

**PLANNING COMMISSION
MINUTES
JULY 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, July 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, Bobby Cundiff, Derwin Hall, and John Tiggie. Staff Members present included: Assistant Town Manager & Community Development Director Matthew C. Hankins and Deputy Clerk Stacey B. Sink.

Let the record show that Planning Commission Member Jerry W. Greer, Sr. was not present for the meeting.

WELCOME OF NEW MEMBERS

Madame Chair Stockton welcomed the Planning Commission's new member, Bobby M. Cundiff. Let the record show that Mr. Cundiff was appointed to Planning Commission by Town Council on June 30, 2009. His appointment will expire on June 30, 2013. In addition, let the record show that Janet Stockton and Jerry W. Greer, Sr. were reappointed to Planning Commission for additional four-year terms, which will also expire on June 30, 2013.

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.

ORGANIZATIONAL MEETING

A) Nominations and Elections for Chair

The Assistant Town Manager addressed the Commission asking for nominations for Planning Commission Chair. Vice Chair Speidel nominated Janet Stockton as

Planning Commission Chair, with nomination being seconded by Planning Commission Member Clements. Motion was made by Planning Commission Member Tiggie to close nominations, with motion being seconded by Planning Commission Member Hall. There being no further discussion, let the record show that the motion to close nominations passed unanimously by those present. Next, the Assistant Town Manager asked for a vote regarding the Chair nomination on the floor. Let the record show that the nomination of Janet Stockton as Chair of the Planning Commission was approved unanimously by those present.

B) Nominations and Elections for Vice Chair

Madame Chair Stockton opened the floor to nominations for Planning Commission Vice Chair. Planning Commission Member Hall nominated John Speidel, with the nomination being seconded by Planning Commission Member Clements. Planning Commission Member Tiggie moved that the nominations be closed, with motion on the floor being seconded by Planning Commission Member Hall. Let the record show that the motion to close nominations passed unanimously by those present. Next, Madame Chair Stockton asked for a vote regarding the Vice Chair nomination on the floor. Let the record show that the nomination of John Speidel as Vice Chair of the Planning Commission was approved unanimously by those present.

C) Designation of Subdivision Agent

The Assistant Town Manager addressed the Commission stating that Planning Commission has designated him, in absence of a Town Planner, as the Town's Subdivision Agent on an interim basis. Planning Commission may choose to continue this designation on an interim basis or as they see fit.

Madame Chair Stockton opened the floor to nominations for Subdivision Agent by Planning Commission. Vice Chair Speidel nominated the Assistant Town Manager, with nomination being seconded by Planning Commission Member Clements. The Assistant Town Manager asked for clarification as to whether the nomination is as an interim appointment or a long-term appointment, adding that he currently does not have a timetable for hiring a replacement planner. Due to the economy, the Town is currently trying to save money by having the Assistant Town Manager do the planning work; however, as the Uptown Project materializes, it will be more important to have a planner, although he doesn't anticipate hiring another planner for at least three months. Vice Chair Speidel clarified that the nomination is for an interim appointment. There being no further discussion, let the record show that motion to designate the Assistant Town Manager as the Subdivision Agent was approved 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.

- June 3, 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 Vice Chair Speidel. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

PUBLIC HEARINGS

Let the record show there were no public hearings at this time.

OLD/NEW BUSINESS

A) Old Business

Let the record show there was no old business to discuss at this time.

B) New Business

1. Referral of Staff Suggestion From Town Council: Consider 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 last year the Town regulated adult/sexually oriented businesses, and in looking at what other types of business have not been contemplated in the zoning ordinance, staff has noted that tattoo and piercing shops are not regulated in any manner in any zoning district. Staff does not have anything against tattoos and piercings, but thinks that Planning Commission and Town Council, in representing the citizens of Rocky Mount, may want some regulations as to where these types of businesses can be located, what zoning districts are suitable, required distances from residential areas or schools, etc. Planning Commission may wish to do nothing at all, or may wish to allow this type of business as a special use only. He is opening this subject up for Planning Commission's discussion and is happy to provide suggestions or examples as needed.

Discussion ensued:

- Vice Chair Speidel questioned what areas are suggested, with the Assistant Town Manager stating that adult/sexually-oriented business are permitted in Light Manufacturing (M1) zoning districts but cannot be within 1000 feet of a school or residential neighborhood.
- Does Planning Commission see a need to regulate this type of business?
- It has happened in other towns where customers tend to loiter outside tattoo and piercing establishments and this wouldn't be appropriate in the Central Business District (CBD).
- Vice Chair Speidel clarified that the required distance for adult/sexually-oriented businesses could possibly be larger than 1000 feet, as several different drafts were reviewed before the ordinance was approved, noting that there was a significant buffer written into the ordinance to limit the application.
- Do tattoo and piercing shops need to be regulated as strictly as adult/sexually oriented businesses?
- They should definitely be limited to certain districts, such as in General Business (GB) as a special use, but probably shouldn't be as restrictive as adult/sexually oriented businesses.
- The general consensus is that these types of shops would not be a good mix in the CBD, or in areas such as Technology Drive; however, these types of businesses do have a place in the ordinance.
- As it stands now, tattoo and piercing shops are not contemplated as a use at all in the zoning ordinance; therefore, a special use permit is required to locate this type of business anywhere in Town.
- There is nothing wrong with this type of approach; however, specifying in the code that these businesses are allowed in certain zoning districts will provide guidance for Planning Commission and Town Council when making these decisions.
- Limitations are not required in the ordinance, such as distance from a school, and the granting of a special use is solely dependant upon the pleasure of Planning Commission and Town Council. Specific reasons are not required for voting against a special use.
- The tattoo shop on 40 West, Totally Naked Tattoos, is not in Town limits. The tattoo shop on Route 220 is also outside of Town limits.
- People who want this type of service will go where the service is; they don't pass by this type of establishment and decide to get a tattoo.
- This is not a traffic-building business, and may not be appropriate in CBD and retail areas. The Town needs to protect the businesses that it already has.
- The shortest and simplest course of action is not to do anything, which will require that any business like this that wants to locate in Town obtain a special use permit to operate, regardless of where they want to locate.
- What have other localities done? The Assistant Town Manager advised that he can put this on a list-serve to see what other localities have done in regards to tattoo and piercing shops. This may help to develop further options.

- The Assistant Town Manager added that he will present a list of options at the August meeting with input from other localities. He further added that he doesn't feel that doing nothing is a bad approach. Without changing the ordinance, the Town still has adequate oversight.

2. Review of State Code requirements for updating Comprehensive Plan

The Assistant Town Manager advised that the State Code section that regulates comprehensive plans is very thick and he didn't want to subject them to it unless they particularly want to read it, further adding that he will supply anyone a copy that wishes to have it. The code is thorough and provides a checklist of things that must be included as part of the comprehensive plan process. An interesting note is that there is no requirement for an advisory board or volunteer group to help in drafting the language. He further added that he will explain to Planning Commission the way that he prefers to approach the update and if Planning Commission does not agree to his process, then please let him know up front: He prefers to revise the language to reflect the changes that have been *made and those that have been contemplated, to then bring it back to Planning Commission for review, and finally to present it for public review either in a public hearing or focus group*. If Planning Commission does not agree to this then he welcomes their input, as he works at Planning Commission's direction.

- Vice Chair Speidel stated that he prefers to work from suggestions from staff, rather than creating new material.
- There are not a lot of changes to make; however, in regards to Community Facilities, the County is working to complete the new government center, the Town is contemplating the amphitheater, and there are some other changes to be made. There are also some stylistic changes that could be made to make the document more accessible and engaging to the public.
- The document basically needs to be refined.
- In the past, there was somewhat of an "invitation list" for asking the public to attend the public input sessions. If this is done again, Madame Chair Stockton advised that she would like it to be opened up a little more. The Assistant Town Manger confirmed that he would like to welcome as much public input as possible.

It was the general consensus of Planning Commission to proceed with the Comprehensive Plan update in the manner described by the Assistant Town Manager.

3. Review of process, including public input, for development of Comprehensive Plan

The Assistant Town Manager stated that Planning Commission has been touching on this process already; however, for the benefit of Planning

Commission Member Cundiff, he wanted to review the process. Staff has prepared a potential schedule (which was include in the packet as an attachment to the draft minutes), showing how Planning Commission will move forward. This is a five-year update that will be done on the third year. This will help keep the document up to date and will prevent having to do a drastic update every five years. He invited Planning Commission to contact him for discussion or questions regarding the planned schedule.

PLANNING COMMISSIONERS'/STAFF CONCERNS

- The Assistant Town Manager advised that last year Planning Commission approved a Transportation Enhancement grant for the Pigg River Heritage Trail and Town Council also approved the grant. It was for the leg of the trail running between Celeste Park and the new government center, and it was just reviewed by the Commonwealth Transportation Board. This was not funded and his recommendation to Planning Commission is that the Town not apply in the December 2009 round of funding. The Town has been assured of funding for the first phase, which connects Veterans' Park to Lynch Park and is the first phase of the Pigg River Heritage Trail, and he thinks the Town should focus on completing this and doing it right, to show the public what a good recreational experience this trail can be. The Town can then reapply in December 2010 for additional funding.
- Planning Commission Member Clements questioned the status of the possible bus service that was mentioned some time ago. The Assistant Town Manager advised that this is one of the casualties of the current economic situation. The Town did have conversations with Valley Metro and received projected costs back which indicated that depending on the type of service the Town wants to provide, this could cost around \$100,000 for operational expenses. This is not entirely off the table and will come up again as it is still a worthwhile consideration. Planning Commission Member Clements noted that the park-and-ride is well used.
- Planning Commission Member Clements questioned if the Fit Club relocation required a special use. The Assistant Town Manager advised that fitness clubs are a permitted use in the CBD.
- Madame Chair Stockton commented that parking in the CBD is still bad and she doesn't think that people are taking advantage of the parking lot (Claiborne lot). The Assistant Town Manager advised that staff has taken some steps to try and improve the situation, including putting up signage to help direct people to the lot. The Town may need to go to the businesses, particularly those that have located there more recently, like Curves and the Fit Club, and ask them to have customers park in other locations. Madame Chair Stockton pointed out that the business employees seem to park directly in front of the businesses as well.

The Assistant Town Manager advised that he will be glad to talk to businesses about this. Planning Commission Member Cundiff added that he ran a business on Franklin Street for 45 years, when there were meters on the street, and even then there were employees that would feed meters throughout the day in order to hold a parking spot.

- Planning Commission Member Tiggler stated that just a few weeks ago, the restaurant sign was falling down and now the Fit Club is in the space, and he asked what happened so fast. The Assistant Town Manager advised that staff sent letters to the property owner asking that the paper be corrected and then the Fit Club owner was looking for a place to expand. It was the week after Planning Commission discussed the sign being down that Ms. Turman came in for a zoning permit for the Fit Club.
- Planning Commission Member Clements noted that there is still a house on Pell Avenue that hasn't had the yard mowed yet. The Assistant Town Manager advised that 580 Pell is on the list for the Public Works Department to mow, but the mowing has been delayed because of paving. The property should be mowed during the next week.
- The Assistant Town Manager reminded the Commission that he will be out of town the last two weeks of July to attend the Weldon Cooper Center's Senior Executive Institute at the University of Virginia.
- Madame Chair Stockton commented on the Citizens Planning Education Association of Virginia handout that was included in the packet, stating that she encourages anyone who has not participated in the training to do so as it was well worth her time. The Assistant Town Manager advised that the Town will cover the cost of the training, hotel and meals in order to participate in the training.

ADJOURNMENT

There being no other business to discuss, motion was made by Planning Commission Member Clements to adjourn at 6:40 p.m., seconded by Vice Chair Speidel, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs