

**PLANNING COMMISSION
MINUTES
JULY 2, 2007
5:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Municipal Building on July 2, 2007 at 5:00 p.m. with Chair Janet Stockton presiding.

The following members were present:

Chair Janet Stockton, Vice Chair John Speidel, Planning Commission Members Milton Arrington, Ina Clements, Jerry W. Greer, Sr., Derwin Hall, John Tiggle; Interim Town Manager Jack Gross, Assistant Town Manager/Community Development Director C. James Ervin, Planning & Zoning Administrator Paul Stockwell, Town Attorney John Boitnott, and Town Clerk Patricia H. Keatts

APPROVAL OF AGENDA

- Motion was made by Commission Member Clements to approve the agenda as presented, with motion on the floor being seconded by Commission Member Arrington. 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 members had received the following draft minutes for review and consideration of approval:

- June 5, 2007
- Motion was made by Commission Member Tiggle 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.

PUBLIC HEARING

Chair Stockton recessed the meeting to hold the following public hearings:

A) The Morning Star Partners – Subdivision Waiver Requests

After being duly advertised, the Planning Commission reviewed and considered the requests of Morning Star Partners, LLC (owners being Mason Development Enterprises, LLC and Morning Star Partners, LLC), who are requesting subdivision waivers for a 16 to 17 lot subdivision on approximately 16.8 (+/-) acres identified as Franklin County Tax Map and Parcel Number 201-093, being located south of the Bernard Road and Cornell Road intersection at the Franklin Heights Subdivision.

As there were three subdivision waiver requests being submitted by Morning Star Partners, LLC, Chair Stockton undertook each one separately.

1. Waiver from Article 8-3(L)(3) of the Subdivision Ordinance, which states: “All streets shall be designed and constructed with Virginia Department of Transportation (VDOT) standard CG-6 curb and gutter and be a minimum of 30 feet width, as measured from face of curb to face of curb, or greater as required by VDOT subdivision street standards CG-6”.

Chair Stockton opened the floor to anyone wishing to come before the Planning Commission to speak regarding this request.

- Jim Sciarretta, one of the managing members of Morning Star Partners, LLC, stated that Morning Star Partners, LLC and Mason Development Enterprises, LLC have owned this property for some time and have considered several options of what to build on the property, considering townhouses or Residential Planned Unit Development (RPUD). After hearing feedback from the residents and Town officials, it was their decision at this time to scale back and put in a simple large subdivision consisting of 16 to 17 single-family houses on this land, with it being thought that this would be the best suit for the property. In doing this, the homes would sit on one-half acre lots, with the larger lot in the wetlands area being about seven acres, with all the sites facing either Bernard Road or Cornell Road. As such, Mr. Sciarretta pointed out that the site cannot handle building any new roads into it and believes curb and guttering does not apply to this subdivision. Morning Star Partners, LLC is requesting the waiver of curb and guttering as the sites will not have any streets in the subdivision, since all will be facing Bernard Road and Cornell Road; and Villa Heights does not have any curb and guttering, neither does Franklin Heights.
- Dean Stone with Stone Engineering (the company doing the engineering work for Morning Star Partners, LLC) came at the request of Mr. Sciarretta to explain to the Planning Commission why curb and guttering would not help with the water flow at this subdivision. Mr. Stone explained that if you tried to put curb and guttering on the existing roads (Bernard and Cornell), you would

have to first cut into the road, add your curb and guttering, then go back and patch between the two, creating a very piece mill look. He further stated that if curb and guttering was put in place, utilities would have to be located and possibly relocated if they were in the area that the curb and guttering would have to go. Also pointed out that he believes the Planning & Zoning Administrator had mentioned in the staff report that there was a natural attenuation of water runoff from this property anyway, thus eliminating the need for curb and guttering. It was discussed with the Planning Commission that where every dip is in the road, a drop inlet would have to be put in and the only thing curb and guttering basically does is that it pipes the water flow quicker away from the sites. He also pointed out that wherever it is piped may have an affect on the wetlands ultimately.

- Warren and Brenda Boyd of 20 Mountain View Drive had several concerns: water flow back onto their property; increased vehicular traffic on Bernard Road; and the type of homes that will be put in the subdivision.

Mr. Sciarretta informed those present that the homes would have deed restrictions; be stick built, some with brick; be 1200 square feet; certain pitch on roof; and there would be no double-wides put on the sites. He further stated that the homes would not be cheap, selling from around \$180,000 to \$200,000 each and similar to the homes in Franklin Heights; and in substantial conformity to what is in Franklin Heights, and that the lots themselves would be sold for \$35,000.

- Frances Parker of 650 Bernard Road had several concerns dealing with the already existing vehicular traffic; the existing water flow problem; and wondered why the developer would be getting assistance in their utilities hookups when they, as residents of Franklin Heights, had to pay \$1,200 when annexed to hook onto utilities. She requested that the Planning Commission consider not downgrading what the requirements are for subdivisions, but stay within the standard. She further mentioned that when the Town annexed Franklin Heights, the citizens were promised that there would be a control on traffic and that sidewalks would be put in, and as of right now, all the citizens have received are streetlights and one stop sign.
- Charles Santrock of 565 Bernard Road voiced his concern over the existing traffic on Bernard Road, although he did commend the Rocky Mount Police Department for doing a good job in patrolling the area with limited manpower. He further asked for a traffic count on Bernard Road to validate the number of vehicles per day.
- W. Q. Overton of 720 Cornell Road informed the Planning Commission that when he stands and looks out his back window, he can see water standing whenever it rains on the wetlands on the proposed subdivision site where the

seven acres is located. He also questioned what type of homes would be going on the sites, with Mr. Sciarretta stating they would be at least a minimum of 1200 square footage. Mr. Overton also voiced concern over the traffic, but thanked the Town for installing the four-way traffic sign on Bernard Road, as it slows the traffic down. He also thanked the Town for annexing Franklin Heights and was grateful for being in Town and having utilities. He further requested that the Planning Commission take everything that was said into consideration.

- Vice Chair Speidel reminded everyone present that the Planning & Zoning Administrator stated that Morning Star Partners, LLC could build by right if they meet the zoning requirements for a Residential-1 zone.
- Bill Mason, one of the managing partners of Mason Development Enterprises, LLC and Morning Star Partners, LLC, stated that they have a lot of ties to Rocky Mount, with his wife being a teacher at Franklin County High School, and his son having played football there. He remarked that the concerns voiced were mainly concerns of citizens regarding past history of problems on the traffic and water flow problems that have been existing way before there were plans to put in their proposed subdivision. He further stated that by adding 16 homes at the proposed location will not increase that much traffic as they will more than likely be exiting and entering from the U.S. 220 side closest to the subdivision. He further again commented that the water in the streets was an issue that they have not caused and it did need to be addressed, but they have not created that problem.

Chair Stockton again reiterated to the public that they only thing for consideration before the Planning Commission during this portion of the public hearing was the consideration of waiving curb and guttering.

At the request of Chair Stockton, the Planning & Zoning Administrator read the staff's review: That curb and gutter catches and directs storm water into flows that is subsequently directed into adequate natural or man-made channels. When development occurs where storm flows may accumulate or be directed across properties, it could serve property owners well to have potential storm flows directed via use of curb and gutter. This site is in a low lying area that may have the potential for stormwater accumulation. As development occurs, any stormwater directed away from properties containing houses would help in reducing accumulation and potential flooding on properties. This use of VDOT standard roll top curb and gutter would catch and direct these flows just as well as CG-6 curb and gutter. However, as the development is currently showing a residual parcel of about seven acres, it could also be beneficial for these stormwater flows to naturally attenuate off the road. If this residual parcel is indefinitely left undeveloped as either open space or a neighborhood park, the

development, including the residual parcel, should be able to naturally absorb the storm flows without curb and gutter.

It was discussed between the developers and the Planning Commission that the seven acre tract in the wetland area had been considered to be given to the Town by the developers for a park, but at this point and time, that was not the case. It was further confirmed by Mr. Stone that one home could be built on the seven acres, with the lot being located between lots 1 and 2 and the wetlands. It was also confirmed by the Planning & Zoning Administrator that the land could be built on eventually if the Residential-1 zoning requirements are met and no public hearing would be needed.

