants to speak in regards to their request.

**Glenna Moore of 45 Scenic River Drive, Rocky Mount** came forward stating the following:

- She thinks that Planning Commission understands her request and she wants to address the parking issue.
- Initially, she and her husband had wanted to only create four on-site parking spaces; however, she believes they can manage five or six.
- She noted that there is town parking on the side and in front of the house.

Discussion between the applicant, Planning Commission and staff ensued:

- Mrs. Moore believes that the concrete wall will need to be torn down in order to accommodate parking.
- Vice Chair Speidel believes that if the wall is torn down, there will be enough space for six diagonal spaces.
- Staff confirmed that if the upzoning to R3 is denied, the Moore's could still develop the structure as a two-family apartment.
- There is another property two houses up that is zoned R3.
- In response to the question of should Planning Commission and staff at some point have a larger discussion about rezoning the entire street R3, the town

attorney pointed out that doing so would allow old houses to be torn down and apartment buildings to be built back.

- Mrs. Moore advised that she plans to honor the integrity and character of the neighborhood.
- Even if six spaces are created on site, it is likely that residents will end up parking wherever is easiest, probably along Noell Street.
- If the rezoning is denied, the Moores could still have two apartments with residents who will park on the street.
- If the accessory building on the property is removed, it would open up plenty of space for parking.

Madame Chair Stockton called Mr. Lynn Matherly to come forward to speak, as he had signed up to speak before the public hearing.

**Mr. Lynn Matherly of 65 Claiborne Avenue, Rocky Mount** came forward stating the following:

- His biggest concern is parking.
- If the Town ordinance requires six on-site parking spaces, then there should be six spaces.
- When too many people park on Noell, it creates a problem for fire trucks, rescue squads, and garbage trucks to get through.
- Parking across the street on Claiborne is limited to two hours.
- He has parked his vehicle on Noell for years, and it was hit last December.

Madame Chair Stockton called upon any member of the public who wished to speak in regards to the request. Let the record show that no one else came forward to speak.

Discussion continued:

- The Moores are already allowed to have two families with spaces for four cars. If three families are allowed, then they would need two additional parking spaces.
- All of the proposed units are single bedrooms units. They are not expecting huge families.
- Mr. Matherly added that he is not against the rezoning as long as the Moores can demonstrate that they have met the parking requirements.
- The town attorney advised that the applicant cannot submit proffers now to Planning Commission, but they can submit proffers before the matter is heard by Town Council.

- Mrs. Moore advised that she has not spoken to her husband about tearing down the accessory building for parking.

With no further comments from Planning Commission, Madame Chair Stockton called the meeting back into regular session and entertained a motion:

- Motion was made by Planning Commission Member Blanchard to recommend to Town Council the denial of the rezoning request for the property located at 85 Claiborne Avenue, with motion on the floor being seconded by Planning Commission Member Greer. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Greer, Clements, and Blanchard, and Vice Chair Speidel. Voting in opposition to the motion on the floor were Planning Commission Member Tiggle and Madame Chair Stockton. Let the record show that the motion on the floor (for the recommendation of denial) passed with a vote of four to two.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

- (1) ***Presentation by Jeremy Holmes, Program Director, Roanoke Valley-Alleghany Regional Commission RIDESolutions Program.***

Mr. Holmes gave a brief overview of his 2013 work program which is a study of the ridesharing and commuting options available in Rocky Mount and Franklin County. He spoke about the goals and processes for the rideshare analysis, and stated that a final report and marketing plan should be available in June 2013.

### **COMMISSIONER CONCERNS & STAFF UPDATES**

- Staff Update: The Performance Center bid opening has been postponed until Friday, March 8 due to the expected inclement weather on March 6.
- Staff Update: There has been some movement on the 20 Spring Street issue, and there should be new information to report in the next few weeks.

**ADJOURNMENT**

At 6:55 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 by those present.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

/sbs