

**PLANNING COMMISSION  
MINUTES  
MARCH 6, 2007  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Municipal Building on March 6, 2007, at 6:00 p.m. with Vice Chair Speidel presiding.

The following members were present:

Vice Chair John Speidel and Planning Commission Members Ina Clements, Jerry W. Greer, Sr., Derwin Hall, John Tiggle; Interim Town Manager Jack Gross, Planning & Zoning Administrator Paul Stockwell, Town Attorney John Boitnott, and Town Clerk Patricia H. Keatts

Let the record show that Chair Janet Stockton and Planning Commission Member A. Milton Arrington were not present.

**APPROVAL OF AGENDA**

Let the record show that the draft agenda was presented to the Planning Commission for review and consideration for approval.

- Motion was made by Planning Commission Member Tiggle to approve the draft agenda as presented, seconded by Planning Commission Member Clements and carried unanimously.

**APPROVAL OF MINUTES**

Prior to the meeting, the Planning Commission had received the draft February 6, 2007 minutes for review and consideration.

- Motion was made by Planning Commission Member Clements to approve the February 6, 2007 draft minutes as submitted, seconded by Planning Commission Tiggle carried unanimously.

**PUBLIC HEARING**

Vice Chair Speidel recessed the meeting to hold the following public hearings:

A) Special Use Permit Request of ICON Entertainment, DBA Eagle Arcade

After being duly advertised, ICON Entertainment, DBA Eagle Arcade, is requesting a special use permit for Tax Map and Parcel #207.155.1.A for a video game arcade. The property is located on Tanyard Road next to Eagle Cinema.

Vice Chair Speidel opened the floor to anyone wishing to speak for or against the request.

- Ammie Brooks, applicant and owner of ICON Entertainment, DBA Eagle Arcade, came before the Planning Commission reiterating the rezoning request.

For the record, the following restrictions apply at this time:

1. A no loitering policy be strongly enforced.
2. Security cameras be placed inside and at the entrance, and be operational during business hours.
3. A no smoking policy be enforced.
4. There will always be an adult male (over 21) on duty.
5. During the school year, the hours of operation are from 3 p.m. to 9 p.m.
6. During the summer, the hours of operation are from 12 noon to 10 p.m.

Mrs. Brookes further stated that she would like to see the following changes: (1) the hours of operation change to reflect that when the school closes early, the video arcade be allowed to operate; (2) that she also be allowed to have a female of the age of 21 or older to also operate the video arcade, whereas now, only a male of the age of 21 or older can operate the video arcade; and (3) she not have to come back before the Planning Commission in six months for approval.

There was discussion regarding if there was a problem with loitering, with the Town Attorney confirming that the Town now had in place designation of police powers for loitering that would address any of concerns regarding loitering.

Mrs. Brooks confirmed to the Planning Commission that the building was at least 7,800 square feet and as right now, on an average there are about 100 people that come into the place to play the games.

Let the record show that no one else came forward to speak for or against the rezoning request.

Vice Chair Speidel entertained a motion from the Planning Commission.

- Motion was made by Planning Commission Member John Tiggle to recommend to Town Council the approval the special exception request of Ammie H. Brookes (Rocky Mount Limited Liability Company) to locate a video arcade on property known as Tax ID 207-155.01A with the seven restrictions (proffers), to include changes that the video arcade will be open at 3:30 p.m., unless the school closes early and coincide with school closing; and that an adult will be on duty 21 year of age, which could be a male or female. Let the record show that the motion on the floor was seconded by Planning Commission Member Clements. Let the record show that the motion passed unanimously by those present.

B) Rezoning Request of Tim Young's Painting

After being duly advertised, Tim Young's Painting is requesting a rezoning of 1.28 (+/-) acres for Tax Map and Parcel #201-61, 204-375 and a portion of 201-62 from Residential District (R-1) to General Business District (GB). The property is located on the north side of Trail Drive between Meadowview Avenue and State Street. The applicant would like to build an office and building supply building for his painting business at this location.

Vice Chair Speidel opened the floor to anyone wishing to speak for or against the request.

- Mr. Clay Grogan came before the Planning Commission representing the Parker Design Group, presenting before them the rezoning request. He briefed the Planning Commission on their request to rezone these properties in order to build an office and building supply building for Mr. Young's painting business. Proffers had been submitted, which are for the record:
  1. The applicant will develop the property within substantial conformance of the concept plan prepared by Parker Design Group, Inc. dated January 24, 2007.
  2. The proposed entrance to Trail Drive right-of-way will be designed and constructed to Virginia Department of Transportation, *Minimum Standards of Entrance of Highways*, latest revision.
  3. All common drive aisles and private parking areas will be asphalt surface.
  4. The following plant specifications shall apply to the concept plan reference in proffer #1.

<u>Plant/Tree Type</u>	<u>Minimum Specification at Planting</u>
Deciduous Tree	2-1/2" Caliper
Shrub	24 inch Height

5. The street trees and shrubs adjacent to Meadowview Avenue, Trail Drive, and State Street as shown on the concept plan referenced in proffer #1 will be installed after the construction of the parking area is completed.

There was discussion regarding what the outside of the building would look like, with the consensus of the Planning Commission being that it would be preferred if the building was constructed of all brick so that the adjoining property owners located behind the building would not have to be looking at something not as aesthetically pleasing as the front of the building would be since there were plan to have the front constructed of brick.

Discussion also ensued with the applicant proffering in evergreen trees as a buffer, with the applicant stating that this could be done.

Let the record show that no one else came forward to speak for or against the rezoning request.

Vice Chair Speidel entertained a motion from the Planning Commission.

- Motion was made by Planning Commission Member Greer to recommend to Town Council the approval of the rezoning request of Tax Map and Parcel Numbers 204-375, 201-61, and a portion of 201-62 from Residential District (R-1) to General Business (GB) in order to develop an office and building supply shop, with motion on the floor being seconded by Planning Commission Member Hall. Let the record show that the motion on the floor passed unanimously by those present.

C) Rezoning Request Double T Development

After being duly advertised, Double T Development is requesting rezoning of 0.917 (+/-) acres for Tax Map and Parcel #202.1-78 from Residential District (R-1) to Residential District (R-3). The property is located at the southeast corner of the intersection of Bernard Road and Meadowlark Road. The developer intends to construct four townhome units on the property as indicated in the concept plan provided.

Vice Chair Speidel opened the floor to anyone wishing to speak for or against the request.

- Mr. Clyde Perdue, representing Double T Development, came before the Planning Commission referencing The Villas that Double T Development had built that was located at the end of Bernard Road across from the Franklin County School Board Office at the Franklin Heights Subdivision. He informed the Planning Commission that the four units planned for this rezoning request would be similar to the Phase II of The Villas project. He also referenced that those units in Phase I of The Villas had all sold, with Phase II in The Villas already under construction and some already pre-sold. He explained that those units for the rezoning request would be single-family units and privately owned, with no plans for them being rented out, and all maintenance would be done by a home association group. He also stated that the façade of these units would basically be the same as Phase I of The Villas (brick for one unit and vinyl for the other, alternating between the buildings). Each unit would also have their own garage, and parking spaces provided for guests.

Mr. Perdue informed the Planning Commission that there were no proffers submitted, but the applicants at this time were submitting one which states that the property will be developed in compliance with the concept plan.

For the record and attached to the application as submitted by the applicant prior to the public hearing, let it be known that proffers had been submitted, which are for the record, being:

1. The applicant will develop the property within substantial conformance of the concept plan prepared by Parker Design Group, Inc. dated January 25, 2007.
2. The proposed entrance to Meadowlark Drive town homes will be designed and constructed to Virginia Department of Transportation, *Minimum Standards of Entrance of Highways*, latest revision.
3. All common drive aisles and private parking areas will be asphalt surface.
4. The following plant specifications shall apply to the concept plan reference in proffer #1.

<u>Plant/Tree Type</u>	<u>Minimum Specification at Planting</u>
Deciduous Tree	2-1/2" Caliper
Shrub	24 inch Height

5. The street trees and shrubs adjacent to Meadowlark Road and Bernard Road as shown on the concept plan referenced.

After Mr. Perdue was made aware of the proffers submitted, he acknowledged them, also referencing that the new proffer needed to be added.

Mr. Perdue stated that the rezoning of these units were not spot zoning, and Franklin Heights already had other non-single family dwellings, with him referencing the apartment complex located at the end of Mountain View Drive, The Villas, and a church. He further stated that spot zoning is illegal if it has no public purpose and serves only one person, and this was not the case with this proposed rezoning request. It was also brought to the attention of the Planning Commission that this type of plan itself meets the need for this type of housing in the Town and it meets the Town's Comprehensive Plan.

- Planning Commission Members Clements and Greer stated that they thought the units should be of brick façade. Planning Commission Hall stated that if this was done, the façade would look all the same, with the units looking similar to an apartment building and not single-family dwellings as proposed.
- Mr. Joe Divers of 60 Meadowlark Road stated that his biggest concern was access onto Meadowlark Road, then onto Bernard Road. He pointed out that Meadowlark Road was only 18' in width and the additional traffic would create more problems exiting and entering from that point of entry/exit. He further commented that since he has lived there, there has always been a water runoff problem from Meadowlark Road onto that property.
- Mr. Herbert Cundiff of 485 Bernard Road (directly across from proposed development) stated that a lot of water comes down into that area. He also stated that it is his opinion that you get a better character of people living there if the property is not sold for rental or leasing purposes.
- Vice Chair Speidel informed those present that the plans do show a storm management area that should address the water runoff problems. Mr. Cundiff relayed that he hopes it works.
- Mr. Jason Divers, son of Mr. Joe Divers, stated that he grew up in Franklin Heights. He further stated that he believes the developers will be building a quality home, but he feels that Franklin Heights should stay residential, as it has for many years. He also voiced concern for the increased traffic. He understands the different type of housing being built on the outskirts of the subdivision, but would not like to see the contour of Franklin Heights change by allowing the units to be built and the Residential-3 zoning take place. He further stated that although there may be a need for Residential-3 zoning in Town, you don't have to spot zone Franklin Heights to allow it to go there.

- Mr. Perdue came back before the Planning Commission stating that the water problems will be engineered by storm management. It was also mentioned that by Mr. Perdue that Franklin Heights is going through transition. He also confirmed that the units would be single-family individual homes being sold as such, with the residents owning their own unit and the land. He further stated that the density would be increased by four, but doesn't think the look of the buildings will prohibit the neighborhood.
- Planning Commission Member Greer went over his past experience with storm water management and stated that he would hate to see this become a problem. Also mentioned that all the older homes in Franklin Heights are brick and not until the new construction came into play, did that change.
- Applicant Tim Young stated that if brick was a problem, this could be fixed.
- Vice Chair Speidel voiced concerns about the change that will take place by allowing this type of rezoning. He further stated that he is not comfortable about rezoning this property to Residential-3, and that this bothers him somewhat. He further mentioned there are places that need to be kept Residential-1, and if the property was rezoned to Residential-3, the change would be right in the middle of Franklin Heights, and not on the end like The Villas.
- The Planning & Zoning Administrator informed the Planning Commission that in the upcoming Comprehensive Plan for the Town, there are areas being designated for Residential-3 zoning for future development so that the applicants would not be limited for future development for townhomes.

Let the record show that no one else came forward to speak for or against the rezoning request.

Vice Chair Speidel entertained a motion from the Planning Commission.

- Motion was made by Planning Commission Member Tiggle to recommend to Town Council denial of the rezoning request of Tax Map and Parcel Number 202.1-78 from Residential District (R-1) to Residential District (R-3), with motion on the floor being seconded by Planning Commission Member Greer. Let the record show a roll call vote was taken. Voting in favor of the motion on the floor for recommendation of denial were Vice Chair Speidel and Planning Commission Members Clements, Greer and Tiggle. Voting in opposition of the motion on the floor for recommendation of denial was Planning Commission Member Hall. Let the record further show that the motion on the floor passed four to one for recommendation of denial of rezoning request.

D) Rezoning Request of County of Franklin and the Town of Rocky Mount

After being duly advertised, the County of Franklin and the Town of Rocky Mount are requesting a rezoning of their park lands within the Town limits to Public/Open Space (POS). Properties include:

- Lynch Landing: Tax Map #210-262.1 consisting of 1.879 acres currently zoned Residential Agricultural (RA). The property is located southeast of Old Fork Road and Scuffling Hill intersection.
- Veterans' Memorial Park: Tax Map #210-257 consisting of 0.43 (+/-) acres, currently zoned General Business (GB). The property is located southwest of South Main Street and Scuffling Hill Road intersection.
- Mary Bethune Park: Tax Map #207-676 consisting of 2.01 (+/-) acres, currently zoned Residential District (R-1). The property is located at the end of East Street.
- Celeste Park: Tax Map #207-503 consisting of 5.508 (+/-) acres, currently zoned General Business District (GB). The property is located east of Franklin Street and Fairlawn Drive intersection.
- High Street Cemetery: Tax Map #207-233 consisting of 3.25 (+/-) acres, currently zoned Residential District (R-2). The property is located between High Street and North Main Street.

