

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

November 12th, 2019 at 7:00 pm

County Commissioners Chambers

Rockingham County Governmental Center



I. Call to Order

II. Invocation

III. Approval of minutes: June 24, 2019 | August 12th, 2019 | August 26, 2019 | September 9th, 2019 | October 14, 2019 | October 28, 2019

IV. Review of Procedures

V. Public Hearings:

- a. Rezoning Case #2019-013: Special Use Permit request for a Rural Family Occupation. The parcel is denoted by Tax PIN: 8909-00-41-2812, at 795 Hampton Road.
- b. Rezoning Case #2019-020: A request for rezoning from Light Industrial-Conditional District to Residential Agriculture. The parcel is denoted by Tax PIN: 7911-00-86-3096, on NC 68.

VI. Other Business:

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

VII. Adjourn

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2019-0013**



| | |
|------------------------|---|
| Request: | Special Use Permit; Rural Family Occupation |
| Applicant: | <u>Bruce Lloyd</u> |
| Identification: | The property is denoted by Tax PIN: 8909-00-41-2812 |
| Location: | <u>795 Hampton Road</u> |

1. **Acreage and Location of Proposal:**
(+/-) 37 acres with frontage on Hampton Road
2. **Character and Land Uses of Neighborhood and Surrounding Community:**
The neighborhood is predominantly characterized by residential and agricultural uses.
3. **Previous Zoning History:**
1988: Adopted as Residential Protected and Residential Agricultural zoning was established.
2019: Parcel was rezoned from Residential Agricultural & Residential Protected to Residential Agricultural.
4. **Relevant Unified Development Ordinance Section:**
Chapter 2 Article VI Section 6 (a) p. 42; Article IX Section 9-11 (t) p. 137
5. **Adopted Regulation and Plans:**
The proposed Site Plan meets the development standards for a Rural Family Occupation. 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.
6. **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.
It is Staff's recommendation that the Special Use Permit request meets the intent of the Land Use Plan and will fit within the context of current uses in the local community.
7. **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.
8. **Based on Staff's analysis, Staff recommends approval of Case #2019-013, a request for a Rural Family Occupation, Special Use Permit.**

(t) Rural Family Occupations of Nonagricultural/Commercial Nature

Special Use District: RA
Approved By: Planning Board
Minimum Lot Size: 3 acres

Other Requirements:

The owner must reside on the property on which the business is located.

(Note: Unlike home occupations, Rural Family Occupations of a Nonagricultural or Commercial Nature may be conducted within an accessory building)

Accessory commercial structures and uses shall maintain the same property line and rights of way setbacks as required in the Residential Agricultural district. (**Additional setbacks may be required upon consideration of the nature of any proposed commercial use and/or structure.*)

Business uses shall not create any noxious fumes, odors, traffic congestion or other nuisances.

Restrictions as to fencing, indoor storage and other development criteria may be added as necessary.

Signs:

Primary Use Identification Sign: 1 ground sign per road frontage or 1 wall sign affixed to front of business use structure

Permitted Sign Area: 9 sq. ft. for ground sign; 12 sq. ft. for wall sign.

Permitted Illumination: None.

Business Nature Statement

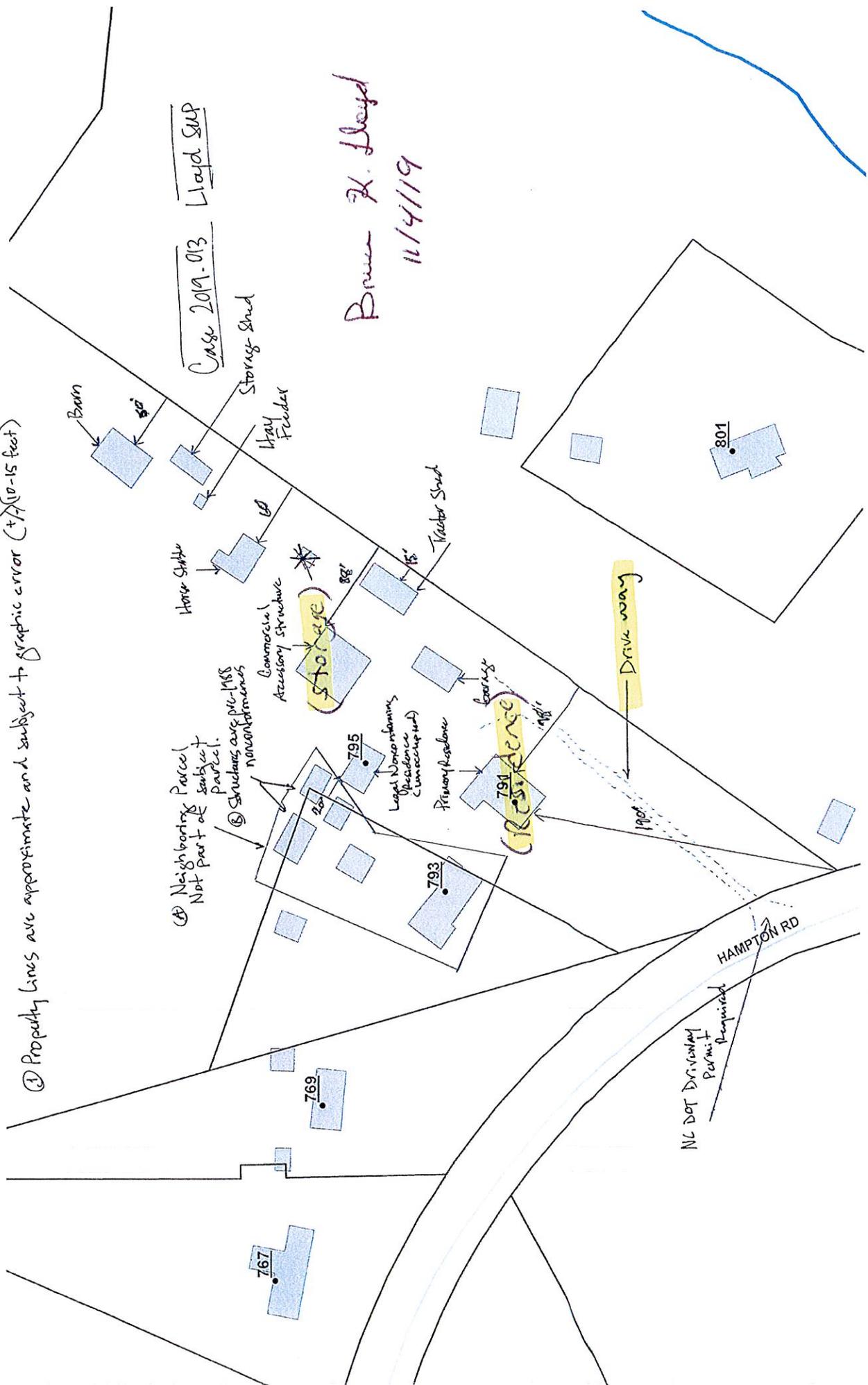
Bruce Lloyd will be operating a Heating and Air Conditioning business on the property he resides on. He conducts the majority of his business on project sites (not on this property).

New equipment is delivered and stored at this property per the site attached site plan. The largest piece of equipment stored on site is a 4' x 5' x 3' gas pack. All storage is indoor and is generally short term.

He has crews that visit his on-site shop in the morning at approximately 7AM to pick up equipment. The trucks are stored overnight offsite at the operator's homes.

Bruce H. Lloyd 11/4/19

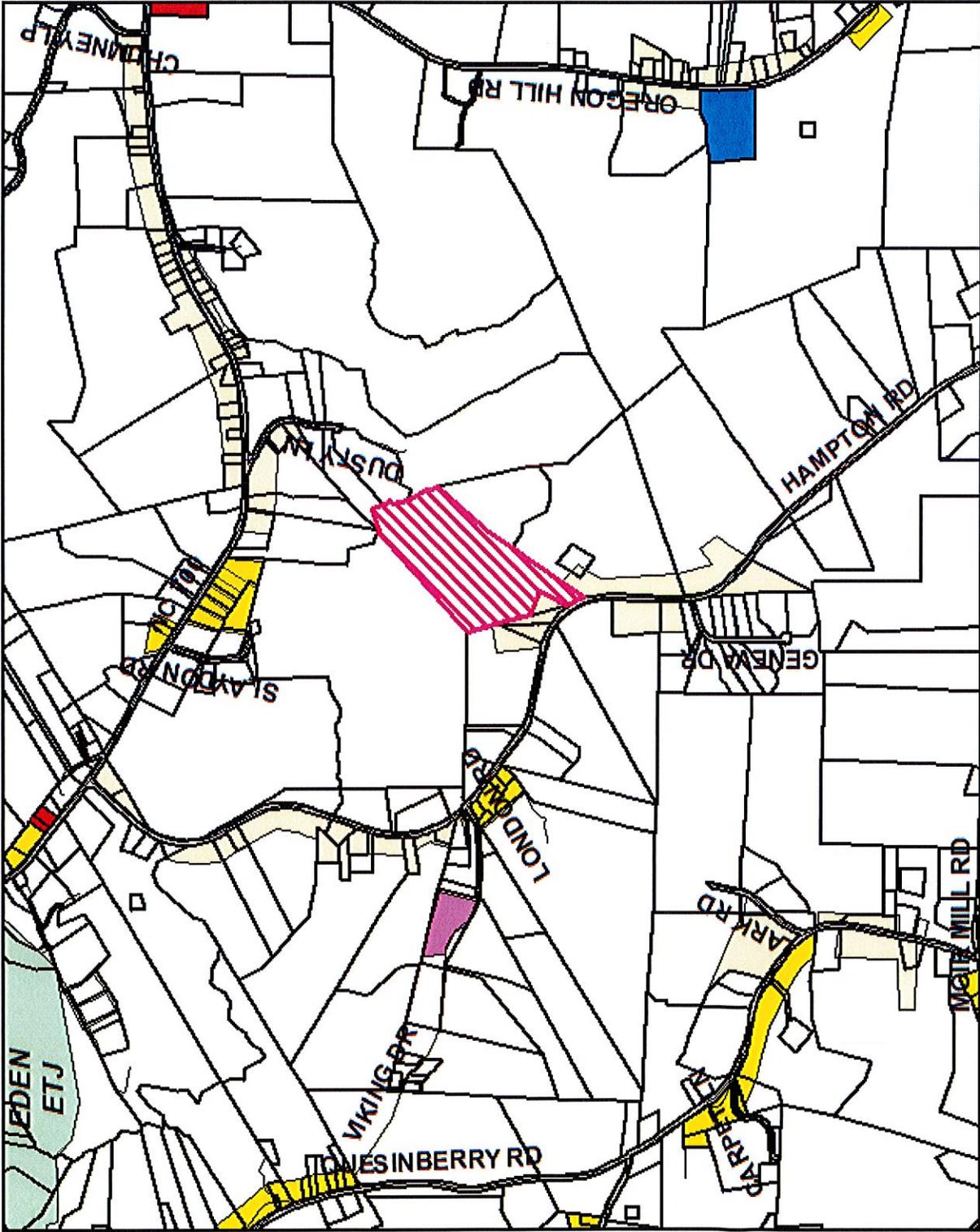
③ Property lines are approximate and subject to graphic error (+/- 10-15 feet)



Case 2019-013 Lloyd SLP

Bruce H. Lloyd
11/4/19

NC DOT Driveway Permit Required



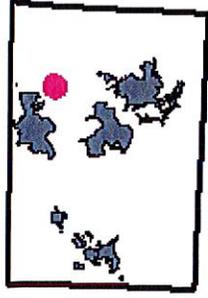
Tax PIN: 890900412812

Parcels

Roads

County Zoning

| | | | | | | | | |
|----|----|----|----|----|----|----|----|----|
| HC | NC | RC | HI | LI | OI | RM | RP | RA |
|----|----|----|----|----|----|----|----|----|



Case #2019-013, Lloyd SUP: Rural Family Occupation

Area Zoning





0 0.05 0.1 0.2 Miles

Case #2019-013, Lloyd SUP: Rural Family Occupation

Aerial

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

APPROVAL OF REQUEST FOR A SPECIAL USE PERMIT

“Based on the evidence presented, I move to **APPROVE** the request for a special use permit and specifically find that:

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 **because:**
(Identify the evidence that supports this factor.)

AND

2. The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations **because:**
(Identify the evidence that supports this factor.)

AND

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 the use or development is a public necessity **because:**
(Identify the evidence that supports this factor.)

AND

4. The use or development conforms to the general plans for the land use and development of Rockingham County as embodied in the zoning ordinance and in the Rockingham County Land Use Plan **because:**
(Identify the evidence that supports this factor.)

DENIAL OF REQUEST FOR A SPECIAL USE PERMIT

“Based on the evidence presented, I move to **DENY** the request for a special use permit and specifically find that:

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 **because:**
(Identify the evidence that supports this factor.)

OR

2. The use or development **does not** comply with all required regulations and standards of this ordinance and with all other applicable regulations **because:**
(Identify the evidence that supports this factor.)

OR

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 the use or development **is not** a public necessity **because:**
(Identify the evidence that supports this factor.)

OR

4. The use or development **does not** conform to the general plans for the land use and development of Rockingham County as embodied in the zoning ordinance and in the Rockingham County Land Use Plan **because:**
(Identify the evidence that supports this factor.)

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2019-020**



| | |
|------------------------|---|
| Request: | Rezoning from Light Industrial-Conditional District (LI-CD) to Residential Agriculture (RA). |
| Applicant: | Owner, Three Ponds Investments |
| Identification: | The property is denoted by Tax PIN: 7911-00-86-3096 |
| Location: | NC 68 |

1. Acreage and Location of Proposal:

(+/-) 8 acres, North of the US 68's intersection with Lauren Rd and immediately north of the Rockingham County Boundary.

2. Zoning Classification of Adjacent and Surrounding Parcels:

The adjacent property zoned Residential Agriculture. Nearby properties to the south are zoned Residential Protected and Light Industrial. North of the property is a Residential Mixed.

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

The area to the south is predominantly characterized by a large industrially zoned site on both sides of the highway. The neighborhoods surrounding the property are predominantly characterized by residential and agricultural uses.

4. Topographical and Environmental Characteristics:

Watershed – This parcel is not located within any watershed designated by the Environmental Management Commission or the Watershed Protection Map of Rockingham County.

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

Wetlands – There are no wetlands located on this parcel according to the *U.S. Fish and Wildlife Service* National Wetlands Inventory.

Streams: There is a stream located at the rear of the property.

5. Utilities / Services:

This parcel is currently served by private well and individual on-site septic system.

6. Previous Zoning History:

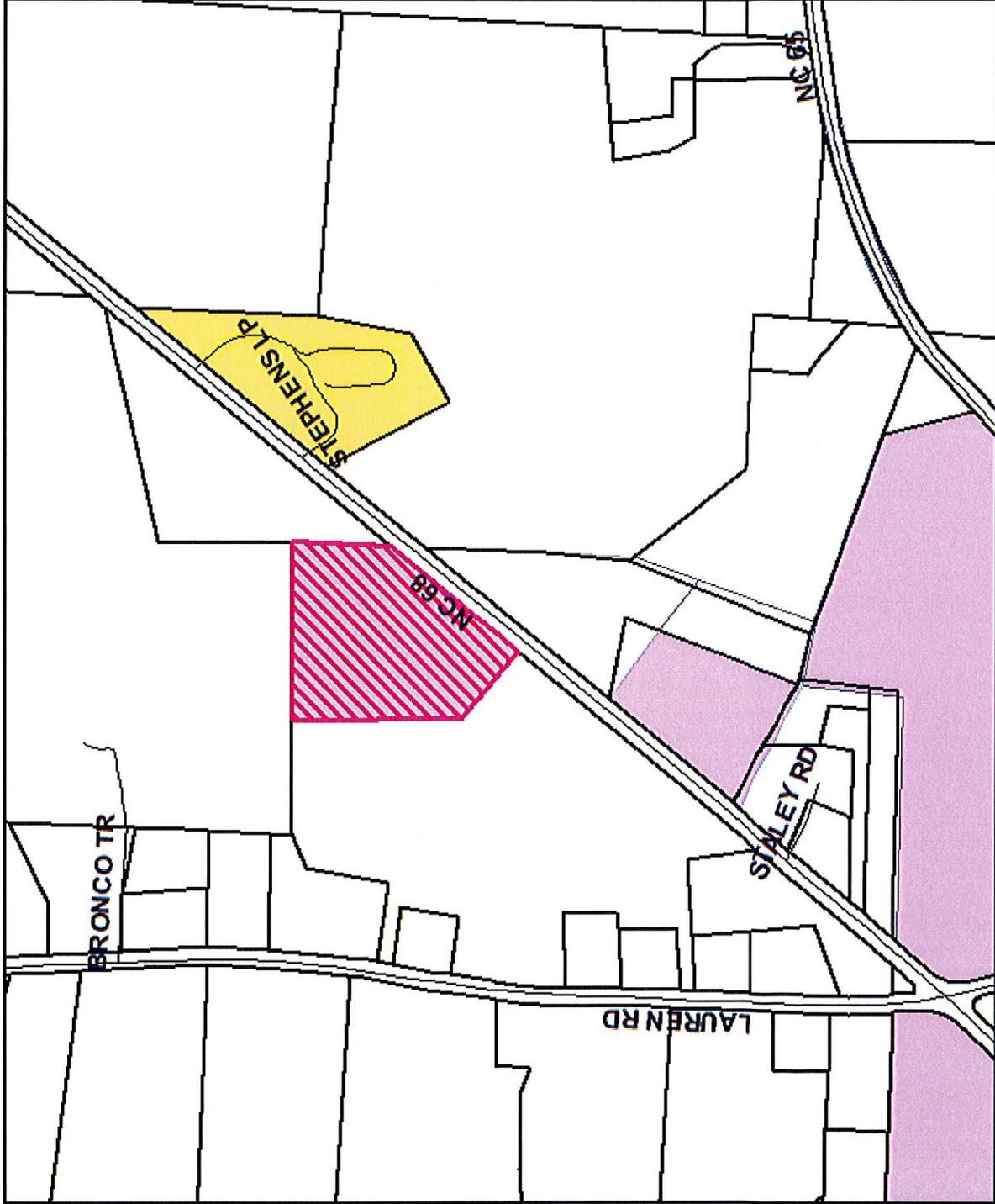
1988: Zoned Residential Agricultural (RA).

2010: Zoned Light Industrial-Conditional District

7. Adopted Regulation and Plans:

The property exceeds the minimum dimensional requirements for the RA zoning district. This property is located in the *Economic Development Land Class* of the Rockingham County Land Use Plan. The purpose of this land class is “To accommodate and encourage new industrial and commercial uses in areas where local government supports substantial investments in water, sewer and transportation systems.

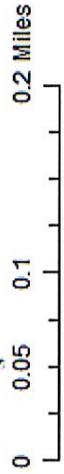
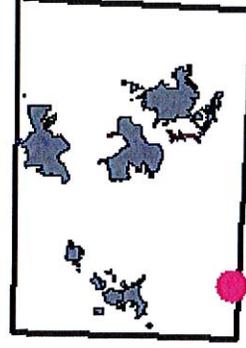
Characteristics of this land use class are described as: “Lands outside of Developed and Urban Transition areas where substantial capital investments are strongly encouraged to create new jobs and build the County tax base.”



Tax PIN: 7911-00-86-3096

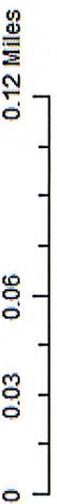
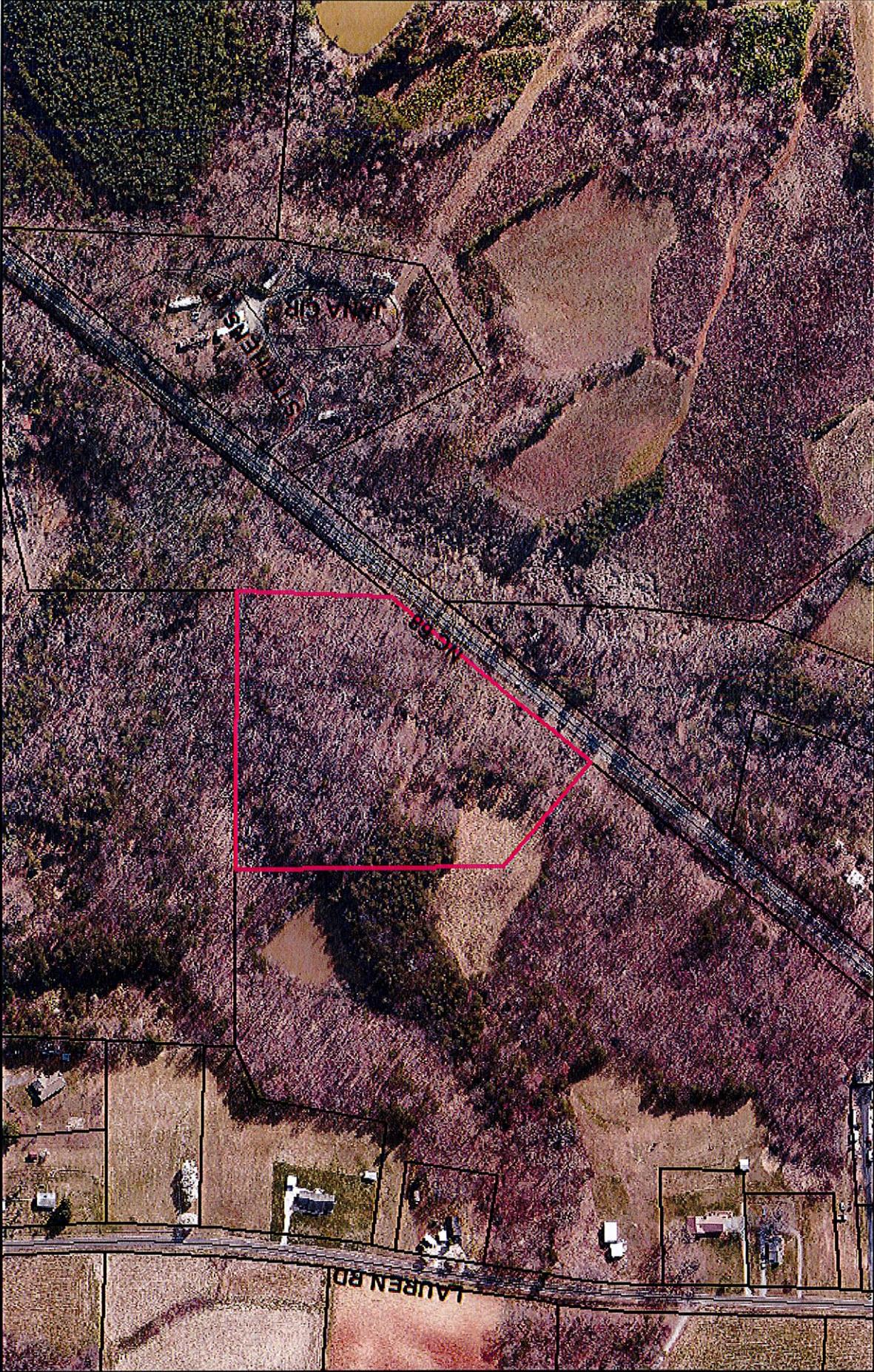
County Zoning

| | |
|--|-----------------|
| | HC |
| | NC |
| | RC |
| | HI |
| | LI |
| | OI |
| | RM |
| | RP |
| | RA |
| | Parcels |
| | Roads |
| | County Boundary |



Case #2019-020, Three Ponds REZ, LI-CD to RA Area Zoning

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY



Case #2019-020, Three Ponds REZ, LI-CD to RA Aerial

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

Uses requiring a Special Use Permit

1. Commercial feeder operation
2. Day care – 6 or more persons
3. Group homes
4. Kennel (more than 8 domesticated animals)
5. LCID Landfill, Major (off-site)
6. Nursing and rest homes
7. Paintball Facility (outdoor)
8. Planned unit development
9. Public utility substations (including public water/sewer plants)
10. Reception/Banquet Facility
11. Rural family occupation of commercial/industrial nature
12. Rural Guest Establishment
13. Rural Tourism Activity
14. Schools, academic
15. Schools, business/trade
16. Skeet, trap, and sporting clay ranges
17. Solar Energy System, Large Scale
18. Travel trailer parks
19. Turkey Shoots, For Profit – year around
20. Wireless Telecommunications Facilities – new tower

High Impact Use – Conditional Zoning

1. Air Strips

Types of Subdivisions

1. Minor subdivisions (1-5 lots with access to public road or where nor more than 3 lots are served by a private road)

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

Applicable Statutory Language NCGS § 153A-341

“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.”

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 proposed zoning amendment (**Case #2019-020**) is consistent with the Rockingham County Land Use Plan, the area is appropriate for the proposed land use, and the request is consistent with all other maps and plans officially adopted by the Board of Commissioners.
2. The Board has determined that as a whole, this zoning amendment supports the intent and descriptions of the **Economic Development Land Class**.
3. Additional matters: _____

In **recommending denial** 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 proposed zoning amendment (**Case #2019-020**) is not consistent with the Rockingham County Land Use Plan, and the area is not appropriate for the proposed land use.
2. The Board has determined that as a whole, this zoning amendment does not support the intent and descriptions of the **Economic Development 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:

1. The Board has determined that the proposed zoning amendment (**Case #2019-020**) is not consistent with the Rockingham County Land Use Plan, and the area is not appropriate for the proposed land use.
2. The Board has determined that as a whole, this zoning amendment does not support the intent and descriptions of the **Economic Development Land Class**.
3. Approval of this case represents an amendment to the Land Use Plan. The action is reasonable and in the public interest
because: _____