

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

540.483.7660  
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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 &  
Community Development Director*

**PLANNING COMMISSION AGENDA**  
**TUESDAY DECEMBER 5, 2017**  
**6:00 P.M.**

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

Call to Order and Welcome

- I. Roll Call of Members Present
- II. Approval of Agenda
- III. Review and Consideration of Minutes
  - a. November 8, 2017-Regular Meeting Minutes
- IV. Public Hearing
  - a. Stepping Stone Mission is requesting a Special Exception/Use Permit to operate a soup kitchen on property located at 1105 NORTH MAIN STREET ROCKY MOUNT, VA, 24151, Franklin County Tax Map and Parcel Number 2040033900. The applicant intends to relocate its soup kitchen operation from its current location at 565 Diamond Avenue, to the subject property, which is zoned GB (General Business).
    - i. Staff Report
    - ii. Applicant comments
    - iii. Public Comments
  - b. Proposed Amendment #1  
An amendment to the Town's Zoning Ordinance Code is being considered in order to bring variance regulations up to code with Virginia 15.2-2309. Specifically, Appendix A of the Code of the Town of Rocky Mount, Virginia (2002), known and cited as the "Zoning and Development Ordinance of the Town of Rocky Mount, Virginia" and providing for changes to Article 4 (Definitions), and Article 11 (Provisions For Appeal).
    - i. Staff Comments
    - ii. Public Comments

c. Proposed Amendment #2

An amendment to the Town's Zoning Ordinance Code is being considered. Specifically, adding a section to include Temporary Uses to the Town's Supplementary Regulations in Article 6 to define and regulate yard sales within residential areas.

- i. Staff Comments
- ii. Public Comments

- V. New Business - 2018 Calendar
- VI. Old Business - None at this time
- VII. Commissioner Concerns
- VIII. Staff Updates
- IX. Adjournment

**TOWN OF ROCKY MOUNT  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
November 8, 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 November 8, 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 Bud Blanchard
- Member Jerry W. Greer, Sr. (Attended shortly after Roll Call)
- Member John Tiggle

Staff Members Present:

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

**APPROVAL OF AGENDA**

Additions or Corrections: None

Motion: To approve agenda as presented

Motion By: Member Ina Clements

Second: Member John 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:

**September 5, 2017 - Regular Meeting Minutes**

**October 3, 2017 - Regular Meeting Minutes**

Additions or Corrections: Correction of Member Clements name in minutes

Motion: To approve minutes with correction noted

Motion By: Vice Chair John Speidel

Second: Member John Tiggle

Action: Approved by unanimous vote of members present

### New Business

#### Yard Sales

Town Planner Jessica Heckman addressed complaints that the town has received regarding yard sales. An open discussion ensued about how to regulate the complaints. Members decided to make a draft amendment and hold public hearings at the next meeting.

### Staff Updates:

Matt Hankins updated the board on the following:

- The approval of site plans for Piedmont Community Services expansion.
- Verizon & Carilion moving right along hope to be done first of the year.
- There is a work order in with AEP for the Floyd Avenue street lights.
- Moving forward with the Angle Bridge project.
- Thompson Tire possibly being purchased by Tabernacle Church.
- Liquid Performance was purchased by Ferguson Land & Lumber and has already been leased by Better Built Performance LLC.

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

### ADJOURNMENT

Motion to Adjourn By: Member John Tiggle

Second: Member Bud Blanchard

Action: Approved by a unanimous vote of members present

Time of Adjournment: 6:32 p.m.

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Janet Stockton, Chairman

ATTEST:

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Cherie Q. Compton, Clerk

CQC/



# Town of Rocky Mount SPECIAL ZONING APPLICATION

Date Received:	11/13/17
Received by:	g. Heckman
PC/BZA Date:	12/5/17-PC 12/11/17-TC

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: Stepping Stone Mission (Joanne Patterson)  
 ADDRESS: Po Box 141 Rocky Mount, VA 24151  
 PHONE: 276-732-8791      EMAIL: \_\_\_\_\_

PROPERTY OWNERS NAME & ADDRESS: 1105 North main St Rocky Mount, VA 24151  
(IF DIFFERENT FROM APPLICANT)  
(Jones Produce Building)

TAX MAP & PARCEL NUMBER: 2040033900      LOT SIZE (ACRES/SQ.FT.) \_\_\_\_\_

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) 5-3 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.

Open a soup kitchen

\* ASK T.C. for waiver of fees

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.

Joanne Patterson      11-13-17  
 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.

\_\_\_\_\_  
 OWNER SIGNATURE      DATE

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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

JESSICA H. HECKMAN  
*Town Planner*

STAFF REPORT	
<b>PETITIONER:</b>	Stepping Stone Mission
<b>REQUEST:</b>	Special Exception/Use Permit in the GB(General Business District) in order to operate a soup kitchen
<b>LOCATION:</b>	1105 North Main Street, Rocky Mount, VA
<b>HEARING DATE:</b>	Planning Commission, December 5, 2017 Town Council, December 11, 2017
<b>TAX PARCEL:</b>	2040033900

#### EXECUTIVE SUMMARY:

Stepping Stone Mission, represented by Joanne Patterson, has applied for a special exception permit in order to operate a soup kitchen on North Main Street property zoned as GB.

If approved, the applicant intends to lease the property for three years with option to buy at the end of the third year.

Currently, the soup kitchen is co-located with the American Legion Hall at 565 Diamond Avenue, where it operates under a special use permit limiting the operation to lunchtime service. The soup kitchen regularly reports its utilization to town staff. This application has been advertised in the Franklin News-Post as required by law, and the public hearing notice sign been posted on the site.

#### I. APPLICABLE REGULATIONS:

##### DEFINITIONS

**GENERAL BUSINESS DISTRICT GB**, *Statement of Intent- This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access and is characterized by heavy traffic, and noise and congestion of people and passenger vehicles. This district includes numerous commercial activities serving the needs of the community such as retail stores, business offices, restaurants and garages, located predominantly on primary arteries.*

##### 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.

## **II. EXISTING CONDITIONS:**

The building is currently used as a bakery, but the current lease will expire December 2017 and will not be renewed according to the property owner. The building is approximately 2400 square feet and has approximately 25 available parking spaces. According to the applicant, the soup kitchen currently averages less than 10 vehicles per day. Most of the citizens that utilize the soup kitchen do not own vehicles and either walk or carpool.

## **III. PROPOSED CONDITIONS:**

If approved, the soup kitchen will relocate operations from its current Diamond Avenue location to the North Main Street location, abandoning its goal to locate on hillside CBD property it owns between Uptown and Downtown. The applicant intends to complete a full renovation of the interior of the property to maximize space for clients. The applicant has an agreement with the owner to lease the property for three years with the option to purchase the entire property at the end of the third year. According to the Town of Rocky Mount Zoning Ordinance, a soup kitchen is not a use provided for in the GB - General Business District. The zoning administrator has determined that the proposed use of "soup kitchen" falls under "Uses not provided for" which require a special exception permit.

## **IV. CONFORMANCE WITH COMPREHENSIVE PLAN:**

Our Comprehensive Plan calls for the encouragement and support of healthy living initiatives that improve health and quality of life for residents. The relocation of the soup kitchen will provide a more accessible, more visible location that will help serve more of the community in need. According to the applicant, the proposed location is in close proximity to the Goodwill and Piedmont Community Services, both of which serve many of the same area residents as the soup kitchen.

## **V. STAFF ANALYSIS**

Staff generally supports granting the special use permit. It is in alignment with our Comprehensive Plan, and helps meet the needs of many residents by providing a location more easily reached on foot from many parts of town, solving a transportation problem for those in need of nutrition assistance. Being more visible and more accessible allows the soup kitchen to reach more citizens in need.

In making decisions on this matter, Planning Commission and Town Council should consider proximity to employment services, public safety and community assets and nearby businesses as positive for this charitable enterprise.

While the bodies are discussing the same entity that holds a special use on Diamond Avenue, the proposed environment for the new soup kitchen location differs in that it is not a neighborhood, is on a four-lane highway, is very near public safety assets and is in a business environment where additional traffic merits little or no regard; therefore, time constraints for food service should be less of a concern.

If the soup kitchen called itself The Penny Kitchen and served meals to its customers for one cent, this use would be a use by right and we would not be holding any public hearings. The difference is that this user proposes to give away food to needy clients. Regardless of the price, the facility must meet the same food safety and preparation standards, pass regular Health Department inspections and meet parking requirements.

Additional zoning and regulatory issues the applicant and property owner will need to address include:

- Professional hooding of the "Jones Produce" canopy signage or replacement by appropriate, code-approved signage.
- Pavement marking and directional signage.
- Gas pumps and tanks on site.

Potential negative impacts for the town include:

- Loss of this parcel for business activity.
- Additional Public Works attention (particularly crosswalks, which should be reviewed moving forward anyway due to existing foot traffic crossing North Main Street).
- Traffic and access issues if the kitchen's services increase or if the client base is larger than anticipated due to easier access.
- Potential impacts to nearby businesses (parking scarcity, access issues, loss of revenue).

Staff recommends approval of the special use permit, pending additional public input from the public hearing.

**POSSIBLE MOTIONS:**

*Approval:* I move to approve the special exception request for Tax Map Parcel 2040033900 (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 2040033900 with the following conditions: \_\_\_\_\_

*Denial:* I move to deny the special exception request for Tax Map Parcel 2040033900 (on the following grounds, if needed): \_\_\_\_\_

**PREPARED BY:** Jessica H. Heckman & Matthew C. Hankins  
**HEARING DATES:** Planning Commission, December 5, 2017  
Town Council, December 11<sup>th</sup>, 2017

## IN THE COUNCIL OF THE TOWN OF ROCKY MOUNT

AN ORDINANCE of the Town of Rocky Mount amending Appendix A of the Code of the Town of Rocky Mount, Virginia (2002), known and cited as the “Zoning and Development Ordinance of the Town of Rocky Mount, Virginia” and providing for changes to Article 4 (Definitions), and Article 11 (Provisions For Appeal).

WHEREAS, the Town Council of the Town of Rocky Mount is required to adopt zoning regulations for the purpose of promoting and improving public health, safety, convenience or welfare and to plan for the future development of the Town and to accomplish the objectives of Section 15.2-2200, et seq., of the Code of Virginia (1950), as amended, and the Zoning and Development Ordinance of the Town of Rocky Mount, Virginia.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Rocky Mount that Appendix A of the Code of the Town of Rocky Mount, Virginia (2002), known and cited as the “Zoning and Development Ordinance of the Town of Rocky Mount, Virginia” be amended and the following changes are adopted.

### **Article 4 (Definitions)**

The definition of “Variance” is repealed in its entirety.

The following definition is enacted to read and provide as follows:

**Variance:** A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the zoning ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the zoning ordinance. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

### **Article 11 (Provisions For Appeal)**

Section 11-2-2 is amended to read and provide as follows:

11-2-2. To authorize, upon appeal or original application in specific cases, a variance as defined in Section 15.2-2201 of the Code of Virginia (1950), as amended, from the terms of this ordinance according to the procedures and standards stated in this section.

Applications for variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application for a variance shall be filed with the Zoning Administrator. Upon receipt of a complete application for a variance, the Board of Zoning Appeals shall hold a public hearing after giving notice as provided in Section 15.2-2204 of the Code of Virginia (1950), as amended. However, when giving any required

notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail. No variance shall be considered except after notice and public hearing. The expense of legal advertisement shall be borne by the applicant.

During the public hearing, the chair of the Board of Zoning Appeals, or the acting chair in the absence of the chair, may administer oaths and compel the attendance of witnesses. The Board shall keep recordings, transcripts, minutes, or other records of its proceedings on variances sufficient to make possible court determinations on appeal as to the validity of its findings and its reasons therefor. The minutes and records of official actions shall be filed in the office of the Zoning Administrator and shall be public records.

Following the close of the public hearing, the Board of Zoning Appeals shall render a decision denying or granting the variance, with or without conditions, according to the provisions of Section 15.2-2309 of the Code of Virginia (1950), as amended. The concurring vote of three (3) members of the Board shall be necessary to effect any variance from this ordinance.

Once the Board of Zoning Appeals considers and renders a decision on a variance, the Board shall not consider substantially the same request for one (1) year, except when such decision is the subject of a motion to rehear. Any such motion to rehear shall be according to rules adopted by the Board.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

(1) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(2) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(3) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(4) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(5) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

In granting a variance the Board of zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and the zoning ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the Zoning Ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

This ordinance shall be in full force and effect upon its passage.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017

Ayes:

Nays:

Present:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney

# Town Meeting Dates 2018

*Following are the 2018 monthly meeting dates for Rocky Mount boards and commissions that maintain a regular monthly meeting and filing schedule.*

## Town Council

*Usually meets on the second Monday of each month at 7:00 p.m.*

Meeting Date	Filing Deadline
Monday, January 8	Monday, December 11, 2017
Monday, February 12	Monday, January 8
Monday, March 12	Monday, February 12
Monday, April 9	Monday, March 12
Monday, May 14	Monday, April 9
Monday, June 11	Monday, May 14
Monday, July 9	Monday, June 11
Monday, August 13	Monday, July 9
Monday, September 10	Monday, August 13
Monday, October 8	Monday, September 10
Monday, November 19	Monday, October 8
Monday, December 10	Tuesday, November 13

## Planning Commission

*Make planning & zoning policy recommendations to Town Council.*

*Usually meets on the first Tuesday of each month at 6:00 p.m.*

Meeting Date	Filing Deadline
Tuesday, January 2	Monday, December 11, 2017
Tuesday, February 6	Monday, January 8
Tuesday, March 6	Monday, February 12
Tuesday, April 3	Monday, March 12
Tuesday, May 1	Monday, April 9
Tuesday, June 5	Monday, May 14
Tuesday, July 3	Monday, June 11
Tuesday, August 7	Monday, July 9
Tuesday, September 4	Monday, August 13
Tuesday, October 2	Monday, September 10
Wednesday, November 7	Monday, October 8
Tuesday, December 4	Tuesday, November 13

## Board of Zoning Appeals

*Hears appeals of zoning decisions and variance requests for land use.*

*Meets at 6:00 p.m. on the first Thursday of the month if appeals are filed.*

Meeting Date	Filing Deadline
Thursday, January 4	Wednesday, December 13, 2017
Thursday, February 1	Wednesday, January 10
Thursday, March 1	Wednesday, February 14
Thursday, April 5	Wednesday, March 14
Thursday, May 3	Wednesday, April 11
Thursday, June 7	Wednesday, May 16
Thursday, July 5	Wednesday, June 13
Thursday, August 2	Wednesday, July, 11
Thursday, September 6	Wednesday, August 15
Thursday, October 4	Wednesday, September 12
Thursday, November 1	Wednesday, October 10
Thursday, December 6	Wednesday, November 14



Unless otherwise posted, meetings are held in the Town Council Chambers at 345 Donald Avenue, Rocky Mount, VA 24151. For Town Council matters, contact the Town Manager's office at (540) 483-7660. For planning, zoning, land use, or development matters, contact Community Development at (540) 483-0907. Accommodations are available for persons with physical limitations.