

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

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



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 &
Community Development Director*

PLANNING COMMISSION AGENDA
WEDNESDAY, JULY 5, 2017
6:00 P.M.

COUNCIL CHAMBERS, ROCKY MOUNT MUNICIPAL BUILDING
345 DONALD AVENUE, ROCKY MOUNT, VIRGINIA

Call to Order and Welcome

- I. Election of Officers
- II. Roll Call of Members Present
- III. Approval of Agenda
- IV. Review and Consideration of Minutes
 - a. May 2, 2017 - Regular Meeting Minutes
- V. Public Hearing
 - a. Tabernacle of Praise Church of Christ, LLC is requesting a Special Exception/Use Permit to operate a church on property located at 850 STATE STREET ROCKY MOUNT, VA, 24151, Franklin County Tax Map and Parcel Number 2040038301. The applicant intends to relocate its church operation from its current location at 370 Tanyard Road, to the subject property, which is zoned M1 (Industrial Limited District). Staff Report regarding request
 - i. Comments from Staff
 - ii. Comments from applicant
 - iii. Comments from public
- VI. Old Business
 - The Oakes at Rakes Tavern - Section Two Plans
- VII. Commissioner Concerns
- VIII. Staff Updates
- IX. Adjournment

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
REGULAR MEETING MINUTES**

**June 6, 2017
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 June 6, 2017, for its regular monthly meeting with Madame Chair Janet Stockton presiding.

Commission Members Present:

- Chair Janet Stockton
- Vice Chairman John Speidel
- Member Derwin Hall
- Member Ina Clements
- Member John Tiggle
- Member Bud Blanchard
- Member Jerry W. Greer, Sr.

Staff Members Present:

- Assistant Town Manager Matt Hankins
- Planning Commission Clerk Jessica Heckman
- Town Attorney John Boitnott

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve as presented

Motion By: Member Ina Clements

Second: Member Jerry Greer

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: **May 2, 2017 - Regular Meeting Minutes.**

Additions or Corrections: None

Motion: To approve the minutes as presented

Motion By: Member John Tiggle

Second: Vice Chair John Speidel

Action: Approved by unanimous vote of members present

New Business

Review The Oaks at Rakes Tavern - Section 2 Plans

Matt Hankins briefly described the second phase plans for the Oaks at Rakes Tavern. The meeting then moved to the closed chambers to utilize the table to review the plans. Members reviewed the plans, an open discussion ensued.

Commission Concerns

Madame Chair Stockton asked about status of Planner position. Matt informed the Commission that a handful of applications have been received and interviews would take place soon.

Staff Updates:

Matt Hankins updated the Commission on the new Carilion office, they plan to open in October.

Matt also informed the Commission that Tuttle's Exxon property is under contract and there may be a new business there soon. An open discussion ensued.

Matt informed the board that the town received an inquiry from a realtor that is interested in the old Schewel's furniture building. He further commented we have been unable to contact the owner.

Matt updated the Commission on the First Responders Memorial status. An open discussion ensued.

Matt briefly discussed upcoming paving around town.

Bud Blanchard asked about the new trash truck/cans. Matt advised Town Council voted against the new truck. An open discussion ensued.

With no further discussion, a motion was made to adjourn.

ADJOURNMENT

Motion to Adjourn By: Member Jerry Greer

Second: Vice Chair John Speidel

Action: Approved by a unanimous vote of members present

Time of Adjournment: 6:49 p.m.

Janet Stockton, Chairman

ATTEST:

Jessica H. Heckman, Clerk

JHH/

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

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK H. NEWBILL JON W. SNEAD
BILLIE W. STOCKTON

MATTHEW C. HANKINS
Assistant Town Manager
Director, Community Development

PLANNING COMMISSION STAFF REPORT	
PETITIONER:	TABERNACLE OF PRAISE CHURCH OF CHRIST, LLC, represented by Holland Perdue
REQUEST:	Special Exception/Use Permit in the M1 Zoning District (Industrial Limited) in order to operate a church
LOCATION:	850 State Street, Rocky Mount, VA
HEARING DATE:	July 5, 2017
TAX PARCEL:	2040038301

EXECUTIVE SUMMARY:

Tabernacle of Praise Church of Christ LLC, represented by Holland Perdue, has applied for a special exception permit in order to operate a church at 850 State Street on property zoned as M1. The applicant is contracted to purchase the property from the current owners if the permit is approved. Currently, the church is located 370 Tanyard in the Eagle Plaza. Staff has reviewed the application and strongly recommends denial. This application has been advertised in the Franklin News-Post as required by law, and the public hearing notice been posted on the site.

I. APPLICABLE REGULATIONS:

DEFINITIONS

M1 Zoning, Statement of Intent. This district is established primarily as an area for wholesale activities, warehouses and industrial operations of a light nature that will not create serious problems or incompatibility with other land uses. Features of noise, some, dust and fumes should be minimal.

5-3. USES NOT PROVIDED FOR (applicable here):

5-3-1. A use not provided for is a use that is not included within the text of the permitted district uses. Because of their nature and anticipated impact, these uses require a review by the commission and governing body before approval is granted. Uses not provided for are treated as a zoning amendment and the town council hereby reserves unto itself the right to approve or disapprove uses not provided for.

OTHER REGULATIONS OF NOTE

- If approved, a minor subdivision plat review will be required to create two lots. As subdivision agent, I have declined to review the proposed plat until the zoning question is issued. At the time of this application, staff is unaware of additional buildings or structures planned and we expect all activities would take place within the interior of the existing building.

II. EXISTING CONDITIONS:

The subject property is approximately 6.392 acres situated at the corner of Weaver Street and State Street. The property features a one story building, with an approximately 13,728 square foot footprint. The building is currently vacant, formerly housing manufacturing and distribution for Liquid Performance, a chemical maker of performance products for the automotive, motorcycle, marine, and industrial markets.

III. PROPOSED CONDITIONS:

If approved, the church would relocate operations from its current Tanyard Road location to the State Street location. The church will operate out of the existing structure. The property would be subdivided into two lots. The church intends to purchase and be located on "Lot 1" consisting of 3.074 acres, the remaining 3.318 acres will remain vacant for the current property owner to market.

According to the Town of Rocky Mount Zoning Ordinance, a church is not a use provided for in the M1 - Industrial Limited District. The zoning administrator has determined that the proposed use of "church" falls under "Uses not provided for" which require a special exception permit.

IV. CONFORMANCE WITH COMPREHENSIVE PLAN:

The proposed use violates several tents of the adopted Comprehensive Plan, specifically that the industrial properties in this area should be developed for further industrial use (pp. 38-39), recruiting more - not fewer - industrial uses in this area (Economy Strategy 2), identify and acquire or improve underutilized properties within the Town's industrial core (Economy Strategy 6), and, most importantly, the Future Land Use Map (p. 61), which calls for the property and most of its surrounding properties to be industrial.

Staff also contends that this use is more suited to be in a residential or commercial zoning district in which it is a use by right, rather than trying to take advantage of a building's availability for convenience rather than the prudent adherence to the Town's zoning classifications and comprehensive plan. The R1 and R2, RB, C1, CBD and GB zoning classifications list churches as uses by right.

V. STAFF ANALYSIS:

Allowing a non-industrial use to erode industrial space eats away at the industrial core and the future economic wellbeing of the community. Whether the proposed use was a gym, a dog pound, an elementary school, another non-profit charity or convenience store, the Town's response should be the same: this use is not contemplated, is not industrial in nature, and is not permitted.

The property is located adjacent to both M1 and M2 manufacturing sites, which create noise, dust, smoke and traffic which are incompatible with this use more suited to residential and commercial zoning. This location adjacent to Ferguson Land & Lumber and CavCo/Fleetwood will generate conflicts; this invites future complaints about the industrial uses when the church is the use that's not compatible with the district.

A typical industrial building of this size would be expected to house 15 to 20 full time jobs, up to seven days a week. The church's proposed use would be much more limited, have a net negative economic impact (use of space for occasional

assembly of people instead of manufacturing, loss of tax revenue to the Town and the county), and limit future economic development at and around the site. The town has very limited M1 zoning space, and that scarcity requires you to acknowledge that taking any M1 zoning out of manufacturing use is a bad idea. If there were no other suitable sites for the church, staff would still recommend against the special use because of the limited availability of industrial sites for job creation.

Staff strongly recommends denial. Permitting this use would be poor planning practice, stand as detrimental to the community's ongoing economic vitality, and set a negative precedent for future requests to diminish the town's industrial and economic capacity.

POSSIBLE MOTIONS:

Approval: I move to approve the special exception request for Tax Map Parcel 2040038301 (on the following grounds, if needed): _____

ONLY IF APPLICABLE:

Approval, with Imposed Conditions: I move to approve the special exception request for Tax Map Parcel 2040038301 **with the following conditions:** _____

Denial: I move to deny the special exception request for Tax Map Parcel 2040038301 (on the following grounds, if needed): _____

PREPARED BY: Matthew Hankins
HEARING DATES: Planning Commission, July 5, 2017
ATTACHMENTS:



SPECIAL ZONING APPLICATION

REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

Received by:
PC/BZA 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.

APPLICANT NAME: Clyde Holland Perdue III

ADDRESS: 245 S. Main St. Rocky Mount, Virginia 24151

PHONE: 540-483-9269 **EMAIL:** cperduelaw@jetbroadband.com

PROPERTY OWNERS NAME & ADDRESS: Tabernacle of Praise Church of Christ, LLC (Prospective buyer)
(IF DIFFERENT FROM APPLICANT)
CDCC of Virginia, LLC (Current Owner)

TAX MAP & PARCEL NUMBER: 204.-383.01 **LOT SIZE (ACRES/SQ.FT.)** 3.0 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

REZONING REQUEST: PROPOSED ZONING: _____ PROPOSED LAND USE: _____

SPECIAL EXCEPTION/USE REQUEST OF SECTION(S) General Provision Article 5.31 OF THE TOWN ZONING ORDINANCE.

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.

The Tabernacle Church of Praise wishes to have a special exception to operate a church at 850 State Street Rocky Mount, VA 24151 (above listed property).

I HEARBY CERTIFY THAT I AM ACTING WITH THE KNOWLEDGE 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.

APPLICANT SIGNATURE

6/12/17
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.

THE LAW OFFICES OF
RAINE & PERDUE, P.L.C.

PERDUE - MONTGOMERY BUILDING
245 SOUTH MAIN STREET
ROCKY MOUNT, VIRGINIA 24151

MICHAUX RAINE III (1936-2010)
C. HOLLAND PERDUE III
EMILY A. OLIVER

(540) 483-9269
FAX (540) 483-0828
cperduelaw@jetbroadband.com

June 20, 2017

Planning & Zoning Commission
Janet Stockton, Chair
John Speidel, Vice Chairman
Derwin Hall
Ina Clements
John Tiggle
Bud Blanchard
Jerry W. Greer, Sr.

Re: Special Use Permit for the Tabernacle of Praise
Church of Christ

All:

This letter is regarding the request for a special use permit for the old "Liquid Performance" building located at 850 State Street, Rocky Mount, Virginia 24151. The Tabernacle Church of Praise Church of Christ has a contract to purchase said property subject to the "rezoning" or special use permit issuance.

The property is currently zoned "M-1". We are not seeking to have the property rezoned, however, the M-1 zone does not permit churches. This request is for the special use permit to allow a church on the said property.

Zoning of surrounding properties:

All properties located in front of the property (across the street) are zoned general business "GB".

The property located to the left is zoned "M-1" but is currently a residence.

The property located behind said property is zoned "M-1".

The property located to the right is zoned "M-1".

The property located on the back left portion of the

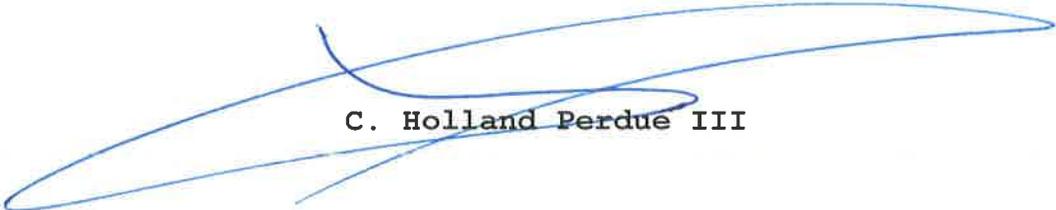
property is zoned "R3" and is are town homes known as Jubals Pass.

The Tabernacle of Praise Church of Christ is currently located at 370 Tanyard Road, Rocky Mount, Virginia 24151 (beside Frank's Pizza). The Church was founded in 2010 and services are conducted by Pastor Jeffrey Hairston. The current congregation is 260 members (170 adults and 90 children). With the purchase of the "liquid performance" building the church intends to remodel the building to accommodate a sanctuary for up to 295 people, have office space, six (6) classrooms, a family life center, and a kitchen to prepare meals. They would also have 80-90 parking spaces.

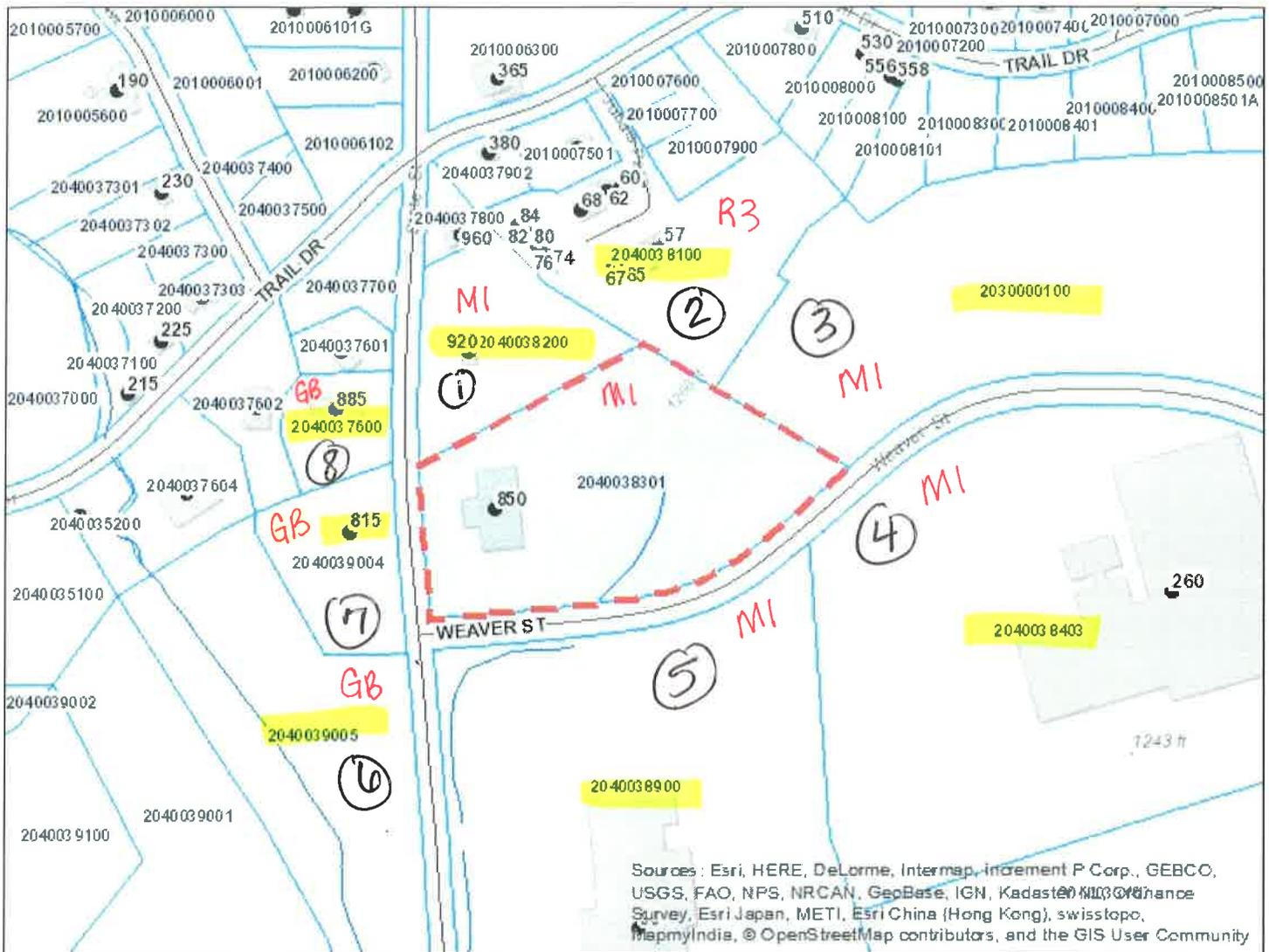
The Tabernacle of Praise Church of Christ is a rapidly growing church with a diverse congregation of various race, gender and social status. The Church is currently and hopes to continue to be involved in community outreach.

The issuance of a special use permit does not change the existing zoning and offers no detriment to the property. I strongly urge you to recommend the issuance of a special use permit to the Town Council.

Thank you,



C. Holland Perdue III



Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate but accuracy is not guaranteed.



Layer: Parcels

Map: 204
Insert: 00
Lot: 383
Parcel ID: 2040038301
Extension: 01
Recno: 32859
Map: 20400
Parcel: 38301
Zoning: M1
Owner: CDCC OF VIRGINIA LLC
Owner Address: 3820 SPARROW POND LN
City: RALEIGH
State: NC
Zip: 27606
Description 1: INDUSTRIAL PARK
Description 2: TRACT 2

Acres: 6.392
Land Value: 191800
Building Value: 412300
Sale Price: 409000
Sale Date: 12/28/2012
Deed book: 1025
Deed page: 3154
Plat book: 891
Plat page: 1155
Instrument type: DF
Instrument year: 2012
Instrument number: 9518
District: TR
Grantor: LIQUID PERFORMANCE PROPERTIES OF
Shape.STArea(): 270147.8203125
Shape.STLength(): 2123.5680769777

Attributes at point: 11078151, 3531246

Layer: Rocky Mount Zoning Zoning: M1	Layer: School Districts School District: Rocky Mount
Layer: Election Districts District Name: Rocky Mount Supervisor: Charles Wagner	Layer: Precincts and Political Districts Precinct Name: Rocky Mount East House District: 9 Senate District: 20
Layer: Voting Precincts	Layer: Franklin County Zoning