

**PLANNING COMMISSION
MINUTES
MAY 7, 2008
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Wednesday, May 7, 2008, at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members were present: Madame Chair Janet Stockton, Vice Chair John Speidel; Planning Commission Members Derwin Hall, John Tiggle, Milton Arrington, Ina Clements, and Jerry W. Greer, Sr. Staff members present included: Town Manager C. James Ervin, Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, Finance Director Linda Woody, 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:

- April 1, 2008
- Motion was made by Planning Commission Member Hall 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) Proposed Five – Year Capital Improvement Plan for the Fiscal Period Beginning July 1, 2009 and Ending June 30, 2013

After being duly advertised, the Planning Commission held a public hearing on the proposed Five-Year Capital Improvement Plan (CIP) for the fiscal period beginning July 1, 2009 and concluding on June 30, 2013. The Town's Five-Year CIP is a document to forecast significant expenditures and revenue needs for the major capital improvements, equipment, property, utility infrastructure, and other public uses. The CIP is for planning purposes only and does not obligate the Town Council to carry out any project contained therein, nor does it prohibit unanticipated capital needs to be purchased during the time period of the CIP that are not contained as part of the adopted plan.

The Finance Director introduced the plan, stating that the CIP is a planning tool for long-range funding for future capital projects and major equipment purchases. Generally it is used for one-time needs such as buildings, roads, water and sewer line replacements, or equipment purchases that have a life of over two years and a cost of more than \$5,000. The Planning Commission does not actually appropriate any funds, but is instead asked to review the plan and offer input to Town Council for additions, deletions, or timing issues. (*See attached copy of CIP for reference.*)

General discussion ensued between the Planning Commission Members and the Finance Director:

- The first item listed in the General Fund Projects section for Fiscal Year (FY) 2009 is an ID Maker which would be used to make identification badges for all Town employees.
- The last item listed which is for FY 2010 is an AS400 operating system which is the computer system for the financial software.
- There are four items under Public Safety for FY 2009, including a marked police car for \$37,724, an unmarked police car for \$34,074, fencing repair for the impound lot at \$8,500, and \$20,000 for a new police records management system that will dovetail into the Franklin County system. The goal is to replace two police vehicles each year. Therefore, in FY 2010 through FY 2013, the projected cost is lumped together on the first line, and is representative of the cost of two cars. Under state contract, the cost for a marked police car, including the light bars, radios, and in-car computers is approximately \$37,700. Chief Mollin has applied for some grants for the in-car computers, so hopefully the cars will not cost this much. However, the cost was included just in case the Town does not receive the grant.
- The only project listed for Public Works for FY 2009 is the new access road to the Cox Property. The Town's portion of the grant match is \$100,000.
- Under Building and Grounds there are two projects for FY 2009. The first is for Celeste Park, at \$35,000, which will be used for walking trails and a

parking lot. The second project is the Pigg River Heritage Trail, with a proposed \$33,000, which is the Town's portion of a grant match.

- For Utility Fund Projects in FY 2009, there are several water projects. The first is the Windsor Drive water line replacement at \$26,000 and the second is the Uptown water line replacement at \$19,200. The water and sewer line replacements for the Uptown will go along with the planned Uptown Revitalization project. Before the streetscaping begins with the revitalization, and while the streets are torn up, the Town is planning to replace the water and sewer lines.
- There are also three small projects for the Water Plant in FY 2009, including rebuilding the Water Plant raw water valve at \$6,000, replacing the boiler fuel oil tank at \$7,500, and replacing the carbon dioxide gas detector at \$3,000.
- Sewer projects for FY 2009 include: installing a new sewer line on Scuffling Hill Road from the area of Knollwood to Grayson Street, at a proposed cost of \$75,000; replacement of sewer plant UV lamps, sleeves, and sockets at a cost of \$9,650; and, the Uptown sewer line replacement at a cost of \$53,350.
- There are items listed under Public Works for curb and guttering on Scuffling Hill Road and Circle Drive that are projected only if a grant is awarded. The residents *will not* be required to pay for half of the cost (cost-share). This is a Virginia Department of Transportation (VDOT) funded project mainly for the purpose of erosion control. Cost-share is used when residents of a particular neighborhood come together and push a particular project onto the Town agenda. However, there are some neighborhoods in Town with specific needs in which the residents may not be able to bear the cost, like Scuffling Hill, which is a high-traffic area with an erosion control problem. Both of these items will depend on the VDOT grant, and in this case, VDOT acts as the second half of the cost-share in place of the residents. Scuffling Hill was chosen by the Public Works Department as the area in Town with the most erosion problems. The Scuffling Hill curb and guttering is addressing an erosion issue and the Circle Drive curb and guttering is addressing a pedestrian issue. The ordinance which requires property owners to cost share in the cost of sidewalks, curbs, gutters, or storm drains pertains to work that is *requested by the property owners*. The ordinance does not apply to work that is done for the public good, such as in the case of erosion and storm drainage issues. The ordinance does not preclude the Town from appropriating funds for constructing sidewalks, curbs, and gutters in areas of Town that are deemed in need by the Town. In long term planning and at the request of Council, Town staff has prepared lists of all the areas in Town in which sidewalks are needed. It is the Town's

intent to propose the construction of sidewalks each year as funds are available.

- For FY 2010, there is \$50,000 projected for use in High Street Cemetery. There are no specific plans for these funds at this time; however, the Public Works Director has stated that the iron railings on the wall at North Main may need to be replaced.
- The Community Center Feasibility Study for FY 2010 is to consider if a new community center or a renovation of an empty building for public purposes is necessary. This doesn't necessarily pertain to the current Community and Hospitality Center (Depot).
- The proposed music venue is still in the planning stages. Some funds have been earmarked in the current budget year and they will be carried forward. The Town has applied for a planning grant from the Department of Housing and Community Development (DHCD) to first do studies to determine the business and financial feasibility of a venue. Primarily, this is due to the fact that most Crooked Road venues are operating in the red and have big sponsors to carry them. One thing the Town needs to look at if the grant is awarded, is the use of available buildings in Rocky Mount through an architectural study and also a business case study to see if operating a venue will, at least, pay for the building costs. A pilot program was started last year through the Footlights of the Blue Ridge, when they began charging a door fee. The Town has gained valuable information from this as to whether or not a pay-at-the-door venue could be successful. In addition, we are discussing with the County of Franklin the possibility of using their building that is adjacent to the Farmers' Market, and we are also looking for a Virginia Tech architectural student who might also be interested in performing some free work in redesigning Mary Elizabeth Park to possibly include a band shell or outdoor seating that could be used as a music venue. Several Planning Commission Members also noted that there is a design class at the Center for Applied Technology and Career Exploration (CATCE) that might be able to participate in a re-design as part of their coursework.
- In FY 2013 there is \$2,000,000 proposed for a twelve inch water line connector to Plateau Plaza. This amount represents the Town's share and is strictly for the Town's use only. It is basically an alternate water source. As the Town looks to the future of its Water Plant, there will be a point at which the Town will reach a state mandated requirement to look for additional capacity. The price of finding another water source and building another plant will be millions of dollars in order to get another 800,000 gallons per day. Of all the options on the table, the cheapest option is partnering with the regional water authority. If there is already potable chlorinated water 2.7 miles from the Town's main distribution point and the Town suddenly needs more water then the short answer is to go get the

water rather than make more water. In the long range, partnering with the region will cost half as much as building another plant. At this point, this is only a concept plan.

There being no further comments from Planning Commission, Madame Chair Stockton opened the floor to anyone from the public who wished to speak. No one from the public came forward to speak.

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 Tiggle to recommend to Town Council the approval of Town of Rocky Mount Proposed Five-Year Capital Improvement Plan for Fiscal Years 2009 through 2013, with motion on the floor being seconded by Planning Commission Member Clements. There being no further 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 requested by Planning Commission last month, he has brought back the previous proposed changes developed by Planning Commission at the January meeting, which were for all signs within the CBD. He has also provided the Commission with an action summary which details the action taken by Planning Commission since the January meeting, along with four proposed possible options for Planning Commission's consideration, being:

Article 28-14 (CBD Sign Regulations) Proposed Changes

(Note: Proposed changes are noted in bold, italics, and underlined.)

Option 1:

All Businesses on equal playing field regardless of lots size.

- **Retains historic character of CBD (approximately 20% reduction in maximum allowable sign area)**
- **Allows for business on smaller lots to have a freestanding sign.**
- **No business given an unfair advantage due to lot size.**
- **Easier permitting and enforcement.**

D) CBD Central Business District Regulations

- 1) A maximum of three (3) signs plus three (3) directional signs is permitted per lot in the Central Business District.

- 2) Notwithstanding the foregoing, a maximum of two (2) signs is permitted per establishment in a multi-establishment building.
- 3) In shopping center developments, one freestanding identification sign not exceeding **eight (8) feet in height** shall be allowed announcing the name of the shopping center and listing the tenants. The size of this sign shall be limited to forty **(40) square feet**. Out parcels of shopping center developments are excluded from this provision and may erect their own freestanding sign so long as it conforms to subparagraph (4) of this section.
- 4) ***Business Signs.*** Each permitted business in the CBD shall be allowed a maximum of **forty-five (45)** square feet of signage. No freestanding sign shall be allowed on any lot having less than **fifty (50)** 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 (100) 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 fifteen (15) 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.
- 5) Any freestanding sign erected must have a minimum sign setback of five (5) feet from any front property line. Signs advertising the sale or rental of the premises are exempted from this setback and may be erected within two (2) feet of the property line.
- 6) ***Identification Signs.*** Identification signs shall be subject to the same regulations as business signs within this district.
- 7) ***Historic Site Signs.*** A maximum of **twelve (12)** square feet shall be allowed per sign.
- 8) ***Temporary Signs.*** Temporary signs shall be allowed in accordance with Section 28-8 (Temporary Signs).
- 9) No freestanding sign shall exceed **six (6)** feet in height. Freestanding signs over **four (4)** feet in height may have no more than two (2) sides; those less than four **(4) feet** in height may have three (3) or four (4) sides.
- 10) **Electronic message signs are prohibited.**

Option 2:

Freestanding sign size is dependent upon lot width.

- **No reduction in sign size across CBD.**
- **Allows for businesses on smaller lots to have a freestanding sign.**
- **All businesses not given equal signage.**
- **Permitting and enforcement more difficult than equal regulations across CBD.**

(D) **CBD Central Business District Regulations**

- 1) A maximum of three (3) signs plus three (3) directional signs is permitted per lot in the Central Business District.
- 2) Notwithstanding the foregoing, a maximum of two (2) signs is permitted per establishment in a multi-establishment building.
- 3) In shopping center developments, one freestanding identification sign shall be allowed announcing the name of the shopping center and listing the tenants. The size of this sign shall be limited to sixty (60) square feet. Out parcels of shopping center developments are excluded from this provision and may erect their own freestanding sign so long as it conforms to subparagraph (4) of this section.
- 4) ***Business Signs.*** Each permitted business in the CBD shall be allowed a maximum of sixty (60) square feet of signage. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be **one hundred (100) 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.

- 5) Any freestanding sign erected must have a minimum sign setback of five (5) feet from any front property line. Signs advertising the sale or rental of the premises are exempted from this setback and may be erected within two (2) feet of the property line.
- 6) *Identification Signs.* Identification signs shall be subject to the same regulations as business signs within this district.
- 7) *Historic Site Signs.* A maximum of fifteen (15) square feet shall be allowed per sign.
- 8) *Temporary Signs.* Temporary signs shall be allowed in accordance with Section 28-8 (Temporary Signs).
- 9) 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 in height may have three (3) or four (4) sides.
- 10) **Freestanding signs on lots less than one hundred (100) feet in lot width shall have the maximum square footage for a freestanding reduced by one percent for each foot less than the one hundred foot minimum lot width.**
- 11) **Electronic message signs are prohibited.**

Option 3:

Total signage is dependent upon lot width.

- **No reduction in sign size across CBD.**
- **Allows for businesses on smaller lots to have a freestanding sign.**
- **All businesses not given equal signage availability.**
- **Permitting and enforcement more difficult than equal regulations across CBD.**

(E) CBD Central Business District Regulations

- 1) A maximum of three (3) signs plus three (3) directional signs is permitted per lot in the Central Business District.
- 2) Notwithstanding the foregoing, a maximum of two (2) signs is permitted per establishment in a multi-establishment building.
- 3) In shopping center developments, one freestanding identification sign shall be allowed announcing the name of the shopping center and listing the tenants. The size of this sign shall be limited to sixty (60) square feet. Out parcels of shopping center developments are excluded from this provision and may erect their own freestanding sign so long as it conforms to subparagraph (4) of this section.
- 4) *Business Signs.* Each permitted business in the CBD shall be allowed a maximum of sixty (60) square feet of signage. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be **one hundred (100) 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.
- 5) Any freestanding sign erected must have a minimum sign setback of five (5) feet from any front property line. Signs advertising the sale or rental of the premises are exempted from this setback and may be erected within two (2) feet of the property line.
- 6) *Identification Signs.* Identification signs shall be subject to the same regulations as business signs within this district.
- 7) *Historic Site Signs.* A maximum of fifteen (15) square feet shall be allowed per sign.
- 8) *Temporary Signs.* Temporary signs shall be allowed in accordance with Section 28-8 (Temporary

Signs).

- 9) 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 in height may have three (3) or four (4) sides.
- 10) **Maximum area signage regulations on lots containing less than one hundred (100) feet in lot width shall be reduced by one percent for each foot less than the one hundred (100) feet minimum lot width.**
- 11) **Electronic message signs are prohibited.**

Option 4:

Reduction in lot width requirement.

- **No reduction in sign size across CBD.**
- **Allows for business on smaller lots to have a freestanding sign.**
- **No business given an unfair advantage due to lot size.**
- **Easier permitting and enforcement.**

(F) **CBD Central Business District Regulations**

- 1) A maximum of three (3) signs plus three (3) directional signs is permitted per lot in the Central Business District.
- 2) Notwithstanding the foregoing, a maximum of two (2) signs is permitted per establishment in a multi-establishment building.
- 3) In shopping center developments, one freestanding identification sign shall be allowed announcing the name of the shopping center and listing the tenants. The size of this sign shall be limited to sixty (60) square feet. Out parcels of shopping center developments are excluded from this provision and may erect their own freestanding sign so long as it conforms to subparagraph (4) of this section.
- 4) ***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 **fifty (50)** 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 (100) 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.
- 5) Any freestanding sign erected must have a minimum sign setback of five (5) feet from any front property line. Signs advertising the sale or rental of the premises are exempted from this setback and may be erected within two (2) feet of the property line.
- 6) ***Identification Signs.*** Identification signs shall be subject to the same regulations as business signs within this district.
- 7) ***Historic Site Signs.*** A maximum of fifteen (15) square feet shall be allowed per sign.
- 8) ***Temporary Signs.*** Temporary signs shall be allowed in accordance with Section 28-8 (Temporary Signs).
- 9) 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 in height may have three (3) or four (4) sides.
- 10) **Electronic message signs are prohibited.**

The Town Manager came forward to speak, stating that he wants to address the Planning Commission regarding the proposed changes because he is responsible for asking the PZA to initiate the discussion in January. He

began by stating that the CBD is unique. The lots are sized differently than other districts, the frontage is different, the entire character of the CBD is different; yet, as far as parking and signs are concerned, the Town has been asking the property owners in the CBD to adhere to the same rules as the General Business districts. In some cases this is a quixotic arrangement, as often there are zero lot frontage situations with buildings that are built from property line to property line and the business is required to produce parking, which often is not possible. This is why towns and cities often have special parking for downtown areas. In January, he asked the PZA to consider ways in which the Town could loosen up the sign restrictions so that the CBD is acknowledged as being special, so smaller lots could have smaller signs, and he also asked to loosen up the parking so that as businesses applied to locate in the CBD the Claiborne lot could be counted toward some of the applications by using judgment. There are two simple concepts: one, because the CBD is unique it should be treated as unique and the businesses should be allowed smaller signs, and two, because there are a lot of businesses that are lot-line to lot-line, and in order to be business friendly and encourage growth in the CBD, the Town should have some flexibility when it comes to parking rules. In closing, he feels this is the right thing to do and he appreciates all of the effort that Planning Commission has put into this discussion.

General discussion ensued:

- At a previous public hearing, Janie Hopkins, speaking on behalf of the Chamber of Commerce, stated that the Chamber was not opposed to a reduction in sign size; however, she asked the Planning Commission to take common sense into consideration. She was not opposed to a reduction in the required lot frontage.
- Option 1 is the scenario developed by Planning Commission Member Tiggle and Vice Chair Speidel at the January meeting which represents an approximately 20 percent reduction in the allowable sign area in the CBD, but also allows businesses on smaller lots to have smaller freestanding signs.
- Each of the four options has pluses and minuses.
- Planning Commission's original discussion centered around reducing the required lot frontage from 100 feet to 65 feet; however, the current proposal is for a reduction to 50 feet, which is a rounder number and represents a reduction of 50 percent.
- Currently there is no mention of electronic message signs in the ordinance. Time and weather signs are exempted in the current ordinance.

- Option 4 is a simple approach to make it a little easier for smaller lots. It was not meant to be complex. This was brought up because in a relatively short amount of time, three businesses have expressed to the Town concern that they are limited in ability to market their lot in the CBD because they don't have the required width. They make a commensurate investment and a commensurate contribution to the economy through job creation and some have even proposed freestanding signs as a condition. Loosening the restrictions will make the properties more marketable and will allow the businesses to be more competitive.
- Option 4 allows smaller lots to have the same size sign that is currently permitted within the CBD, which is smaller than what is allowed in the General Business District. Option 4 is an extremely small change that simply reduces the required lot width for a freestanding sign and adds the item about electronic message signs.
- Town staff is not forcing the Planning Commission to make a decision. The CBD does merit some special consideration, but the Planning Commission does not have to make a decision. Council can consider this on its own merit. Planning Commission is independent and is not required to choose among the options.
- The Board of Zoning Appeals can play a role in this process. Is a major rule change required to handle a single, small item?
- There are several lots in the CBD that don't have the required lot width, so it would be pertinent to make a change to the ordinance rather than have each business come before the Board of Zoning Appeals for a variance. Nationwide Insurance and several businesses on South Main have approached the Town about having a sign. Nationwide, for example, approached the Town about having a freestanding sign (which currently is not allowed), but then decided to construct signage that meets the current code.
- The proposed regulations are intended to make the CBD more viable. The Town needs to be business friendly.

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

- Motion was made by Planning Commission Member Arrington to recommend approval of Option 4 (stated above) to Town Council, with motion on the floor being seconded by Planning Commission Member Clements. There being no discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission

Members Arrington, Clements and Vice Chair Speidel. Voting in opposition to the motion on the floor were Planning Commission Members Hall, Tiggle, Greer, and Madame Chair Stockton. Let the record show that the motion on the floor was denied with a vote of three to four.

Discussion continued. Planning Commission Member Tiggle commented that he could support Option 4 if item number 10 from Option 2 was added to Option 4. Specifically, Option 2, item 10 reads as follows:

10) Freestanding signs on lots less than one hundred (100) feet in lot width shall have the maximum square footage for a freestanding reduced by one percent for each foot less than the one hundred foot minimum lot width.

The Town Attorney questioned how this restriction would be enforced. Planning Commission Member Hall, and the PZA confirmed, that sign plans must be submitted before the sign is approved, and the sign plans indicate the size of the sign.

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

- Motion was made by Planning Commission Member Tiggle to recommend to Town Council the approval of Option 4 with the noted change of adding item 10 of Option 2 to Option 4, designating it as item number 11, under that option, with motion on the floor being seconded by Vice Chair Speidel. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Tiggle, Arrington, Clements, Greer, Vice Chair Speidel, and Madame Chair Stockton. Voting in opposition of the motion on the floor was Planning Commission Member Hall. Let the record show that the motion on the floor passed with a vote of six to one. ***(Let the record show that this motion was later withdrawn and a substitute motion was made. See page 976.)***

2. Discussion and Consideration of Parking Regulations in the Central Business District (CBD)

The PZA advised that with the help of the Town Attorney and the Assistant Town Manager, staff has drafted a proposed change to the off-street parking regulations which incorporates the objective criteria the PZA shall use in making a determination.

The Town Attorney addressed the Planning Commission, stating that in drafting the proposed changes, he looked at Roanoke City, the City of Salem, the Town of Pulaski and a few other localities, and he found that in localities with downtown areas, it appears that the majority of those cities and towns do

not have specific minimum parking requirements. Instead, they exempt those districts from minimum parking requirements. The Town Attorney confirmed to Madame Chair Stockton that he looked at several small towns that are similar in size to Rocky Mount, including Pulaski, Blacksburg, Salem, Roanoke City, and some of the northern Virginia Towns. He further stated that based on discussions with staff, it appears that Planning Commission did not want to go all the way to no parking requirements at all, but instead wanted to consider minimum parking. He has revised *Article 11: Offstreet Parking Regulations* and has provided a copy of this proposed revision to the Commission. Specifically, Article 11-1-1 and 11-1-2 includes new language as follows:

11-1-1. *Off-street parking requirements.* These provisions for off-street parking are intended to address the off-street parking demands created by various land uses within the Town of Rocky Mount. The standards established in this Article are designed to protect the health, safety, and welfare of the public by accommodating parked vehicles in a safe and functional manner with consideration given to the stormwater quality and quantity impacts of impervious parking areas.

11-1-2. *Applicability.* These provisions shall apply equally for all use types listed in this Article, except for those use types located within the Central Business District CBD. Specific minimum parking requirements for use types located within the Central Business District CBD shall be determined by the zoning administrator, based on requirements for similar uses, location of the proposed use, hours of operation of the proposed use, expected demand and traffic generated by the proposed use, existing on-site parking, availability of public parking, and appropriate traffic engineering and planning criteria and information. The determination of requirements by the zoning administrator may be appealed to the Board of Zoning Appeals. However, parking for any use types in the Central Business District CBD shall be constructed to the standards contained in this Article.

11-1-1 is an introduction to the Article. 11-1-2 is the main focus of the change which addresses the desire to give the zoning administrator objective criteria to use when making a determination. The list of objective criteria can be changed, added to, or taken away from at Planning Commission's discretion. In addition, this article allows the applicant to appeal the decision to the Board of Zoning Appeals if aggrieved.

From 11-1-3 through the end of the ordinance there are no substantive changes except for one: Throughout the existing Article 11 there are several items which mention "the zoning administrator with the approval of the Planning Commission" or "in consultation with the Planning Commission" may make certain administrative decisions. The Town Attorney has concerns about the zoning administrator making an administrative decision and the Planning Commission making a legislative decision. He doesn't want to mix the two. He prefers that the zoning administrator make administrative decisions based upon the provision of the ordinance which guides his administration. He does not want to introduce or reintroduce legislation each time the PZA is presented an application for some proposed use. Therefore,

the Town Attorney has removed from the proposed Article 11 any mention of "with approval of" or "in consultation with" the Planning Commission and he has vested administrative decisions in the zoning administrator. If Planning Commission does not consider this change, then he feels that Planning Commission will be inviting the possibility of challenge to the enforcement of the ordinance.

The only other minor proposed change is in 11-2-9 where the following statement was added: *The determination of requirements by the zoning administrator may be appealed to the Board of Zoning Appeals.* This is to make it clear that any decision made by the PZA is subject to the review by the Board of Zoning Appeals.

Discussion ensued between the Planning Commission, Town Attorney and Town staff regarding the proposed changes.

- Planning Commission Member Arrington questioned when the document was prepared, stating that he would have liked the document in advance of the meeting to have time to prepare for discussion. The Town Attorney confirmed that the document was prepared last night and edited throughout the day. He also advised Planning Commission that there is time available for discussion. Town Council asked that the discussion be sent back to Planning Commission.
- The discussion was returned to Planning Commission by Town Council because the original draft was denied by Planning Commission and Town Council did not have understanding of the reason for denial. Staff advised Town Council that Planning Commission did not like the previous proposed ordinance because it vested power in the zoning administrator without the guideline of any objective criteria.
- Another public hearing will be held on both the proposed changes to parking and signs. Both will be redrafted, advertised again, and another public hearing will be held. Therefore, the previous motion regarding signs will need to be reconsidered.
- The Assistant Town Manager advised Planning Commission that Town Council requested more options from Planning Commission rather than a flat denial. Town Council could have overturned Planning Commission's recommendation, but in order to insure that Planning Commission remains part of the process, Town Council asked that it be returned to Planning Commission. Town Council was not comfortable addressing a change to the zoning ordinance that came back to them with a six to nothing vote for denial.

- Vice Chair Speidel commented that one of Planning Commission's main concerns has been empowering the zoning administrator with quite a bit of power. This newly proposed article does not seem to address any of those concerns. The Town Attorney noted that the goal is to revitalize the CBD in the Town of Rocky Mount. In most downtown districts there are no minimum parking requirements. Planning Commission was not comfortable with that and they feel that the Town of Rocky Mount CBD is unique.
- Other options, rather than vesting power in the zoning administrator, are available. For example, special use permits could be used. Applicants could go before Planning Commission for a recommendation, then before Town Council for a legislative decision. However, if you consider off-street parking in the CBD and make it subject to the approval of the Planning Commission and Town Council, then you create a burden of time and expense and add several layers of bureaucracy. Staff feels that the best approach is to relax the parking requirements in the CBD and to streamline the process to promote growth and development. From a strategy standpoint, the best option would be to say "no parking requirements in the CBD," but Planning Commission did not feel that this would be feasible in the Town. Therefore, the next option would be to make it a zoning administrator decision, which would require that the zoning administrator consider objective criteria in making a decision. Staff looked at other towns to determine what type of objective criteria the zoning administrator should consider and this criteria is outlined in the proposed change.
- A business would be notified of the appeal process in the letter of denial that is sent by the zoning administrator. There is a filing fee to appeal to the Board of Zoning Appeals.
- The Town Manager advised Planning Commission that the Town has had individual businesses come and look at the zero lot-line buildings with no parking in the CBD. They have been unable to float the concept of the type of business they want to put in, even with the Claiborne lot that was just built, because it is, in some cases, just outside the limit. This discussion started as an attempt to fix this other issue, in that the Town has spent a lot of money to create that parking lot, but according to code, it can't be counted. Therefore there are a lot of these buildings that are stuck with low utilization such as office and storage spaces. This started when he asked Town staff to find a way to make the Town's investment in the Claiborne lot payoff as available parking for some of these businesses. Council thinks this is a good investment in the parking

lot and the Town would like to entertain new and different businesses that want to come into this corridor. Most successful downtowns do not regulate parking for this reason. It allows them to attract a dynamic mix of businesses and the entrepreneurial spirit determines what will and will not go. This type of artificial regulation that the Town is imposing has a dramatic impact on the types of businesses that locate in the CBD. They are usually low density and low foot-traffic because these are the only types of businesses that can be approved.

- There are other things in the CBD other than retail businesses and offices, such as the hospital. This is why the Town's CBD is unique.
- The Town Manager encouraged the Planning Commission to look at 11-1-2 and the language that was crafted. Perhaps a sentence could be added that says if at any point the zoning administrator makes a determination below the accepted standards, then it comes to Planning Commission for approval, either as a consent agenda item or through a committee. There are many options available. He would like a tool to be able to use the Claiborne lot.
- The Town Attorney reiterated that he can insert language that allows the zoning administrator to make a decision with Planning Commission approval. However, this would be mixing the legislative function with the administrative function and this may introduce a technicality that would make the enforcement of the ordinance subject to challenge by overlapping an administrative function with a legislative function.
- If decisions by the zoning administrator are left to the approval of the Planning Commission, would a public hearing be required since Planning Commission is a legislative body?
- To avoid mixing the two functions, Planning Commission may choose to leave Article 11 alone, and require that applicants in the CBD request a special use permit, which then would require a public hearing, a recommendation by Planning Commission, and approval by Town Council. However, this process would be more burdensome for the applicant.
- Planning Commission would like to have additional time to review the changes.

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

- Motion was made by Planning Commission Member Clements to table the discussion regarding parking in the Central Business District until Planning Commission could meet with Town Council at the proposed retreat, and the two bodies could work on the issue together. General discussion ensued regarding the ability of Planning Commission members to discuss issues with members of Town Council at any time, as well as the dynamic nature of land use regulations. The motion on the floor was seconded by Vice Chair Speidel. There being no further discussion, let the record show that the motion on the floor passed unanimously.

(Reconsideration of the Previous Motion Regarding Signage in the CBD:

Let the record show that the Town Attorney requested Planning Commission's reconsideration of the previous decision to recommend approval of the changes to the sign ordinance in the CBD to Town Council, stating that these changes will require a public hearing before any recommendations can be made. Let the record further show that Planning Commission Member Tiggle withdrew the original motion with assent from Planning Commission members. Discussion ensued. Planning Commission Member Hall stated that he would like to see the discussion of signs in the CBD tabled, along with the discussion of parking, until the meeting with Town Council. Other Planning Commission members expressed a desire to move forward. The Town Manager advised that any recommendation made by Planning Commission would be voted on by Town Council, and at that point, Council would express their input. Council appreciates Planning Commission taking the front-line and prefers that Planning Commission field through the various approaches to make a recommendation on the best approach. Discussion continued about whether or not there was a motion on the floor. Planning Commission Member Hall stated that his request to table the discussion was a motion. There being no second to Planning Commission Member Hall's motion, the Town Attorney advised that there was a perceived substitute motion on the floor made by Planning Commission Member Tiggle,, being that Planning Commission authorizes staff to prepare the language and advertise for a public hearing regarding the proposed changes to signage in the CBD, as recommended by Planning Commission Member Tiggle in the previous motion, with motion on the floor being seconded by Planning Commission Member Clements. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Tiggle, Clements, and Greer, Vice Chair Speidel, and Madame Chair Stockton. Voting in opposition of the motion on the floor were Planning Commission Members Hall and Arrington. Let the record show that the motion on the floor passed with a vote of five to two.

B) New Business

1. Proposed Strategic Planning Retreat

The Assistant Town Manager addressed the Planning Commission, stating that many communities in Virginia participate in strategic retreats, including councils or planning commissions or any other publicly appointed bodies. The purpose of the retreat will be to get Town staff and Planning Commission members on the same page. There has been significant turnover in staff in the past few years and staff would like to become aware of the Planning Commission's big picture ideas. Staff would like to help the Planning Commission fulfill their vision of what Rocky Mount is and should be. Staff would like to sit down with Planning Commission in a more relaxed atmosphere to discuss ideas and to give staff a work program for the coming year. Staff will work to find a suitable location, will coordinate some food, and thinks that three to four hours would be sufficient time to come up with some good ideas. Lately, the Planning Commission has been working to a large extent on staff ideas and there is a sense that Planning Commission is not happy with staff ideas. This will be an opportunity for Planning Commission to offer ideas to staff, and for staff and Planning Commission to improve their working relationship. The Assistant Town Manager further stated that his vision of the retreat does not include Town Council, though Council is certainly invited to attend. However, he would like this to be an opportunity for Planning Commission to develop some "big picture" ideas, but will proceed with planning at Commission's discretion.

Discussion ensued:

- Several Planning Commission members indicated that they feel one of the problems is that they don't know what Council expects. In addition there have been new Council members elected since the last retreat was held.
- Planning Commission Member Hall stated that he was appointed by Town Council and he wants to know Council's direction. He was not appointed by staff. There has been a lot of turnover in staff in the past few years, whereas the tenure of Council and Commission Members has been longer. Staff positions are almost like consultants. They come for awhile, put their stamp on things, and then move on to bigger and better things. This is a career for staff but a community for Planning Commission, and Planning Commission's biggest influence has to be what the citizens and Town Council wants.
- The Assistant Town Manager advised that due to financial and staffing issues associated with calling a special meeting of two public bodies, it may be best to hold a retreat for Planning Commission with an invitation for Town Council to attend if so desired. He also emphasized that a *good idea* is a *good idea* whether it originates

from staff, or Planning Commission, from a citizen, or from a Town Council member.

- There was a consensus that Planning Commission prefers an evening meeting, for two to three hours, with Town Council invited to stay throughout the meeting. If possible, Planning Commission would like to have the meeting within the next two months.
- Staff will continue with the retreat planning process.

ADJOURNMENT

There being no further business to discuss, motion was made by Vice Chair Speidel at 7:55 p.m. to adjourn, seconded by Planning Commission Member Clements, and carried unanimously.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs