

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
JANUARY 5, 2010
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, January 5, 2010 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of the Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton, and Planning Commission Members Bobby Cundiff, Derwin Hall, and John Tiggler. Let the record show that Planning Commission Member Ina Clements arrived at the meeting at 6:05 p.m., Planning Commission Member Greer arrived at the meeting at 6:20 p.m., and Vice Chair John Speidel was absent from the meeting due to a death in his family.

The following staff members were present when the meeting was called to order: Assistant Town Manager Matthew C. Hankins, and Deputy Clerk Stacey B. Sink. Let the record show that the Town Attorney John T. Boitnott arrived at the meeting at 6:10 p.m.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda. There being none, Madame Chair Stockton entertained a motion.

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

PUBLIC RECOGNITION

The Assistant Town Manager advised the Commission that Planning Commission Member Cundiff and the Deputy Clerk recently went to Harrisonburg for the better part of two weekends for planning commissioner training. Planning Commission Member Cundiff is now certified and the Deputy Clerk is working to complete the reading required for the certification. He offered his thanks for the effort put forth to go through the training for certification, stating that it will be valuable to the Commission. He also

noted that now, more than half of the Planning Commission Members are certified.

APPROVAL OF MINUTES

Prior to the meeting, the Planning Commission received a copy of the following minutes for review and consideration of approval:

- October 6, 2009 – Regular Meeting Minutes
- November 4, 2009 – Work Session Minutes

There being no discussion, Madame Chair Stockton asked that both sets of minutes be considered together and entertained a motion.

- Motion was made by Planning Commission Member Cundiff to approve both sets of minutes as presented, and 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.

PUBLIC HEARINGS

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

OLD BUSINESS

(1) Continued review of Arts and Culture District recommendations

Madame Chair Stockton invited the Assistant Town Manager to speak in regards to this business item.

The Assistant Town Manager stated that during the November work session, Planning Commission's direction to him was to develop a preliminary list of incentives and a rough outline of boundaries for the Arts and Culture District, and to develop a concept of how the Commission will move forward in reviewing and approving the district, should they wish to proceed. As far as the schedule goes, he stated that he would like to wrap something up and get it to Town Council before the joint meeting in March, which will give a couple of months to work on finalizing the boundaries and incentives. It was the consensus of Planning

Commission that this schedule is acceptable.

In regards to boundaries, the Assistant Town Manager directed Planning Commission's attention to the screen which displayed a parcel map with proposed Arts and Culture District boundaries highlighted in blue. (See Attachment A.) In referencing the map, he noted that the lower blue boundary starts in front of the Flora Morris house, where the Franklin County History Museum is located now. He included this because it may be a potential anchor for the Arts and Culture District. Going up North Main, it includes all the parcels that touch North Main up to Angle Bridge, and then comes back to Franklin Street and Floyd, including all the parcels that touch on those streets, as well as any parcel contained inside of it. This is his preliminary thought on what to include. It can be expanded or reduced, based up on Planning Commission's pleasure. Nothing has to be done tonight as this is just something to think about and consider. The thought is that there are already a lot of arts and cultural attractions in this district, and more could be drawn in with incentives that will tie into the existing businesses, which will generate more retail attraction, particularly for Franklin Street and South Main.

Madame Chair Stockton called for any comments by the Planning Commission.

Discussion ensued:

- Planning Commission Member Cundiff questioned if this was basically just the big circle around Town, with the Assistant Town Manager confirming that basically it is, as it is from the Angle Bridge south on Main Street, then Franklin Street and Floyd Avenue and the streets located in the middle of it, and then stretching down to the Flora Morris house on South Main. The big chunk of land on the left-hand side is the Grove, which is included because it touches Floyd, and there was once a bookstore there. He further stated that he would be glad to include as much or as little as Planning Commission would like.
- Planning Commission Member Clements questioned what type of business will be going into the old grainery building. The Assistant Town Manager advised that the building was purchase by Dr. and Mrs. Sam Rogers. Their daughter is a hand-blown glass artist and they are going to allow her to work there, but they also want to open it up into an artist mall, where an artist could either use studio or gallery space to display or create works. This could be an anchor tenant for an Arts District. It is his understanding that this will be a mix for retail and art production.

- The Assistant Town Manager noted that revisions to the map of the proposed district could be made next month.
- Planning Commission Member Cundiff questioned how this district will affect current business. The Assistant Town Manager advised that there should be no negative impact. It won't change anything or force anyone out. The Arts and Culture District will not dictate anything about the land use. If a business that is not arts related wants to come into the district, it will not be excluded; however, it won't be eligible for the incentives.
- Planning Commission Member Clements questioned if there will be a sign for the district, with the Assistant Town Manager confirming that a sign could be added. He further stated that the Community Partnership for Revitalization is currently looking into wayfinding signage and it could be included with that.

It was the consensus of Planning Commission that the proposed boundary map was acceptable.

Next, the Assistant Town Manager opened the discussion regarding incentives. Prior to the meeting, the Planning Commission received a memorandum detailing possible incentives as outlined below:

Purpose

To create a destination district which helps the community to create employment opportunities and grow retail opportunities using tax and zoning incentives. Ultimately, the cost of any incentives should be recouped by increasing shopping traffic, supporting growth of existing business and attracting new businesses to the district, diversifying the types of business activities available to potential customers both in and outside of Rocky Mount.

Examples of Qualifying Businesses:

*Theatres
 Art galleries
 Music stores
 Bookstores
 Antique stores featuring local antiques/items of historical interest
 Artist studios
 Restaurants with regular live entertainment and/or art gallery features
 Microbrewery/microdistillery
 Performing arts galleries
 Museums
 Fabric & handcraft supply stores
 Media production & recording facilities
 Graphic design and arts production facilities*

To facilitate the discussion, the State Code Section is in italics, with a list of possible and recommended options for each:

§ 15.2-1129.1. Creation of arts and cultural district.

A. Any locality may by ordinance establish within its boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Each locality

may provide incentives for the support and creation of arts and cultural venues in the district. Each locality may also grant tax incentives and provide certain regulatory flexibility in an arts and cultural district.

Criteria to meet Rocky Mount general incentives:

Must support the arts through one or more of the following:

Regularly-scheduled musical, dramatic, dance, cinematic or interpretive performances, particularly featuring local traditional music artists, open to the general public, with or without admission charges

Display of original, fine and literary arts for sale

On-site creation, instruction, display and/or sale of musical instruments, original fine art, traditional arts (handcrafted furniture/ furnishings, handcrafts, household items, woodturning), goods or products requiring knowledge of traditional Franklin County arts

Retail supplies and equipment for arts and artists, so long as such supplies, equipment and materials constitute the majority of the store's inventory

Potential General Incentives:

Musical Performance Grants (to tie into Crooked Road)

Real Property Investment Grants (to encourage redevelopment)

Real Property Tax Rebate (small grant = \$120/\$100,000 value)

Cooperative Marketing Grants

B. The tax incentives may be provided for up to 10 years and may include, but not be limited to: (i) reduction of permit fees; (ii) reduction of user fees; and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

Permits:

Zoning, Signs, Zoning Compliance

User Fees: Water, Sewer

Local Option Gross Receipts Taxes: Meals Tax, BPOL

For example, return a portion of Meals Tax to restaurants and portion of BPOL tax to non-restaurant businesses

C. Each locality may also provide for regulatory flexibility in such zone which may include, but not be limited to: (i) special zoning for the district; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

Special Zoning: Overlay District

Permit Process: No changes recommended

Exemption From Ordinances:

Signs (specifically, to allow creation of murals and similar public art with limited approval)

Noise

Others as suggested by Planning Commission.

The Assistant Town Manager asked for Planning Commission's pleasure regarding the presented proposed incentives, noting that this was sort of a "throw it all at the wall" approach and that items could be removed or added as Planning Commission sees fit.

Discussion ensued:

- Planning Commission Member Tiggle noted that up to ten years is allowed and questioned what most other towns have done. The Assistant Town Manager stated that, typically, the term is shorter, and he thinks that the General Assembly was just trying to reach an upper limit by stating the ten years. From a record-keeping standpoint, a shorter term will work much better for the Town. Three to five years will probably be more acceptable. It can be any shorter period of time, but the upper limit is ten years.
- Planning Commission Member Clements stated that she found it interesting that a microbrewery or microdistillery was included, with Madame Chair Stockton stating that she assumed this was because it would be interesting to watch [the distilling process].
- Basically, the suggested criteria to use is that the business has to regularly support the arts, be it through display, or the hosting of dramatic or musical performances, etc. The district should be open to as much as possible to attract foot traffic to the Downtown area.
- Some general incentives that the Town can use are: performance grants that can be tied into the Crooked Road; real property investment grants; real property tax rebates, which will be small rebates unless there is a substantial piece of property; cooperative marketing grants that can be done with new tenants. On the permitting side, the Town can waive the zoning and zoning compliance fees, with the biggest incentives being focused on the meals and Business/Professional/Occupational License (BPOL) taxes, by possibly returning a portion of these taxes to the businesses. These would probably be the largest incentives, and probably wouldn't cost the Town much if it is attracting new businesses.
- This would be an overlay type district and it would not affect the current zoning that is in place.
- Regarding exemption from ordinances: A good example would be the old grainery. One of the things they are interested in doing is painting a mural on one or both sides of the building, and it is not clear in the sign ordinance that they can do this without a special use permit from the Town. So this is one thing that the Town can look at doing, perhaps allowing a public artistic expression to be exempted from the sign ordinance, or perhaps allow it with limited approval from the Planning Commission or Zoning Administrator. He also noted that it is possible that some of these activities, either through the production of art or through musical performances could create noise so some exemptions from the noise ordinance could come into play.
- Planning Commission Member Greer questioned if murals are allowed would a demo be brought to the Planning Commission or Town staff, with the

- Assistant Town Manager confirming he would like to see what the artist has in mind before it is painted. The property owners that have asked about it definitely have something tasteful in mind.
- Planning Commission Member Cundiff stated that he thinks the noise is something that needs to be considered too. It would depend on the time of day and this could be ambiguous territory. The Assistant Town Manager added that it may be that Planning Commission may not even want to make an exemption to the noise ordinance. He just mentioned it as a possibility.
 - Madame Chair Stockton asked the Assistant Town Manager about where to go from this point. The Assistant Town Manager advised that they could offer him some specific direction or they can take it for another month and whittle it down. In speaking with the Town Manager, regarding tax rebate incentives, the Town Manager suggested a 50% rebate in year one, a 30% rebate in year two, and a 20% rebate in year three as an incentive to come in. This would keep tax revenue flowing into the Town, but it would also give new businesses an incentive to come in, which will attract more customers. Tax revenue is not the driver here. The important thing is creating business and activity Downtown which will encourage the economy and get things moving in the right direction. Even with the existing businesses, this will not be a big hit for the Town, and particularly with the economic climate, making this available for existing businesses may be a way to help keep those businesses here. Some are struggling and this may be a good way to keep these businesses here until the economy rebounds.

It was the consensus of Planning Commission that the Assistant Town Manager should go ahead and draft some code that will spell out the proposed district boundaries and some recommended incentives, for review at the February meeting, and if Planning Commission arrives at a final product, it can be advertised for public hearing in March and sent to Town Council.

Planning Commission Member Greer asked if the Assistant Town Manager could get the information out in time to get some input from the Planning Commission before the meeting.

(2) *Bylaws review*

The Assistant Town Manager noted that Planning Commission had previously entertained some discussion about changing the time allotted for people to come and speak during public comment and public hearings. This brought up a larger discussion, as the Board of Zoning Appeals is currently reviewing its bylaws to

bring them current based on some changes in law. This would be a good opportunity for Planning Commission to review its bylaws as well.

- Madame Chair Stockton noted that currently the bylaws state speakers will be limited to five minutes unless extended by an approval of the majority of the Commission. She questioned if this is for the presenter as well as a speaker, with the Town Attorney advising it is not, and that a presenter has an unlimited amount of time. Planning Commission Member Hall questioned if it would always be this way, with the Town Attorney stating it is up to the chairman. However, there is only one person presenting the application and there may or may not be any number of speakers for or in opposition to the request. To give them the same amount of time is not comparing apples to apples. Madame Chair Stockton stated that she thinks the presenter should have more time, but not an endless amount of time.
- Planning Commission Member Hall stated that he thinks ten minutes should be enough time for a presenter to cover his request. The other piece he was thinking about beyond this, is that when a large group comes to speak in opposition, there typically is an informal spokesperson that will speak first, but then to have ten additional people speak about the same opposition argument is of no relevance.
- The Town Attorney stated that public hearings are designed to give the public an opportunity to speak and he is in favor of allowing them to speak for as long as they want, whether it be one hour, two hours, or all night. Planning Commission Member Greer added that where the Town Attorney is coming from on this, and he hears it all the time, is the general thinking that the Commission has already made its mind up.
- Madame Chair Stockton then questioned rebuttal periods, stating that she understands the presenter's right to come back to the podium to speak in rebuttal to public comments, but she is concerned about allowing speakers from the general public to come back. The Town Attorney advised that what the Planning Commission must be careful of, is allowing speakers who speak in opposition to come back to the podium to engage the presenter in some form of cross examination or questioning, which is not productive to the Planning Commission's consideration. He further stated that unless it becomes a real problem, every speaker should be able to speak until he has had his say.
- Planning Commission Member Cundiff stated that he thinks it is the Chair's responsibility to control the situation. If comments become redundant then the Chair should speak up and say that Planning Commission has already heard the argument and invite the next speaker. Planning Commission

Member Clements noted that Madame Chair Stockton has done a good job of this in the past.

- It was the consensus of Planning Commission that limits on speaking will be looked at on a case by case basis.

Following the time limits discussion, Madame Chair Stockton questioned if Planning Commission needed to review the bylaws further. Planning Commission Member Cundiff stated that there were a couple of things which were brought up during the certification training that he thinks should be looked at. The first is a suggestion by Mike Chandler, who conducted the certification training, that meetings be conducted according to *Robert's Simplified Rules of Order*, instead of *Robert's Rules of Order Newly Revised*. He noted that the Deputy Clerk has emailed Mr. Chandler regarding which version of "simplified rules" to use, as there are several different versions available. Planning Commission Member Cundiff also mentioned that Mr. Chandler had recommended there be an attendance requirement for Planning Commission Members. General discussion ensued, with Planning Commission Members commenting that they remembered discussing this once before. The Town Attorney also advised that he remembered this being addressed as well, and that he knows there is something in place to address this, believing that it is three consecutive meetings or four in twelve months. The question also arose as to whether or not the version of the bylaws (dated 2004) given to Planning Commission in the packet was the most current, with Planning Commission Member Tiggle believing that it had been less than five years since they had been reviewed. The Deputy Clerk suggested that a minutes search be done to determine when the bylaws were last reviewed, as due to turnover in office staff it is possible they were not filed correctly if reviewed at a later date. She also questioned if the Planning Commission was interested at all in reviewing the simplified version of Robert's Rules, with it being the consensus of Planning Commission that it is worth looking into.

(Let the record show that following the meeting, the Town Attorney advised that he had found the most recent copy of the Planning Commission Bylaws, which were updated on February 6, 2007, and included provisions for addressing absenteeism.)

NEW BUSINESS

- (1) Meeting and advertising calendar for 2010**

Madame Chair Stockton noted that a proposed calendar was included in the packet and staff had tried to work around the holidays. The Assistant Town Manager noted that staff worked around the May election as well. It was noted that the November election is always a conflict because several of the Planning Commission Members serve as Officers of Election, and the November meeting would need to be moved as well. It was the consensus of Planning Commission that the meeting dates in question should be moved to the following Wednesdays. There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Tiggle that the calendar be approved with the noted corrections as follows: the meeting regularly scheduled for Tuesday, May 4, 2010 will be moved to Wednesday, May 5, 2010; and the meeting regularly scheduled for Tuesday, November 2, 2010 will be moved to Wednesday, November 3, 2010, with 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.

(2) *Town Council referral: Consider amending parking regulations for smaller future retail development*

The Assistant Town Manager addressed the Planning Commission stating that this question is more of a theoretical one, and that now he is not as convinced of the need for this as he was when the idea first hit him. He added that when reviewing the Walgreens site plan, the question arose as to whether or not the Town requires too many parking spaces for smaller retailers of 15,000 square feet or less. Is the Town unfair by applying the same parking standards to small retailers as would be applied to larger retailers like Wal-Mart or Kroger? Does the Town require too much parking for new banks? There is also an environmental component, as the more asphalt the Town requires, the less greenspace there is. He asked Town Council to refer this to Planning Commission for a determination and in doing this, he looked at other localities' requirements. He found that the Town is pretty much in-line with what other localities require. Most are in the one parking space for every 200 square feet of available retail space range, and the Town requires one for every 225 square feet, so the Town is actually a little bit on the liberal side with its parking requirements. Walgreens needed 47 parking space and was able to accommodate this requirement, though it was tight. Some other localities require a range, between 200 and 300 square feet per

space. Some localities do treat smaller and larger retail differently. Really, this is an academic exercise. If Planning Commission feels comfortable with the requirement the Town currently has, then no changes are required. He noted that he spoke with the manager of the new CVS on Route 40 East and she said they frequently use all of their parking spaces and that occasionally they could use more than they have. In his original thought, he was thinking of the pharmacy or bank type development and that they may could use fewer spaces, but after speaking with the CVS manager has realized that this may not be the case. The main reason he questioned this is that there are several desirable lots along the Route 40 East and North Main Street corridors which the Town would like to see developed, and this question may come up at some point. However, there are methods of relief if there is an unusual lot.

Planning Commission Member Cundiff stated that one item of concern is that a lot of the parking spaces will be taken up by employees, and if there aren't enough, then there is sabotage into some else's parking spaces, so there needs to be a guide to follow and he thinks that the Town's current regulation is acceptable.

It was the consensus of Planning Commission that current parking regulations are acceptable.

On a side note, Planning Commission Member Cundiff questioned what the required parking space size is in the Town of Rocky Mount, with the Assistant Town Manager confirming that the required size is a minimum of 9 feet by 18 feet. Planning Commission Member Cundiff stated that he has difficulty in Downtown getting out of parking spaces, and he knew at one time the requirement was 10 feet by 19 feet. The Assistant Town Manager advised that the current regulation is a Town regulation, and he thinks it is standard. He offered to look at other localities to determine the parking standard.

PLANNING COMMISSIONERS' CONCERNS

Let the record show there were no additional concerns brought up at this time

ADJOURNMENT

There being no further business to discuss, motion was made by Planning Commission

Member Clements to adjourn the meeting at 7:05 p.m., with motion on the floor being seconded by Planning Commission Member Cundiff. Let the record show that the motion on the floor passed unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs