



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – June 22, 2020 - 7:00 P.M.

The Rockingham County Planning Board met in regular session on June 22, 2020, 7:00 pm, Governmental Center, Commissioner's Chambers, Wentworth, North Carolina.

1. Chairman Ksieniewicz called the meeting to order at 7:00 pm.
2. Invocation was given by James Harris.
3. Attendance:
Regular members present: Paul Ksieniewicz, Julie Talbert, Michael Lee, T. Matt Cardwell, James Fink, and Phillip Stone.

Alternate members present for training: Corey Scott, Dylan Moore.

Staff and others present: Carrie Spencer- Planning Director, John Morris – County Attorney, Emily Bacon - Planner, Roy Sawyers – A/V Technician, Benjamin Curry – Code Enforcement, and citizens.

Members Absent: Ann Cunningham, Stacey Southern, and Timothy Wyatt.

4. **The following Minutes were approved.**
May 11, 2020: Michael Lee motioned, Julie Talbert seconded, 7-0 approved.

5. PROCEDURES

Chairman Ksieniewicz read the Rules of Procedure for public hearings.

Paul Ksieniewicz asked for motion to open the meeting's Planning Board Public Hearings. Julie Motioned, Matt Cardwell seconded, 7-0 voted to open hearings.

6. PUBLIC HEARINGS BEFORE THE PLANNING BOARD

- a. **SPECIAL USE PERMIT CASE # 2020-08: Bailey** – Request to permit a Turkey Shoot, 345 New Lebanon Church Rd, Reidsville, Tax PIN #7954-02-56-9747

Carrie Spencer presented the case based on the staff report. For the past five years applicant has been obtaining a yearly permit to operate a nonprofit Turkey Shoot from September to December of each year. They wish to operate year-round. She presented their submitted site

plan. The Board received 1 page of formal comments from 6 neighbors in opposition to the Special Use Permit, and 2 letters of opposition.

Paul Ksieniewicz asked Spencer if this use turns the property into a shooting range and if they are shooting away from New Lebanon Church Rd. Spencer stated that there are differences between firing ranges and turkey shoots. If the operation has been violating the turkey shoot rules that becomes a code enforcement issue. The submitted site plan indicates that shooting is away from the road.

Henry (Chuck) Bailey Jr., of 345 New Lebanon Church Rd, took the stand as the applicant. He was sworn in by Paul Ksieniewicz. Bailey stated that he is the owner and operator of Rockingham Family Charity, it is a 501c3 non-profit. This Charity owns the Turkey Shoot.

They wish obtain this special use permit to operate in the winter. The Charity competes with other fall activities. Since 2016 it has been operated from Labor Day – December 24. They compete Thursday – Saturday nights from 7:30pm – 10:30 pm. They do not allow alcohol, and it is family friendly operation. The shooting is of targets at 90 ft distances. The targets are in front of a berm measuring 25ft x 9 ft wide. Number 9 shot is used for the birds, because of its low shooting range.

Julie Talbert asked how much money the Charity raises in a given each year and how many people attend each evening. Bailey answered that \$5,000 is given to charity yearly and that around 25 people come a night. The majority of the attendees shoot, and the winner gets \$10 and some meats.

James Fink, asked how flexible would they be to changing the time. Has he heard about the neighbors complaining. Bailey stated he is not willing to change his business hours.

Matt Cardwell, asked if recreational shooting takes place. Bailey, answered no.

Ray Sharpe, of 183 Candy Rock Ln, was sworn in to ask questions. He had questions regarding hours of operations, and if is it a turkey shoot or a firing range. His questions were answered by the applicant.

Board Members closed the public comment period and began discussion. Julie Talbert stated that the Board could condition the Special Use Permit, but it would be a variance. James Fink thought that the hours should be different then the permit states. Matt Cardwell stated that the hours are traditional for a Turkey Shoot. Philip Stone noted that shooting is customary in Rockingham County and the reason many move here.

Michael motioned to approve the Special Use Permit; it has been determined to be consistent with the UDO, after reviewing the submitted testimony and evidence, that the use maintains or promotes general welfare, it complies with regulations, maintains value to property, use conforms with UDO. Matt Cardwell seconded. Case #2020-08 was approved

with a 5-2 vote, with James Fink and Julie Talbert dissenting.

- b. SPECIAL USE PERMIT CASE #2020-15: Shelton** – Request to permit a Kennel with 8+ Domesticated Animals, 1801 Anglin Mill Rd, Stoneville, Tax PIN: 7011-00-24-8184

Carrie Spencer presented the case based on the Staff Report. This case would bring the Kennel into conformance with the County's Unified Development Ordinance. The Kennel was brought to Planning's attention via a complaint. Their acreage allows for 16 domesticated animals.

Jason (Jackson) Shelton, of 1801 Anglin Mill Rd, took the stand as the applicant.

Julie Talbert asked how long they have been in operation and how many dogs he has. He stated it has been in operation 1 year and that the number of dogs fluctuates. Carrie Spencer specified that all dogs involved in breeding count towards the amount allowed with this Special Use Permit.

Julie Talbert motioned to approve the case due to the facts that it maintains public health and general welfare, it maintains or increases value of contiguous property. Matt Cardwell seconded the motion. The vote passed 7-0.

- c. SPECIAL USE PERMIT CASE #2020-14: Christian Planters** – Request to permit a new Wireless Telecommunications Facility. 2000 Baker Crossroad Rd, Reidsville, Tax PIN: 7964-00-77-4787

Carrie Spencer presented the case from the staff report. The applicants are asking to incense an existing 90ft tower to 400ft. Spencer stated that the tower's application has not gone before our Technical Consultant's Review. The County does not know yet if the tower is feasible, if the Special Use Permit is granted it will be evaluated for Technical Compliance. Based on the UDO's defined the fall zone of 110% the tower's height, the fall zone would be which would be 440 feet.

William Danny Hawkins, of 6704 S 704 Germanton, NC, took the stand to represent applicant Christian Planters of America. The tower will be used for a Christian radio station. Their radio station already operates from the present 90ft tower, this new tower would allow the radio frequency to reach all the way to Greensboro. It will be a guy-wired tower. Carrie is saying that the County does not know if the tower is feasible.

Philip motioned that upon the review of the application and the staff comments submitted. It has been found that this request is in line with the County's UDO, it will promote general welfare of the County, it will enhance the value of the general area, and is consistent with the stuff. The final approval to build the tower is contingent to the plan passing a Technical Review by our third-party consultant. Julie Talbert seconded. The motion carried 7-0 to approve the Case #2020-13.

- d. SPECIAL USE PERMIT CASE # 2020-13: Vertical Bridge** - Request to permit a new Wireless Telecommunications Tower at 3349 US 158, Reidsville, Tax PIN #8915-00-82-2327

Carrie Spencer presented the case according to the staff report. This request is located same property as the Yanceyville Volunteer Fire Station, it is not exempt from the Special Use Permit process because Vertical Bridge will be commercially leasing tower space. Technical Review by our third-party consultant is contingent on building the tower. The plans submitted for this tower require two substantial variances to the UDO, Staff recommends denial of this case.

Paul Ksieniewicz swore in Doug Barker and Matt Gogen, who were signed up to speak.

Doug Barker, of HK Consulting, from 304 Spring Water Trail, Woodstock Georgia, took the stand behalf of applicant Vertical Bridge. He stated that Verizon had identified the cell tower across the street, and US Cellular the Tower owner would not give fair market rate for Verizon to collocate. US Cellular's Tower is older and in need of structural upgrades. He went through the priority list, and no other locations were optimal. There were no County owned properties in the area, so they chose a Volunteer Fire Department to give back to the community. This type of Tower is designed to fall within a 50ft radius, collapsing into itself on the proposed area for their lease. Woodson Smith, the adjacent neighbor is in support of this project.

Matt Grugan, of Vertical Bridge from 2047 Harmony Drive, Canton, Georgia, was present was available to ask questions. He stated that adjacent owner is in support of this request.

Michael Lee motioned for approval, with the following adopted statement: The proposed Wireless Telecommunications Facility is consistent with the County Land Use Plan and adopted UDO, the use is located and designed to promote general welfare, use and development will maintain or enhance property values, and that the use or development will conform with all adopted regulations, and that it has to be approved by the Third-Party consultant. Julie Talbert seconded, the motion carried 7-0 to approve Case #2020-13.

7. The Planning Board was adjourned. The Board of Adjustment was convened.

8. PUBLIC HEARINGS BEFORE THE BOARD OF ADJUSTMENT

- a. VARIANCE REQUEST CASE # 2020-12: Vertical Bridge** – Request to vary the minimum lot size and setback for Wireless Telecommunications Facility. 3349 US 158, Reidsville, Tax PIN #891500822327.

Carrie Spencer presented the case from the staff report.

Doug Barker, of HK Consulting, from 304 Spring Water Trail, Woodstock Georgia, took the stand behalf of applicant Vertical Bridge. He stated that the proposed Tower is designed to collapse upon itself, within a 45' by 45' area.

Phillip asked why they wanted to be in the very back corner of the lot. Barker stated that currently the Medivac Helicopter lands between the proposed tower lease area and the fire department building. This is the reason that the lease area was not closer to the Fire Department.

The public comment period was closed for Board discussion. Michael Lee, discussed how the enhanced road will benefit the Volunteer Fire Department, and that the enhanced cell service will greatly benefit County residents.

Julie Talbert motioned for approval with the following statement: The Planning Board has reviewed the submitted evidence and statements as required by the Rockingham County UDO. On the basis of substantial review, the Board makes the following conclusions and findings of fact. An unnecessary hardship would result from the strict application of the ordinance, it is not necessary to determine that in the absence of this variance no reasonable use can be made of this property, the hardship results from the location and size of this property, the hardship did not result from actions taken by the applicant or property owner, the Variance is consistent with the spirit, purpose, and intent of the Ordinance. Substantial justice will be achieved with the granting of this variance. The Board adds the condition that building the Tower is contingent on the Third-Party review required by the County. Phillip seconded. The vote was 7-0 to approve Case #2020-012.

B. VARIANCE REQUEST CASE # 2020-05: Mills – Request to vary the minimum lot size, UDO Chapter 2 Article X, Dimension Requirements, to allow 15,000 ft² lots. 4574 & 4564 Ellisboro Rd, Stokesdale, Tax PIN #7901-00-58-6447

Carrie Spencer presented this case. Staff recommends approval of this case, on the basis that it will allow the applicant to convey to existing homes separately. It will further bring the property into compliance with the UDO to only have one residence per parcel. If this variance is approved then the applicant will need to plat the property and show an easement for the community well.

Philip asked if their shared well was a community well. Spencer stated that they are allowed to share the well and it is not a community well per the County's Environmental Health Department.

The public comment period was closed.

Board member Michael Lee stated that the applicant would have a hardship if this variance is not granted. Paul Ksieniewicz stated that other lots on the street have the requested lot size and granting this variance would not change the character of the neighborhood.

Philip Stone motioned to approve the Variance. Stone stated that after review of the submitted evidence and substantial review the Planning Board makes the following conclusions and findings of fact. The applicant faces unnecessary hardship if this variance is not allowed, there are peculiar conditions present in this case that are not true for the general neighborhood, granting this variance will not diminish value of surrounding properties. The applicants did not create this hardship through any decisions of their own. Granting this Variance would serve substantial justice. Paul Ksieniewicz seconded the motion, it carried 7-0 approving Case #2020-05.

9. Paul Ksieniewicz motioned to adjourn and Julie Talbert seconded, the Board voted 7-0 to adjourn and reconvene as the Planning Board.

10. OTHER BUSINESS

a) Old Business (none)

b) New Business

- a. Carrie informed the Board that the State Statute to overhaul the land use law has finally been adopted to consolidate County and City ordinances. Our consultant is updating our UDO to bring it into compliance with the new laws. Land Use plan timeline is on track for Feb/March 2021 adoption. We have until July 2021 to adopt new UDO to comply with new statutes and will be done well before then.

10. ADJOURN

Julie Talbert motioned, Stone seconded. The Board 5-0 voted to adjourn at 8:27pm.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board

Date

Planning Staff

Date