# ROCKINGHAM COUNTY

# PLANNING BOARD

**MINUTES**

**ROCKINGHAM COUNTY PLANNING BOARD**

**REGULAR MEETING – FEBRUARY 8, 2021 - 7:00 P.M.**

The Rockingham County Planning Board met in regular session on February 8, 2021, 7:00 PM, Governmental Center, Commissioner’s Chambers, Wentworth, North Carolina.

1. Chairman Paul Ksieniewicz called the meeting to order at 7:00 pm.
2. Invocation was given by James Harris.
3. Adoption of the Agenda. Philip Stone motioned to adopt the agenda. Cory Scott seconded. Motion to adopt the agenda carried 6-0.

**4.** Attendance:

Regular members present: Chairman Paul Ksieniewicz, Vice-Chairman Julie Talbert, James Harris, James Fink, Cory Scott, and Phillip Stone

 Alternate members present:

Staff and others present: Carrie Spencer- Planning Director (via call-in), John Morris – County Attorney, Roy Sawyers – A/V Technician, Ben Curry – Code Enforcement, and citizens

**5. The following Minutes were approved.**

January 11th, 2021. Vice-Chairman Talbert motioned to approve the submitted minutes, James Fink seconded. The motion to approve the minutes carried 6-0.

**6. PROCEDURES**

Chairman Ksieniewicz opted to skip the review of procedures for the Special Use Permit case since it is a continuation, and those procedures have been previously read into the record.

**7. PUBLIC HEARINGS BEFORE THE PLANNING BOARD**

**Special Use Permit Case #2021-01, Doublewide Manufacture Home in a Residential Protected District**

This case was a continuation from the January 11th Planning Board session.

John Wright, applicant, 203 N Hamilton Street, was called (still under oath) to address the Board to provide evidence supporting his claim that all restrictive covenants were no longer enforceable.

The document submitted by the applicant was reviewed by County Attorney John Morris.

Chairman Paul Ksieniewicz read the submitted document, prepared by Attorney Joe Maddrey (specialist in residential property), 610 Henry Street Eden, NC. The document notes that there are no active restrictive covenants, and that all prior convents have expired in 2011.

Chairman Ksieniewicz stated that any issues regarding the covenants were resolved with the document provided. Chairman Ksieniewicz then shifted to his concerns about the possibility of “spot zoning,” and pivoted to Carrie Spencer for guidance. Carrie referred the Planning Board the Consistency Statement provided in the pre-meeting packets.

Carrie Spencer: What is your concern?

Chairman Ksieniewicz: What concerns me is that we are giving special treatment to a property that is more unusual under the zoning ordinance.

Carrie Spencer: John, would you like to weigh in? Paul is concerned about spot zoning for this parcel.

John Morris: Well there are multiple aspects to be considered. The zoning of the surrounding properties, and the affects that this zoning would have on the other properties.

Carrie Spencer: I think what’s most important to keep in mind is that is the type of structure rather than the use. The Special Use Permit is more associated with the type of house here – manufactured over a stick-built home. We’re really asking for a different type of use. I’m satisfied that we’re not spot zoning here because we’re really still going to be single-family residential.

Chairman Ksieniewicz: Okay, I’m seeing that now in general statutes, so I’ll defer to you. Okay, Mr. Wright. Anything else you want the Planning Board to know?

John Wright: Well, I don’t know this guy, but he seems nice – Mr. Flynn. He said he lived all the way down on the right, and that he owns all that property in between. That’s wrong. He’s all the way on the left. There’s a house in between our land, and then another house, and then he’s down there two tenths of a mile down the road. So I’m not trying to call no one a liar, but the truth is his land don’t touch my land. He’s on the left side of the road, I’m on the right. That’s all I got.

Chairman Ksieniewicz: Okay, thank you. You might be called again to rebut. We have one person signed up to speak. Mr. Laster?

Don Laster was called to address the Planning Board (still under oath from the previous meeting).

Don Laster: Basically, I just came here tonight to see where this was going.

Chairman Ksieniewicz: Okay, well I think that from the evidence applied that the restrictions no longer apply. You know that?

Don Laster: Yes, I know that.

Chairman Ksieniewicz: Okay, we’ll discuss this and then vote on the application. Mr. Wright, I don’t think that requires any sort of rebuttal. Do you?

John Wright agreed, and did not stand for any rebuttal.

Chairman Ksieniewicz proceeded to an open discussion with the Board members.

Vice-Chairman Talbert: It seems to me that any questions regarding the restrictions were answered. The neighborhood is not going to change that much by granting this. It’s still going to be homes. I think our concerns were answered.

Chairman Ksieniewicz: Anyone else?

Philip Stone: I just want to say that placing this home in that area – as a manufactured home – will not have an impact on the value of the surrounding properties, from a real estate perspective. A nice manufactured home, based on what I’m looking at.

**With no further discussion from the Board, Vice-Chairman Julie Talbert motioned to approve the Special Use Permit. Philip Stone seconded. The motion to approve the Special Use Permit carried 6-0.**

Chairman Ksieniewicz proceeded to read the review of procedures for the Planning Board for the next two cases.

**Rezoning Case #2021-06, McKinney & Sons: Rezoning from Residential Agricultural to Residential Protected. Tax PIN: 802000945157, Lillard Rd & NC 700 – Ruffin Township**

Carrie Spencer read the Staff Report into the record, and presented the case to the Planning Board.

Chairman Ksieniewicz asked if the lots in the proposed subdivision drawing were each going to have a driveway. Carrie answered, yes, and that we currently don’t have anything in our ordinance that would prohibit that.

Julie Talbert asked if the lots incorporate the total acreage. Carrie answered yes. Lot size and shapes are different but makeup the total. Once a plat is submitted, all technical requirements will be dealt with administratively, e.g., buffers, setbacks, lot size, etc.

Chairman Ksieniewicz asked if anyone was signed up to speak on this rezoning case. There were none. Any questions from Board? None.

**With no further discussions from the Board, Philip Stone motioned to recommend approval of the rezoning. Vice-Chairman Talbert seconded. The motion to recommend approval of the rezoning to the Board of Commissioners carried 6-0.**

**Rezoning Case #2021-07, Isometric, Inc: Rezoning from Neighborhood Commercial/Neighborhood Commercial Conditional District to Heavy Industrial Conditional District. Tax PINs: 798504748017 / 798504745088, NC 87 – Wentworth Township**

Carrie Spencer read the Staff Report into the record, and presented the case to the Planning Board. She noted the applicant’s intended use for a sheet metal and fabrication site.

Vice-Chairman Talbert asked if the applicant is going to encroach on the neighboring service station. Could we assume that since rezoning is for both parcels, the sheet metal factory will be on the larger parcel? Carrie answered not necessarily. The applicant will have to submit a site plan subject to TRC review. I wouldn’t want to hold the applicant to that assumption.

Cory Scott asked if the service station would be grandfathered in with the rezoning. Carrie answered yes, and that we would want to note that in the final decision that it’s still an allowed use. Carrie asked the applicant what the plans for the service station were.

Chairman Ksieniewicz called Dennis Bracy, 7005 Blacksmith Court – Summerfield, to address the Board.

Mr. Bracy noted a correction in the presentation that the total acreage wasn’t right. That he was going to be buying a portion to give access to the other lot.

Carrie noted to make sure that the acreage was correct and apologize that it was not accurately reflected in the Staff Report. She asked John Morris what needs to be corrected before going to the Board of Commissioners. He answered that they vote on what is presented, and that needs to be corrected.

Philip Stone asked if the total acreage includes right-of-way. Is that still included when you take away the right-of-way? Carrie answered yes.

Carrie asked applicant what current zoning. Applicant said, yes, it’s already zone industrial.

Philip stone asked what reference in deed book to use for this property.

James Harris asked what area will have chain-linked fence. Carrie answered that the area being developed will require fencing. Mr. Bracy, the applicant, pointed on the screen where the fence would be going [inaudible].

Carrie noted that this will have a positive economic impact on the County.

Chairman Ksieniewicz asked if the Board had any other comments.

**Without further discussion from the Board, Philip Stone motioned to recommend approval of the rezoning. James Fink seconded. The motion to recommend approval of the rezoning to the Board of Commissioners carried 6-0.**

**8. OTHER BUSINESS**

1. Old Business –
2. New Business – Update on Land Use Plan and UDO contract. Paul confirmed that the workshop time has been changed to 6:30 PM.

**9. ADJOURN**

**Vice-Chairman Talbert motioned to adjourn. James Fink seconded. The motion to adjourn carried 6-0.**

**Planning Board adjourned at 8:30 PM.**

Minutes Read and Approved, Respectfully submitted,

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Chairperson, Planning Board Date Planning Staff Date