Vice Chair Speidel opened the floor to anyone wishing to speak for or against the request.

- The Planning & Zoning Administrator informed the Planning Commission that the rezoning requests are mainly to change the Town's zoning map to reflect that all parks within the Town limits are zoned the same, Public Open Space (POS), which they are not currently.
- Ricky Robertson of 280 Hillcrest Drive and Clyde Perdue of 205 Taliaferro Street, both adjoining property owners to Celeste Park, came before the Planning Commission with the following comments:
  - Not against the proposed rezoning.
  - Concerned over the park staying quiet, especially since the plans indicate a pavilion to conduct concerts.
  - Will the parking area next to State Route 40 West be locked at night?
  - Will there be a time limit on people being able to use the park?

- Will there be dusk to dawn lights?
  - Will dogs be required to be leashed to prevent running all over the place?
  - What will prevent dogs and people from coming upon their property?
  - Plans call for an evergreen buffer, will this help keep people from coming onto their property, especially since the proposed walking trails are close to their property?
  - Want things done right for the adjoining property owners to keep them happy, and if this is done, everything will turn out alright.
  - Not sure exactly what is going to be done to the park.
  - Not understanding when a public hearing is suppose to be held.
  - When are public comments suppose to be made? Should it have been tonight or during the last regular Council meeting when representatives from Harvey Delaney presented a concept plan of the park?
- Vice Chair Speidel mentioned that the property, as zoned now, would allow for used car lots, golf driving ranges, auto truck sales, farmers' market (just to mention a few). He further stated that during this meeting, it is not the Planning Commission's decision if a park will go in at that location, because it had already been determined that the park will go there whether it is zoned POS or not.
  - Planning Commission Member Greer commented that the Town needed to make sure that if dogs are allowed in the park, they will need to be on a leash; and there should be a time limit on the operation of the park.

There was discussion about pulling the proposed zoning for Celeste Park from being considered for rezoning during this meeting due to Mr. Robertson and Mr. Perdue stating that they did not know exactly when public comments were to be made. The Planning & Zoning Director relayed that he could go get his copy of the concept plan for anyone wishing to see and make comments on as this was a public hearing for the rezoning; and he also confirmed to the Planning Commission that all adjoining property owners had received certified letters regarding the public hearing being held during this meeting and the upcoming regular Council meeting of March 12. It was also confirmed to Mr. Robertson and Mr. Perdue by Planning Commission Member Greer that the park's concept plan for Phase I had been approved by Town Council and Harvey Delaney had received permission to move forward with Phase II to look for money to do the project. Planning Commission Greer also stated that he did not think this rezoning request had anything to do with ironing out the concerns voiced by Mr. Robertson and Mr. Perdue. The Planning & Zoning Administrator also confirmed to the Planning Commission that the rezoning consideration can be heard at this

meeting, and that a another meeting could be held to show the park's concept plan to interested parties.

Let the record show that no one else came forward to speak for or against the rezoning request.

Vice Chair Speidel entertained a motion from the Planning Commission.

- Motion was made by Planning Commission Member Greer to recommend to Town Council the approval of the request to rezone Tax Map and Parcel Numbers 210-262.1, 207-676, 210-257, 207-503, and 207-233 to Public Open Space (POS), with motion on the floor being seconded by Planning Commission Member Clements. Let the record show the motion on the floor passed unanimously by those present.

E) Proposed Amendment Change to the Town of Rocky Mount Subdivision Ordinance

After being duly advertised, the Town of Rocky Mount proposed a change to Article II - Administration, Section 2.7 – Waivers in the Town of Rocky Mount Subdivision Ordinance.

Vice Chair Speidel opened the floor to anyone wising to speak for or against the request.

- The Town Attorney briefed the Planning Commission on the proposed amendment change, stating that basically now the Planning Commission has the authority to grant waivers to the Subdivision Ordinance, but since the Rocky Mount Town Council is the governing body and all other Planning Commission matters are referred to the Town Council for final approval, it was felt that this also needed final approval from Town Council. He further stated that before this was decided to be put forth as a public hearing matter, the Planning & Zoning Administrator had received a waiver request; therefore, that waiver request would be coming before the Planning Commission later in this meeting. Also mentioned that there would be another large subdivision development coming before the Town soon and with the proposed change, it would allow the subdivider to make the request for the Planning & Zoning Administrator to bring before the Planning Commission to make the recommendation for the waiver to Town Council.
- The Planning & Zoning Administrator relayed to the Planning Commission that staff recommends that the same application fee of \$275 be applied for waivers, which is the same fee used for public hearings.

Let the record show that no one else came forward to speak for or against the rezoning request.

Vice Chair Speidel entertained a motion from the Planning Commission.

- Motion was made by Planning Commission Member Tiggie to recommend approval to Town Council for the proposed a change to Article II - Administration, Section 2.7 – Waivers in the Town of Rocky Mount Subdivision Ordinance, with motion on the floor being seconded by Planning Commission Member Clements. Let the record show that the motion on the floor passed unanimously by those present.

Let the record show that Vice Chair Speidel reconvened the meeting back into regular session as all public hearings were finished.

### **SUBDIVISION WAIVER REQUEST**

Mr. Clyde Perdue, representing Arrington Development, Inc. (applicant), came before the Planning Commission stating that the applicant is requesting a waiver of square curb requirements and sidewalk requirements for the proposed subdivision “The Plateau at Landmark Mountain” at the end of Summit Drive in Rocky Mount. The following was discussed:

- Mr. Perdue gave a brief history of the building of Phase I of the project and explained that this waiver was for Phase II that went to the top of Summit Drive. Mr. Perdue further requested that the Planning Commission consider waiving their review of the plat, further stating that the Planning & Zoning Administrator always reviewed it prior to bringing it before the Planning Commission for final review, and by eliminating the process of them looking at it for approval, it would reduce the time frame for the developer to be able to sell the lots, instead of having to wait an additional 25 days for the Planning Commission’s review.
- The Planning & Zoning Administrator stated that the Subdivision Ordinance requires that a public hearing be held for a plat approval.
- Vice Chair Speidel mentioned that there were two issues that Mr. Perdue is asking for, the first was the subdivision waiver request, and the other pertaining that the plat review public hearing not be heard by the Planning Commission itself. Vice Chair Speidel further stated that the Planning Commission needed to hear the first request, as this is what was advertised as such, and further stating that regarding the plat review, as a Planning Commission Member he personally liked to review the plat.

- Mr. Tim Arrington (applicant) confirmed to the Planning Commission that the curb and guttering of rolltop will match the same that is in Phase I and the road width will be the same.

There being no further discussion, Vice Chair Speidel entertained a motion.

- Motion was made by Planning Commission Member Hall to grant the waiver of square curb requirements and sidewalk requirements for the proposed subdivision "The Plateau at Landmark Mountain" at the end of Summit Drive in Rocky Mount, with motion on the floor being seconded by Planning Commission Member Clements. Let the record show that the motion on the floor passed unanimously by those present.

Regarding the request of Mr. Perdue for the waiver of the plat approval, the following was discussed:

- The Town Attorney confirmed to the Planning Commission that this could not be done.
- It was commented by Mr. Perdue that in order to consider this in the future, the Planning Commission may want to consider redoing the ordinance because from his perspective, the Planning Commission is delaying a subdivider at least 20 days in selling lots. He further stated that he likes working with the Planning Commission, but thinks the ordinance the way it is now regarding plat approval is disruptive to business.
- Planning Commission Hall asked if the Planning & Zoning Administrator denies the approval of a plate, would it go before the Board of Zoning Appeals, with the Planning & Zoning Administrator stating that he cannot deny a plat if it meets the requirements.

In closing, Mr. Arrington commented that the road going into the development will get the final top this summer; the custom streetlights have been picked up and they're just waiting for them to go in, with the Town not having to spend money on this down the road.

### **OTHER BUSINESS**

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

**ADJOURNMENT**

There being no further business to discuss, Vice Chair Speidel entertained a motion to adjourn.

- Motion was made by Planning Commission Clements to adjourn at 8:06 p.m., with motion on the floor being seconded by Tiggle and carried unanimously.

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John Speidel, Vice Chair

ATTEST:

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Patricia H. Keatts, Town Clerk

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