

**PLANNING COMMISSION  
MINUTES  
JANUARY 2, 2008  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Wednesday, January 2, 2008, at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members were present: Madame Chair Janet Stockton, Vice Chairman John Speidel; Planning Commission Members John Tiggle, Milton Arrington, and Ina Clements. Staff members present included: Assistant Town Manager Matthew C. Hankins, Planning and Zoning Administrator (PZA) Paul D. Stockwell, and Deputy Clerk Stacey B. Sink.

Let the record that Planning Commission Members Derwin Hall and Jerry W. Greer, Sr. were not present.

Let the record further show that Amy Pendleton, Executive Director of the Franklin County Perinatal Education Center was also present for the meeting.

**APPROVAL OF AGENDA**

Madame Chair Stockton requested that the draft agenda be amended under Work Session Items to include discussion regarding Central Business District signage. She further requested that the order of the work session items be changed to the following:

- A) Central Business District Signage
- B) Central Business District Parking
- C) Nonconformities Regulations

- Motion was made by Planning Commission Member Tiggle to approve the agenda as amended, 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.

**APPROVAL OF MINUTES**

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

- December 4, 2007

- Motion was made by Planning Commission Member Arrington to approve the draft minutes as presented, with the motion on the floor being seconded by Planning Commission Member Tiggle. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

## **PUBLIC HEARING**

Let the record show that there were no public hearings at this time.

## **OLD/NEW BUSINESS**

Let the record show that there was no old or new business to discuss.

## **WORK SESSION**

### A) Central Business District (CBD) Signage

The PZA informed the Planning Commission that issues regarding signage in the Central Business District have been brought before the Commission before; however, the issue is being brought before the Planning Commission again because there is a potential tenant in the Central Business District who is requesting a change in the sign regulations. The PZA provided the Planning Commission with a copy of the sign regulation which, under item (4) *Business Signs*, currently reads as follows:

***Business Signs.*** Each permitted business in the CBD shall be allowed a maximum of sixty (60) square feet of signage. No freestanding sign shall be allowed on any lot having less than one hundred (100) feet of lot frontage. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be one hundred fifty (150) feet. If two (2) uses share the same lot or lots under single ownership, each use may install a freestanding sign in compliance with these regulations. Such signs shall not be closer than fifteen (15) feet. If more than two (2) uses share the same lot or lots under single ownership, they shall be considered a shopping center for sign purposes and shall comply with the regulations governing shopping centers. No freestanding sign shall be located within fifteen (15) feet of any other freestanding sign on an adjacent or adjoining lot. No freestanding sign shall exceed twenty (20) square feet in area, per freestanding sign. In residential areas of the CBD, the maximum allowed square footage for freestanding signs shall be two (2) square feet.

The PZA further explained that the proposed change would reduce the amount of lot frontage that is required for a freestanding sign from one hundred (100) to sixty-five (65) feet. The one hundred (100) feet requirement comes from what is allowed in the General Business District (GBD), and in the GBD the lot sizes are much larger than in the CBD.

Discussion ensued between the Planning Commission, the PZA, the Assistant Town Manager, and Mrs. Pendleton regarding the following points:

- Mrs. Pendleton advised the Planning Commission that she wishes to move the Franklin County Perinatal Education Center and that the Center not only needs a good location, but also visibility. They have found a building with a good location at 610 South Main Street, but feel that a freestanding sign would be necessary to give visibility. She thinks that changing the current regulations would not only benefit her, but other businesses as well. In addition, the ability to have a sign will be key to her decision to purchase the property.
- The PZA confirmed to the Planning Commission that without changing the regulation, Mrs. Pendleton could request a variance and go before the Board of Zoning Appeals; however, the Board of Zoning Appeals may deny her request if they feel it is not a hardship.
- Planning Commission Member Tiggle questioned if the Board of Zoning Appeals has a lot of requests regarding the sign regulation, with Vice Chair Speidel (also a Board of Zoning Appeals Member) confirming there are a lot of requests. In addition, the Board of Zoning Appeals must look for a true hardship and variances are not granted easily.
- The PZA confirmed to Madame Chair Stockton that if the regulation is changed it would affect all the business in the CBD and would not be limited to Mrs. Pendleton's property. He also added that there are existing freestanding signs in the CBD that do not meet the current regulation because they were grandfathered in.
- The PZA confirmed that he estimates changing the regulation would affect approximately twenty (20) to thirty (30) lots in the CBD.
- Mrs. Pendleton confirmed to Vice Chair Speidel that when the current owner bought the property there was an existing sign which was torn down in anticipation of putting up another; however, the request was denied. She further stated that she would like to erect a sign, approximately two and one-half feet by two and one-half feet (2.5 ft X 2.5 ft) and approximately eight (8) feet high.

- Vice Chair Speidel indicated that he is in favor of smaller signs in the CBD, with the PZA indicating that if the Planning Commission wished to review any other issues regarding signage in the CBD, this would be a good time.
- Planning Commission Member Clements asked the PZA which would be the best way to proceed – to go before the Board of Zoning Appeals or to look at changing the sign regulations. The PZA confirmed that since this appears to be a repetitive request it may be best to look at changing the ordinance. He further confirmed to the Planning Commission that the ordinance was last changed approximately two years ago, with the exception of a couple of amendments regarding temporary signage and the authority of the PZA to order removal of a degraded sign in August of 2006.
- The PZA also confirmed to Mrs. Pendleton that the one hundred (100) feet of lot frontage has been a requirement since the sign ordinance was passed as a separate article in June 2002.
- Motion was made by Planning Commission Member Arrington to proceed with a public hearing to review the possibility of changing the amount of lot frontage required for a freestanding sign in the Central Business District from one hundred (100) feet to sixty-five (65) feet, with motion on the floor being seconded by Planning Commission Member Clements. Discussion ensued. Vice Chair Speidel indicated that he felt the Planning Commission needed to review the sign height and square footage requirements as well. It was the consensus of the Planning Commission that height and square footage requirements should also be reduced in the Central Business District as follows:
  - Under item (4) *Business Signs* (stated above), the maximum square footage of signage allowed should be reduced from sixty (60) to forty-five (45) square feet. In addition, the square footage allowed per free-standing sign should be reduced from twenty (20) square feet per sign to twelve (12) square feet per sign.
  - Item (7) *Historic Signs* currently reads as follows:

***Historic Signs.*** *A maximum of fifteen (15) square feet shall be allowed per sign.*

The amount of square footage allowed for historic signs should be reduced to twelve (12) square feet.
  - Item (9) currently reads as follows:

*No freestanding sign shall exceed eight (8) feet in height. Freestanding signs over six (6) feet in height may have no more than two (2) sides; those less than six (6) feet may have three (3) or four (4) sides.*

The maximum height for freestanding signs should be reduced to six (6) feet and a height of four (4) feet should be the determining factor in the number of sides allowed.

Let the record show that Planning Commission Member Arrington amended the motion on the floor to include the changes to the height and square footage requirements, as noted above, with the amended motion being seconded by Planning Commission Member Tiggler. There being no further discussion, let the record further show that the motion on the floor passed unanimously by those present.

B) Central Business District Parking

The Assistant Town Manager opened the discussion regarding parking regulations in the Central Business District, stating that this issue was brought to his attention during a discussion with the new owner of the N. Morris building. The parking located behind the N. Morris building is owned by Suntrust and those spots do not go with the N. Morris building. Per the current parking regulation, in order for the building to be remodeled and used as office space, there must be two (2) parking spaces available per office space in the building. He further stated that from an economic development standpoint, he thinks the Town should consider using available public parking spaces to meet this requirement. The Town doesn't want to discourage development by requiring parking spaces if adequate public parking is available. Specifically, under Article 11: Offstreet Parking Regulations, Item (N) could be amended to include public parking spaces that are within a certain distance of the building; or the Town could choose to eliminate the parking requirement all together in the CBD; or the Town could allow the PZA to determine if a parking requirement should be met.

Discussion ensued between the Assistant Town Manager, the PZA, and the Planning Commission members:

- If public parking spaces within a certain distance were allowed, what about businesses on the outer edges of the CBD?
- The Assistant Town Manager advised that staff has determined that there are not any locations within the CBD that would not have access to adequate public parking. The Assistant Town Manager also confirmed to the Planning Commission that the Town is currently looking for ways to add parking in the CBD area, such as restricting Bank Street to one way and adding parking on the lower side.

- It was the consensus of the Planning Commission that the Town should do what is necessary to allow property owners to use and develop their buildings.
- Vice Chair Speidel indicated that he felt there should be some oversight regarding parking but that the Town should also encourage the development.

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

- Motion was made by Vice Chair Speidel to continue with a public hearing for the purpose of revising the parking requirements in the Central Business District to allow the Planning and Zoning Administrator the authority to require adequate parking within the Central Business District and within the guidelines of the ordinance, with the motion on the floor being seconded by Planning Commission Member Arrington. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

#### C) Nonconformities Regulations

The Planning and Zoning Administrator opened the floor to discussion regarding nonconformities regulations, indicating that in the November work session regarding nonconformities, the Planning Commission requested some examples of nonconforming situations. The PZA provided the following three examples:

- The residence located at 120 High Street: High Street has a forty-two (42) feet right-of-way, and setbacks are measured from the street centerline. Currently there is a sixty (60) feet setback requirement from the street centerline; however the existing set back of the residence is thirty-eight (38) feet from the street centerline. If the residence were destroyed by greater than seventy-five (75) percent of its value, the house would need to be rebuilt forty-eight (48) feet from the centerline or ten (10) feet back from the current location (under the proposed revised regulations).
- Leonor Street: Leonor Street has a thirty (30) feet right-of-way and setbacks are measured from the street centerline. Currently there is a sixty (60) feet setback requirement from the street centerline; however the existing set back twenty (20) feet from the street centerline. Neighboring setbacks are twenty-six (26) and thirty (30) feet. The average would be twenty-eight (28) feet from the centerline. If destroyed by greater than seventy-five (75) percent of its value, the house would be required to be rebuilt twenty-eight (28) feet from the centerline or eight (8) feet back from its current location (under the proposed revised regulations).

- 10 East Street (one the corner of East Street and Orchard Avenue): Both East Street and Orchard Avenue have a forty (40) feet right-of-way, and setbacks are measured from the centerline. Currently there is a sixty (60) feet setback requirement from the street centerline; however the existing set back is thirty-five (35) feet from the East Street centerline and twenty-three (23) feet from the Orchard Avenue centerline. The East Street neighbor's setback is fifty (50) feet from the centerline and the Orchard Avenue neighbor's setback is forty-two (42) feet from the centerline. If destroyed greater than seventy-five (75) percent of its value, house would be required to be rebuilt fifty (50) feet from centerline on East Street and forty-two (42) feet from centerline on Orchard Avenue (under the proposed revised regulations). This particular example would most likely have to come before the Board of Zoning Appeals for variances due to hardship.

The PZA further explained that the proposed changes are an attempt to strike a balance between the property owners' needs and the Town's need to maintain a sight line or to expand rights-of-way for utilities and other needs.

Discussion ensued:

- The PZA explained to the Planning Commission that the High Street example is an actual example in which the home has been destroyed by more than seventy-five (75) of its value. Under the current regulations, in order to rebuild the home, the home must be set back an additional twenty-two (22) feet from its current location, because the current regulation requires a sixty (60) foot setback from the street centerline. By changing the regulation as requested, and taking into account the existing neighbors' setbacks, the setback requirement could be lessened to only ten (10) feet from its current location.
- Madame Chair Stockton expressed concern over the inability of the property owner to rebuild the home in its exact, current location, with the PZA confirming that the purpose of reviewing the nonconformities regulations is to take into consideration the fact that the current regulations may not preserve the neighborhood character and that changing the regulations would lessen the requirements for the property owner.
- Madame Chair Stockton questioned the PZA if other localities had similar ordinances regarding nonconformities regulations with the PZA confirming they do and that he took other localities regulations into account when drafting the proposed changes.

There being no further discussion, Madame Chair Stockton entertained a motion:

- Motion was made by Planning Commission Member Clements to continue with a public hearing in February 2008 to review the proposed changes to

the nonconformities regulations including the noted changes as recommended by the Planning Commission in previous meetings, with the motion on the floor being seconded by Planning Commission Member Arrington. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

**ADJOURNMENT**

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

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Janet Stockton, Chairman

ATTEST:

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Stacey B. Sink  
Deputy Clerk