

TOWN OF ROCKY MOUNT  
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PLANNING COMMISSION  
JANET STOCKTON, *Chair*  
JOHN SPEIDEL, *Vice Chair*

BUD BLANCHARD      JERRY W. GREER, SR.  
INA CLEMENTS      DERWIN HALL  
JOHN TIGGLE

MATTHEW C. HANKINS  
ASSISTANT TOWN MANAGER  
PLANNING & ZONING ADMINISTRATOR

## PLANNING COMMISSION AGENDA

Tuesday, May 5, 2015 • 6 p.m.

Council Chambers, Rocky Mount Municipal Building  
345 Donald Avenue, Rocky Mount, VA

Call to Order and Welcome

Janet Stockton, Chair

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
  - April 7, 2015 - Regular Meeting Minutes
4. New Business - *None at this time*
5. Old Business
  - a. Lodging in the Central Business District - Updates to Zoning Ordinance
  - b. Timeline Update of Comprehensive Plan
6. Commissioner Concerns & Staff Updates
7. Adjournment

*Thank you for attending tonight's Planning Commission meeting and/or public hearing. The Planning Commission appreciates and welcomes public participation in its meetings.*

*If you have a cell phone, please silence it during the meeting.*

*If you have need for a special accommodation during the meeting, please notify the deputy clerk. The Town has assistive listening devices available for those who are hard of hearing.*

*If you wish to speak during a public hearing, please sign in on the appropriate sheet located at the front table. There will be one sheet for each public hearing.*

# DRAFT

## TOWN OF ROCKY MOUNT PLANNING COMMISSION REGULAR MEETING MINUTES

April 7, 2015  
6:00 p.m.

The Planning Commission of the Town of Rocky Mount, Virginia met in the Council Chambers of the Rocky Mount Municipal Building, located at 345 Donald Avenue, Rocky Mount, Virginia, at 6:00 p.m. on April 7, 2015, for its regular monthly meeting with Madame Chair Janet Stockton presiding.

Commission Members Present: Bud Blanchard; Ina Clements; Jerry Greer; Derwin Hall; John Tiggle; Madame Chair Janet Stockton

Commission Members Absent: Vice Chairman John Speidel

Staff Members Present: Assistant Town Manager, Matt Hankins; Town Planner, Josh Gibson; Town Attorney, John Boitnott; Finance Director, Linda Woody; Deputy Clerk and Secretary to Planning Commission Deanna Alexander

### APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Commission Member Clements

Second: Commission Member Tiggle

Action: Approved by a unanimous vote of members present

### REVIEW AND CONSIDERATION OF MINUTES

Let the record show that prior to the meeting, Planning Commission received the following draft minutes for review and consideration of approval:

- **April 7, 2015 - Regular Meeting Minutes**

Additions or Corrections: None

Motion: To approve the minutes as presented

Motion By: Commission Member Tiggle

Second: Commission Member Blanchard

Action: Approved by a unanimous vote of members present

## **PUBLIC HEARING**

Madame Chair Stockton recessed the meeting to hold the following public hearing.

***Public Hearing Item 1: Town of Rocky Mount Proposed 5-Year Capital Improvement Plan for the fiscal period beginning July 1, 2015 and concluding June 30, 2020.***

Madame Chair Stockton: The Town's 5-Year Capital Improvement Plan is a document to forecast significant expenditures and revenue needs for major capital improvements, equipment, property, utility infrastructure, and other public uses. The CIP is for planning purposes only and does not obligate the Town Council to carry out any project contained therein nor prohibit unanticipated capital purchases during the time period of the CIP but not contained in the adopted plan.

### **Staff Report:**

Assistant Town Manager, Matt Hankins and Finance Director, Linda Woody, came before the commission to present the proposed 5-Year Capital Improvement Plan.

Assistant Manager Hankins noted that there is quite a bit of capital included in the CIP plan. Capital items may or may not be completed based on: bond issue and/or by borrowing from a local bank. Additional funding is also available from the Virginia Department of Transportation and various grants.

Linda Woody presented a brief review of the detailed version of the CIP plan, which included a hard copy summary submitted to the commission of the proposed FY 16-20 CIP plan.

Open discussion ensued with Commission Members, Linda Woody, and Matt Hankins. General review of the overall 5-Year CIP plan. Considering alternative options with Town staffing to complete smaller projects. Discussion regarding acquisition and retirement of police dogs. Radio system expense for Fire and Police Department.

Matt Hankins: Scuffling Hill project for drainage improvements. The Town has been awarded a VDOT grant for curb and guttering from Grayson to Old Fort Road. The Town share is 462,000.00 (four hundred sixty two thousand), which the Town is considering as part of the budget.

Matt Hankins: Veterans' Park project for bank stabilization. The project is part of current year's budget for funding. All of the bids received came in significantly over the projected budget and the project was placed on hold. The Town does need to protect the hillside and the longer the project is delayed more erosion damage occurs. The Town is considering a bank loan borrow for funding of the Veterans' Park project.

Linda Woody: Asked the members if there were any items that needed to be added to the 5-Year CIP plan. No recommendations were present by the members.

Commission Questions and Comments:

Member Hall: Asked questions about the improvement to Angle Bridge, VDOT, and the cost to the Town.

Matt Hankins: VDOT has restructured their 6-Year plan program. The bridge project, which was on the list, has now been removed from the VDOT 6-Year plan. The Town needs to start the requests and application process again with VDOT to qualify for funding. The Town does need to set funds aside for the project. However, the Town does not know when the project will be placed back on the VDOT 6-Year plan. Uncertain how new construction to localities will be impacted over the next five years by VDOT.

Open discussion ensued with commission members and Matt Hankins regarding property surrounding Angle Bridge, acquisitions by the Town of property nearby, and the impact of the project to the area. Understanding of the recently enacted VDOT new construction program will be more clear to localities in six months.

Open Public Comment:

Let the record show that no one from the public came forward to speak in reference to the proposed Capital Improvement Plan for FY16-20.

Motion: To recommend approval to Town Council the 5-Year CIP plan as presented to the Planning Commission.

Motion By: Commission Member Greer

Second: Commission Member Clements

Action: Approved by a unanimous vote of members present

## **OLD BUSINESS**

*Let the record show there is no old business at this time.*

## **NEW BUSINESS**

***New Business Item No. 1: Guidance in the regulation of mobile vending units/food trucks.***

### **Staff Remarks:**

Josh Gibson, Town Planner, came before the Planning Commission to present the staff report memorandum on the guidance in the regulation of mobile vending units/food trucks.

To: Janet Stockton, Chair, and Planning Commissioners  
From: Matthew C. Hankins, Assistant Town Manager and Zoning Administrator  
Josh Gibson, Town Planner  
Date: March 25, 2015  
Re: Town Staff requests Town Planning Commission's guidance in the regulation of mobile vending units/food trucks.

### **EXECUTIVE SUMMARY**

Mobile food units (commonly called 'food trucks') are a national trend expanding rapidly in both number and popularity recently. Many localities are finding themselves ill-equipped to deal with these vendors from a regulatory perspective. Municipal ordinances related to mobile vending were largely written decades ago, with vendors such as ice cream trucks, hot dog carts and sidewalk peddlers in mind. Today's food trucks are largely a different mobile vending experience; most use large vehicles equipped with high-tech cooking equipment and sanitation devices to provide sophisticated, safe cuisine usually prepared to order.

Our town code has similar difficulty in permitting and regulating food trucks. Recently, Town staff has noted a steady increase in the number of inquiries regarding mobile food units (commonly called food trucks). Currently, our code does not allow for any type of food truck business. Business owners wishing to navigate the proper channels for licensing and permitting are finding that there is no way to legally operate within town limits.

Town planning staff believes there are both benefits and drawbacks to permitting these businesses and seeks guidance from planning commission on whether to proceed with an examination of options that would allow mobile food trucks to legally operate in town.

**Possible ISSUES TO CONSIDER**

- Where should mobile vending units/food trucks be permitted:
  - (1) Private property only?
  - (2) Commercial districts?
  - (3) Industrial districts?
  - (4) Mixed Use districts?
  - (5) Certain residential districts?
- Should we distinguish the types of mobile vending units? (We currently contemplate only those which are more transient (ice cream, tours) and those that are less likely to move often (gourmet food truck))
- Incorporating minimum distance regulations: distance from other restaurant establishments, from residential uses, from schools/churches?
- Should the mobile vending units be able to take existing parking spaces?
- Are there areas where mobile vending units should not be permitted?

<b>POSSIBLE ADDITIONAL RESTRICTIONS</b>	
<ul style="list-style-type: none"> <li>• No customer seating.</li> <li>• Amplified music forbidden outside of truck.</li> <li>• Off premises signage forbidden; signage must be permanently affixed.</li> <li>• 100-ft buffer required between a Mobile Food Unit and residential properties.</li> <li>• 100-ft buffer required between a Mobile Food Unit and brick-and-mortar restaurants.</li> <li>• Limitation on the number of private properties in Town where one may operate.</li> <li>• A zoning permit may be revoked by the zoning administrator at any time, due to the failure of the permit holder to comply with all requirements.</li> <li>• Provide receptacles and properly dispose of all trash, refuse, compost garbage.</li> <li>• Days and hours of operation must accompany the zoning permit.</li> <li>• Trucks may not be the primary or principal use at a lot. Under the proposed regulations they are considered an accessory use.</li> <li>• May not sell anything other than food and non-alcoholic beverages.</li> </ul>	<ul style="list-style-type: none"> <li>• Food trucks must provide: A Town business license, a valid Health Permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards, written permission from the owner(s) of the private properties upon which the permittee will operate, a sketch to be approved by the zoning administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.</li> <li>• Limit permits so that they are only valid for current year and renewed each January 1</li> <li>• Shall not sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption.</li> <li>• Limit of one (1) covered 10x10 table to provide condiments to patrons.</li> <li>• No liquid wastes may be discharged from the mobile food unit</li> <li>• Unique permit for food trucks.</li> </ul>

**FOOD TRUCK PROS AND CONS**

Pros:

- Creates a platform to introduce unique culinary options to community
- Allows for less-expensive small business opportunities in Town
- Can increase economic activity in underutilized areas—an underutilized lot may be transformed into a food hub with the addition of a food truck
- May operate where restaurant options are constrained (i.e., manufacturing areas)
- Permits can be made revocable

Cons:

- Can create competition with existing brick-and-mortar restaurants with similar fare
- Do not pay real estate tax
- Not a desirable in some districts

- Regulation more difficult

**SUMMARY**

Town planning staff seeks guidance from planning commission on whether to proceed with an examination of code-based options that would allow mobile food trucks to legally operate in town.

Discussion by Planning Commission:

Open discussion ensued with Commission Members and Mr. Gibson regarding the current Town code on vendors, peddlers, mobile food trucks, and temporary food stands. Discussion continued on current requirements, permits, and health department involvement. Explanation of meals tax; how mobile food trucks would need to obtain a business license and pay meals tax to the Town of Rocky Mount. Review of the benefits, including BLOP and Meals tax, to the Town.

Open discussion continued with Commission Members and Mr. Gibson on the review of current Town Code that restricts mobile food and other vendors inside the Town. Mr. Gibson reviewed his suggestions to change our code to allow the new trend of mobile food trucks.

John Boitnott: Town Attorney, Mr. Boitnott interpretation of the Town code does allow the Planning & Zoning Administrator, Matt Hankins, to make the determination to classify mobile food trucks as a restaurant.

Madame Chair Stockton asked Mr. Gibson and the Community Development staff to provide more research, other localities actions, and recommend a direction for the Planning Commission.

Madame Chair Stockton asked for any other comments.

**COMMISSIONER CONCERNS AND STAFF UPDATES**

Matt Hankins: Community Development Update.

- a. Murphy USA would like to develop and construct a gas station in the Walmart parking lot. Murphy USA has not yet submitted a site plan. The Community Development staff is working with Murphy USA regarding traffic patterns, management, and capacity flow at the Rt. 40 entrance of the Walmart. Mr. Hankins will continue to update the Planning Commission as the project moves forward.

- b. R. Fralin Development has submitted a request to install a new connector road and change the master plan at the Oakes at Rakes Tavern development. Mr. Hankins has approved the requests and Mr. Gibson is working with Balzer Engineering and R. Fralin Development to clean up the original proffers.
- c. Two upcoming Board of Zoning Appeals hearings. The first is Blue Ridge Towers who submitted a variance application to install three 120' towers in uptown for wireless services. The developer is asking for a variance of our Town code that does not allow wireless towers within 400 feet of residential properties. The second is CenturyLink tower removal appeal to the BZA. Mr. Hankins sent CenturyLink notification to remove the tower atop the CenturyLink building located at 280 N. Main Street. The tower is non-conforming and has been inactive for over two years. Town code states that non-conforming towers need to be removed. CenturyLink is appealing the ruling of the Planning & Zoning Administrator, Matt Hankins.
- d. Two new retail businesses have opened in town. A bakery and a bible school for inmates to obtain a degree.
- e. Community Development is using the Harvester Performance Center as an enticement to recruit and attract new businesses to the area. Mountain of Music and The Crooked Road are also bringing tourist to the town.

Commission Member Blanchard: No Comments

Commission Member Clements: No Comments

Commission Member Greer: No Comments

Commission Member Hall: No Comments

Commission Member Tiggle: No Comments

Madame Chair Stockton: No Comments

Madame Chair Stockton hearing no further comments entertained a motion to adjourn.

**ADJOURNMENT**

Motion to Adjourn By: Commission Member Clements

Second: Commission Member Tiggle

Action: Approved by a unanimous vote of members present

Time of Adjournment: 7:00 p.m.

\_\_\_\_\_  
Janet Stockton, Chairman

ATTEST:

\_\_\_\_\_  
Deanna F. Alexander, Clerk/Secretary

DFA/

DRAFT

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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  
JOSH GIBSON  
*Town Planner*

## STAFF REPORT

To: Janet Stockton, Chair, and Planning Commissioners  
From: Matthew C. Hankins, Assistant Town Manager and Zoning Administrator  
Josh Gibson, Town Planner  
Date: April 22, 2015  
Re: Lodging in the Central Business District – Updates to Zoning Ordinance

### EXECUTIVE SUMMARY

In February and March meetings, staff and planning commissioners generally agreed that some of the lodging definitions in our Zoning and Development Ordinance needed clarification and adjustment. After continued research, a few changes are proposed below. Updates include an expansion to the definition of Bed & Breakfast establishments, plus an additional category for a small hotel recommended as either a by-right or special exception use for parcels zoned Central Business District (CBD). Rather than a wholesale update to all lodging types (as was previously discussed), this proposal includes the updates most critical for bringing existing and planned businesses into compliance. It also addresses a need for more lodging options in the CBD regulations without permitting those uses with a greater potential to unfavorably affect the character of the district, such as conventional hotels and motels. Since there appeared to be little interest in immediately pursuing downtown design guidelines in concert with lodging updates, staff is making no recommendation to implement any at this time.

### TOWN ZONING ORDINANCE LODGING DEFINITION UPDATES

(A) *BED AND BREAKFAST* - Old B&B definition would be replaced by two expanded categories:

- **BED AND BREAKFAST HOMESTAY** A home occupation wherein the owner of the premises resides at the establishment, and which (1) may contain up to five (5) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions
- **BED AND BREAKFAST INN** Building(s) for temporary/overnight guests wherein the owner or manager provides full-time management of the establishment at all times when the facility is occupied by one or more guests, and which (1) may contain up to ten (10) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests, and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions

(B) *MIXED USE INN* - The proposed change would add a smaller (“boutique”) hotel category which may include additional uses on the same premises

- **MIXED-USE INN** Building designed or occupied as an abiding place featuring no less than 8 rooms and no more than 20 rooms available for temporary/overnight guests who are, for compensation, lodged, with or without meals, and in which provision is not

generally made for cooking in individual rooms or suites. In addition to the 8-20 rooms/suites, a mixed-use inn may or may not also include on premises restaurants, banquet halls, meeting rooms, retail uses and similar facilities as approved by the zoning administrator. The intent of this lodging category is to encourage compatible mixed uses as an enhancement and compliment to the primary use (lodging)

#### **RELATIONSHIP TO OTHER CODE SECTIONS:**

- OFFSTREET PARKING ORDINANCE
  - No changes; proposed Mixed-Use Inns may be encouraged to utilize Sec 7-2-2 (which permits public or otherwise authorized lots to be counted toward the required spaces for a business)
- LODGING TAX
  - Currently collected by Bed and Breakfast establishments; all of the proposed uses will also collect from overnight guests
- MEALS TAX
  - Meals taxes are collected from brick and mortar restaurants; we can use the update as an opportunity to clarify that Bed and Breakfast Homestays and Inns establishments will not be subject to regular meals taxes *unless* meals are at any point served to the general public *not* staying at the establishment. If a Mixed-Use Inn includes a restaurant open to the public, all restaurant patrons are subject to meals taxes.

#### **STAFF RECCOMENDATIONS**

1. Staff recommends amending Article 4 (Definitions) of the Zoning and Development Ordinance to (A) modify the definition of Bed & Breakfasts, as shown above and in Figure 1 (*following page*); and (B) add a definition for Mixed-Use Inns, as shown above and in Figure 1 (*following page*).
2. This should be coupled with zoning district use updates as follows:
  - R1 District
    - CURRENTLY: B&B allowed by special exception
    - CHANGES: Allow both categories of B&B as special exception
  - RB District
    - CURRENTLY: B&B allowed by special exception
    - CHANGES: Allow both categories of B&B as special exception
  - CBD Central Business District
    - CURRENTLY: B&B allowed by right
    - CHANGES: Allow both categories of B&B as special exception; **allow mixed-use inn as either a by right use or special exception**

**FIGURE 1. Lodging definitions and proposed changes**

CURRENT LODGING DEFINITIONS	
LODGING TYPE	ZONING ORDINANCE DEFINITION
HOTEL	A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
MOTEL	Any group of dwelling units, combined or separated, used for the purpose of housing more than 14 transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility.
BOARDING HOUSE	A building where, for compensation, lodging or meals are provided for at least five and up to 14 persons.
BED AND BREAKFAST	A home occupation involving the rental of up to four rooms to overnight guests and offering breakfast meals only to said guests.
TOURIST HOME	A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boarding houses) and open to transients.
TOURIST COURT, AUTO COURT, MOTEL, INN, CABINS, OR MOTOR LODGE	One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
PROPOSED CHANGES	
LODGING TYPE	ZONING ORDINANCE DEFINITION
DELETIONS	
<del>BED AND BREAKFAST</del>	<del>A home occupation involving the rental of up to four rooms to overnight guests and offering breakfast meals only to said guests.</del>
ADDITIONS	
<b>BED AND BREAKFAST HOMESTAY</b>	A home occupation wherein the owner of the premises resides at the establishment, and which (1) may contain up to five (5) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions in the Town Code
<b>BED AND BREAKFAST INN</b>	Building(s) for temporary/overnight guests wherein the owner or manager provides full-time management of the establishment at all times when the facility is occupied by one or more guests, and which (1) may contain up to ten (10) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests, and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions in the Town Code
<b>MIXED-USE INN</b>	Building designed or occupied as an abiding place featuring no less than 8 rooms and no more than 20 rooms available for temporary/overnight guests who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites. In addition to the 8-20 rooms/suites, a mixed-use inn may or may not provide restaurants, banquet halls, meeting rooms, retail uses and similar facilities as approved by the planning commission. The intent of this lodging category is to encourage compatible mixed uses as an enhancement and compliment to the primary use (lodging)