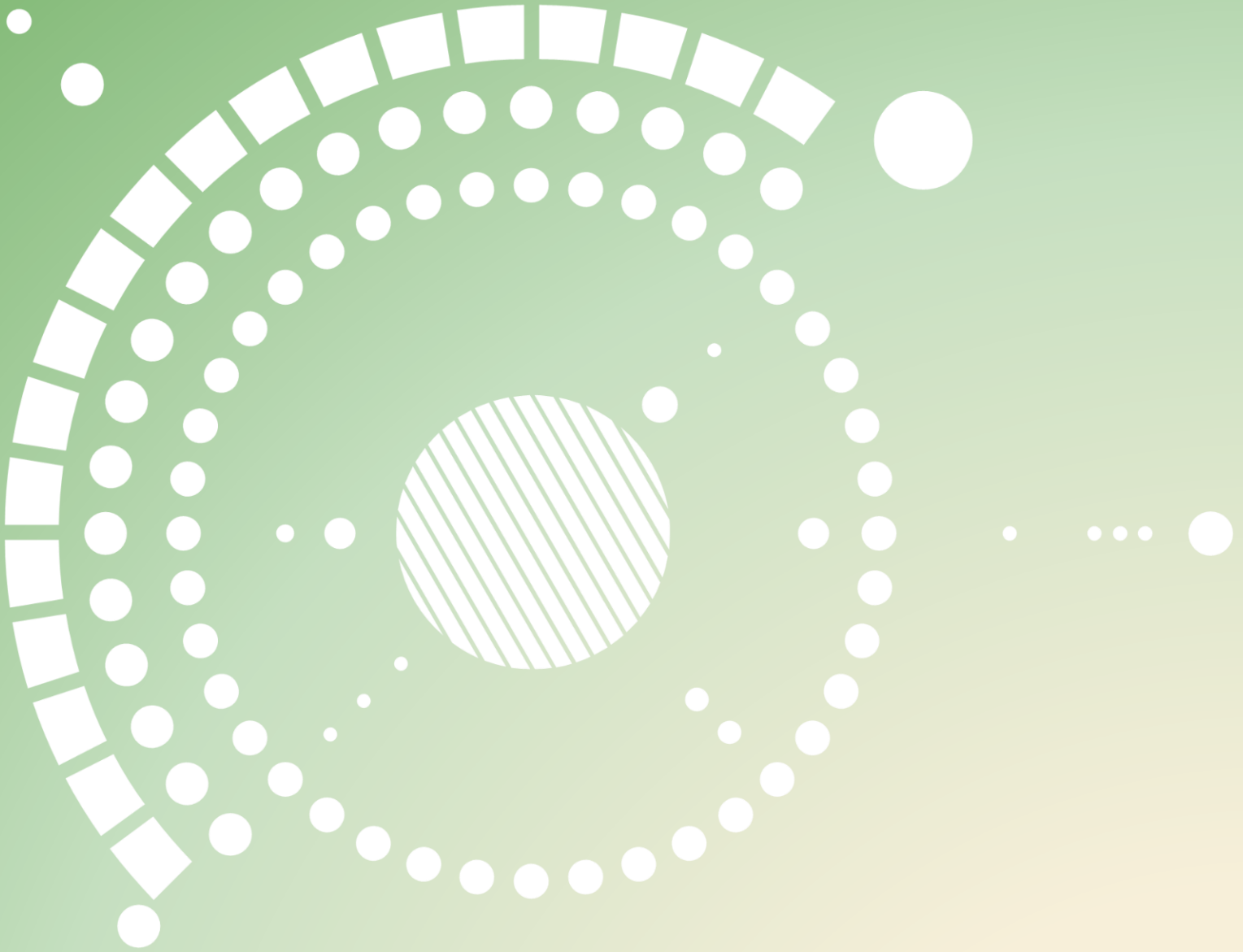


Planning Board Staff Report
March 06, 2024



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



AGENDA
ROCKY MOUNT BOARD OF ADJUSTMENT MEETING
MARCH 6, 2024, AT 5:30 P.M.
GEORGE W. DUDLEY CITY COUNCIL CHAMBER, FREDERICK E. TURNAGE MUNICIPAL BUILDING

Voting Members: Apryl Davison-Cobb, Benjamin E. Moore Jr., Mark Oosterhout, Tonya Parker, Carl Revis, Tilda Whitaker-Bailey, *Vacant*

Alternate: *Vacant*

Edgecombe County: *Vacant*

Nash County: *Vacant*

- 1. Call to Order**
- 2. Approvals**
 - a. Agenda**
 - b. Minutes**
- 3. Explanation of Rules of Procedure**
- 4. Review of Application for Special Use Permits Relative to Public Hearings**

4.1 Special Use Permit #02-06-24-05

Requested Action: Utility Station or Substation
Location: Cool Springs Road [PIN 387186090000]
Existing Land Use: Agricultural/Undeveloped
Proposed Land Use: Natural Gas Energy Reliability Center
Zoning: A-1 (Agricultural District)
Applicable Regulations: LDC Sec. 506: Zoning Special Use Permit Standards and Conditions

Property Owner: Piedmont Natural Gas Company, Inc
Applicant: Tom Morris
Case Manager: Bernetta Smith, Planner
Voting Representatives: City & Edgecombe Members

5. Review of Variance Requests

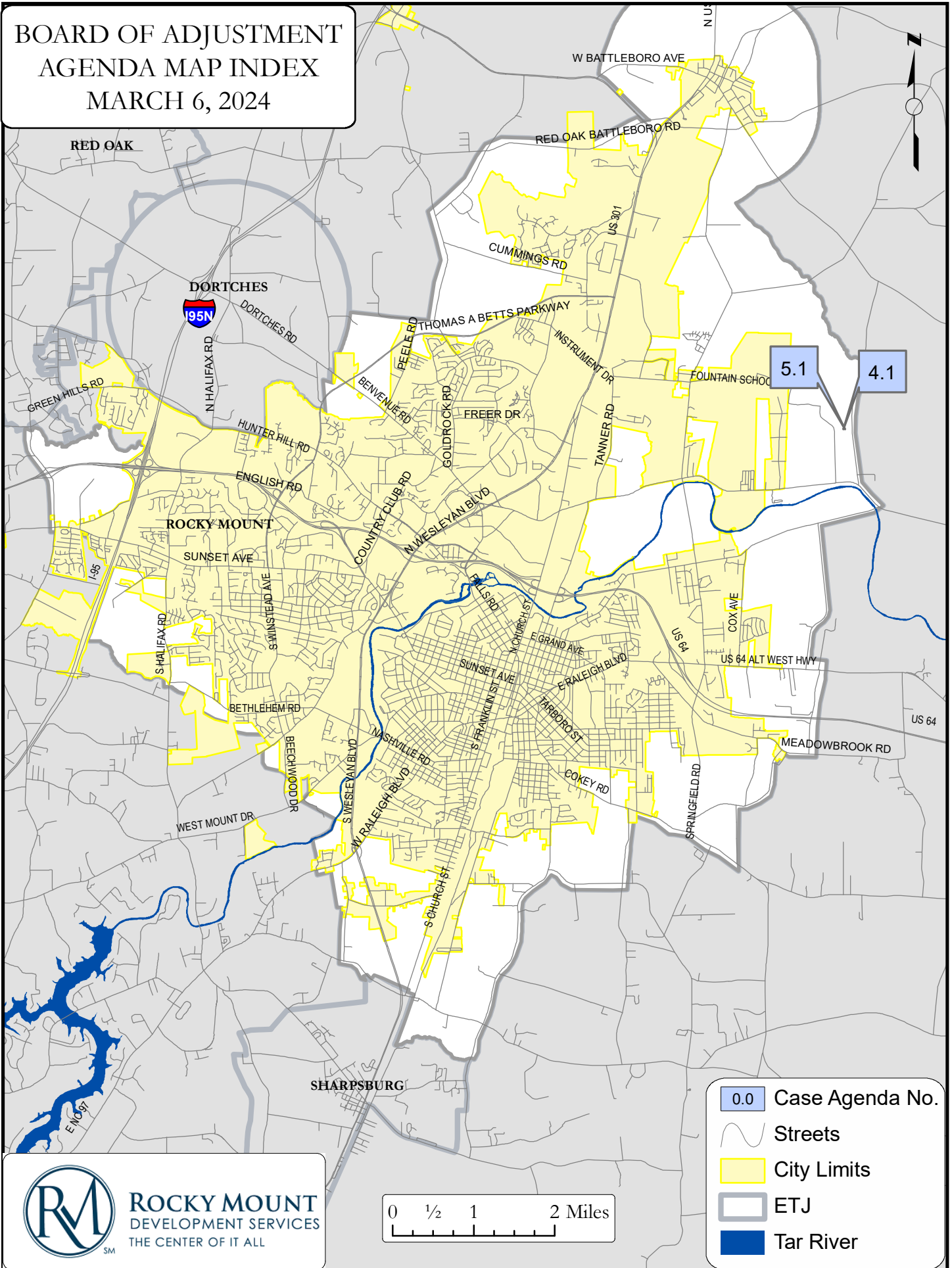
5.1 Variance Request #02-06-24-06

Requested Action: To allow a variation from maximum height of structure requirements
Location: Cool Springs Road [PIN 387186090000]
Existing Land Use: Agricultural/Undeveloped
Proposed Land Use: Natural Gas Energy Reliability Center [Utility Station or Substation]
Zoning: A-1 (Agricultural District)
Applicable Regulations: LDC Sec. 509: Zoning Variance Provisions
Property Owner: Piedmont Natural Gas Company, Inc
Applicant: Tom Morris
Case Manager: Bernetta Smith, Planner
Voting Representatives: City & Edgecombe Members

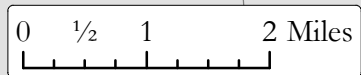
6. Review of Requests for Appeals

- 7. Review of Requests for Interpretations**
- 8. Unfinished Business**
- 9. New Business**
 - a. Items from the Board**
 - b. Items from the Secretary**
- 10. Adjournment** [Next meeting: April 2, 2024]

BOARD OF ADJUSTMENT
 AGENDA MAP INDEX
 MARCH 6, 2024



- 0.0 Case Agenda No.
- Streets
- City Limits
- ETJ
- Tar River



**MINUTES OF THE
ROCKY MOUNT BOARD OF ADJUSTMENT MEETING
HELD ON TUESDAY, OCTOBER 3, 2023, AT 5:30 PM
IN THE FREDERICK E. TURNAGE MUNICIPAL BUILDING, GEORGE W. DUDLEY CITY COUNCIL CHAMBER**

MEMBERS PRESENT

Apryl Davison-Cobb, Ward 2
Mark Osterhout, Ward 6
Tonya Parker, Ward 1
James Tharin, Ward 4
Tilda Whitaker-Bailey, Ward 7 Alternate

MEMBERS ABSENT

Benjamin E. Moore, Jr., Ward 5
Carl Revis, Ward 3

MEMBERS SEATED

Apryl Davison-Cobb, Ward 2
Mark Osterhout, Ward 6
Tonya Parker, Ward 1
James Tharin, Ward 4
Tilda Whitaker-Bailey, Ward 7 Alternate

STAFF PRESENT

Samantha Andelin, Administrative Assistant
JoSeth Bocook, Deputy Director of Development Services
Emilie Pinkston, Director of Development Services
Bernetta Smith, Planner

ATTORNEY TO THE BOARD

William S. Hoyle

1. Call to Order

Mr. Osterhout called the meeting to order at 5:33 pm

Mr. Osterhout requested Board members to identify themselves and state what ward they represented. He also asked staff to identify themselves.

2. a. Approval of the Agenda

Mr. Osterhout presented the agenda and staff advised there were no changes.

Board action: A motion was made by Mr. Tharin seconded by Ms. Davison-Cobb and unanimously carried to accept the agenda as submitted.

b. Approval of the September 5, 2023, Meeting Minutes

Mr. Osterhout presented the September 5, 2023, meeting minutes to the Board and the Findings of Fact and Conclusion of the Review Request for Appeal #09-05-23-03.

Board action: A motion was made by Mr. Tharin, seconded by Ms. Parker and unanimously carried to approve the minutes as submitted and the addition of the Findings of Fact and Conclusion of Request for Appeal #09-05-23-03.

3. Explanation of Rules of Procedure

Mr. Osterhout stated that the Board of Adjustment is a quasi-judicial board and explained the Rules of Procedure. Mr. Tharin explained that the case will be announced, and a representative from the city will be sworn in and present a general description of the case. The appellant/petitioner will be sworn and present facts in support of their request. Mr. Tharin will call for witnesses to speak in favor of the request, and then witnesses to speak who oppose the request. When both sides have completed their presentation, he will call for the city's recommendation relative to conformance with the City of Rocky Mount Land Development Code. The appellant will have an opportunity to present any rebuttal to the city's recommendation. After the Board has heard each appeal/request and discussion, the public hearing will be closed and the Board will hold an executive session, which is open to the public, to reach a decision as to the appeal or request. The Board will not entertain any additional comments from the public during this portion of the meeting. The Board will discuss the case and then call for the vote.

4. Review of Application for Special Use Permit Relative to Public Hearing.

There were no requests for a special use permit for review.

5. Review of Variance Requests

5.1 Variance Request #10-03-23-04

Mr. Osterhout called for a representative from the city to present the case. Ms. Smith was sworn in and presented the petition to allow a variation from maximum off-street parking requirements.

Ms. Smith stated the subject site is a single parcel, having tax parcel identification number (PIN) 385113127596, with an area of approximately 0.89 acres located on Cobb Corners Drive. The property is zoned B-2CD, conditional commercial corridor district. The subject site is currently developed as off-street parking in support of the surrounding commercial uses. To the north, east and south of the subject site are parcels zoned B-2CD. To the west

are parcels zoned B-2CD, B-2 (commercial corridor district) and R-6 (medium-density single-family residential district).

Ms. Smith advised that the appellant is requesting a variance from the city's off-street parking and loading requirements. The city's Land Development Code (LDC) Section 708. D.1 states for nonresidential uses, the maximum amount of automobile parking spaces allowed shall be no more than 20-percent above the minimum requirement unless the additional parking is balanced with a green roof or pervious pavement resulting in no net increase in nutrient runoff. The applicant is requesting a variance to allow parking spaces more than twenty (20) percent above the minimum requirement. The proposed medical care facility has a building area of 3,000 square feet. LDC Sec. 708. D. Table 7-4 sets forth a medical clinic is required one parking space per 200 sq. ft. of building area, establishing 15 parking spaces as the minimum number of required parking spaces. The applicant has requested 36 parking spaces. The maximum number of parking spaces allowed is 18.

In approving the permit, the Board of Adjustment shall find that all the following conditions exist in conformance with Section 509. Zoning Variance Provisions of the Land Development Code:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and
5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.

Ms. Smith concluded her presentation.

Mr. Osterhout called for questions from the Board for city staff.

Mr. Osterhout asked for clarity on where the development is being proposed. Ms. Smith stated that it was the corner part of the parking lot directly in front of Wal-Mart as you enter the shopping center. Mr. Osterhout asked how this would affect the parking ratio with all the buildings around it as the development will cause a loss in parking spaces. Ms. Smith stated that when Wal-Mart was in the developing stage, they had more than enough parking spaces as the entire strip mall was taken into consideration. Mr. Osterhout clarified that it was going to be a building and parking. Ms. Smith stated that was correct.

Mr. Osterhout called for anyone to speak in favor of the request. Mark Zelnik, representative for the applicant, 2Z Development, was present. Mr. Zelnik was sworn in. Mr. Zelnik stated that he was there on behalf of Carolina Quick Care who are planning on developing a 3000 square foot urgent care facility. He stated that the development will impact 14 of the Walmart parking spaces by rearranging the islands and the access points. He stated that when you add

their 18 required parking spaces and replacing the 14 that they're impacting of Walmart's, that comes to 32. They are only asking for a variance for four parking spaces. The reason they would like those is because in the last pandemic, urgent cares found that most of the people sat in their cars as opposed to coming into the clinic. A good urgent care is going to see 60 patients a day. Patients get texts when ready to be seen by a doctor. They have enlarged the islands, landscape islands and changed their entryway to accommodate some of the access that was backing up at Cobb's Corner by putting in bollards. Due to how stormwater management works their entrance will be coming in off the side closer towards Walmart, that is where the impact on parking will be. The parking ratio required by the RDA is five per one thousand, therefore he feels they need to replace 14 of those spaces. So thus, they're only asking for four.

Mr. Osterhout asked if there were any questions from the board for the applicant.

Mr. Tharin stated that he couldn't imagine there being a lot of room on the site. He asked if they already had permits to build and were just trying to work out the parking. Mr. Zelnik stated that they had submitted all their development plans to the city for review. The city came back with comments, and they agree with the comments; one of the outstanding issues is the parking variance.

Mr. Osterhout asked if the site was an existing outparcel. He asked for clarity on if the site was originally a part of the shopping center when it was developed or if someone came in later and requested it. Mr. Zelnik stated that it was a lot split request that was approved by City Council after the fact. The site has a separate parcel number from the shopping center.

Mr. Osterhout asked if Wal-Mart owned the parking lot. Mr. Zelnik stated that it is owned by another developer and another LLC owns the parcel that they are wanting to develop. Mr. Osterhout stated that cross easements would have to be obtained. Mr. Zelnik stated that there will be cross access easements, cross parking and utility easements. It will operate as one development and changes to the drive aisle has been requested by staff to improve the flow of traffic.

Mr. Tharin asked what was going to happen to the flow of traffic as it gets backed up there already. Mr. Zelnik stated that they had modified the entrance. Two of the drive isles will be closed off and their major entrance will be to the north closer to Wal-Mart. Mr. Zelnik approached the Board with a larger, detailed plan for their review and discussion of traffic flow.

Mr. Osterhout asked if the developer could get permission from Walmart or the owner of the parking lot to use their spaces. Mr. Zelnik stated that they have done so. Mr. Zelnik stated that city staff recommended them to ask for the variance. The shopping center is supposed to maintain a 5 to 1 parking ratio. If this was a standalone facility he stated that he would not argue with the 18 parking spaces, however with all the traffic that Wal-Mart generates they would like to have additional parking. Mr. Zelnik stated that they don't want Wal-Mart customers parking at their facility and then walking up to Wal-Mart. If they come into their facility first and then to the pharmacy inside Wal-Mart that would be fine.

Mr. Osterhout asked if the Board didn't grant the variance, could they still build but just have fewer parking spaces. Mr. Zelnik stated that was correct.

Mr. Tharin stated what he was trying to figure out is whether this is better or worse, if the purposed parking configuration is going to improve things or not. Mr. Zelnik stated that it would improve because it would maintain. If he took it away it would be worse because people would struggle to find parking at the facility. Mr. Zelnik stated that by maintaining the existing asphalt, they would not be taking out parking spaces.

Mr. Osterhout stated that the argument before is just part of finding a variance. First criteria is that the requested variance must arise from conditions that are unique to the subject property that are not ordinarily found in the same zoning district. He asked what is unique about it. Mr. Zelnik stated that this development is in the middle of a Wal-Mart parking lot which already maintains parking fields or has their customers parked in this area. By eliminating most of the parking for the development, they will put a hardship on Wal-Mart customers and their customers because they'll be parking on our property during the busy seasons, such as Christmas, impacting their visits by patients. He stated, normally, these facilities are not built within a Wal-Mart parking lot, it is on a true out parcel.

Mr. Osterhout stated that there are other criteria's that the Board has to find to approve the variance and he was going to go through them for clarity. Second is that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. Mr. Zelnick stated that it will not adversely affect them, it will improve their parking situation. There was concern that part of the main road was going to be closed off. Mr. Zelnik stated that they will not be touching or changing any of the main passageways just the interior of the parking lot.

Mr. Osterhout stated that the next criteria is that the strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards. Mr. Zelnik stated that by removing so many parking spaces which the Wal-Mart clientele will be parking on their property, which gives a hardship for their patients trying to find convenient parking spaces close to their entrance while ill, so by them having more parking, their front door will be less impacted, and their patients will find an easy path into their facility.

Mr. Osterhout stated that the next one is, the variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of the land development code. Mr. Zelnik stated that again, he believes they are only talking about four parking spaces, so yes, it's really the minimum action.

Mr. Osterhout stated that the last one is that the variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of the land development code or the comprehensive plan. Mr. Zelnik stated that in fact, he thinks it would improve it because they, again, will be providing more parking spaces closer to the door of both Walmart and the urgent care. He stated that if that row of parking is eliminated, they've got to go further, which will then impact other retailers.

Ms. Whitaker-Bailey asked if everything would still be open, not really separate. Mr. Zelnik stated that it was going to be wide open. The only place they have proposed to close off is the two drive aisles because of the traffic generated at that the stop sign.

Mr. Osterhout stated that if we don't allow this, they can still build their project. They just won't have as many dedicated parking spaces as they would hope to. Is that fair to say? Mr. Zelnik stated that would be fair to say. But if they reject this, he will be back at staff with his calculations that Wal-Mart is losing 14 parking spaces and really, they only need to lose four on their property. He stated that if they block off their four and it affects Wal-Mart's 14, then Wal-Mart will not be in code.

Mr. Zelnik stated that the parking lot is developed as one. It maintains a code of 5 to 5 parking spaces per 1000 square feet. Because of their site plan and trying to get some accommodations and things that the city wants by allowing this variance, they will relieve that requirement of eliminating 14 of their parking spaces.

Mr. Tharin stated that he knows this is not what you want to do but will making the building a little smaller satisfy the letter of the law if it could be done. Mr. Zelnik stated that their standard building is 3500 square feet, and this is a 3000 square foot building. They have already shrunk it 500 square feet to get it onto this property.

Mr. Osterhout called for anyone else to speak in favor of the request; there were none.

Mr. Osterhout called for anyone to speak in opposition of the request; there being none, Mr. Osterhout declared the public hearing closed.

After discussion among the board members regarding each of the criteria's that must be met to approve the variance the executive portion of the meeting was closed. Mr. Osterhout moved to a roll call vote.

Mr. Tharin made a motion to move forward with a roll call vote for the request to allow the variance request to allow a variation from maximum off-street parking requirements on Cobbs Corner Drive [PIN 385113127596]. Ms. Parker seconded the motion.

Board Action: The Board voted with two (2) members seated voting in favor of the request (Ms. Parker & Ms. Whitaker-Bailey) to allow a variance from the maximum off-street parking requirements and three (3) members seated voting in opposition (Mr. Osterhout, Ms. Davison-Cobb, and Mr. Tharin). Attorney Bill Hoyle advised that there were enough members seated to have a quorum on the request; therefore, the motion was denied as a concurring vote of four-fifths of the board shall be necessary to grant a variance [NC G.S. 160D-406(i)].

6. Review Requests for Appeals

There were no requests for appeals for review.

7. Review of Requests for Interpretations

There were no requests for interpretations for review.

8. Unfinished Business

There was no unfinished business for consideration.

9. New Business

a. Items from the Board

There was no items from the board for consideration.

b. Items from the Secretary

Mr. Bocook stated that he appreciated the board for the work they do and for their attention to detail in developing the findings of fact.

10. Adjournment [Next meeting, November 7, 2023]

There being no further business Mr. Osterhout adjourned the meeting at 6:09p.m.

Respectfully submitted,
JoSeth Bocook



JoSeth Bocook, Secretary
Rocky Mount Board of Adjustment

DRAFT

Special Use Permits

Requested Action:	To allow a Utility Station or Substation in an Agricultural District
Location:	Cool Springs Road [PIN 387186090000]
Existing Land Use:	Agricultural/Undeveloped
Proposed Land Use:	Natural Gas Energy Reliability Center [Utility Station/Substation]
Zoning:	A-1 (Agricultural District)
Applicable Regulations:	LDC Sec. 506: Zoning Special Use Permit Standards and Conditions
Property Owner:	Piedmont Natural Gas Company, Inc
Applicant:	Tom Morris
Case Manager:	Bernetta Smith, Planner
Voting Representatives:	City & Edgecombe Members

ANALYSIS:

a) Land uses: Subject site and vicinity

The subject site is located on Cool Springs Road, having tax parcel identification number (PIN) 387186090000. The 16.5-acre site is currently undeveloped and is zoned Agricultural District (A-1). To the north and south are undeveloped parcels zoned A-1. To the west are parcels zoned Heavy Industrial District (I-2) and A-1. To the east are undeveloped parcels zoned A-1, Conditional Commercial Corridor District (B-2CD), and Edgecombe County AR-30.

FEMA Flood Insurance Rate Maps indicate the 100-year floodplain [one-in-100 chance of flooding in any given year] and 500-year floodplain [one-in-500 chance of being equaled or exceeded in any year] encroach on the entirety of the subject site.

The applicant has requested a special use permit to allow for a utility station or substation.

b) Conformance with Comprehensive Plan

Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as a “Critical and Sensitive” area.

c) Conformance with Section 506. Zoning Special Use Permit Standards and Conditions

This request was reviewed using the special use permit common submission requirements found in Section 506. H – I of the Land Development Code:

H. All special use permit applications shall include a site plan which illustrates the following:

1. Boundaries of the lot or parcel (legal description).
2. Location of buildings, signs, and sign location where applicable.
3. Circulation: proposed points of access, egress, and pattern of internal travel lanes where applicable.
4. Parking layout.
5. Lighting plan including wattage and illumination.
6. Screening and fencing as specified in Section 704 of the Land Development Code (LDC). If not otherwise required, there shall be a minimum six (6) foot high solid fence or wall or dense plant material where a lot abuts a residential lot, as applicable.

I. Findings specific to a particular use.

40. Utility Station or Substation.

- a. Minimum lot area: One-half (1/2) acre for staffed utility station or substation. Unmanned, equipment-only substations must comply with applicable dimensional requirements if located in an A-1, R-15, R-10, R-8, R-6, or R-6MFA zone. Unmanned, equipment-only substations in PDR, MA, B-1, B-3, and IP districts are exempt from minimum lot area requirements.
- b. Parking and loading: One (1) space for each regular employee employed primarily at the site at any given time.
- c. Screening and fencing: A screen of not less than six (6) feet in height of dense plant material shall be provided where the lot abuts a residential lot. Electrical substations shall be enclosed by a fence not less than eight (8) feet in height with three (3) strands of barbed wire turned out at the top.
- d. Plans are required and must show:
Structures: Location and approximate size of all existing and proposed structures within the site and all buildings and structures within one hundred (100) feet.

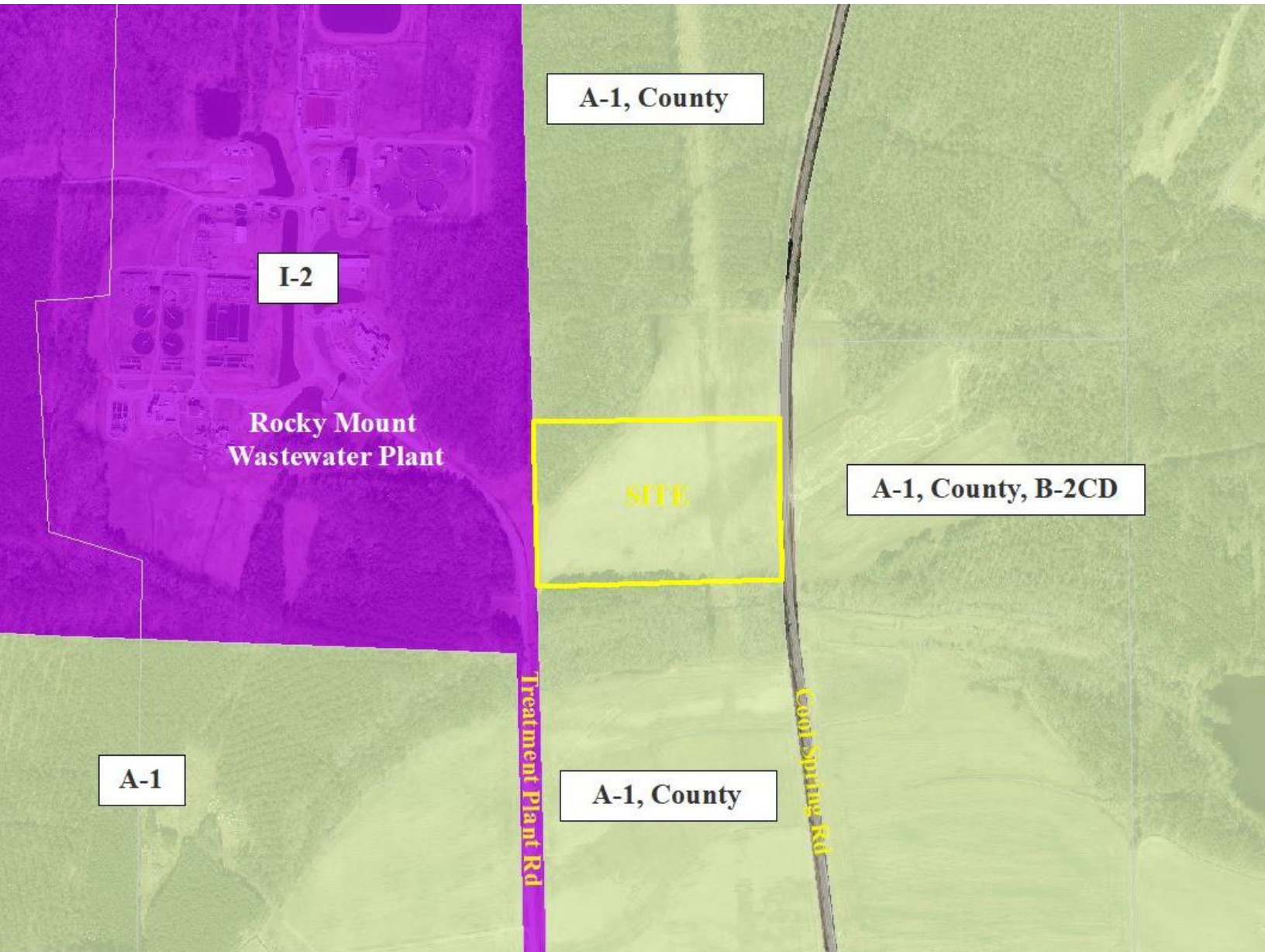
See applicant site plan submittal for responses to the above requirements.

d) In approving the permit, the Board of Adjustment shall find:

- 1. That the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
- 2. That the use meets all required conditions;
- 3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- 4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Rocky Mount and its environs.

5.1 – Rezoning Request # 02-06-24-05

Zoning Map

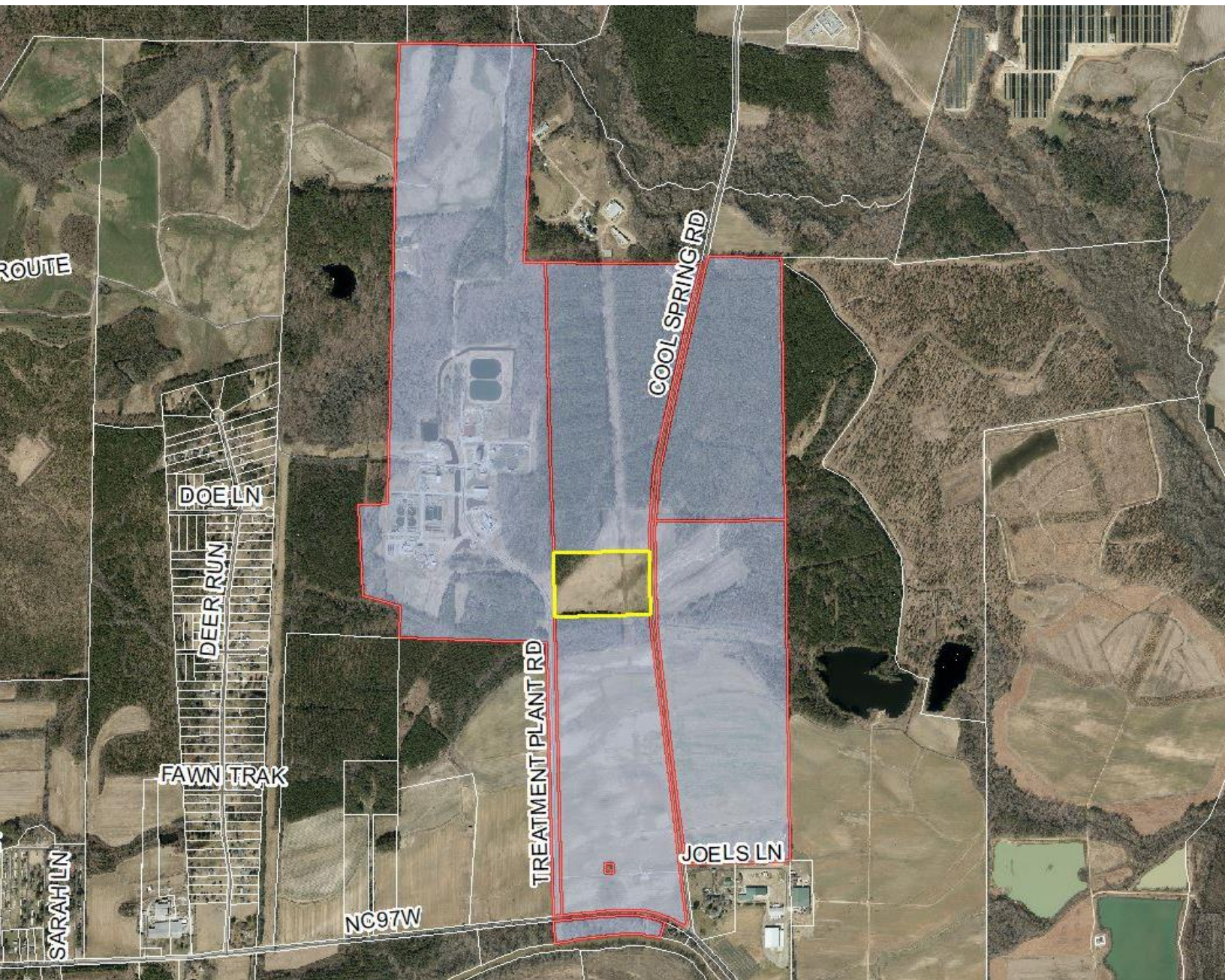


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5.1 – Rezoning Request # 02-06-24-05

Aerial Image & Adjacent Owners Notice Map



ROCKY MOUNT
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Subject Property



Property Owners Mailed Notice

Cool Spring Road [PIN 387186090000] – Stakeholders Notified

4.1

Joel M. Boseman, et al
12965 Montford Cove Road
Marion, NC 28752

City of Rocky Mount
331 S Franklin Street
Rocky Mount, NC 27802-1180



ROCKY MOUNT
DEVELOPMENT SERVICES
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February 22, 2024

Reference: Request for Variance and Special Use Permit Petition

Dear Citizen:

The City has received a request for a variance and special use permit located on Cool Springs Road [Parcel# 3871-86-0900]. You are receiving this letter because, according to tax records, you are the owner of an adjoining or confronting property.

The request will be considered by the City of Rocky Mount Board of Adjustment at its meeting on Tuesday, March 6, 2024, at 5:30 p.m. The meeting will be conducted in person in the City Council Chamber located on the third floor of the Frederick E. Turnage Municipal Building (City Hall). This meeting is open to the public; if interested, you are welcome to attend. At this time, you will be granted an opportunity to present testimony to the board regarding the request on the subject site.

The Board of Adjustment is a quasi-judicial board with the authority to hear and make decisions concerning requests for special use permits and variances. Members of the Board of Adjustment are appointed by the elected officials of the City of Rocky Mount, Nash County, and Edgecombe County.

If you would like additional details about the case, please feel free to contact me directly at (252) 972-1102.

Sincerely,

Bernetta Smith
Planner



ERM

ERM
222 S. 9th Street, Suite 2900,
Minneapolis MN 55402

T 612.337.3350
M 612.987.5061

erm.com

MEMO

TO	Rocky Mount Staff, Appointed and Elected Officials
COMPANY	ERM on behalf of Piedmont Natural Gas
FROM	Alex Conzemius, AICP
DATE	9 January 2024

Included with this cover letter is an application and supporting details for a Special Use Permit (SUP) and variance on behalf of the Edgecombe County Energy Reliability Center (ERC) for Piedmont Natural Gas. The land use classification has been determined to be defined as a 'utility station or substation' and a permitted use within the City of Rocky Mount as part of an SUP to be considered by the Board of Adjustments. The applicant team met with the City of Rocky Mount on January 18, 2023, and December 6, 2023. Information received during these meetings was very helpful to gain a better understanding of project expectations including:

- An expectation of water availability and fire hydrant on site
- An understanding of sidewalk dedication requirements
- Expectation of screening to neighboring properties.
- Floodplain permitting may be required for the access road and the amount of fill to be brought in disclosed.
- Variance needing to be received as a result of a proposed building height

A site plan has been prepared to supplement this application. This site plan is based on preliminary 30% design and subject to change as design proceeds. Site development will be conducted solely on parcel #3871-86-0900 (16.5 acres). Construction staging may occur on parcel 3871-95-3788 (25 acres). The exhibit shows the parcel boundaries, floodplain boundaries and site improvement boundaries including distance callouts of the planned improvements. It also shows parking layout, hydrant location, access, egress, and pattern of internal travel lanes.

In an effort to supplement variance review criteria as part of Section 509.D of the Rocky Mount Unified Development Ordinance (UDO), the applicant would like to provide the following in response to the five criteria that the Board of Adjustments will be asked to consider as part of the variance consideration:

1. *The requested variances arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;*

The project is located in a unique and specific location for the purpose of providing natural gas energy reliability (contributing to the quality of life for all local residents). Locating the facility on a different property or in a

different zoning district would not be possible because of the unique circumstances of the natural gas infrastructure found at this property.

2. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;*

The project site will be located 300+ feet from Cool Springs Road and appropriately screened. The parcel size is 16 acres, the project footprint is approximately 5 acres. The low intensity use, distance from Cool Springs Road, screening and mitigated visual impact will not negatively impact adjacent property owners and maintain the unique character of the community. It should be noted that the applicant has been in talks with the neighbor (former property owner) and have make arrangements to accommodate agricultural activities to allow cattle movement around the subject property.

3. *The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.*

The variance for the height of the building (exceeding district performance standards) is necessary to utilize the property and develop for a permitted use ('Utility station or substation' through SUP) in the A-1 district. The building height is the minimal height needed for the use and the applicant would be unable to use the property in a reasonable manner without a variance. The difficulty is not due to any actions taken by the owner or a previous owner.

4. *The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and*

Redesign of the building to comply with the height limitations of the district would not be possible. The height of the building is necessary for the operation of the building. If granted, the property would be compatible with the neighborhood and observes the spirit of the LDC.

5. *The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.*

In addition to the visual mitigation of the building height, the variance will not create any externalities that would affect the public health, safety or general welfare or harm the goals, purposes or intent of this LDC or the comprehensive plan.

The SUP application asks that applicants disclose lighting, screening, signage and fencing plans. Lighting and light poles are designated on the attached site plan. Vegetative screening to the north and east will be installed. The vegetative screening installed will comply with Landscaping and screening standards on Section 704 of the Land Development Code. A ten-foot fence with one foot of barbed wire and razor wire will be installed around the project area as shown on the site plan. To this date, no signage has been identified on the site. Any signage included in the final design will comply with performance standards within Section 709 of the Land Development Code.



We understand that the Board of Adjustments (BOA) considers SUP applications and are held on the 1st Tuesday of the month. We hope that both the special use permit and variance application can be considered at the February 6th Board of Adjustment hearing. We look forward to further working with the City of Rocky Mount on this project.

Notice of Request to Board of Adjustment for Special Use Permit

ROCKY MOUNT DEVELOPMENT SERVICES
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Street address of property: Cool Springs Road (Unimproved with no Street Address)		
Parcel Identification Number (PIN): 387186090000		
Property Owner(s): Piedmont Natural Gas Company, Inc		
Appellant Name: Tom Morris		Daytime Telephone: 704-731-4245
Mailing Address: 525 S. Tryon St.	City, State: Raleigh, NC	Zip Code: 28202
Appellant Email Address: tom.morris2@duke-energy.com		
Lot Dimensions: Width <u>705 feet</u>	Length <u>1067 feet</u>	Total Area in Sq.Ft. <u>718,740</u>
Nature of Request: Applicant is interested in developing the site for the purpose of a natural gas energy reliability center. The pre-application meeting indicated that the use would best be classified as a "utility station or substation" and would be permitted with a special use permit in the A-1 zoning district.		

A fee of \$250 for church/childcare center use and \$300 for all other uses must be submitted with this application to the Department of Development Services so your request may be placed on the agenda
One (1) copy of the sketch plan drawn to scale on an 8.5" x 11" sheet is required to be submitted with the application.

All special use permit applications shall include a legal description of the subject site and a site plan which illustrates the following:

1. Boundaries of the lot or parcel Included in warranty deed and ALTA Survey and supplemented in this application.
2. Location of buildings, signs and sign location where applicable.
3. Circulation: proposed point of access, egress and pattern of internal travel lanes where applicable.
4. Parking layout.
5. Lighting plan including wattage and illumination. As shown on Note 13 of the site plan.
6. Screening and fencing as specified in Section 704 of the Rocky Mount Land Development Code. If not otherwise required, there shall be a minimum six (6) foot high solid fence or wall or dense plant material where a lot abuts a residential lot, as applicable.

Note any specific requirements for a particular use in Section 506 of the Land Development Code.

I understand that all requests must be submitted *twenty-one (21) working days prior to the meeting date* of the Board of Adjustment (meetings are held the first Tuesday of each month). An incomplete application cannot be accepted.

Applicant Signature: _____ Date: _____

(Do not write below this line. For office use only.)

Application Number: _____	Date Received: _____	Staff Initials: _____
Fee of \$ _____ paid on _____		Staff Initials _____

Revised 12/19

Notice of Request to Board of Adjustment for Special Use Permit

ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



NOTICE OF RIGHT TO HAVE MATERIALS FORWARDED TO MEMBERS OF ROCKY MOUNT BOARD OF ADJUSTMENT

Prior to each meeting of the Board of Adjustment, materials pertaining to each appeal request for a variance from the zoning ordinance, request for a special use permit, request for interpretation, and all other matters scheduled for hearing are forwarded to individual members of the Board of Adjustment for their review. If you are scheduled to appear before the Board, you are entitled to have forwarded to Members of the Board any written materials pertaining to your case, which can be duplicated and forwarded by U.S. Mail. To have your materials included in the packet of information, you must deliver the materials to the Department of Development Services at the same time the application is submitted. Materials must be reproduced on 8.5x11 sheets, except for surveys and maps. You are reminded that you are not entitled to contact any Board of Adjustment Member in any attempt to discuss your case prior to the Board's scheduled meeting. If your written materials are not received by the date and time prior to the hearing, you will be deemed to have waived your right to have written materials of your choosing forwarded to Board Members.

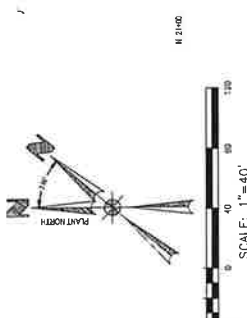
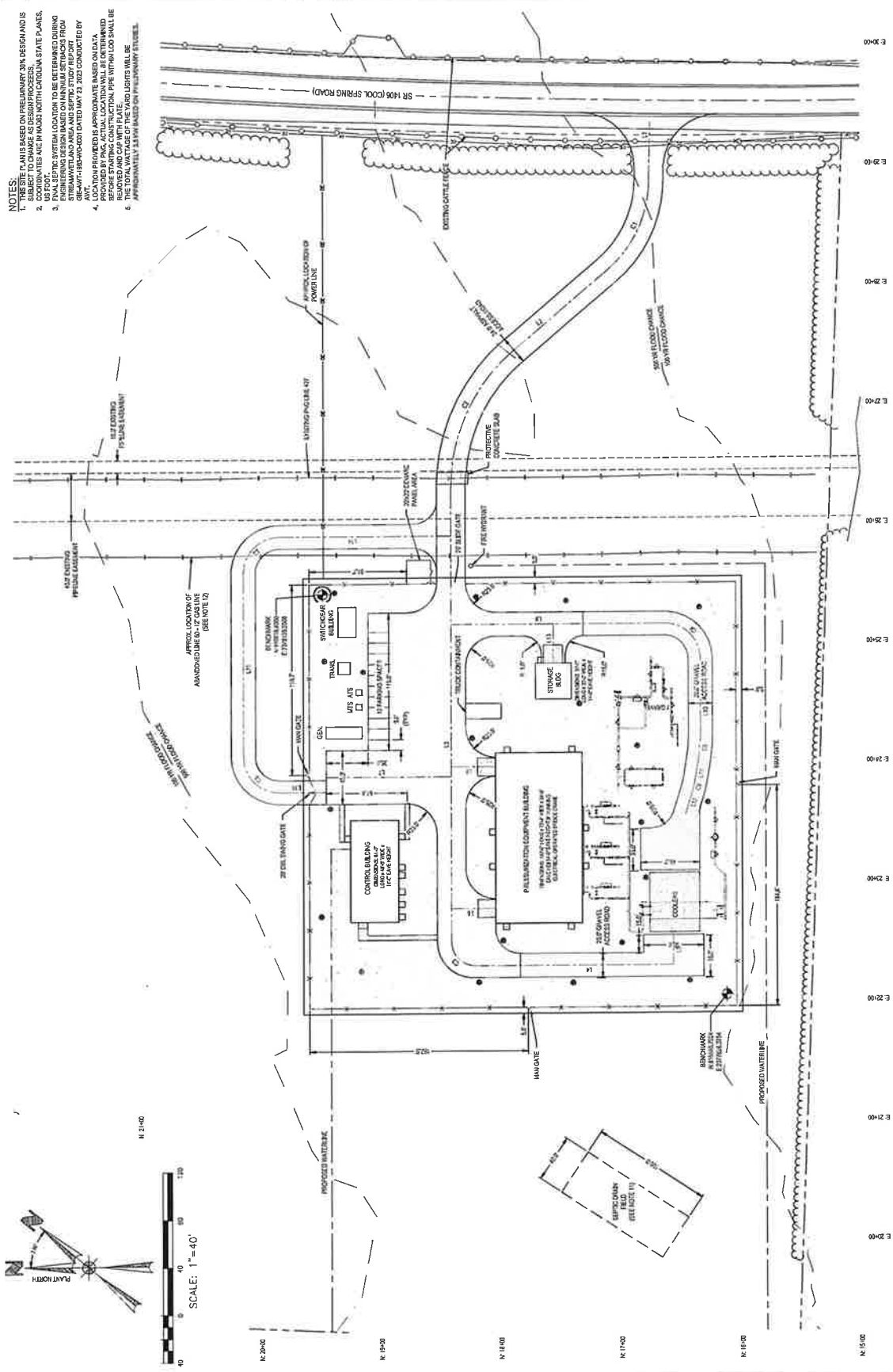
LEGEND

- GRAVEL (HIS)
- GRAVEL ACCESS ROAD
- ASPHALT ROAD
- CONCRETE PWS
- EXISTING FENCE
- EXISTING GATE/FENCE
- PROPERTY LINE
- PROPOSED AND EXISTING FENCE
- EXISTING PIPELINE
- BENCHMARK

- NOTES:**
1. THESE PLANS ARE BASED ON PRELIMINARY 20% DESIGN AND IS SUBJECT TO CHANGE AS DESIGN PROCEEDS.
 2. ALL DISTANCES ARE IN HUNDRED NORTH CAROLINA STATE FEET.
 3. FINAL SEPTIC SYSTEM LOCATION TO BE DETERMINED DURING CONSTRUCTION AND SHALL BE BASED ON THE SEPTIC SYSTEM STREAMWATER AND AREA AND SEPTIC STUDY REPORT (SE-2021-001) DATED MAY 23, 2022 CONDUCTED BY [REDACTED].
 4. LOCATION PROVIDED IS APPROXIMATE BASED ON DATA PROVIDED BY PWS. ACTUAL LOCATION WILL BE DETERMINED BY FIELD SURVEY AND SHALL BE SHOWN ON ALL FINAL REVISED AND CAP WITH PLATE.
 5. THE TOTAL VOLUME OF PWS AND LIGTS WILL BE APPROXIMATELY 1000 GALLONS PER PWS AND LIGTS.
 6. APPROXIMATELY 1000 GALLONS PER PWS AND LIGTS.

ACCESS ROAD CL GEOMETRY

STATION	LENGTH	DIRECTION	INCHES
C1	8.84	S86°29'30"W	108
C2	10.93	S86°02'52"E	108
C3	31.4	N11°18'48"E	30
C4	47.7	S41°08'48"W	30
C5	21.7	N27°01'52.80"W	300
C6	6.4	N82°31'42.80"W	30
C7	6.2	N82°31'42.80"W	30
C8	47.1	S41°08'48"W	30
L1	57.0	N07°18'18"E	108
L2	121.9	S44°11'32.20"E	108
L3	202.9	N46°06'42.80"E	108
L4	16.7	N37°31'18.12"W	108
L5	25.0	S86°02'52.80"W	108
L6	37.2	N07°18'18"E	108
L7	194.3	S82°31'42.80"W	108
L8	37.1	N07°18'18"E	108
L9	177.5	S82°31'42.80"W	108
L10	56.7	S86°02'52.80"W	108
L11	13.3	N47°15'52.80"W	108
L12	21.9	N07°18'18"E	108
L13	32.3	N46°06'42.80"E	108
L14	153.5	N07°18'18"E	108
L15	154.2	S86°02'52.80"W	108
L16	25.0	S82°31'42.80"W	108



811 CALL 48 HOURS BEFORE YOU DIG

REF. DWG(S) PNG-C-027-0001777
 PNG-C-027-0001778
 SHEETS 1 OF 1 DWG SCALE 1"=40'
 DWG DATE 06/20/23 SUPERSEDED
 DRAWING NUMBER
 PNG -C-027-0001782
 PROJECT FREEDANCE CENTER, NORTH CAROLINA

EDGEcombe COUNTY ERC
SITE PLAN
ROCKY MOUNT, NORTH CAROLINA
 TABORD RESOURCE CENTER, NORTH CAROLINA

Piedmont
Natural Gas
 CONSULTANT

APPROVALS

NO.	DATE	REVISIONS/DESCRIPTION	BY	CHK	APPV	TITLE	DATE
A	11/02/2023	ISSUED FOR 30% DESIGN REVIEW	EDD	MA	IRBN	AREA CODE	N/A
B	1/27/2023	ISSUED FOR REVIEW	EDD	MS	ACCOUNT NUMBER	F2233348	N/A
					PROJECT NUMBER	6225271	N/A
					DWG TYPE		TEB
					RELATION ID	TA3	TEB

PROFESSIONAL ENGINEER/STAMP

Variance Requests

Requested Action:	To allow a variation from maximum height of structure requirements
Location:	Cool Springs Road [PIN 387186090000]
Existing Land Use:	Agricultural/Undeveloped
Proposed Land Use:	Natural Gas Energy Reliability Center [Utility Station/Substation]
Zoning:	A-1 (Agricultural District)
Applicable Regulations:	LDC Sec. 509: Zoning Variance Provisions
Property Owner:	Piedmont Natural Gas Company, Inc
Applicant:	Tom Morris
Case Manager:	Bernetta Smith, Planner
Voting Representatives:	City & Edgecombe Members

ANALYSIS:

a) Land uses and zoning (subject site and vicinity)

The subject site is located on Cool Springs Road, having tax parcel identification number (PIN) 387186090000. The 16.5-acre site is currently undeveloped and is zoned Agricultural District (A-1). To the north and south are undeveloped parcels zoned A-1. To the west are parcels zoned Heavy Industrial District (I-2) and A-1. To the east are undeveloped parcels zoned A-1, Conditional Commercial Corridor District (B-2CD), and Edgecombe County AR-30.

FEMA Flood Insurance Rate Maps indicate the 100-year floodplain [one-in-100 chance of flooding in any given year] and 500-year floodplain [one-in-500 chance of being equaled or exceeded in any year] encroach on the entirety of the subject site.

The applicant has requested a special use permit to allow for a utility station or substation.

b) Background

The applicant has requested a variance from the required maximum height of structure in an A-1 district. The maximum height of a structure in the A-1 zoning district is 35 feet. According to the building plans submitted with the application, the peak of the tallest proposed structure is 42 feet. To develop the structure as indicated, a variance will need to be granted allowing for up to seven feet of relief from the required maximum height.

The applicant has provided a site plan illustrating the proposed development.

c) Conformance with Section 509. Zoning Variance Provisions

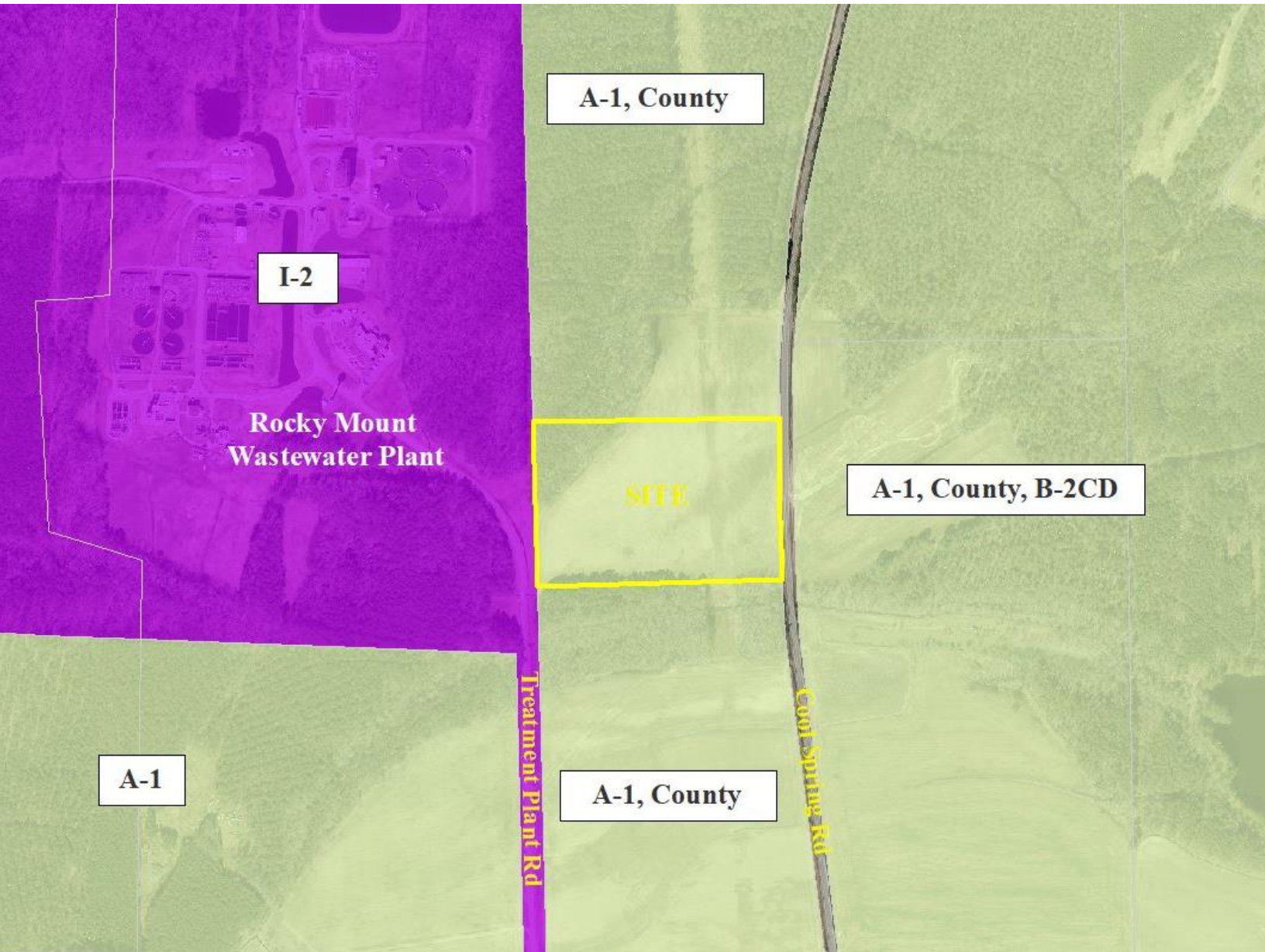
In approving the permit, the Board of Adjustment shall find that all of the following conditions exist:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;
4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and
5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.

5.1 – Rezoning Request # 02-06-24-06

Zoning Map

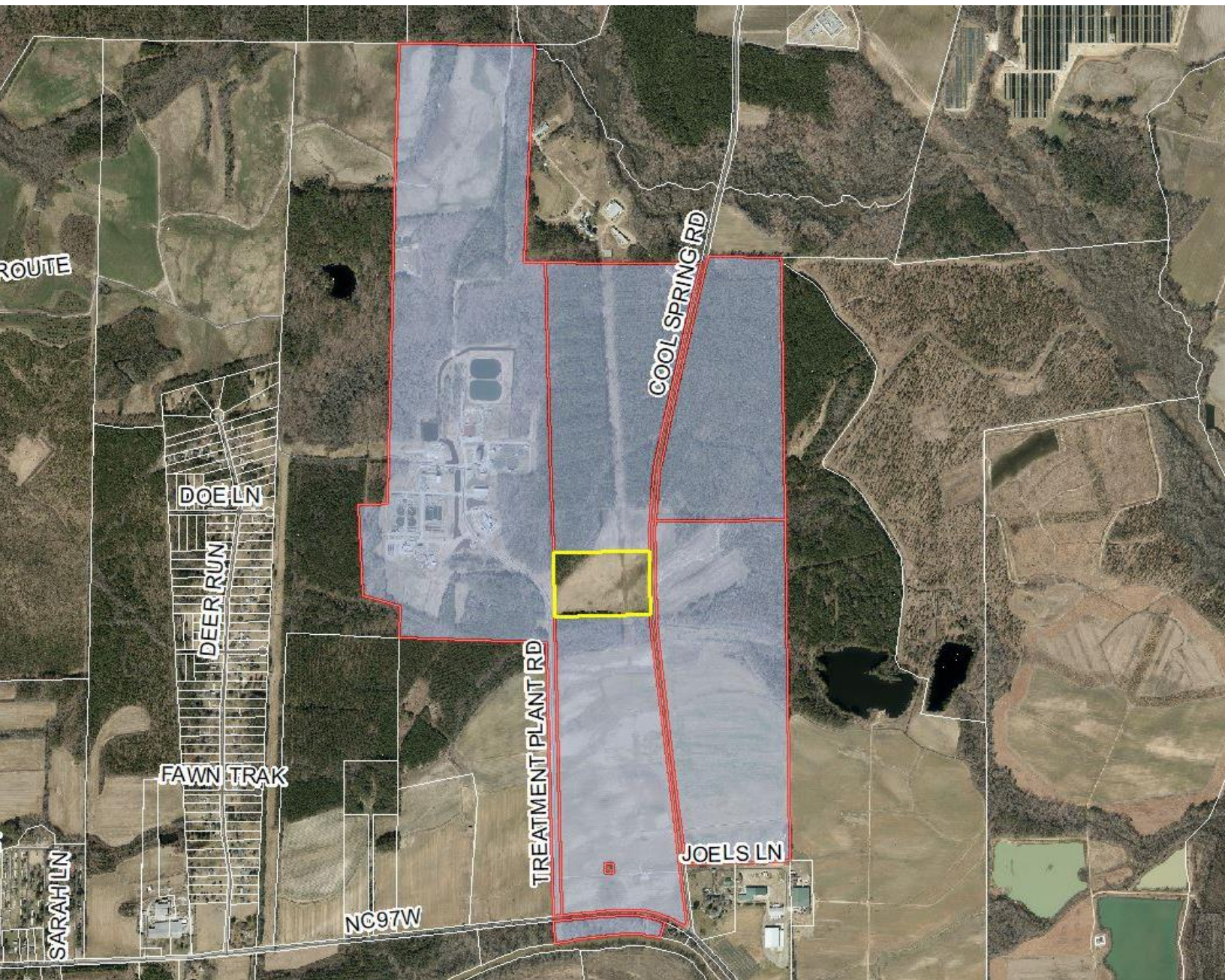


ROCKY MOUNT
DEVELOPMENT SERVICES
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5.1 – Rezoning Request # 02-06-24-06

Aerial Image & Adjacent Owners Notice Map



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



Subject Property



Property Owners Mailed Notice

Joel M. Boseman, et al
12965 Montford Cove Road
Marion, NC 28752

City of Rocky Mount
331 S Franklin Street
Rocky Mount, NC 27802-1180



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL

February 22, 2024

Reference: Request for Variance and Special Use Permit Petition

Dear Citizen:

The City has received a request for a variance and special use permit located on Cool Springs Road [Parcel# 3871-86-0900]. You are receiving this letter because, according to tax records, you are the owner of an adjoining or confronting property.

The request will be considered by the City of Rocky Mount Board of Adjustment at its meeting on Tuesday, March 6, 2024, at 5:30 p.m. The meeting will be conducted in person in the City Council Chamber located on the third floor of the Frederick E. Turnage Municipal Building (City Hall). This meeting is open to the public; if interested, you are welcome to attend. At this time, you will be granted an opportunity to present testimony to the board regarding the request on the subject site.

The Board of Adjustment is a quasi-judicial board with the authority to hear and make decisions concerning requests for special use permits and variances. Members of the Board of Adjustment are appointed by the elected officials of the City of Rocky Mount, Nash County, and Edgecombe County.

If you would like additional details about the case, please feel free to contact me directly at (252) 972-1102.

Sincerely,

Bernetta Smith
Planner



ERM

ERM
222 S. 9th Street, Suite 2900,
Minneapolis MN 55402

T 612.337.3350
M 612.987.5061

erm.com

MEMO

TO	Rocky Mount Staff, Appointed and Elected Officials
COMPANY	ERM on behalf of Piedmont Natural Gas
FROM	Alex Conzemius, AICP
DATE	9 January 2024

Included with this cover letter is an application and supporting details for a Special Use Permit (SUP) and variance on behalf of the Edgecombe County Energy Reliability Center (ERC) for Piedmont Natural Gas. The land use classification has been determined to be defined as a 'utility station or substation' and a permitted use within the City of Rocky Mount as part of an SUP to be considered by the Board of Adjustments. The applicant team met with the City of Rocky Mount on January 18, 2023, and December 6, 2023. Information received during these meetings was very helpful to gain a better understanding of project expectations including:

- An expectation of water availability and fire hydrant on site
- An understanding of sidewalk dedication requirements
- Expectation of screening to neighboring properties.
- Floodplain permitting may be required for the access road and the amount of fill to be brought in disclosed.
- Variance needing to be received as a result of a proposed building height

A site plan has been prepared to supplement this application. This site plan is based on preliminary 30% design and subject to change as design proceeds. Site development will be conducted solely on parcel #3871-86-0900 (16.5 acres). Construction staging may occur on parcel 3871-95-3788 (25 acres). The exhibit shows the parcel boundaries, floodplain boundaries and site improvement boundaries including distance callouts of the planned improvements. It also shows parking layout, hydrant location, access, egress, and pattern of internal travel lanes.

In an effort to supplement variance review criteria as part of Section 509.D of the Rocky Mount Unified Development Ordinance (UDO), the applicant would like to provide the following in response to the five criteria that the Board of Adjustments will be asked to consider as part of the variance consideration:

1. *The requested variances arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;*

The project is located in a unique and specific location for the purpose of providing natural gas energy reliability (contributing to the quality of life for all local residents). Locating the facility on a different property or in a

different zoning district would not be possible because of the unique circumstances of the natural gas infrastructure found at this property.

2. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;*

The project site will be located 300+ feet from Cool Springs Road and appropriately screened. The parcel size is 16 acres, the project footprint is approximately 5 acres. The low intensity use, distance from Cool Springs Road, screening and mitigated visual impact will not negatively impact adjacent property owners and maintain the unique character of the community. It should be noted that the applicant has been in talks with the neighbor (former property owner) and have make arrangements to accommodate agricultural activities to allow cattle movement around the subject property.

3. *The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.*

The variance for the height of the building (exceeding district performance standards) is necessary to utilize the property and develop for a permitted use ('Utility station or substation' through SUP) in the A-1 district. The building height is the minimal height needed for the use and the applicant would be unable to use the property in a reasonable manner without a variance. The difficulty is not due to any actions taken by the owner or a previous owner.

4. *The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and*

Redesign of the building to comply with the height limitations of the district would not be possible. The height of the building is necessary for the operation of the building. If granted, the property would be compatible with the neighborhood and observes the spirit of the LDC.

5. *The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.*

In addition to the visual mitigation of the building height, the variance will not create any externalities that would affect the public health, safety or general welfare or harm the goals, purposes or intent of this LDC or the comprehensive plan.

The SUP application asks that applicants disclose lighting, screening, signage and fencing plans. Lighting and light poles are designated on the attached site plan. Vegetative screening to the north and east will be installed. The vegetative screening installed will comply with Landscaping and screening standards on Section 704 of the Land Development Code. A ten-foot fence with one foot of barbed wire and razor wire will be installed around the project area as shown on the site plan. To this date, no signage has been identified on the site. Any signage included in the final design will comply with performance standards within Section 709 of the Land Development Code.



We understand that the Board of Adjustments (BOA) considers SUP applications and are held on the 1st Tuesday of the month. We hope that both the special use permit and variance application can be considered at the February 6th Board of Adjustment hearing. We look forward to further working with the City of Rocky Mount on this project.

**Notice of Request to
Board of Adjustment for Variance**



Street address of property: Cool Springs Road (Unimproved with no Street Address)		
Parcel Identification Number (PIN): 387186090000		
Property Owner(s): Piedmont Natural Gas Company, Inc		
Appellant Name: Tom Morris		Daytime Telephone: 704-731-4245
Mailing Address: 410 Wilmington St	City, State: Raleigh, NC	Zip Code: 27601
Appellant Email Address: tom.morris2@duke-energy.com		
Lot Dimensions: Width <u>705 feet</u>	Length <u>1067 feet</u>	Total Area in Sq.Ft. <u>718,740</u>
Nature of Request: Applicant is interested in developing the site for the purpose of a natural gas energy reliability center. The pre-application meeting indicated that the use would best be classified as a "utility station or substation" and would be permitted with a special use permit in the A-1 zoning district.		

A fee of \$250.00 must be submitted with this application to the Department of Development Services so your request may be placed on the agenda

One (1) copy of the sketch plan drawn to scale on an 8.5" x 11" sheet is required to be submitted with the application.

**NOTICE OF RIGHT TO HAVE MATERIALS FORWARDED TO MEMBERS
OF ROCKY MOUNT BOARD OF ADJUSTMENT**

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Applicant Signature: _____ Date: _____

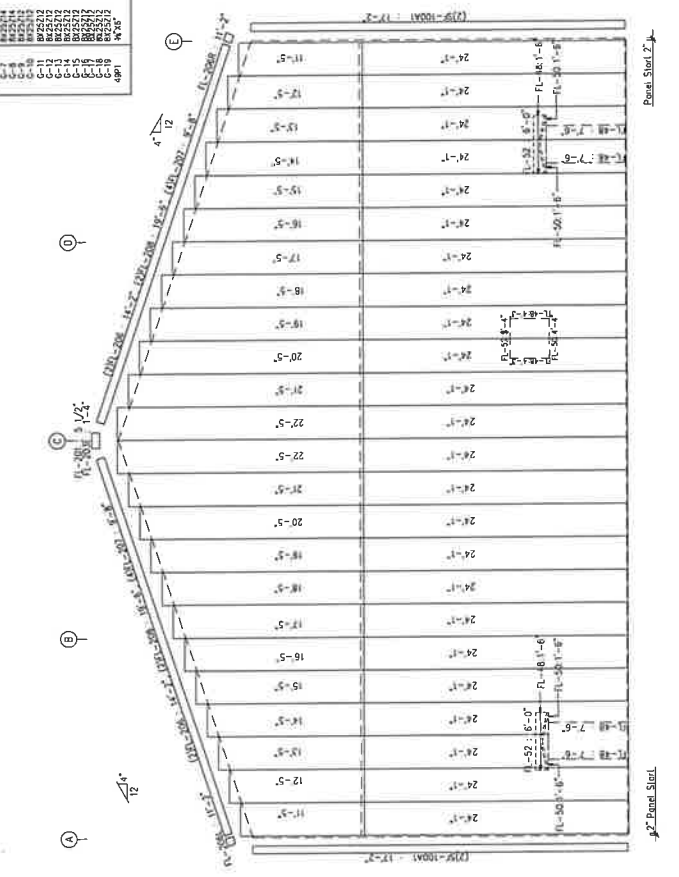
(Do not write below this line. For office use only.)

Application Number: _____	Date Received: _____	Staff Initials: _____
Fee of \$ _____ paid on _____		Staff Initials _____

Revised 12/19

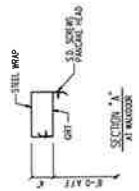
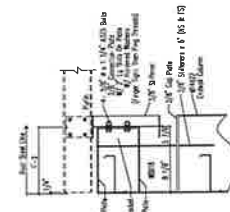
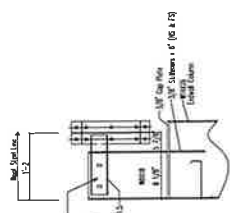
CUSTOMER:	TRDY CONSTRUCTION
CUSTOMER Pkg:	223279-026
PROJECT NAME:	EECEP EDECCOMBE COUNTY ENERGY RELIABILITY CENTER
BUILDING TYPE:	COMPRESSION BUILDING
JOB LOCATION:	EDECCOMBE COUNTY, NC
DATE:	11/7/23
CHKD BY:	CP
DATE:	5/2/2023
SCALE:	N.T.S.
ENDWALL ELEVATION:	
DWG #:	ES-01

DESCRIPTION	DATE	BY
ISSUE		
0	11/7/23	BR



RIGHT ENDWALL SHEETING & TRIM: FRAME LINE 9
PANELS: 26 Ga. PBR - Howlton Blue

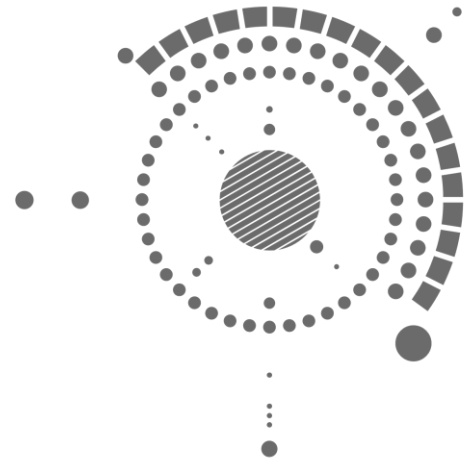
RIGHT ENDWALL FRAMING: FRAME LINE 9
FULL HEIGHT LINER PANELS



NOTE:
FLANGE BRACES ARE NOT USED. WELDED
BRIN. SIZES OF COLUMN AT FS LOCATIONS

GENERAL NOTES:
THIS IS DRAWING WITH 7" FROM FACE UNLESS NOTED ON A DETAIL.
CANNOT MAKE THIS DRAWING TO BE USED WITHOUT A COMPANY
CUTTING COMPANY PANELS AS SHOWN.
CUTTING COMPANY PANELS AS SHOWN.
CUTTING COMPANY PANELS AS SHOWN.

**CERTIFIED FOR
CONSTRUCTION**



ATTENTION:

The next regular meeting of the
City of Rocky Mount Planning Board
is scheduled for
Tuesday, April 2, 2024 at 5:30 p.m.

