

**PLANNING COMMISSION
WORK SESSION
MINUTES
NOVEMBER 4, 2009
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Wednesday, November 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 and Vice Chair John Speidel; Planning Commission Members Bobby Cundiff, Derwin Hall, and John Tiggle.

Let the record show that Planning Commission Members Ina Clements and Jerry Greer were not present for the meeting.

Staff members present included: Assistant Town Manager Matthew C. Hankins, Executive Director of Community Partnership for Revitalization (CPR) Katie McElroy, and Deputy Clerk Stacey B. Sink.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions to the proposed agenda.

Planning Commission Member Hall advised that he would like to add an item to the agenda in regards to procedures for public hearings, with Madame Chair Stockton stating that Planning Commission Member Hall's request could be added as item four on the agenda.

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

- Motion was made by Planning Commission Member Tiggle to approve the agenda with the noted addition, with motion on the floor being seconded by Planning Commission Member Cundiff. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

WORK SESSION

(A) Request of STEP, Inc. regarding expansion plans at its Dent Street facility

The Assistant Town Manager addressed the Commission, stating that Jon Morris, the Executive Director of STEP, Inc., has submitted a Zoning Permit

Application to enable STEP to build a new school for LIFES Academy which will include four classrooms, offices for staff, a multipurpose room for students, and will be about 10,000 to 13,000 square feet (as it is envisioned now) and will be two-stories connected to the current building. They also plan to add some parking. He further stated that normally Planning Commission does not see Zoning Permit Applications; however, it is within the zoning administrator's purview to refer applications to, or consult with, the Planning Commission. It is his intent to deny the application because staff has not received a site plan. Based on the conversations he has had with Mr. Morris, he believes that Mr. Morris is reluctant to proceed with engineering work and the expense of the design if he doesn't know that he can locate the new facility there. Therefore, it is somewhat of a "catch-22." However, the Town requires a site plan before a zoning permit can be approved, and unless Planning Commission instructs him differently, his plan is to tell Mr. Morris that the application cannot be accepted without a site plan.

Discussion ensued:

- Planning Commission Member Hall stated that he knows this is a non-profit but he doesn't feel it would be fair for [Mr. Morris] to, in essence, "dip his toe in the water." This is R-2 Zoning and the residents have lived with the existing [facility], but to expand without getting the temperature of the community is unfair. Planning Commission does not have enough information.
- Madame Chair Stockton pointed out that the most likely reason that Mr. Morris hasn't done more is that he brought something before Planning Commission several years ago and many residents came out to speak against it. He withdrew the previous application and this could be the reason he is leery of stepping out.
- The Assistant Town Manager confirmed that there was significant community opposition to the previous request. In looking at the current situation, it is kind of muddy. STEP has an office complex with multiple uses in an R-2 district, and this is not permitted, even with a special exception. There is a lot to deal with here and he plans to tell Mr. Morris that if STEP is ready to proceed with any plans, their first step will be to come up with a site plan, but to also be prepared to go through the public hearing process, before Planning Commission is asked to make a decision.
- Vice Chair Speidel added that there will most likely be an organized opposition, with the Assistant Town Manager adding that Mr. Morris may decide not to go against the good will of the community by pressing the location, though he does understand STEP's desire to have everything in a central location and close together. Still, there are some sensitivities in the community that need to be addressed.
- Planning Commission Member Tiggle questioned if the LIFES Academy is for at-risk youth, with general discussion ensuing about where it is currently located.
- Vice Chair Speidel questioned the R-2 Zoning, stating that he vaguely

- remembers something occurring with the property. There was general discussion regarding the nature of the previous request as it relates to the current zoning of the property. The property may be conditionally zoned C-2, instead of R-2. The zoning is a little murky with all of the uses that are located there, including the Free Clinic, Headstart, and the office spaces.
- Planning Commission Member Cundiff noted that the sketch of where the school will be located is very close to the residences, and he feels that more information is needed. There is a lot of difference between a 10,000 square feet building and a 13,000 square feet building.
 - Madame Chair Stockton stated that she wishes there is somewhere STEP could have more space. She knows they need it and that they are a service to the community but this spot is not suitable to add on.
 - The Assistant Town Manager advised that he felt he had enough direction from Planning Commission to be able to speak with Jon Morris about the request.

(B) Referral from Town Council regarding Arts & Culture District

The Assistant Town Manager stated that this item is on the agenda as an opportunity for the Planning Commission to brainstorm a little to provide staff some guidance on developing some incentives and a potential location for an arts and culture district, and for Planning Commission to talk about what types of businesses the Town wants to attract to an arts and culture district. The foremost question is “What does the Town want to attract? – What does the Town want to bring in with this?” Recently there has been some interest in having someone do blown glass and to also have space for artists to create arts along with gallery space to display what they create. This area is heavily focused on music. With the Town’s location on the Crooked Road, music is a potential anchor for this type of business. Does the Town want to try to attract in new restaurants or focus on supporting the restaurants that it already has? This discussion is to ponder these types of questions.

Discussion ensued:

- The arts and culture district is a tool that was made available to localities during the last General Assembly legislative session. When this was signed into law, the Town began reviewing it because this is the broadest incentive package that the General Assembly has ever allowed localities to consider. It is a great opportunity to try and attract new types of businesses that could be an anchor. This could be similar to the Floyd, VA model, as something that could help revive retail areas and bring other businesses in. The attraction comes first and then the people follow, so the thought is: what can the Town do to help set up some retail that is going to prosper in the space that is available?
- The way that the State Code is written, the General Assembly basically said that if it is legal, the locality can do it. The Town can offer incentives, tax

- rebates, specific zoning, overlay districts, tax incentives, etc. And, some of these incentives can be offered for up to ten years, making it a unique opportunity.
- The Assistant Town Manager shared his personal vision for the district, which is more retail shops that draw foot traffic to the downtown, whether the shops be for the sale of art, handcrafts, antiques, or the sort of shops that drive foot and vehicular traffic into the downtown. His primary goal is to focus on the uptown and downtown and what can be done to bring more retail activity in that will support the existing business and attract more over the next few years. Retail retention and recruitment is important to both the Town's Community Development Office, as well as the Mainstreet Program, and it is important for the Town to use the tools available.
 - Vice Chair Speidel expressed two concerns: (1) the Town wouldn't want to hurt existing businesses by making incentives available to a specific group and leaving out existing businesses; and, (2) some of these businesses could possibly be short-lived if they are centered around current interests of individuals. There may be businesses that would stay, but his guess is that these are creative people and creativeness can be expressed in many ways and many places. These are two of his early thoughts.
 - These incentives could apply to an existing business like Center Stage Catering/Edible Vibe because they already have a gallery type setting with occasional musical performances.
 - Planning Commission Member Hall pointed out that Bristol has a "bluegrass weekend" each year and on one particular street every restaurant has a place for musical performances, and the Town could possibly replicate something like this to have a line of possible eateries with musical attractions. This would make sense for the Town to offer incentives for a district like this because it would be pulling in more meals tax revenue.
 - The types of possible incentives are broad.
 - Madame Chair Stockton questioned if something could be done for the existing businesses, with the Assistant Town Manager confirming that this is his desire: to do something to strengthen the current businesses and to keep them in Town for the long term. Right now, they are hurting. The Town is looking at creating a fairly limited district and he doesn't think that in a small district this would create a major revenue impact for the Town, but staff would have to study it to make sure, based on what the suggestion is. For example, if Planning Commission wants to consider a meals tax incentive then staff could look at whether or not this would be detrimental to the Town.
 - Planning Commission Member Hall stated that he feels other incentives should be looked at because other incentives could bolster the meals tax for the Town.
 - If the Town didn't collect meals tax for a year, would it be worth the incentive if the Town is still collecting the meals tax in ten years?
 - Planning Commission Member Cundiff commented that the Town needs to offer a helping hand up, but not a crutch, and he thinks the incentives should last for a maximum of three years. If retailers can make it three years, then

- they are okay.
- The Assistant Town Manager clarified that he tends to agree with limiting the length of time of incentives, and added that the ten year reference has to do with the length of time the arts and culture district is allowed by the General Assembly.
 - The CPR Director confirmed that she has an inventory of all the vacant buildings and rents in the downtown, and that most of the rents are negotiable.
 - If these buildings can be filled with new businesses, then these businesses can in some way be related to the arts and culture district, and if the buildings are filled up, then there will be a reason for people to come downtown.
 - Long term support is not needed. Support could be something similar to what is offered now with the Enterprise Zone, which is basically a four-year program, and at the end of four years, the business is paying full freight. The arts and culture district could easily be a three year incentive program. This will encourage new businesses to exercise ingenuity and talent.
 - The district, by law, has to be a contiguous area. There can be more than one, but it has to be contiguous.
 - The CPR Director pointed out that it might be a good idea to identify the existing businesses that would fit into an arts and culture district and this would help to identify the area.
 - The primary area would be the downtown, between Stalnaker's music shop, to Antiques and Collectibles of the Crooked Road, Edible Vibe, Brian Hart's framing shop, and the various photography studios. This would be the critical area and the downtown would be the obvious first pass, and then Planning Commission could also look at other areas like North Main, for instance.
 - There are approximately 10 vacant buildings in the Central Business District.
 - The amount of area that can be encompassed by an arts district is wide open.
 - The specific business doesn't have to be an arts or culture business. It would just have to do something that promotes arts or culture. For example a restaurant could have a music night or a poetry reading.
 - The library would tie into the district because it often has arts or quilting displays.
 - The Assistant Town Manager provided Planning Commissioners with a list of available buildings along Franklin Street and commented that the list was not completely accurate. There was general discussion regarding the vacancies and uses of current buildings.
 - In regards to size of the district, the arts and culture district could be an overlay district of the existing Central Business District, or Planning Commission could choose to sketch out a different area. It would be critical that the district encompasses investments that Town has already made in parking. It is possible that once the district is established, if something comes available on the outskirts of the district, the district could be modified to include it. From the Depot to the Lynch building might be a good starting point.
 - The list of available properties will need to be refined once the district is

- established so that when face-to-face contacts are made, the information about existing spaces will be available as well as the list of incentives.
- Most Economic Development prospects who come to the Town now, inquire about the Enterprise Zone. They know it is available and they want to know what incentives it offers, and how it will affect their bottom line. If this district is enacted, prospects will know about it and will want to inquire about it.
 - The concept of this district is obviously very good. It is the details that are difficult.
 - The Assistant Town Manager pointed out that there are two ways to go with this: (1) Planning Commission can come up with its own ideas for the district; or (2) Planning Commission can direct staff to develop ideas and then Planning Commission can mold it into something that works for them.
 - Currently, there are two areas that have utilized the arts and culture district, being Charlottesville and Harrisonburg. Harrisonburg was the first. They went to the General Assembly about ten years ago and asked for permission to set up these arts and culture districts. Charlottesville also asked to create a district but then chose not to use it.
 - Other areas are currently developing districts, including: Alexandria, Charlottesville, Falls Church, Harrisonburg, Manassas, Petersburg, Winchester, the Town of Blacksburg, and the Town of Chincoteague. There are several other localities looking at doing this since the last information was published.
 - What incentives will Town Council think are worthy and passable?
 - If there is a building that is not being used now and hasn't been used to its highest capacity for some time, and due to incentives, someone is willing to come into the building and renovate it, even if the business doesn't stay, then at least the renovated building will. If the business succeeds, then from the Town standpoint, there is a growing enterprise with new employees that is producing tax revenue and attracting visitors and shoppers to the community.
 - There could be two options, one for existing businesses and one for new businesses.
 - How will the amphitheater tie into the arts and culture district? Is the arts and culture district more of a likelihood than the amphitheater at this point?
 - The chances of both are good at this point. There will be a report from the architect in November regarding the feasibility of the proposed sight for the amphitheater, along with some potential designs. This will primarily depend on the funding. If the amphitheater becomes a reality, how can the arts and culture district complement the effort?
 - Suppose the Cajun restaurant wants to come back into downtown, and the owner wants to have a blues music night, what kind of incentives could be offered for something like that?
 - The possibilities are numerous. There could be partial or total meals tax rebates for one or two years. If the building is purchased, perhaps there could be a real estate tax rebate, or a BPOL (Business/Professional/Occupational Licenses) tax rebate. There could also be breaks on water and sewer hook-up fees, sign permits, and other permitting fees.

- There are many possibilities and people are more inclined to act on incentives.
- It might also be wise to give some incentives to the property owners so that they will be able to give incentives for businesses to locate in their buildings. It might also give the landlords some incentives to go out and recruit business for their buildings.
 - Madame Chair Stockton stated that she thinks it is clear that Planning Commission desires suggestions from staff, as the idea of setting boundaries is a difficult one. The Assistant Town Manager confirmed that it is his idea for this district to help the traditional uptown/downtown core, which will in turn help the entire community, but he is looking for Planning Commission's guidance. He would be happy to come up with something and then bring it back before Planning Commission.
 - The entire Central Business District may be too big as it includes a significant part of South Main Street. If one of the desirable aims is to get uses for existing buildings then staff may want to focus on those areas, possibly the uptown/downtown circle.
 - The Assistant Town Manager confirmed that he has a starting point in determining the boundaries and offered, as far as incentives go, for staff to research what other localities are doing incentive-wise. It was the consensus of Planning Commission members present, for the discussion to continue once suggestions are made by staff.

(C) Procedures for Public Hearings

Planning Commission Member Hall stated that this is something simple. He had to go onto the County website and he noticed that for the Board of Supervisors meetings the website details how long each person has to speak in regards to an issue. He thinks this would be good to include in the Town's application packet and then everyone will know to limit their comments and focus on the high points, and it would also make it more appropriate to warn someone who is approaching their time limit that they only have one minute left. Right now it is open-ended.

Vice Chair Speidel stated that he thought there was a five-minute limit now. Madame Chair Stockton questioned if there was a time limit for the initial presenter. She also commented that she attends another meeting where each presenter is given a specific amount of time to speak, and the minutes are added up on the agenda, so the meeting length is predetermined and it is up to the person in charge to call the speaker on the time.

Planning Commission Member Hall commented that if there is a hot issue and there are a lot of people to speak, Planning Commission can always make a motion to waive the time limits for a specific meeting.

Vice Chair Speidel read from the bylaws which states that a "speaker may be

limited to five minutes unless extended by approval of the majority of the Board.” This doesn’t specify whether it includes the initial speaker. Vice Chair Speidel later clarified that the statement he read was from the Board of Zoning Appeals bylaws but a similar statement is contained in the Planning Commission bylaws as well.

Planning Commission Member Hall stated that he would just like to find some consistency in the way the matter is handled, and if everyone involved is made aware at the time of application then it would be understandable to enforce the time limit during the meeting.

The Assistant Town Manager advised that the best way to approach this would be to amend the bylaws during a regular meeting.

Vice Chair Speidel commented that these are public hearings and people should have an opportunity to speak. Even if they are too wordy to Planning Commission and staff, they are not too wordy for themselves, and even if they can’t say something concisely it is important that they have the opportunity to stand up and talk. Planning Commission Member Hall agreed with Vice Chair Speidel’s comments and added that his concern is that sometimes speakers make repetitive comments that tend to take up lots of time.

It was the consensus of the Planning Commission members present to add this as an agenda item to the next regular meeting.

ADJOURNMENT

There being no further business to discuss, Madame Chair Stockton entertained a motion to adjourn.

- Motion was made by Vice Chair Speidel to adjourn at 7:31 p.m., seconded by Planning Commission Member Cundiff and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs