

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

MAY 13, 2024 at 6:30PM

County Commissioners Chambers

Rockingham County Governmental Center



I. Call to Order

II. Invocation

III. Adoption of the Agenda

IV. Approval of Minutes

- a. April 8, 2024

V. Review of Procedures for Evidentiary Hearings

- a. Special Use Permit 2024-13: Southern Towers has requested a special use permit to establish a new Wireless Telecommunications Tower on the parcel denoted by Rockingham County Tax PIN 8926-04-90-4880, located at 162 Motorcross Trail (pvt) in the Ruffin Township.

VI. Review of Procedures for Legislative Hearings

- a. Zoning Map Amendment 2024-11: a zoning map amendment has been requested for a portion of the parcel denoted by Rockingham County Tax PIN 7061-14-44-7647, located at 8871 NC Highway 14 in the Leaksville Township. The request is to rezone (+/-) 1.5 acres of the parcel from Residential Agricultural (RA) to Neighborhood Commercial (NC).
- b. Zoning Map Amendment 2024-12: a zoning map amendment has been requested for the parcel denoted by Rockingham County Tax PIN 7921-02-75-4770, located at 225 Farrar Store Rd in the New Bethel Township. The request is to rezone the parcel from Residential Agricultural (RA) to Neighborhood Commercial-Conditional District (NC-CD).
- c. Zoning Map Amendment 2024-14: a zoning map amendment has been requested for three parcels denoted by Rockingham County Tax PINs 7923-01-36-5415, 7923-01-45-2780 and 7923-01-45-6108, located on Gold Hill Rd just east of US Highway 220. The first two parcels listed are proposed to be rezoned from Residential Agricultural (RA) to Highway Commercial (HC). The third parcel is proposed to be rezoned from Residential Protected (RP) and Residential Agricultural (RA) to Highway Commercial (HC) and Residential Mixed (RM).

VII. Other Business:

- a. New Business: None
- b. Old Business: Board Order Approval SUP 2024-08, Duke Energy Tower

VIII. Adjourn

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



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
WENTWORTH, NC
APRIL 8, 2024 AT 6:30 PM**

MEMBERS PRESENT: Paul Ksieniewicz, Chairperson
Julie Talbert, Vice-Chairperson
Keith Duncan
Jeff Kallam
Bernie Parnell
Quint Haley
Daniel Woods
John Roberts (Alternate)

MEMBERS ABSENT: Cory Scott

STAFF PRESENT: Hiram Marziano, Community Development Director
Lynn Cochran, Senior Planner
Victoria Pedigo, Planner
Bricen Wall, Code Enforcement Officer

I. CALL TO ORDER

Chairperson Ksieniewicz called to order the regularly scheduled meeting of the Rockingham County Planning Board at 6:30 pm.

II. INVOCATION

Mr. Kallam conducted the invocation.

III. ADOPTION OF THE AGENDA

Chairperson Ksieniewicz confirmed a quorum for conducting business. Mrs. Talbert motioned to adopt the agenda as written. Mr. Parnell seconded. The board voted unanimously to adopt the motion (7-0).

IV. APPROVAL OF MINUTES

March 11, 2024 – Mr. Duncan motioned to adopt the minutes as written, and Mrs. Talbert seconded. The board voted unanimously to adopt. (7-0)

V. REVIEW OF PROCEDURES FOR EVIDENTIARY HEARINGS

The Board of Adjustment was convened. Mr. Ksieniewicz reviewed the procedures for quasi-judicial evidentiary hearings. No board member indicated any conflict of interest or site visit to disclose.

VI. MATTERS BEFORE THE PLANNING BOARD

- a. Special Use Permit 2024-08: Duke Energy Carolinas has requested a special use permit to establish a new Wireless Telecommunications Tower on the parcel denoted by Rockingham County Tax PIN 7954-00-40-9463, located on Ernest Drive in the New Bethel Township.

Mr. Cochran presented the staff report, map information, site plan and application information to the board, reviewing the details of what the special use permit standards require and confirming that staff had found the application to be complete. He also noted that the applicant had requested an adjusted fall zone/setback requirement of 165 feet based on the engineering plans for the tower. Mrs. Talbert inquired about the details of this specific type of engineering. Mr. Cochran explained offered more details and deferred to the applicant to provide additional information. Mrs. Talbert asked if this is the first tower of this type that the board has considered. Mr. Cochran that it is the first, at least within the last eight to ten years. Mr. Scott inquired about the distance the tower will be located off of NC Highway 65. Mr. Cochran noted that it is approximately 500 feet.

Mr. Remington Jackson, legal counsel for the applicant addressed the Board. He presented information regarding the special use permit application, including a description of the property and tower. He also reviewed the needs justification and narrative He reviewed more information about the engineering design of the tower, including the fall zone and pointed out details of the site plan. Mr. Duncan inquired about the potential for shared use of the tower, asking if it will be only for Duke Energy purposes.

Mr. Patrick Berner, representative of Duke Energy Carolinas, took the podium to address the Board. He explained that county services, emergency services and other types of services will be allowed space on the tower. He offered additional details about the tower design. Mr. Ksieniewicz asked if other commercial carriers would be afforded space on the tower. Mr. Berner stated that yes, some degree of space will be available to commercial carriers. Mr. Cochran added that one requirement of the special use permit is that any new telecommunications tower must offer some degree of colocation capacity. Mr. Kallam asked for additional details regarding how the engineered fall specifications work in extreme environmental circumstances.

Mr. Berner explained that this is a tripod tower, self-supporting lattice. He gave the example of an extreme wind event. Should the tower structure begin to fail, it is engineered at 50% of the height of the tower to buckle onto itself. In an extreme event, this would cause the tower to break at this height and if the tower itself were to fail, the length of fall would equal 150 feet, given that the total height of the tower is 300 feet. He referred the board to the depiction of the tower included in the agenda item packet. Mrs. Talbert inquired about the lighting would be specific to the tower and Mr. Berner explained what types of lighting are required by FCC standards. Mr. Haley inquired about other towers in the vicinity and how far the tower will be located from any protected structure. Mr. Cochran pointed out information in the agenda packet that indicates two other towers located within four miles of this site and confirmed that the closest protected structure is located at least 1,000 from the tower site.

Mr. Tom Covington was present as an additional representative of Duke Energy Carolinas. The Board had no questions for him.

Mr. Ksieniewicz closed the public comment period and opened the floor for board discussion, motions and voting. Mr. Duncan motioned to “APPROVE this Special Use Permit based upon the Reasonableness Determinations that are included herein, including any additional conditions that may have been discussed and agreed upon, incorporated into this motion, to be included in the minutes and the board order.” Mrs. Talbert seconded. The board voted unanimously to approve this special use request (7-0).

The Board has reviewed **Case 2024-08**, a request for a **Special Use Permit allowing a New Wireless Telecommunications Tower** and as required by NCGS § 160D makes the following findings:

There is competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the below exist to approve the permit.

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 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 or development conforms with the general plans for land use and the development goals of Rockingham County as embodied in Comprehensive Land Use Plan.
- b. Zoning Text Amendment 2024-10: a proposed amendment to the Rockingham County Unified Development Ordinance (UDO) that will establish an Advisory Committee (UAC), composed of members appointed by the Board of Commissioners, which will review text amendments to the UDO prior to consideration by the Planning Board and Board of Commissioners.

Mr. Cochran presented a text amendment to establish a UDO Advisory Committee (UAC), including staff recommendation to amend the text. He stated that the established UAC would cover text amendments only and not review map amendments. He added that this amendment was requested by the Board of Commissioners.

Mr. Duncan asked about representation from the various townships.

Mr. Ksieniewicz discussed the difficulty of finding people to serve on boards.

Mrs. Talbert motioned to “recommend approval of this this text amendment based upon the consistency determination statements that are included in the Board agenda packet, submitted during the presentation and as may be amended, incorporated into the motion, to be included in the minutes.” Mr. Kallam seconded. The board voted unanimously to recommend approval for this text amendment (7-0).

The Board has reviewed **Case 2024-10**, a proposed text amendment to establish a Unified Development Ordinance (UDO) text amendment review committee, designated as “the URC,” which will review and provide comment on proposed zoning text amendments prior to meetings of the Planning Board and Board of Commissioners. As required by NCGS § 160D the Board makes the following findings:

1. The proposed action is found to be consistent with the goals and policies of the adopted *Rockingham County Comprehensive Land Use Plan*.

VII. OTHER BUSINESS

- a. New Business: N/A
- b. Old Business: N/A

VIII. ADJOURN

As there was no additional business or discussion, Mrs. Talbert motioned to adjourn the meeting. Mr. Haley seconded. The board voted unanimously to adjourn at 7:10 pm (7-0).

Minutes Read and Approved,

Respectfully Submitted,

Chairperson

Date

Planning Staff

Date



**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: PLANNING BOARD
CASE 2024-13: SPECIAL USE PERMIT**

Request: New Wireless Telecommunications Tower.
Applicant: Southern Towers
Identification: Tax PIN: 8926-04-90-4880
Location: Motorcross Trail – New Bethel Township

1. Acreage and Location of Parcel:

(+/-) 73.39 acres according to the Rockingham County Tax Map, owned by Jerry W Barker, located at 162 Motorcross Trail, off of US Highway 158, just under one mile southwest of the intersection with Narrow Gauge Rd.

2. Utilities: This parcel is served by individual well and individual septic facilities, though the tower will not require these services.

3. Zoning Classification of Uses of Surrounding Parcels:

The subject parcel is dually zoned Residential Protected (RP) and Residential Agricultural (RA). The area of RP zoning extends approximately 250 feet from the right of way. The remainder of the parcel is zoned RA. The tower is proposed to be located approximately 2,600 feet from US 158. Adjacent parcels and those in the area are zoned primarily Residential Agricultural (RA) with an area of Residential Protected (RP) zoning along the US 158 roadway.

4. Land Use Plan:

a. This parcel is located in the O-2 Rural Land Class according to the *Rockingham County Comprehensive Land Use Plan*, characterized by low density residential development, agricultural uses, forested lands and open space. (pp. 46-47)

5. Previous Zoning History:

1988: This parcel was zoned Residential Protected RP & Residential Agricultural (RA).

6. Staff Findings & Recommendations:

After reviewing the application, staff conclude that sufficient information has been provided for the application to be complete and to be considered by the Planning Board.

Staff Findings

- a. A new wireless telecommunications tower may be permitted as a special use in the Residential Agricultural (RA) zoning district, when approved by the Planning Board.
- b. The submitted site plan, needs justification, performance guarantee, insurance certification and other documents meet the requirements of the supplemental permit regulations found in Sec.62.88.02 of the Rockingham County Unified Development Ordinance (UDO), *New Wireless Telecommunications Tower Requirements*.
- c. The consulting engineer with Atlantic Technologies has reviewed the construction drawings and structural analysis for the tower and found it to be of sound design, including an engineered fall zone.

Staff Recommendations

- a. As a whole, Staff recommends approval of this request as it conforms with the standards for establishing a new wireless communications tower in the Residential Agricultural (RA) zoning district.
- b. Development shall proceed according to the standards detailed in Sec. 62.88.02 of the Unified Development Ordinance (UDO).

- c. Any additional permits or approvals must be obtained before beginning operation of the tower, which may include but are not limited to technical review committee approval, NC DEQ erosion and sedimentation control, NC DOT driveway approval, and standard building, trades and zoning permits.

7. Approval/Denial:

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. 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. The use or development complies with all required regulations and standards of Rockingham County UDO and with all other applicable regulations;
- c. 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. The use or development conforms with the general plans for land use and the development goals of Rockingham County, as set forth in the *Comprehensive Land Use Plan*.

There shall be competent, material and substantial evidence in the record to support the conclusions and the Planning Board must find that all of the above exist to approve the special use permit.

Tower Fall Zone. The proposed tower is a self-supporting lattice design, measuring 300 feet tall. This would normally require a fall zone of 330 feet, which is equivalent to the required setbacks from structures and property lines. This tower features an engineered “buckle point,” reviewed and approved by Atlantic Technologies, which may allow a 50% reduction in the necessary fall zone. Staff specifically recommends approval of the engineered fall zone and required setbacks equal to 165 feet.

Sec. 62.88.02. - New wireless telecommunication tower requirements.

Section I. Application Requirements

A. Pre-Application Meeting

There shall be a pre-application meeting attended by the applicant, consultant, and/or County staff prior to the submittal of any application. The purpose of this meeting shall be to address issues which will help expedite the review and permitting process and address any concerns regarding the site or the facility and the treatment of such. A site visit may also be required.

B. Policy and Requirements

All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility (other than an approved colocation) shall comply with the requirements set forth herein and only complete applications will be accepted by the County for review.

1. The Planning Board may, at its discretion, delegate or designate other official agencies of the County and/or seek outside assistance to accept, review, analyze, evaluate and make recommendations to the Planning Board with respect to the granting or not granting, or revoking special use permits for Wireless Telecommunications Facilities. The Applicant shall pay any extra fees necessary for outside assistance.
2. All Wireless Telecommunications Facilities must conform to local, state, and federal environmental laws, standards, and codes. All utilities at a Wireless Telecommunications Facilities site shall comply with all laws, including but not limited to the National Electrical Safety

Code, the National Electrical Code, Electronic Industry Association/Telecommunications Industry Association (EIA/TIA) and Building Occupancy Code (BOCO) where appropriate.

3. An application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The Applicant must obtain all required certifications from a licensed professional engineer. The landowner, if different from the Applicant, shall also sign the application. Any false or misleading statement in the application may subject the Applicant to denial of the application without further consideration or opportunity for correction. (See Section V for application fee information.)
4. Applicants shall agree to lease space at commercially reasonable rates and shall also make towers available for use by County Emergency Service agencies at no charge to the County.
5. Placement of antennae on existing towers or other structures shall be preferred by the County, as opposed to the construction of a new tower.
6. Applicants shall submit one (1) (or the number designated at the pre-application meeting) completed applications for a Special Use Permit in 3-ring binders and shall provide this information in electronic form (e.g. pdf). The following information must also be submitted: boundary survey, site plan, compound plan, tower profile, visual impact assessments, propagation studies, justification for why a co-location is not practical, and an explanation why a higher priority site was not selected.
7. No Wireless Telecommunications Facility shall be installed or constructed until the application has been reviewed and approved by the Planning Board, and the Special Use Permit, together with all applicable permits, has been issued the Special Use permit approved and all other applicable permits issued.
8. The Applicant must begin construction on the new Wireless Telecommunications Facility within two (2) years as provided for in N.C.G.S. § 160D-108.1 and the Rockingham County Unified Development Ordinance (*Article III, Division 5*).

C. Site Plan Requirements

The Applicant shall provide a site plan containing:

1. The name, address, and phone number of the person responsible for preparing the application;
2. The name, address, and phone number of the property owner, service provider or operator, and the actual Applicant;
3. The postal address, zoning district designation, latitude and longitude, and tax parcel identification number of the property;
4. A parcel survey completed by a licensed surveyor or engineer that shows:
 - a. vicinity sketch, north arrow, date of plan, scale, name(s) and seal(s) of all persons preparing the plan;
 - b. The size of the property stated in square feet (or acreage) with lot line dimensions, the location of all lot lines and setback distances and all natural features such as streams, ponds, wetlands, etc.;
 - c. The location of all structures (including residential structures) on the property (which is the subject of the application);
 - d. The location of all rights of way and easements located on and within 500 feet of the proposed tower location;
 - e. Access to the site, with location and width of existing and proposed driveways;
 - f. The location, size, and height of all proposed and existing antennae and all appurtenant structures;
 - g. The type, locations, and dimensions of all proposed and existing landscaping, and fencing.
 - h.

D. Written Documentation Required

The Applicant shall provide the following written documentation, which will be reviewed and verified by a third-party consulting engineer, the cost of which shall be borne by the applicant:

1. A copy of the lease agreement (or lease option) signed by the property owners if part or all of the property for the Wireless Telecommunications Facility is to be leased. The lease agreement (or lease option) must include liability insurance in accordance with the requirements specified in Section IX.
2. A copy of the property deed.
3. A demonstration of the need for the Wireless Telecommunications Facility to provide service primarily within the County. Such documentation shall include, but may not be limited to, propagation studies of the proposed site and all existing, adjoining, and proposed sites.
4. An explanation as to why a higher priority site was not selected (See Section III A).
5. Justification for why a co-location that meets Administrative Approval criteria is impractical and includes:
 - a. Demonstrations of the Applicant's meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the County.
 - b. An inventory of existing towers and other functionally suitable structures within four (4) miles of the location of any proposed new tower and a report that demonstrates conclusively why an existing tower or other suitable structure cannot be used.
6. Justification of the total height of any tower, facility and/or antenna, and the basis therefore.
7. Documentation showing that the tower owner has a signed agreement committing a commercial service provider to occupy space on the tower at the time of completion of construction on the new Wireless Telecommunications Facility.
8. The number, type, and design of the tower(s) and antenna(e) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users.
9. The make(s), model(s), and manufacturer(s) of the tower and antenna(e).
10. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color, and lighting.
11. The frequency, modulation, and class of service of radio or other transmitting equipment.
12. The actual intended transmission and the maximum effective radiated power of the antenna(e).
13. The direction of maximum lobes and associated radiation of the antenna(e).
14. Certification that the Non-Ionizing Electromagnetic Radiation (NIER) levels at the proposed site are within the threshold levels adopted by the FCC. Calculations and measurements of NIER will not be required for any new source of NIER if it is determined by FCC definition to be categorically excluded from having to determine compliance with RF exposure standards. If the NIER emissions from the new source, when added to existing ambient NIER sources, would exceed the levels set forth in the above standard, then calculations and measurements will be required.
15. Certification that the proposed antenna(e) will not cause interference with other telecommunications devices.
16. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility.
17. Certification that a topographic and geomorphologic study and analysis has been conducted, and by taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facility on the proposed site.
18. A copy of each of the policies or certificates representing insurance in the required amounts.

19. Certification that the Wireless Telecommunication Facility, foundation, and attachments are designed and will be constructed to meet all laws and requirements for loads, including wind and ice loads.
20. Certification that the Wireless Telecommunications Facility will be effectively grounded so as to protect persons and property and installed with appropriate surge protectors.
21. Certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

E. Visual Impact Assessment Requirements:

The need for and nature of a visual impact assessment shall be determined at the pre-application meeting. The assessment may include:

1. A "Zone of Visibility Map" which may be provided in order to determine locations from which the tower may be seen.
2. Pictorial representations (which may include visual simulations) of "before and after" views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to, state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers, or residents. Guidance may be provided, concerning the appropriate key viewpoints at the pre-application meeting.
3. An assessment of the visual impact of the tower base, guy wires, and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
4. The Applicant may, prior to the public hearing on the application, be required to hold a "balloon test" as part of the required materials constituting a completed application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a six (6) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County. The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen (14) days in advance. Notice of the balloon test shall be posted in a prominent place on the property (determined at the pre-application meeting) at least ten (10) days prior to the balloon test. The balloon test shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but to prevent delays in the processing of the application, in case of poor weather on the initial date, the secondary date may be on a weekday.

Section II. Location of Wireless Telecommunications Facilities.

Wireless Telecommunications Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wireless Telecommunications Facility on such lot. Wireless Telecommunications Facilities that are constructed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

A. Location Priority

Wireless Telecommunications Facilities shall be located, sited, and erected in accordance with the following priorities, one (1) being the highest priority and five (5) being the lowest priority

1. On existing towers or other structures meeting the criteria for Administrative Approval;
2. On County-owned properties;
3. On properties in areas zoned for Light or Heavy Industrial use (Zoned HI and LI);
4. On properties in areas zoned for Commercial use (Zoned HC and OI); or
5. On properties in areas zoned for Residential Agricultural use (Zoned RA).

B. Shared Use

The application shall contain a commitment to construct the tower to accommodate at least five (5) additional commercial applications or service providers, assuming antenna arrays equivalent to those of the Applicant, and located as close to the Applicant's antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared use of the tower is not technologically feasible, based upon:

1. The foreseeable number of FCC licenses available for the area;
2. The type of Wireless Telecommunications Facility site and structure proposed;
3. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
4. Available space on existing and approved towers.

C. Minimum Lot Size or Leased Area

If the applicant is the owner of the property, the minimum lot size or leased area must equal the Fall Zone or the minimum lot size of the underlying zoning district, whichever is greater.

D. Setbacks

1. The fall zone is defined as the height of the tower measured in feet plus ten percent (10%). At minimum, the fall zone is equal to required setbacks from all parcel boundaries and protected facilities.
2. Towers must be set back a distance equal to the Fall Zone of the tower from any residential structure; public and/or private road rights-of-way (excluding the tower access road); property lines; and/or recorded easements or rights-of-way. Guys and accessory facility support structures must satisfy the underlying zoning district setback requirements.
3. Monopole towers may have a 20% reduction of the required setbacks from the 110% total. In no case shall the setbacks be less than those required for the underlying zoning district. In no case shall a guyed tower be eligible for a reduction of the required 110% fall zone.
4. If a tower is proposed to have engineered features to reduce its fall equal to a number less than the total tower height plus 10%, the applicant must submit a full set of engineering plans and certifications for review. County staff will forward the plans to a third-party consulting engineer for review and confirmation of the engineered fall zone. For example, a 200-foot tower that is to be engineered with a 100-foot fall zone, if approved, will have a total fall zone equal to 110 feet.

E. Site Design Requirements

1. *Landscaping.* Wireless Telecommunications Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Wireless Telecommunications Facility from adjacent property. The buffer shall be installed according to development standards as described in Article V of the Rockingham County Unified Development Ordinance and approved by the Community Development Director. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Existing mature vegetation can be included in landscape buffer plans.
2. *Access.* The applicant shall provide for and maintain emergency and service vehicle access in accordance with standards set forth by the Department of the County Fire Marshal and the N.C. Department of Transportation. Road construction shall minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. Maximum use of existing roads, whether public or private, shall be made to the extent possible. Any disturbance of land in excess of one (1) acre in aggregate will require approval of an erosion control plan issued by the N.C. Department of Environmental Quality.
3. *Lighting.* Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by law. The applicant shall provide an FAA letter or TOWAIR report to determine whether the tower or existing structure intended to support Wireless Facilities requires lighting

under FAA Regulations. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting regulations that adheres to Dark Sky standards as closely as possible.

4. *Appearance.* Both the Wireless Telecommunications Facility and any accessory ~~or~~ facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the County. As appropriate, towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance and any conditions of the Special Use Permit.
5. *Fencing.* The Wireless Telecommunications Tower base, guy wires, and all accessory facilities shall be enclosed by an eight (8) foot fence(s) and secured to prevent unauthorized access.

F. Modification of Site.

The holder of a Special Use Permit shall notify the Planning Department of any proposed modification of a Wireless Telecommunication Facility. The holder shall apply for a new Special Use Permit or a Site Plan Amendment, if applicable, to modify, relocate, or rebuild a Wireless Telecommunications Facility prior to such action. Failure to do so will constitute grounds for revoking the Special Use Permit. In the case of modification and/or rebuilding, a Special Use site plan amendment may be required. Relocation will require a Special Use Permit for a new Wireless Telecommunications Facility.

Section III. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than ten (10) square feet, to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall:

1. contain the name(s) of the owner(s) and operator(s) of the facility, accessory facilities, antenna(e) and emergency phone number(s);
2. be placed on the equipment shelter or cabinet of the Applicant; and
- ~~3.~~ be visible from the access point of the site.
4. The sign shall not be lighted, unless lighting is required by applicable law, rule, or regulation. No other signage, including advertising, shall be permitted, unless required by applicable law, rule, or regulation.

Section IV. Application Fee

The application fee(s) for new towers and Special Use Permits may be found on the fee schedule for the County. Modifications to the Wireless Telecommunications Facility, except as listed in Section II(f), will require payment of Special Use Permit and new tower fees.

Section V. Public Hearing Requirements

All completed applications for Special Use Permits for Wireless Telecommunications Facilities will require a public quasi-judicial hearing held before the Planning Board. The County, at any stage prior to issuing a Special Use Permit, may require such additional information as is deemed reasonable and necessary.

Section VI. Performance and Tower Removal Security

The applicant shall submit to the Community Development Director a decommissioning plan for the proposed tower. The Applicant and the owner of record of any proposed Wireless Telecommunications Facility shall be required (jointly if appropriate) to execute and file a bond or other type of financial guarantee with the Community Development Director and the County Attorney for 125% of the total estimated cost of decommissioning the subject tower at the time of application. The financial guarantee shall have such sureties as are deemed sufficient by the County Attorney to assure the faithful performance of the terms and conditions of this Special Use Permit. The financial guarantee shall remain in full force and effect as long as the tower remains operational. If the Special Use Permit is revoked, the

tower becomes inoperable, or the tower is decommissioned the bond or security shall remain in full force and effect until the tower has been removed and the site as closely as possible to its original condition. If the tower owner defaults on payment or abandons a tower located on County owned or controlled property, the County, at its option, can take control and ownership of the facility.

Section VII. Annual NIER Certification.

The holder of the Special Use Permit shall certify by letter that NIER levels at the site are within the threshold levels adopted by the FCC. This letter shall be submitted annually from the date of approval of the Special Use Permit. The letter shall be accompanied by any report necessary from the carrier or tower owner to certify the letter.

Section VIII. Liability Insurance.

1. A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage as long as the tower remains operational. If the Special Use Permit is revoked, the holder of the Special Use Permit shall maintain the stated coverage until the tower has been removed and the site restored as closely as possible to its original condition, in amounts as set forth below:
 - a. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - b. Workers Compensation and Disability equal to statutory amounts.
2. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
3. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

Section IX. Removal of Wireless Telecommunications Facilities.

1. When a cell tower is to be decommissioned or becomes in operable, the tower owner shall notify the Community Development Director within 30 days of the date of such.
2. The County shall require the removal of Wireless Telecommunications Facilities when:
 - a. Wireless Telecommunications Facilities with a Special Use Permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a three hundred-sixty five (365) day period, except for periods caused by Acts of God, in which case, repair, or removal shall commence within 90 days and be completed within a reasonable time.
 - b. A permitted Wireless Telecommunications Facility falls into such a state of disrepair that it creates a health or safety hazard.
3. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made towards removing any Wireless Telecommunications Facilities within ninety (90) days after the holder of the Special Use Permit has received notice, then the County may order officials or representatives of the County (or hired persons) to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder according to the terms of the aforementioned financial guarantee plus any additional incurred expenses.

Section X. Variance Requests.

Applicants may request a waiver of provisions of this Special Use Permit as a variance which will be subject to requirements specified in the Rockingham County Unified Development Ordinance, Article III, Section 33.08, including a required quasi-judicial hearing carried out by the Board of Adjustment.



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR SPECIAL USE PERMIT

Property Address: 156 Motorcross Trail, Reidsville, NC 27320

Date: 03-25-2024

Parcel No / Tax Pins(s): 892604904880 / Parcel #178048

Zoning District including overlays: RA - Residential Agricultural

Acreage requested for Special Use Permit: .88 AC

(attach legal description if acreage represents a portion of a parcel)

Owner: Jerry Wayne Barker

Mailing Address: 5720 Porterfield Road, Browns Summit, NC 27214

Telephone: 336-202-0728 email: jbarker@hertzsc.com

Applicant: Southern Towers BTS, LP

Mailing address: 250 Signal Mountain Road, Suite B, Chattanooga, TN 37405

Telephone: 919-389-1091 email: tlewallen@airosmithdevelopment.com

Proposed Use: Development of new 310' wireless telecommunication facility and related equipment.

Description and plans for the use (attach additional sheets if needed):

The use will be developed according to the attached site plan.

Construction of a new 310' wireless telecommunication facility to include access and utility easements and related equipment. Please refer to Revision 4 of Site Plan drawings for more detail of project.

Jami Lewallen
Signature of Applicant/Owner (circle)

Signature of Applicant/Owner (circle)

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

Cherokee, VA County, North Carolina

I certify that Jami Lewallen personally appeared before me this the 25th day of March, 2024 and acknowledged the due execution of the foregoing instrument.

Natale S. Thompson
Notary Signature Natale S. Thompson My Commission Expires: 6/30/25
Notary Public Commonwealth of Virginia

(Office Use Only)

Commission No. 7751669 My Commission Expires 6/30/2025

Case Number: _____

Date of Planning Board Hearing: _____

Date of Board of Commissioners Hearing: _____

Planning Board Decision: Approve () Deny () Vote: _____

Board of Commissioners Decision: Approve () Deny () Vote: _____

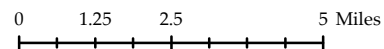
legal description of area
 all owner signatures
 fees
 conditions
 site plan



2024-12 WALL REZ VICINITY MAP

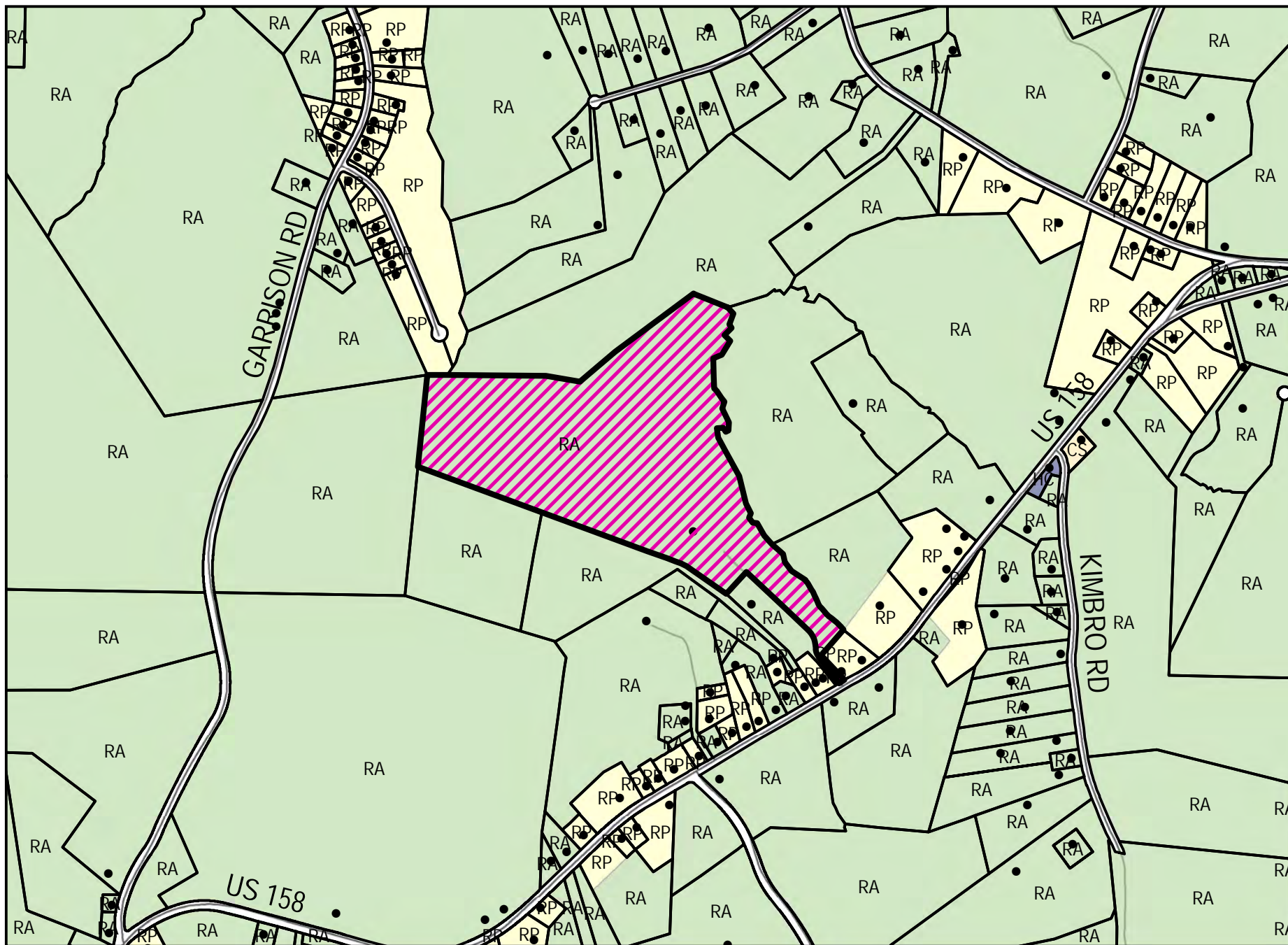


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

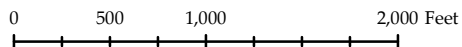




2024-13 SOUTHERN TOWERS SUP ZONING MAP

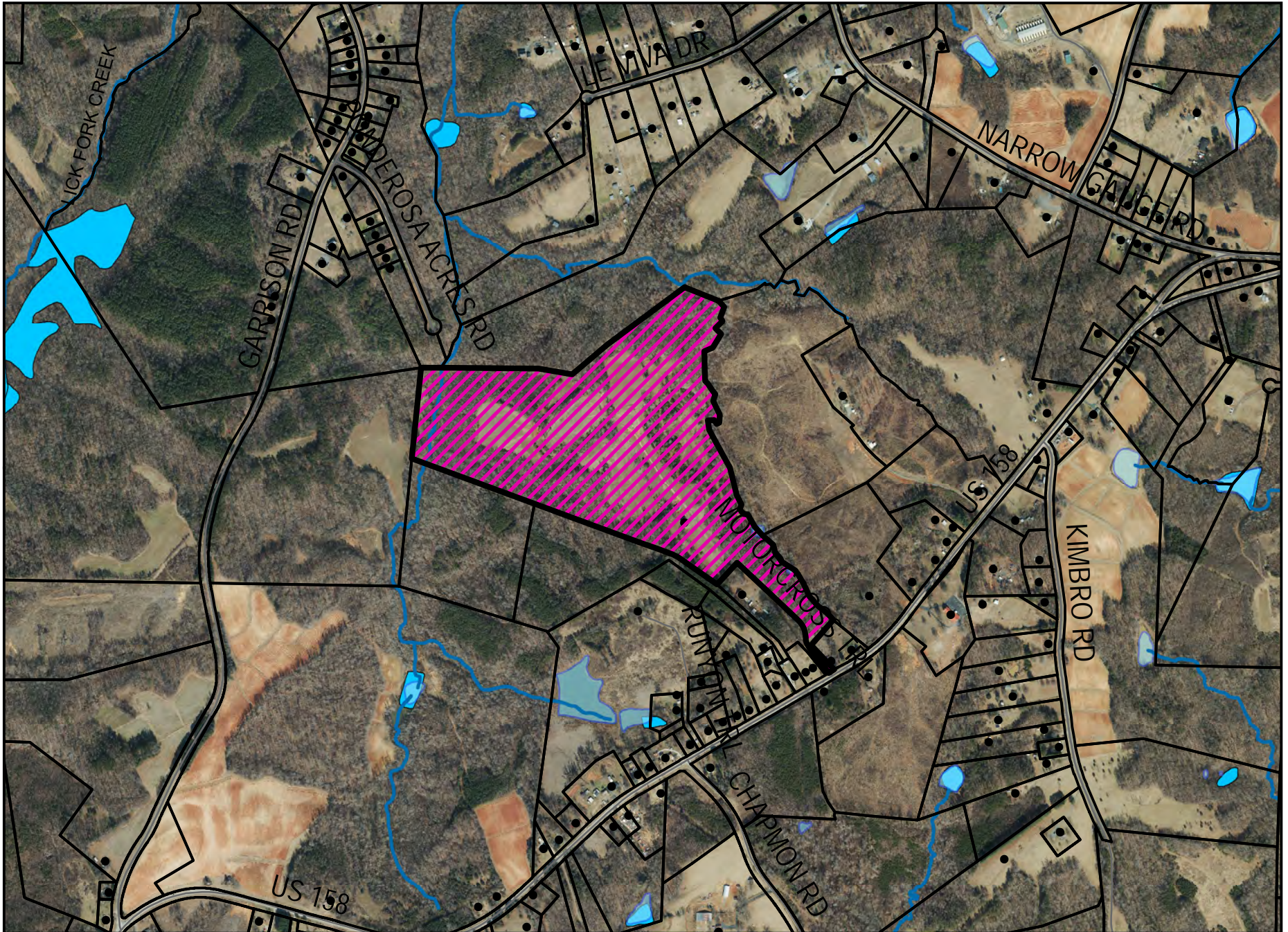


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

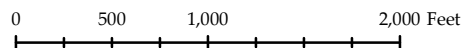




2024-13 SOUTHERN TOWERS SUP ENVIRONMENTAL MAP

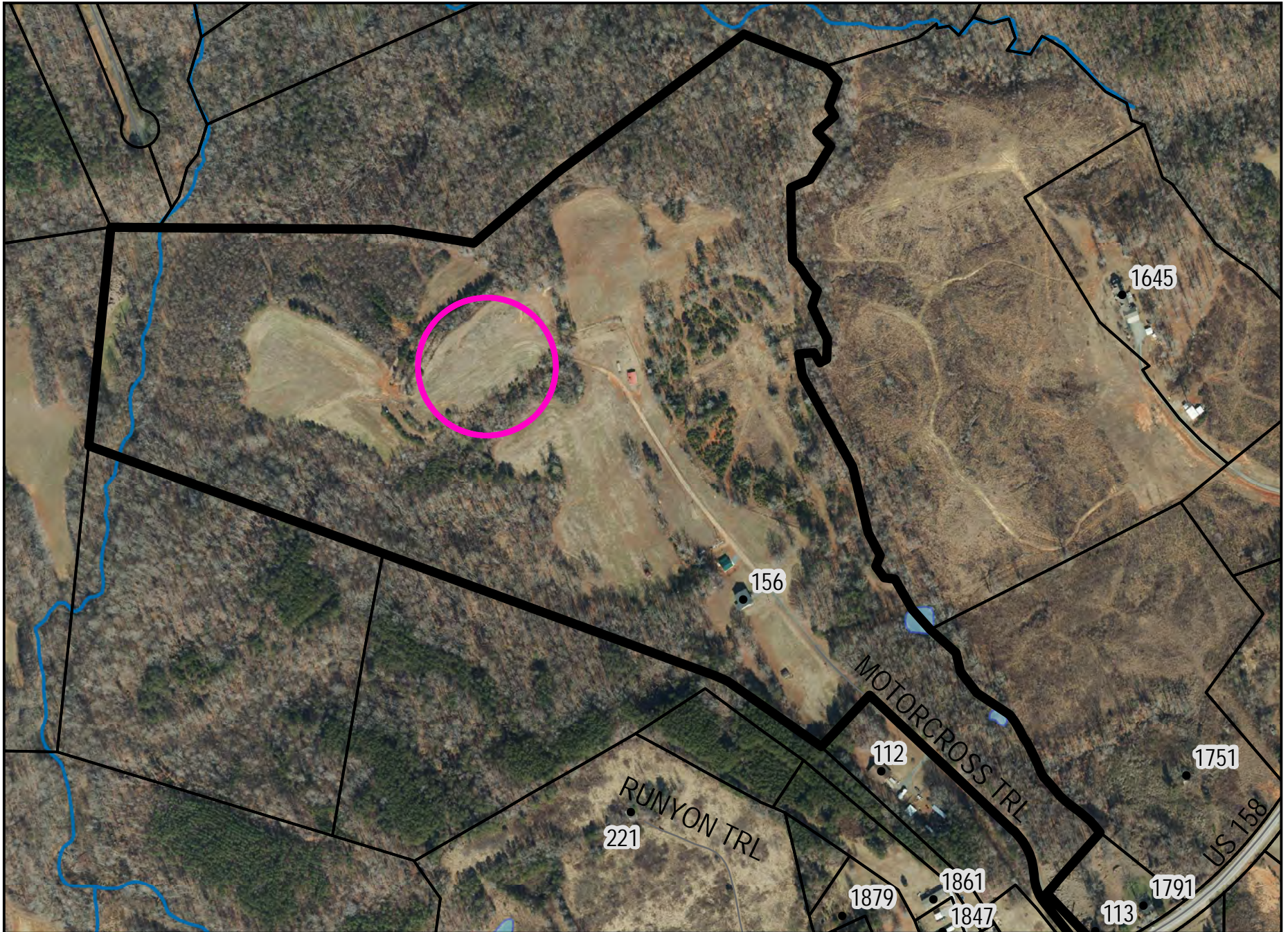


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

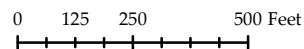




2024-13 SOUTHERN TOWERS SUP PARCEL MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY





**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
REASONABLENESS DETERMINATION**

The Board has reviewed **Case 2024-13**, a request for a **Special Use Permit allowing a New Wireless Telecommunications Tower** and as required by NCGS § 160D makes the following findings:

There is competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the below exist to approve the permit.

- a. 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. The use or development complies with all required regulations and standards of *Rockingham County Unified Development Ordinance* and with all other applicable regulations;
- c. 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. The use or development conforms with the general plans for land use and the development goals of Rockingham County as embodied in *Comprehensive Land Use Plan*.



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
DRAFT MOTION TO APPROVE/DENY**

APPROVE

“I motion to **APPROVE** this Special Use Permit based upon the Reasonableness Determinations that are included herein, including any additional conditions that may have been discussed and agreed upon, incorporated into this motion, to be included in the minutes and the board order.”

DENY

“I motion to **DENY** this Special Use Permit based upon the Reasonableness Determinations that are included herein, incorporated into this motion, to be included in the minutes and the board order.”

SITE SELECTION ANALYSIS

Southern Towers proposes to install a new wireless telecommunications facility, including a new tower structure, which would include associated antennas, equipment platform and related appurtenances off U.S. Hwy 158 W, in the City of Reidsville, Rockingham County, North Carolina. The property, which is located in Residential-Agriculture (RA) Zoning District, is currently a 73.39 deeded acre lot in Rockingham County, North Carolina. The property is owned by **Jerry Wayne Barker and** consists of an open field with forested lands surrounding all directions of the parcel. Our subject site is located within the open pasture close to the western portion of the property.

1. NEED FOR FACILITY

(a) Problem

The process of identifying a technologically appropriate location, as well as the need for this communications facility are as provided in the **RF SEARCH RING JUSTIFICATION**. As indicated in that report, when a carrier's Radio Frequency Engineer identifies coverage gaps in the system or sites that have or will reach data capacity exhaustion, they issue a "search area." A search area is a geographical area located within the inadequately serviced area, and it is designed such that if a wireless telecommunications facility is located within the search area, and at an appropriate height, it will likely provide the required coverage. For the most part, locations outside of the search area will fail to provide adequate service to the cell. Due to technological constraints, there is limited flexibility as to where a new facility can be located, and still function properly. The goal of the search area is to define the permissible location for placement of a cell site that will provide adequate service in the subject cell, and also work properly as part of the overall network.

(b) Solution

A search area was developed based on the problems identified in the **RF SEARCH RING JUSTIFICATION** and is attached herein as **Attachment 1**. This is the geographical area within which a new wireless telecommunications facility is likely to provide the required coverage (at an appropriate height). In this case, the search area parameter is focused around U.S. Hwy 158W targeting the gap in coverage to users on U.S. Hwy 158W and Hwy 29. The need for a 310' tower is demonstrated in the propagation maps included with the zoning application material. This report displays coverage before and after construction of this tower. Again, for the most part, locations outside of the search area will fail to provide adequate service to the cell while locations within are likely, but not guaranteed, to do so.

2. SEARCH RING ANALYSIS

(a) Geography & Topography

The Chapmon Trail Cell is located in a relatively rural area with rolling terrain. The highest terrain is located slightly north northeast of U.S. Hwy 158 W. RF identified a preferred centerline of 300'.



(b) Land Use

The Search Area is made up of RA – Residential-Agricultural and RP – Residential-Protected. **Attachment 2** is an overlay of the Search Ring and the tax map on an aerial photograph of the area.

3. ZONING CONSIDERATIONS

Per **Rockingham County Unified Development Ordinance Section 62.88.02 Section III.A – Location of wireless telecommunications facilities**, the following criteria are considered in proposing a wireless telecommunications facility:

1) On existing towers or other structures meeting the criteria for Administrative Approval

Site Acquisition Comment: Carriers routinely seek to install its antennas and equipment on existing communications towers or other tall structures (“collocation”), whenever feasible. In this search area there are no feasible tall structures suitable for collocation nor any existing collocation opportunities with existing wireless telecommunications within or near the RF search area.

In accordance with **Section 62.88.02.D.5(b)**, four (4) towers within four (4) miles of the proposed location were identified. **Attachment 3** plots the location of the four (4) towers in relationship to the proposed location.

ASR #	Tower Height	Owner	Distance from Proposed Location	Comments
1314472	250'	VB BTS, LLC	2.5 miles southeast	Verizon existing on tower
1003396	310'	US Cellular Corporation	2.5 miles southeast	Tower close to ASR 1314472
1008254	246'	Beasley Family Towers, Inc.	3.9 miles east	Verizon not existing on tower; too far to meet RF's objective
1238310	250'	Global Signal Acquisitions LLC	2.3 miles north	Verizon existing on tower

Verizon exists on two (2) of the towers, and the remaining two (2) towers were eliminated due to not supporting RFs objective for this ring.



2) On County-owned properties

Site Acquisition Comment: There are no county-owned properties in this search area.

3) On properties in areas zoned for Light or Heavy Industrial Use (Zoned HI and LI);

Site Acquisition Comment: There are no HI or LI zoned properties within or near the RF search area.

4) On properties in areas zoned for Commercial Use (Zoned HC or OI)

Site Acquisition Comment: There are no HC or OI zoned properties within or near the RF search area.

5) On properties in areas zoned for Residential Agricultural use (Zoned RA)

Site Acquisition Comment: The RF search area consists of two zoning districts in Rockingham County – RP Residential Protected and RA Residential Agricultural zoning classifications. Both these districts are residential zoning districts. The Barker property defined as Candidate A below is within the RA District. The ground elevation at this location allows RF to accomplish defined coverage objectives without increasing the height of the tower. Due to these conditions this is the best location within the RF search area to accomplish coverage objectives, while striving to meet the hierarchy in priority per Rockingham County Code.

4. SEARCH RING ANALYSIS

After a comprehensive investigation of the Search Ring, no technologically feasible towers or tall structures were available for collocation.

5. CANDIDATE/ALTERNATIVES ANALYSIS

Seven (7) parcels were identified as being potential candidates for a new communications facility. These parcels are identified on **Attachment 4**. A summary of each of these properties located within the vicinity of Search Area is detailed below.

(a) Jerry Wayne Barker (Long PIN # 892604904880) Primary Candidate

This parcel, adjacent to US Highway 158 W, is in the City of Reidsville, NC. The parcel is 73.39 deeded acres and moderately wooded with cleared open space. It is currently used for agricultural with single-family residential dwelling lot. This property is located northwest of the ring center. The property's ground elevation ranges from approximately 630' to 715'. It is in the RA Residential Agricultural Zoning District. The proposed location of the tower on this property meets the Zoning setback standards of 110% of the Wireless Support Structure tower height from adjoining property lines and rights-of-way. This option was approved and selected as the primary candidate by the carrier's RF engineer.

(b) Montrose Withrow (Long PIN # 893501056496)

This parcel, located at 364 Chapmon Road in the City of Reidsville, NC. The parcel is 38.34 deeded acres in size and heavily wooded with wetlands and a single-family residential dwelling lot. This property is located south of the search ring center. It is in the RA Residential Agricultural Zoning District. Additionally, the property's ground elevation ranges from approximately 560' to 655', 60' lower in ground elevation than Candidate A. The lower ground elevation at this property would increase the need for additional tower height.

(c) Benny L Phipps (Long PIN # 893501340529 and 893501273338)

This property owner owns two parcels on Kimbro Road in the City of Reidsville, NC. These parcels are southeast of the ring center and collectively they total 109.36 deeded acres. They are in the RA Residential Agricultural Zoning District. The owner did not respond to attempts to establish interest.

(d) Judith Kimbro (Long PIN # 893501366521)

This parcel is located at 399 Kimbro Road, in the City of Reidsville, NC, is 80.1 deeded acres in size, mostly wooded and currently used for residential uses. This property is located southeast of the search ring center within the RA Residential Agricultural Zoning District. The owner did not respond to attempts to establish interest.

(e) Oscar Nathan McCollum (Long PIN # 892500785423)

This parcel is located at 2261 US Highway 158, in the City of Reidsville, NC, is 149 deeded acres in size, mostly wooded with wetlands and is currently used for agricultural and residential uses. This property is located southwest of the search ring center within the RA Residential Agricultural Zoning District. This property owner was not interested.

(f) Marvin Thomas Trent L/E (Long PIN # 893501063769)

This parcel is located at 180 Chapmon Road in the City of Reidsville, NC, is 54.88 deeded acres in size, partially wooded and is currently used for agricultural and residential uses. This property is located southwest of the search ring center within the RA Residential Agricultural Zoning District. This property owner was not interested.

(g) Jay Alan Gobolos (Long PIN # 893603017082)

This parcel, located on US Highway 158, in the City of Reidsville, NC, is 34.63 deeded acres in size, mostly clear and currently used for agricultural uses. This property is north of the search ring center within the RA Residential Agricultural Zoning District. The property owner was not interested.

Other properties within or near the search area are not feasible to meet RF's desired coverage objectives due to the long and narrow lot size, or infeasibility due to existing wetlands, landlocked or not meeting setbacks.



5. CONCLUSION

Based on the requirements of the Zoning Law, the existing conditions and land use, seven (7) parcels or locations were identified for consideration. For these reasons, as well as the results of RF review and analysis, the Jerry Wayne Barker location is the best location for the proposed facility.

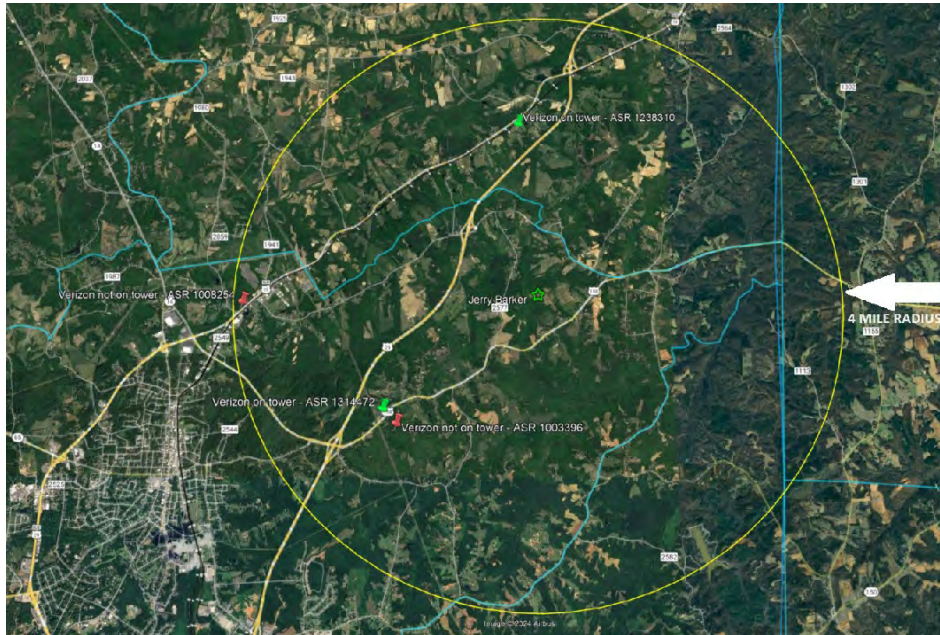
Prepared by:

Tami Lewallen

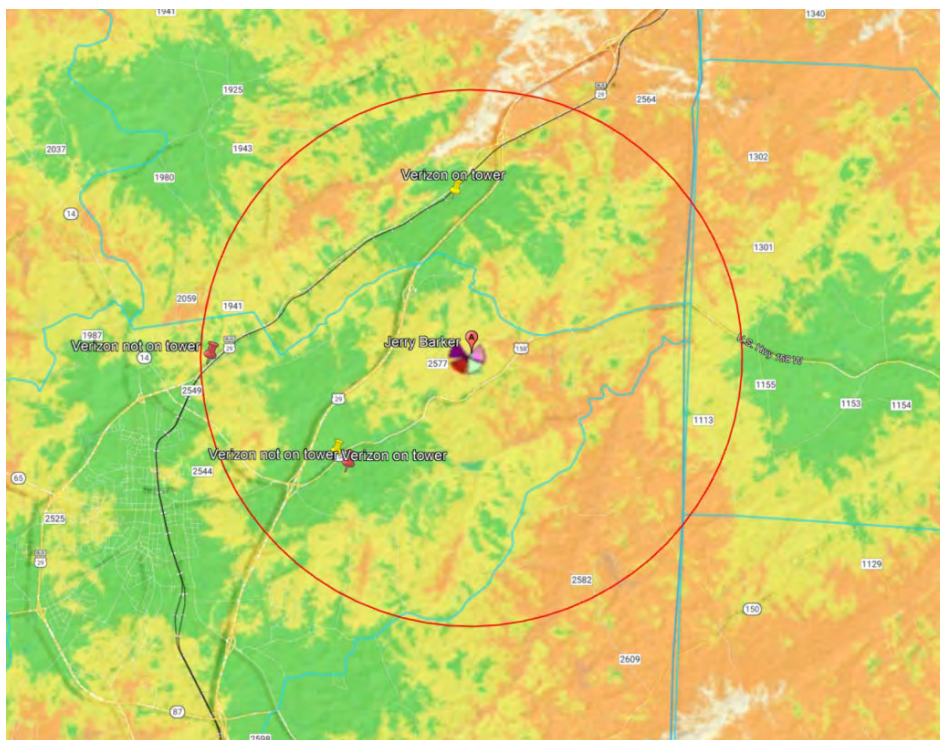
Tami Lewallen
Airosmith Development / Agent for Southern Towers BTS, L.P.

ATTACHMENT 3

INVENTORY OF EXISTING TOWERS WITHIN FOUR (4) MILES



INVENTORY OF EXISTING TOWERS OVERLAYED ON PROPAGATION MAP (PRE RESULTS)



NOTES:

1. THE BASIS OF THE BEARINGS AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM NORTH ZONE NORTH AMERICAN DATUM (NAD 83/2011). BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON JULY 12, 2023 BY TOWER ENGINEERING PROFESSIONALS, INC.
2. VERTICAL INFORMATION SHOWN, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF NAVD 1988 IN FEET.
3. ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
4. CONTOURS SHOWN ARE IN 5' INCREMENTS.
5. THE TOWER IS LOCATED IN ZONE "X," AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD, ACCORDING TO FEMA COMMUNITY PANEL #3710892600J, DATED 07/03/2007.
6. PROPOSED TREE CLEARING SHALL ONLY BE PERMITTED OUTSIDE OF THE SUMMER ROOSTING PERIOD FOR PROTECTED BAT SPECIES. CONTRACTOR TO ENSURE THAT ANY/ALL CLEARING REQUIRED ON SITE SHALL NOT BE COMPLETED BETWEEN APRIL 1 THROUGH SEPTEMBER 30. PLEASE CONTACT TEP FOR FURTHER GUIDANCE.
7. PROPOSED TOWER SHALL BE TOWER HEIGHT PLUS 10% FROM ANY ADJOINING PROPERTIES PER ROCKINGHAM COUNTY ORDINANCE.
8. EXISTING MATURE VEGETATION GROWTH TO BE USED IN LIEU OF A PROPOSED LANDSCAPING DESIGN PER 62.88.02.SECII.E.1 OF THE ROCKINGHAM COUNTY ORDINANCE.

PROPOSED SOUTHERN TOWERS BTS, LP 100'x100' LEASE AREA

PROPOSED 50'x50' CHAIN-LINK FENCED COMPOUND. SEE SHEET C-2 FOR DETAILS.

PROPOSED GUY WIRE (TYP OF 3)

PROPOSED 30' WIDE GUY WIRE ANCHOR EASEMENT (TYP OF 3)

PROPOSED 305' GUYED TOWER. SEE SHEET C-3 FOR ELEVATION.

1,081'±
214' GUY WIRE RADIUS

PROPOSED CLEARING LIMITS (TYP). SEE NOTE 6.

336' TOWER SETBACK RADIUS. SEE NOTE 7.

N/F
BRYANT LITTLE
PIN: 892604927018
DB 1620 PG 977

PROPOSED 12' WIDE GRAVEL ACCESS DRIVE. SEE SHEET C-12 FOR DETAILS.

PROPOSED 15" Ø, 32LF CLASS IV RCP CULVERT. SEE SHEET C-11B FOR DETAILS.

EXISTING CULVERT TO BE REMOVED

1,167'±

EXISTING TREE LINE (TYP). SEE NOTE 8.

EXISTING EDGE OF WATER

EXISTING ACCESS DRIVE TO BE UPGRADED AS NEEDED

PROPOSED 30' WIDE SOUTHERN TOWERS BTS, LP ACCESS AND UTILITY EASEMENT

EXISTING MOTORCROSS TRAIL 60' PRIVATE R/W PER PB 35 PG 5

EXISTING CATTLE GATE

EXISTING 16" CULVERT (TYP)

N/F
BARKER JERRY WAYNE
PARCEL #: 892604904880
PB 8 PG 84

N/F
JAY GOBOLOS
PIN: 893603017082
DB 1574 PG 222
PB 71 PG 46

N/F
WILLIAM HALL
PIN: 8935011916580R
DB 1141 PG 149

N/F
LENA KING
PIN: 892500991871
DB 1509 PG 1764
PB 77 PG 32

N/F
HOPPER DARRELL C
PIN: 893501095463
DB 0943 PG 1219
PB 35 PG 05

N/F
FRANK GALLOWAY ESTATE
PIN: 893501191224
DB 7E PG 152

US HWY 158
(60' PUBLIC R/W)



PLANS PREPARED FOR:
Southern Towers BTS
250 SIGNAL MOUNTAIN ROAD, SUITE B
CHATTANOOGA, TN 37405
(423) 531-6300

PROJECT INFORMATION:
SITE NAME:
CHAPMON TRAIL
SITE #: NC-025
MOTORCROSS TRAIL
RUFFIN, NC 27320
(ROCKINGHAM COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
326 TRYON ROAD
RALEIGH, NC 27603
OFFICE: (919) 661-6351
www.tepgroup.net
N.C. LICENSE # P-1403

SEAL:

February 27, 2024

4	02-27-24	CONSTRUCTION
3	01-29-24	CONSTRUCTION
2	12-08-23	CONSTRUCTION
1	11-16-23	PRELIMINARY
REV	DATE	ISSUED FOR:

DRAWN BY: THD CHECKED BY: THD

SHEET TITLE:
SITE PLAN

SHEET NUMBER: **C-1** REVISION: **4**
TEP #: 332031

LEGEND

	EXIST. PROPERTY LINE
	EXIST. UTILITY POLE
	EXIST. TELCO PEDESTAL
	EXIST. WELL
	PROPERTY CORNER
	EXIST. CONTOUR LINE
	EDGE OF PAVEMENT
	OVERHEAD WIRE
	RIGHT-OF-WAY
	CHAIN LINK FENCE
	EXISTING TREE LINE

SITE PLAN
SCALE: 1" = 300'



ROCKINGHAM COUNTY, NC

TECHNICAL REVIEW

**PROPOSED NEW
305' WIRELESS TELECOMMUNICATIONS FACILITY**

Special Use Permit

**By
Southern Towers BTS**

**130 & 156 Motorcross Trail
Reidsville, NC 27320**

Site: Chapmon Trail

**Submitted by:
ATLANTIC TECHNOLOGY CONSULTANTS, INC.**

ATC PROJECT #: 1117-180

March 18, 2024

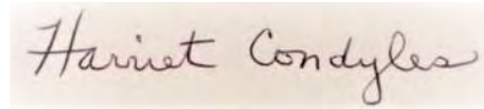


EXECUTIVE SUMMARY

Southern Towers BTS has made application to the County for the issuance of a Special Use Permit to allow construction of a new telecommunications guyed tower located at 130 & 156 Motorcross Trail, Reidsville, NC 27320. The property on which the tower is proposed to be built is owned by Jerry Wayne Barker.

This report outlines the specific areas of evaluation with respect to this proposal and this consultant's recommendation regarding the site plans as presented.

The application meets the County regulations regarding the construction of telecommunications support structures, represents a sound design, and should therefore be granted approval by way of issuance of the requested Special Use Permit.

A handwritten signature in cursive script that reads "Harriet Condyles". The signature is written in dark ink on a light-colored, slightly textured background.

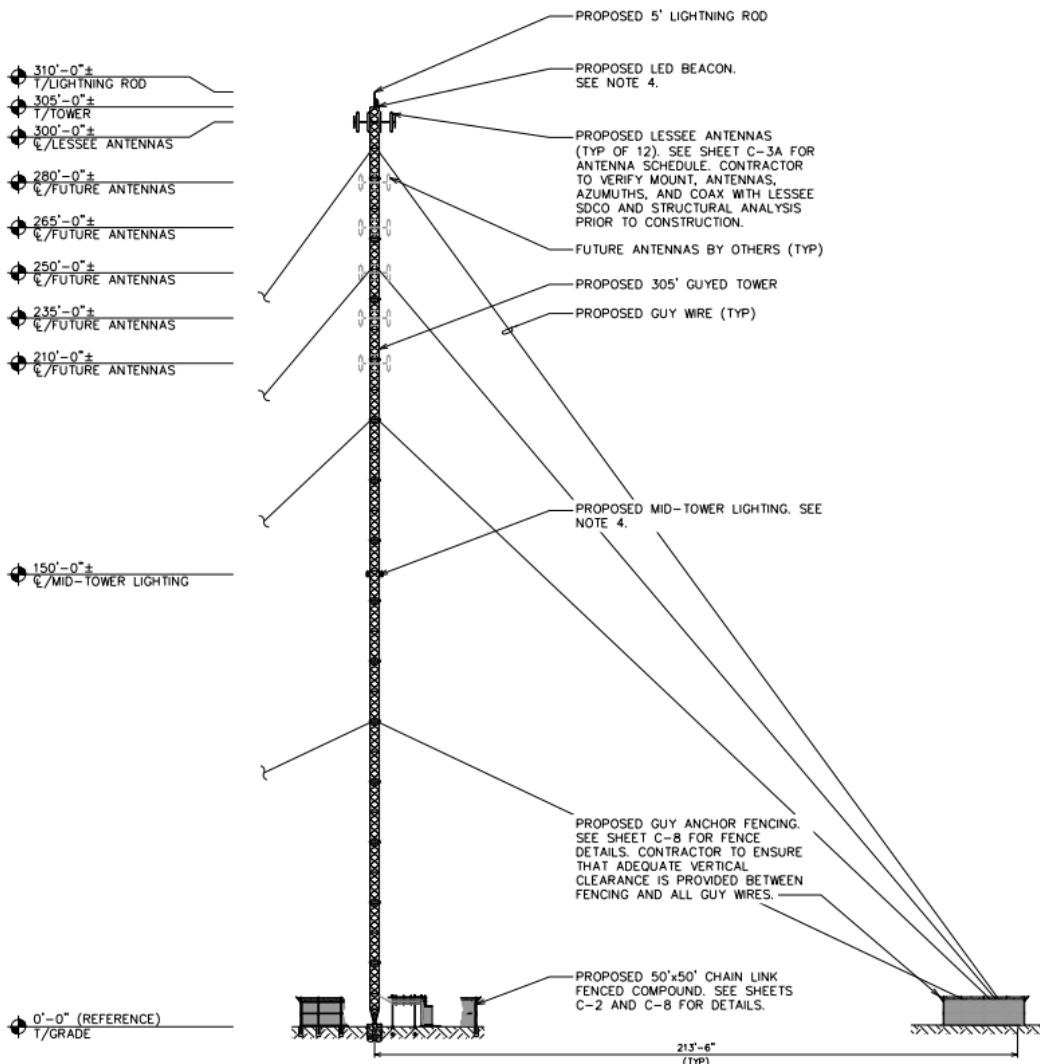
Harriet R. Condyles
Vice President and CEO
Atlantic Technology Consultants, Inc.

1.0 TECHNICAL

1.1 Siting

The proposed tower site is on a parcel owned by Jerry Wayne Barker. The tax PIN is 892604904880, the parcel number is 178048, and the site is zoned Residential. The exact location is Latitude 36-23-18.02 N and Longitude 079-34-51.11 W with a Ground Elevation of 658 feet.

The tower is proposed to be a 305' AGL guyed tower (with a 5' lightning rod for a total of 310') with antennas, cables, an equipment cabinet, and various utility cabinets and pedestals.



The site plans were signed by Mark Quakenbush, PE of Tower Engineering Professionals on January 27, 2024. The proposed tower is required to be the tower height plus 10% from any adjoining properties per the Rockingham County ordinance. The tower will be approximately 462-ft from the nearest property line which meets the County ordinance.

1.2 Structural

The proposed 305' guyed tower design is of high strength steel, and represents a highly stable structural design not known by this consultant to have failed at any installation in this region. This structure, as proposed, is well within compliance of EIA/TIA-222-G guidelines (the accepted industry standard) for structures mandated to withstand the structural loading of all appurtenances, plus additional wind and ice loading.

Furthermore, in conformance with County ordinance, work at this site will remain in compliance with ALL federal, state, and local building codes and regulations if work proceeds as outlined in the application.

1.3 RF Exposure

FCC bulletin OET-65 provides guidance for a licensee proposing to construct a telecommunications support structure in calculation of RF exposure limitations, including analysis of the cumulative effect of all transmitters on the structure. Appropriate steps, including warning signage at the site, must be taken to protect both the general public and site workers from unsafe RF exposure in accordance with federal guidelines.

The consultant sees no evidence of unsafe RF exposure levels being generated at this site if construction were to proceed as proposed.

RF site exposure warning signage placement is planned for this site.

1.4 Grounding

Grounding of all structures and equipment at an RF site is critically important to the safety of both personnel and equipment at the site. Even a single component not meeting this standard places all other site components at risk for substantial damage. All structures and equipment at the site should maintain a ground potential difference of less than 5 ohms.

If the construction is performed as proposed, sufficient grounding will be maintained at this site.

1.5 General Safety

As clearly indicated in the proposed site plans, this site compound will be surrounded by suitable security fencing. Additional safety measures to be placed at this site include RF exposure warning signage, site identification information, and routine and emergency contact information. The site plans include the installation of an OSHA-approved style of fall prevention cable.

1.6 Interference

An interference study, taking into account all proximally located transmitters and receivers known to be active in the area are advisable prior to any new tower construction.

The consultant sees no evidence of interference by or with this site after a general evaluation of the surrounding transmitter sites.

2.0 PROCEDUREAL

2.1 FAA Study:

An initial search was performed by this consultant via TOWAIR Determination under the ASR online system on the FCC website to determine if registration is a requirement.

The current TOWAIR Study by the Federal Aviation Administration indicated the tower requires registration.

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results	
This structure requires registration. The antenna structure is taller than 60.96 meters (200 feet) and does not meet the criteria for the 6.10-meter (20-foot) Rule exception.	
Your Specifications	
NAD83 Coordinates	
Latitude	36-23-18.0 north
Longitude	079-34-51.1 west
Measurements (Meters)	
Overall Structure Height (AGL)	94.5
Support Structure Height (AGL)	93
Site Elevation (AMSL)	200.6
Structure Type	
GTOWER - Guyed Structure Used for Communication Purposes	

2.2 FCC Antenna Site Registration

This site is required to have an antenna site registration.

2.3 Environmental Impacts

The National Environmental Policy Act of 1969 (NEPA), delineated in Title 47 of the Code of Federal Regulations, Part 1, Subpart I, sections 1.1301-1.1319, requires federal agencies to incorporate environmental considerations into their decision-making process when evaluating new construction proposals.

As a licensing agency, the Federal Communication Commission (FCC) requires all licensees to consider the potential environmental effects from their construction of antenna support structures, and to disclose those effects in an Environmental Assessment (EA) that must be filed with the FCC for review.

2.4 Historic Impacts

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that State Historic Preservation Offices (SHPO) and the President's Advisory

Council on Historic Preservation be given a reasonable opportunity to comment on all undertakings with the potential to affect historic properties. The licensee is required to submit to the SHPO a detailed description of the project, a listing of local historic resources, and a discussion of any measures being undertaken to mitigate impacts (if any) on historic resources. Upon receipt, the SHPO has thirty (30) days to review and respond to those submissions.

As a licensing agency, the Federal Communication Commission (FCC) requires all licensees to consider the potential environmental effects from their construction of antenna support structures, and to disclose those effects in an Historical Assessment (HA) that must be filed with the FCC for review.

3.0 RECOMMENDATIONS

This application represents an appreciable intent on the part of the Applicant to conform to all applicable federal, state, and local regulations, accepted industry practices, and specific County ordinances regarding construction of new telecommunications towers.

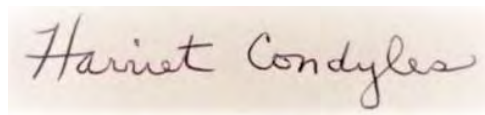
The design presented represents sound engineering.

It is therefore the recommendation of this consultant that the request for issuance of a Special Use Permit to allow construction of this site as proposed be issued.

In closing, this consultant remains available to address any comments or questions that may arise during review of this report.

Any interested party with such comments or questions may feel free to contact this firm, which remains committed to delivering independent, objective, unbiased, and thorough consulting services.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harriet Condyles". The signature is written in dark ink on a light-colored, slightly textured paper background.

Harriet R. Condyles
Vice President & CEO

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: PLANNING BOARD
CASE 2024-11: ZONING MAP AMENDMENT (REZONING)**



Request: A request for **Rezoning from Residential Agricultural (RA) to Neighborhood Commercial (NC)**
Applicant: Howards of Eden LLC
Identification: Tax PIN: 7061-14-44-7647
Location: 8871 NC Highway 14 – Leaksville Township

1. Acreage and Location of Parcel:

The current parcel measures (+/-) 13.18 total acres according to the Rockingham County Tax Map, located at 8871 NC Highway 14. The request is to rezone (+/-) 1.5 acres, adjacent to parcel occupied by a Dollar General location. The parcel is located at the intersection of NC Highways 14 and 87, northeast of Eden.

2. Utilities: This property will be served either by Dan River public water or an individual well and individual septic system facilities.

3. Zoning Classification and Uses of Surrounding Parcels:

This parcel directly abuts others that are zoned Highway Commercial (HC) and Residential Agricultural (RA). Nearby zoning includes Residential Mixed (RM) and Residential Protected (RP).

4. Land Use Plan:

- a. This parcel is located in the G-1 Land Class according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's low-density growth area. (p. 48)
- b. This parcel is also located adjacent to an identified G-1 Land Class Rural Crossroads intersection.
- c. *The Rockingham County Land Use Plan* suggests that areas in the G-1 Land Class should generally be zoned Residential Agricultural (RA), though other types of zoning may be appropriate based on local factors and the Rural Crossroads concept. (p. 48-51)

5. Previous Zoning History:

1988: This property or its parent parcel was zoned Residential Agricultural (RA).

2020: A (+/-) 2.0 acre parcel was subdivided from the original parent parcel and rezoned to Highway Commercial (HC).

6. Staff Notes and Analysis:

The following factors were considered by the staff before making a recommendation:

- a. ***The size of the tract in question. Reasonableness.*** The parcel to be rezoned measures (+/-) 13.18 acres, which may be considered atypically large for the zoning district. The applicant proposes to rezone (+/-) 1.5 acres of the total parcel. The property exceeds the minimum necessary size of 30,000 square feet in the Neighborhood Commercial (NC) zoning district. The size of the property is not uncommon in the area.
- b. ***The compatibility of the zoning action with the comprehensive plan. Consistency.*** A zoning change to Neighborhood Commercial (NC) is supported by *The Rockingham County Land Use Plan* and future land use map in the G-1 Land Class, particularly at an identified Rural Crossroads. This property is located adjacent to a Rural Crossroads intersection.

- c. ***The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness.*** This rezoning request will allow all uses in the Neighborhood Commercial (NC) zoning district. This may provide an opportunity for financial gain for the applicant/owner of the (+/-) 1.5 acres to be rezoned. Members of the area and community may gain access to one or more of the services allowed in the Neighborhood Commercial (NC) zoning district. Given the mix of commercial and residential zoning existing in the area, any potential for negative impacts should be minimal.
- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts. Reasonableness & Consistency.*** Two adjacent parcels allow highway commercial uses, which are sometimes more intense or impactful than neighborhood commercial uses. The mixed nature of zoning and allowed uses among adjacent and nearby properties lends reasonableness to the uses allowed in the Neighborhood Commercial (NC) zoning district, should this request be approved.

7. Staff Recommendation:

After reviewing the application, Staff concludes that the application is complete and that sufficient information has been provided for the Planning Board and Board of Commissioners to consider the request. Staff finds the requested zoning amendment to be consistent with the intents and descriptions of the G-1 Land Class as described in the *Rockingham County Comprehensive Land Use Plan* and future land use map. Additionally, staff finds that the uses allowed in the Neighborhood Commercial (NC) district will be appropriate and reasonable within the context of current zoning patterns and land uses among adjacent and nearby parcels in the area.

Therefore, staff recommends approval of Case 2024-11, a request for Rezoning from Residential Agricultural (RA) to Neighborhood Commercial (NC).



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Date of Application/Fee: March 25, 2024

Property Address: 8871 NC Hwy 14 - Eden

Parcel No / Tax Pins(s): 7061-14-44-7647

Current Zoning District: Residential Agricultural (RA)

Proposed Zoning District: Neighborhood Commercial (NC)

Acreage requested for rezoning: (+/-) 1.5 acres

Township: Leaksville

Owner(s): HOWARD'S OF EDEN LLC

Mailing Address: 216 Mulberry Rd Ridgeway VA 24148

Telephone: 276-340-8830 email: jerry@hollandandassociates.org

Applicant(s): HOWARD'S OF EDEN LLC

Mailing Address: SAME

Telephone: SAME email: SAME

[Signature]
 Applicant/Owner Signature

 Applicant/Owner Signature

[Signature]
 Staff Signature

PB Hearing Date: May 13, 2024

BOC Hearing Date: June 17, 2024



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Howard's of Eden LLC, owner (trustee, executor, etc.) of the property denoted by Rockingham County Tax PIN 7061-14-44-7647, request that a 1.5-acre portion of the property be granted a rezoning from Residential Agricultural (RA) to Neighborhood Commercial (NC). I understand that the rezoning is permanent and will run with the land. I feel this will serve my best interests.

Howard Tate
 Signature
216 Mulberry Rd Redsummit Vn
 Mailing Address 24148

 City, State, Zip

 Phone Number

3/25/2024
 Date

[Signature]
 Staff Signature

Notarial Certification

_____ County, North Carolina

I certify that _____ personally appeared before me this the _____ day of _____, _____, and acknowledged the due execution of the foregoing instrument.

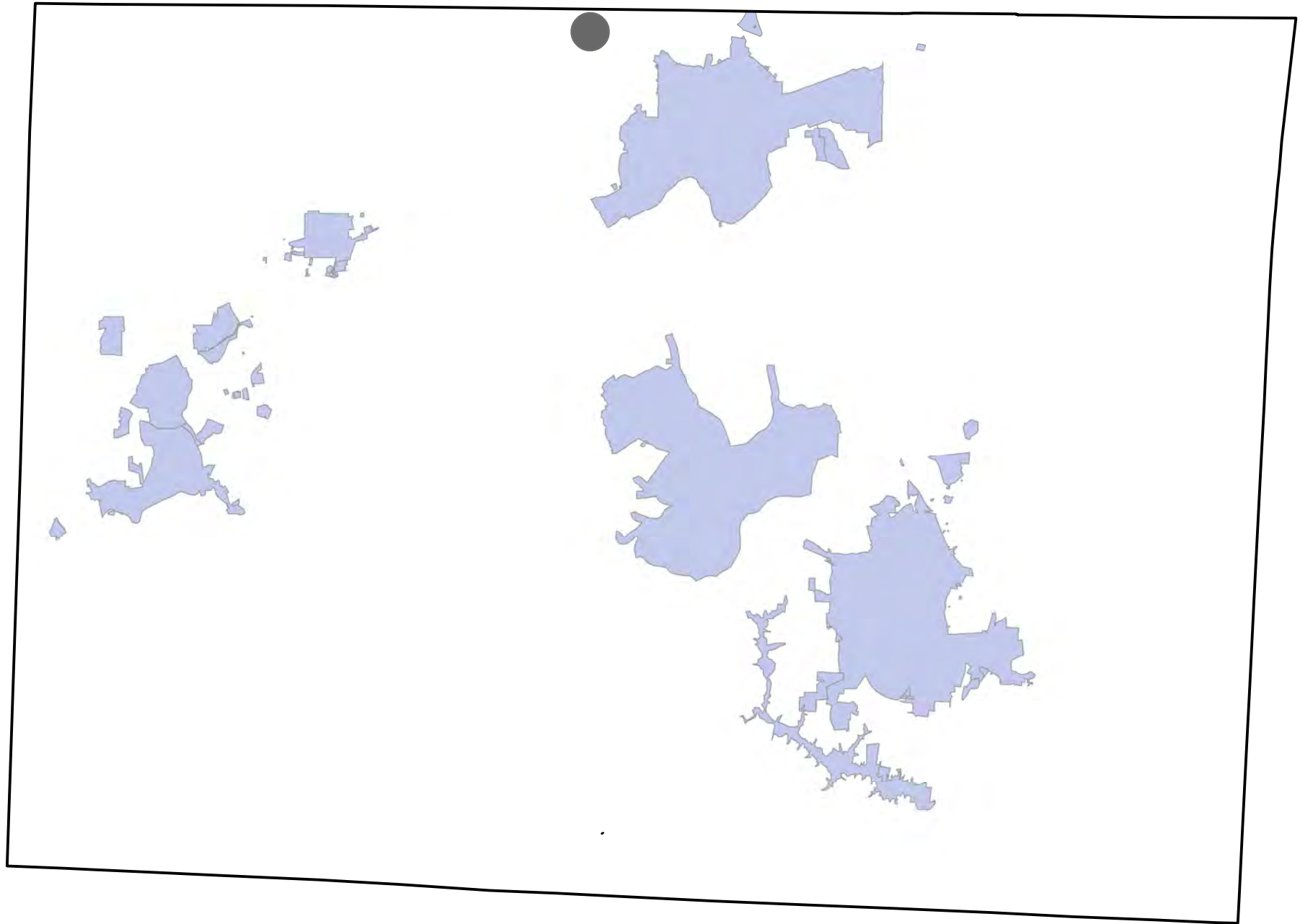
Notary Signature: _____

Notary Printed Name _____

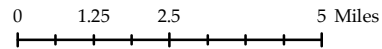
My Commission Expires: _____ (Seal)



2024-11 HOWARDS REZ VICINITY MAP

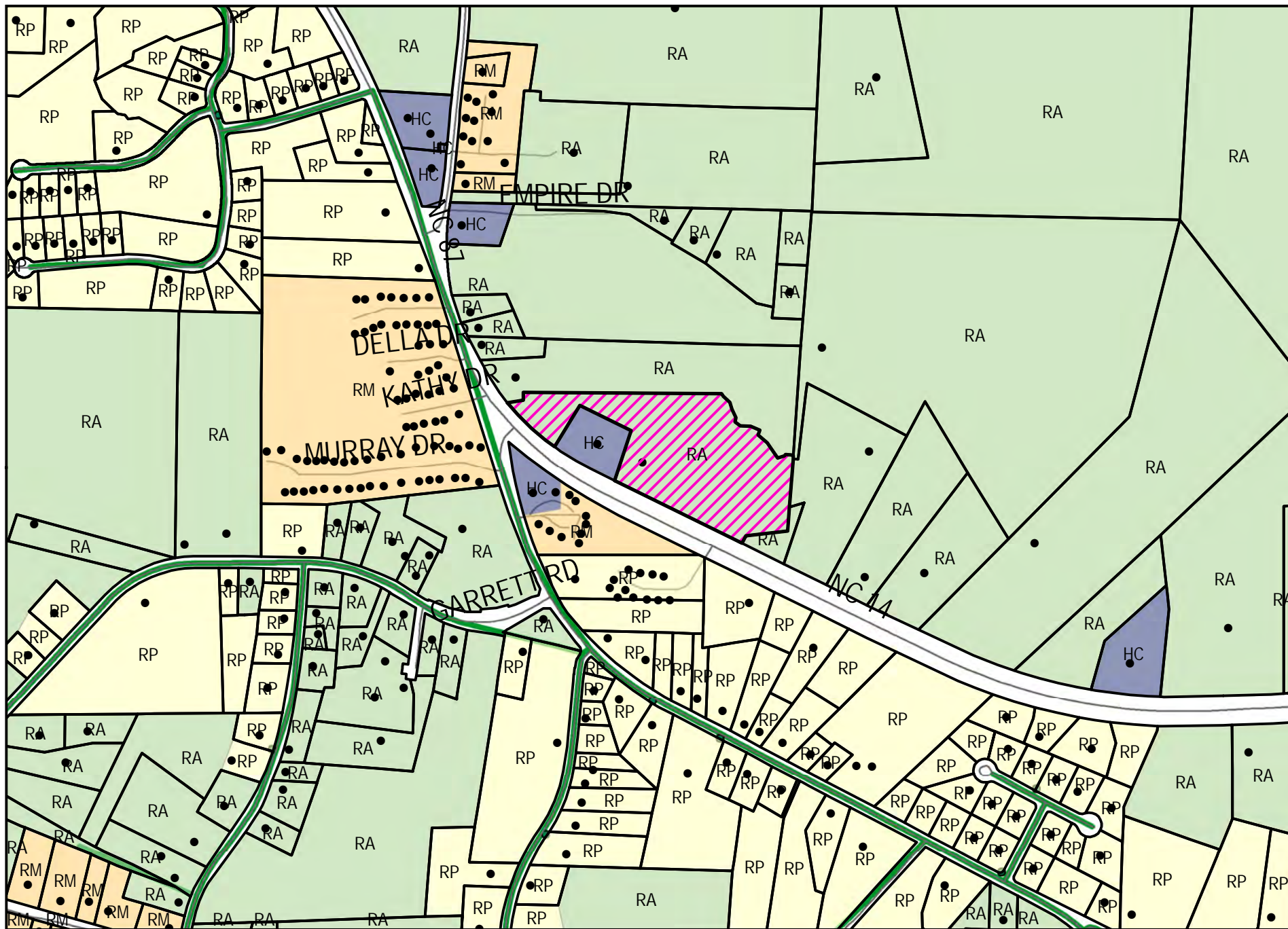


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

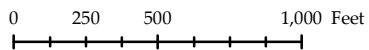




2024-11 HOWARDS REZ ZONING MAP

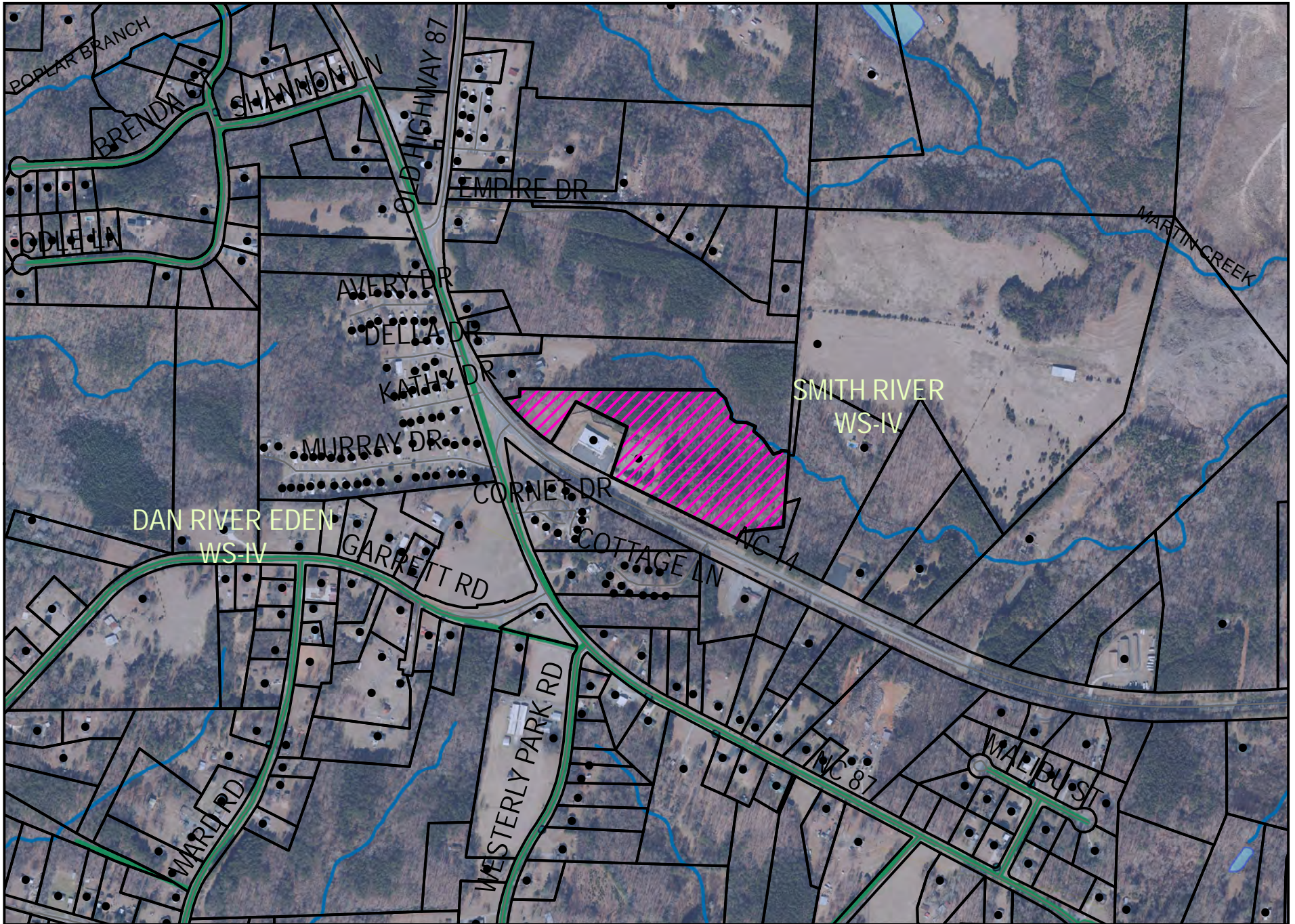


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

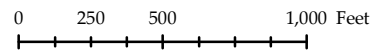




2024-11 HOWARDS REZ ENVIRONMENTAL MAP

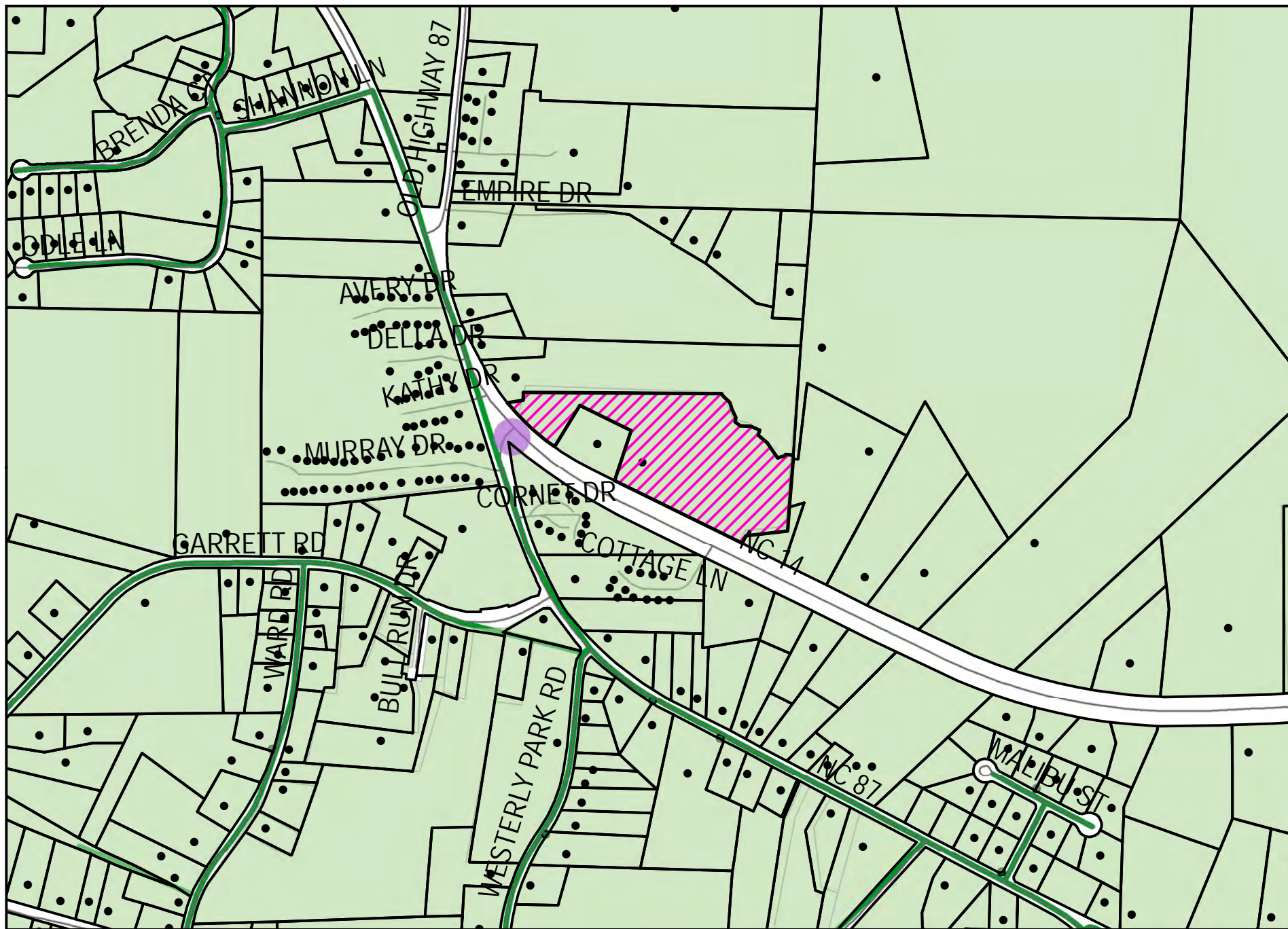


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

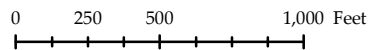




2024-11 HOWARDS REZ LAND USE MAP, G-1



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

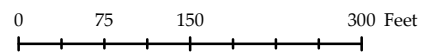




2024-11 HOWARDS REZ PARCEL MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY



USES IN THE RESIDENTIAL AGRICULTURAL ZONING DISTRICT (RA)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Agriculture related research and development
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, temporary, one-time use
- Club and lodges, private, non-profit
- Community centers, public or private non-profit, for assembly and recreation
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Farm supplies sales (feed, seed, fertilizer etc.)
- Golf Courses with or without ranges
- Library, Public
- Lumber yard
- Nursery and plant cultivation
- Places of worship and their customary uses, including childcare on premises
- Poultry Breeding Facility (dry litter)
- Pottery Crafting and Sales
- Produce/Roadside Stand
- Riding academy, commercial stables
- Short-term Rentals
- Sign, on premises
- Use of Open Land (see definitions)

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility – public stable
- Brewery, Winery, Distillery
- Campground / Recreational Vehicle Park
- Care Facility -- Hospice house/palliative
- Cemetery, human (public)
- Cemetery, pet (public)
- Cottage Business
- Dwelling, accessory unit
- Dwelling, Class AA manufactured home
- Dwelling, Class A manufactured home
- Dwelling, manufactured home (Class AA, A or B), temporary use – for Custodial Care
- Dwelling, manufactured housing on lot during construction of new dwelling
- Family care home
- Greenhouse, commercial
- Guest House
- Home Occupations
- Landfill, beneficial fill
- Manufactured home, temporary custodial care

- Manufactured home, temporary during residential construction
- Museum
- Outdoor Storage Area (Residential)
- Public utility, minor
- Recreational Vehicle, temporary stay during new home construction
- Rural Guest Establishment
- Rural Tourism Activities
- Sales Office/Model dwelling unit
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit
- Stand-Alone Storage Unit
- Turkey shoots (associated with non-profit organizations)
- Wireless Telecommunications Facilities, colocation

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Greenhouse, private

Temporary use:

- Sawmills, portable
- Temporary buildings, incidental to development
- Temporary Storage Unit

Uses requiring a special use permit:

- Airport/airstrip/runway/taxiway
- Animal Facility - Kennel (more than 8 domesticated animals)
- Bed & Breakfast Home
- Commercial Feeder Operation
- Conference/retreat/event/reception/banquet center
- Group Homes (more than 6 living as a family with manager on-site)
- Landfill, land-clearing and inert debris (LCID)
- Landfill, sanitary/ solid waste
- Mining of earth products (sand, soil, clay)
- Nursery/landscaping business, commercial
- Nursing and rest homes
- Paintball/Airsoft Facility (Outdoor)
- Public utility, major (including public water/sewer plants)
- Schools, academic/ business/trade
- Shooting Range/Shooting Range Complex (Indoor/Outdoor)
- Skeet, Trap, and Sporting Clay Ranges
- Solar energy facility
- Turkey shoots (for profit, year- round)
- Wireless Telecommunications Facilities, new

USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NC)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Amusements, indoor commercial (e.g. bowling alleys, skating rinks)
- Apparel and accessory sales
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, yards, permanent
- Auction sales, temporary, one-time use
- Automobile car-wash, drive through, requiring vehicle queueing
- Automobile parts sales
- Automobile sales, rentals
- Automobile service/repair stations
- Automobile, truck and trailer (hauling) rental
- Banks & Savings and Loans
- Barber and Beauty Service
- Bed & Breakfast Home
- Boats, Recreation Vehicles, Outdoor Storage (primary use, short-term)
- Bottling Plants
- Brewery, Winery, Distillery
- Bus Station
- Car Wash
- Club and lodges, private, non-profit
- Clubs and places of entertainment (commercial)
- Clinics, medical, dental
- Coin-operated laundry
- Community centers, public or private non-profit, for assembly and recreation
- Conference/retreat/event/reception/banquet center
- Convenience food stores with or without gas pumps
- Dry Cleaning or laundry (not coin-operated)
- Drive-through window services (banks, laundries, fast-food, etc.) where use is permitted in district
- Exterminating services
- Farmers markets (may include sale of locally made craft items)
- Fire, sheriff and emergency services
- Flea markets – indoor
- Florists
- Funeral home, crematorium
- Gift Shops
- Golf, Miniature
- Government Offices
- Greenhouse, private
- Grain and Grist Mills
- Grocery stores
- Hardware, Paint & Garden Supplies
- Health club, gym
- Home Furnishings & Appliance Sales
- Home health & home care agencies
- Hospital/medical facility
- Hotels & Motels
- Jewelry Store
- Laboratory, Medical & Dental
- Library, Public
- Locksmith, Gunsmith (not as home occupation)
- Movie theater, indoor
- Museum
- Nursery and plant cultivation
- Offices, professional private and public
- Office Supplies Sales
- Pet Shop
- Pharmacy and drug store
- Places of worship and their customary uses, including childcare on premises
- Post Office
- Pottery Crafting and Sales
- Printing and Reproduction
- Radio, media, television studio
- Retail shops not exceeding 3,000 square feet of gross floor area and whose primary sales are agriculture related items, antiques, artisan gallery or studio, locally made crafts, items related to rural tourism, outdoor recreation and sporting goods equipment
- Retail sales not listed elsewhere
- Repair, rental and service of products sold at retail in same district where use is permitted
- Restaurant
- Restaurant, excluding drive-in and fast food
- Rural family occupation of nonagricultural nature
- Service establishments including but not limited to barber and beauty shops, small item repair and rental
- Service stations
- Sign, on premises
- Social Services Centers
- Studios for artists, designers, musicians, photographers, sculptors (not as a home occupation)
- Tailor, sewing shop
- Taxi stand, including ride sharing
- Townhomes/condominiums, commercial
- Upholstering and furniture refinishing

USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NC)

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility - Kennel (more than 8 domesticated animals)
- Brewery, Winery, Distillery
- Cemetery, human (public)
- Cemetery, pet (public)
- Animal hospital/ veterinary clinic
- Assembly/theater facility—Outdoor or drive-in
- Care Facility, Day – child, adult
- Greenhouse, commercial
- Home Occupations
- Landfill, beneficial fill
- Mobile Food Vendor, Temporary
- Nursery/landscaping business, commercial
- Nursing and rest homes
- Outdoor Display Area (Non-residential)
- Outdoor Storage Area (Non-residential)
- Public utility, minor
- Sales Office/Model dwelling unit
- Schools, academic/ business/trade
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit

* Allow the use and operation of businesses licensed by the State, as defined and authorized by the State of North Carolina through license issued by a state agency, or other agency or commission designated by the State.

Uses requiring a special use permit:

- Group Homes (more than 6 living as a family with manager on-site)
- Public utility, major (including public water/sewer plants)
- State Licensed Uses*

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Automated bank teller/ ATM, portable concession stands, ice machines
- Live/work unit

Temporary use:

- Construction Trailer (Class AA, A or B), temporary use
- Temporary buildings, incidental to development
- Temporary Storage Unit



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

The Board has reviewed **Case 2024-11**, rezoning to **Neighborhood Commercial (NC)**. As required by NCGS § 160D, the Board makes the following findings:

1. The proposed action is found to be consistent with the adopted *Rockingham County Comprehensive Land Use Plan* because:
 - A. This parcel is located in the G-1 Land Class according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's low-density growth area. (p. 48)
 - B. This parcel is also located adjacent to an identified G-1 Land Class Rural Crossroads intersection.
 - C. *The Rockingham County Land Use Plan* suggests that areas in the G-1 Land Class should generally be zoned Residential Agricultural (RA), though other types of zoning may be appropriate based on local factors and the Rural Crossroads concept. (p. 48-51)

2. The proposed action is found to be reasonable because:
 - A. *The size of the tract in question. Reasonableness.* The parcel to be rezoned measures (+/-) 13.18 acres, which may be considered atypically large for the zoning district. The applicant proposes to rezone (+/-) 1.5 acres of the total parcel. The property exceeds the minimum necessary size of 30,000 square feet in the Neighborhood Commercial (NC) zoning district. The size of the property is not uncommon in the area.
 - B. *The compatibility of the zoning action with the comprehensive plan. Consistency.* A zoning change to Neighborhood Commercial (NC) is supported by The Rockingham County Land Use Plan and future land use map in the G-1 Land Class, particularly at an identified Rural Crossroads. This property is located adjacent to a Rural Crossroads intersection.
 - C. *The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness.* This rezoning request will allow all uses in the Neighborhood Commercial (NC) zoning district. This may provide an opportunity for financial gain for the applicant/owner of the (+/-) 1.5 acres to be rezoned. Members of the area and community may gain access to one or more of the services allowed in the Neighborhood Commercial (NC) zoning district. Given the mix of commercial and residential zoning existing in the area, any potential for negative impacts should be minimal.
 - D. *The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts. Reasonableness & Consistency.* Two adjacent parcels allow highway commercial uses, which are sometimes more intense or impactful than neighborhood commercial uses. The mixed nature of zoning and allowed uses among adjacent and nearby properties lends reasonableness to the uses allowed in the Neighborhood Commercial (NC) zoning district, should this request be approved.



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
DRAFT MOTION TO APPROVE/DENY**

APPROVE

“I motion to recommend **APPROVAL** of this request to rezone the specified parcel to the requested zoning district based upon the **CONSISTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

DENY

“I motion to recommend **DENIAL** of this request to rezone the specified parcels to the requested zoning district contrary to the **CONSISTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: PLANNING BOARD
CASE 2024-12: ZONING MAP AMENDMENT (REZONING)**



Request: A request for **Rezoning from Residential Agricultural (RA) to Neighborhood Commercial-Conditional District (NC-CD)**

Applicant: Jaime Wall

Identification: Tax PIN: 7921-02-75-4770

Location: 225 Farrar Store Rd – New Bethel Township

1. Acreage and Location of Parcel:

The current parcel measures (+/-) 4.42 total acres according to the Rockingham County Tax Map, located at 225 Farrar Store Rd, approximately 600 feet from the Interstate 73/US 220 right-of-way and approximately 3,000 feet north of the Guilford County line.

2. Utilities: Public county water services are available on Farrar Store Rd. This property is served either by public water or a private well and an individual septic system.

3. Zoning Classification and Uses of Surrounding Parcels:

This parcel directly abuts others that are zoned Residential Agricultural (RA) and Residential Protected (RP). Nearby zoning includes Residential Mixed (RM) and to the northwest, Light Industrial (LI).

4. Land Use Plan:

- a. This parcel is located in the US Highway 220 Corridor mile and G-3 Land Class according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's mixed use centers and corridors growth area. (p. 55)
- b. *The Rockingham County Land Use Plan* suggests that areas in the G-3 Land Class, particularly where water and sewer services are available, are suitable for a variety of "mixed commercial and higher density uses..." (p. 55)

5. Previous Zoning History:

1988: This property or its parent parcel was zoned Residential Agricultural (RA).

6. Staff Notes and Analysis:

The following factors were considered by the staff before making a recommendation:

- a. ***The size of the tract in question. Reasonableness.*** The parcel to be rezoned measures (+/-) 4.42 acres, which is typical of the area and exceeds the minimum necessary lot size of 20,000 square feet in the Neighborhood Commercial (NC) zoning district.
- b. ***The compatibility of the zoning action with the comprehensive plan. Consistency.*** A zoning change to Neighborhood Commercial-Conditional District (NC-CD) is supported by *The Rockingham County Land Use Plan* and future land use map in the G-3 Land Class.
- c. ***The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness.*** This rezoning request will allow selected uses in the Neighborhood Commercial (NC) zoning district. Currently the property is being used for a vehicle and equipment hauling and rental business. This may provide an opportunity for economic gain for owner(s). Members of the area and community have filed complaints with the Planning office regarding operation of the business and may be negatively impacted by factors that are intrinsic to neighborhood commercial uses, including the present use of the property.

- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present among adjacent tracts. Reasonableness & Consistency.*** The current use of the property is non-conforming. If approved, this rezoning would allow the current use and future uses of the property to become conforming. Property recombination will be necessary to create direct access to frontage on Farrar Store Rd. The uses among adjacent tracts are exclusively residential in nature. Allowing moderately impactful commercial uses here may not be suitable given the probability of incompatibility with current land uses in the area. Although the G-3 Land Class generally allows for a mix of residential, commercial, office and light industrial uses, this property is situated in a very particular way, couched among adjacent properties that are being and have historically been uses solely for residential purposes. Farrar Store Rd is essentially a local residential road, which may not be suitable for regular large vehicle traffic should that result from this rezoning. Additionally, the Neighborhood Commercial zoning district generally requires access to a minimum of 60 feet of frontage on a state-maintained road. The maximum amount of frontage that this parcel may gain from recombination is approximately 50 feet. To be approved, this difference in road frontage would need to be made a specific condition of the rezoning approval.

7. Staff Recommendation:

After reviewing the application, Staff concludes that the application is complete and that sufficient information has been provided for the Planning Board and Board of Commissioners to consider the request. Staff finds the requested zoning amendment to be consistent with the intents and descriptions of the G-3 Land Class as described in the *Rockingham County Comprehensive Land Use Plan* and future land use map. However, staff find that the current and selected future uses allowed in the Neighborhood Commercial-Conditional District (NC-CD) district may be inappropriate and unreasonable within the context of current zoning patterns and land uses among adjacent and nearby parcels in the area.

Therefore, staff recommends denial of Case 2024-13, a request for Rezoning from Residential Agricultural (RA) to Neighborhood Commercial-Conditional District (NC-CD).



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Date of Application/Fee: April 3, 2024
 Property Address: 225 Farrar Store Rd, Stokesdale
 Parcel No / Tax Pins(s): 7921-02-75-4770
 Current District : Residential Agricultural (RA)
Proposed District: Neighborhood Commercial-Conditional District (NC-CD)
 Acreage requested for rezoning: (+/-) 5.0 acres
 Township: New Bethel

Owner(s): Daniel T Wilson

Mailing Address: 243 Farrar Store Rd, Stokesdale

Telephone: 919 698 1893 email: jaime.wall@dtwtransportinc.com

Applicant(s if different): Jamie R Wall, Power of Attorney for Daniel T Wilson

Mailing Address: 243 Farrar Store Rd, Stokesdale

Telephone: (919) 698-1893 email: jaime.wall@dtwtransportinc.com

Jaime R. Wall
 Applicant/Owner Signature

Alynn Cochran
 Applicant/Owner Signature

Alynn Cochran
 Staff Signature

Notarial Certification

_____ County, North Carolina

I certify that _____ personally appeared before me this the
 ___ day of _____, _____,
 and acknowledged the due execution of the foregoing instrument.

Notary Signature: _____

Notary Printed Name _____

My Commission Expires: _____ (Seal)



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Jaime R. Wall, owner (trustee, executor, etc.) of the property

denoted by Rockingham County Tax PIN 7921-02-75-4770, request that the property be granted a

rezoning from Residential Agricultural (RA) to Neighborhood Commercial-Conditional District (NC-CD).

I agree with the conditions requested and understand that additional conditions may be applied by the governing body. Also, I understand that if granted, the rezoning is permanent and will run with the land.

I feel this will serve my best interests.

Jaime R. Wall

Signature

PO Box 512

Mailing Address

Stokesdale, NC 27357

City, State, Zip

919 698 1893

Phone Number

4/3/24

Date

[Signature]

Staff Signature

Notarial Certification

_____ County, North Carolina

I certify that _____ personally appeared before me this the
 ___ day of _____,

and acknowledged the due execution of the foregoing instrument.

Notary Signature: _____

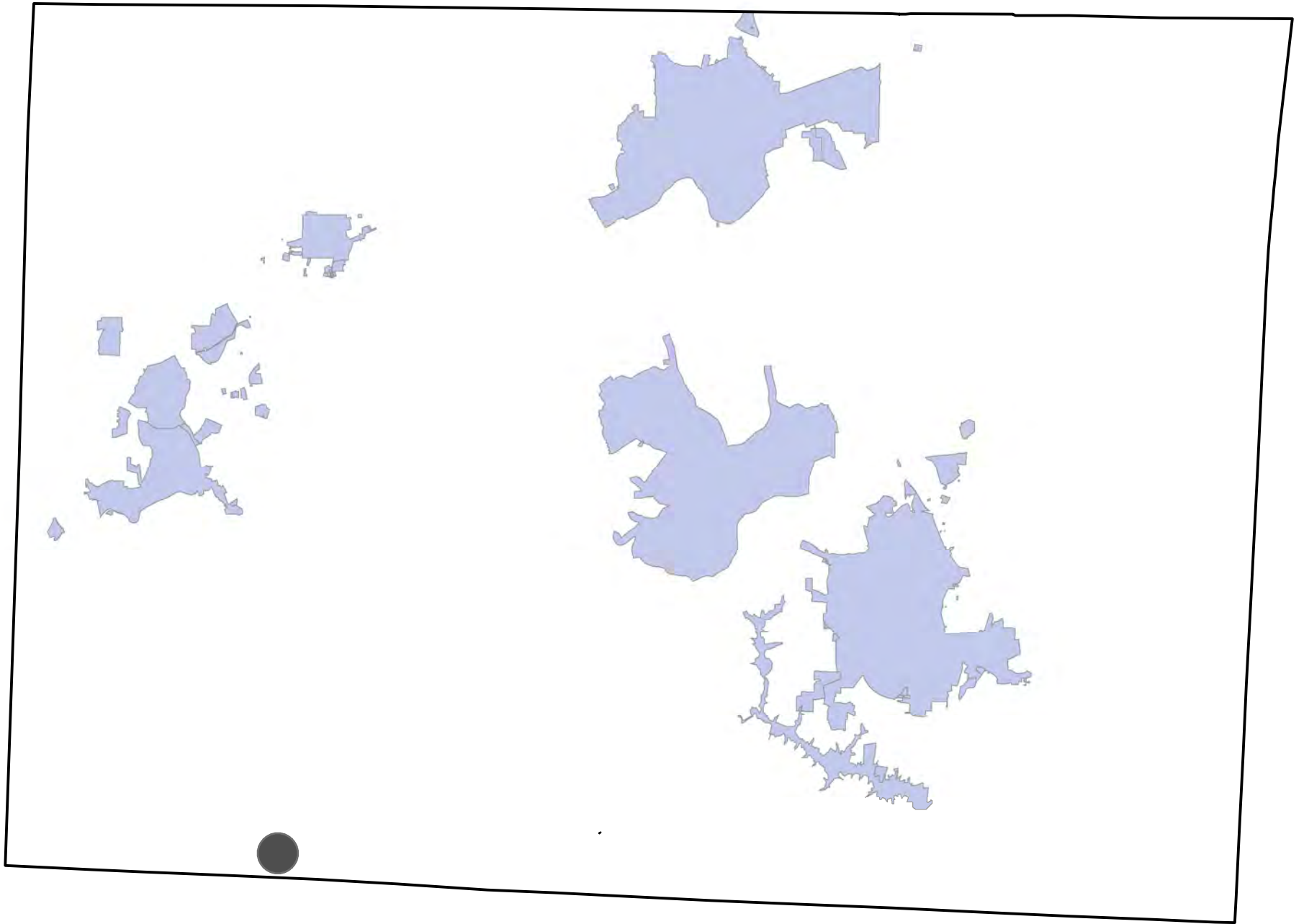
Notary Printed Name _____

My Commission Expires: _____

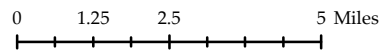
(Seal)



2024-12 WALL REZ VICINITY MAP

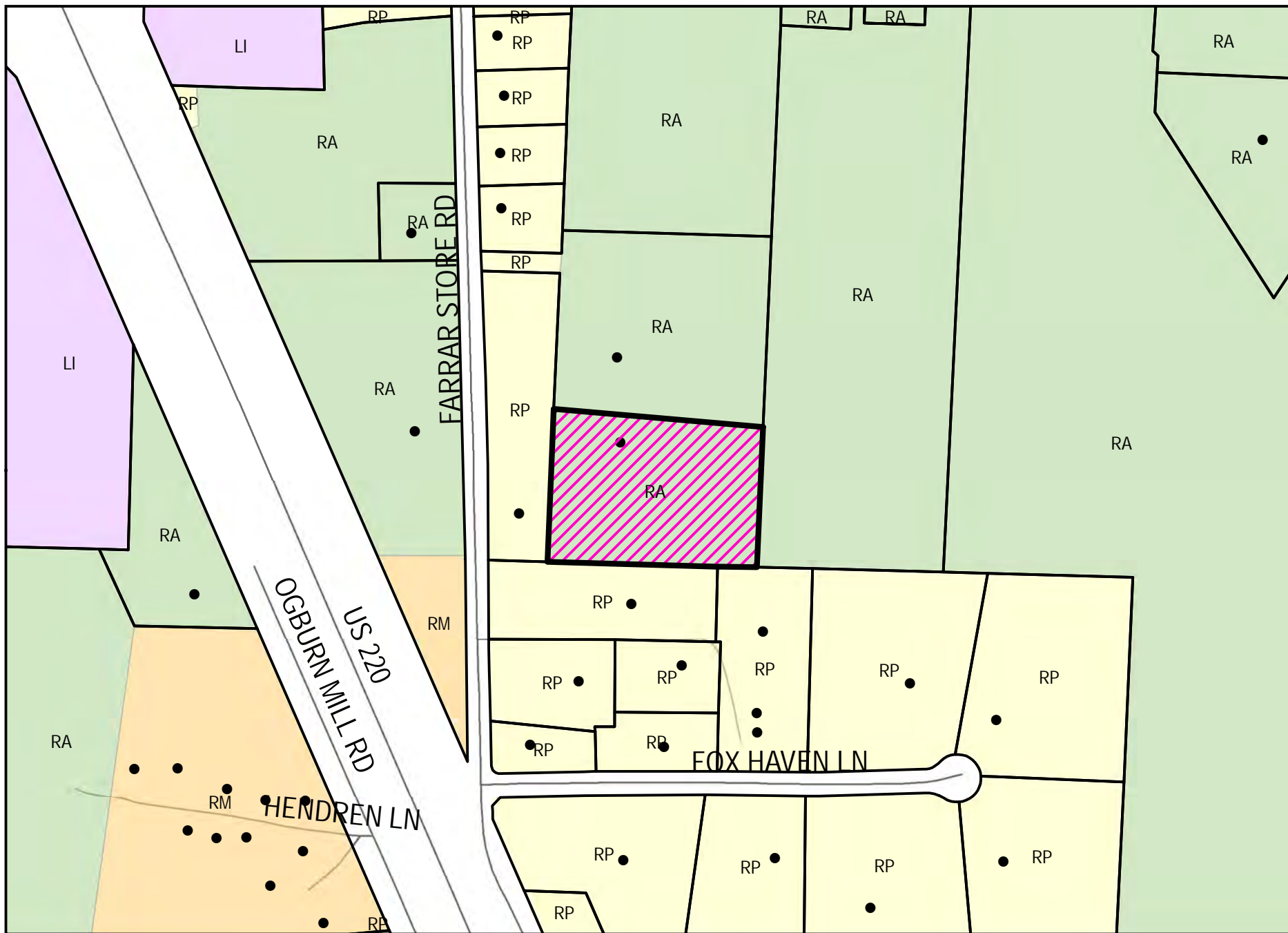


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

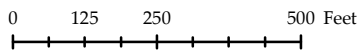




2024-12 WALL REZ ZONING MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

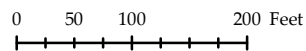




2024-12 WALL REZ ENVIRONMENTAL MAP

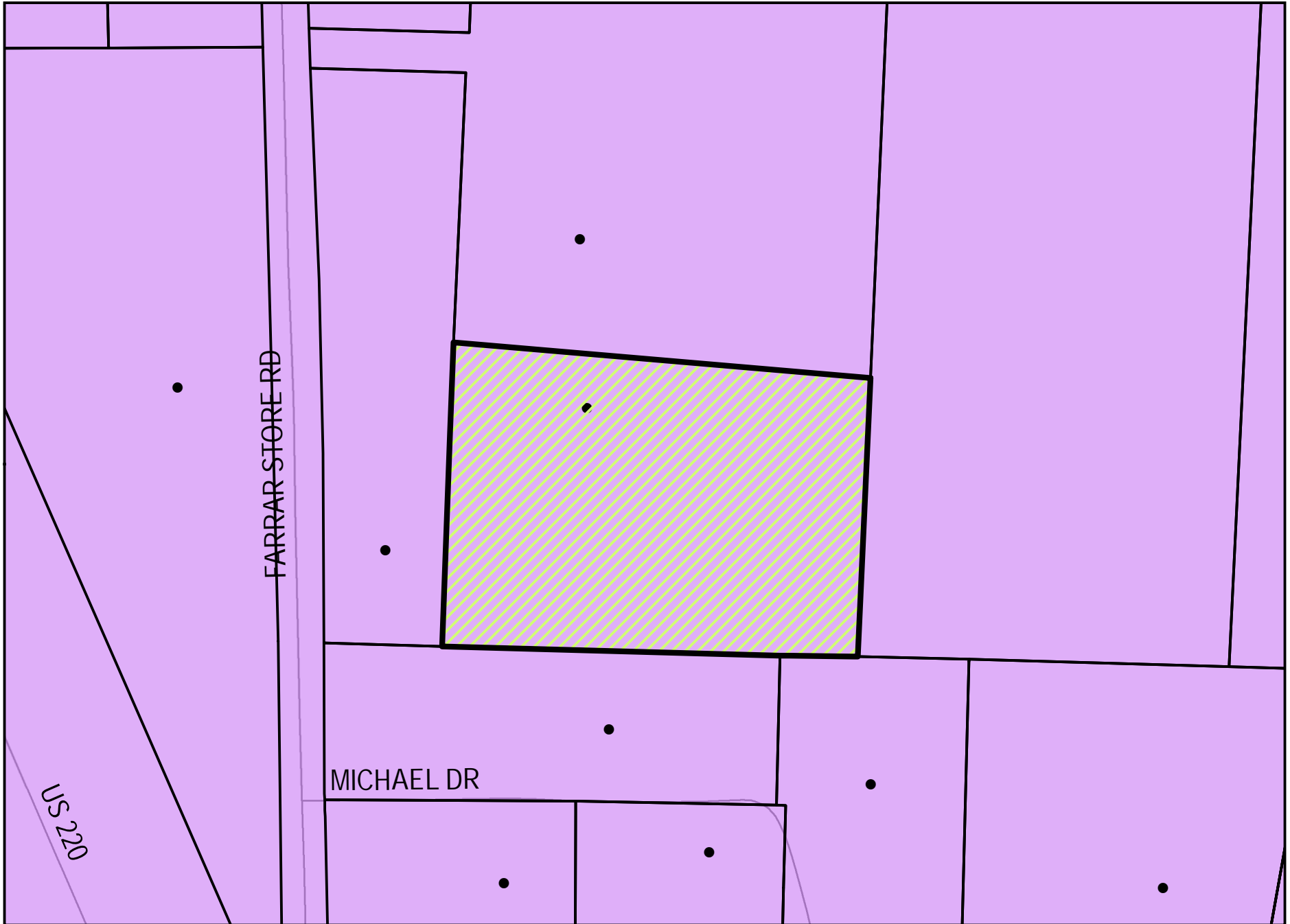


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

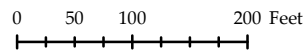




2024-12 WALL REZ LAND USE MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

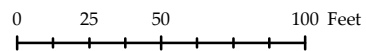


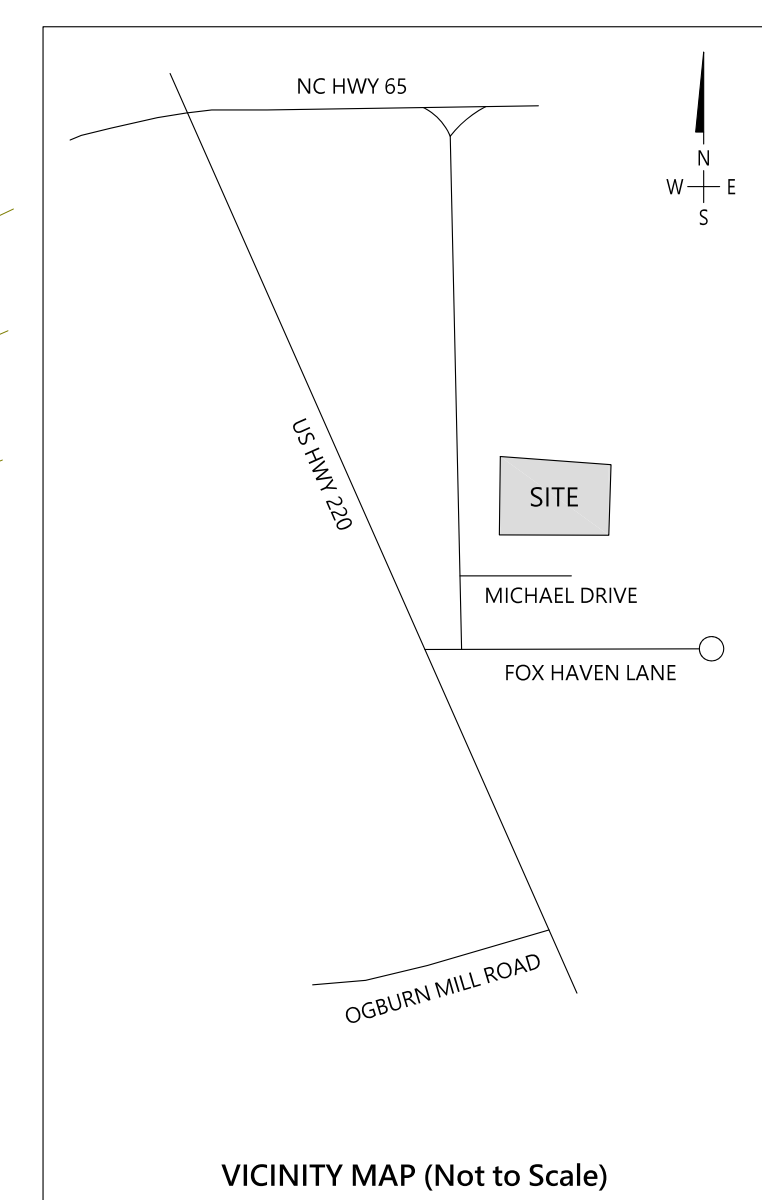
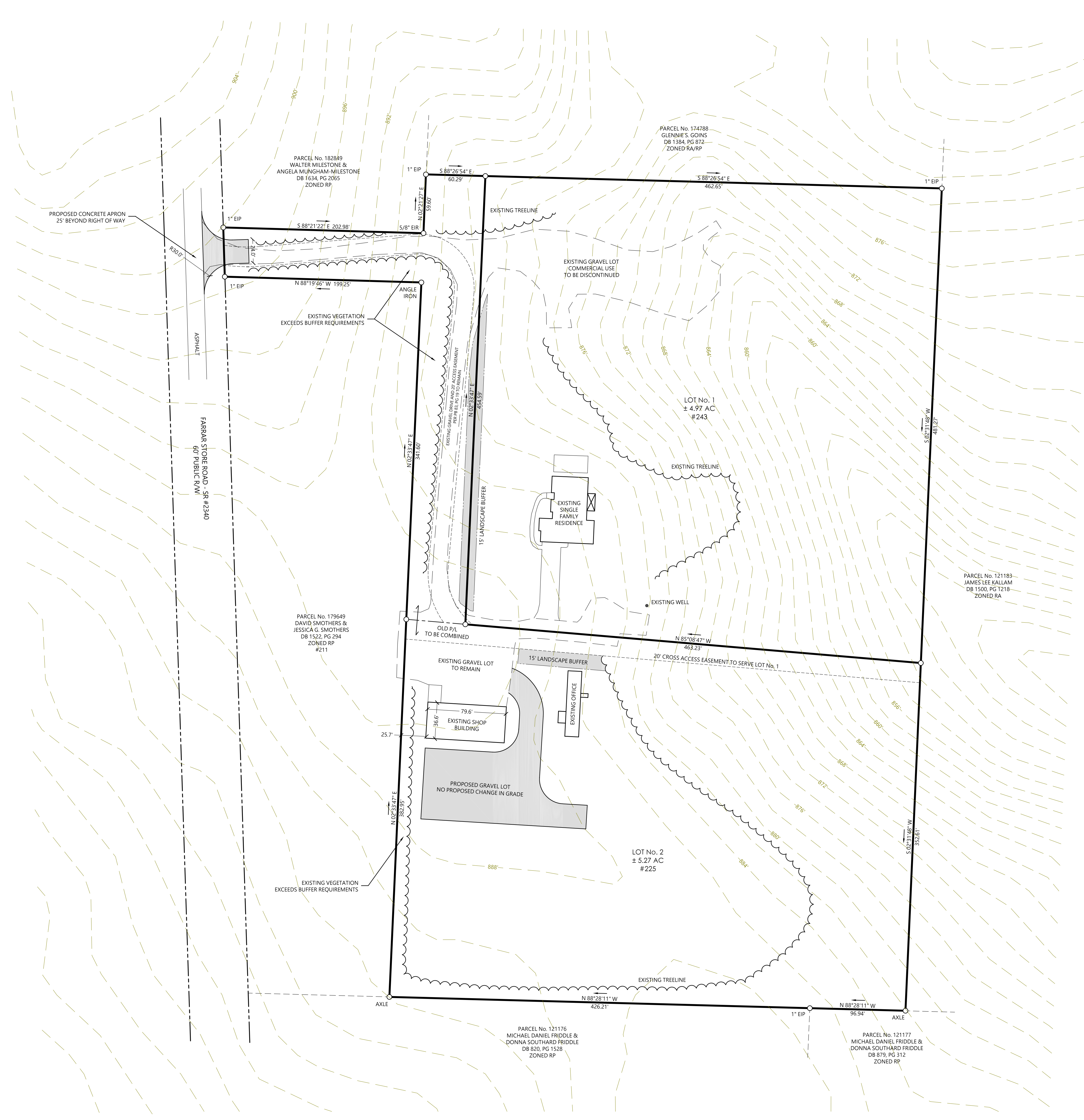


2024-12 WALL REZ PARCEL MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY





- GENERAL NOTES AND SYMBOL LEGEND**
- THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF WAY, WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION. THIS DOCUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - ALL BEARINGS & COORDINATES ARE BASED UPON DEED REFERENCE(S).
 - ALL DISTANCES ARE HORIZONTAL, GROUND IN US SURVEY FEET.
 - ALL PROPERTY CORNERS NOT OTHERWISE LABELED ARE NEW 5/8" IRON RODS.
- | | | | |
|------|--------------------|--------|------------------------------------------------------|
| BL | BUILDING LINE | OSSE | OFF SITE SEPTIC EASEMENT |
| CA | COMMON AREA | OHU | OVERHEAD UTILITIES |
| CL | CENTERLINE | PSSAME | PRIVATE SANITARY SEWER ACCESS & MAINTENANCE EASEMENT |
| DE | DRAINAGE EASEMENT | PT | POINT (NO MONUMENT) |
| EB | EXISTING IRON PIPE | SDE | SKIRT DISTANCE EASEMENT |
| ER | EXISTING IRON ROD | SPL | SPECIAL PURPOSE LOT |
| ESMT | EASEMENT | UP | UTILITY POLE |
| NR | NEW IRON ROD | | |
| R/W | RIGHT OF WAY | | |
-
- | | |
|-----|--------------------------|
| ○ | PROPERTY CORNER |
| ● | POINT (NO MONUMENT) |
| ○ | EASEMENT CORNER |
| --- | LINE NOT SURVEYED |
| --- | FENCE |
| ○ | OVERHEAD UTILITIES (OHU) |

LAND SOLUTIONS
SURVEYING · DESIGN · PLANNING

LAND SOLUTIONS OF NC, PLLC
POST OFFICE BOX 347
OAK RIDGE, NC 27151-0347
TELEPHONE: 336.605.0328
FIRM LICENSE NO. P-1190

DATE	REVISIONS
MAY 2024	RELEASED FOR REVIEW

WILLIAM F. GRECO, JR., P.L.S.
MAY 1, 2024
PRELIMINARY
NOT FOR SALES, CONVEYANCES OR RECORDATION

DTW TRANSPORT
Tax Parcel No. 181069
New Bethel Township, Rockingham County, North Carolina

Owner: Daniel Wilson & Jaime Wall

ZONING EXHIBIT & CONCEPTUAL SITE PLAN & EXEMPT PLAT

PROJECT No.	24400008
DRAWING No.	24400008
DRAWN By	WFG
SHEET NUMBER 1 of 1	

USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NC)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Amusements, indoor commercial (e.g. bowling alleys, skating rinks)
- Apparel and accessory sales
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, yards, permanent
- Auction sales, temporary, one-time use
- Automobile car-wash, drive through, requiring vehicle queueing
- Automobile parts sales
- Automobile sales, rentals
- Automobile service/repair stations
- Automobile, truck and trailer (hauling) rental
- Banks & Savings and Loans
- Barber and Beauty Service
- Bed & Breakfast Home
- Boats, Recreation Vehicles, Outdoor Storage (primary use, short-term)
- Bottling Plants
- Brewery, Winery, Distillery
- Bus Station
- Car Wash
- Club and lodges, private, non-profit
- Clubs and places of entertainment (commercial)
- Clinics, medical, dental
- Coin-operated laundry
- Community centers, public or private non-profit, for assembly and recreation
- Conference/retreat/event/reception/banquet center
- Convenience food stores with or without gas pumps
- Dry Cleaning or laundry (not coin-operated)
- Drive-through window services (banks, laundries, fast-food, etc.) where use is permitted in district
- Exterminating services
- Farmers markets (may include sale of locally made craft items)
- Fire, sheriff and emergency services
- Flea markets – indoor
- Florists
- Funeral home, crematorium
- Gift Shops
- Golf, Miniature
- Government Offices
- Greenhouse, private
- Grain and Grist Mills
- Grocery stores
- Hardware, Paint & Garden Supplies
- Health club, gym
- Home Furnishings & Appliance Sales
- Home health & home care agencies
- Hospital/medical facility
- Hotels & Motels
- Jewelry Store
- Laboratory, Medical & Dental
- Library, Public
- Locksmith, Gunsmith (not as home occupation)
- Movie theater, indoor
- Museum
- Nursery and plant cultivation
- Offices, professional private and public
- Office Supplies Sales
- Pet Shop
- Pharmacy and drug store
- Places of worship and their customary uses, including childcare on premises
- Post Office
- Pottery Crafting and Sales
- Printing and Reproduction
- Radio, media, television studio
- Retail shops not exceeding 3,000 square feet of gross floor area and whose primary sales are agriculture related items, antiques, artisan gallery or studio, locally made crafts, items related to rural tourism, outdoor recreation and sporting goods equipment
- Retail sales not listed elsewhere
- Repair, rental and service of products sold at retail in same district where use is permitted
- Restaurant
- Restaurant, excluding drive-in and fast food
- Rural family occupation of nonagricultural nature
- Service establishments including but not limited to barber and beauty shops, small item repair and rental
- Service stations
- Sign, on premises
- Social Services Centers
- Studios for artists, designers, musicians, photographers, sculptors (not as a home occupation)
- Tailor, sewing shop
- Taxi stand, including ride sharing
- Townhomes/condominiums, commercial
- Upholstering and furniture refinishing

USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NC)

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility - Kennel (more than 8 domesticated animals)
- Brewery, Winery, Distillery
- Cemetery, human (public)
- Cemetery, pet (public)
- Animal hospital/ veterinary clinic
- Assembly/theater facility—Outdoor or drive-in
- Care Facility, Day – child, adult
- Greenhouse, commercial
- Home Occupations
- Landfill, beneficial fill
- Mobile Food Vendor, Temporary
- Nursery/landscaping business, commercial
- Nursing and rest homes
- Outdoor Display Area (Non-residential)
- Outdoor Storage Area (Non-residential)
- Public utility, minor
- Sales Office/Model dwelling unit
- Schools, academic/ business/trade
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit

* Allow the use and operation of businesses licensed by the State, as defined and authorized by the State of North Carolina through license issued by a state agency, or other agency or commission designated by the State.

Uses requiring a special use permit:

- Group Homes (more than 6 living as a family with manager on-site)
- Public utility, major (including public water/sewer plants)
- State Licensed Uses*

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Automated bank teller/ ATM, portable concession stands, ice machines
- Live/work unit

Temporary use:

- Construction Trailer (Class AA, A or B), temporary use
- Temporary buildings, incidental to development
- Temporary Storage Unit

USES IN THE RESIDENTIAL AGRICULTURAL ZONING DISTRICT (RA)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Agriculture related research and development
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, temporary, one-time use
- Club and lodges, private, non-profit
- Community centers, public or private non-profit, for assembly and recreation
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Farm supplies sales (feed, seed, fertilizer etc.)
- Golf Courses with or without ranges
- Library, Public
- Lumber yard
- Nursery and plant cultivation
- Places of worship and their customary uses, including childcare on premises
- Poultry Breeding Facility (dry litter)
- Pottery Crafting and Sales
- Produce/Roadside Stand
- Riding academy, commercial stables
- Short-term Rentals
- Sign, on premises
- Use of Open Land (see definitions)

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility – public stable
- Brewery, Winery, Distillery
- Campground / Recreational Vehicle Park
- Care Facility -- Hospice house/palliative
- Cemetery, human (public)
- Cemetery, pet (public)
- Cottage Business
- Dwelling, accessory unit
- Dwelling, Class AA manufactured home
- Dwelling, Class A manufactured home
- Dwelling, manufactured home (Class AA, A or B), temporary use – for Custodial Care
- Dwelling, manufactured housing on lot during construction of new dwelling
- Family care home
- Greenhouse, commercial
- Guest House
- Home Occupations
- Landfill, beneficial fill
- Manufactured home, temporary custodial care

- Manufactured home, temporary during residential construction
- Museum
- Outdoor Storage Area (Residential)
- Public utility, minor
- Recreational Vehicle, temporary stay during new home construction
- Rural Guest Establishment
- Rural Tourism Activities
- Sales Office/Model dwelling unit
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit
- Stand-Alone Storage Unit
- Turkey shoots (associated with non-profit organizations)
- Wireless Telecommunications Facilities, colocation

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Greenhouse, private

Temporary use:

- Sawmills, portable
- Temporary buildings, incidental to development
- Temporary Storage Unit

Uses requiring a special use permit:

- Airport/airstrip/runway/taxiway
- Animal Facility - Kennel (more than 8 domesticated animals)
- Bed & Breakfast Home
- Commercial Feeder Operation
- Conference/retreat/event/reception/banquet center
- Group Homes (more than 6 living as a family with manager on-site)
- Landfill, land-clearing and inert debris (LCID)
- Landfill, sanitary/ solid waste
- Mining of earth products (sand, soil, clay)
- Nursery/landscaping business, commercial
- Nursing and rest homes
- Paintball/Airsoft Facility (Outdoor)
- Public utility, major (including public water/sewer plants)
- Schools, academic/ business/trade
- Shooting Range/Shooting Range Complex (Indoor/Outdoor)
- Skeet, Trap, and Sporting Clay Ranges
- Solar energy facility
- Turkey shoots (for profit, year- round)
- Wireless Telecommunications Facilities, new



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

The Board has reviewed **Case 2024-12**, rezoning to **Neighborhood Commercial-Conditional District (NC-CD)**. As required by NCGS § 160D, the Board makes the following findings:

1. The proposed action is found to be consistent with the adopted *Rockingham County Comprehensive Land Use Plan* because:
 - A. This parcel is located in the US Highway 220 Corridor mile and G-3 Land Class according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's mixed use centers and corridors growth area. (p. 55)
 - B. *The Rockingham County Land Use Plan* suggests that areas in the G-3 Land Class, particularly where water and sewer services are available, are suitable for a variety of "mixed commercial and higher density uses..." (p. 55)

2. The proposed action is not found to be reasonable because:
 - A. *The size of the tract in question. Reasonableness.* The parcel to be rezoned measures (+/-) 4.42 acres, which is typical of the area and exceeds the minimum necessary lot size of 30,000 square feet in the Neighborhood Commercial (NC) zoning district.
 - B. *The compatibility of the zoning action with the comprehensive plan. Consistency.* A zoning change to Neighborhood Commercial-Conditional District (NC-CD) is supported by The Rockingham County Land Use Plan and future land use map in the G-3 Land Class.
 - C. *The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness.* This rezoning request will allow selected uses in the Neighborhood Commercial (NC) zoning district. Currently the property is being used for a vehicle and equipment hauling and rental business. This may provide an opportunity for economic gain for owner. Members of the area and community have filed official complaints with the Planning office regarding operation of the business and may be negatively impacted by factors that are intrinsic to neighborhood commercial uses, including the present use of the property.
 - D. *The relationship between the uses envisioned under the rezoning and the uses currently present among adjacent tracts. Reasonableness & Consistency.* The current use of the property is non-conforming. If approved, this rezoning would allow the current use and future uses of the property to become conforming. Property recombination will be necessary to create direct access to frontage on Farrar Store Rd. The uses among adjacent tracts are exclusively residential in nature. Allowing moderately impactful commercial uses here may not be suitable given the probability of incompatibility with current land uses in the area.



Although the G-3 Land Class generally allows for a mix of residential, commercial, office and light industrial uses, this property is situated in a very particular way, couched among adjacent properties that are being and have historically been uses solely for residential purposes. Farrar Store Rd is essentially a local residential road, which may not be suitable for regular large vehicle traffic should that result from this rezoning. Additionally, the Neighborhood Commercial zoning district generally requires access to a minimum of 60 feet of frontage on a state-maintained road. The maximum amount of frontage that this parcel may gain from recombination is approximately 50 feet. To be approved, this difference in road frontage would need to be made a specific condition of the rezoning.

**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
DRAFT MOTION TO APPROVE/DENY**

APPROVE

“I motion to recommend **APPROVAL** of this request to rezone the specified parcel to the requested zoning district based upon the **CONSISTENTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

DENY

“I motion to recommend **DENIAL** of this request to rezone the specified parcels to the requested zoning district contrary to the **CONSISTENTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT**

CASE 2024-14: ZONING MAP AMENDMENT (REZONING)

Request: Rezoning from Residential Agricultural (RA) & Residential Protected (RP) to Highway Commercial (HC) & Residential Mixed (RM).

Applicant: Good Stewards V LLC

Identification: Tax PINs: 7923-01-36-5415, 7923-01-45-2780, and 7923-01-45-6108

Location: Gold Hill Rd near US Highway 220 – New Bethel Township



1. Acreage and Location of Parcel:

Three parcels are involved in this rezoning request. Two are located on the north side of Gold Hill Rd, one measuring (+/-) 85.5 acres and the second measuring (+/-) 2.0 acres according to the Rockingham County Tax Map. The third parcel is located on the south side of Gold Hill Rd and (+/-) 50.5 acres according to the same. Each is located within ½ to ¾ miles of US Highway 220. Highway Commercial (HC) rezoning has been proposed for the two subject properties located north of Gold Hill. Highway Commercial (HC) zoning has been requested for approximately 10 acres of the southern property on the western side, closest to US Highway 220. Residential Mixed (RM) rezoning has been requested for the remaining acreage, approximately 40 acres.

2. Utilities: The properties are currently served by public water. Public sewer facilities do not currently serve these properties, but sewer access is available at the intersection of US Highway 220 and Gold Hill Rd.

3. Zoning Classification of Uses of Surrounding Parcels:

Abutting properties are currently zoned Residential Agricultural (RA) and Residential Protected (RP). Nearby properties are also zoned Highway Commercial (HC) and Light Industrial (LI). Present uses in the area are predominantly residential, with a mix of light industrial and commercial uses.

4. Land Use Plan:

- a. These properties are located primarily the G-3 Mixed Use Centers & Corridors Land Class, according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's strategic growth area. (p.55)
- b. Approximately one-third of the parcel denoted by Tax PIN 7923-01-45-6108 on the south side of Gold Hill Rd is located in the G-2 Land Class on the eastern side, according to the *Rockingham County Comprehensive Land Use Plan*, targeted for controlled growth, which includes limited multi-family development and medium-density housing and subdivisions. (p. 54)
- c. These properties are also primarily located within the US Highway 220 corridor, which is and has historically been identified as the county's economic growth area.
- d. Section 4.2 of the *Rockingham County Comprehensive Land Use Plan* promotes "the development of new commercial opportunities while supporting the retention and expansion of existing businesses. (p.74)

5. Previous Zoning History:

1988: The two properties on the north side of Gold Hill were zoned Residential Agricultural (RA). The property on the south side or its parent parcel(s) was dually zoned Residential Agricultural (RA) and Residential Protected (RP).

6. Staff Notes and Analysis:

The following factors were considered by the staff before making a recommendation:

- a. ***The size of the tracts in question. Reasonableness.*** The two parcels on the north side of Gold Hill measure (+/-) 85.5 acres and (+/-) 2.0 acres respectively. The two-acre parcel is typical of the area and exceeds the minimum lot size of 20,000 square feet in the Highway Commercial (HC) zoning district. The size of larger parcel is also not uncommon for the area within this portion of the US Highway 220 corridor and exceeds the minimum lot size necessary in the Highway Commercial (HC) zoning district. Likewise, the (+/-) 50.5 acre parcel on the south side of Gold Hill is typical of the area. The requested Residential Mixed (RM) rezoning area of approximately 40 acres would be suitable for a major subdivision of mixed housing types.
- b. ***The compatibility of the zoning action with the comprehensive plan. Consistency.*** These requests are supported by the intents and descriptions of the G-3 and G-2 Land Classes detailed in the *Rockingham County Land Use Plan* and future land use map as summarized herein.
- c. ***The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness & Consistency.*** The owner stands to achieve financial benefit from these rezonings, according to a reasonable evaluation. Currently, the larger areas abutting and surrounding these parcels are predominantly residential in nature, including the Providence Glen major subdivision. Higher impact commercial uses may create some degree of negative impacts to abutting neighbors. These may be partially mitigated by the non-residential development standards found in the *Rockingham County Unified Development Ordinance*. Future commercial development may provide services and goods that would benefit area residents and the county at-large. The general higher density of housing allowed in the Residential Mixed (RM) zoning district may offer options to residents that are otherwise limited to detached single-family housing in the area. This may be of larger benefit to the county as a whole, considering current housing conditions.
- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts. Reasonableness.*** Although somewhat different from the primarily residential uses among adjacent tracts, the uses allowed in the Highway Commercial (HC) zoning districts. Those uses would not differ from current uses in the area as a whole. The uses allowed in the Residential Mixed (RM) zoning district would not differ significantly from that already existing among adjacent and nearby properties.

7. Staff Recommendations:

After reviewing the application, Staff concludes that it is complete and that sufficient information has been provided for the Planning Board and Board of Commissioners to consider the request. Staff finds that these requests are consistent with the intents and descriptions of the G-3 and G-2 land classes as summarized in the *Rockingham County Comprehensive Land Use Plan* and future land use map. Staff finds this request to be reasonable given the location of the properties within the US Highway 220 corridor, access to public water and potential access to public sewer, and the mix of land uses existing in the area.

Thus, Staff recommends approval of Case #2024-14, a request for Rezoning from Residential Agricultural (RA) & Residential Protected (RP) to Highway Commercial (HC) & Residential Mixed (RM).



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Date of Application/Fee: April 12, 2024

Property Address: Gold Hill Road

Parcel No / Tax Pins(s): 7923-01-36-5415

Current Zoning District: Residential Agricultural (RA)

Proposed Zoning District: Highway Commercial (HC)

Acreage requested for rezoning: (+/-) 96 acres

Township: New Bethel

Owner(s): _____

Mailing Address: _____

Telephone: _____ email: _____

Applicant(s): Good Stewards V, LLC

Mailing Address: PO Box 283

Telephone: (336) 932-0890 email: harryrakestrawnc@gmail.com

Harry W. Rakestraw
Applicant/Owner Signature

Applicant/Owner Signature

Staff Signature

PB Hearing Date: 5/13/24

BOC Hearing Date: 4/17/24

Addition PIN 7923 01 45 2780



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Dura W. Jeffers, owner (trustee, executor, etc.) of the property denoted by Rockingham County Tax PIN 792301365415, request that the property be granted a rezoning from RA Residential Agricultural (com) Highway Commercial to RA Residential Agricultural (com) Highway Commercial. I understand that the rezoning is permanent and will run with the land. I feel this will serve my best interests.

Dura W. Jeffers
 Signature
1231 Hudson Rd
 Mailing Address
Summerfield NC 27358
 City, State, Zip
336 423 7630
 Phone Number

4.12.24
 Date

Alyssa Cahn
 Staff Signature

Notarial Certification

Guilford County, North Carolina

I certify that Dura W. Jeffers personally appeared before me this the 12 day of 4, 24, and acknowledged the due execution of the foregoing instrument.

Notary Signature: Kristina M Spruill
 Notary Printed Name: Kristina M Spruill
 My Commission Expires: 10/15/2028





ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Faith Webb Dixon, owner (trustee, executor, etc.) of the property denoted by Rockingham County Tax PIN 79 230 / 365415, request that the property be granted a rezoning from (RA) Residential Agricultural (RA) to (Com) Highway Commercial (HC). I understand that the rezoning is permanent and will run with the land. I feel this will serve my best interests.

Faith Webb Dixon

Signature

3002 Redford Drive

Mailing Address

Greensboro, NC 27408

City, State, Zip

336-207-6142

Phone Number

4-12-24

Date

Allyson Cochran

Staff Signature

Notarial Certification

Guilford County, North Carolina

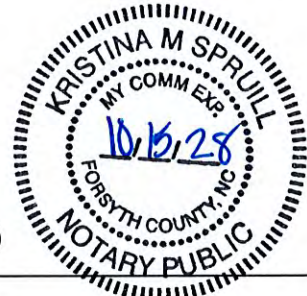
I certify that Faith Webb Dixon personally appeared before me this the 12 day of 4, 24,

and acknowledged the due execution of the foregoing instrument.

Notary Signature: Kristina M Sprull

Notary Printed Name Kristina M Sprull

My Commission Expires: 10/15/2028



(Seal)



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Date of Application/Fee: April 12, 2024

Property Address: Gold Hill Road

Parcel No / Tax Pins(s): 7923-01-45-6108

Current Zoning District: Residential Agricultural (RA) & Residential Protected (RP)

Proposed Zoning District: Highway Commercial (HC) & Residential Mixed (RM)

Acreage requested for rezoning: (+/-) 50.5 acres

Township: New Bethel

Owner(s): _____

Mailing Address: _____

Telephone: _____ email: _____

Applicant(s): Good Stewards V, LLC

Mailing Address: PO Box 283

Telephone: (336) 932-0890 email: harryrakestrawnc@gmail.com

Harry Rakestraw _____
Applicant/Owner Signature Applicant/Owner Signature

Angela Cochran _____
Staff Signature

PB Hearing Date: 4/12/24 5/13/24

BOC Hearing Date: 6/17/24



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Dura W. Jeffers, owner (trustee, executor, etc.) of the property denoted by Rockingham County Tax PIN(s) # 79230/456108, do hereby request that the property be granted a Rezoning from RA/PT to RA (com) HC & DM. I understand that if granted, the rezoning will be permanent and run with the land. I feel this will serve my best interests.

Dura W Jeffers
Signature

4-12-24
Date

1231 Duane Rd
Mailing Address

Summerfield NC
City, State, Zip

336 423-7630
Phone Number


[Signature]
Staff Signature

Notarial Certification

Guilford County, North Carolina

I certify that Dura W Jeffers personally appeared before me this the 12 day of 4, 2024 and acknowledged the due execution of the foregoing instrument.

Notary Signature: [Signature]
 Notary Printed Name Kristina M Spruill
 My Commission Expires: 10/15/2028


 (Seal)



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Faith Webb Dixon, owner (trustee, executor, etc.) of the property denoted by Rockingham County Tax PIN 792301456108, request that the property be granted a rezoning from RA/RP to RA/Com HC & RM. I understand that the rezoning is permanent and will run with the land. I feel this will serve my best interests.

Faith Webb Dixon
 Signature
3002 Redford Drive
 Mailing Address
Greensboro, NC 27308
 City, State, Zip
336-207-6142
 Phone Number

4-12-24
 Date

[Signature]
 Staff Signature

Notarial Certification

Guilford County, North Carolina

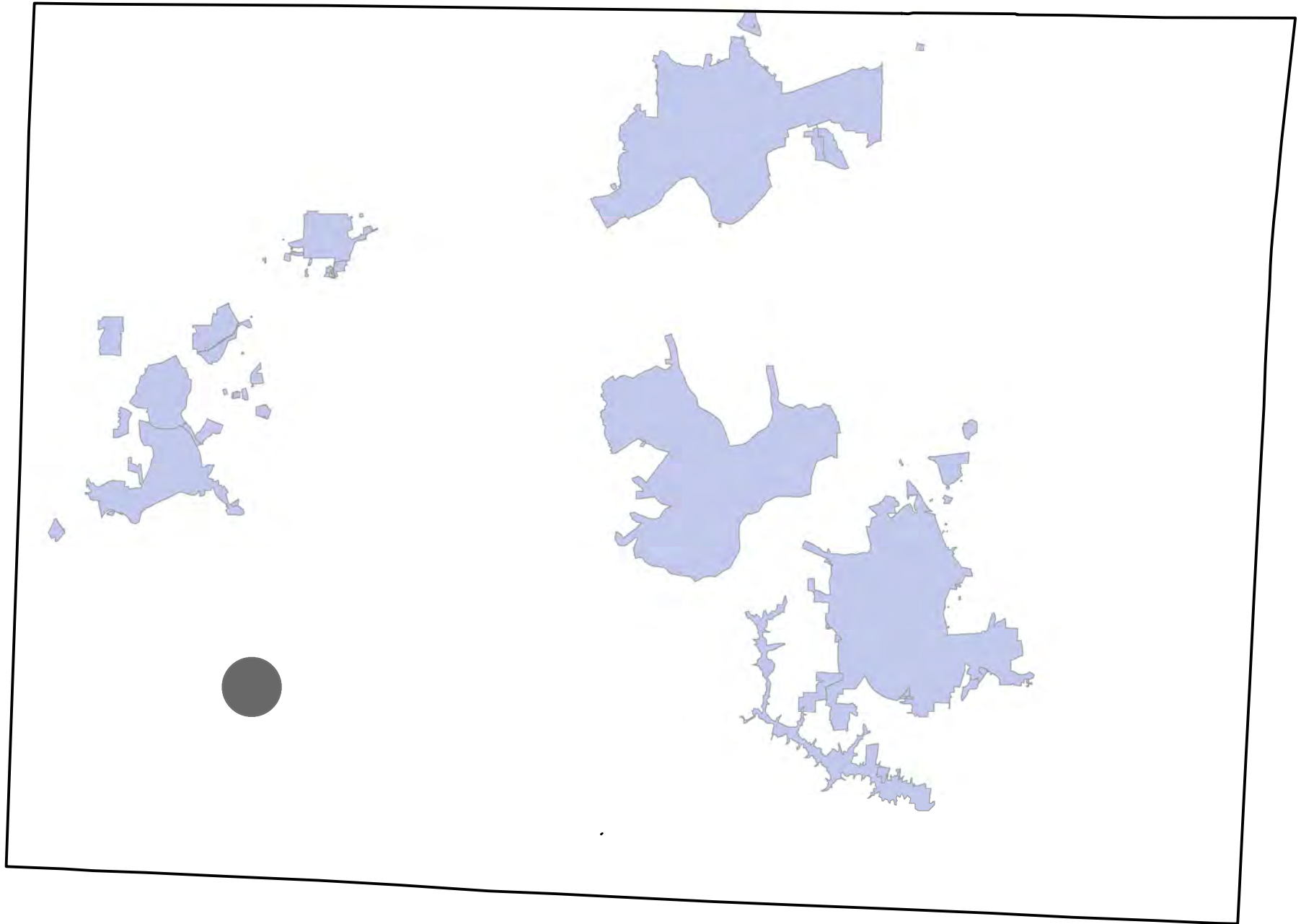
I certify that Faith Webb Dixon personally appeared before me this the 12 day of 4, 2024, and acknowledged the due execution of the foregoing instrument.

Notary Signature: [Signature]
 Notary Printed Name: Kristina M Spruill
 My Commission Expires: 10/16/2028

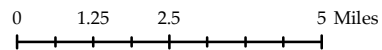




2024-14 GOOD STEWARDS REZ VICINITY MAP

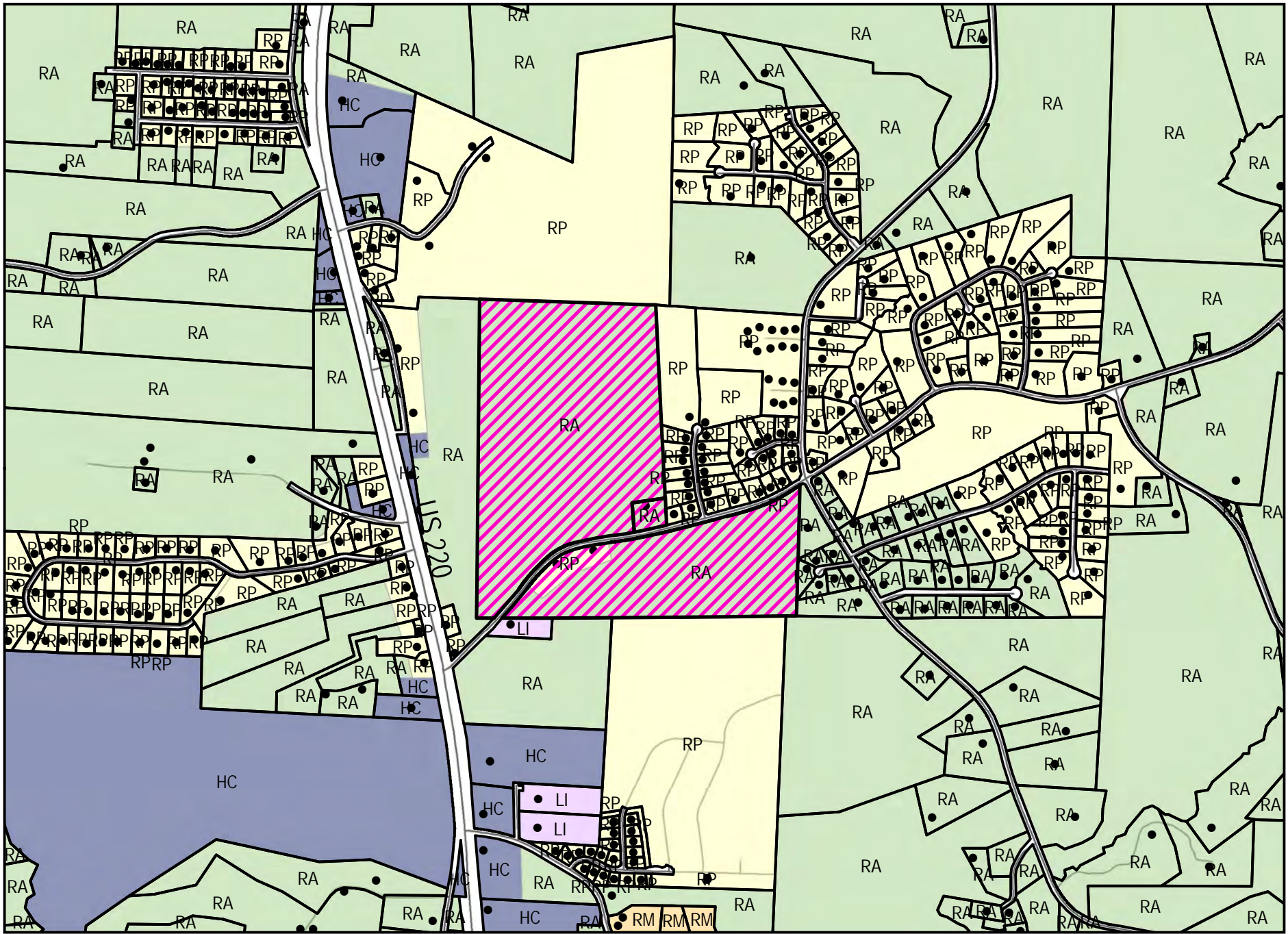


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

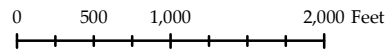




2024-14 GOOD STEWARDS REZ ZONING MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

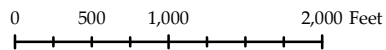




2024-14 GOOD STEWARDS REZ LAND USE MAP, G-3 & G-2

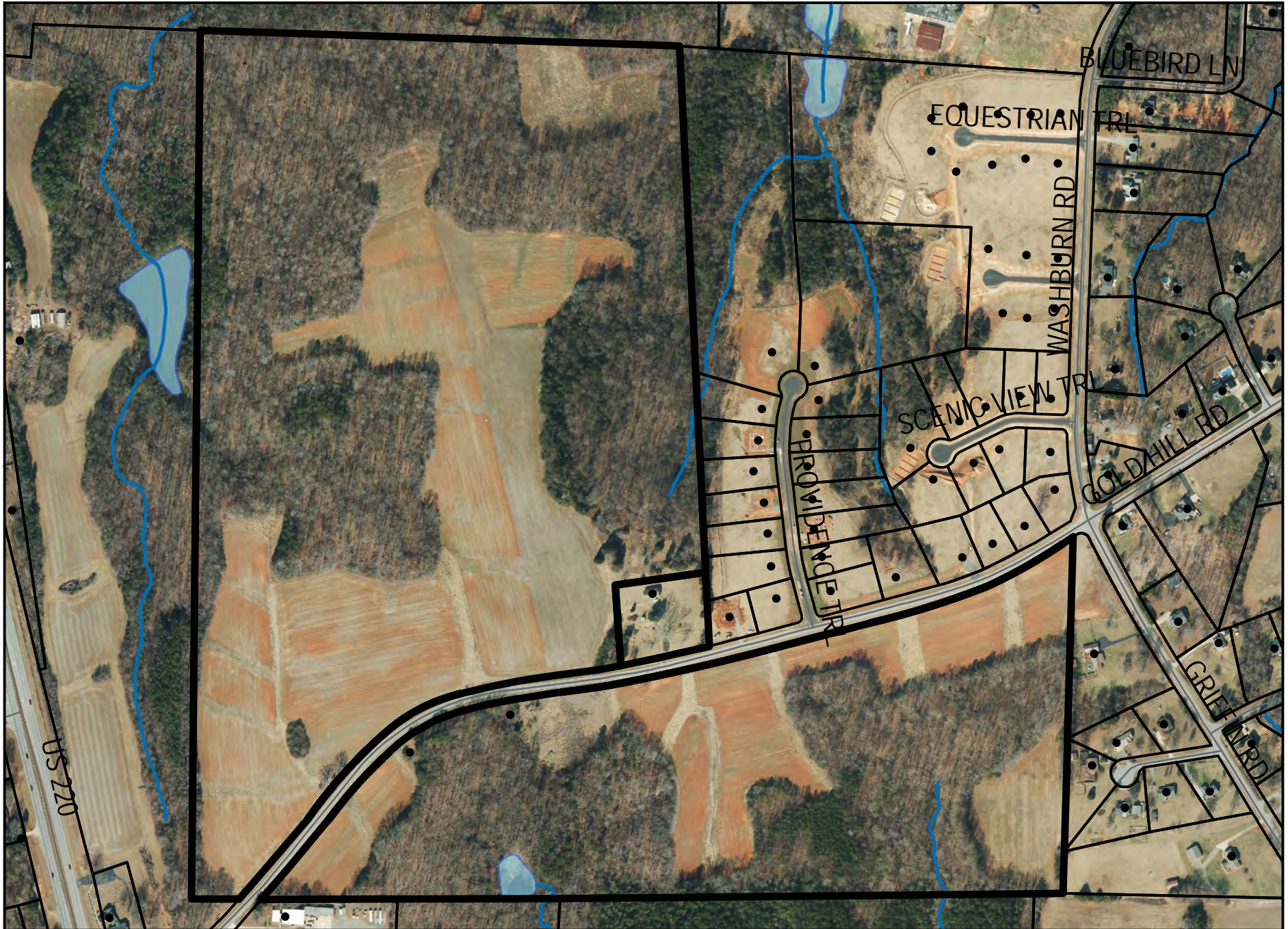


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY

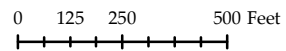




2024-14 GOOD STEWARDS REZ PARCEL MAP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR DISPLAY PURPOSES ONLY



USES IN THE RESIDENTIAL AGRICULTURAL ZONING DISTRICT (RA)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Agriculture related research and development
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, temporary, one-time use
- Club and lodges, private, non-profit
- Community centers, public or private non-profit, for assembly and recreation
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Farm supplies sales (feed, seed, fertilizer etc.)
- Golf Courses with or without ranges
- Library, Public
- Lumber yard
- Nursery and plant cultivation
- Places of worship and their customary uses, including childcare on premises
- Poultry Breeding Facility (dry litter)
- Pottery Crafting and Sales
- Produce/Roadside Stand
- Riding academy, commercial stables
- Short-term Rentals
- Sign, on premises
- Use of Open Land (see definitions)

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility – public stable
- Brewery, Winery, Distillery
- Campground / Recreational Vehicle Park
- Care Facility -- Hospice house/palliative
- Cemetery, human (public)
- Cemetery, pet (public)
- Cottage Business
- Dwelling, accessory unit
- Dwelling, Class AA manufactured home
- Dwelling, Class A manufactured home
- Dwelling, manufactured home (Class AA, A or B), temporary use – for Custodial Care
- Dwelling, manufactured housing on lot during construction of new dwelling
- Family care home
- Greenhouse, commercial
- Guest House
- Home Occupations
- Landfill, beneficial fill
- Manufactured home, temporary custodial care

- Manufactured home, temporary during residential construction
- Museum
- Outdoor Storage Area (Residential)
- Public utility, minor
- Recreational Vehicle, temporary stay during new home construction
- Rural Guest Establishment
- Rural Tourism Activities
- Sales Office/Model dwelling unit
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit
- Stand-Alone Storage Unit
- Turkey shoots (associated with non-profit organizations)
- Wireless Telecommunications Facilities, colocation

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Greenhouse, private

Temporary use:

- Sawmills, portable
- Temporary buildings, incidental to development
- Temporary Storage Unit

Uses requiring a special use permit:

- Airport/airstrip/runway/taxiway
- Animal Facility - Kennel (more than 8 domesticated animals)
- Bed & Breakfast Home
- Commercial Feeder Operation
- Conference/retreat/event/reception/banquet center
- Group Homes (more than 6 living as a family with manager on-site)
- Landfill, land-clearing and inert debris (LCID)
- Landfill, sanitary/ solid waste
- Mining of earth products (sand, soil, clay)
- Nursery/landscaping business, commercial
- Nursing and rest homes
- Paintball/Airsoft Facility (Outdoor)
- Public utility, major (including public water/sewer plants)
- Schools, academic/ business/trade
- Shooting Range/Shooting Range Complex (Indoor/Outdoor)
- Skeet, Trap, and Sporting Clay Ranges
- Solar energy facility
- Turkey shoots (for profit, year- round)
- Wireless Telecommunications Facilities, new

USES IN THE RESIDENTIAL PROTECTED ZONING DISTRICT (RP)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, temporary, one-time use
- Club and lodges, private, non-profit
- Community centers, public or private non-profit, for assembly and recreation
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Golf Courses with or without ranges
- Places of worship and their customary uses, including childcare on premises
- Produce/Roadside Stand
- Short-term Rentals
- Sign, on premises

Uses permitted by-right that require development standards:

- Cottage Business
- Dwelling, accessory unit
- Family care home
- Guest House
- Home Occupations
- Landfill, beneficial fill
- Manufactured home, temporary custodial care
- Manufactured home, temporary during residential construction
- Outdoor Storage Area (Residential)
- Public utility, minor
- Recreational Vehicle, temporary stay during new home construction
- Sales Office/Model dwelling unit
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Greenhouse, private

Temporary use:

- Temporary buildings, incidental to development
- Temporary Storage Unit

Uses requiring a special use permit:

- Bed & Breakfast Home
- Fire, sheriff and emergency services
- Public utility, major (including public water/sewer plants)
- Rural Tourism Activities
- Schools, academic/ business/trade

USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT (HC)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Amusements, indoor commercial (e.g. bowling alleys, skating rinks)
- Amusements, out-of-doors commercial (e.g. roller coasters, fairgrounds)
- Animal Facility - Kennel (more than 8 domesticated animals)
- Apparel and accessory sales
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, yards, permanent
- Auction sales, temporary, one-time use
- Automobile car-wash, drive through, requiring vehicle queueing
- Automobile parts sales
- Automobile sales, rentals
- Automobile service/repair stations
- Automobile storage (excluding wrecked & junked vehicles)
- Automobile, truck and trailer (hauling) rental
- Banks & Savings and Loans
- Barber and Beauty Service
- Bed & Breakfast Home
- Beer, wine and liquor store
- Boats, Recreational Vehicles Sales and Service
- Boats, Recreation Vehicles, Outdoor Storage (primary use, short-term)
- Bottling Plants
- Brewery, Winery, Distillery
- Bus Station
- Car Wash
- Car Wash, drive-through
- Club and lodges, private, non-profit
- Clubs and places of entertainment (commercial)
- Clinics, medical, dental
- Coin-operated laundry
- Community centers, public or private non-profit, for assembly and recreation
- Conference/retreat/event/reception/banquet center
- Convenience food stores with or without gas pumps
- Dry Cleaning or laundry (not coin-operated)
- Drive-through window services (banks, laundries, fast-food, etc.) where use is permitted in district
- Dwelling, multi-family triplex, quadplex, and townhomes.
- Dwelling, multi-family apartments, condominiums
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Electronic Gaming Operations
- Equipment Rentals
- Exterminating services
- Farm machinery sales and rentals with repair
- Farm supplies sales (feed, seed, fertilizer etc.)
- Farmers markets (may include sale of locally made craft items)
- Fire, sheriff and emergency services
- Flea markets – indoor
- Florists
- Food freezer operations
- Funeral home, crematorium
- Gift Shops
- Golf, Miniature
- Golf ranges
- Government Offices
- Greenhouse, private
- Grain and Grist Mills
- Grocery stores
- Hardware, Paint & Garden Supplies
- Health club, gym
- Home Furnishings & Appliance Sales
- Home health & home care agencies
- Home Improvement Stores
- Hospital/medical facility
- Hotels & Motels
- Industrial Equipment Sales & Service
- Jewelry Store
- Laboratory, Medical & Dental
- Laboratory, Research
- Library, Public
- Locksmith, Gunsmith (not as home occupation)
- Machine shop, welding shop
- Manufactured home, travel trailer, camper, marine, and recreational vehicle sales
- Monument and Cut Stone Manufacture and Sales
- Movie theater, indoor
- Museum
- Nursery and plant cultivation
- Nursery/landscaping business, commercial
- Offices, professional private and public
- Office Supplies Sales
- Pawnshop
- Pet Shop
- Pharmacy and drug store
- Places of worship and their customary uses, including childcare on premises
- Post Office
- Pottery Crafting and Sales
- Printing and Reproduction
- Radio, media, television studio

USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT (HC)

- Retail shops not exceeding 3,000 square feet of gross floor area and whose primary sales are agriculture related items, antiques, artisan gallery or studio, locally made crafts, items related to rural tourism, outdoor recreation and sporting goods equipment
- Retail sales not listed elsewhere
- Repair, rental and service of products sold at retail in same district where use is permitted
- Restaurant
- Restaurant, excluding drive-in and fast food
- Rural family occupation of nonagricultural nature
- Service establishments including but not limited to barber and beauty shops, small item repair and rental
- Service stations
- Sign, outdoor advertising (off - premises)
- Sign, on premises
- Social Services Centers
- State Licensed Uses*
- Studios for artists, designers, musicians, photographers, sculptors (not as a home occupation)
- Tailor, sewing shop
- Taxi stand, including ride sharing
- Townhomes/condominiums, commercial
- Upholstering and furniture refinishing
- Warehouses, sales or service
- Wholesale sales, not otherwise listed

- Special Event Permit
- Wireless Telecommunications Facilities, colocation

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Automated bank teller/ ATM, portable concession stands, ice machines
- Live/work unit

Temporary use:

- Construction Trailer (Class AA, A or B), temporary use
- Sawmills, portable
- Temporary buildings, incidental to development
- Temporary carnivals, rides, amusements
- Temporary Storage Unit

Uses requiring a special use permit:

- Adult uses
- Paintball/Airsoft Facility (Outdoor)
- Public utility, major (including public water/sewer plants)
- Turkey shoots (for profit, year- round)
- Wireless Telecommunications Facilities, new towers

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Animal Facility - Kennel (8 or less domesticated animals)
- Animal Facility - Kennel (more than 8 domesticated animals)
- Animal hospital/ veterinary clinic
- Assembly/theater facility—Outdoor or drive-in
- Campground / Recreational Vehicle Park
- Care Facility, Day – child, adult
- Flea markets – outdoor
- Greenhouse, commercial
- Home Occupations
- Landfill, beneficial fill
- Mini-warehouse
- Mobile Food Vendor, Temporary
- Nursing and rest homes
- Outdoor Display Area (Non-residential)
- Outdoor Storage Area (Non-residential)
- Public utility, minor
- Shipping/Storage Container for Non-Residential Outdoor Storage

USES IN THE RESIDENTIAL MIXED ZONING DISTRICT (RM)

Uses permitted by-right within zoning district (zoning permit may be required):

- Agricultural uses (unregulated)
- Agritourism Activities (regulated, not applicable to exempt farms)
- Athletic fields, parks, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain)
- Auction sales, temporary, one-time use
- Club and lodges, private, non-profit
- Community centers, public or private non-profit, for assembly and recreation
- Dwelling, multifamily triplex, quadraplex, townhomes
- Dwelling, single-family detached
- Dwelling, two-family (duplex)
- Places of worship and their customary uses, including childcare on premises
- Produce/Roadside Stand
- Short-term Rentals
- Sign, on premises

Uses permitted by-right that require development standards:

- Agritourism Activities (regulated, not applicable to exempt farms)
- Cemetery, human (public)
- Cemetery, pet (public)
- Cottage Business
- Dwelling, accessory unit
- Dwelling, Class AA manufactured home
- Dwelling, Class A manufactured home
- Dwelling, manufactured home (Class AA, A or B), temporary use – for Custodial Care
- Dwelling, manufactured housing on lot during construction of new dwelling
- Family care home
- Guest House
- Home Occupations
- Landfill, beneficial fill
- Manufactured home, temporary custodial care
- Manufactured home, temporary during residential construction
- Public utility, minor
- Recreational Vehicle, temporary stay during new home construction
- Sales Office/Model dwelling unit
- Shipping/Storage Container for Non-Residential Outdoor Storage
- Special Event Permit

Uses permitted only as an accessory to another permitted use on same lot:

- Accessory structure
- Greenhouse, private

Temporary use:

- Temporary buildings, incidental to development
- Temporary Storage Unit

Uses requiring a special use permit:

- Bed & Breakfast Home
- Fire, sheriff and emergency services



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

The Board has reviewed **Case 2024-14**, rezoning to **Highway Commercial (HC) & Residential Mixed (RM)**. As required by NCGS § 160D, the Board makes the following findings:

1. The proposed action is found to be consistent with the adopted *Rockingham County Comprehensive Land Use Plan* because:
 - A. These properties are located primarily the G-3 Mixed Use Centers & Corridors Land Class, according to the *Rockingham County Comprehensive Land Use Plan*, characterized as the county's strategic growth area. (p.55)
 - B. Approximately one-third of the parcel denoted by Tax PIN 7923-01-45-6108 on the south side of Gold Hill Rd is located in the G-2 Land Class on the eastern side, according to the *Rockingham County Comprehensive Land Use Plan*, targeted for controlled growth, which includes limited multi-family development and medium-density housing and subdivisions. (p. 54)
 - C. These properties are also primarily located within the US Highway 220 corridor, which is and has historically been identified as the county's economic growth area.
 - D. Section 4.2 of the *Rockingham County Comprehensive Land Use Plan* promotes "the development of new commercial opportunities while supporting the retention and expansion of existing businesses. (p.74)

2. The proposed action is found to be reasonable in the because:
 - A. *The size of the tracts in question. Reasonableness.* The two parcels on the north side of Gold Hill measure (+/-) 85.5 acres and (+/-) 2.0 acres respectively. The two-acre parcel is typical of the area and exceeds the minimum lot size of 20,000 square feet in the Highway Commercial (HC) zoning district. The size of larger parcel is also not uncommon for the area within this portion of the US Highway 220 corridor and exceeds the minimum lot size necessary in the Highway Commercial (HC) zoning district. Likewise, the (+/-) 50.5 acre parcel on the south side of Gold Hill is typical of the area. The requested Residential Mixed (RM) rezoning area of approximately 40 acres would suitable for a major subdivision of mixed housing types.
 - B. *The compatibility of the zoning action with the comprehensive plan. Consistency.* These requests are supported by the intents and descriptions of the G-3 and G-2 Land Classes detailed in the Rockingham County Land Use Plan and future land use map as summarized herein.



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

- C. *The benefits and detriments resulting from the zoning action for the owner of the rezoning, the neighbors, and the surrounding community. Reasonableness & Consistency.* The owner stands to achieve financial benefit from these rezonings, according to a reasonable evaluation. Currently, the larger areas abutting and surrounding these parcels are predominantly residential in nature, including the Providence Glen major subdivision. Higher impact commercial uses may create some degree of negative impacts to abutting neighbors. These may be partially mitigated by the non-residential development standards found in the Rockingham County Unified Development Ordinance. Future commercial development may provide services and goods that would benefit area residents and the county at-large. The general higher density of housing allowed in the Residential Mixed (RM) zoning district may offer options to residents that are otherwise limited to detached single-family housing in the area. This may be of larger benefit to the county as a whole, considering current housing conditions.
- D. *The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts. Reasonableness.* Although somewhat different from the primarily residential uses among adjacent tracts, the uses allowed in the Highway Commercial (HC) zoning districts. Those uses would not differ from current uses in the area as a whole. The uses allowed in the Residential Mixed (RM) zoning district would not differ significantly from that already existing among adjacent and nearby properties.

DRAFT MOTION TO APPROVE/DENY

APPROVE

“I motion to recommend **APPROVAL** of this request to rezone the specified parcel to the requested zoning district based upon the **CONSISTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

DENY

“I motion to recommend **DENIAL** of this request to rezone the specified parcels to the requested zoning district contrary to the **CONSISTENCY AND REASONABLENESS DETERMINATION** statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.”

In the Matter of:

DUKE ENERGY CAROLINAS LLC

**REQUESTING A SPECIAL USE PERMIT
TO ALLOW A NEW WIRELESS
TELECOMMUNICATIONS TOWER**

**ORDER
GRANT SPECIAL USE PERMIT**

This matter came forward for hearing before the Rockingham County Planning Board at its regularly scheduled meeting, April 8th, 2024 upon the application of Ryan Woods of Tower Engineering Professionals and Duke Energy Carolinas LLC, to receive a Special Use Permit allowing a new wireless telecommunications tower. The subject parcel is denoted by Tax PIN 7954-00-40-9463, located at 160 Ernest Drive – New Bethel Township.

The members of the Planning Board present for the hearing were Paul Ksieniewicz (Chairperson), Julie Talbert (Vice-Chairperson), Keith Duncan, Quint Haley, Jeff Kallam, Bernie Parnell and Daniel Woods. Staff members and associates present for the hearing were Bricen Wall (Code Enforcement Officer), Victoria Pedigo (Planner), A. Lynn Cochran (Senior Planner), Hiram Marziano (Community Development Director).

All persons giving evidence at the hearing were sworn in by Board Chair, Paul Ksieniewicz.

Having heard the sworn evidence presented, and having received into evidence such exhibits as were presented by the participants during the hearing, and affording those who wished to be heard the opportunity to testify, examine, and cross-examine witnesses and to make arguments, the Rockingham County Planning Board, in reliance upon all relevant documents in the public record and upon substantial, relevant, and credible evidence presented to the Board, hereby makes the following:

FINDINGS OF FACT

Mr. Cochran presented the staff report, map information, site plan and application information to the board, reviewing the details of what the special use permit standards require and confirming that staff had found the application to be complete. He also noted that the applicant had requested an adjusted fall zone/setback requirement of 165 feet based on the engineering plans for the tower. Mrs. Talbert inquired about the details of this specific type of engineering. Mr. Cochran explained offered more details and deferred to the applicant to provide additional information. Mrs. Talbert asked if this is the first tower of this type that the board has considered. Mr. Cochran that it is the first, at least within the last eight to ten years. Mr. Scott inquired about the distance the tower will be located off of NC Highway 65. Mr. Cochran noted that it is approximately 500 feet.

Mr. Remington Jackson, legal counsel for the applicant addressed the Board. He presented information regarding the special use permit application, including a description of the property and tower. He also reviewed the needs justification and narrative He reviewed more information about the engineering design of the tower, including the fall zone and pointed out details of the site plan. Mr. Duncan inquired about the potential for shared use of the tower, asking if it will be only for Duke Energy purposes.

Mr. Patrick Berner, representative of Duke Energy Carolinas, took the podium to address the Board. He explained that county services, emergency services and other types of services will be allowed space on the tower. He offered additional details about the tower design. Mr. Ksieniewicz asked if other commercial carriers would be afforded space on the tower. Mr. Berner stated that yes, some degree of space will be available to commercial carriers. Mr. Cochran added that one requirement of the special use permit is that any new telecommunications tower must offer some degree of colocation capacity. Mr. Kallam asked for additional details regarding how the engineered fall specifications work in extreme environmental circumstances. Mr. Berner explained that this is a tripod tower, self-supporting lattice. He gave the example of an extreme wind event. Should the tower structure begin to fail, it is engineered at 50% of the height of the tower to buckle onto itself. In an extreme event, this would cause the tower to break at this height and if the tower itself were to fail, the length of fall would equal 150 feet, given that the total height of the tower is 300 feet. He referred the board to the depiction of the tower included in the agenda item packet. Mrs. Talbert inquired about the lighting would be specific to the tower and Mr. Berner explained what types of lighting are required by FCC standards. Mr. Haley inquired about other towers in the vicinity and how far the tower will be located from any protected structure. Mr. Cochran pointed out information in the agenda packet that indicates two other towers located within four miles of this site and confirmed that the closest protected structure is located at least 1,000 from the tower site.

Mr. Tom Covington was present as an additional representative of Duke Energy Carolinas. The Board had no questions for him.

There were no further questions for applicants, nor was there additional discussion among the Board members.

Mr. Duncan motioned to approve the request for this special use permit, proposed by Duke Energy Carolinas and Mrs. Talbert seconded. The Board voted unanimously to approve the special use permit (7-0).

CONCLUSIONS OF LAW

1. According to the Rockingham County Unified Development Ordinance, a Special Use Permit may be decided according to the procedures detailed in *Article III, Division 3, Sec. 33.07 (pp. 58-60)*.
2. According to the Rockingham County Unified Development Ordinance, a new wireless telecommunications tower may be established on a parcel of land zoned Heavy Industrial (HI) and Residential Agricultural (RA) with an approved Special Use Permit, subject to *Article VI, Sec. 62.88.02 (pp. 233-239)*.
3. Having followed the procedures for evidentiary hearings described in G.S. § 160D-406, a unanimity of the Board members voted to approve the requested Special Use Permit. In doing so, they affirmed that the following conditions shall be met:
 - a. 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. The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
 - c. 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. The use or development conforms with the general plans for the land use and development of the Town of Wentworth as embodied in this chapter and in the *Rockingham County Land Use Plan*.

STATE OF NORTH CAROLINA
COUNTY OF ROCKINGHAM

THE ROCKINGHAM COUNTY
PLANNING BOARD
CASE 2024-08

Based on the foregoing findings of fact and the evidence of record, the Planning Board concluded that the foregoing standards have been met.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, based on the foregoing findings of fact and conclusions of law, that the application from Ryan Woods of Tower Engineering Professionals on behalf of Duke Energy Carolinas LLC for a new wireless telecommunications tower, described herein and located in the New Bethel Township, is **GRANTED**.

This the 13th day of May, 2024.

Paul Ksieniewicz
Chairperson, Rockingham County Planning Board

A. Lynn Cochran
Secretary to the Board