

**PLANNING COMMISSION
MINUTES
APRIL 7, 2009
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Tuesday, April 7, 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 Ina Clements, Jerry W. Greer, Sr., Derwin Hall, and John Tiggle. Staff Members present included: Assistant Town Manager and Community Development Director Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk Stacey B. Sink.

Let the record show that Planning Commission Member Milton Arrington was not present for the meeting due to illness.

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 Vice Chair Speidel. 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.

- February 3, 2009 – Regular Planning Commission Meeting

The Assistant Town Manager noted that minutes for the Planning Commission are one month behind because the Deputy Clerk has been filling in during the absence of the Town Clerk.

- Motion was made by Vice Chair Speidel to approve the minutes as presented, with the 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 by those present.

PUBLIC HEARING

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

A. Special Use Request of Stepping Stone Mission of Franklin County, Inc.

After being duly advertised, the Stepping Stone Mission of Franklin County, Inc. requested a special use permit to continue operation of a soup kitchen at the American Legion Building located on Diamond Avenue. The zoning is Residential Business, which does not permit operation of the soup kitchen unless under a special use permit. The Mission started operating at the location under a 15-month special use permit granted March 13, 2006, and while that permit has since expired, operation has continued. With this renewal, the Mission requests and open-ended permit.

The Assistant Town Manager addressed the Commission, stating that the zoning for the American Legion property was Residential Business RB; however, when Stepping Stone initially located there, it was conditionally zoned to General Business GB, and the Town hasn't withdrawn the conditional zoning even though the special use permit has expired. The request from Stepping Stone was to extend the permit, but since it has expired, it is being treated as a renewal. The soup kitchen serves a variety of needs in the community, and on the day that he put up the signs for the public hearing, the kitchen had served fifty-four people. There have been few problems at the soup kitchen according to the Chief of Police. He could only recall one instance where the police were required to intervene, and this was to remove an intoxicated client. This is not the norm. The Mission provides one meal a day, and particularly in these times, staff thinks it is important to allow them to provide that service. The request from Stepping Stone was for an open-ended special use permit, but staff does not feel that an open-ended permit would be the best recommendation. Staff makes the following recommendation:

- Grant a five-year special use permit to the Mission, on the condition that Stepping Stone Mission enforces its initial proffers, including:
 1. Serve one meal per day, for a maximum of seven days per week, during the noon hour;
 2. No food may be carried from the site, except when "brownbag" service is required on the weekends;
 3. Enforce its "no loitering" rule; and in addition,
 4. If Stepping Stone wishes to offer shelter services, it must come to Planning Commission and Town Council for a separate special use permit;
 5. The applicant must submit quarterly reports to the Planning & Zoning Administrator, with such information as the administrator

deems necessary to monitor the operations adequately. This would be helpful from the staff standpoint to gauge the need for these services in the community.

Madame Chair Stockton questioned if the Town currently receives a quarterly report, or if this item is an addition. The Assistant Town Manager confirmed that it was part of the original recommendations; however, staff can only find one report.

Planning Commission Member Tiggle questioned what type of information should be included in the report, with the Assistant Town Manager confirming the number of people served and the number of volunteers, with the primary information being the number of people served. If there is a spike in the number of people served, then staff may need to look at other services that can be offered to the people in need.

Planning Commission Member Greer questioned if staff had offered to help her with paperwork, with the Assistant Town Manager confirming that staff will help by developing a form, or whatever is necessary to aid Ms. Patterson in making the report.

Planning Commission Member Hall questioned the one hour time limit, with the Assistant Town Manager confirming that the one hour limit was in the original proffer, and Stepping Stone has not requested it to be changed. There are Mission representatives available who can respond to this question.

Vice Chair Speidel questioned if a quarterly report is really needed, stating that this seems like extra work for the Mission staff. Planning Commission Member Greer stated that all he feels is needed is the number of people served. Ms. Patterson confirmed that she already keeps track of this on a daily basis. The Assistant Town Manager clarified that the main reason for the report is so that Community Development staff can gauge if there is an ongoing or increased need in the community. Vice Chair Speidel stated that he doesn't want the Mission to get bogged down with paperwork.

Ms. Patterson confirmed to Planning Commission Member Clements that the most people they have served in one day is 56. During the holidays, there may be more. She also clarified that there have been no instances at the Mission where the police had to be called, and they currently keep daily records of the number of people served because they also have to report to Second Harvest Food Bank.

Madame Chair Stockton invited Ms. Patterson to the podium to speak, so that her comments could be stated for the record.

Ms. Joanne Patterson, of 1021 Windy Ridge Lane, and President of Stepping Stone Mission, came forward to speak, stating that originally, she wanted to ask for an open ended permit so that the Mission will not have to keep coming back before Planning Commission.

Planning Commission Member Greer offered that the permit be for five years and that the Town come to her at the end of that period for renewal, stating that the Town doesn't want to bog her down and realizes that they are all volunteers. This is a service that is needed in the community.

Ms. Patterson questioned how she should go about the monthly reporting. The Town Attorney suggested that she forward a copy of the monthly report she already prepares for the food bank. Ms. Patterson was agreeable to this. The Town Attorney also questioned if the original conditions were still suitable and Ms. Patterson agreed that they were, with one exception. Originally, one of the conditions was that food could not be taken from the premises. The Mission still does not allow this; however, occasionally there is a need to take food out to an elderly client that may be sick. This is not done on a regular basis, but if they know a person to be sick, they will try to carry a plate to them. Vice Chair Speidel suggested that item number two in the conditions be changed to read "except when brown bag service is required" and removing the "on the weekends." This was acceptable to Ms. Patterson, who clarified that the original plan was to do a brown bag meal only on Sundays, but this didn't work out well, and they now serve a hot meal every day, including Sundays.

The Deputy Clerk asked for clarity regarding Planning Commission Member Greer's statement that staff will approach Ms. Patterson at the end of five years. Is it his contention that staff will be able to renew the permit on a five year basis, without the request having to come before Planning Commission? Planning Commission Member Greer confirmed that staff should be allowed to renew the permit, and the Assistant Town Manager added that this would need to be included in the motion.

Planning Commission Member Clements stated that Ms. Patterson has already proven herself and the value of the service she provides. She has volunteered at the Mission with Ms. Patterson, and this service is needed in the community.

Ms. Patterson stated that the Mission is funded and operated by the churches and businesses in the community and she does not have any trouble finding people to prepare the meals. She actually has a waiting list for volunteers.

The Assistant Town Manager added that the cost for this request was \$475.00 plus postage which brought the total to around \$507.00. Staff worked out a payment plan with Ms. Patterson. However, staff will bring a request to Town Council next week to request that the money she has paid be refunded, and that the remainder be waived, as this money would be better spent at the Mission, instead of coming to the Town. He also noted that this is a consideration for charities only.

Madame Chair Stockton opened the floor to anyone else who wished to speak in regards to the request. Let the record show that no one came forward.

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 Tiggie that Planning Commission recommend to Town Council the approval of a special use permit for Tax Map and Parcel Number 2060020101, for Stepping Stone Mission of Franklin County, Inc. to operate a soup kitchen on the site for five years with the following conditions: (1) they will serve one meal per day, seven days per week, during the noon hour; (2) no food will be carried from the site except when brown bag service is needed; (3) the no loitering rule will be enforced; (4) if Stepping Stone Mission wishes to offer shelter services it must come before Town Council for another special use permit; (4) the Mission will file a quarterly report to the Planning and Zoning Administrator which contains any information the administrator deems necessary to monitor the operations; and, (5) staff will renew the special use permit on a five-year basis. 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 by those present.

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

B. David and Kimberly Lang's Request for Rezoning for Property Located at 220 Claiborne Avenue

After being duly advertised, David and Kimberly Lang of Callaway requested a rezoning of 220 Claiborne Avenue, Rocky Mount from Residential R-2 to Central Business District (CBD) to allow the property to be used for business purposes.

The Assistant Town Manager addressed the Commission, stating that Mr. Patrick Ephriam, representative of Chapter 10 Mental Retardation Group Home, is here for the third time in the past twelve to eighteen months regarding this property. In the past, Planning Commission has been reluctant to rezone the property, primarily because the purchaser was not requesting the rezoning and also because of concerns regarding parking. This request is different as it is being made by David and Kimberly Lang who own a computer networking business, Safer Network Solutions, with clients in Martinsville and Roanoke. They have made an offer on the property that is contingent upon the property being rezoned to CBD. The building will house offices and computer servers. They have a limited number of employees and Mr. Lang has already worked out an agreement with the Methodist Church to use church parking if needed. This rezoning request is consistent with recent rezoning in the area. M&L Holdings/Earth Environmental, Red Clay, and the church are all zoned CBD. The property currently has a conditional zoning of R-2 to allow the operation of the Chapter 10 Group Home, but this conditional zoning will be terminated if the property is rezoned tonight. He believes this rezoning represents good land use practices and offered that the realtor and Mr. Lang are both available tonight to answer any questions.

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

David Lang of 2911 Algoma Road, Boones Mill, came forward to speak, stating that he currently operates his business out of his house, and with five kids, this is a little hectic. Ninety-nine percent of his business is at a customer site working on their computer network. He expects one to two cars at his facility on a daily basis. He further stated that his only question is regarding the handicapped parking space that is located in front of the building. He would like to have this removed if possible.

The Assistant Town Manager confirmed that this has been discussed on the staff level and it can be removed, but staff will need to check with people in the area to make sure that no one is currently using the space. He doesn't anticipate that there is a need for the space. He hasn't seen anyone parked there for the past few weeks.

Madame Chair Stockton questioned how many employees Mr. Lang currently employs, with him confirming that currently he has one additional employee. With his estimated growth, he predicts that he will need to add one or two employees a year. However, there wouldn't be many occasions when they would all be at the facility at the same time. He doesn't plan to sublet the space, as he wants to put servers there and to keep them secure. He plans to operate Monday through Friday from 8:00 a.m. until 5:00 p.m.

Planning Commission Member Hall commented that with CBD parking, public parking could be used, if necessary, to satisfy the parking requirements. The Assistant Town Manager also confirmed that since Mr. Lang has an agreement with the church, this parking could be included as well. Mr. Lang added that his operations do not conflict with those of the church and there are not specific restrictions on his use of the church parking lot, just that he will maintain good communication with the church regarding events that may be going on.

The Assistant Town Manager added that Mr. Lang also will have adequate road frontage to qualify for a freestanding sign under CBD sign guidelines. Mr. Lang confirmed that he has looked at the signs for the Claiborne House and Earth Environmental Consultants as a basis for signage at his property.

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

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 Hall that Planning Commission recommend to Town Council the approval of the rezoning request for the property located at 220 Claiborne Avenue, Franklin County Tax Map and Parcel Number 2070021200, allowing the property to be rezoned from Residential R-2 to Central Business District (CBD),

with motion on the floor being seconded by Planning Commission Member Tiggie. 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) Update on the Oaks at Rakes Tavern

The Assistant Town Manager addressed the Commission stating that the most recent action regarding the Oaks at Rakes Tavern was that Town Council voted to proceed with the forced main sewer and the road to the development on the Lynch Farm property. This has not been without controversy and without changes.

2) Update on WYTI-AM Radio Tower

The Assistant Town Manager offered an update on the request of WYTI-AM Radio to add wireless telecommunications facilities to its current radio tower, advising that Planning Commission had recommended to Town Council to extend a three year special use permit to WYTI. Town Council allowed an open-ended special use permit because each applicant that wishes to come onto the tower will be required to provide engineering documents and get staff approval to locate on the tower.

3) Update on Kroger Fuel Center

The Assistant Town Manager advised the Planning Commission that the first and second submissions of the site plan have been finalized and he is waiting for the plat. Construction is expected to start next week and should take about ten weeks, with a possibility that the fuel center will be open for business by the end of June or beginning of July.

Planning Commission Member Hall questioned the outcome of the Board of Zoning Appeals hearing regarding the sign, with the Assistant Town Manager confirming that it was approved and he was okay with the location of the monument sign on the initial site plan submission. However, since then, they have decided to forgo the monument sign and plan to use price-point signing on the canopy, and now are considering amending the main shopping center sign. He is not sure of the final decision on this.

4) Update on Uptown Revitalization Project

The Assistant Town Manager stated that this item was not listed on the agenda; however, the Town is seeing progress, as an easement from Suntrust was recorded today, which was a big hurdle to get over. The Town is still in need of a few minor easements, along with a notice to proceed from the Federal Highway Administration.

B. New Business

1) Capital Improvement Plan Review and Discussion

The Assistant Town Manager addressed the Commission regarding the Town's Capital Improvement Plan, stating that this should be a short discussion. Because of the tight budget year, the staff recommendation is that there will be no capital expenditures this year. There is the possibility of a grant expenditure for the Pigg River Heritage Trail, and the Town is still waiting approval of this project. However, this is already budgeted in the current year, and if necessary can be reappropriated. A capital free year is not something that can be sustained for very long, but the hope is that the Town can come back in the next fiscal year and catch up. Town Council has received the budget and work sessions will be held in the next couple of weeks, with the hopes that the budget will be in place by the end of May.

PLANNING COMMISSIONERS' CONCERNS

Madame Chair Stockton opened the floor to any Commissioner's concerns.

Vice Chair Spediel questioned if there was any way Planning Commission could continue receiving the monthly reports like they used to, which summarized what Town Council, Planning Commission, and the Board of Zoning Appeals has done; in other words, a monthly summary report.

The Assistant Town Manager advised that he would be glad to go back to this, as it was something that the former Planning and Zoning Administrator had done.

Madame Chair Stockton questioned how the "No Left Turn" sign is affecting traffic flow next to McDonald's, which prompted comments from other Commission members who feel that the sign is not high enough, or big enough to be seen.

The Assistant Town Manager commented that initially this went before the Streets, Sidewalks, and Sanitation Committee of Council to get their input. Staff had wanted to put in a median to prevent left turns because of traffic stacking up. Most of the accidents in the area have actually been caused by people making a left out of the shopping center so a median would definitely help the situation. The sign is an experiment to see what can be done to control the traffic. If signs don't work, then the Town will have to look at something else, possibly a median. The objection to installing a median came

from the shopping center manager, the Covington Company, who understandably wants to protect the interest of its tenants.

Madame Chair Stockton again stated that she doesn't feel the sign is visible enough, as she only knows about the sign because she read it in the paper. She drives by the shopping center every day and hasn't noticed it.

Planning Commission Member Hall stated that Wendy's took the banners down, but he is wondering about the flags. The Assistant Town Manager confirmed that he had met with Malcolm Pike, the owner of the Wendy's, to discuss the limitations of temporary signage, and he asked for the removal of the flags. Mr. Pike removed the blue flags but put up red flags. He plans to follow up with Mr. Pike to let him know that flags of a non-governmental nature are not allowed.

ADJOURNMENT

There being no other business to discuss, motion was made by Planning Commission Member Clements to adjourn at 7:01 p.m., seconded by Vice Chair Speidel, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

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