

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

February 10th, 2020 at 7:00 pm

County Commissioners Chambers

Rockingham County Governmental Center



I. Call Planning Board to order

II. Invocation

III. Approval of Minutes

IV. Review of Procedures for Planning Board

V. Public Hearings:

- a. **CASE # 2020-001:** Rezoning from RP to LI-CD, Steven Kidd, Calvary Rd, Tax PIN 7959-03-42-6045.

VI. Other Business:

- a. Old Business: None
- b. New Business: Updates from Planning Director

VII. Adjourn



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – January 13, 2020 7:00 P.M.

The meeting was held in the Commissioner's Chambers, at the Rockingham County Governmental Center located in Wentworth, North Carolina.

1. Chairman Ksieniewicz called the meeting to order at 7:01 pm.
2. Invocation was given by James Harris.
3. Membership Present:
Regular members: James Fink, James Harris, Paul Ksieniewicz, Michael Lee, T. Matt Cardwell, Philip Stone.
Members Absent: Timothy Wyatt, Ann Cunningham, Julie Talbert
Staff and others Present: Carrie Spencer - Planning Director, Emily Bacon - Planner, Ben Curry – Code Enforcement Officer, Roy Saunders – A/V Technician, citizens and members of the news media
4. Mike Lee motioned, James Harris seconded, and the vote was unanimous for minutes from August 12th, 2019 & December 9th, 2019.
5. **PUBLIC HEARINGS**
 - a) Chairman Ksieniewicz read the Rules of Procedure for public hearings.
 - b) UDO Text Amendment Case #T2019-004: Signs for Residential Zoning Districts, Chapter 1, Article II (Definitions) and Chapter 2, Article XII (Signs)

Carrie Spencer, Director, Community Development, presented the UDO Text Amendment. She iterated that this amendment is intended to allow certain uses in residential zoning districts to have signs indicative of the size of their use. The changes specifically apply to schools and churches. We are suggesting changeable copy signs be allowed but not animated signs. Signs for school fundraising on ball fields are also being added for consideration. These signs would be facing only attendees of the school and ball games. The copy size of the sign allowed would also be increased.

Chair Ksieniewicz asked if advertising on the ball fields must be facing the school property only. The intent is to prohibit 'off premise advertising' targeted to the road.

T. Matt Cardwell asked to clarify whether the intent is to be seen by the road or the parking lot of the ball field. He stated that they don't want to exclude Schools who sit far from the road but could technically be seen by the road. Mrs. Spencer answered that this UDO text amendment needs to be mindful not to change the character of Residential District.

Jim Harris asked if there is there any association between the person who is posting the sign and the school. Mrs. Spencer stated that it is customary for this to be a fundraising opportunity for the school.

Chair Ksieniewicz opening the public hearing, no one chose to speak. The Board discussed changing the wording from 'road' to 'roadway'.

Mr. Ksieniewicz moved to recommend approval of the proposed text amendment with this change. Mr. Cardwell seconded, and the vote was unanimous (6-0) to recommend approval.

- c) Special Use Permit Case #2019-024: Request for a SUP to operate a Kennel with 8+ domesticated animals. Applicant is Teresa Somer, and the property is located at 200 Happy Home Church Rd in the Township of Ruffin.

Carrie Spencer, presented the case and Staff Report. She noted that the proposed Kennel could have a maximum of 40 animals. Any buildings located within 25' of the property line would need to be moved to be used for the Kennel. This case has come to the Board via a UDO violation. It was in operation without the proper permits.

Philip Stone asked how the county became aware of violation. A neighbor filed a complaint.

Chair Ksieniewicz opened the public hearing and swore in people signed up to speak about the case.

Teresa Somer, the applicant, took the stand summarizing her belief that the operation of this Kennel provides benefits for the county. She is considering adding a dedicated Kennel building to her property to mitigate noise. Prior to locating her Kennel here she called the county to make sure the land was suitable. She was unaware at that time she needed a Special Use Permit.

Ronnie Adkins, Kyle Hodges, Jeri Capozzi, Mike Hatfield, Tom Fagel, Frankie Williams, and Bruce McBride spoke in opposition. Topics mentioned were excessive noise, air

pollution, odor, and safety concerns. A number of speakers felt like they were unable to use their property's outdoor area due to noise and odor nuisances created from the kennel. Unacceptable noise levels were reported by neighbors at all hours of the day.

Teresa Somer spoke in rebuttal. She stated that a dedicated kennel building designed to mitigate noise and odor would address those concerns.

The Board discussed that if she were to reapply for this special use permit with the dedicated facility as a condition of the approval it would be considered differently. They also discussed if livestock would be allowed in a similar situation. Carrie Spencer stated that due to the noise and safety concerns of domesticated animals they are considered differently.

Mike Lee moved, Matt T. Cardwell seconded, and the vote was unanimous to deny approval of the case due to not meeting the requirements of the unified development ordinance. As evidenced by neighbor testimony it does not promote the public health safety and general welfare of the surrounding area. The use is not located in an area where it would enhance the surrounding property, and it is not a use of public necessity. Mr. Cardwell seconded. The Board voted unanimously to deny the permit (6-0).

6. OTHER BUSINESS

a) Old Business

Stipend – Carrie Spencer asked the Planning Board if they had received their meeting stipend and to check their bank accounts.

b) New Business

c) Land Use Plan - Consultant has been working over the holidays. They are currently setting up stakeholder meetings. Philip Stone is helping them setup a focus group with relators.

7. ADJOURN

Paul Ksieniewicz moved to adjourn the meeting at 8:45 PM, seconded by Matt T. Cardwell, and the vote was unanimous to adjourn.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board

Date

Planning Staff

Date

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2020 - 01**



Request:	Rezoning from Residential Protected to Light Industrial – Conditional District
Applicant:	<u>Steven Kidd</u>
Identification:	The property is denoted by Tax PIN: 7959-03-42-6045
Location:	<u>Calvary Rd, in Mayo Township</u>

1. Acreage and Location of Proposal:

(+/-) 1.92 acres. The parcel is located on Calvary Rd approximately 400 feet south of the intersection with Eden Rd, Northwest of Wentworth.

2. Zoning Classification of Adjacent and Surrounding Parcels:

Adjacent properties are zoned Residential Agricultural and Residential Protected.

3. Character and Land Uses of Neighborhood and Surrounding Community:

The neighborhood is primarily characterized by residential and agricultural uses with contractor/builder office and storage at the terminus of Calvary Rd.

4. Topographical and Environmental Characteristics:

The property is generally flat and wooded with a gentle slope to the west.

Watershed – This parcel is located in the Dan River Eden protected Watershed. Development of the property will be required to meet Built Upon Area restrictions with staff approval of a site plan.

Flood Plain – This property is not located in a floodplain according to the *Federal Emergency Management Agency* flood plain map 3710792200J.

Wetlands and streams – There are no wetlands or streams located on this parcel.

5. Utilities / Services:

This parcel will be served by individual well and private onsite wastewater system.

6. Previous Zoning History:

1988: Zoned Residential Protected

7. Adopted Regulation and Plans:

This property is located in the *Urban Transition Land Class* of the Rockingham County Land Use Plan, described by Section 1.3.1 as follows:

Land Classes	Purposes	Characteristics	Services	Residential Density
Urban Transition	To provide for future intensive urban and economic development on lands that are most likely to be scheduled	Lands being developed for urban purposes but which do not yet have usual urban services, lands necessary to accommodate population	Typical municipal or public services currently available or to be made available at the time of	Moderate to high density land uses. 3-5 units/acre

USES IN LIGHT INDUSTRIAL ZONING DISTRICT












Uses Permitted by right. Zoning Permit may be required.

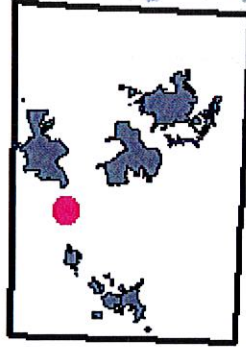
1. Accessory uses
2. Agricultural use (not regulated)
3. Auction sales, temporary, one-time use
4. Auction sales, yards, permanent
5. Automobile body shops (excluding open storage of wrecked vehicles)
6. Automobile car-wash, drive through, requiring vehicle stacking
7. Automobile parts sales
8. Automobile sales
9. Automobile service stations
10. Automobile storage (excluding wrecked & junked vehicles) – no outdoor storage
11. Automobile, truck and trailer (hauling) rental
12. Boats, recreational vehicles sales and service
- ~~13.~~ Bottling plants
14. Builders supply sales – no outdoor storage
15. Cabinet making
16. Car wash
- ~~17.~~ Chemical manufacturing
18. Coal sales and storage – no outdoor storage
19. Compartmentalized storage for individual storage of residential and commercial goods
- ~~20.~~ Dairy products, wholesale and processing
21. Farm machinery sales
22. Fire, sheriff and emergency services
23. Food freezer operations
24. Furniture manufacturing
25. Home occupations
26. Industrial equipment sales and service
- ~~27.~~ Kennels
- ~~28.~~ Laboratory, research
29. Lumber yard – no outdoor storage
30. Machine shop, welding shop
31. Manufacturing, apparel, soft goods, textiles
32. Manufacturing and other industrial uses
33. Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot
- ~~34.~~ Mobile home, temporary use for construction projects (Class A or B)
- ~~35.~~ Mobile home, travel trailer, camper, marine, recreational vehicle sales
36. Monument and cut stone manufacture and sales
37. Nursery and plant cultivation and sales
38. Pottery crafting and sales
39. Printing and reproduction
40. Radio or television studio
41. Sawmills, planing mills – temporary
42. Service stations
43. Sheet metal fabrication
44. Sign, outdoor advertising (off-premises)
45. Sign, on premises
46. Temporary buildings, incidental to development
47. Temporary carnivals, rides, ferris wheels
48. Theatre, drive-in
- ~~49.~~ Tire recapping
- ~~50.~~ Tobacco sales and warehousing
51. Truck terminal
52. Upholstering and furniture refinishing
- ~~53.~~ Veterinary clinics
54. Warehouses, sales or service
55. Wholesale sales, not otherwise listed

SDK
1-2-20

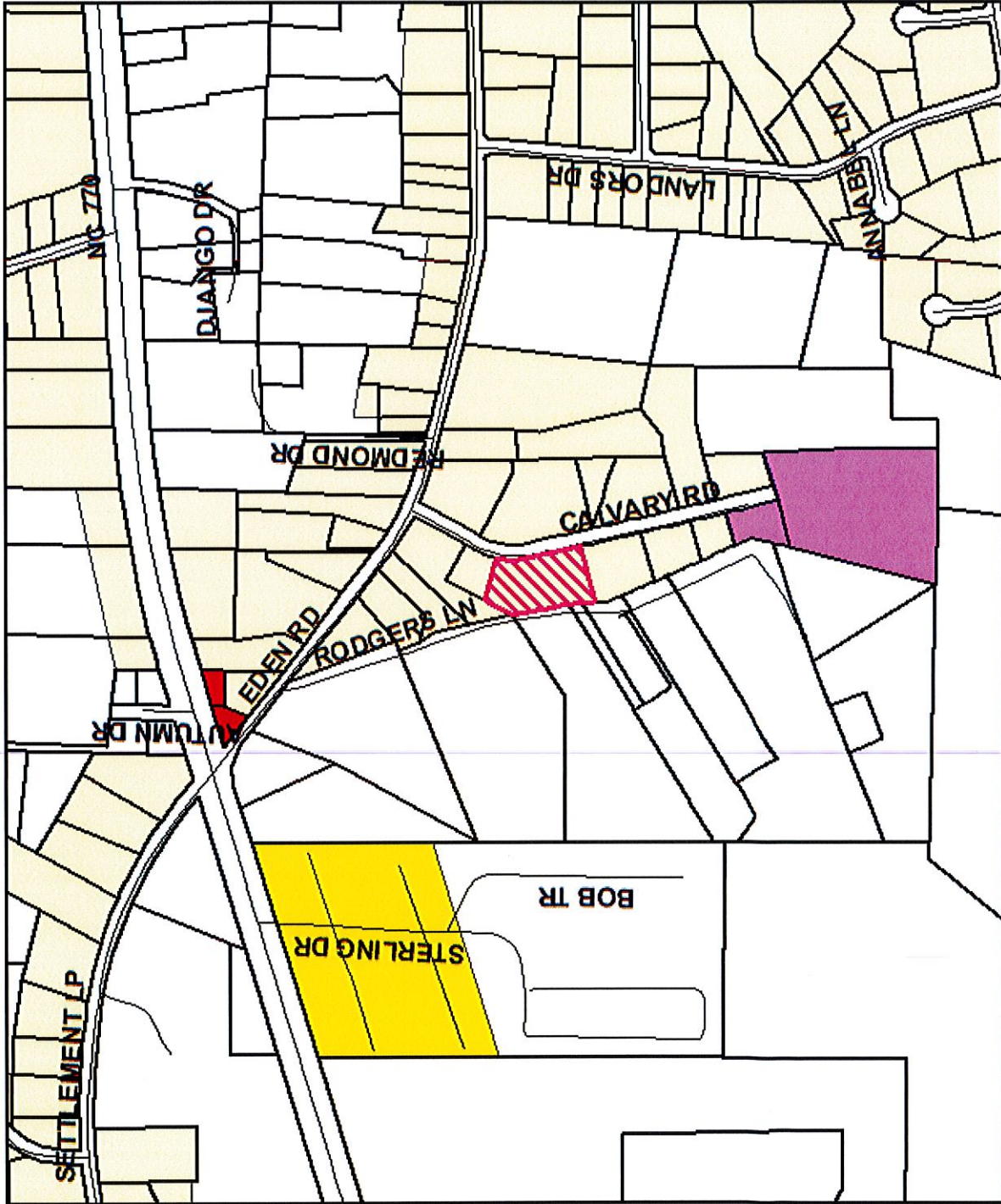
PIN 7959-03-42-6045

County Zoning

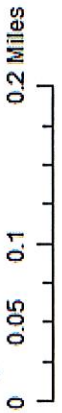
	HC
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	RA
	Parcels
	Roads



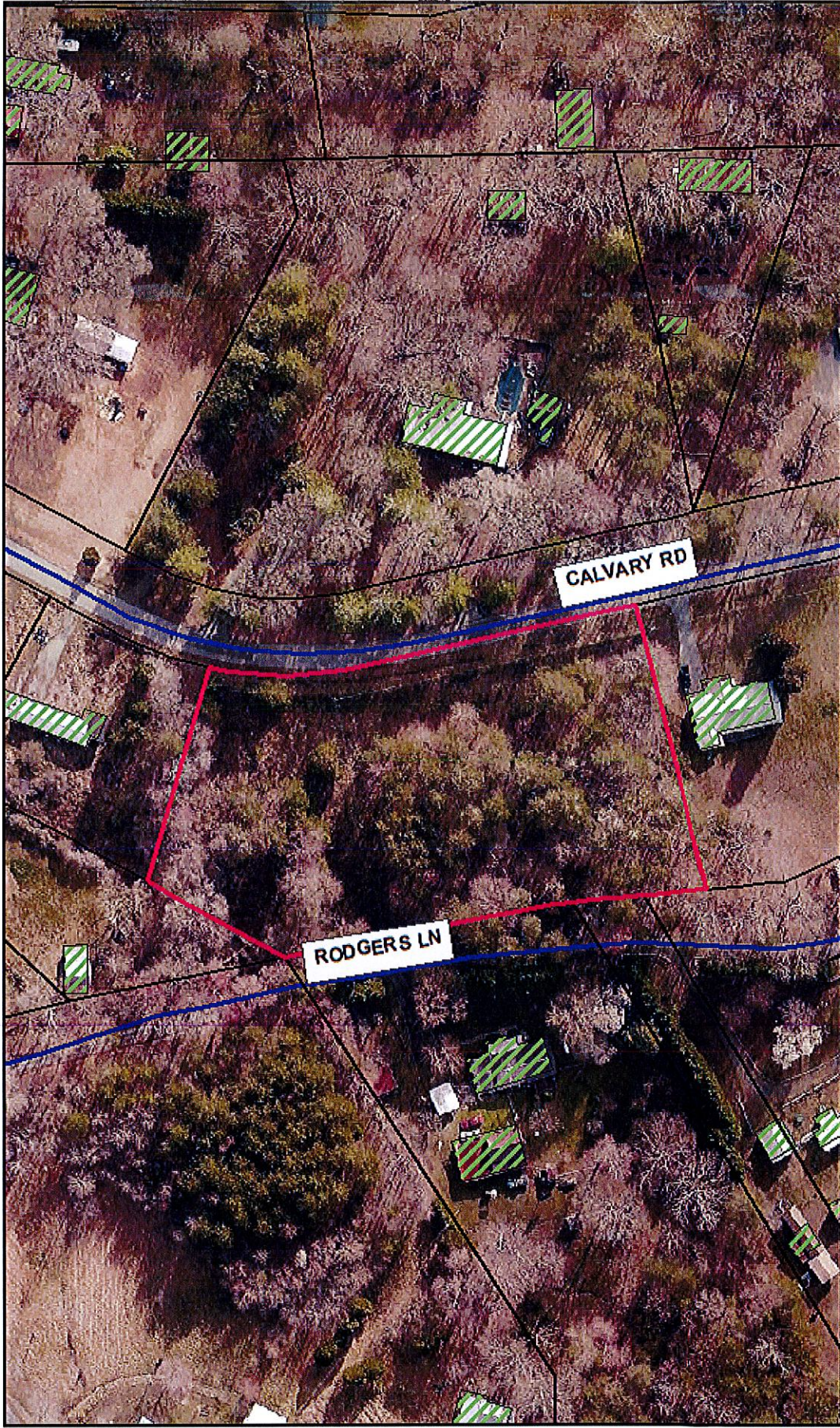
Area Zoning



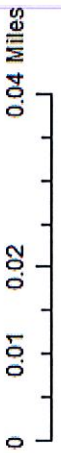
Case #2020-01, KIDD REZ, RP to LI-CD






ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY



Case #2020-01, KIDD REZ, RP to LI-CD
Aerial



	Building Footprints
	PIN 7959-03-42-6045
	Roads

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

**PLANNING BOARD STATEMENT DESCRIBING THE
PROPOSED AMENDMENT'S CONSISTENCY WITH ROCKINGHAM COUNTY
LAND USE PLANS AND OTHER APPROPRIATE MATTERS**

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is consistent with the Rockingham County Land Use Plan. The proposed zoning amendment (**Case #2020-001**) is appropriate for the proposed land use and is consistent with all other maps and plans officially adopted by the Board of Commissioners.
2. The Board has determined that the zoning amendment is consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment supports the intent and descriptions of the *Urban Transition Land Class*.
3. Additional matters: _____

In **recommending denial** for the zoning amendment before the Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is not consistent with the Rockingham County Land Use Plan because the area is not appropriate for the proposed land use; and the proposed land use is not consistent with all other relevant maps or plans officially adopted by the Board of Commissioners.
2. The Board has determined that the zoning amendment is not consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the *Urban Transition Land Class*.
3. Additional matters: _____

In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

2. The Board has determined that the zoning amendment is inconsistent with the Rockingham County Land Use Plan. The proposed zoning amendment (**Case 2020-001**) is appropriate for the proposed land use and is inconsistent with all other maps and plans officially adopted by the Board of Commissioners.
3. The Board has determined that the zoning amendment is inconsistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the *Urban Transition Land Class*.
4. Approval of this case also deems an amendment to the Unified Development Ordinance. The action is reasonable and in the public interest because:
