

**TOWN OF ROCKY MOUNT  
PLANNING COMMISSION  
MINUTES  
OCTOBER 7, 2010  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Thursday, October 7, 2010 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, Derwin Hall, and John Tiggle. Let the record show Planning Commission Member Jerry Greer was not present.

The following staff members were presented: Assistant Town Manager Matthew C. Hankins and Deputy Clerk Stacey Sink.

**APPROVAL OF AGENDA**

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

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

**APPROVAL OF MINUTES**

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

- September 7, 2010 – Regular Meeting Minutes

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

- Motion was made by Planning Commission Member Tiggie to approve the minutes as presented, with motion on the floor being seconded by Vice Chair Speidel. There being no 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 held at this time.

## **OLD BUSINESS**

### ***(1) Zoning Clarification: Defining “50% of the main structure” for determining sizes of accessory buildings***

The Assistant Town Manager addressed the Planning Commission, stating that this is really a housekeeping issue that his staff has come across a couple of times. Someone will come in wanting to put an accessory building on a property, usually something fairly large like a 24-foot by 24-foot garage, and staff will do the calculations but is unsure if the total area of the house or the area of the foundation should be used. The code is kind of nebulous, as it states that “accessory buildings in residential areas may comprise no more than 50 percent of the area of the main structure.” So currently, staff calculates the total area and then calculates the size of the accessory building. If it is Planning Commission’s desire to leave it alone, then this can be done, but if the intent of this body when it adopted the code was for an accessory building to be no larger than 50 percent of the foundation area of the home, regardless of how many floors the home has, then the phrase “foundation area” needs to be added to the code. What he first needs to know is: was it Planning Commission’s intent to use the “total area” or the “total foundation area”?

Discussion ensued:

- Planning Commission Member Tiggie advised that he made the motion and his intent was to use the “foundation area.”
- Vice Chair Speidel advised that he understands the intent, but questioned if using “foundation area” would pose any problems with patios or added-on porches. Would “foundation” limit too much?

- The Assistant Town Manager advised that currently staff calculates the total enclosed area, so if it is a deck or a porch or another room that is not totally enclosed, then its size is not used in the calculation.
- The Assistant Town Manager added that “foundation area” should encompass what the Planning Commission was aiming for, if this was its original intent. However, it could be adjusted to “less than 50 percent of the area of the largest floor of the house.”
- Vice Chair Speidel questioned what staff has been using, with the Assistant Town Manager advising “total area” and noting that he has not had to limit anyone, but it has meant there were a couple of structures added that were approaching the size of the foundation area of the main structure.
- The Assistant Town Manager clarified that if an addition is made that is attached to the main structure, then it is not considered an accessory structure and the calculation is not made. He also clarified that the definition of an accessory structure is “a subordinate use of a structure customarily incidental to and located upon the same lot occupied by the main use or building provided that no accessory building should be used for housekeeping purposes.”
- Planning Commission Member Clements pointed out that now there are assisted living homes that go in the backyard, with the Assistant Town Manager noting that the Town does not have any leeway on this, as State Code mandates they be allowed. House Bill 1305, this year, required that this be allowed since it is a temporary use and it is incidental to the primary use of the property. The Town may have to add some language to its code to reflect what the State Code mandates. He also noted that the affectionate name for this type of housing is “granny pods.” State Code says that no locality can prohibit the use of these since it is a temporary incidental use. The problem is the definition of “temporary,” and how this can be determined at the outset.
- Vice Chair Speidel noted that if it was changed to “foundation area” and someone wanted more, they could always go before the Board of Zoning Appeals.
- The Assistant Town Manager advised, as it was the consensus of Planning that the intent was to use “foundation area,” that this update will be done as part of the Zoning Ordinance (“blue book”) master update.

***(2) Requiring electronic file submissions for site plans, plats and subdivisions***

The Assistant Town Manager advised the Planning Commission that it is fairly

common these days for engineers to be able to do site plans, etc. as “.pdf files.” He does not think this will be anything that is balked at. This would give the Town better legal standing if it requires engineers and developers to submit electronic plans, and it would be easier for workflow as staff would be able to review plans from a computer at home, if necessary, rather than rolling up a 40-page set of plans. He does not think this will cause a hardship for anyone. All of the work staff receives is now produced electronically, so it should not be any extra burden to provide an electronic copy. This would include all commercial and industrial activities. There are very few residential activities that require a site plan.

Vice Chair Speidel advised that he understands the benefit of all of this, but he would not want to see someone get caught who does not have the capability. Madame Chair Stockton stated that she does not think there would be anyone without the capability. The Assistant Town Manager advised that Planning Commission could always provide an out by including the phrase “unless accepted by the zoning administrator,” and this would probably be helpful to him.

It was the consensus of the Planning Commission Members present to proceed with updating the code in this manner, noting that they would have the opportunity to review the code again before approval.

### ***(3) Arts & Culture District development***

The Assistant Town Manager advised that at last month’s meeting he was intending to attend another meeting at the Rappahanock Planning District Commission on arts and culture, but he did not have the opportunity to go. He has, however, spent some hours over the past month reviewing what has been done so far, and trying to brainstorm further options for downtown. He is having a hard time with this, but what he would like to do, because there are some businesses planning to open this fall that could benefit from the Arts & Culture District, is to try to go ahead and get something on the books that will provide them with some relief. If this is done, then Planning Commission would still have the option of making changes to the district later on. If it suits Planning Commission, then he will plan to bring a draft ordinance in November for review, and then a public hearing can be held in December.

It was the consensus of Planning Commission Members present that this is suitable.

**NEW BUSINESS*****(1) Sign Ordinance question regarding pennant flags***

The Assistant Town Manager advised that this is just something else he needs clarification on. He has been under the impression, and has enforced it this way since he has been here, that pennant flags are not permitted in the Zoning Ordinance. However, now he cannot find that there is a specific prohibition. The only thing he can find is allowing flags “except for when used in commercial purposes,” but this is not a specific prohibition against pennant flags. “Pennant flags” are the triangular streamers that are typically seen at used car dealers stretched out across the parking lot. Now, Wendy’s has them up, the Kroger Fuel Center and Kentucky Fried Chicken have had them up but taken them down. Basically, staff, most recently, has been treating them as temporary signs and requiring people to get a permit and pay a monthly fee to display them.

Vice Chair Speidel recalled that pennant streamers have been discussed in the past, and it seemed that the concern was not wanting them to be permanent because they can fall into disrepair. Planning Commission Member Hall stated that it seemed like Planning Commission had also been concerned with the number of flags displayed as well, noting that Wendy’s often has too many signs displayed and has been politely asked to tone it down in the past.

Planning Commission Member Clements questioned if the things that jump around, like Aaron’s has in front of its store, is considered a “sign” and is allowed. The Assistant Town Manager advised that these types of signs are specifically prohibited because they are wind driven, noting that he had not seen the sign at Aaron’s but will add it to his enforcement list.

The Assistant Town Manager reiterated that what he needs to know is: is his interpretation correct? If it is correct, does it need to be addressed in the code, as this is something he needs clarification on. Vice Chair Speidel advised that he likes the way it is being handled now, especially if the issue is with pennant flags on streamers. But, he thinks triangular flags on a pole are different, with the Assistant Town Manager advising flags on poles would be considered commercial flags and can be handled differently.

Planning Commission Member Hall advised that he wants businesses to be able

to advertise their products, but he just wants to make sure that the advertising is kept up in nice condition. The Assistant Town Manager advised that staff can require the signs to be removed if they become worn or degraded, and this is true of any sign.

It was the consensus of the Planning Commission Members present that staff is treating these signs correctly by allowing them on a temporary basis.

## ***(2) Staff Reorganization***

The Assistant Town Manager stated that most everyone knows by now that Nathan Wright left Town service earlier in the month to pursue an opportunity with a defense contractor in Northern Virginia. So, instead of writing weed and trash letters and wading through mud to do erosion and sediment inspections, Nathan will be moving satellites around and spying on backyards. He noted that Nathan is a very gifted young man. The Assistant Town Manager's plan is to ask Town Council on Monday to do some minor reorganization. Currently the planner position is frozen, and what he intends to ask Council to do, is to allow him to flip-flop the planner position with the GIS position, because this is where the greatest need is on the staff level. It has been a couple of years since there has been someone to take the far look out to see where the Town is going to be in five, ten, and twenty years. The job description will probably look at GIS or erosion and sediment experience as a plus. He further stated that his intent is for he, himself, to retain the Subdivision Agent and the Zoning Administrator titles and to keep the planner in an advisory role. From a workflow standpoint, this will be better and will improve communication in the department. However, if Planning Commission has a different intent, then staff will work with that.

Madame Chair Stockton advised that she thinks the Assistant Town Manager is doing what needs to be done, with the Assistant Town Manager advising that the intent is to bring a new planner in and to train this person as needed so they will be a good fit in the organization, and realistically, he expects it will take six to eight months for this training to happen. If Town Council approves the position on Monday night, then the hope is to advertise next week.

## ***(3) Commission membership***

The Assistant Town Manager advised the Planning Commission that Ann Love was appointed to fill the vacant seat on Town Council, and with that taken care of, now Council can turn its attention back to appointing a new member to the

Planning Commission. They have asked him to submit a list of names, and he has done so. Council also has a list of names that they would like to consider. Town Council will discuss this in closed session on Monday, and he expects to be provided with some direction on how to proceed. However, he expects that it will be December, at the earliest, before there is a new Planning Commission member. He has heard from several Council Members that they are interested in bringing someone on board who is interested in going through the Citizens' Planning Education Association of Virginia (CPEAV) Planning Commissioner training.

### **COMMISSIONER CONCERNS**

Planning Commission Member Clements stated that at one time she thought staff was looking at some of the buildings in Town that have deteriorated, especially referring to the one on College Street, with the Assistant Town Manager confirming that this is the case, and there is a list which has been turned over to the Town Attorney for title searches. Now, the Town can move on to the next step, which is to contact the owners or the heirs to try to affect some changes on those properties.

Vice Chair Speidel questioned the progress on South Main for the Uptown Revitalization Project, and the Assistant Town Manager provided a brief synopsis of the project.

The Assistant Town Manager also brought the Commission up to date on the ongoing building projects in the Town, including Walgreen's, the Veterans' Memorial Connector Walk, the Church Street group home, the Grainery, the Trendz relocation, and the new bakery in the old Lynch Hardware building.

There have been no developments in regards to finding a community partner interested in operating the Depot. The facility is still available for rental, and special events, etc. Planning Commission Member Hall stated that he is under the impression that the federal grant the Town received to renovate the building requires that the building continue in use as a visitors' center, with the Assistant Town Manager advising he would have to research this to know for sure, as there may have been a time limit on its restricted use. Vice Chair Speidel questioned what the cost would be for the Town to run the facility, with the Assistant Town Manager advising that the Town incurs costs whether or not it is operated as a visitors' center, because the Town is still paying utilities, and providing services there. But, to staff it would probably cost around \$500 per week. It was the

consensus of the Planning Commission Members present that the Depot is a useful facility and they would like to see it as more of a priority.

Vice Chair Speidel questioned if there have been any new developments for Celeste Park, with the Assistant Town Manager advising that he has received a request from Mrs. Ibbey Greer for the Town to consider renaming the park "Celeste Claiborne Greer Park" so that people will be aware of who the park is named after. All of the infrastructure is there, except for the trails. It will take cutting in the trails to get the park opened. He expects that a combination of Town employee and volunteer hours will be needed to get it open.

### **ADJOURNMENT**

At 6:57 p.m., and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Clements, seconded by Planning Commission Member Tiggler, 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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