

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
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TOWN COUNCIL
STEVEN C. ANGLE, *MAYOR*
GREGORY B. WALKER, *VICE MAYOR*

BOBBY M. CUNDIFF BOBBY L. MOYER
P. ANN LOVE JON W. SNEAD
BILLIE W. STOCKTON

MATTHEW C. HANKINS
Assistant Town Manager
Director, Community Development

**PLANNING COMMISSION
REGULAR BUSINESS MEETING
February 2, 2016**

6 p.m., Town Council Chambers, 345 Donald Avenue

- I. Welcome Janet Stockton, Chair
- II. Appointment of Clerk
- III. Review and Approval of Minutes
 - a. January 2016
- IV. Public Hearing
 - i. Issue: Rocky Mount Ready Mix, Incorporated requests a rezoning of the property located off Market Place Drive known as Franklin County Tax Map and Parcel Number 20300 06100 from GB (General Business) to M2 (General Industry District). The intent of the request is to relocate the applicant's cement plant from its location at 110 Old Franklin Turnpike to the subject adjacent property.
 - ii. Application
 - iii. Staff Report Josh Gibson, Town Planner
 - iv. Aerial Map
 - v. Zoning Map
 - vi. Future Land Use Map
 - b. Applicant Presentation
 - c. Public Comment
 - d. Planning Commission deliberation
- V. Old Business
 - a. Review of end product of comprehensive plan produced by Hill Studio.
- VI. New Business
 - a. None at this time.
- VII. Commissioner Concerns
- VIII. Staff Updates
- IX. Adjournment

Rocky Mount Planning Commission met Tuesday, January 5, at 6 p.m. All members of the commission were present. Staff members present included Planning & Zoning Administrator Matthew C. Hankins, Town Planner Josh Gibson and Community Development Assistant Jessica Heckman.

Mr. Hankins introduced Ms. Heckman, who started with the town on January 4, and is expected to be named planning commission clerk at a later date. Planning Commissioners welcomed Ms. Heckman to the town's staff.

Ms. Clements motioned for approval of the minutes for October, November and December 2015. Mr. Hall seconded the motion, which passed unanimously.

Mrs. Stockton introduced the evening's public hearing to seek public input on a replacement wireless tower proposed by Franklin County Public Safety at its current site on Grassy Hill. Mr. Gibson presented the staff report, including site plans, artist renderings and federal code governing the request.

Staff indicated that the visual impact is the principal negative impact, offset by an increase in public safety communications access.

Mr. Gibson recommended conditions, specifically that the site be developed consistent with submitted plans, and that the old tower be removed in a timeframe set by the Commission and Town Council.

The applicant's representative, Pat Reagan, indicated Franklin County is spending \$11 million to upgrade public safety communications. This site is one part, needed to complete a microwave ring and radio communications.

Mr. Greer asked if the site will have any commercial uses. Mr. Reagan replied that the new site will have commercial users in line with the requirements of Town Code. The current location only houses a B2X internet link, but has hosted other communications services in the past.

Mr. Greer asked why a new tower is necessary. Mr. Reagan said the current tower cannot meet the structural demands of the new equipment necessary to upgrade the county radio system. The new tower will be constructed to allow for co-locators, as required by town code, and that the new tower will be identical to other new towers in the system. The new tower will meet new standards for public safety tower equipment, and can host other commercial or public safety entities.

Ms. Stockton called for speakers from the audience. No one spoke, and Ms. Stockton closed the public hearing.

Mr. Speidel asked Mr. Gibson if the town controlled any of the land near the tower property. It does not.

Mr. Speidel asked Mr. Reagan if 90 days is enough time to remove the old tower once the new one is build. Mr. Reagan indicated it is.

Mr. Hall moved to recommend Town Council approve the requested special exception for tax map and parcel number 20100 10300 for construction of a 195' tower for Franklin County Public Safety under the conditions that the tower be built in substantial conformance with the conceptual drawings submitted and that the old tower be removed within 90 days of completion of the new tower. Mr. Speidel seconded the motion.

The commission unanimously recommended approval of the recommendation on a voice vote.

The commission discussed its meeting calendar for 2016, and asked the clerk to advertise the schedule.

Commissioners asked staff about light poles.

Staff updated the commission on issues related to Murphy Oil, traffic management and the power dam removal near the wastewater treatment plant.

Commissioners asked about the statement of economic interests and the final version of the comprehensive plan.

Commission moved to adjourn, and did, just before 7 p.m.



Town of Rocky Mount SPECIAL ZONING APPLICATION

Date Received:
Received by:
PC/BZA Date:

REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

PRE-FILING CONSULTATION WITH THE TOWN PLANNING STAFF TO REVIEW THE PROPOSED REQUEST AND TO OBTAIN RECOMMENDED PROCEDURES AND TECHNICAL ASSISTANCE IS REQUIRED. TO SCHEDULE A PRE-FILING CONSULTATION, PLEASE CONTACT THE TOWN OF ROCKY MOUNT COMMUNITY DEVELOPMENT DEPARTMENT AT 540-483-0907.

APPLICANT NAME: Rocky Mount Ready Mix Concrete, Incorporated
 ADDRESS: 110 Old Franklin Turnpike, Rocky Mount, VA 24151
 PHONE: 540-483-1288 EMAIL: _____

PROPERTY OWNERS NAME & ADDRESS: see above
(IF DIFFERENT FROM APPLICANT)

TAX MAP & PARCEL NUMBER: 203-61 newly combined LOT SIZE (ACRES/SQ.FT.) 34.664 acres

CURRENT ZONING: R-1 R-2 R-3 RA RB RPUD POS C-1 C-2 M-1 M-2 CBD CBD-ARTS & CULTURE GB

CURRENT LAND USE: VACANT AGRICULTURAL RESIDENTIAL COMMERCIAL INDUSTRIAL 34-1-16 Concrete

REZONING REQUEST: PROPOSED ZONING: M2 PROPOSED LAND USE: mixing plant
 SPECIAL EXCEPTION/USE REQUEST OF SECTION(S) _____ OF THE TOWN ZONING ORDINANCE. 34-1-3 Sand, gravel, crushed stone op
 VARIANCE REQUEST OF SECTION(S) _____ OF THE TOWN ZONING ORDINANCE.

