

**PLANNING COMMISSION  
MINUTES  
APRIL 1, 2008  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Tuesday, April 1, 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 Derwin Hall, John Tiggle, Milton Arrington, Ina Clements, and Jerry W. Greer, Sr. Staff members present included: Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, Planning and Zoning Administrator (PZA) Paul D. Stockwell, and Deputy Clerk Stacey B. Sink

**APPROVAL OF AGENDA**

- 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 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 received the following draft minutes for review and consideration of approval:

- March 4, 2008
- 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.

**PUBLIC HEARING**

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

A) Rezoning Request of Jackie and Lynda Spence

After being duly advertised, Jackie and Lynda Spence requested a rezoning of Franklin County Tax Map and Parcel Number 204-832 from Industrial, Limited

District (M-1) to Residential Business District (R-B). The property is located on State Street.

Madame Chair Stockton asked if Mr. and Mrs. Spence would like to speak in regards to their request.

Jackie Spence (of 920 State Street) came forward stating that he and his wife moved here in 1989. He pastored a church for twelve years, and then he left for six years. Now, they have moved back because they want to make this their home. Ms. Eva Leffue has agreed to sell them the property at 920 State Street. They have the loan approved but when they tried to finalize it, they couldn't get insurance on the property because it is currently zoned M-1. They were advised to have it rezoned. Their plans are to make the property their home so they can stay in this area.

No one else came forward to speak regarding the request.

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

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

- Motion was made by Planning Commission Member Tiggle to recommend approval to Town Council for the request of Jackie and Lynda Spence to rezone Franklin County Tax Map and Parcel Number 204-382 from M-1 to R-B, with motion on the floor being seconded by Planning Commission Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

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

B) Amending Article 26 "Central Business District Parking Regulations"

After being duly advertised, Planning Commission reviewed staff's request to amend Article 26 of the Town of Rocky Mount Zoning and Development Ordinance, providing that off-street parking shall conform to Article 11 of the Town of Rocky Mount Zoning and Development Ordinance, except that the minimum number of parking spaces shall be determined administratively by the Zoning Administrator.

Madame Chair Stockton indicated that two people had signed up to speak in regards to this request. She opened the floor to Bobby Cundiff of 450 Hilltop Drive for comment.

Mr. Cundiff stated that he has been in retail business on Franklin Street for forty years and he still has some business interests there. He realizes that shopping

habits have changed during this time period, and he also recognizes that there are certain things that cannot be changed such as streets, buildings and traffic flow. Ever since he has worked on Franklin Street, on-street parking problems have existed. Even the parking spaces available now are too small to accommodate mid-size vehicles. There is not sufficient space to back into, or pull out, between two cars in the spaces on Franklin Street. Before Planning Commission makes a decision, he asks that the Commission consider the following five things:

- There should be clear written guidelines that are strictly followed which require parking based on the amount of square footage utilized.
- The business owner should know the business and parking requirements for the merchandise mix being offered. It is the owner's responsibility to meet the requirements, not the Town's.
- In today's society safety issues of parking behind buildings, or in isolated or unattended areas, present a danger for assaults, purse snatchings, break-ins or other criminal activities.
- No one person should have the authority to decide the parking requirements. It can cause undue personality conflicts and can also confuse the business community as to what the standards are that they must comply with.
- Retail business is not an exact science and there is no substitute for experience. If the desire of Planning Commission is to encourage new businesses and to help the established businesses to survive, he feels that the present regulations should stay as they are. There is no need to fix something that has been adequate for years. The Town should make the current regulations better instead of creating more problems to solve later. If consumers can't stop then they can't shop.

Madame Chair Stockton requested that the PZA give a brief explanation of the matter at hand, stating that she should have allowed him to speak before opening to public comment.

The PZA advised that the proposed changes in the Central Business District (CBD) are in response to a growing concern that businesses in the CBD can't necessarily provide the needed on-site parking that is currently required by the Town's ordinance. A lot of the parcels in the CBD are not big enough to have adequate on-site parking and a lot of localities are moving towards having the Town provide the needed parking in the form of off-site parking. For example, the businesses near the Claiborne Avenue parking lot should be able to include the spaces available in the parking lot in their parking requirements. The proposed changes allow the plan approving authority, when determining a permit for a new business in the CBD, to take into account the existing situation of the CBD and the available off-site parking, whether it be public or other private parking. In his opinion, it not necessarily a good nexus to have the same parking requirements in the CBD as other districts, such as the General Business District where there is

Wal-Mart and Lowes. There is not adequate land in the CBD to produce parking lots like there is out 40 East.

Madame Chair Stockton opened the floor to Jewell Hunt of 225 Hillcrest Drive.

Mrs. Hunt stated that she works at J and J Fashions. She has worked on Franklin Street for sixty years and there have always been parking problems. Her business is not a shopping center and it never will be. It is a historical downtown business trying to survive. Where her business is located there is also JP Designs and the new photography studio. For all three businesses, they have two (on-street) parking spaces. The building was not built so that there is comfortable access to the back of the building. There are seven parking spaces in the back and the Town and County owns a nice big parking lot. There are eleven steps and people of all ages can not come down and go back up these steps. She feels that customers are going other places because they have no place to park. She wants to be downtown because it is beautiful, but doesn't want the parking to be taken away. Retail is not learned from a book. Realtors will say that location is the best aspect of a property, but she feels as a merchant, business owner, and lifelong citizen of Rocky Mount, that customers cannot shop without parking. From the Heart closed because there was no where to park. The beautiful coffee shop will not be there but so long when the County offices move, because there is no where to park. Without parking there are no customers. There are approximately 10,000 cars traveling Franklin Street every day, but businesses can't sell them anything if the cars are still moving. The parking lot in the back is wonderful and beautiful, but everyone can't use the back lot. She feels that it would be an awesome responsibility to give one person the authority to make a decision that is so important, and that will affect every business person and citizen of the Town. This is serious and she asks for the Planning Commission's consideration.

Madame Chair Stockton commented that both Mrs. Hunt and Mr. Cundiff expressed concern that the decision will be left up to one person. The Planning Commission has also expressed a similar concern in previous sessions. She asked the PZA to address this concern.

The PZA advised that any decision to be made by Town staff will be made based on strict objective determinations, such as the available public and private parking in the area, and will also take into account other factors, such as the proposed use of the business and how much parking that particular business would require. All of this would be used when determining the minimum number of parking spaces for a proposed business. The whole idea is that retail businesses do have the best knowledge in their location decisions, and if they don't think that adequate parking is available then they won't locate in a particular area. These regulations will give a retail business owner more flexibility in making a decision when wanting to locate in the CBD. In addition, there is always an appeals process. If a business owner is aggrieved by any process or decision that a staff member makes then it can always be appealed to the Board of Zoning Appeals.

Madame Chair Stockton questioned the PZA as to how changing this regulation would help Mrs. Hunt's business, with the PZA responding that making the parking more flexible will allow new businesses to locate in the downtown business district. This will increase the vitality of the area and will bring more business to the existing businesses.

Planning Commission Member Greer questioned where the land is to locate more businesses in the CBD, with the PZA stating that most of the land will be existing buildings that are to be renovated for new use.

The Assistant Town Manager advised the Planning Commission that this process started when the new owners of the N. Morris Building came to the Town with concern that they would not be able to get enough parking, per the current regulations, in order to redevelop the building into four to eight office spaces. Staff decided to come to the Planning Commission, taking into account the fact that the Town has made significant investments in developing new parking facilities. In the case of the N. Morris Building, it is not so much that there are nearby Town developed parking facilities available, but that there are other privately owned parking areas that the owners of the N. Morris Building can take into account. For example, if they have an agreement with Suntrust, then they could use the lot between the N. Morris Building and Bank Street for parking and would be able to take this into account when meeting the parking required by Town regulations. If staff is able to determine administratively that a particular business has developed enough parking suitable to meet the planned needs, then the Town can allow them to move forward with the development. Another example might be the building used by Eric Ferguson as his campaign headquarters. If, for example, a restaurant wanted to locate in this building, there clearly would not be enough on-site parking spaces, but with the Claiborne Avenue parking lot within 100 feet, they could use the lot to count toward the required parking. These scenarios are what have caused staff to bring this request before Planning Commission.

Madame Chair Stockton question if this change will effect Mrs. Hunt's property, with the Assistant Town Manager stating that right now he can't see how it would, but he also can't say for certain that it will not. He is not prepared to give a strict "yes" or "no" answer at this time.

Planning Commission Member Clements questioned if the PZA had spoken with any of the business owners in the CBD, like Mrs. Hunt, about their thoughts on alleviating the problem. The problem has existed for a long time. The PZA advised Planning Commission that the purpose of tonight's public hearing is for their input.

Mrs. Hunt requested to address the Commission again. She stated that after this request is placed on the books, it becomes permanent. She has thought about

this a lot and thinks it doesn't seem sensible to make a change that will harm what is already in existence.

Planning Commission Member Greer questioned if the only reason the Town is considering a regulation change is due to the issues with the N. Morris Building. The Assistant Town Manager explained that the N. Morris Building is what caused them to bring the issue before the Commission initially; however, staff has identified other circumstances in which this issue may have an impact. In addition, and in thinking about how changing the regulation might impact Mrs. Hunt or Angle Hardware, or any other business located on Franklin Street, if there was a high impact development, such as a restaurant, where there would be a need for forty or fifty parking spaces, then there could be customers who would park in spaces that would normally be used to access the library, or J and J Fashions, or other businesses on Franklin Street, and that is a potential negative. The Assistant Town Manager continued by asking the Planning Commission to look at the way the process is handled right now. Currently, if there is a proposed new use, then they must come before the Planning Commission, and if Planning Commission chooses to deny the proposed changes and Town Council does as well, then staff will continue to bring these new use requests before Planning Commission for parking plan review. This will lengthen the development process, so if someone is in a hurry to get a new facility, then it will lengthen their timeframe. If Planning Commission wants to maintain control, rather than allowing it to be handled administratively, then the only negative consequence is that it draws out the economic development process.

Mr. Cundiff requested permission to come forward again, stating that he has a couple of questions that he would like to ask the PZA. He stated that he keeps hearing the word "staff." Who is "staff"? The Town Attorney responded to Mr. Cundiff's question, stating that this is a public hearing and that Mr. Cundiff needs to direct his comments to the Planning Commission, and the Planning Commission needs to hear his comments. This is not a question and answer session where Mr. Cundiff gets to cross-examine staff.

Mr. Cundiff further stated that he would like to know how much experience this person has in retail. He also would like to point out, and he doesn't mean to condemn anyone, that in the downtown area the Town already has a library, and it is good, but the people that come to the library are not shopping, they are on a mission. He wants to eliminate a second occurrence. The loss of a couple more parking spaces will make a big difference.

Madame Chair Stockton asked for any further comments or questions from Planning Commission members.

Planning Commission Member Hall stated that he thinks the Town needs to encourage business and to try to figure out ways to promote business. It will be important for the Town to find ways to identify parking, especially alongside of the

Uptown Revitalization. However, he feels that there needs to be more than one step in the process. When someone does a business plan and is looking at location, he doesn't think that the small, extra amount of time required to look at parking that doesn't conform to the regulation would be of any consequence. The extra time would be advantageous to the Town in looking at the impact of what a business would do, and he feels that the time period fills an important purpose. If a business is coming to the Town because the parking doesn't conform, then it is up to the Town, the Planning Commission, and Town Council to determine if the business fits what is wanted. The Town needs to encourage business, but a high-impact business may not be what is needed. There should be more than one person looking at it. He doesn't have a problem with addressing flexibility or finding unique ways to address parking; however, he feels that Planning Commission should review the impact of the proposed business as it relates to parking. He doesn't think that waiting thirty days on a business that the Town and the business owner hopes will be in business for a long time will have a big impact.

General discussion ensued between the Planning Commission members regarding the current process and the proposed regulations. Currently, if a business wishes to locate in the CBD and there are not enough parking spaces to satisfy the requirement, then the request must go before the Board of Zoning Appeals (BZA) for approval. Currently, it is not heard by the Planning Commission and Town Council. Vice Chair Speidel stated, that as a member of both the BZA and the Planning Commission, he sees a problem, in that BZA members are not in on the same thinking process as the Planning Commission, and he is not sure that the same message would be carried through with the BZA. Requests approved by the BZA must meet a higher standard. If Planning Commission wants to bring some flexibility to the parking requirements then it must come through the Planning Commission rather than the BZA.

No one else from the public came forward to speak.

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

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

- Motion was made by Planning Commission Member Greer to recommend disapproval of the Article 26 amendment to Town Council, with motion on the floor being seconded by Planning Commission Member Hall. There being no discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Hall, Tiggle, Clements, and Greer, Vice Chair Speidel, and Madame Chair Stockton. Voting in opposition of the motion on the floor was Planning Commission Member Arrington. Let the record show that the motion on the floor passed, with a vote of six to one, to recommend disapproval of the Article 26 amendment.

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

C) Request for Rezoning of Pell Avenue

After being duly advertised, Planning Commission reviewed staff's request for a rezoning of the Pell Avenue area. Pell Avenue has several single-family homes that are zoned as General Business (G-B). As they are zoned as G-B, they are considered nonconforming uses and structures. Additions can not be made to these nonconforming structures. In addition, an insurance agency might not insure the home, since if it burned down, it would not be able to be rebuilt as a single-family home. Zoning should take into account the existing characteristics of a neighborhood even if future planned use is different. As this area is a transitional area, it could be beneficial to establish this area as a Residential Business (R-B) District. This would allow for the continued use of single-family homes, while also allowing for limited business uses, such as offices, and protecting the neighborhood from more intense retail uses and traffic.

The PZA advised the Planning Commission that the proposed district is indicated on the map. It is proposed that some of the parcels be rezoned from G-B to R-B and others from Residential District (R-1) to R-B. The rezoning would start with the houses on Donald Avenue and would run all the way up to the intersection of Tanyard Road and Pell Avenue. The left side of the road would start at the health center and would end at the last house. The full right side of the road would be rezoned. This would create a cohesive transitional district between the industrial uses and residential uses, and the general business uses.

For the record, the proposed rezoning from G-B to R-B would include Franklin County Tax Map and Parcel Numbers 2040053503, 2040053500, 2040053600, 2040053700, 2040053800, 2040053900, 2040054000, 2040054200, 2040054300, 2040057300, 2070012100, 2070012200, 2070012300, 2070012400, 2070012500, and 2070012800. The proposed rezoning from R-1 to R-B would include Franklin County Tax Map and Parcel Numbers 2040055900, 2040056000, 2040056100, 2040056200, 2040056300, 2040056400, 2040056500, 2040056600, 2040056700, 2040056800, 2040056900, 2040057000, 2040057100, 2040057200, 2070012802, 2070012700, and 2070012600.

The PZA confirmed to Planning Commission Member Greer that the types of businesses which could be located in the R-B district are barber or beauty shops, general offices such as accounting, insurance or legal, and catering establishments. No retail businesses such as building supply stores, K-Mart, or Wal-Mart would be allowed.

With no further comments from the Planning Commission, Madame Chair Stockton opened the floor to anyone from the public wishing to speak.

Stacy Belcher of 415 Pell Avenue came forward to speak, stating that he was under the impression that property is worth more as a commercial property than as a residential property. His main concern is that the rezoning will cause a decrease in his property value. He does not plan to live on the property forever. He was an opponent of the Dollar General locating across the street and he has a lot of traffic in front of his home. He thinks that people should be able to do with their own property what they want to do.

Betty Brown of 590 Pell Avenue came forward to speak. She questioned the PZA about the current zoning of her property. The PZA confirmed that her property is currently zoned as R-1. She questioned if her property would be more protected by remaining R-1 than if it is changed to R-B. The PZA advised that it will depend on what she sees as the future use of her property. The property may be more valuable or marketable if it is zoned for small business use.

The Town Attorney questioned if Ms. Brown wished to have her property rezoned. Ms. Brown responded that she would like to see it stay residential and she doesn't want it to be rezoned. She stated that currently there are two homes next to her which are used for rental, and she sees this also as a deterrent.

General discussion ensued about the location and zoning of Ms. Brown's property, with the PZA determining that her property is actually currently zoned R-B instead of R-1 as previously stated. The rezoning will not actually affect her property. Instead, it may actually help to protect her property, as the land across the street, which is currently zoned G-B, will now be zoned R-B, and this will limit the intensity of businesses that can locate there.

General discussion ensued about Planning Commission Member Clements residence which is located on Pell Avenue.

Vice Chair Speidel addressed Mr. Belcher's concern about the loss of property value if the property is rezoned, informing him that because his property is currently zoned as G-B he can not make an addition to the property. However, rezoning the property to R-B will allow him to make additions.

Planning Commission Member Clements addressed another audience member (Mr. Huff) who had shared his thoughts with her personally regarding the Pell Avenue area. He stated that he is really concerned about the businesses currently located on Pell Avenue because the residences are not protected from garbage. As this did not pertain to the matter at hand, he was advised to redirect his concerns to Town Council.

No one else from the public came forward to speak.

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

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

- Motion was made by Planning Commission Member Tiggie to recommend to Town Council the approval of the rezoning of Pell Avenue from G-B to R-B and from R-1 to R-B, 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.

## **OLD/NEW BUSINESS**

### A) Old Business

#### 1. Discussion and Consideration of Sign Regulations in the Central Business District (CBD)

The PZA advised the Planning Commission that as it may take a significant amount of time to undertake a comprehensive review of the sign regulations, presented before Planning Commission tonight is only the proposed change in lot width required for a freestanding sign. The proposed change would lower the lot width requirement for a freestanding sign from 100 to 65 feet. This is the only change presented for Planning Commission's consideration at this point in time. It would be more functional from the enforcement and permitting standpoint to have the same regulations for signs across the CBD, regardless of lot width. If Commission sees fit, the Town can proceed with a public hearing solely for the purpose of reducing the lot width requirement for a freestanding sign in the CBD.

Madame Chair Stockton commented that she likes approaching the proposed changes by looking at one thing at a time. She feels it keeps the issue from getting clouded.

Planning Commission Member Tiggie stated that he thought the charge at hand was to allow smaller signs for the smaller lots, and that Planning Commission had made such a recommendation in previous work sessions. He questioned what had happened to the previous recommendation. The Assistant Town Manager responded, stating that in essence there is a basic question that needs to be answered: *does Planning Commission want to change the lot frontage from 100 to 65 feet?* This is the first question. The second question, if the lot frontage requirement is reduced, would then be: *should smaller lots be allowed slightly smaller signs?*

Madame Chair Stockton confirmed that she does feel that smaller lots should be allowed to have signs, but she also feels that the sign should fit the lot size.

Planning Commission Member Tiggle stated that Planning Commission had spent an entire afternoon in a work session discussing this matter and a recommendation was made for a smaller sign for a smaller lot. It was never Planning Commission's intent not to allow a sign. He feels that Planning Commission has spent a lot of time on this and that all of the work has been lost. His time is valuable and he doesn't like to come to a meeting and then have the work disappear. The Assistant Town Manager addressed Planning Commission Member Tiggle's concerns, stating that it was not staff's intent to take away the previous work. However, staff has been working on this issue for four to five months, and it is staff's intent to have the basic question answered first. Planning Commission Member Tiggle expressed concern over making a blanket recommendation to reduce the required lot width. The Assistant Town Manager explained that staff is not asking for a blanket recommendation. Staff wishes to move from one thing directly to the other. The PZA added that staff is just trying to determine what Planning Commission wants.

Madame Chair Stockton advised staff that Planning Commission wants the recommended changes that were made in the previous work session, which used a formula for reducing sign size, to be brought back for discussion. Staff so noted.

