

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

January 13, 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. **UDO Text Amendment #T2019-04:** A request to modify Chapter 1, Article II (Definitions) and Chapter 2, Article XII (Signs) of the UDO.
 - b. **CASE # SUP2019-024:** SUP for Kennel, Teresa Somers, 200 Happy Home School Rd, Tax PIN 801003412169
- VI. Other Business:**
 - a. Old Business: None
 - b. New Business: Updates from Planning Director
- VII. Adjourn**

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF:
THE ROCKINGHAM COUNTY PLANNING BOARD**



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
371 NC HIGHWAY 65, REIDSVILLE (WENTWORTH), NC
AUGUST 12TH, 2019 AT 7:00 PM**

MEMBERS PRESENT: T. Matt Cardwell
Ann Cunningham
James Fink
James Harris
Paul Ksieniewicz
Mike Lee
Phillip Stone (unseated alternate)
Timothy Wyatt

MEMBERS ABSENT: Julie Talbert

STAFF PRESENT: Lynn Cochran, Planner
Emily Bacon, Planner
Roy Sawyers, A/V Tech
Ben Curry, Code Enforcement Officer

I. CALL TO ORDER

CHAIRPERSON WYATT CALLED TO ORDER THE REGULARLY SCHEDULED MEETING OF THE ROCKINGHAM COUNTY PLANNING BOARD AT 7:01 PM.

II. INVOCATION

Mr. Harris conducted the invocation.

III. REVIEW OF PROCEDURES

Mrs. Cunningham reviewed procedures. There were no minutes to review, the June 24th minutes will be reviewed at the September 3rd meeting.

Mr. Wyatt did the swearing in of attendees signed up to speak.

IV. Public Hearings:

- a. Case #2019-009: A request for a rezoning from RA to RP. The parcel is denoted by Tax PIN: 7923-02-56-0790, and is located at Gold Hill Road & Washburn Road.

Mr. Cochran presented the case. Planning staff recommends approval. Planning received six inquiry phone calls, 1 call against the rezoning.

Marylyn Ann Sharpes, 330 Gold Hill Road, Madison NC. Talked about the history of the adjacent property she owns with Faith Dixon. Her family still farms the land, and wants to be able to retain her RA zoning.

Durha Web Jeffers 1231 Huston Road, Marylyn Sharpe's niece, expressed concern about water and sewer and her well producing only one gallon per minute. They requested a deeper buffer between the two zones to provide a safety buffer for hunters and break-ins. There is a chain-link fence between the properties, they would like to keep mature trees in the area. They requested that the survey be marked clearly and to tell them when it will be surveyed.

Mr. Wyatt and Mr. Cochran stated that this is a straight rezoning and landscaping is not to be considered, but she can talk to the planning staff about including it at the TRC level.

A resident of Washburn Road spoke, he asked about the meaning of RP zoning and if more houses would be allowed. Mr. Cochran stated it allows for compact development of single family homes. He added that water and sewer availability limit density and that the zoning only allows modular or site built houses, a minimum lot size of 30,000 SF. He is concerned with the density of people on roads.

Mr. Wyatt noted that the TRC process would considers traffic impacts.

MR. LEE RECOMMENED APPROVAL. MR. KSIENIEWICZ SECONDED THE MOTION. IT PASSED (7-0). THE FINAL DECISION WILL BE MADE BY THE BOARD OF COMMISSIONERS ON SEPTEMBER 16TH.

- b. Case #2019-010: A request for a rezoning from RA to RP. The parcel is denoted by Tax PIN: 7913-00-50-8532, and is located at Gideon Grove Church Road & Velvet Road.

Mr. Cochran presented the case, stating that two inquires have been received for this case. Staff is recommending approval.

Mr. Wyatt noted that this case is not surrounded by other RP land.

MR WYATT ASKED FOR MOTIONS. MR KSIENIEWICZ MOTIONED FOR APPROVAL, MR LEE SECONDED, AND THE BOARD VOTED 6-1 FOR APPROVAL WITH MR WYATT DISSENTING. A FINAL DECISION WILL BE MADE AT THE BOARD OF COMMISSIONERS SEPTEMBER 16TH MEETING.

- c. Case #2019-011: A request for a rezoning from RA to NC-CD. The parcel is denoted by Tax PIN: 8906-03-23-8739, and is located at 163 Harrison Crossroad Loop.

Mr. Cochran presented the case, a request is for a rezoning with limited uses in the Neighborhood Commercial zoning district. Staff is recommending approval. Due to the proximity of the request to Reidsville, their Planning Director was contacted, she supports this request. The parcel is completely surrounded by a golf course, a commercial use.

Mrs. Cunningham wanted to know if it was spot zoning and planning staff stated that nearby commercial zoning meant that it was not spot zoning.

Mr. Ksieniewicz asked about the zoning of the golf course. Mr Cochran stated it is zoned RA.

Applicant Jeanie Shropshire, of Summerfield, explained that the business started out as a hobby and has grown, and they would like to expand their business.

MR WYATT ASKED FOR MOTIONS. MR. LEE MOTIONED TO RECOMMEND APPROVAL. MR. KSIENIEWICZ SECONDED THE MOTION. THE MOTION WAS RECOMMENDED FOR APPROVAL (7-0).

- d. T2019-002: A text amendment to the Rockingham County Unified Development Ordinance: *Chapter 3 (Subdivision Ordinance) Appendices B(2), C(2)*. Replace the Requirement for Notarized Owner Signatures to an Attestation.

Mr. Cochran presented the text amendment explaining that surveyors have requested it.

Mr. Wyatt asked about deed restrictions and there was discussion by the Board. A revision to the text amendment was recommended to clarify deed restrictions.

MR. WYATT ASKED FOR MOTIONS. MR. KSIENIEWICZ MOTIONED TO APPROVE WITH THE ADDITIONAL LANGUAGE PROPOSED. MRS. CUNNINGHAM SECONDED THE MOTION. THE MOTION WAS RECOMMENDED FOR APPROVAL (7-0). THE BOARD OF COMMISSIONERS WILL MAKE A FINAL VOTE ON DECEMBER 2ND, 2019.

V. Other Business:

- a. Old Business: None
b. New Business: The Land Use Plan is behind, and existing conditions are scheduled for delivery this week.

Mr. Cochran stated that he is leaving his position as a planner with Rockingham County. He has accepted a position as a regional planner with PTRC.

VI. Adjourn

MR. WYATT ASKED FOR MOTIONS TO ADJOURN. MR. KSIENIEWICZ MOTIONED. MR. CARDWELL SECONDED AND THE BOARD VOTED 7 – 0 TO ADJOURN.

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF:
THE ROCKINGHAM COUNTY PLANNING BOARD**



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
371 NC HIGHWAY 65, REIDSVILLE (WENTWORTH), NC
DECEMBER 9, 2019 AT 7:00 PM**

MEMBERS PRESENT: Timothy Wyatt
James Harris
Paul Ksieniewicz
Mike Lee
Julie Talbert

MEMBERS ABSENT: T. Matt Cardwell
Phillip Stone
James Fink

STAFF PRESENT: Carrie Spencer, Planning Director
Emily Bacon, Planner
Roy Sawyers, A/V Tech
Ben Curry, Code Enforcement Officer

I. CALL TO ORDER

CHAIRPERSON KSIENIEWICZ CALLED TO ORDER THE REGULARLY SCHEDULED MEETING OF THE ROCKINGHAM COUNTY PLANNING BOARD AT 7:01 PM.

II. INVOCATION

Mr. Harris conducted the invocation.

III. APPROVAL OF MINUTES

CHAIRPERSON KSIENIEWICZ OPENED THE FLOOR FOR DISCUSSION OF THE NOVEMBER 12, 2019 PLANNING BOARD MEETING MINUTES. THERE WAS NO DISCUSSION, MRS. TALBERT MOTIONED TO APPROVE THE MINUTES AS WRITTEN, MR. LEE SECONDED. AND THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES (5-0).

IV. REVIEW OF PROCEDURES

Chairperson Ksieniewicz reviewed procedures.

IV. HEARINGS

- A. Special Use Case #2019-022: Special Use Permit request for a Class AA Manufactured home in Residential Protected district. The parcel is denoted by Tax PIN: 8942-00-30-4027, and is located at 179 NC 87.

Mrs. Spencer presented the case, reviewing the details of the request. Staff recommended approval of this Special Use Permit.

No one signed up to speak.

Mrs. Talbert asked questions about how the property will be developed. The home will only have one home on it and it will follow all guidelines.

Mr. Wyatt asked about surrounding mobile homes in RP district. There are a number of surrounding manufactured homes that were placed prior to the UDO's adoption.

CHAIRPERSON KSIENIEWICZ ASKED IF THERE WAS NEED FOR DISCUSSION. AS THERE WAS NONE, MR. LEE MOTIONED TO APPROVE THE REQUEST FOR SPECIAL USE PERMIT BASED ON THE FOLLOWING FACTORS. THE USE WILL COMPLY WITH ALL RULES AND REGULATIONS. IT WILL NOT NEGATIVELY IMPACT NEIGHBORING PROPERTIES. MRS.TALBERT SECONDED. THE BOARD VOTED 5-0 TO APPROVE THE SPECIAL USE PERMIT.

MR. LEE MOTIONED TO HEAR CASE "C" ON THE AGENDA BEFORE CASE "B" DUE TO THE NUMBER OF SPEAKERS. CHAIRPERSON KSIENIEWICZ SECONDED. THE BOARD VOTED 5-0 TO CHANGE THE HEARING ORDER

- B. Rezoning Case #2019-025: A request for rezoning from Residential Agriculture to Residential Protected. The parcel is denoted by 7995-05-27-0980, 7995-09-27-0416, 7995-09-27-1027, and 7995-09-26-2659 at 120 Edwards Rd.

Mrs. Spencer presented the case and recommended approval.

Chairperson Ksieniewicz asked if the four parcels would become one major subdivision and Spencer answered that it is the intention with this rezoning.

Mrs. Talbert asked if we knew how many homes were proposed and if it was an all or nothing rezoning. We do not know the design, and all parcels are only to be considered together.

The applicant, Mike McKinney, of 635 Williamson Creek Road, took the stand. He stated his plans to build site built homes roughly 1500-1800 square feet in size. He believes his project would benefit the area.

Mrs. Talbert asked how many homes he is looking at building. He is proposing between 17 – 24 homes.

Linda O’Daniel, of 2455 Wentworth Street, took the stand to voice trespassing concerns regarding a pond on her property and the proposed subdivision. Mr. McKinney has only seen the pond on maps. An engineer will evaluate storm water runoff.

CHAIRPERSON KSINIEWICZ OPENED THE FLOOR FOR DISCUSSION AND MOTIONS. MRS. TALBERT MOTIONED FOR APPROVAL WITH THE FOLLOWING STATEMENT: THE BOARD HAS DETERMINED THAT THE REZONING IS CONSISTENT WITH THE ROCKINGHAM COUNTY LAND USE PLAN AND IT IS APPROPRIATE FOR THE AREA. MR. LEE SECONDED THE MOTION. THE BOARD VOTED 5-0 TO RECOMMEND APPROVAL TO THE BOARD OF COMMISSIONERS.

C. Rezoning Case #2019-023: A request for rezoning from Residential Agriculture to Neighborhood Commercial - Conditional District. The parcel is denoted by Tax PIN: 7941-00-33-7807, on US 158 and Glencoe Church Loop.

Mrs. Spencer presented the case, recommending approval of the rezoning request. She stated that the applicant’s conditions limits the uses to Retail Sales/Convenience Food Stores (Not including sales of Gasoline). The Planning Board heard a case for this property last year but it was withdrawn prior to its corresponding Board of Commissioners final decision hearing. The applicant has applied with a different zoning district and set of conditions. Their proposal includes excluding parking lot lighting to diminish light pollution for nearby properties. A lighting proposal is included in the packet.

Chairperson Ksieniewicz asked when US 158 is planned to be widened. It does not have a tentative starting date but is included in the long range plan for the NC’s Department of Transportation.

Mrs. Talbert asked about this rezoning’s proximity to US 220. It is approximately 4 miles from US 220.

Mr. Wyatt asked Mrs. Spencer to elaborate on what she meant by ‘logical growth pattern’. This area already a nexus of development with the school nearby, and the proposed use will serve the growing number of residential properties in the area.

Mrs. Talbert asked if there was currently a stop light. There is not currently a stop light but NCDOT will review the necessity once a driveway permit is requested.

Mr. Clinton Cogburn, from the Law Firm Tuggle Duggins of Greensboro, spoke representing the applicant, Teramore Development. They are asking to eliminate all other potential Neighborhood Commercial uses aside from ones mentioned by Mrs. Spencer. It is the intent of Teramore for

this to be a low intensity use. Teramore is a preferred developer for Dollar General in the South East United States.

They are proposing a 9,100 square foot store with a type 3 landscaping buffer. This in addition to adhering to required setbacks, will screening further than required. The current proposal contains 37 parking spaces with fully enclosed trash receptacles. The intent is to capture passive traffic, and not to generate extra traffic.

Mrs. Talbert asked several questions about numbers of customers, anticipated revenue, product types, traffic generation and nearby competitors. Mr. Almazan stated; that peak hours would be between 8 and 10am, and 5-7pm, most stores expect \$2 million in sales per year, the average store gets 4 customers per hour doing quick trips, expected traffic impacts is an increase of between 2-3% meaning 18,000 additional vehicle trips, there are stores 2 miles to the east and 1.5 miles to the west, 15-20% of the store is food such as a grocery store would have including candy and sweet drinks, and the stores' stock seems to be consistent across stores.

Mr. Harris asked if is this a standard size and Mr. Almazan replied it is the same size as Dollar General's standard stores.

Boyd Bennet, of 8100 Raleigh Drive, spoke as a representative of four land owners of the subject property. The owners have managed the property since the 90s and it has not been used. They were unable to sell the property in its entirety and have been since selling it in pieces. They were the original owners who sold the land that Bethany Charter School is on. Currently Teramore Development is under a purchase contract agreement that is contingent upon this rezoning. He understands that Rockingham County is encouraging development in Southwest part of the County as evidenced by expanding the water and sewer lines in this area. DOT also has plans to expand this section of US 158 to 4 lanes. This project supports the County with increased tax revenue. It will support twelve housing developments have been built on US 158. Retail development generally follows residential development.

Scott Searse, 111 Hash Ln, took the stand. He opposes commercial development in close proximity to his home. Last year the Planning Board recommended denial because it did not meet the growth management strategies and "now it does". He is concerned about spot rezoning. There are five Dollar Generals within 15 miles of the rezoning. The intersection of US 158 and Glencoe Church Loop is a dangerous intersection and this will only further the hazard.

Mrs. Talbert asked where his house is in relation to this rezoning and if he has any screening between it. No, they have a very open neighborhood.

Candice Hanks, 111 Hash Ln, wife of Scott Searse, spoke. She recalled giving the Planning Board 200 signatures against last year's rezoning and wanted to enter it as evidence for this

rezoning. She believes that there is not enough space on the property to support all that has been proposed.

The Planning Board conferred with the County's Lawyer Mr. John Morris, and Carrie Spencer on whether they could accept this list of signatures. It was determined that because the application was for a different zoning district and set of conditions that it could not be accepted.

Furthermore it was found that numerous signatures were from individuals who did not live in nearby proximity to this rezoning.

Mr. Brandon Allen of 171 Hash Ln, spoke about safety concerns. The speed limit is 55 mph which is higher than commercial retail close to other schools. He does not see room for a turning lane. He is concerned about environmental impacts, this is a low point.

Mrs. Dura Jefferies, 1231 Hudson Road spoke about concern with safety and traffic impacts. If there would there be room to widen US 158. She wondered if impervious surface criteria being met.

Ms. Judy Webb requests that this request be denied.

Ms. Andrea Spencer 321 Norman Rd, appreciates the effort to change the façade design. She supports the right kind of development, but thinks this property is too small. She has done research on Dollar General and its negative aspects. There are more dollar stores in the US then McDonalds and Starbucks combined, worried that they are saturating the market.

Mr. Cogburn retook the stand to give closing remarks prior to the vote. Teramore has put a lot of consideration into this application to add conditions and design criteria, addressing safety concerns and traffic safety with regards to access points. The driveway permit stage will determine NC DOT requirements. They are trying to prevent conflicting traffic movements to minimize traffic risks. Dollar General has a product line that is very diverse. It is similar to things in CVS, Harris Teeter, and Publix. Dollar General commits to following the law, and not selling tobacco and alcohol to underage customers. Their stores are meant to capture an existing market within a 2 to 3 mile radius. All truck deliveries will take place during normal business hours. They believe they will be an asset to the community.

Mrs. Talbert asked Mr. Almazan follow up questions regarding vaping products, the proposed two entrances on the site plan, and soil evaluations. Asking if the company would consider only having one entrance instead of a second entrance along Glencoe Church Rd? Mr. Almazan stated that there needs to be an area for truck to turn around. Standard 18 wheelers are used for delivery. There are no parking spaces on the backside of the property. The back entrance is also intended so that customers don't have to come onto US 158 to get to the store. He is unaware of any vaping products sold at Dollar

General. Soil Test and Perc tests have been done to determine suitability for this retail shop.

Mr. Harris asked if they use a distributor or have separate vendors. Mr. Almazon stated that they use a distributor to lower the number of deliveries.

CHAIRPERSON KSIENIEWICZ OPENED THE FLOOR FOR DISCUSSION AND MOTIONS. MR. WYATT MOTIONED FOR APPROVAL WITH THE FOLLOWING STATEMENT: THE BOARD HAS DETERMINED THAT THE REZONING IS CONSISTENT WITH THE ROCKINGHAM COUNTY LAND USE PLAN AND IS APPROPRIATE FOR THE AREA. CHAIRPERSON KSIENIEWICZ SECONDED THE MOTION. THE BOARD VOTED 3-2 TO RECOMMEND APPROVAL TO THE BOARD OF COMMISSIONERS. THE BOARD MEMBERS DISSENTING ARE JULIE TALBERT AND MICHAEL LEE. WITH MICHAEL LEE ABSTAINING FROM HIS VOTE.

V. OTHER BUSINESS

- a. Old Business:
- b. New Business:
 - 2020 Planning Board Calendar –Chairperson Ksieniewicz asked for motions to accept the proposed Planning Board calendar. Mrs. Talbert motioned for approval. Mr. Lee seconded the motion. The Board voted 5-0 to recommend the calendar to the Board of Commissioners.

VI. ADJOURN

AS THERE WAS NO FURTHER BUSINESS, CHAIRPERSON KSIENIEWICZ MOTIONED TO ADJOURN THE MEETING AND MRS. TALBERT SECONDED. THE BOARD VOTED UNANIMOUSLY TO ADJOURN (5-0) at 9:00 PM.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board Date

Planning Staff Date

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #TA2019-004**



Request:	Amend UDO text for portions of the sign regulation
Applicant:	<u>Community Development Staff</u>

1. Purpose and Intent of Proposal:

The current sign regulations in the UDO are not well aligned between zoning districts, uses, and common practices in the case of uses allowed by right in residential zoning districts. Sign regulations are unnecessarily limiting for these non-residential uses and their common signage practices. This amendment is intended to add definitions and revise zoning regulation for signage.

2. Staff suggested amendments:

Staff recommends the following revisions to the UDO: (Revisions are indicated by crossing through text to be deleted and yellow highlighting of text to be added.)

Chapter 1 (Definitions) Article II (Definitions): add sign related definitions for clarity

Sign, Animated

Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

Sign, Electronic Changeable Copy

A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.

Sign, Flashing

A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign.

Chapter 2 (Zoning) Article XII (Signs), Section 12-7 (Sign Regulations Applicable to Residential Districts): Revise the sign limitations that apply in all residential districts as follows:

Permits obtained from the county planning and inspections department are required for all signs, other than those described in Section 12-6 preceding.

In addition to the general regulations described in this Article, the following limitations shall apply in all residential districts:

- (a) Only principal use identification signs shall be permitted. They may be ground or wall signs, provided that no wall sign project more than 12 inches from the wall on which it is mounted.
- (b) Unless specifically permitted in Section 12-6, Signs Permitted in all Districts, all external illumination must be directed downward and signs shall not be animated or flashing in nature. signs shall not be artificially and no sign in said districts shall contain any moving parts.
- (c) The following are specifically prohibited:
Advertising signs, Off-premises advertising oriented to the road, Roof signs, marquee signs, projecting signs, suspended signs, signs (temporary or permanent) with flashing lights.
- (d) The height of any sign shall not project vertically above an imaginary line extending from a point 6 feet above the center line of the street to the highest point of the principal building.
- (e) Signs on temporary storage units that identify the owner or provider of the storage unit and shall not include the advertisement of any other product or service.
- (f) Permitted signs in residential districts shall be subject to the following restrictions as to number and size:

TYPE	NUMBER	MAXIMUM COPY AREA
Community recreation centers, golf courses, country clubs, parks, police and fire station, and similar uses	1 ground sign per each street front	25 sq. ft. per sign face
	1 sign per each building	25 sq. ft. per sign face
Office of a doctor, dentist, architect, lawyer, and similar permitted offices (in residence of practitioner)	1 ground sign per each street front	5 sq. ft. per sign face
Schools and Religious Institutions 1 ground sign per each institution	1 ground sign per each street front	50 sq. ft. per sign face on two lane road or 80 sq. ft. on or within 500' of a four lane road
	1 sign per each building	25 50 sq. ft. per sign face

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

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

In **recommending approval** of the amended and new definitions, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Planning Board has determined that the text zoning amendments are consistent with the Rockingham County comprehensive plan and is in the interest of public health and safety and the proposed text amendment is consistent with all other relevant maps or plans officially adopted by the Board of Commissioners because the revisions and new phrasing makes the UDO easier to understand, and updated certificates and statements will reflect current practice.

2. 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 Unified Development Ordinance and other comprehensive plans because Growth Management Strategies have not been prioritized.

2. For the following reasons, we recommend denial of this zoning amendment:

ROCKINGHAM COUNTY
STAFF REPORT
Case #2019-024, Special Use Permit



Request:	Special Use Permit to allow a Kennel with more than 8 domesticated animals
Applicant, Owner:	<u>Teresa Somers</u>
Identification:	The property is identified as <u>Tax PIN 801003412169</u>
Location:	200 Happy Home School Rd, Ruffin Township

1. Acreage and Location of Proposal:

+/- 5.83 acres approximately 800 feet north of NC 700.

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

The neighborhood is predominantly characterized by residential, agricultural, and church uses.

3. Relevant Unified Development Ordinance Section:

Chapter 2, Article IX, Section 9-11(jj), pp. 179-180

4. Adopted Regulation and Plans:

The property and surrounding properties are zoned Residential-Mixed (RM) with a list of permitted uses attached.

This property is located in the *Rural Land Class* of the Rockingham County Land Use Plan.

The Rural class is intended to provide for agricultural, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Very low density dispersed residential uses on large lots with on-site water and sewer are consistent with the intent of the rural class.

5. Staff Findings and Recommendation:

After reviewing the application, Staff concludes that sufficient information has been provided for the application to be processed for consideration by the Planning Board.

Based on Staff's analysis and the UDO requirements for a Special Use Permit for Kennels with more than 8 domesticated animals, staff recommends approval of Case #2019-024, with the following conditions:

1. The applicant must comply with the site plan approved by, and any other conditions imposed by, the Board of Adjustment.
2. The applicant is responsible for obtaining and complying with all required permits and approvals.
3. The applicant must follow all of the requirements for the Kennel, more than 8 domesticated animals Special Use Permit which are listed in the Rockingham County Unified Development Ordinance (pages 179-180).

6. Approval Process:

No Special Use Permit shall be granted by the Planning Board unless each of the following findings is made concerning the proposed special use:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity; and
- (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County Development Guide.

There shall be competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the above exist or the application will be denied.

7. Based on Staff's analysis, Staff recommends approval of Case #2019-024, a request for a Special Use Permit to allow the requested Kennel with more than 8 domesticated animals.

(jj) Kennel, more than 8 domesticated animals

Zoning District: RA, RM, RC, NC

Approved By: Planning Board

Acres: 2 acres are required for up to 16 animals.
For every incremental increase of 8 animals, the acreage requirement shall increase by 1 acre.

Setbacks: All areas of the kennel facility shall maintain a minimum setback of 50 feet from the front property line, 25 feet from the side and rear property lines unless abutting a side street in which a minimum side setback of 40 feet shall be maintained.

Access: A Kennel of more than 8 domesticated animals shall follow these access requirements:
1. Driveway access to the facility shall directly connect to a road that is maintained by the NCDOT;
2. A commercial driveway permit must be obtained from NCDOT and a copy shall be provided to the Rockingham County Planning Department.

Signs:	<u>Type of Sign:</u>	Principle Use Identification Ground Sign
	<u>Permitted Number:</u>	1 sign per entrance
	<u>Maximum area of sign:</u>	25 sq. ft.
	<u>Permitted Illumination:</u>	None

Other Requirements:

1. The property shall be screened with a Type I landscape buffer a minimum of 15 feet in width and 8 feet in height, either planted or existing, along all sides of the kennel facility.
2. Parking shall be calculated at 1 space per each 400 square feet of gross floor area.
3. A site plan, drawn to scale, shall be submitted showing the following:
 - a. location of the proposed facility including boundary and acreage;
 - b. parking areas, roadways, entrances, and exits;
 - c. any perennial and intermittent waters, flood plain, or wetlands on the facility property and any within 50 feet of the kennel area;
 - d. existing and proposed landscape buffers;
 - e. a floor plan of the facility must be provided

USES IN RESIDENTIAL MIXED ZONING DISTRICTS

Uses Permitted by right. Zoning Permit may be required.

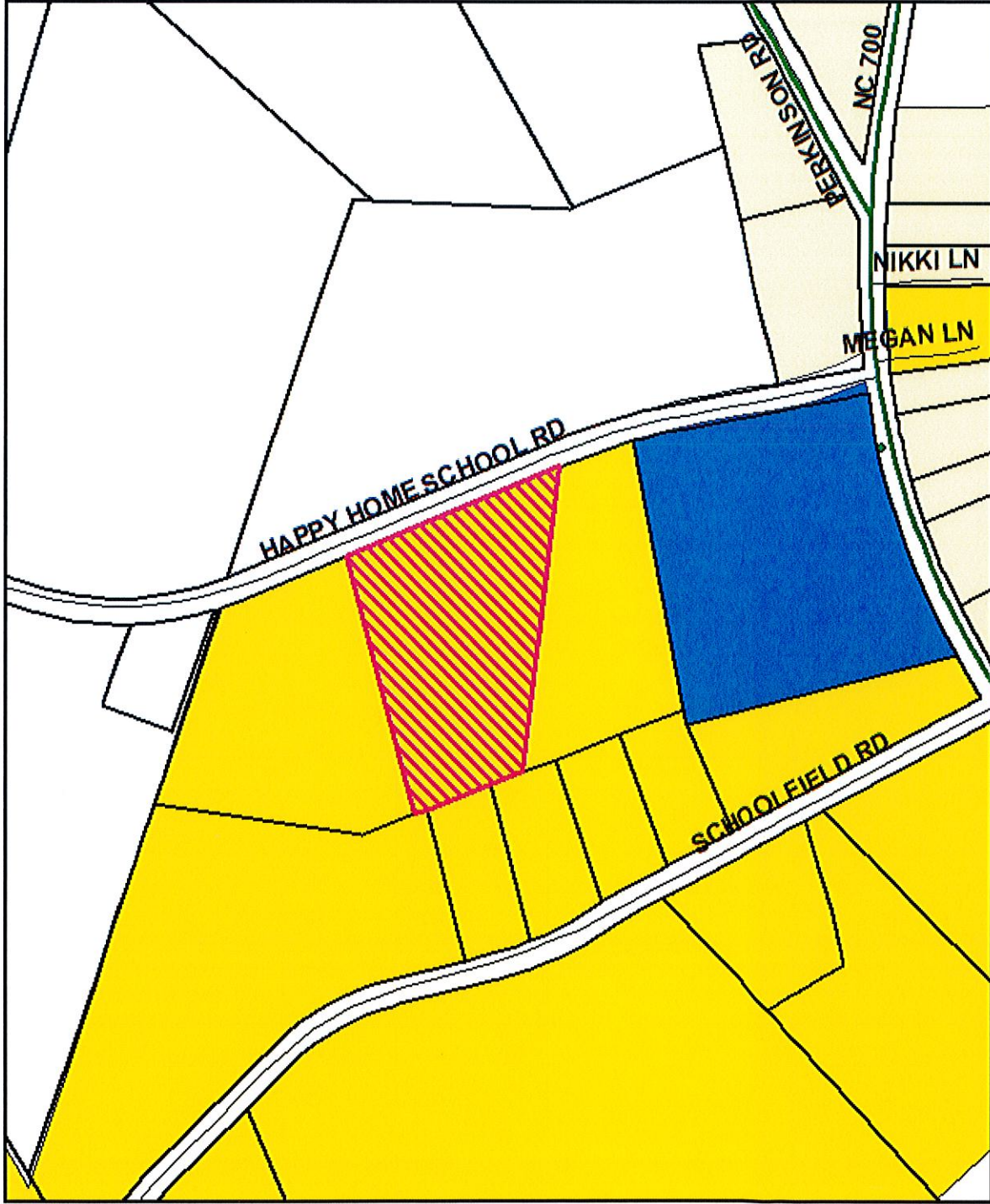
1. Accessory uses
2. Agricultural uses
3. Auction sales, temporary, one-time use
4. Beneficial Fill
5. Cemetery
6. Churches and their customary uses, including child care on premises
7. Clubs and lodges, private, non-profit
8. Community centers, public or private non-profit, for assembly and recreation
9. Condominiums – residential
10. Day care, 5 persons or less
11. Fire, Sheriff and Emergency Services
12. Golf courses
13. Home Occupations
14. Major/Minor Subdivisions
15. Rooming house
16. Residence, apartments, condominiums, townhouses
17. Residence, duplex
18. Residence, single family detached
19. Sign, on premises
20. Temporary buildings, incidental to development
21. Townhouses, residential

Uses Permitted with Design Standards or other standards. Zoning Permit may be required.

1. Agritourism Activities – Design Standards
2. Athletic fields, recreation building, playgrounds, swim and racquet clubs (no commercial gain) – not lighted
3. Bed & Breakfast Home
4. Family care homes (must be at least ½ mile from any other family care home)
5. Kennel (8 or less domesticated animals)
6. Mobile home (manufactured housing on individual lot) Class AA, A (foundation and screening requirements for towing apparatus)
7. Mobile home (manufactured housing on individual lot) Class B (permitted in certain instances, foundation and screening requirements for towing apparatus)
8. Outdoor Storage Area (residential)
9. Temporary Manufactured home for Custodial Care – Design Guidelines
10. Temporary Storage Unit

Uses with Special Use Permit

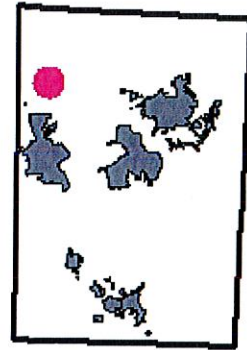
1. Day care, 6 persons or more
2. Group homes
3. Kennel (more than 8 domesticated animals)
4. Mobile home park
5. Nursing and rest homes
6. Planned unit development
7. Public utility substations (including public water/sewer plants)
8. Schools, academic
9. Travel trailer parks



Tax Pin: 80100341169

County Zoning

	HC
	NC
	RC
	HI
	LI
	OI
	RM
	RP
	RA
	Parcels
	Roads



Area Zoning

Case #2019-024, Somers, SUP to operate a Kennel, 8+ domesticated animals

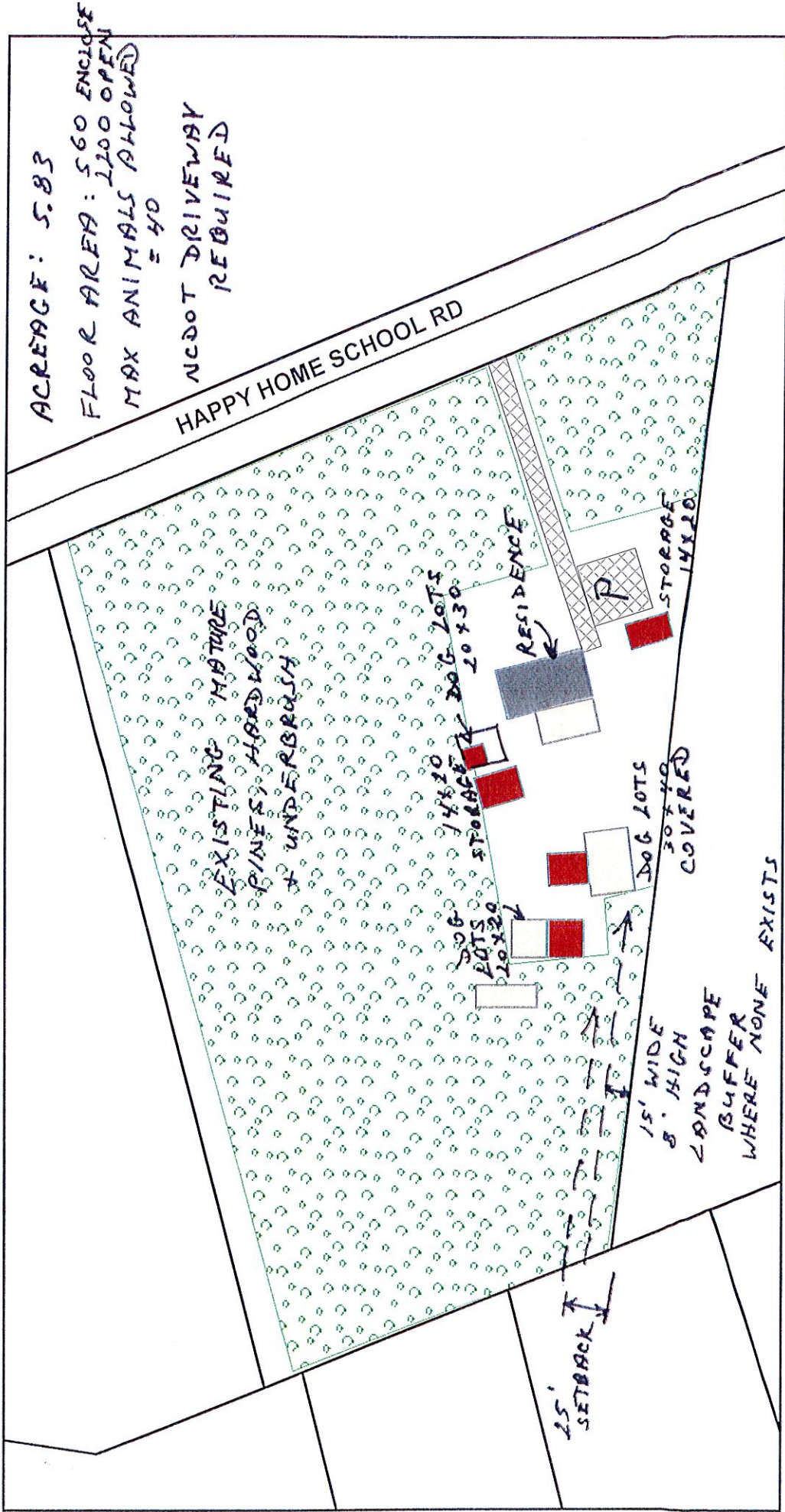


ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

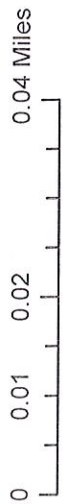
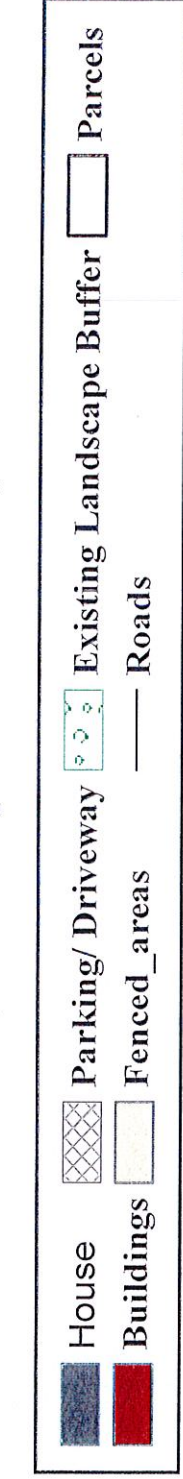


Case #2019-024, Somers, SUP to operate a Kennel, 8+ domesticated animals

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY



Case #2019-024, Somers, SUP to operate a Kennel, 8+ domesticated animals



APPROVAL
SPECIAL USE PERMIT Case #2019-024

PLANNING BOARD ANALYSIS AND STATEMENT

The Planning Board approves the Special Use Permit before the Board and adopts the following statement as required by NCGS § 153A-341 and § 153A-342:

THE BOARD FINDS THAT: As described in the applicant submitted materials and subject to further conditions as may be described herein, the proposed use meets the requirements of *Chapter 2, Article IX, Section 9-6* of the Rockingham County Unified Development Ordinance, and:

1. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
2. The use or development complies with all required regulations and standards of the Rockingham County Unified Development Ordinance and with all other applicable regulations;
3. The use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity and;
4. The use conforms with the general plans for the land use and development of Rockingham County as embodied in the Rockingham County Land Use Plan.

IN SUPPORT OF THIS CONCLUSION the Board finds as evidentiary fact the descriptions and statements set forth in the Staff Report regarding the proposed use, surrounding conditions, and Ordinance requirements.

DENIAL
SPECIAL USE PERMIT Case #2019-024

PLANNING BOARD ANALYSIS AND STATEMENT

The Planning Board denies the Special Use Permit before the Board and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

THE BOARD FINDS THAT: As described in the applicant submitted materials and subject to further conditions as may be described herein, the proposed use does not meet the requirements of *Chapter 2, Article IX, Section 9-6* of the Rockingham County Unified Development Ordinance, and:

1. The use or development is not located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
2. The use or development does not comply with all required regulations and standards of the Rockingham County Unified Development Ordinance and with all other applicable regulations;
3. The use or development is not located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity and;
4. The use does not conform with the general plans for the land use and development of Rockingham County as embodied in the Rockingham County Land Use Plan.