

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
TUESDAY DECEMBER 6, 2022

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday December 6, 2022 at 6:00 pm with the following members present:

Chairman Rick Morris
Vice-Chair Brad Chandler
Commissioner Sonya Cox
Commissioner Ronnie Mendenhall
Commissioner Keith Wood

County Personnel in Attendance:
County Manager Shannon B. Shaver
Assistant County Manager/Clerk to the Board Amber Brown
Planning Director David Sudderth

Chairman Morris called the meeting to order and welcomed those in attendance.

INVOCATION

Commissioner Cox delivered the Invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Morris invited those in attendance to join the Board in the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Morris entertained a motion to approve or amend the December 6th Agenda.

Commissioner Mendenhall moved to approve the Agenda as presented.

Commissioner Wood seconded.

Chairman Morris opened the floor for any discussion/questions/comments.

With no further discussion, the motion carried with a 5-0 vote.

PUBLIC COMMENTS

Chairman Morris opened the floor for Public Comments at 6:02 pm. The following spoke during Public Comments:

Arnold Nelson
1602 Pinnacle Hotel Road
Pinnacle, NC 27043
RE: Rezoning for “Retail Sales and Services” in Pinnacle – In Support

Norman Lynch
1581 Old Winston Road
Pinnacle, NC 27043
RE: Rezoning for “Retail Sales and Services” in Pinnacle – In Support

Robert Griffin
3046 Old 52 Road
Pinnacle, NC 27043
RE: Rezoning for “Retail Sales and Services” in Pinnacle – Opposed

Nita Callahan
3246 Old 52 Road
Pinnacle, NC 27043
RE: Rezoning for “Retail Sales and Services” in Pinnacle – Opposed

Austin Lynch
1581 Old Winston Road
Pinnacle, NC 27043
RE: Rezoning for “Retail Sales and Services” in Pinnacle – In Support

With no other individuals signed up to speak, Chairman Morris closed the floor for Public Comments at 6:19 pm.

PRESENTATION/DISCUSSION/ACTION

Chairman Morris turned the floor over to Planning Director David Sudderth.

Planning Director David Sudderth presented the following information to the Board:

STAFF REPORT
Austin Lynch
RA to H-B-CZ #22-1196

REQUEST: Request by applicant Austin Lynch to rezone approximately 3.96 acres of property in two separate tracts owned by Austin Lynch and Austin Lynch Logistics LLC from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Retail Sales and Services”.

SITE OWNER: Austin Lynch and Austin Lynch Logistics LLC

APPLICANT: Austin Lynch

SITE LOCATION: The property is located on the west side of N. Old 52 Rd. approximately .25 miles north of the intersection of N. Old 52 Rd. (SR# 1236) and Old Winston Rd. (SR# 1152).

Map: 5975 **Parcel(s)** 7222 & 6562 **PIN #:** 5974557222 & 5974556562
Reid #: 28680 **Deed Book:** 730 & 754 **Page:** 1095 & 236 **Township:** Yadkin

SITE INFORMATION:

TOTAL PARCEL SIZE: Approximately 3.96 acres

REZONING PARCEL SIZE: Total tract approximately 3.96 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B-CZ (Highway Business Conditional Zone) for “Retail Sales and Services.”

FLOOD HAZARD AREA: N/A.

FIRM MAP ZONE: Property is located in Zone X, an area determined to be outside the 500-year floodplain.

WATERSHED DISTRICT: N/A

SEPTIC/WATER APPROVAL: The site has been evaluated for a sub-surface sewage disposal system by Piedmont Environmental Associates, P.A., Jim Beeson, Licensed Soil Scientist. The evaluation showed areas of potentially suitable soil for a septic system. The Stokes County Environmental Health Department has issued an improvement permit for the site with conditions of use, excluding food service, meat market or salon. The site would not be able to accept a business occupancy with heavy water usage. The applicant also had Hugh Creed Associates, Inc, PA submit a Design Flow Exemption that is allowed under NC Session Law 2013-413, (see copy).

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Pinnacle VFD, Pinnacle EMS

EROSION CONTROL: Applicable at the time of construction if more than one (1) acre of land is disturbed.

ACCESS: The applicant has applied for a commercial driveway access permit from NCDOT to the proposed property located off of N. Old 52 Rd. (SR# 1236). The sight distance appears good in both directions of travel.

SURROUNDING LAND USE: The subject property is located north of the intersection of N. Old 52 Rd. (SR#1236) and Old Winston Rd. (SR#1152) in the Pinnacle Community. The surrounding land use consists of residential, agricultural and mixed commercial development. There are approximately twelve (12) Highway Business (H-B) commercial districts located within 1.0 mile of the proposed site eleven of them along N. Old 52 Rd. (SR#1236). Most of these sites are located south of the property.

AVERAGE ANNUAL DAILY TRAFFIC COUNT (AADT): The AADT is calculated by the total volume of vehicle traffic on a highway or road for a year divided by 365 days. The only AADT data found for this particular stretch of road shows 5800 vehicles approximately .6 mile south of the proposed site in the vicinity of N. Old 52 Rd (SR#1236) and High Bridge Rd. (SR#1157) in what you may consider downtown Pinnacle.

ISSUES TO CONSIDER:

The following are from a planning perspective concerning the proposed request.

- Location on road with mixed uses, residential, agricultural and commercial properties.
- Potential tax base increase due to commercial property.
- Potential sales tax increase from any retail sales.
- Potential employment opportunities.
- Support of county's business friendly objective.
- Need of potential office space and services provided.
- Increased traffic in the vicinity of the proposal.

- Community impact and acceptance.

STAFF COMMENTS: This rezoning request comes to the Board as a conditional rezoning from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Retail Sales and Services”. The Board may discuss this application in detail. The applicant is requesting this rezoning to create a retail business facility in the Pinnacle community located on Old N. 52 Rd. (SR#1236). The nearby land use consists of mixed residential, commercial and agricultural uses. The proposed site is situated in an area that would be suitable for commercial development based on the existing development patterns in the area. The footprint of the building shown on the site plan is designed to potentially accommodate five (5) offices. The square footage may have to be reduced due to the potential of the available septic area. The septic improvement permit shows the square footage of the building to less than 4600 square foot. By utilizing the Design Flow Exemption by following the prescribed guidelines the size of the building and potential uses may expand to the proposed 10,038 square foot as shown on the applicants submitted site plan. New commercial development in the county always has the potential of increasing the property tax base and generate sales tax as well as potentially assisting in creating employment opportunities. As always community acceptance and appropriateness of the proposal should be considered. As a conditional zoning application the Board may asked for reasonable conditions to enhance the proposed development and to protect the surrounding community. If the rezoning of the property is approved the two (2) tracts would have to be combined together before any building permits could be issued.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 7 to 0 to recommend approval of rezoning request #22-1196 to rezone 3.96 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Retail Sales and Services”. The Board felt that the proposal was consistent with the Stokes 2035 Plan and was a reasonable request. Concerns expressed at the meeting concerned the need of the business, traffic safety and the lighting of the facility.

STATEMENT OF CONSISTENCY AND REASONABLENESS:

The Board must decide if the rezoning petition meets the requirements of the Stokes County 2035 Comprehensive Plan as to its **consistency** with the current development patterns and to the **appropriateness** of the request in regards to the guide. Reasons for decision should be stated in the motions. **Please make all motions for approval or disapproval referencing the petitions consistency or non-consistency with the Stokes County 2035 Comprehensive Plan.**

PUBLIC INFORMATION MEETING: The Public Information Meeting for this proposal was held on Tuesday, August 30, 2022 at the proposed site located on N. Old US 52 Rd. (SR#1236).

(See Attachment B for attendance and minutes of the meeting)

STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016

OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

**Conditional Rezoning Petition
Statement of Consistency and Reasonableness**

Case No. #22-1196
Applicant: Austin Lynch
Property Owner: Austin Lynch & Austin Lynch Logistics LLC.
Parcel ID# 6984946725
Location: The property is located on the west side of N. Old 52 Rd. approximately .25 miles north of the intersection of N. Old 52 Rd. (SR# 1236) and Old Winston Rd. (SR# 1152) in the Pinnacle community.
Proposed Amendment: Rezone 3.96 acres from RA to H-B-CZ for a “Retail Sales and Services”

The Stokes County 2035 Comprehensive Plan identifies portions of the county through the Land Use Transect methodology which shows transition zones between rural areas and more urbanized areas of the county. In the plan there are twelve (12) Rural Neighborhood Commercial Nodes identified in communities throughout the county. These nodes were created to encourage commercial growth toward major intersections. A one (1) mile buffer around these nodes identifies a target low-density residential growth area. The area around Pinnacle is identified as one of these nodes. The proposed rezoning is best described in the transect zone identified as (G-1) Low- Density Growth. This is an area primarily associated with low density residential development and agricultural uses as well as many scattered commercial properties throughout the county. This parcel is located on N. Old 52 Rd. (SR#1236) between Pinnacle and the Town of Pilot Mountain in the Pinnacle commercial node.

The proposed rezoning petition is for a commercial Highway Business Conditional Zone (H-B-CZ) operation for “Retail Sales and Services”. There are multiple commercial properties located on N. Old 52 Rd. (SR#1236) corridor between Pinnacle and the Town of Pilot Mountain, (Surry County).

The use of the property for a commercial Highway Business Conditional Zone for a “Retail Store” fits or does not fit into this (G-1) Low Density Residential Transect Zone as identified in the Stokes 2035 Comprehensive Plan.

This proposed amendment is consistent or is not consistent with the Stokes County 2035 Comprehensive Plan and other adopted plans in that: The parcel is currently zoned RA (Residential Agricultural) and the requested zoning district is H-B-CZ (Highway Business Conditional Zone).

This proposed amendment is a reasonable or is not a reasonable request and is or is not in the public interest in that: The property is currently zoned RA (Residential Agricultural) and is being proposed to be rezoned to an H-B-CZ (Highway Business Conditional Zone) district for “Retail Sales and Services”.

Chairman Morris opened the floor for any discussion/questions/comments.

There was some discussion among the Board on the request.

Chairman Morris entertained a motion on the request as presented.

Commissioner Mendenhall moved to approve rezoning request # **22-1196** submitted by **Austin Lynch** to rezone **3.96 acres** from **RA (Residential Agricultural)** to **H-B-CZ (Highway Business Conditional Zone)** for a **“Retail Sales and Services”** and stated that the request was consistent with the Stokes 2035 Comprehensive Plan and was a reasonable request.

Vice-Chair Chandler seconded.

Chairman Morris opened the floor for any discussion/questions/comments.

With no further discussion, the motion carried with a 5-0 vote.

Chairman Morris turned the floor back over to Planning Director David Sudderth.

Planning Director David Sudderth presented the following information to the Board:

Planning and Inspections Updates

Planning Director David Sudderth presented an update from the Planning and Inspections Department. He thanked the Board for their support with his department and for their assistance with getting the department fully staffed.

Adjournment

There being no further business to come before the Board, Chairman Morris entertained a motion to adjourn the meeting.


Commissioner Cox moved to adjourn the meeting at 6:48 pm.

Commissioner Mendenhall seconded.

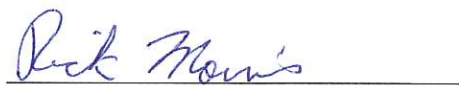
Chairman Morris opened the floor for any discussion/questions/comments.

With no further discussion the motion carried with a 5-0 vote.

The meeting was adjourned.



Amber Brown
Clerk to the Board



Rick Morris
Chairman