

**PLANNING COMMISSION  
MINUTES  
FEBRUARY 3, 2009  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Tuesday, February 3, 2009, at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members were present: Madame Chair Janet Stockton and Vice Chair John Speidel; Planning Commission Members Derwin Hall, John Tiggel, Jerry W. Greer, Sr., and A. Milton Arrington. Staff members present included: Town Attorney John Boitnott, Assistant Town Manager Matthew C. Hankins, and Deputy Clerk Stacey B. Sink. Let the record show that Planning Commission Member Ina Clements was not present.

**APPROVAL OF AGENDA**

Madame Chair Stockton advised the Planning Commission that they had all received copies of the agenda and asked for any additions or corrections.

- There being none, motion was made by Planning Commission Member Arrington to approve the agenda as presented, with motion on the floor being seconded by Vice Chair Speidel. There being no discussion, let the record show that the motion on the floor passed unanimously 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:

- January 6, 2009 – Regular Planning Commission Meeting

Madame Chair Stockton asked the Commission for any additions or corrections. It was noted that the date of the draft minutes needed to be corrected to reflect the current year of 2009. The Deputy Clerk so noted.

- Motion was made by Planning Commission Member Tiggel to approve the draft minutes with the noted date correction, with the motion on the floor being seconded by Planning Commission Member Hall. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

**PUBLIC HEARING**

Madame Chair Stockton recessed the meeting to hold the first of two public hearings:

1) Centrex Properties, Inc. Subdivision Waiver Request

After being duly advertised and in accordance with Section VIII of the Town of Rocky Mount Subdivision Ordinance, Centrex Properties, Inc. requested a waiver of the ordinance prohibiting the subdivision of properties not on public streets and prohibiting private streets and private reserve strips controlling access to the street in any subdivision, for Franklin County Tax Map and Parcel Number 2030007804, a vacant 2.27 acre parcel located between Wendy's and Kroger off of Old Franklin Turnpike. The property owner intends to subdivide the property into two lots for current and future development as two independent leased parcels.

The Assistant Town Manager delivered a staff summary of the request. He advised the Commission that the two public hearings tonight are for issues that are tied together. The Kroger Marketplace shopping center has been developed with a donut hole. There is a vacant 2.25 acre property that can't be developed because of the Town's rules, which require public road frontage. There is private road frontage, and a waiver is needed for development. Using a slide presentation, he pointed out the following:

- Slide 2: shows the lot to be subdivided which is a fairly irregular shaped lot but is capable of being divided into two separate parcels.
- Slide 3: illustrates a typical elevation of what Kroger plans to construct, 6 pumps.
- Slide 4: shows a GIS aerial of the Westlake Kroger.
- Slide 5: shows a GIS aerial of the Thirlane Road Kroger.
- Slide 6: shows traffic markings around a Kroger fuel center and pointed out that one of the big incentives for Kroger fuel purchases is that customers get discounts based on grocery purchases.
- Slide 7: freestanding sign showing price-points and specials. For comparison purposes, the top of his vehicle is visible at the bottom of the sign.
- Slide 8: shows traffic management with one way arrows, and a motorist who disregarded it.
- Slide 9: shows an example of price-point signs located on the end of the canopy over the gas tanks.
- Slide 10: shows additional canopy signage.
- Slide 11: shows the drainage from the Marketplace as it is currently developed. The stormwater management is one of the main concerns as this is developed.
- Slide 12: shows drainage from the Marketplace site, which runs to a single point, exiting through a riprap channel that runs parallel to the

road from Bojangles' to Kroger. Stormwater from the Kroger fuel center would be discharged through the same pipe.

The Assistant Town Manager advised the Commission that the slide presentation illustrates the existing conditions of the development as well as some similar situations, which are also outlined in his memo to the Commission. Also in the memo, are issues to consider which include: traffic, landscaping and screening, stormwater issues, economic impact, and consistency with other types of developments already along the corridor. He is also asking Planning Commission to develop a pattern as the Town goes forward. There are approximately five additional outparcels in similar situations along the same corridor that were orphaned when the big box developments came in. This will give the Town an idea of how to deal with these in the future. Signs will be addressed in the next public hearing.

Madame Chair Stockton opened the floor to anyone wishing to speak regarding the request.

Eric Ferguson, an attorney at Rhodes, Ferguson, and Stone, located at 305 South Main Street, came forward to speak, stating that he represents Centrex Properties, Inc. as well as K-2 Properties, LLC, and K-5 Associates, LLC. Centrex Properties, Inc. is the property manager for the Marketplace shopping center, and K-2 Properties and K-5 Associates are the title owners of the real estate that the shopping center is located upon. This is a request for a waiver from the Town of Rocky Mount subdivision ordinance to allow for a subdivision of lots without the appropriate road frontage. He also pointed out that Annette Morgan is in attendance representing Kroger. Currently this bare spot sits behind Wendy's and Applebees. Kroger has expressed an interest in placing a fuel center on the western end of the property across from Franklin Community Bank. The fuel center will have a canopy and tanks and will fit in with what Kroger has done in other locations. The layout at Westlake is very similar to what Kroger wants to do at this location. This is an orphaned lot. There is nothing else that this lot can be used for if Centrex is unable to subdivide it. This subdivision seems to fit in well with the whole concept of a shopping center. Centrex Properties wants to accommodate Kroger and it is unusual to have such a large center of economic activity with the owner being unable to fully develop the parcels. The owners are asking the Commission to grant a waiver from the subdivision ordinance so that these parcels can be subdivided without having public road frontage, which will allow the fuel center on the property. This will give a lot of advantages to the Town of Rocky Mount and its citizens, including: another fuel alternative, gas at a better rate, aesthetic improvement to what has become one of the main corridors for the Town, an increase in economic activity in the Town, and an allowance for further development in the Town. Centrex Properties hopes to be able to develop the one-acre parcel that sits on the back of the parcel next to Applebee's. They want to place the canopy with five gas pumps, and would like to have a freestanding sign, and enough traffic markings to generate traffic flow through the

parcel. The current plan is that if you are standing in the parking lot in front of Franklin Community Bank, traffic flow will be north-south, and will allow for fuel trucks to come in and unload. This will utilize space that otherwise will not be used, and he asks Planning Commission to consider the waiver for Centrex Properties, K2 Properties, and K5 Associates to allow them to put a fuel center and also market the back parcel. He closed by stating that Pam Hochmuth, representing Centrex Properties, Ms. Morgan, or himself would be glad to answer any questions that Planning Commission may have.

Planning Commission Member Hall questioned if there would be one way in and one way out with the traffic plan. Mr. Ferguson confirmed that the intention is to have directional traffic markings on the pavement for one-way, but as the picture the Assistant Town Manager presented shows, flow can't always be directed. Ms. Hochmuth also added that currently there are no interested parties in the remaining parcel, but traffic control would be addressed if that parcel is developed.

Let the record show that no additional persons came forward to speak regarding the request.

The Assistant Town Manager delivered a staff recommendation to the Planning Commission, being the following:

That Planning Commission recommends approval of waiver of road frontage requirements for subdivision of Tax Map and Parcel Number 2030007804, the 2.27 acre parcel, into two lots with the following conditions:

- The developer should maintain the private road as though it were a public street, including directional arrow pavement markings on the street and out of any new developments on the site, along with well-maintained street signs to maintain safe traffic flow.
- Any developments on the site must meet Town and State requirements for stormwater runoff, including quality and quantity calculations.
- That any developments have landscaping to provide visual barriers between sites, and screening adequate to shield exterior, ground-mounted mechanical systems, such as heat pumps, from public view.
- Upon presentation of a site plan and plat demonstrating that the developer will meet the requirements of Planning Commission and all applicable state and federal laws pertaining to the development, that the subdivision agent may subdivide the parcel as a minor subdivision.
- That subsequent subdivision and use of these lots shall not permit free standing signs for businesses locating there, except on the lots on which they are located. In other words, if a Restaurant X locates on the back parcel, the sign must also be located on the back parcel, not next to the Kroger sign.
- Traffic must be directed appropriately based on Planning Commission's recommendation.

## Discussion ensued:

- The directional signs are important, even though people don't always follow the signs.
- Over the past three years, there have been ten accidents at the site. There were six in 2007, three in 2008, and one this month, from the stoplight up the hill to the bank entrance.
- Mr. Ferguson advised that Centrex Properties has no problems with most of the conditions. The only one where there is concern, is to what extent Planning Commission expects Centrex Properties to put traffic markings down. They are not exactly sure that they have the ability to put traffic markings on the road that runs behind Wendy's and Applebee's, and parallel to this lot, as it may interfere with traffic going to other businesses. However, they can put traffic markings on the lot. Centrex Properties does not want to be required to put markings on roads that already exist in the shopping center.
- The Assistant Town Manager confirmed that his main concern with the traffic markings is that there is no delineation of lanes. It would be helpful to have lane stripings going into and out of, so that it is clear to motorists what is safe.
- Mr. Ferguson confirmed that Centrex will paint lane markings on the entrance way, and up past the lanes, to help delineate the lanes.
- The road between the bank and the lot should be wide enough to handle the traffic, and once there are curbs around the fuel center, they should help with spatial recognition when pulling in and out of the center.
- It may not be possible to know how the traffic needs to be handled until it is open and the traffic flow is actually there.
- Planning Commission could allow Centrex Properties the freedom to wait until the site is built and work with the Town to determine what will work best for the site.
- Landscaping is only presented as a possibility and it was recommended only for a value judgment by Planning Commission. It does not have to be mandated.
- Curbing will be CG-6. Shrubbery would be possible, but trees may not be feasible as they get knocked down. Screening around the mechanical systems or dumpsters could be lattice or fencing, does not have to be landscaping, just whatever will work best for the developer.
- Landscaping is probably not needed because this is a shopping center. There is not a lot of space as it is mostly concrete.
- Centrex Properties will have to demonstrate that the additional runoff created by the new development can be handled properly. They have retained LMW in Roanoke to do the work. The development will be adding two acres of impervious pavement, and this may be handled with what is there now. If not, then it may require some underground work.
- Landscaping should be left up to the developer; however, there should definitely be screens for dumpsters.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion:

- Motion was made by Vice Chair Speidel to recommend to Town Council the approval of the waiver of road frontage requirements for subdivision of Tax Map and Parcel Number 2030007804, a 2.27 acre parcel into two lots, with the following conditions: (1) The developer should maintain the private road as though it were a public street, including directional arrow pavement markings on the street and out of any new developments on the site, along with well-maintained street signs to maintain safe traffic flow; (2) Any developments on the site must meet Town and State requirements for stormwater runoff, including quality and quantity calculations; (3) Upon presentation of a site plan and plat demonstrating that the developer will meet the requirements of Planning Commission and all applicable state and federal laws pertaining to the development, that the subdivision agent may subdivide the parcel as a minor subdivision; (4) That subsequent subdivision and use of these lots shall not permit free standing signs for businesses locating there, except on the lots on which they are located; (5) That any developments have landscaping or screening to provide visual barriers to shield exterior, ground-mounted mechanical systems from public view, with motion on the floor being seconded by Planning Commission Member Arrington. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor passed unanimously by those present.

Madame Chair Stockton recessed the meeting to hold the second of two public hearings:

2) Centrex Properties, Inc. Request for Freestanding Signs

After being duly advertised and in accordance with Article 28 of the Zoning and Development Ordinance, Centrex Properties, Inc. requested a waiver from Section 28-14C(4), allowing for the construction of an on premise freestanding sign on lots having less than 100 Feet of road frontage, for Franklin County Tax Map and Parcel Number 2030007804 and associated subdivided lots.

The Assistant Town Manager advised the Planning Commission that staff has the opinion that the two outparcels can be developed in accordance with the sign ordinance, with the exception of the road frontage. Centrex is requesting a waiver from the road frontage requirement. There is no public right-of-way fronting either of these parcels. If the requirement is waived, then staff recommends that the location calculation be based on the center of the nearest shopping center avenue.

Again, Mr. Eric Ferguson addressed the Commission, stating that it would be nice from the development standpoint to be able to market the back 1.2 acre parcel and to be able to attract a quality tenant to the area by allowing a freestanding sign. He

acknowledged that there has been a great deal of debate in Rocky Mount over signs, however, he feels that people expect to see signs in a shopping center, especially in an area that is devoted to business. This will not add additional problems for residents or create distractions on the highway. Approval will allow Centrex to attract a tenant.

Discussion ensued:

- Centrex is not requesting any adjustments to the size requirements for signs, only wants for each parcel to be able to have its own freestanding sign.
- The two biggest concerns are the location of the sign and the size.
- Centrex would like to have flexibility to work with the Town in determining where the signs should be located.
- Is there a need to have a freestanding sign at the fuel center, especially if there will be signage on the canopy? The back lot will definitely need a freestanding sign.
- Kroger's desire for the fuel center sign is to put a monument sign that will be less than eight feet high on the edge of the property.
- There will be canopy pricing as well.

Madame Chair Stockton opened the floor to anyone wishing to speak for or against the request. Let the record show that no one came forward.

The Assistant Town Manager advised that staff's recommendation is to waive the road frontage requirement for freestanding signs on the current Tax Map and Parcel Number 2030007804, permitting one freestanding sign on each of the two lots, that will be consistent with the Town's requirements for shopping center signs and outparcels as defined in Article 28-14(C)3 which states that "*Outparcels...may erect their own freestanding sign so long as it conforms to subparagraph 4 of this section,*" pertaining to size and height requirements. And secondly, as there is no public right-of-way fronting the subdivided premises, Planning Commission should specify that any freestanding sign location on these properties should be calculated from the centerline of the nearest shopping center avenue used to convey business traffic to the site.

There being no additional comments from the Planning Commission, Madame Chair Stockton reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Planning Commission Member Arrington to recommend to Town Council the approval of the waiver of road frontage requirements for freestanding signs on Tax Map and Parcel Number 2030007804, permitting one freestanding sign on each of the proposed lots and consistent with the Town's requirements for shopping center signs and outparcels as allowed in Article 28-14(C)3. Additionally, as there is no

public right-of-way fronting the subdivided premises, the freestanding sign location should be calculated from the centerline of the nearest shopping center avenue used to convey business traffic to the site. The motion on the floor was seconded by Planning Commission Hall. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor passed unanimously by those present.

*(Let the record show that following the Planning Commission meeting, the determination was made by staff and the Town Attorney that the waiver of the freestanding sign road frontage requirement was not within the scope of Planning Commission's authority and that the request should have been presented to the Board of Zoning Appeals as a Variance Request. Therefore, this request was presented again at the March 5, 2009 Board of Zoning Appeals meeting.)*

## **OLD/NEW BUSINESS**

### A) Old Business

#### 1. Junk Automobile Issue on South Main

The Assistant Town Manager advised the Commission that issue of the junk cars on South Main is currently being treated as an enforcement issue. The Code Enforcement Officer has contacted the property owner by mail and if a response is not received within a specified time the Town will be more direct. There are a total of eight vehicles on the property as well as a couple of other code violations which were visible from the Town's utility easement.

#### 2. Update on Traffic at the Hub Intersection

The Assistant Town Manager advised that he received a memo from Joan Hullett, who is the Deputy Director of the West Piedmont Planning District Commission (WPPDC). This organization has worked with Town staff before and has been working for some time to identify traffic hotspots and areas that are likely to develop over the next few years. Ms. Hullett advised that the Hub intersection is an area that has been identified and the WPPDC has engaged an engineering firm for studies. The Town has also put out two Requests for Proposals (RFP) for traffic lights management and this is one of the intersections that will be addressed. He added that he would be glad for Planning Commission to continue its discussion but Planning Commission may want to allow some time for the planned activities to develop.

Madame Chair Stockton advised that she would like to revisit the issue in about three months to see how the issue has progressed.

The Assistant Town Manager advised that the Public Works Director and the Chief of Police will meet with the people who are doing the RFP, and the Public Works Director will meet with the traffic engineers from WPPDC, as he serves on the advisory committee. In addition, the Assistant Town Manager will step into the former planner's role to serve on the committee as well.

3. Discussion and Idea Session Regarding Possible Light Ordinance

The Assistant Town Manager advised that there was no information in the packet concerning this. However, he and the Town Attorney have been trying to decide over the past month if the Dillon Rule allows the Town to do this. In State Code, there is sufficient ordinance to allow counties to manage light but the reference to municipalities is much more vague. Staff would like to resolve this question before engaging in further discussion. The purpose of the ordinance would be to limit the amount of light that can be cast from a new development or house onto neighboring properties.

B) New Business

1. Weaver Street Extension Project

The Assistant Town Manager advised that the Weaver Street Extension project has been in the works for quite some time. The Town purchased the Cox farm for the purposes of making it Phase II of the Industrial Park. Over the past year, he and the Town Manager have sought funding from the Tobacco Commission and VDOT. There is also some matching money from the County of Franklin and some designated funds from the Town. The purpose is to extend Weaver Street to make the property more tenable for economic development. The Town is now ready to bid this project out and seeks Planning Commission's formal recommendation to extend Weaver Street. Just past NewBold on Weaver Street toward Weaver Mirror, there is a cul-de-sac. The plan is to remove this and deed the land to NewBold, and then create a new entrance next to the Weaver Mirror property that will end in a cul-de-sac close to Erath Veneer and B.A. Moore Trucking Company.

Madame Chair Stockton questioned if the money is available for the project. The Assistant Town Manager advised that based on preliminary engineering, it was estimated that the Town would need approximately \$1.1 million for the project. The Tobacco Commission kicked in \$421,000, the Commonwealth Transportation Board kicked in \$334,000 and the Town was able to use some money from the transrail/switch grant. In addition both the Town and County have pledged \$100,000 each. All but \$160,000 has been funded by outside entities.

There was general discussion regarding the map of the project area. The Town Attorney advised that a small portion of land will be quit claim deeded to

Weaver Mirror, with some additional pieces of land being deeded to the Town from both Weaver Mirror and NewBold. The Town is currently in discussions regarding this process, and staff is requesting a recommendation from Planning Commission.

- Motion was made by Planning Commission Member Tiggie to recommend to Town Council the approval of the Extension of Weaver Street project, with motion on the floor being seconded by Vice Chair Speidel. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

2. Status of Special Exception Request of Stepping Stone Mission of Franklin County, Inc.

The Assistant Town Manager advised the Commission that a representative of the Stepping Stone Mission (JoAnn Patterson) came into the office recently to request an extension of its special exception. The American Legion hall on Diamond Avenue was rezoned (several years ago) to allow for soup kitchen services there. They serve up to fifty-five people per day. When the original rezoning was done and the special use was granted, Planning Commission recommended a 30-month timeframe and Town Council approved a 15-month timeframe. The 15 months expired about 15 months ago. It has been some time since it was reviewed. Ms. Patterson has given one report to the Town regarding her operations even though she was directed to report more frequently. Basically, he is looking for guidance on how this should be handled. Does the Town ever waive fees for charities, as there is a substantial fee for this request. Also, should she request a longer period of time? There has been no increase in crime or vagrancy in the neighborhood since the soup kitchen has been open.

Planning Commission Member Greer commented that Ms. Patterson needs to keep doing what she is doing. He has been told by a lot of people that what she is doing is working, and there are a lot of volunteers who help her with the kitchen.

The Assistant Town Manager advised that he would like to do what is possible to waive her application fee, since it appears to be the consensus of Planning Commission to allow her operations to continue. Additionally, there is some discussion about Stepping Stone's desire to obtain the house next door to the American Legion building for use as a short term shelter for those in need. He would appreciate any direction Planning Commission has for this issue as well.

The Town Attorney advised that he will take a look at the special use permit and staff will bring it back with a recommendation at a later date. There will

also need to be a public hearing before any decision is made. He will also look into waiving the fee.

3. Certificate of Zoning Compliance/WYTI-AM Radio

WYTI-AM Radio has requested to use their tower as a cellular telephone tower, and the request was originally presented on the agenda for Planning Commission's review and consideration regarding the issuance of a Certificate of Zoning Compliance. However, the Assistant Town Manager advised the Commission that upon further consideration by he and the Town Attorney, they have determined that WYTI-AM Radio will actually need a special use permit. Currently, WYTI-AM Radio is a nonconforming use, in that they are zoned R-1 but they have their business, studio, and tower all in the R-1 district. Basically, they want to put a wireless telecommunications facility on the existing tower. The Town Attorney added that there is some question as to whether placing the telecommunication facility on the existing tower is somehow expanding the nonconforming use, with Vice Chair Speidel commenting that the original intent was to use existing facilities and not to add new ones. This matter will be brought back to Planning Commission as a special use request next month.

**PLANNING COMMISSIONER'S CONCERNS**

Madame Chair Stockton requested that the Commissioners' Zoning Ordinance books be updated. The Assistant Town Manager advised that staff is currently in the process of doing this and will see that the Commissioners' books are updated as well.

Let the record show there were no other concerns at this time.

**ADJOURNMENT**

There being no further business to discuss, motion was made by Planning Commission Member Tiggle to adjourn at 7:21 p.m., seconded by Vice Chair Speidel, and carried unanimously.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

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