NATURE OF REQUEST - BRIEFLY DESCRIBE THE PROPOSED PROJECT AND SPECIFIC DEVIATION REQUEST FROM THE ZONING ORDINANCE.

see attached letter

I HEARBY CERTIFY THAT I AM ACTING WITH THE KNOWLEGE AND CONSENT OF THE PROPERTY OWNER TO THE REQUEST DESCRIBED ON THE APPLICATION. BY SIGNING BELOW, I AGREE THE INFORMATION PROVIDED ON THE APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

Wendell E. May JAN 7TH 2016
 APPLICANT SIGNATURE DATE

BY SIGNING BELOW, I CERTIFY I AM AWARE OF THE REQUEST SUBMITTED AND THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

Wendell E. May JAN 7TH 2016
 OWNER SIGNATURE DATE

PRE-FILING CONSULTATION WITH THE TOWN PLANNING STAFF TO REVIEW THE PROPOSED REQUEST AND TO OBTAIN RECOMMENDED PROCEDURES AND TECHNICAL ASSISTANCE IS REQUIRED. TO SCHEDULE A PRE-FILING CONSULTATION, PLEASE CONTACT THE TOWN OF ROCKY MOUNT COMMUNITY DEVELOPMENT DEPARTMENT AT 540-483-0907.

WHAT IS A REZONING?

A rezoning is a legal change to the Official Zoning Map. The rezoning of property is a legal matter, we strongly recommend applicants consult with an attorney to for assistance with the preparation of the rezoning application. A rezoning may be initiated by the property owner, by a contract purchaser with the owner's written consent, or by the owner's agent. Original signatures are required by all parties.

Rezoning requests will be submitted to the zoning administrator and referred to the planning commission for its review and recommendation. The final determination on the rezoning request will be made by the governing body (Town Council).

1. The written request for rezoning shall be submitted to the planning commission by the zoning administrator.
2. Notice shall be given of the required public hearing in accordance with the requirements of Code of Virginia, § 15.2-2204. Adjacent property owners (front, back and side) and the applicant shall be notified in writing as to the rezoning or conditional zoning request and public hearing date.
3. A public hearing shall be held by the planning commission. If requested, the zoning administrator may make a report and recommendation to the planning commission on the subject request. Other parties may appear in person and present their views.
4. The commission shall make a recommendation to go on the rezoning request after the public hearing is held.
5. The governing body (Town Council) shall then hold its own public hearing in conformity with all notice requirements under Code of Virginia, § 15.2-2204, and make the final determination on the rezoning request.

WHAT IS A SPECIAL EXCEPTION?

A special exception/use permit allows a specific exception to the Town's Zoning Ordinance on a particular parcel of land in a district of a particular zoning character. Uses and dimensional standards allowed only by special exception are those considered to have potentially greater impact upon neighboring properties or the public. The special exception process allows potential impacts to be addressed through conditions. A granted special exception runs with the property.

WHAT IS A VARIANCE?

A variance is a request for a reasonable deviation from a provision of the Town's Zoning Ordinance when strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner. A variance may not allow a use in a district not authorized by district regulations. A granted variance runs with the property.

The authorization to hear and decide on applications for special exception/use permit and a variance request has been delegated to the Board of Zoning Appeals (BZA), a quasi-judicial five (5) member Circuit Court appointed body.

Special Exception and Variance application requests will be submitted to the zoning administrator for review and recommendation; then referred to the to the Board of Zoning Appeals (BZA) for a public hearing. A determination on the application will be made by the Board of Zoning Appeals (BZA). Additional approval and final determinations by the Planning Commission and/or by the governing body (Town Council) could be required to complete the request.

1. The Special Exception or Variance application shall be submitted to the Board of Zoning Appeals (BZA) by the zoning administrator.
2. Notice shall be given of the required public hearing in accordance with the requirements of Code of Virginia, § 15.2-2204. Adjacent property owners (front, back and side) and the applicant shall be notified in writing as to the application request and public hearing date.
3. A public hearing shall be held by the Board of Zoning Appeals (BZA). If requested, the zoning administrator may make report and recommendation to the Board of Zoning Appeals (BZA) on the subject request. Other parties may appear in person and present their views.
4. The Board of Zoning Appeals (BZA) shall make a decision on the application request after the public hearing is held.
5. If additional approval and final determination is needed by the planning commission and/or the governing body (Town Council); each shall then hold its own public hearing in conformity with all notice requirements under Code of Virginia, § 15.2-2204, and will each make the final determination on the application request.

W. COLBY BROWN
Attorney at Law
25 East Court Street
Rocky Mount, VA 24151
(540) 483-7878

January 7, 2016

Town of Rocky Mount
Rocky Mount Planning Commission
345 Donald Ave.
Rocky Mount, VA 24151

RE: Rocky Mount Ready Mix Concrete, Incorporated

Dear Mrs. Stockton,

Rocky Mount Ready Mix Concrete, Incorporated plans to move their concrete manufacturing plant, to the 34.644 acre site that Rocky Mount Ready Mix Concrete, Incorporated recently purchased. Attached is the Deed, dated December 15, 2015, and of record in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Deed Book 1070, at page 3101.

The mixing plant and the cement, sand and gravel used to make concrete, will be moved to a new location on the 34.664 acre parcel. A copy of the plat of the parcel, prepared by Cornerstone Land Surveying is also attached.

The two buildings located on the present Rocky Mount Ready Mix Concrete Incorporated property will continue to be utilized by Rocky Mount Ready Mix Concrete Incorporated until and unless the former Rocky Mount Ready Mix Concrete Incorporated property is sold or redeveloped.

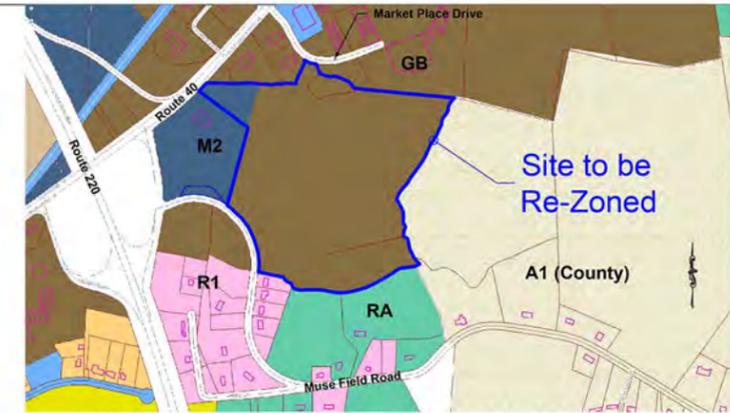
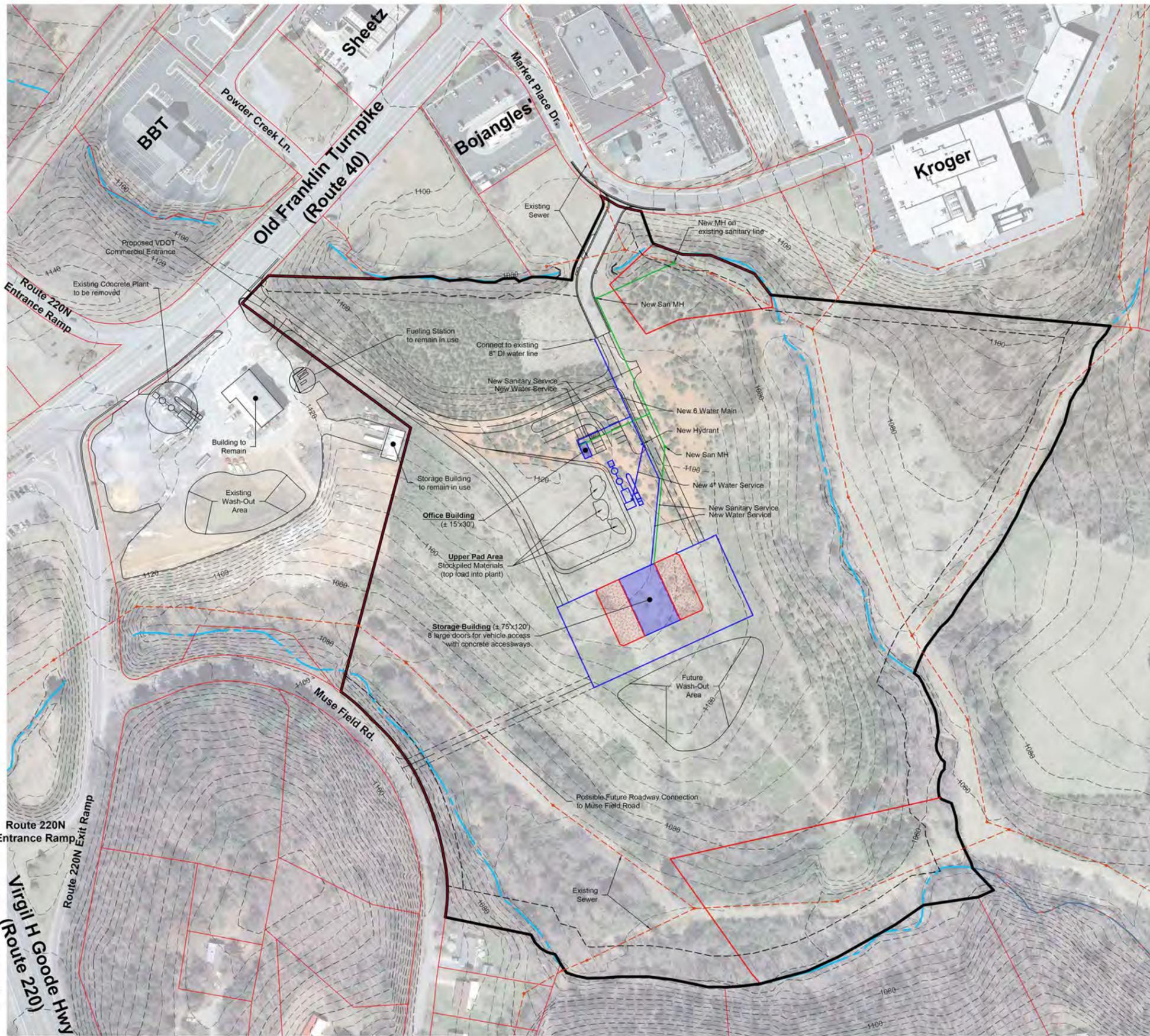
Rocky Mount Ready Mix has been in business in Rocky Mount since June 7, 1967, and this will be the second time the concrete manufacturing plant will have been moved.

Rocky Mount Ready Mix Concrete Incorporated is requesting that this property be rezoned from B1 to M2, which is required for a concrete manufacturing plant.

Very truly yours,

W. Colby Brown
Ronald E. Wray (President)

Ronald E. Wray, President,
Rocky Mount Ready Mix
Concrete Incorporated



Adjoining Property and Zoning Exhibit
Zoning indicated by shaded color.
(not to scale)

ZONING & SITE NOTES

1. Rezoning
 - 1.1. Existing zoning is GB
 - 1.2. Proposed zoning is M2
 - 1.2.1. Concrete Mixing Plants are a by-right use per 34-1-16.
 - 1.3. Existing property divisions are being vacated to create one lot.
 - 1.4. A new tax number has not been issued at this time.
 - 1.5. Access easement to adjoining A1 property to east is not shown on this exhibit but is shown on the surveyors plat.
2. Minimum Setback Line Requirement
 - 2.1. Site proposed zoning is M2.
 - 2.2. Minimum building setback is either: 25' from ROW of a ROW of 50 feet or wider, or, 50' from centerline of a ROW less than 50 feet.
3. Yard and Building Separation Requirement
 - 3.1. Site proposed zoning is M2.
 - 3.2. Adjoining properties zoned for residential (R1, RA, & A1) is 60' transition yard.
 - 3.2. Adjoining properties zoned for commercial (GB) is 30' transition yard.
4. Building Height Requirement
 - 4.1. Building height may not exceed 60 feet above the grade elevation.
 - 4.2. Chimneys and flues are excepted from the height restriction.
5. Lot Coverage
 - 5.1. Lot coverage must be less than 70%.
6. Flood Insurance Rate Map / Floodplain
 - 6.1. The site is located on FIRM Franklin County, VA Panel 215 of 550, Map Number 51067C0215C Effective Date December 16, 2008.
 - 6.2. Site does not contain any regulatory floodplain.
 - 6.3. FIRM Zone is X.
7. Screening
 - 7.1. Screening is required by Code (six foot height per 34-6-2).
 - 7.2. We propose protecting the existing natural foliage within the transition zone (60' along residential and 30' along commercial) except where it is required to be removed (drives and utility easements).
 - 7.3. There are no proposed plantings since this would require the removal of natural foliage.
8. Road Requirements
 - 8.1. Changes to the site allow effective use of an improved entrance from Route 40 for the access road to the upper bench for gravel delivery, and, utilizes the existing signalized intersection for all other traffic.
9. Potable Water Service
 - 9.1. All proposed waterlines are for private service. No public water mains are proposed.
 - 9.2. A 4" service line for industrial use is required at the concrete plant.
10. Sanitary Sewer Services
 - 10.1. A private sanitary sewer main is proposed to service the industrial site.
 - 10.2. Connection point is located to prevent a crossing of the existing stream.
11. Electric Service
 - 11.1. The Owner has contacted AEP and adequate electric service is available from adjoining sources.
12. Telecommunication Services
 - 12.1. The Owner has stated that service is available.
13. On-Site Roadways
 - 13.1. Roadways are shown as double 12-foot lanes. This is for illustrative purposes only - actual lane widths to be determined at time of final design.
 - 13.2. Roads are to be surfaced with gravel, the same as the existing site.
 - 13.3. The possible dust will be managed the same as the existing site as part of normal operations.
14. Parking
 - 14.1. Required parking is 0.75 spaces for each employee at maximum occupancy.
 - 14.2. Parking is provided for: 2 transient spaces (1 in ADA van accessible), and 8 employee spots (this allows up to 10 employees at peak utilization).
 - 14.3. Proposed Parking areas to be gravel.
15. Sign
 - 15.1. There are no proposed signs.
 - 15.2. If signs are added in the future they will be installed per Town Code.
16. Lighting
 - 16.1. All site lighting will be building mounted with deflectors toward the ground.

Notes
This exhibit shows information from the Franklin County GIS. The information presented has not been verified for accuracy as presented, surveyed, etc.

**Conceptual Development Plan
for Rezoning Application**

Rocky Mount Ready Mix
Concrete Plant Relocation
Town of Rocky Mount, Franklin County, VA

Stone Engineering
P.O. BOX 1058
Rocky Mount, Virginia 24151
(540) 483-0078
(540) 483-5250 fax
www.stoneengineering.biz

DESIGN	CDS
DRAFT	CDS
CHECK	RDS

DATE	01/11/2016
SCALE	As Shown
SHEET	0X OF XX
PROJECT NUMBER	15059

REVISIONS

NO.	DESCRIPTION	DATE

BK 1070PG3 101

Grantor: Warren Preston Coleman, II
Grantee: Rocky Mount Ready Mix Concrete, Incorporated
Grantee Address: 110 Old Franklin Turnpike, Rocky Mount, VA 24151
Tax Parcel #2030006100, 2030007500, 2030006900
To be known as _____
Title Insurance: Fidelity Title Insurance
Consideration: 591,128.40

THIS DEED, made and entered into this 15th day of December, 2015, by and between **WARREN PRESTON COLEMAN, II**, party of the first part, (GRANTOR), and **ROCKY MOUNT READY MIX CONCRETE, INCORPORATED**, a Virginia Corporation in good standing, party of the second part, (GRANTEE).

: WITNESSETH :

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid by the party of the second part, to the party of the first part, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant, bargain, sell and convey with General Warranty and English Covenants of Title unto the party of the second part, Rocky Mount Ready Mix Concrete Incorporated, a Virginia Corporation, subject to the following easement, the following described property, to-wit:

All that certain tract or parcel of land, (Tax Parcels 2030006100, 2030007500, and 2030006900 combined), containing 34.664 acres more or less, situated, lying and being in the Town of Rocky Mount, Franklin County, Virginia, and being more particularly described as 34.664 acres according to the plat and survey,

This Document was prepared by:
W. Colby Brown
25 East Court Street
Rocky Mount, VA 24151

2015 DEC 15 AM 10:50

150007855

prepared by Robert C. Jeans, L.S., Cert. #1584, dated September 21, 2015, revised December 8, 2015, said plat being of record in the Clerk's Office of the Circuit Court of Franklin County immediately following the recordation of this Deed, in Deed Book 1070, at page 3105, reference to which is made for a more particular description.

The grantee herein, Rocky Mount Ready Mix Concrete, Inc., desires to vacate the common boundary lines running between the three tracts as shown in the aforesaid survey to form one tract of land containing 34.664 acres.

This conveyance is subject to the 50 foot easement of right of way, for the benefit of Tax Parcel 0630025400 (23.004 acres), for the purposes of ingress and egress to Market Place Drive, and being more particularly described as the "New 50' Private R/W" on the aforesaid plat.

It being a portion of the property devised to Warren Preston Coleman II, from Warren Preston Coleman, who departed this life on November 29, 2011, and in accordance with Article Second of his Last Will and Testament, "My estate of every description, both real and personal property and whatever stocks, I hereby give, devise and bequeath to my son, Warren Preston Coleman II to belong absolute," said Will being dated July 24, 2011, and probated on December 20, 2011, as instrument Number 110000899, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, and being of record in the Clerk's Office of the Circuit Court of Franklin County, Virginia in Will Book 118, at page 817.

It being a portion of the Parcel No. 1, conveyed to Warren P. Coleman, by Deed dated May 17, 2001, from Bobby W. Zeigler, widower, Gerald Lee Wray and Ada B. Wray, husband and wife, and Edith A. Wray, widow, said Deed being of record in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Deed Book 701, at page 995; and

It also being all the 3.65 acres parcel conveyed to Warren P. Coleman, by Deed dated May 17, 2001, from Gerald Lee Wray and Ada B. Wray, said Deed being of record in the aforesaid Clerk's Office in Deed Book 701, at page 984; and

BK 1070PG3103

It being the 0.731 acre parcel conveyed to Warren P. Coleman, by Deed dated February 21, 2001, from Bobby W. Zeigler, said Deed being of record in the aforesaid Clerk's Office in Deed Book 693, at page 1204; and

It being the remainder of the property (containing 0.353 acre) conveyed by to Warren P. Coleman, by Deed dated January 5, 2001, from Arrington Properties East, LLC., said Deed being of record in the aforesaid Clerk's Office in Deed Book 690, at page 1296.

This 0.353 acre parcel is subject to the following restrictions.

“(i) The following restaurants are specifically excluded from operating on this property: McDonald's Hardees, Burger King, Boston Market, Church's Kentucky Fried Chicken, Popeye's and Biscuitville; for the benefit of Arrington Properties East, L.L.C.

(ii) In addition to restaurants specifically excluded in paragraph (i) herein, any business that generates twenty five percent (25%) or more of their gross sales from the sale of any of the following product categories are excluded from operating on this property: Fried chicken, hamburgers, hot dogs or biscuit breakfast products.

This restriction (ii) can be removed if and when the “L.D. Arrington Family” has less than a twenty five percent (25%) ownership interest in any corporation, limited liability company or partnership that owns or controls Parcel II-A, as shown on the Phillip W. Nester survey recorded at Deed Book 690, at Page 1302, in the Clerk's Office of the Circuit Court of Franklin County, Virginia, and the party requesting said removal is to pay all costs associated with the removal.”

This conveyance is made subject to any and all recorded easements, reservations, conditions and restrictions affecting said land, including the existing 20' sanitary sewer easement as shown on the above referenced plat.

BK1070PG3104

TO HAVE AND TO HOLD unto the said ROCKY MOUNT READY MIX CONCRETE INCORPORATED, and to its assigns forever in fee simple.

WITNESS the following signature and seal:

Warren Preston Coleman, II (SEAL)
Warren Preston Coleman, II

STATE OF NC
CITY/COUNTY OF Hickory/Catawba, to-wit:

The foregoing instrument was acknowledged before me this the 11 day of December, 2015, by Warren Preston Coleman, II.

My commission expires: Dec. 11, 2018
Dana F. Campbell
Notary Public

Dana F. Campbell
NOTARY PUBLIC
Catawba County, NC
My Commission Expires December 11, 2018

INSTRUMENT #150007855
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
DECEMBER 15, 2015 AT 10:50AM
\$591.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$295.75 LOCAL: \$295.75

TERESA J. BROWN, CLERK
RECORDED BY: JFL

Rocky Mount Ready Mix Adjacent Owners

1/25/2016

ID	ADDRESS LN 1	ADDRESS LN 2	ADDRESS LN 3	ADDRESS LN 4	TMPN
1	Donna Marie Thurman Chandler	8600 Ormand Drive	Zachary, LA 70791		2030005000
2	Donna Marie Thurman Chandler	8600 Ormand Drive	Zachary, LA 70791		2030004900
3	Matthew Magill	Donna Magill	135 Brookshire Drive	Rocky Mount, VA 24151	0630025400
4	Rocky Mount Development Company, LLC	4040 Ed Drive Suite 201	Raleigh, NC 27612		2030007800
5	Rocky Mount Development Company, LLC	4040 Ed Drive Suite 201	Raleigh, NC 27612		2030007601
6	Tacoma, Inc	328 E Church Street	Martinsville, VA 24112		2030007401
7	DT Retail Properties, LLC	C/O Dollar Tree Stores	500 Volvo Parkway	Chesapeake, VA 23320	2030007300
8	George Wray	C/O Mary W. Allman	255 Claybrook Rd	Rocky Mount, VA 24151	2030008300
9	Rocky Mount Ready Mix, Inc	110 Old Franklin Turnpike	Rocky Mount, VA 24151		2030007100
10	W & H Enterprises, Inc	101 Albemarle Avenue SE	Roanoke, VA 24013		2030006102
11	Brenda L. Aliff	C/O Brenda Vaden	181 Musefield Road	Rocky Mount, VA 24151	2030006800

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

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TOWN COUNCIL
STEVEN C. ANGLE, MAYOR
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF BOBBY L. MOYER
P. ANN LOVE JON W. SNEAD
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JOSH GIBSON
TOWN PLANNER

PLANNING COMMISSION STAFF REPORT

PETITIONER: Rocky Mount Ready Mix, Inc.
LOCATION: Off Market Place Drive (former Coleman Property)
REQUEST: To rezone approximately 34.664 acres from GB (General Business) to M2 (General Industrial District)
HEARING DATE: February 2, 2016
TAX PARCEL: 2030006100

EXECUTIVE SUMMARY:

An application for rezoning has been submitted by Rocky Mount Ready Mix, Inc. (represented by President Ronald Wray) to rezone approximately 34.664 acres off of Market Place Drive, from the current GB (General Business) to M2 (General Industrial District). The property is located off Market Place Drive and is shown as Franklin County Tax Map/Parcel No. 2030006100. The intent of the request is to relocate the applicant's cement plant from its location at 110 Old Franklin Turnpike to the subject property. The property is currently vacant, with no prominent buildings or structures and no current uses, commercial or otherwise.

This property was last rezoned in 2002, when applicant Warren P. Coleman's request to rezone the property from RA (Residential Agriculture) to GB (General Business) was recommended favorably by the Planning Commission and approved by Town Council.

After reviewing the application, staff has noted several benefits associated with the proposal and several potential conflicts. Staff has also listed several amendments to the submitted application which it believes would bring it more into compliance with the Comprehensive Plan. At the time of the drafting of this staff report, there are no proffers included as a part of this rezoning application and the proposal before you stands as originally submitted.

I. APPLICABLE REGULATIONS:

ARTICLE 34. INDUSTRIAL, GENERAL DISTRICT M2, from the district's "Statement of Intent": The primary purpose of this district is to establish an area where the principal use of land is for heavy industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and continued use of the land for heavy commercial and industrial purposes; (b) discourage residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; (c) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

DEFINITIONS

The primary use intended for this parcel could be considered either **Sand, gravel and crushed stone operation** or **Concrete mixing plant**; these uses are listed as uses-by-right in the M2 regulations

chapter of the Zoning and Development Ordinance (Article 34), but there is no specific definition in the code for either use. Although it is not specifically defined, staff considers the proposed (and existing) cement plant to align with one or both of these listed by-right uses.

34-1. USES BY RIGHT (applicable here):

- 34-1-3. Sand, gravel and crushed stone operations
- 34-1-16. Concrete mixing plants

OTHER REGULATIONS OF NOTE

- The February 11, 2002, rezoning of the property to GB (General Business) did not include any proffers which might be considered in later rezoning cases.
- If rezoned, Town site plan review will be required for the business expansion and construction of roads, buildings, and pads, including County review of any applicable E&S, stormwater, and floodplain requirements

II. EXISTING CONDITIONS:

The property proposed for rezoning is currently vacant. Since 2002, there has been (to the knowledge of staff and the owner) no official use of the property for any commercial purpose, including leasing for hay, agriculture or commercial timbering. There are currently no buildings or structures on the property. There are several access roads on the property, but they are unimproved in nature and are used for property maintenance and access. The main access to the property is an unnamed spur road off Market Place Drive (adjacent to Taco Bell).

The property is large compared to other Town parcels and is adjacent to several other uses and zoning districts. It is bound on the north by land zoned GB (General Business), on the west by land zoned M2 (General Industrial), and to the south across Powder Mill Creek it is bound by both R1 (Residential) and RA (Residential Agricultural).

The Rocky Mount Ready Mix business operation is currently located on approximately 6-7 acres adjacent to the property proposed for rezoning. The 34.664 acres is a recent acquisition by the applicant and no portion of that new property is currently being used in Rocky Mount Ready Mix operations. At its current location, the egress of cement trucks creates a safety hazard for truck drivers as well as other motorists. For trucks destined for any direction other than 40 East, exiting Rocky Mount Ready Mix involves crossing at least three lanes of traffic.

III. PROPOSED CONDITIONS:

The applicant intends to relocate the majority of the operations of Rocky Mount Ready Mix from the property at 110 Old Franklin Turnpike. The entire cement plant will be moved to the new property, and eventually buildings and equipment sheds will be constructed there as well. The current site will retain use of two buildings and the washout pond during the transition, but normal cement mixing and the plant operations will be moved from the current site. The primary entrance for the property will be from Franklin Road near the existing entrance and curb cut, but trucks will utilize the light at Market Place drive for improved exiting safety.

TRAFFIC IMPACT: The proposed development is expected to have a net increase in safety along the SR 40 commercial corridor. Once the plant moves locations, trucks will exit at the Market Place Drive/Route 40 traffic light. This will greatly reduce the number of lane crossings required of the trucks at non-signaled locations. The number of truck trips along Market Place will increase but from a safety standpoint the increased traffic there is preferential to the current truck exit situation at

Route 40. The biggest potential negative traffic impact relates to other by-right uses in the M2 zoning district, which are not being contemplated for this site but would be allowed by the rezoning.

SITE LAYOUT NOTES: Existing vegetated buffer will be retained (a minimum of 30 feet adjacent to commercial areas and 60 feet adjacent to residential areas); other details to be addressed during site plan review.

IV. CONFORMANCE WITH COMPREHENSIVE PLAN

Conformance:

- Relocation of the cement plant is a step toward enhancing gateway corridors with land use and physical enhancements to retain and attract new development along Route 40
- Comp Plan stresses Town's desire to attract and retain businesses and jobs
- Transportation safety enhancements will result from plant relocation
- Infill and utilization of a currently vacant property

Nonconformance:

- Lack of land use considerations for industrial uses which may arise in M2 district by-right
- Future Land Use Map designates the parcel as *General Business* and not *Industrial*
- Public utilities were originally installed on property in anticipation of commercial development

V. STAFF ANALYSIS

Planning Staff believes there is both merit and risk involved in the proposal as presented.

MERIT:

- New use of a large parcel of land in town which has not been utilized at all for 14 years
- Improved traffic safety
- Improved corridor and town entrance aesthetics when plant moves
- Eventual redevelopment of current cement site for non-industrial use is possible
- According to site plan, the cement operation will be set back from Market Place drive at least 500 feet, reducing the visual impact of the project
- The existing vegetative buffer serves as an instant visual buffer not available for most new developments

RISK:

- Rezoning the entire property without limitation allows a wide range of industrial uses not contemplated by this rezoning
- Significantly reduces the Town inventory of commercial land
- Traffic: though the existing intersection at Market Place and Franklin is expected to handle cement truck entry/exit without major impact, the potential for other by-right uses with heavier truck traffic exists and is a concern.

OVERALL RECCOMENDATIONS FOR PROJECT:

Town planning staff analyzed the submitted application and made several findings pertaining to identified impacts and suggested improvements to the project. These findings were discussed with the applicants prior to final advertisement/submission.

1. Whether rezoned as a whole or in part, the major concern from a planning standpoint and concerning future harmony among land uses in that area is the by-right uses which could develop on the property with M2 zoning without public review. Such by-right uses include petroleum refineries, brick manufacturing and similar, high-impact projects. Other more intensive uses, such as junk yards and animal processing, would still require an additional special exception permit. The applicant has no intention of developing any of these uses but once rezoned our ability to review and analyze such uses is severely diminished. The proximity to residential and retail centers is the primary concern for such situations. Suggested mitigation for this concern included a limitation on the uses permitted by right as a part of this rezoning.
2. A partial rezoning of the property rather than a total rezoning would retain some of the available retail/commercial land and still allow for relocation of the plant, including future expansions. This would address some of the concerns related to Future Land Use Map and loss of retail inventory.
3. Concurrently rezoning the existing Rocky Mount Ready Mix site (from manufacturing to commercial) would dampen the impact of the loss of commercial property in Town and could allow for continued operation of the existing plant as a nonconforming use, which would be allowed by state law to continue to operate in perpetuity while the operations are transferred to the new site.

POSSIBLE MOTIONS:

REMINDER: You may not recommend conditions as a part of the motion. Rezoning proceedings must involve voluntary proffers, presented in writing and signed by the applicant prior to the public hearing. If you make a recommendation to deny the project before you, staff suggests stating reasons for the record so that the applicant can decide whether to address those impacts through proffers before future hearings.

Approval: I move to approve the rezoning request for Tax Map Parcel 2030006100 (on the following grounds, if needed): _____

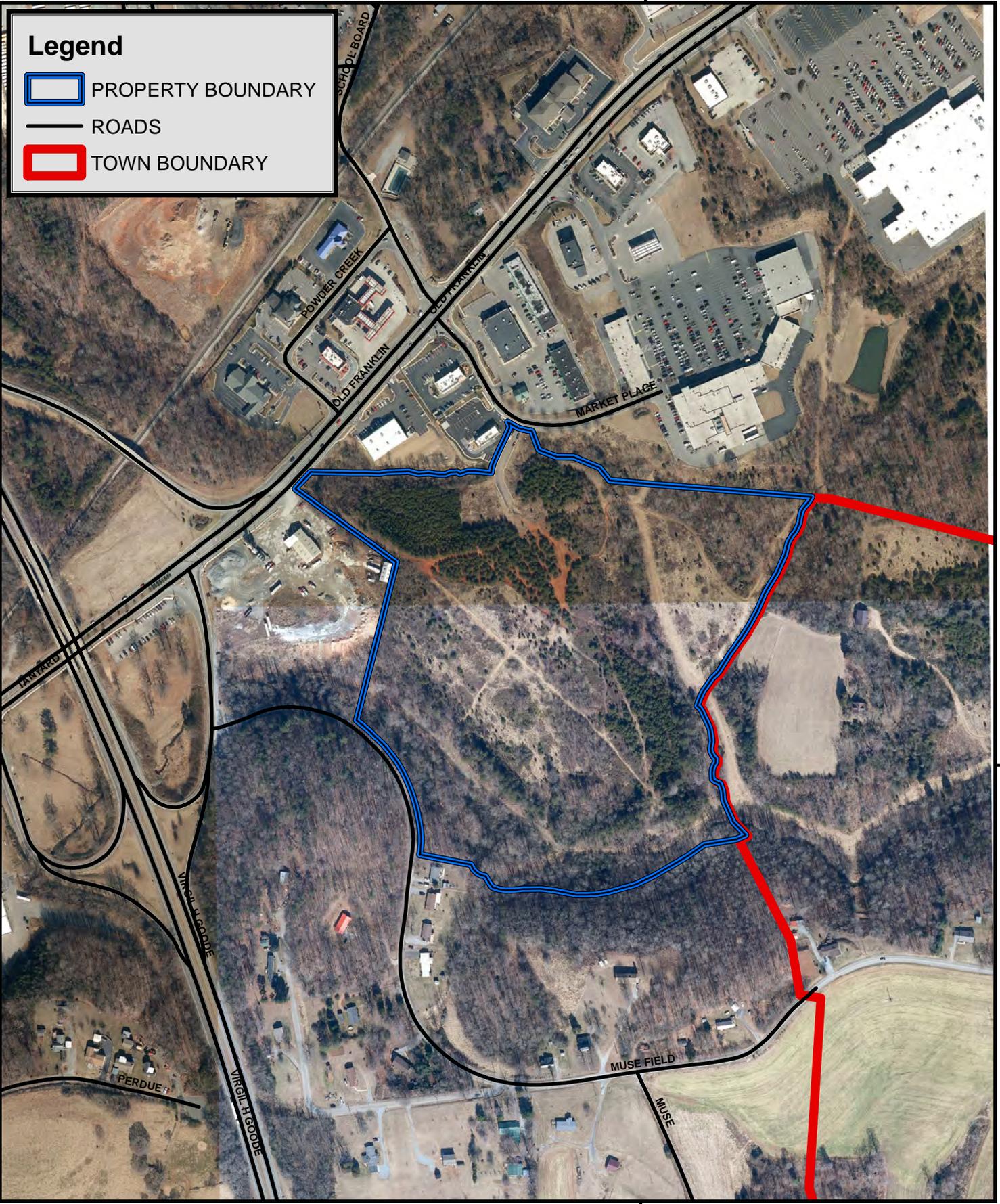
ONLY IF APPLICABLE:

Conditional Approval: I move to approve the rezoning request for Tax Map Parcel 2030006100 **with the following submitted proffers:** _____

Denial: I move to deny the rezoning request for Tax Map Parcel 2030006100 (on the following grounds, if needed): _____

PREPARED BY: Josh Gibson
HEARING DATES: Planning Commission, February 2, 2016
ATTACHMENTS: Aerial Map
 Zoning Map
 Future Land Use Map

79°52'0"W



37°0'30"N

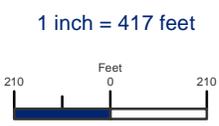
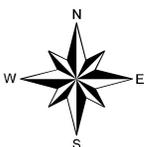
37°0'30"N

79°52'0"W



AERIAL MAP RMRM REZONING

DATE CREATED: 1/25/2016
TOWN OF ROCKY MOUNT, VA



Projection: Lambert Conformal Conic
GCS North America 1983
Datum: D North America 1983

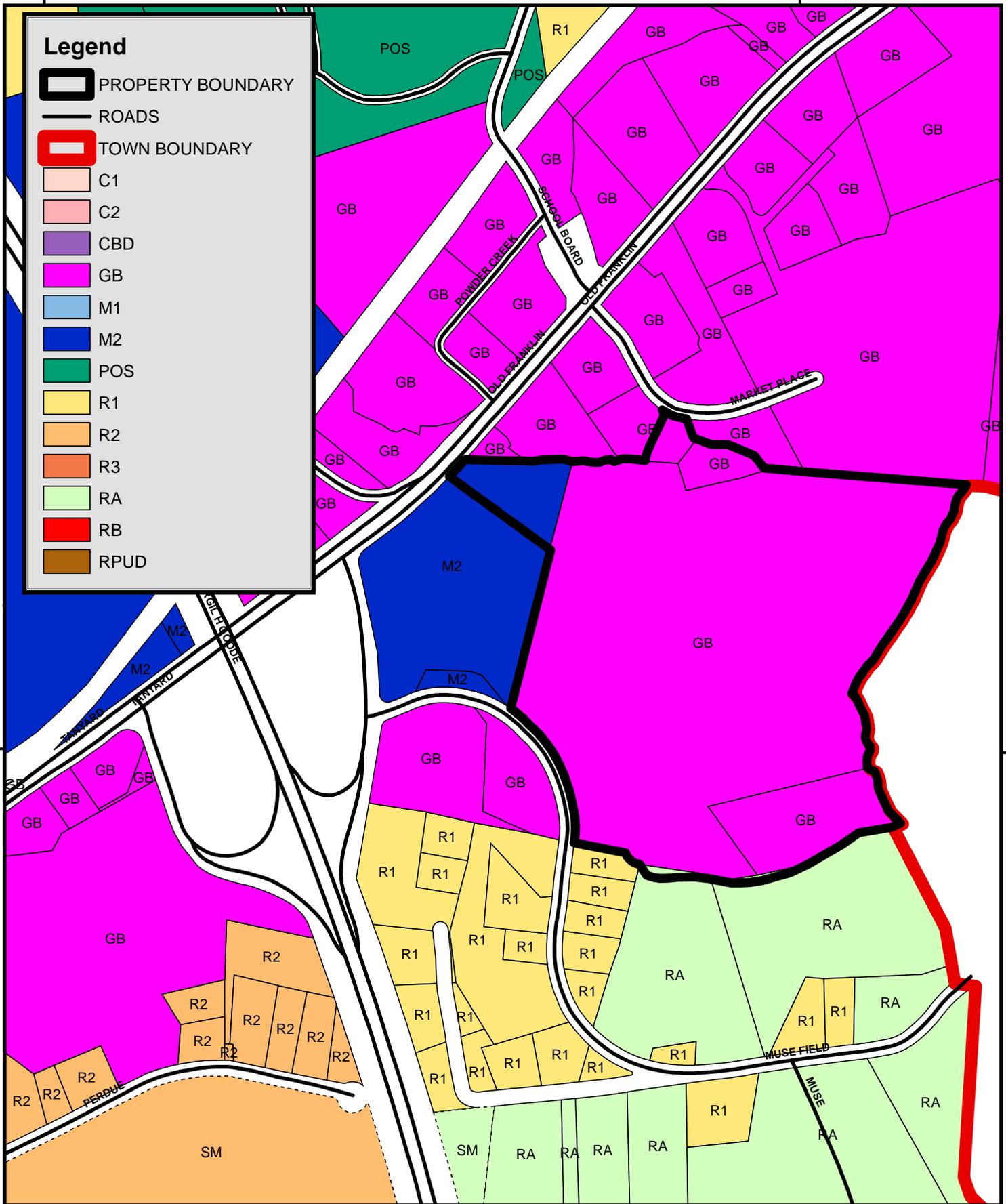
Map created by jgibson
This map is for general reference and display purposes only.

79°52'30"W

79°52'0"W

Legend

-  PROPERTY BOUNDARY
-  ROADS
-  TOWN BOUNDARY
-  C1
-  C2
-  CBD
-  GB
-  M1
-  M2
-  POS
-  R1
-  R2
-  R3
-  RA
-  RB
-  RPUD



37°03'0"N

37°03'0"N

79°52'30"W

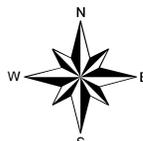
79°52'0"W



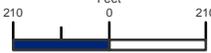
ZONING MAP

RMRM REZONING

DATE CREATED: 1/25/2016
TOWN OF ROCKY MOUNT, VA



1 inch = 417 feet



Projection: Lambert Conformal Conic
GCS North America 1983
Datum: D North America 1983

Map created by jgibson
This map is for general reference and display purposes only.