- Brenda Boyd of 20 Mountain View Road again came before the Planning Commission stating there were no sidewalks in Franklin Heights, and this subdivision was not a part of Franklin Heights and was a separate subdivision altogether and should be required to have sidewalks.

Chair Stockton explained that she personally felt that sidewalks should not be required of Morning Star Partners, LLC as they would not be connecting to any other sidewalk. Chair Stockton again reminded those present of what was before the Planning Commission for consideration at this time.

At the request of Chair Stockton on whether or not he had anything else to add, the Planning & Zoning Administrator stated that the Planning Commission ability to recommend approval/denial or conditional approval so long as the condition imposed is reasonable and has rational nexus or relationship to the waiver request.

There being no further discussion, Chair Stockton entertained a motion.

Prior to motion being made, Commission Member Arrington questioned why the Town has an ordinance for certain things and when it comes up for consideration, the Town goes against them. Council Member Greer relayed that he did have an answer for him regarding that. Chair Stockton stated that the proposed subdivision is like an extension of Franklin Heights and if it was something off by itself and brand new, she would agree that curb and guttering and sidewalks were needed, but in this case, she doesn't believe they should be required, but she also agrees with Commission Member Arrington that they need to go by what is set forth as law. Commission Member Greer stated that he agrees with Chair Stockton. Commission Member Hall also stated that he agrees with a lot of the concerns that were voiced by the citizens regarding the traffic issues, but the builders have a right under the current Residential-1 zoning to build on this site. He further stated that he believes curb and gutter will create a problem and not help eliminate the water flow as he believes the seven acre

tract with the proper grading on the lots will help direct the water flow to the seven acre tract.

- Motion was made by Vice Chair Speidel that the Planning Commission recommend conditional approval of the waiver of Article 8-3(L)(3) of the Town of Rocky Mount Subdivision Ordinance for CG-6 curb and gutter for Tax Map and Parcel Number 201-093 on the condition that the residual parcel is permanently left undeveloped as either open space or a neighborhood park. Let the record show that the motion on the floor was seconded by Commission Member Clements. A roll call vote was taken. Voting in favor of the motion on the floor were Chair Stockton, Vice Chair Speidel and Commission Members Clements, Hall and Greer. Voting in opposition to the motion on the floor were Commission Members Arrington and Tiggle. Let the record show that the motion on the floor passed five to two.

Vice Chair Speidel stated that he would like the minutes to reflect the concerns regarding the wetlands and the flow of water. The Town Clerk so noted.

Chair Stockton stated that the Planning Commission would be recommending To Town Council approval of the curb and gutter waiver as stated in the motion.

2. Waiver from Article 8-4(B)(1) of the Subdivision Ordinance, which states: "The subdivider shall install and dedicate to the Town sidewalks along at least one (1) side of all public streets within and adjacent to the subdivision. The sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed so as to provide for eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided".

Chair Stockton opened the floor to anyone wishing to come before the Planning Commission to speak regarding this request.

- Mr. Sciaretta once again came before the Planning Commission stating that he agreed with what staff had stated about the sidewalks, in that it did not make sense to put in sidewalks now when they will not serve any one or any purpose but for the 16 homes that would be in the subdivision, and if required, the sidewalks would be from nowhere to nowhere.

At the request of Chair Stockton, the Planning & Zoning Administrator read the staff's review: Sidewalks provide for additional pedestrian mobility, especially along roads that may contain a significant amount of traffic. Pedestrian mobility, walking, and exercise is important to all populations, including the elderly population. Franklin Heights currently does not have sidewalks; therefore, to provision of sidewalks in this development would serve as a "beginning" of a potential sidewalks system in the Franklin Heights neighborhood. The provision

of sidewalks for the Franklin Woods development would make sense if the Town sees the potential for furthering the provision of sidewalks in the Franklin Heights neighborhood in the future; however, if the furtherance of a sidewalks system in Franklin Heights in the future may not seem feasible due to fiscal restraints and/or a permanent trail system on the residual parcel was developed, sidewalks may not be necessary for this development to increase the mobility and recreation of Franklin Heights' residents.

- Chair Stockton commented that because the Town is not looking at putting in sidewalks in Franklin Heights, she would not guess that the Planning Commission would require the developer to put in sidewalks, but this was her personal belief.
- Commission Member Hall referred to a letter the Planning Commission had received from Mrs. Nelda A. Wray of 730 Bernard Road that basically voiced concerns of traffic on Bernard Road; the type of homes that Morning Star Partners, LLC would be building and hoped it would not be double-wides; and believes all of the subdivision ordinances should be complied with. Let the record show that the letter was entered into the record by the Town Clerk.

Questions arose about the Town putting in sidewalks in Franklin Heights and if this was promised to those residents when the Town annexed. The Town Attorney read the annexation agreement that was made during that time that addressed that issue, with it basically stating that under the section pertaining to *Curbs, Gutters, Sidewalks and Storm Drains*, facilities will be extended upon the request to at cost charged to those requesting those facilities. He also referenced the current sidewalk ordinance that was put into place during the time of the annexation that addressed this concern, with the ordinance basically stating under *Construction of Sidewalks, Curbs, Gutters and Storm Drains by Property Owners* that the property owners would have to pay the Town the entire costs of the improvements apportioned according to the frontage of each property owner abutting the improvement; and all claims for improvement shall be collected promptly in the same manner as other claims of the Town are collected.

There being no further discussion, Chair Stockton entertained a motion.

- Motion was made by Commission Member Tiggle that the Planning Commission recommend approval of the waiver from Article 8-4(B)(1) of the Town of Rocky Mount Subdivision Ordinance for sidewalks for Tax Map and Parcel Number 201-093. Let the record show that the motion on the floor was seconded by Commission Member Clements. A roll call vote was taken. Voting in favor of the motion on the floor were Chair Stockton, Vice Chair Speidel, and Commission Members Clements, Tiggle, Hall and Greer. Voting

in opposition to the motion on the floor was Commission Member Arrington. Let the record show that the motion on the floor passed six to one.

Chair Stockton stated that the Planning Commission would be recommending to Town Council approval of the sidewalk waiver as stated in the motion.

3. Waiver from Article 8-1(C) of the Subdivision Ordinance, which states: "Where the construction or improvement of a subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water or drainage facilities located outside the property limits of the subdivision, the subdivider or developer of the subdivision shall pay a proportionate share of the cost of the facilities, in accordance with this section".

Chair Stockton read the staff's review regarding the off-site improvements, which stated that the applicant is requesting that the Town waive the developer's "proportionate" share of off-site sewer extension costs according to the Subdivision Ordinance. The Town has traditionally extended utilities to the property lines of a development based upon a potential ten-year return on the cost of the extension. The extension would be approximately 175 feet to the southeast property line.

There was discussion regarding the ten-year return, with the Planning & Zoning Administrator confirming that the \$10,000 the Town would pay for the extension of the utilities 200 feet would have a ten-year return in the amount of \$100,000. He further confirmed to the Planning Commission that normally, the Town extends utilities to the property line, but with the current Subdivision Ordinance, the Town is not obligated to extend the utilities to the property lines, and that the Planning Commission has the option of recommending to Town Council to have the developer pay a proportionate share of those fees. The Assistant Town Manager/Community Development Director also confirmed to the Planning Commission this is in the Subdivision Ordinance for the Planning Commission to have a chance to consider their options for recommendation, with him further confirming to the Planning Commission that the utilities would only be going to the property lines.

Chair Stockton opened the floor to anyone wishing to come before the Planning Commission to speak regarding this request.

- Doug Williams of 270 Lakeview Drive stated that he understands that the ten-year return would be a good one for the Town's money and that this is likely what will happen, but when Franklin Heights was annexed, the property owners in Franklin Heights welcomed the water and sewer, but the Town was more interested in keeping the Town's money in the Town's pocket and the

property owners had to pay for their hookups, and now the Town is considering waiving this for the developer.

- Frances Parker again came stating again the traffic issues; and why the Town made the property owners in Franklin Heights having to pay their utility fees.

Chair Stockton reminded those present again what was before the Planning Commission for consideration and closed the public hearing at this point.

There being no further discussion, Chair Stockton entertained a motion.

- Motion was made by Commission Member Clements that the Planning Commission to recommend approval of the waiver from Article 8-1(C) of the Town of Rocky Mount Subdivision Ordinance for off-site sewer extension costs for Tax Map and Parcel Number 201-093. Let the record show that the motion on the floor was seconded by Commission Member Tiggle. Discussion ensued. Commission Member Hall stated he would like the Planning Commission to consider a conditional approval in that the sewer extension does not exceed 200 feet.

Let the record show that Commission Member Clements withdrew her motion on the floor, with Commission Member Tiggle withdrawing his second on the floor respectively.

- An alternate motion was made by Commission Member Hall that the Planning Commission recommend conditional approval of the waiver from Article 8-1(C) of the Town of Rocky Mount Subdivision Ordinance for off-site sewer extension costs for Tax Map and Parcel Number 201-093 on the condition that the sewer extension does not exceed 200 feet. Let the record show that the motion on the floor was seconded by Vice Chair Speidel. A roll call vote was taken. Voting in favor of the motion on the floor were Chair Stockton, Vice Chair Speidel, and Commission Members Clements, Arrington, Tiggle, Hall, and Greer. Let the record show that the motion on the floor passed unanimously.

Chair Stockton stated that the Planning Commission would be recommending to Town Council approval of the proportionate share for off-site sewer extension costs as stated in the motion.

B) Morning Star Partners, LLC – Preliminary Plat Review

After being duly advertised, the Planning Commission reviewed and considered the request of Morning Star Partners, LLC for a preliminary subdivision plat review for 16 to 17 lot subdivision on approximately 16.18 (+/-) acres identified as Franklin

County Tax Map and Parcel Number 201-093, being located south of the Bernard Road and Cornell Road intersection at the Franklin Heights Subdivision.

Chair Stockton opened the floor to anyone wishing to come before the Planning Commission to speak regarding this request.

- The Planning & Zoning Administrator confirmed that he had reviewed the plat, that the Planning Commission had before them his comments regarding this matter, and that everything is indicated on the plat for final approval.

(Let the record show that Commission Member Arrington left at 6:31 p.m.)

- Frances Parker of 650 Bernard Road came back before the Commission wondering where their mailboxes would be placed as they were located on the side of the road where the subdivision was proposed to be.

The Town Attorney stated that this was an answer for the post office, not the Planning Commission.

Commission Member Greer stated that Mrs. Parker's main concern was the existing water flow and existing traffic control and he would like to see the police department set up this week and for the upcoming weekend the speed monitor/traffic monitor box, with him further stating that if the Town has to put up another traffic sign, so be it, with Council being concerned about safety.

Mrs. Parker also asked what was the ordinance that Commission Member Arrington had referred to. Council Member Greer explained to her what it was. She further asked if the new subdivision on Scuffling Hill Road had curb and guttering and sidewalks, with him confirming to her that they did not.

There being no further discussion, Chair Stockton entertained a motion.

- Motion was made by Council Member Tiggie that the Planning Commission recommend approval of the preliminary subdivision plat for Tax Map and Parcel Number 201-093 based on the staff review. Let the record show that the motion on the floor was seconded by Commission Member Clements and carried unanimously by those present.

Let the record show that Chair Stockton reconvened the meeting back into open session.

OLD/NEW BUSINESS

A) Election of Officers

- Motion was made by Commission Member Tiggle to nominate John Speidel as Vice Chair for 2007-2008, with motion on the floor being seconded by Commission Member Hall and carried unanimously by those present.
- Motion was made by Commission Member Tiggle to nominate Janet Stockton as Chair for 2007-2008, with motion on the floor being seconded by Commission Member Clements and carried unanimously by those present.

ADJOURNMENT

There being no further business to discuss, Chair Stockton entertained a motion to adjourn at 7:40 p.m., with motion being made by Commission Member Clements, seconded by Vice Chair Speidel and carried unanimously.

Janet Stockton, Chair

ATTEST:

Patricia H. Keatts
Town Clerk

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