

**PLANNING COMMISSION  
MINUTES  
AUGUST 4, 2009  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Tuesday, August 4, 2009, at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present:

Madame Chair Janet Stockton; Planning Commission Members Ina Clements, Bobby Cundiff, Jerry Greer, and John Tiggle. Staff Members present included: Assistant Town Manager & Community Development Director Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk Stacey B. Sink.

Let the record show that Vice Chair John Speidel and Planning Commission Member Derwin Hall were not present for the meeting.

**APPROVAL OF AGENDA**

- Motion was made by Planning Commission Member Clements to accept the agenda as presented, 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 by those present.

**APPROVAL OF MINUTES**

Let the record show that prior to the meeting, the Planning Commission received the following minutes for review and consideration of approval.

- July 7, 2009 – Regular Planning Commission Meeting
- Motion was made by Planning Commission Member Tiggle to approve the minutes as presented, 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 by those present.

**PUBLIC HEARINGS**

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

**(A) Proposed Amendment to Article 26-5 of the Zoning & Development Ordinance Regarding Area Regulations in the Central Business District**

After being duly advertised, the Planning Commission reviewed staff's request to amend Article 26-5 of the Zoning and Development Ordinance, regarding area regulations in the Central Business District (CBD), to either eliminate or reduce the area requirement. Currently 26-5-1 requires lots containing or intending to contain a single permitted use have a minimum lot area of 10,000 square feet.

Madame Chair Stockton called upon the Assistant Town Manager to present the request. The Assistant Town Manager advised that this request actually came out of a request from the public. Article 26-5 sets out area requirements for the CBD, which basically includes the Uptown and Downtown areas, and 228 parcels all together. Code requires that any lot in that district have 10,000 square feet. This is a large requirement. The initial request was from James "Jim" Wray who owns the Crooked Road antique building and the old grain mill on the corner of Franklin Street. Mr. Wray wants a subdivision to allow sale of the old mill for use as an arts gallery and creation space. Regardless of how it came about, and in looking at the 10,000 square feet requirement, staff believes this to be too large and not sustainable. If you look at the way the CBD traditionally developed and at the area around the courthouse it's just the building itself that sits on the lot. There is no other space on the lot. The intent was to share parking and to use nearby public parking facilities. The lots themselves are fairly small, 2,300 to 2,400 square feet on average across from the courthouse. In reviewing the regulation, staff decided to come to Planning Commission to ask to either reduce or eliminate the requirement only in the CBD. Staff looked at CBD regulations for other localities: Abingdon, Altavista, Luray, Waynesboro, South Boston, Martinsville, Culpeper, Danville, Emporia, Farmville, Franklin, Manassas, Norton, Roanoke, Salem, Vinton, West Point and Woodstock. Out of those localities, only one has requirements for area in the CBD for commercial purposes. Roanoke requires 5,000 square feet in what they call CN – Commercial Neighborhood, and 10,000 square feet for Commercial in general. Outside of this, some localities require connection to public water and sewer and then there are no area regulations, or commercial and residential are viewed as separate in that there may be no area requirements for commercial and a specific requirement for residential. Again, staff asks that Planning Commission either consider reducing or eliminating the area requirement in the CBD.

Discussion ensued:

- Planning Commission Member Clements stated that she feels that anything will look better than the building sitting the way it is now and questioned if the building is being used for anything now.
- The Assistant Town Manager advised that currently there is no use in the grainery at all. He further stated that in looking at this, he tried to leave what has

happened between the Wrays and the Arringtons out of it, and to look at what makes good business sense. His recommendation is that it is better public policy to either reduce or eliminate the requirement. He has discussed the matter with the Town Attorney and Mr. Wray cannot subdivide the property and probably would not be given a variance from the Board of Zoning Appeals.

- Planning Commission Member Tiggle questioned how the Town of Rocky Mount ended up as the only locality with this in the ordinance, with the Assistant Town Manager stating that he was surprised by this as well and is not sure when this particular piece of the zoning ordinance was put in effect.
- Madame Chair Stockton questioned if Planning Commission also needed to consider water and sewer connection like some of the other localities, with the Assistant Town Manager stating that there is no place in the CBD that currently is not served by water and sewer. She also asked about some “close by” examples, with the Assistant Town Manager stating that he chose Martinsville and Vinton, and Vinton has no area requirement except for auto sales and service uses.
- The Town Attorney added that he thinks this came about back in the mid 1990s when the Planning Commission, the Community Partnership for Revitalization (CPR), the Town Planner and others drafted the CBD regulations to be adopted and put into the zoning ordinance. He found nothing in his research to support or not support the size requirement that was originally adopted in the ordinance. He doesn't know why size had anything to do with the CBD. It all came on the front side of the Downtown Revitalization.
- Planning Commission Member Clements confirmed with the Assistant Town Manager that the intent is to use the old grain mill as an art gallery and questioned if parking will be a problem. The Assistant Town Manager advised that parking is not a problem with the nearby proximity of other parking lots. There has been quite a bit of interest in the property and staff has looked at it a number of times, usually for higher traffic uses such as a restaurant, and staff believed then that local parking would be supported. The art gallery will be a lower traffic use. It is likely that there would be buses, as the art gallery may be attractive for school groups. There may be gallery space as well as creative space.
- Madame Chair Stockton pointed out that one of their packet notes indicates that almost half of the parcels already fall short of the area requirement, with the Assistant Town Manager confirming that 105 out of 228 parcels in the CBD currently lack the square footage requirement already.
- Planning Commission Member Cundiff added that the Planning Commission needs to look at what is good for the whole Town and not just one building. He agreed that most of the places don't have 5,000 square feet, let alone 10,000 square feet. The Town shouldn't have hurdles in place for people who want to locate in the CBD to jump over. Anything that is questionable would have to come back before planning anyway. He doesn't want the Planning Commission to have to come back and redo something because of trying to work with the art gallery. The Assistant Town Manager stated that he would be making the same recommendation regardless of the use. There is limited opportunity for in-fill development in the CBD and he doesn't think the situation will occur often.

Madame Chair Stockton opened the floor to anyone from the public wishing to speak in regards to the amendment request. Let the record show that no one from the public came forward to speak.

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

- Motion was made by Planning Commission Member Tiggler to recommend the elimination of the 10,000 square feet area requirement, with motion on the floor being seconded by Planning Commission Member Greer. The Assistant Town Manager clarified that Article 26-5 will be struck from the Zoning and Development Ordinance if Town Council approves the recommendation. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

## **OLD/NEW BUSINESS**

### **(A) Old Business**

- (1) **Discussion regarding development of code addressing suitable districts and guidelines for tattoo and piercing shops in the zoning ordinance**

The Assistant Town Manager addressed the Commission stating that per discussion at the last meeting, he listed this topic on the planner list serve. He received three responses, which were from York County, the City of Martinsville, and the City of Bedford. The three localities had the following regulations:

#### **York County, Virginia**

Allows tattoo parlors only in Light Industrial districts by special use permit, with the following performance standards: (a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within ½ mile (2,640 feet) or property occupied by: a place of worship; a public, parochial or private school (K thru 12); a public library; or a public park or athletic field or facility. (b) No tattoo parlor shall be located such that its principal façade or any wall or free-standing signage associated with the establishment is visible from any Primary System road in the County.

#### **City of Martinsville**

Allows tattoo parlors as a use by right in the P-2 Professional District, as a personal services use.

#### **City of Bedford**

Allows tattoo parlors as a conditional use in a B-2 District.

The Assistant Town Manager added that the City of Bedford also responded that they would be happy to meet with him to discuss the issue. If it is Planning Commission's will to go forward, he can meet with Bedford and bring some information back to the September meeting, or based on last month's conversation, he can let this go and if this type of shop wishes to locate within the Town, it can come before Planning Commission and Town Council with a special exception request.

Madame Chair Stockton asked for the consensus of the group, adding that she thinks he should talk to Bedford before letting it go.

- Planning Commission Member Clements stated that she thinks there should be some type of statement in the ordinance.
- Planning Commission Member Tiggle questioned the Assistant Town Manager's take on the York County regulations. The Assistant Town Manager answered that York County's is probably the more restrictive in that they limit the proximity to church, school, library, public park or athletic field. This would probably completely eliminate the possibility within the Town of Rocky Mount. Martinsville is the least restrictive and they have a substantial P-2 Professional District.
- Planning Commission Member Cundiff stated that he thinks there should be some sort of regulation and will be good to have some input from someone with experience with it.

It was the consensus of Planning Commission for the Assistant Town Manager to confer with the City of Bedford before any decisions are made.

## **(B) New Business**

### **(1) Advice on sign permit application on behalf of Kroger**

The Assistant Town Manager addressed the Planning Commission stating that he wanted to give the Commission the opportunity to comment on this application. The Town went through the subdivision process with Kroger to allow the subdivision of the outparcels that the fuel center is now located on, and as part of the process, went to the BZA for permission to have a freestanding sign. However, they changed thought midstream and decided they would rather have some signage on the Marketplace pedestal sign. He then displayed a photograph of the existing shopping center sign and indicated that the only proposed change will be in the way that the "Kroger" part appears. They will also add fuel pricing signage below the Kroger and will then reduce the overall Kroger logo size. The other businesses listed on the signage will not change at all. He thinks the new sign is a little more cluttered but overall doesn't see a reason to deny

the sign permit. He just wanted to give the Planning Commission the opportunity to comment.

There was general discussion about the way in which the pricing would be changed, with the Assistant Town Manager confirming that it will most likely be an automated process.

It was the consensus of Planning Commission that there were no objections to the signage

**(2) Discussion regarding rezoning request of Scott R. Gabrielson for Franklin County Tax Map and Parcel Number 0440012700, to be heard by the Franklin County Planning Commission**

The Assistant Town Manager explained to Planning Commission that this is something the Town Manager has asked them to review. The Town received a request from Franklin County regarding R&D Millworks, which is located on South 220 just past Planned Pethood. There are seven or eight small industrial type buildings there. A church furniture manufacturer has bought the property and intends to use it for manufacturing. Planning Commission is being asked to review it because the property is directly adjacent to the Town of Rocky Mount water plant, on the downstream side of the plant. Staff would like to know if there are any concerns or considerations the Commission would like the Franklin County Planning Commission to take into account when considering the rezoning. He then offered some additional background information on the property, stating that several years ago, the Town was looking to augment its water supply and drilled some wells on the R&D property and in exchange for those wells, there was an easement granted to the property owner to come across the upper end of the water plant property and Shady Lane to have another access to 220. He doesn't know if this will ever come into play here, but this is something to consider.

Let the record show that staff and Planning Commission had no objections to the rezoning request.

**(3) Discussion regarding possible agenda items for the joint meeting with Town Council**

Madame Chair Stockton clarified that no date has been set for the joint meeting. She also asked that the Deputy Clerk make contact with the Planning Commission Members not present for the meeting to give them an opportunity to offer any agenda items. The Deputy Clerk so noted.

Madame Chair Stockton added that she and the Assistant Town Manager had discussed one possible agenda item, which is the establishment of an arts and cultural district in the Town of Rocky Mount. The Assistant Town

Manager added that arts and cultural districts are one of the new tools that the General Assembly has given localities that want to pursue and encourage economic development. Harrisonburg and Staunton have already done this and Martinsville is in the process of considering it.

It was the consensus of Planning Commission that the members will email any suggested agenda items to the Assistant Town Manager if they have more things to add.

**(4) Discussion regarding clerk duties for the regularly scheduled October 2009 Planning Commission meeting**

It was noted that the Deputy Clerk and the Town Clerk will be out of town for a training session during the next meeting. Planning Commission has the option of rescheduling the meeting or of allowing the Assistant Town Manager to record the meeting and to note any action taken. It was the consensus of Planning Commission to hold the meeting as scheduled.

**PLANNING COMMISSIONERS'/STAFF CONCERNS**

The Assistant Town Manager stated that in reviewing the State Code staff found that when there is Board of Zoning Appeals (BZA) meeting, the Planning Commission should be notified and given the opportunity to comment on the item for review. There is a meeting coming up for the BZA's consideration in regards to the Franklin County School System which has requested a zoning permit to construct a roofed area over the concrete patio at the back of the West Campus adjoining First Street. He denied the permit because it not only goes into the setback but completely takes the setback and goes all the way to the street. The intent is to one day completely enclose the roofed area and use it as classroom space. The School Board has appealed this decision to the BZA to allow construction, and the BZA will hear the appeal on Thursday, August 6, 2009 at 6:00 p.m.

It was the consensus of Planning Commission that they will notify staff of any comments if necessary.

Let the record show there were no Commissioner concerns to discuss at this time.

**ADJOURNMENT**

There being no other business to discuss, motion was made by Planning Commission Member Tiggle to adjourn at 6:43 p.m., seconded by Planning Commission Member Clements, and carried unanimously by those present.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

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