B) New Business

2. Discussion and Consideration of Proposed Planning and Zoning Fee Schedule

Prior to the meeting, Planning Commission was provided with the following brief description of the propose changes:

It has been several years since the Planning and Zoning Fee Schedule has been updated. The schedule was last updated in 2003. As it has been five years since the last update to the fees, it is important to keep the Town's rates up to date and comparable to other surrounding localities. These rates are intended to offset the costs for the specific services requested, including staff time, public hearings, advertisements, and mailings. If the services are not paid for by those who request them, those services are ultimately subsidized by the general taxpayer. The proposed fee schedule takes into account staff time, costs of public hearings, advertisement, and mailings, in addition to surrounding localities rates. The proposed fee schedule is as follows:

Zoning Permit	\$60
Zoning Permit (Single-family residence)	\$40
Zoning Compliance Permit	\$10
Zoning Letter	\$125
Final Site Inspection, Bond Release/ Reduction	\$125

Sign Permit	\$40 per sign
Banner Permit	\$20
Site Plan Review (Includes E&S)	\$725
Site Plan Review (Enterprise Zone) (Includes E&S)	\$450
Minor Site Plan	\$250
Minor Site Plan (Enterprise Zone)	\$150
Changes to Approved Site Plan/ Plan Submittal after 2nd	\$325
Erosion and Sediment Control Plan Review	\$325
Erosion and Sediment Control Plan Review (Enterprise Zone)	\$200
Changes to Approved Erosion and Sediment Control Plan	\$150
Land Disturbing Permit	\$75 + \$100 per acre or portion thereof
Land Disturbing Agreement in Lieu	\$75
Rezoning Application	\$575 + postage
Rezoning Application (R1, R2, RA, RB (downzoning)/ all rezonings <3 acres)	\$375 + postage
Special Exception/Use Application	\$475 + postage
Special Exception/Use Application (Single-family residence)	\$375 + postage
Amendment to Proffers	\$375 + postage
Variance Application	\$350 + postage
Variance Application (Single-family residence)	\$250 + postage
Appeals Application	\$350 + postage
Line Adjustment/ Vacate Line(s)/ Easement Plat/ Re-survey	\$80
Minor/ Family Subdivision Plat	\$100 + \$20 per lot
Major Subdivision Plat (Preliminary)	\$150 + \$20 per lot + postage
Major Subdivision Plat (Final)	\$100 + \$10 per lot
Subdivision/ Development Waiver Request	\$575 + postage
Maps 8.5" x 11"	\$2
Maps 11" x 17"	\$5
Maps (Poster)	\$15
Subdivision Ordinance	\$30
Sewer and Water Ordinance	\$30
Zoning and Development Ordinance	\$30
Comprehensive Plan	\$45
Water and Sewer Master Specifications	\$30
Digital Data	\$10 per file/ layer
Digital Copies of Ordinance	\$10

In addition to the proposed schedule, staff provided the Planning Commission with a comparison chart of the rates for neighboring localities (see copy attached).

Planning Commission Member Tiggle opened the discussion, stating that when he reviewed the proposed changes, he felt that the changes were staying in line with Bedford, but then they appeared to jump around with some rather hefty increases. Madame Chair Stockton noted that she recognized the same, and had shared her concerns with the PZA, who had explained that the hefty increases are due to a lack of increase over the past five year period. Still, she is uncomfortable about the large increases and is not sure that the proposed fees are representative of the cost of providing the services.

Planning Commission Member Hall offered his opinion on the matter stating that he thinks developers who are building multiple houses are labor intensive, and he thinks that they should be responsible for what, in essence,

is an impact fee. He feels that a residential development should be looked at differently than a commercial business. A business, such as a restaurant, will add to the tax base, which will be profitable for the Town. With a large residential subdivision the Town is lucky to break even with the services provided. He thinks the developer, on the front end, should be responsible for an impact fee.

Madame Chair Stockton questioned the PZA about the amount of staff time required for some of the items listed, such as a minor site plan review versus a site plan review. The PZA explained the difference between the two, being that a minor site plan review is for plans which do not include engineering work, such as parking plans, which still must be reviewed for compliance to Town regulations, but are not as in-depth as other plans. He further explained that currently the Town does not have a separate fee for minor site plans, so currently the major site plan fee is charged, even though there is not significant engineering. The addition of the minor site plan charge is to reflect more accurately the lesser staff time required for a minor site plan. Staff is also proposing a separate fee for erosion and sediment control plan review because some developers request to submit this plan separately from the site plan so that they can begin grading and clearing the land. The fee paid for the erosion and sediment plan review would then be deducted from the site plan review fee when the site plan is submitted.

Madame Chair Stockton stated that her biggest concern is the fee for a Rezoning Application. She understands that it has been five years since the fees were updated, but this seems like such a large increase from the current fee. The PZA explained that a rezoning application is one of the most difficult processes to complete. It must first be reviewed for Town code compliance, and then some applications must be sent to the Virginia Department of Transportation for traffic impact analysis. There are also proffers that must be reviewed for compliance with Town code, and rezoning requests require the most public process through public hearings for Planning Commission and Town Council, along with advertisements for both.

Planning Commission Member Tiggle questioned why the proposed fee for a Land Disturbing Permit shows such a large increase. The PZA stated that the Town has a staff member who oversees erosion and sediment control, and there are strict state agency requirements for erosion and sediment control, as well. Staff must do (regularly scheduled) site inspections twice a month at each of the project sites, and staff must also inspect any time there is a significant rainfall. These inspections are required by state code. This requires a significant amount of staff time and these permit fees are a reflection of the time required. In addition, the PZA asked the Planning Commission to look at permit fees as an impact fee to be paid by the people who request the services. This will make the department a little more self-

sufficient by requiring the applicant requesting the service to be responsible for the fee instead of the general taxpayer.

Planning Commission Greer stated his concern about how any extra taxes and fees imposed are ultimately transferred back to the consumer. Planning Commission Member Hall stated that he thinks the Town has to be able to run in a manner that allows services to be provided and the fees are basically like a consumption tax for the people who use the service. He also commented that the plans submitted when Fidelity Bank was built were several inches thick, and the PZA had to review all of it. The PZA also added that the entire plan for the Oaks at Rakes Tavern was reviewed for a minimal fee of \$300.

The PZA confirmed to the Planning Commission that right now the Town is in the red in regards to the fees, and even with the proposed increases the Town may not break even. The PZA also addressed Planning Commission's concerns that several of the items on the comparison chart are listed as "N/A," explaining that for those localities the charge for that particular service is lumped in with some other charge or was perhaps not readily available to him when he prepared the chart. He also stated that it is staff's intention to update the fees on a more regular basis so that future increases will not be as large.

The PZA explained that a Zoning Letter is a request for Town staff to make sure that an entire site is completely zoning compliant, in that there are no past zoning violations, and the site is standard with the site plan. It is basically researching the past, with most of the records being stored at the municipal office. It does require a significant amount of time. The PZA further explained that if the Commission has consensus for any changes to the proposed fees they could either recommend those changes to Town Council or else recommend the proposed fees as they are.

There was general discussion among the Planning Commission members regarding the changes in other Town fees, as well as other increasing living expenses. The increased fees will be paid by the ones requesting the work, instead of being subsidized by retirees or other taxpayers.

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

- Motion was made by Planning Commission Member Hall to recommend approval of the proposed changes to the Planning and Zoning Fee Schedule, with motion being seconded by Planning Commission Member Arrington. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Hall, Tiggle, and Arrington, and Vice Chair Speidel. Voting in opposition of the motion were Planning Commission Member Greer and

Madame Chair Stockton. Let the record show that the motion on the floor passed with a vote of five to two.

**ADJOURNMENT**

There being no further business to discuss, motion was made by Vice Chair Speidel at 7:31 p.m. to adjourn, seconded by Planning Commission Member Clements, and carried unanimously.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

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