

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

**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
WENTWORTH, NC**

FEBRUARY 14, 2022 AT 6:30 PM

MEMBERS PRESENT:

Paul Ksieniewicz, Chairperson
T. Matt Cardwell
James Fink
Cindy Hayworth
Cory Scott

STAFF PRESENT:

Hiram Marziano, Community Development Director
Lynn Cochran, Senior Planner
Ben Curry, Code Enforcement Officer

I. CALL TO ORDER

Chairperson Ksieniewicz called to order the regularly scheduled meeting of the Rockingham County Board of Adjustment at 6:33 pm.

II. INVOCATION

Mr. Scott conducted the invocation.

III. ADOPTION OF THE AGENDA

Chairperson Ksieniewicz confirmed a quorum for conducting business. Mr. Cochran pointed out a typographical error in the agenda, Case 2022-02 address correction from NC Highway 65 to NC Highway 87. Mr. Scott motioned to adopt the agenda with the noted correction. Mrs. Hayworth seconded. The board voted unanimously to adopt the corrected agenda (5-0).

IV. PROCEDURES FOR LEGISLATIVE HEARINGS

Mr. Ksieniewicz reviewed the procedures for legislative (zoning amendment hearings).

V. MATTERS BEFORE THE BOARD

- a. Zoning Map Amendment (Rezoning) Request #2022-01 Bradford: a request to rezone a parcel of land from Residential Agricultural (RA) to Light Industrial Conditional District (LI-CD). Tax PIN: 7959-04-73-6679, 6696 NC Highway 770 – Mayo Township.

Mr. Cochran presented the application request and packet information to the board, including the conditional nature of the request and staff recommendation to approve the request. He noted that approximately 6-7 calls and inquiries expressing concern or opposition to the request. An equal number of inquiries were received seeking additional information.

Mr. Ksieniewicz asked about the nearby parcel to the east that is currently zoned Light Industrial. Mr. Cochran confirmed that this nearby parcel is being used for automotive repair/service and is advertised as such by roadside signage.



Mr. Cochran reviewed the proposed site plan, specific list of conditions pertaining to the request in detail and the current status of the parcel, including existing structures and vegetation.

Mr. Ksieniewicz asked if the site plan and development proposal will be reviewed by the Technical Review Committee (TRC) if ultimately approved. Mr. Cochran replied that it would, given the nature of the proposed use. Mr. Ksieniewicz asked for clarification regarding the specific owners and applicants making the application. Mr. Cochran offered the clarification. Mr. Ksieniewicz confirmed with those in attendance that any decision made by the planning board would be a recommendation only and that the Board of Commissioners will make the final determination.

Mr. Scott asked about the parcel location in relation to local fire/emergency response districts. Mr. Cochran noted that fire and safety issues are addressed at the TRC review level regarding developments of this nature. He also confirmed that Dan River Water is available along NC 770, making available the possibility of a hydrant location if deemed necessary by the TRC. Mr. Scott also asked about the development area in relation to a creek located south of the parcel. Mr. Cochran replied that riparian buffers will be required to be maintained as outlined in the county UDO for all intermittent and perennial streams. Specifically regarding any regulations for potential pollution control and guidelines, the regional office of the NC DEQ will be the primary governing entity. Mr. Cochran confirmed that staff of NC DEQ are part of TRC voting membership.

Mrs. Hayworth asked about the nature of the targeted rural commercial node near this parcel. Mr. Hayworth inquired about the difference between commercial and industrial uses in relations to this node. Mr. Cochran confirmed that the land use plan does not specifically address industrial uses at or near these nodes and added that although this is an industrial request, components of the application include commercial activities. Mrs. Hayworth also asked about the length of time that a wrecked/junked vehicle might be stored at the proposed site. Mr. Cochran replied that the applicant has suggested a typical time frame of 48 to 72 hours, but this has not been included as a specific condition given that time frames for this could feasibly vary significantly in some instances. Mr. Ksieniewicz noted that conditioned time limits related to points such as this are not addressed in the UDO, making compliance with such strictly voluntary.

Mr. Fink asked about the potential for impacts to local stormwater runoff and impacts to wells in the area. Mr. Cochran replied that potential groundwater contamination would be considered at the TRC review level for a project such as this, along with utilities. Otherwise, a project of this scope would not necessarily warrant TRC review. Mr. Fink reiterated a concern that there could be the potential for runoff contamination given that the number of stored vehicles at any given time may be unknown. Mr. Ksieniewicz commented that the question of the stored number of vehicles could be further clarified by the applicant. Mr. Cochran added that the number of allowed stored vehicles is within the purview of the planning board to consider and recommend if it deemed appropriate. There were no additional questions at this time.

Mr. Ksieniewicz called the applicant(s) to the stand. Neither attended the meeting. Mr. Cochran made note.

David Brooks of 110 Ridgecrest Drive, Stoneville NC addressed the board in opposition to the request. His parcel is located across the street. He expressed concerns about property values and potential expansion of the salvage yard in the future. He also expressed concerns about noise, traffic and speeding. He confirmed that the auto shop located on a nearby parcel is a muffler shop. Mr. Ksieniewicz asked if the speed limit along this stretch of NC 770 was recently lowered to 45 mph. Mr. Brooks replied that the speed limit is 55 mph until passing west of Harrington Highway then approaching Stoneville.

Dorothy Fargis of 122 Ridgecrest Drive, Stoneville NC addressed the board in opposition to the request. She stated that she is a neighbor of Mr. Brooks. Her parcel sits at elevation above the subject parcel and north of NC 770. Although the parcel is screened by existing vegetation at street level, she stated that she can see above the tree line and clearly onto the subject parcel. She expressed concerns about unsightliness related to the business, noise and general disturbance in Whispering Pines, the subdivision she lives in across the street. She asked for clarification of what the rezoning would mean for the parcel. Mr. Ksieniewicz explained that a zoning amendment is a permanent change to the status of the parcel and that the zoning status would not revert to residential if the business were to cease operation in the future.

Steve Baker of 6750 NC Highway 770, Stoneville NC addressed the board in opposition to the request. He stated that he owns the property immediately adjacent to the subject parcel and operates a 26-acre farm there. The current status of his parcel zoning is commercial but he stated that he has always planned to ask for residential rezoning status change. He expressed concerns about stacked crushed vehicles and unsightliness. He also expressed concerns about the quality and safety of his well water supply if the proposed operation were to begin next door. He also expressed concerns about property values declining. He stated that he did not feel that fencing and landscape buffering would endure long-term in screening the parcel. He continued, noting that Dan River public water is available to this area of NC 770. The tap is immediately to the front of the subject parcel, along NC 700. He went on to express support for the muffler/exhaust shop located on the eastern border of his property. Mr. Fink asked about the exact location of the speaker's parcel. He stated that it is located exactly in-between the subject parcel and the parcel where the muffler shop is located, along NC Highway 770. Mr. Ksieniewicz if Whispering Pines is served by public water. Mr. Brooks replied from the audience that it is.

Richard Loyd of 177 Laurel Bluff Rd, Stoneville, NC addressed the board in opposition to this request. He stated that he grew up in the community around the subject parcel. He expressed concerns about negative environmental impacts from the auto business, including stormwater runoff. He expressed worries about rodents that might be attracted to the property and large trucks traveling the highway and business entrance that could damage the roadway. He added concerns about noise, odors and increased fire danger.

Mr. Ksieniewicz opened the floor for discussion and board motions/voting. Mr. Scott asked if there is any evidence of a threat to property values in the area. Mr. Ksieniewicz replied that without the assessment of an appraiser, value impacts cannot be estimated or considered. Mr. Fink expressed concerns about the absence of the applicant(s). Mr. Cardwell stated that he is very familiar with this property and is concerned about contamination of the creek nearby by stormwater runoff. Mr. Ksieniewicz reviewed the role of the Technical Review Committee (TRC) in a case such as this and how it functions in reviewing commercial development site plans. Mrs. Hayworth expressed worry about the absence of the applicant also. Additionally, she expressed concerns about the fit of this business within the current community. There was no further discussion. Mr. Ksieniewicz opened the floor for motions and voting. Mr. Fink motioned to deny the application as inconsistent with the land use plan, future land use plan and Mrs. Hayworth seconded. The board voted unanimously to recommend denial of the rezoning request (5-0). Mr. Marziano stated that the scheduled Commissioners' hearing for this case is March 21.

a. Zoning Map Amendment (Rezoning) Request #2022-02 Robertson: a request to rezone two parcels of land from Residential Protected (RP) to Residential Agricultural (RA). Tax PIN: 8940-00-20-5728, 265 NC Highway 65 – Williamsburg Township.

Mr. Cochran presented the application request and packet information to the board, and staff recommendation to approve the request. He noted that the housing matrix in the area includes site-built

Mr. Cochran presented the application request and packet information to the board, and staff recommendation to approve the request. He noted that the housing matrix in the area includes site-built and manufactured homes at present. He also pointed out the one Neighborhood Commercial (NC) zoned property nearby. He relayed that the applicant's primary goal in making this request is to gain access to a wider variety of housing options that those allowed in Residential Protected (RP). The owner experienced a house fire late in 2021 that destroyed the previous home located on the parcel. This parcel is located in the 0-2 Land Class.

Mr. Ksieniewicz asked about the current access to these parcels. Mr. Cochran stated the drive most likely originates on Cherry Grove Rd. Mr. Ksieniewicz asked about the distance to the Caswell County line from this parcel. Mr. Cochran replied, about 1,200 feet.

Al Simpson of 265 NC Highway 87 addressed the board. He asked if modular homes or manufactured homes are allowed in the RP district. Mr. Cochran replied that they are not and encouraged the speaker to return to Community Development offices during regular business hours to discuss options for his property.

Lashay Brandon of 265 NC Highway 87, Reidsville NC addressed the board in support of the request. She stated that she is the daughter of the applicant.

Mr. Ksieniewicz opened the floor for discussion and board motions/voting. As there was no discussion, Mr. Scott motioned to approve the request as consistent with the land use plan, future land use map and use matrix in the area. Mrs. Hayworth seconded. The board voted unanimously to recommend approval of the rezoning request (S-0). Mr. Ksieniewicz reminded attendees that the final determination on this request will be at the Commissioners' meeting March 21.

- a. Zoning Map Amendment (Rezoning) Request #2202-03 Jessie: a request to rezone two parcels of land from Residential Protected (RP) to Residential Agricultural (RA). Tax PIN: 8923-00-96-9888, 649 Massey Road – Williamsburg Township.

Mr. Cochran presented the application request and packet information to the board, and staff recommendation to approve the request. He noted that the housing matrix in the area includes primarily site-built homes at present and manufactured homes to a lesser extent. He pointed out that the area and number of parcels zoned Residential Protected (RP) in the area are small and dates back to the late 1980s, when zoning was first established in the county, and that the subject parcel is essentially surrounded by Residential Agricultural (RA) zoning. This parcel is located in the 0-2 Land Class.

Mr. Scott inquired about the number and nature of any inquiries regarding the case. Mr. Cochran stated that a few had been received, most seeking additional information and one expressing general opposition to the request. Mr. Scott pointed out that two larger appearing site-built homes are evident on the map to the north of this parcel and sharing a driveway. Mr. Cochran noted that no inquiries expressed direct opposition to manufactured housing on the lot.

Mr. Ksieniewicz opened the floor for discussion and board motions/voting. As there was no discussion, Mrs. Hayworth motioned to approve the request as consistent with the land use plan, future land use map and use matrix in the area. Mr. Cardwell seconded. The board voted unanimously to recommend approval of the rezoning request (S-0). Mr. Ksieniewicz reminded the room that the final determination on this request will be at the Commissioners' meeting March 21.

d. Text Amendment #2022-001 Manufactured Homes in Residential Mixed: an amendment to the County's UDO Table of Permitted Uses to allow for Class AA and Class A Manufactured Homes on single lots in the Residential Mixed (RM) zone.

Mr. Ksieniewicz noted that the zoning text amendment about to be reviewed was evaluated in detail by the UDO advisory subcommittee. Mr. Marziano repeated this information and the difficulties with the current interpretation of the Residential Mixed (RM) district. He stated his belief that the changes to the RM district do not seem to have been completely considered when adopting the new UDO. He reviewed the options discussed among the UDO advisory committee for addressing the issue, including consideration of allowing manufactured homes in the Residential Protected (RP) zoning district, which was decided against. The final recommendation of the committee was to recommend amending the zoning ordinance and land use plan to allow manufactured housing and revise the intent of the Residential Mixed (RM) zoning district in the land use plan to include this use. Mr. Marziano stressed that the committee members all pointed out that there was never an intent to decrease housing options available to citizens.

Mr. Ksieniewicz pointed out the potential impacts if this amendment is not passed – many more possible rezoning requests to change parcel status from RM to RA, which Mr. Marziano echoed. Mr. Scott asked about the consideration of the Residential Protected (RP) zoning district. Mr. Marziano pointed out that the previous UDO did allow doublewide manufactured homes in RP with a special use permit. That option was removed from the current ordinance. Mr. Ksieniewicz pointed out that RP does currently only allow for site-built or modular homes. Mr. Marziano pointed out that the advisory committee did not recommend any amendments to the current definition of the RP zoning district.

Mr. Ksieniewicz opened the floor for discussion and board motions/voting. As there was no ordinance and land use plan. Mrs. Hayworth seconded. The board voted unanimously to recommend denial of the rezoning request (5-0). Mr. Ksieniewicz reminded the room that the final determination on this request will be at the Commissioners' meeting March 21.

VI. OTHER BUSINESS

Mr. Ksieniewicz recalled the discussion of updating the bylaws from the previous meeting's new business. He highlighted specific changes and technical corrections, including the change of quorum for majority vote cases from five (5) to four (4). He also noted the current need for alternate board members. Mr. Ksieniewicz opened the floor for discussion and board motions/voting. As there was no ordinance and land use plan. Mr. Scott seconded. The board voted unanimously to recommend approval of the amended bylaws (5-0). Mr. Ksieniewicz noted that the amended bylaws will go on the Commissioners' consent agenda March 9, 2022.

VII. ADJOURN

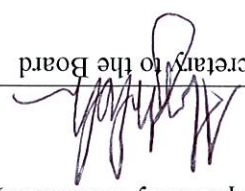
Mr. Cardwell motioned to adjourn and Mr. Fink seconded. The board voted unanimously (5-0) to adjourn at 8:20 pm.

Minutes Read and Approved,
Chairperson



06/13/2022
Date

Respectfully Submitted,
Secretary to the Board



6/13/22
Date