

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
AUGUST 6, 2013
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, August 6, 2013 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton, Vice Chair John Speidel and Planning Commission Members Bud Blanchard, Ina Clements, Jerry Greer, Derwin Hall, and John Tiggle.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Town Planner Patrick Rust, Town Attorney John Boitnott and Deputy Town Clerk Stacey B. 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 Blanchard. There being no 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 the following draft minutes for review and consideration of approval:

- June 4, 2013 – Regular Meeting Minutes

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

- Motion was made by Planning Commission Member Tiggle to approve the draft minutes for June 4, 2013 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 HEARING

Madame Chair Stockton recessed the meeting to hold the first of two public hearings:

(1) *Great Southern Wood Virginia, Inc Rezoning Request for 20070008800*

After being duly advertised and pursuant to the State Code of the Commonwealth of Virginia and the Zoning and Development Ordinance of the Town of Rocky Mount, Virginia, Great Southern Wood Virginia, Inc. requested to rezone the 4.124 acre property located at 75 State Street and known as Franklin County Tax Map and Parcel Number 2070008800 from Industrial Limited District-M1 (light manufacturing) to Industrial General District-M2 (heavy manufacturing) for the purpose of expanding its wood preserving operations including the addition of kilns.

Town Planner Rust gave a staff report, making the following points:

- The purpose of the rezoning request is to accommodate growth in Great Southern Wood Virginia's wood-preserving operations, which will include the addition of two kilns, which are not uses by right in M1 zoning.
- The property's current use is compatible with the existing M1 zoning and staff has received no complaints nor reviewed any zoning violations on the property.
- The requested M2 zoning is established for areas where the principal use of the land is for heavy industrial operations which may create some nuisances such as noise, smoke, and dust, and which are not properly associated with nor particularly compatible with, residential, institutional and neighborhood commercial service establishments.
- Planning Commission heard a similar request in 2009 in which Ferguson Land and Lumber requested rezoning of a 10-acre parcel on State Street from General Business-GB to M2 for the purpose of expanding its wood-preserving operations, including the addition of a kiln. Planning Commission recommended approval of the rezoning and it was approved by Town Council.
- Specific to this request, the adjacent and adjoining parcels are mostly zoned M1 for light industrial uses. Though the M2 zoning would allow for heavier

uses, it is unlikely that the upzone would significantly impact the neighboring M1 properties in a material fashion.

- A Residential Business-RB zone is also adjacent to the parcel in question. In this zone, there are two parcels which front on State Street immediately adjacent to the property in question. One of the properties is vacant and the other is a residence. It is possible that an increase in noise, dust or smoke could impact the property owner. For reference, however, commissioners should compare this contemplated use with the use currently in place nearby on the Ferguson property.
- The property in question adjoins Norfolk Southern Railroad main and side rails, which prompts the question: Is it likely that any additional noise, dust or smoke generated by a more intense use of the property will be more than the nuisances generated by the already existing railway?
- If rezoned to M2, the property would exist as a single M2 parcel and would not be continuous with any other M2 zone. This aspect needs to be reflected upon. The closest M2 zone is Trinity Packaging which is roughly 1,500 feet away.
- This request is consistent with the currently adopted Comprehensive Plan, which calls for the property to be used for manufacturing/industrial purposes.
- After due review, staff suggests that Planning Commission should recommend this rezoning to Town Council as presented.

Madame Chair Stockton opened the floor to questions and comments by Planning Commission for Town Planner Rust.

- Planning Commission expressed concern over what other types of manufacturing may locate there should Great Southern Wood Virginia ever discontinue operations. Assistant Town Manager Hankins clarified that should the property be rezoned to M2, it could definitely make way for more obtrusive uses in the future.

Madame Chair Stockton called upon the applicant to speak in regard to its request. **Eric Ferguson**, attorney at Rhodes, Ferguson, and Stone came forward to speak on behalf of the applicant, offering the following comments:

- Great Southern Wood is currently a business citizen and was formerly known as Rocky Top Wood Preservers.
- In the audience tonight is Project Manager Kent Bathhurst, General Manager Mark Smith, and Wood Scientist Matt Shewel.
- The company needs to expand due to increased demand for the production of treated wood.
- The company currently uses Ferguson's plant, but wants to use smaller kilns and its own kilns.

- The project represents a significant investment and will be handled in two phases. The first will add one kiln and may expand later for a second kiln.
- The kilns are 50 feet by 12 feet and may run 24-48 hours at a time.
- The kilns are quiet and vital to the company's work and he does not believe there will be any effect on the neighborhood.
- He believes the size of the lot would discourage other M2 uses on the property, but even if it does not, the M2 zoning would still be in agreement with the Comprehensive Plan.
- He reiterated that there is only one close residence and the M2 zoning would be consistent with other zoning in the area.

Madame Chair Stockton opened the floor to questions and comments by Planning Commission for the applicant:

- Planning Commission expressed concern over any possible smell or discharge coming from the kilns.
- Mr. Bathurst clarified that the kiln is basically a large oven used in a controlled scientific method to extract water from the wood. The only emissions are steam and water vapor.

Madame Chair Stockton opened the floor to any member of the public wishing to speak for or against the rezoning request. Let the record show that no one from the public came forward to speak.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion:

- Motion was made by Planning Commission Member Hall to recommend approval to Town Council of the rezoning request allowing the parcel identified as Franklin County Tax Map and Parcel Number 2070008800 to be rezoned to M2, with motion being seconded by Planning Commission Member Tiggle. There being no further discussion, let the record show that the motion on the floor passed unanimously.

Madame Chair Stockton recessed the meeting to hold the second public hearing:

(2) Bernard Healthcare Center and Franklin Plaza, LLC Subdivision Waiver Request for 2100002200

After being duly advertised and pursuant to the State Code of the Commonwealth of Virginia and the Subdivision Ordinance of the Town of Rocky Mount, Virginia, Bernard Healthcare Center and Franklin Plaza, LLC requested a subdivision

waiver from Section 8-2(a) of the Town of Rocky Mount Subdivision Ordinance, which requires that lots provide appropriate sites for buildings and be properly related to topography so that each lot has an acceptable building site with direct access from an improved street. The applicants wish to create a new lot by minor subdivision in the Franklin Plaza (Schewel Furniture), from a portion of Franklin County Tax Map and Parcel Number 2100002200, located at 1161 Franklin Street. The property is zoned General Business- GB, and medical offices are a use by right in the district.

Assistant Town Manager Hankins gave a staff report making the following points:

- The purpose of this proposed subdivision is to create a new lot which will be donated to the Bernard Healthcare Center for the construction of a new medical center to serve the patients of the Free Clinic.
- A subdivision waiver is required because the Town's Subdivision Ordinance, Section 8, requires that lots have direct road frontage and the proposed lot would not have road frontage of its own.
- This request is most directly comparable to the Kroger Fuel Center subdivision waiver request, which created two additional lots in an existing shopping center, one for creation and construction of the Kroger Fuel Center and the second for future development and construction. The lots did not have public street frontage but did have access through a private street, the entrance to the shopping center and its front parcels.
- The primary concern in permitting the proposed subdivision is future development and access issues. Planning Commission should consider if conditions are required related to access and parking, particularly a requirement that the owners of the shopping center provide a permanent access and parking easement.
- Staff has received a letter of concern from Mike Thurman with Franklin County regarding drainage issues which may affect the Franklin County Government Center. There are already existing drainage issues and there is concern that new development could make the issues worse. There is also a concern over visibility of other businesses in the shopping center.

Madame Chair Stockton opened the floor to questions and comments by Planning Commission for Assistant Town Manager Hankins.

- In response to a question from Planning Commission about parking, Assistant Town Manager Hankins clarified that the number of required parking spaces is not known at this time since that requirement will be based on the square footage of the building.

Madame Chair Stockton called upon the applicants to speak in regard to its request. **Eric Ferguson**, attorney at Rhodes, Ferguson, and Stone came forward to speak on behalf of the applicants, offering the following comments:

- The Free Clinic has received a gift of \$1 million to build a new facility in Franklin County. The gift was made through Ferrum College.
- Currently the Free Clinic operates in the Franklin Dental Associations office building on Hillcrest Drive, but the clinic has outgrown its space.
- The clinic serves the uninsured and poor of Franklin County.
- Steve Campbell with Franklin Plaza Partners, LLC has agreed to donate the proposed parcel of land to the Free Clinic, and the Free Clinic plans to obtain a permanent easement as well as to have appropriate parking.
- The lot does not front on a public right of way, but does front in the Franklin Plaza Parking Lot, and it should have no detrimental effect because there is plenty of parking available.
- There are some issues which must be resolved with Dr. Burt.
- There are some major issues with stormwater runoff and Jason Turner and Dean Stone have met with Mike Thurman and Paul Shively on-site. The stormwater problems already exist but there will be no increase in impervious area and therefore no increase in runoff. The new building should not increase the problem, but it will not fix the problem either.
- Despite his concerns, Mike Thurman said he is not in favor of impeding the development.
- This facility will draw additional traffic into the shopping center which will be a good thing for the center.
- Asks for Planning Commission's recommendation to approve.

Madame Chair Stockton opened the floor to questions and comments by Planning Commission for the applicant, and being none, called upon **Dr. Jennifer Braaten** who had signed up to speak regarding the request. Dr. Braaten offered the following comments:

- She is here on behalf of Ferrum College and the donor, Mr. Beatty. He lives in Northern, Virginia and is very ill.
- Mr. Beatty believes that Franklin County is a special place and that all citizens should have access to healthcare.
- They first considered building the clinic in Ferrum, but Mr. Beatty wanted it to be closer to Rocky Mount and near a hospital and pharmacy.
- He also expressed his desire for a new building, not a renovation, and that a site be chosen that will not require a lot of additional work.
- The college is only an intermediary. The \$1 million has already been given and Mr. Beatty would like to see it completed by the end of the year because his

own health is at risk.

- Mr. Beatty likes this location because of its proximity to the dental clinic.
- In the future, Mr. Beatty has talked about helping to buy a van and to possibly provide mental health services.
- He says he wants to give while he lives so he knows where it goes.

Madame Chair Stockton called upon any members of the public who wished to speak for or against the request. The following came forward:

John Frye, Pharmacy Manager at Rocky Mount Family Pharmacy:

- The Family Pharmacy whole-heartedly supports the citizens of Rocky Mount and the Free Clinic. He is on the medical front lines and he sees the people who line up at the food bank next door.
- However, it is hard for his independent pharmacy to survive, particularly due to the affordable healthcare act, and the visibility of his store is important to him. He thinks the proposed new location of the clinic is in the wrong spot. It will make it difficult to see his business.
- Also, his business has been broken into twice and attempted a third time. Making it hard for the public and police to see will affect his security.
- He is also concerned about traffic flow, since approximately 40% of his customers use his drive-thru. Up to 300 people visit the food bank on Wednesdays and Saturdays, which creates a lot of congestion.

Dr. Charles Burt, 1175 Franklin Street:

- He owns the dental office on the neighboring property.
- There is 30 feet of leeway between his land and the building side wall.
- He is concerned about water, as with this building there will be different drainage. The suggestion is to push the water toward his property and this is a concern.
- They also want to pave on his property, but no one has asked him for permission.
- He would like more clarification on how the drainage will work. He has been there for 27 years and should not be forced to spend a lot of money in order to accommodate the Free Clinic.
- He approached Schewels in February about purchasing the front part of the lot but they did not respond to his request.
- He thinks this can be corrected if they all work together, and he noted that he is willing to spend *some* money in order to improve his property.

Dean Stone, Stone Engineering:

- Mr. Stone noted that he has met with Dr. Burt on two occasions and that if Dr. Burt is unaware of the paving on his property then it is entirely his (Mr. Stone's) fault. The intent with the paving is to make smooth transitions.

Madame Chair Stockton opened the floor to any additional comments or questions from Planning Commission:

- Regarding concerns over distances from buildings, parking spaces, and traffic flow, Assistant Town Manager Hankins noted that the plans presented tonight are only preliminary plans. The project must still go through the site plan review process, and those issues will be addressed as part of that process.
- When questioned if a retention pond is required, Mr. Stone advised that a retention pond is only required if the amount of impervious area is increasing. In this case, there is no increase in impervious area. The area is very flat and a pond would not help. The current drainage ditch is on the county property.
- In response to questions if the drainage ditch should be cleaned or widened, Town Planner Rust advised that the natural vegetation in the ditch actually helps it and he noted that the real problem is behind the Franklin County Government Center.
- In response to questions about how the visibility of the pharmacy could be corrected, Mr. Stone advised that the proposed building could probably be moved back as long as room to move the water is maintained and as little land as possible is disturbed.
- Mr. Ferguson asked to speak again, to address some of the issues raised. He pointed out that the water issues can be resolved, the security issues can be addressed with lighting, the hours of the Free Clinic will not affect access during peak times at the food bank because the clinic is closed on Saturday and closes at 4 p.m. on Wednesday, and as far as visibility, the clinic serves 900 patients that will now be brought into the shopping center.
- The hours of the Free Clinic will be 8 a.m. to 4 p.m. Monday through Thursday, closed Friday through Sunday.
- Assistant Town Manager Hankins clarified that the question at hand is should the property be subdivided. Everything else can be addressed with the site plan process.

There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Tiggie to recommend to Town Council the approval of the subdivision waiver request allowing the subdivision of a new lot from current Franklin County Tax Map and Parcel Number 2100002200, with motion on the floor being seconded by Planning Commission Member Blanchard. There being no further discussion, a roll call

vote was taken. Voting in favor of the motion on the floor were Planning Commission Members Blanchard, Clements, Hall, Tiggle, and Vice Chair Speidel. Voting in opposition to the motion on the floor were Planning Commission Member Greer and Madame Chair Stockton. Let the record show that the motion on the floor passed with a vote of five to two.

NEW BUSINESS

(1) Planning Commission's 2012 Annual Report

- Motion was made by Vice Chair Speidel to approve Planning Commission's 2012 annual report 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.

OLD BUSINESS

(1) Recap of Previously Considered VDOT 6-Year Plan Projects

As requested at last month's meeting, Town Planner Rust and Assistant Town Manager Hankins gave a brief overview of previously considered VDOT 6-year plan projects. This was meant as a refresher for Planning Commission as they consider new ideas for projects to be placed on the 6-year plan. Now that the Pigg River Bridge Replacement is underway, the current Town project on the 6-year plan is the realignment of the Franklin-North Main- Pell intersection. The Town needs to have another project idea available should the realignment project received funding.

COMMISSION CONCERNS & STAFF UPDATES

Let the record show there were no commissioner concerns presented at this time.

ADJOURNMENT

At 7:30 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 Tiggle, and carried unanimously.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs