

The Board of Commissioners of the County of Stokes, State of North Carolina, met in regular session (planning) in the Council Chambers of the Administrative Building, located in Danbury, North Carolina, on Tuesday, December 3, 2002, at 6:00 pm with the following members present:

Chairman Sandy McHugh
Vice-Chairman John Turpin
Commissioner Howard Mabe
Commissioner Leon Inman
Commissioner Joe Turpin

Craig Greer, County Manager
Darlene Bullins, Clerk to the Board

Chairman McHugh called the meeting to order

PLANNING & COMMUNITY DEVELOPMENT

Mr. David Sudderth, Planning and Zoning Director, presented the request from Donnie Bowman (applicant), Lucille K. Wall Estate (site owner) to rezone approximately 12.83 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 6-lot residential subdivision.

Donnie Bowman / Lucille K. Wall Est. RA to RE-CU # 141

REQUEST: Rezone approximately 12.83 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 6-lot residential subdivision.

SITE OWNER: Lucille K. Wall Estate

APPLICANT: Donnie Bowman

SITE LOCATION: The property is located on E. Old Phillips Rd. (SR#1143) approximately .2 mile from Perch Rd. (SR# 1147) next to Pinnacle Baptist Ch.

Map: 597308 **Parcel:** 6011 **PIN #:** 5973-08-89-6011 **Deed Book:** 328 **Page:** 1272 **Township:** Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 12.83 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) for a 6-lot subdivision.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0125 B

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: WS-IV, Yadkin River –King intake

SEPTIC/WATER APPROVAL: Mr. Joseph A. Hinton a licensed soil scientist has evaluated the site for septic disposal. This report was prepared in August 2002. Individual septic permits will have to be issued by the Stokes County Health Dept. (Environmental Health Section). Public water from the King water system is available in the area.

SCHOOL DISTRICTS: Pinnacle Elementary, Chestnut Grove Middle, West Stokes High

EMERGENCY SERVICES: Pinnacle VFD, EMS - Station # 3 & 4 - Pinnacle.

EROSION CONTROL: Plan would be submitted at permitting phase if required.

ACCESS: Access for all lots will be on E. Old Phillips Rd. (SR# 1143) NCDOT will have to approve all driveway access.

SURROUNDING LAND USE: The subject property is currently vacant. The surrounding property is zoned RA (Residential Agricultural). Pinnacle Baptist Church is located to the north of the property. Savage Acres (P.B. 4 –Page 36) a stick-built residential subdivision is located to the east and directly across the road. The parcel located to the west and south is owned by Geneva Kellam and is currently vacant.

ISSUES TO CONSIDER:

- Consistency with surrounding housing types.
- Impact on community infrastructure, schools, roads, public services etc.
- Increase in tax base.

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 6-lot residential subdivision to be rezoned for RE –CU (Residential Exclusive) that would allow stick built and modular housing. The Board may discuss the development plan in detail. The addition of stick-built homes in this area will be consistent with the immediate surrounding property development. The planning staff has no problem with this request.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 7 to 0 to approve the rezoning request and then voted 7 to 0 to approve the Conditional Use permit for the (6) lot subdivision with the conditions as listed below.

Mr. Sudderth noted that there were two calls concerning this rezoning request :

- (1) Representative of Geneva Kallam property called from out of state indicating that she would be sending something to the Planning Department concerning opposition to any development in the area. Calls to the representative were returned with no response and no information was received by the Planning Department.
- (2) Ms. Linda Jones was concerned about any the development along the road- did not want to see a mobile home park.

*No one showed up in opposition at the Planning Board meeting

Chairman McHugh entertained a motion to approve the rezoning request –RA to RE-CU.

Commissioner Mabe moved to approve the request from Donnie Bowman (applicant), Lucille K. Wall Estate (site owner) to rezone approximately 12.83 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use)

for a 6-lot residential subdivision.

Commissioner Joe Turpin seconded the motion.

Commissioner Inman requested Mr. Donnie Bowman to verify that Stokes Reality and Auction had no interest in this property due to Commissioner Inman being a realtor for this company. Mr. Bowman confirmed that Stokes Reality and Auction had no interest in this property.

The motion to rezone from RA to RE-CU carried unanimously.

Mr. Sudderth presented the following Conditions:

Recommended Conditions for Donnie Bowman RE-CU #141

1. Adequate storm water facilities shall be provided for each lot, including the placement of a fifteen (15) inch reinforced concrete drain tile under each driveway.
2. All streets/drives, driveway connections shall be constructed as recommended by the North Carolina Department of Transportation and in compliance with applicable design and construction standards, including grade and slope requirements, unless approved otherwise by the County.
3. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
4. Street name and necessary safety and directional signs shall be installed at the developer's expense, subject to the names and sign hardware meeting County specifications. Each dwelling unit shall also have a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
5. If conflict arises between any conditions or the developer's proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
6. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
7. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
8. The Rules and Regulations of the Developer, as modified by the developer at the prior hearing (s) on this request, shall not be inconsistent with these conditions. Any conflict between said Rules and Regulations shall be resolved in favor of these conditions.
9. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
10. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
11. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
12. The lots approved shall not be further subdivided.
13. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Bowman agreed to all recommended conditions.

Mr. Sudderth presented the Granting Conditional Use Permit:

**GRANTING CONDITIONAL USE PERMITS
Donnie Bowman / Lucille K. Wall Est. RA to RE-CU # 141**

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. **Yes (5-0).**
- (b) The requested use is essential or desirable to the public convenience or welfare. **Yes (5-0)**
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. **Yes (5-0)**
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. **Yes (5-0)**
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. **Yes (5-0)**
- (f) That adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets. **Yes (5-0)**

Chairman, Board of Commissioners

Clerk to the Board

Chairman McHugh entertained a motion to approve the Conditional Use Permit for Donnie Bowman RE-CU.

Commissioner Inman moved to approve the Conditional Use Permit for Donnie Bowman RE-CU.

Commissioner Mabe seconded and the motion carried unanimously.

Darrell M. Boyd Sr. RA to RE-CU # 142

Mr. David Sudderth, Planning and Zoning Director, presented the request from Darrell M. Boyd Sr. (applicant & site owner) to rezone approximately 4.5 acres from RA (Residential Agricultural) to RE-CU (Residential Restricted Conditional Use) for a 6-lot residential subdivision. The applicant changed his request to RE-CU (Residential Exclusive) at the Planning Board meeting. The original request was for RR-CU (Residential Restricted).

REQUEST: Rezone approximately 4.5 acres from RA (Residential Agricultural) to RE-CU (Residential Restricted Conditional Use) for a 6-lot residential subdivision. The applicant changed his request to RE-CU (Residential Exclusive) at the Planning Board meeting. The original request was for RR-CU (Residential Restricted).

SITE OWNER: Darrell M. Boyd Sr.

APPLICANT: Darrell M. Boyd Sr.

SITE LOCATION: The property is located on the west side of NC Hwy 772 approximately .3 mile south of Hickory Fork Rd. (SR# 1722)

Map: 6975 **Parcel:** 7450 **PIN #:**6975-00-78-7450 **Deed Book:** 469 **Page:** 887 **Township:** Beaver Island

SITE INFORMATION:

PARCEL SIZE: Total tract 25.05 acres

REQUESTED REZONING: 4.5 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Restricted Conditional Use) for a 6-lot subdivision.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0100 B

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: N/A

SEPTIC/WATER APPROVAL: Mr. Joseph A. Hinton a licensed soil scientist has evaluated the site for septic disposal. This report was prepared in May 2002. Individual septic permits will have to be issued by the Stokes County Health Dept. (Environmental Health Section).

SCHOOL DISTRICTS: Pine Hall, Southeastern Middle, South Stokes High

EMERGENCY SERVICES: Stokes Rockingham VFD, EMS - Station # 2 Walnut Cove.

EROSION CONTROL: Would be submitted prior to construction if required.

ACCESS: Two of the proposed lots will have driveway access off of NC Hwy 772. The remaining four lots would be accessed off of a road that will have to be paved. This road must be constructed and paved to meet NCDOT standards. (NCDOT must approve driveway permits and permits for new road construction for the subdivision).

SURROUNDING LAND USE: The subject property is currently vacant. There are mixed residential uses and scattered commercial uses along NC Hwy 772.

ISSUES TO CONSIDER:

- Impact and consistency with surrounding development.
- Compatibility of proposed housing to surrounding housing stock.
- Impact on community infrastructure, schools, roads, public services etc.
- Effect on tax base.

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 6-lot residential subdivision that would allow only stick-built and modular housing. The Board may talk about the request in detail. The immediate area around the proposed site consists of mixed residential development and one commercial establishment, (Country Cupboard). On NC Hwy 772 within (1) mile of the proposed site there are (18) houses, (3) doublewide mobile homes, and (10) singlewide mobile homes. The applicant has indicated that he intends to develop the remaining portion of the property at a later date. The planning staff does not see any major problems with the request based on the location of the property and the requested use.

PLANNING BOARD RECOMMENDATION: The Planning Board at the request of the applicant allowed the request to be amended to RE-CU (Residential Exclusive) from the original request of RR-CU (Residential Restricted). The Board voted 7 to 0 to approve the rezoning request and then voted 7 to 0 to approve the Conditional Use permit for the (6) lot subdivision with the conditions as listed below.

Mr. Sudderth noted that there were concerns from Marion & Marty James, but had neither had no further concerns since the upgrade to RE-CU from the original request of RR-CU.

Chairman McHugh entertained a motion to approve the rezoning request –RA to RE-CU.

Commissioner Mabe moved to approve the request from Darrell M. Boyd Sr. (applicant & site owner) to rezone approximately 4.5 acres from RA (Residential Agricultural) to RE-CU (Residential Restricted Conditional Use) for a 6-lot residential subdivision.

Vice-Chairman John Turpin seconded the motion.

Commissioner Inman requested Mr. Darrell M. Boyd Sr. to verify that Stokes Realty and Auction had no interest in this property due to Commissioner Inman being a realtor for this company. Mr. Boyd confirmed that Stokes Realty and Auction had no interest in this property.

The motion to rezone from RA to RE-CU carried unanimously.

Mr. Sudderth presented the following Conditions:

Recommended Conditions for Darrell M. Boyd Sr. RE-CU #142

1. Adequate storm water facilities shall be provided for each lot, including the placement of a fifteen (15) inch reinforced concrete drain tile under each driveway.
2. All streets/drives, driveway connections shall be constructed as recommended by the North Carolina Department of Transportation and in compliance with applicable design and construction standards, including grade and slope requirements, unless approved otherwise by the County.
3. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
4. Street name and necessary safety and directional signs shall be installed at the developer's expense, subject to the names and sign hardware meeting County specifications. Each dwelling unit shall also have a visible lot number in a

numbering scheme approved by the County to facilitate rapid emergency response (E- 911).

5. If conflict arises between any conditions or the developer's proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
6. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
7. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
8. The Rules and Regulations of the Developer, as modified by the developer at the prior hearing (s) on this request, shall not be inconsistent with these conditions. Any conflict between said Rules and Regulations shall be resolved in favor of these conditions.
9. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
10. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
11. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
12. The lots approved shall not be further subdivided.
13. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Boyd agreed to the recommended conditions.

**GRANTING CONDITIONAL USE PERMITS
Darrell M. Boyd Sr. RA to RE-CU # 142**

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. **Yes (5-0).**
- (b) The requested use is essential or desirable to the public convenience or welfare. **Yes (5-0)**
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. **Yes (5-0)**
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. **Yes (5-0)**
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. **Yes (5-0)**
- (f) That adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets. **Yes (5-0)**

Chairman, Board of Commissioners

Clerk to the Board

Chairman McHugh entertained a motion to approve the Conditional Use Permit for Darrell M. Boyd Sr. - RE-CU.

Commissioner Joe Turpin moved to approve the Conditional Use Permit for Darrell M. Boyd, Sr. - RE-CU.

Commissioner Inman seconded and the motion carried unanimously.

Junior Building Corp. M-1-CU to H-B # 143

Mr. David Sudderth, Planning and Zoning Director, presented the request from Junior Building Corp (V.L. DeHart-agent) (applicant), Junior Building Corp. (site owner) to rezone approximately 4.28 acres from M-1-CU (Light Manufacturing Conditional Use) to H-B (Highway Business).

REQUEST: Rezone approximately 4.28 acres from M-1-CU (Light Manufacturing Conditional Use) to H-B (Highway Business)

SITE OWNER: Junior Building Corp.

APPLICANT: Junior Building Corp. (V. L. DeHart – agent)

SITE LOCATION: The property is located at the corner of NC Hwy 8 and NC Hwy 89 intersection in the Meadows community.

Map: 695501 **Parcel(s):** 5451 & 5525 **PIN #:** 6955-01-15-5451 / 6955-01-15-5525 **Deed Book:** 263 **Page(s):** 633 & 635 **Township:** Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract – two parcels 4.28 acres

ZONING DISTRICT: M-1-CU (Light Manufacturing Conditional Use)

PROPOSED DISTRICT: H-B (Highway-Business)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0100 B

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: Existing system, system must be checked by Environmental Health section of Health Department.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: South Stokes VFD, EMS - Station # 1 Walnut Cove.

EROSION CONTROL: N/A.

ACCESS: The business has an existing driveway access off of NC Hwy 8.

SURROUNDING LAND USE: The subject property is located at the NC Hwy 8 and NC Hwy 89 intersection. The property is surrounded by commercial and residential uses. The site was originally zoned H-B (Highway Business) when the zoning ordinance was created in 1983. On December 5, 1995 the parcel was rezoned to M-1-CU (Light Manufacturing Conditional Use) specifically for a machine shop. The machine shop has since closed. The applicant rents this property for commercial uses and is requesting the change due to the limitations of the M-1-CU district to only manufacturing type activities. There are more opportunities for the property to be leased for use under the Highway-Business zoning district. The closest other H-B (Highway Business) districts to the site are located to the north and east of the site across the road. Directly across NC Hwy 8 & 89 is Meadows Self Storage. The commercial property directly across the road on NC Hwy 8 is vacant. The property due south and east of the site are zoned RA (Residential Agricultural).

ISSUES TO CONSIDER:

- Impact of changing zoning classification on surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Consistency with present pattern of commercial development in the area.
- Potential increase in sales tax revenue from a retail commercial site.

STAFF COMMENTS: The Planning staff does not see a problem with the request. This property has been used for commercial purposes since the zoning ordinance was adopted in 1983. The original zoning of the property as a H-B (Highway Business) district attests to the viability of the site as commercial retail property. There are mixed land uses along NC Hwy 8 & 89. The rezoning of this parcel would be consistent with the current commercial land use development in the area. Commercial zones are located sporadically all the way from the town limits of Danbury to the town limits of Walnut Cove. The rezoning request comes to the Board as a general use-zoning district. As always, the Board should consider all the potential uses that are associated with the general use H-B (Highway - Business) district and no one particular use.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 7 to 0 to table this rezoning request. They did so in response to concerns from surrounding property owners about the subject property. The applicant was not present at the meeting to respond to the concerns of the neighbors or answer questions from the Board.

Mr. Sudderth noted that there were 10-12 individuals who were very concerned over the noise, traffic problems, occupants being on the property before the rezoning was approved/denied, and the type of business.

Mr. Sudderth reiterated the Planning Board's decision to table the rezoning request until information could be obtained from the proposed tenants of the proposed repair shop.

The Board took no action.

ITEMS OF GENERAL CONCERN

RPO (Rural Planning Organization)

County Manager Craig Greer informed the Board of the vacant appointment on the RPO.

Chairman McHugh requested the Clerk to obtain information concerning the RPO for the Board before the appointment.

Animal Control Ordinance

Chairman McHugh requested the Clerk to obtain the Animal Control Ordinance for each member of the Board.

Deputize Interim Tax Administrator

Chairman McHugh entertained a motion to deputize Jake Oakley and Wren Carmicheal as Interim Tax Assessors/Collectors.

Commissioner Joe Turpin moved to deputize Jake Oakley and Wren Carmicheal as Interim Tax Assessors/Collectors.

Vice Chairman John Turpin seconded and the motion carried unanimously.

Recessed Meeting – December 4, 2002

Chairman McHugh entertained a motion to create a snow date (December 12, at 6:00 pm) if the weather does not permit the recessed meeting to be held on December 4th.

Vice Chairman John Turpin moved to create a snow date (December 12, at 6:00 pm) if the weather does not permit the recessed meeting to be held on December 4th.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Planning Board & Board of Commissioners Joint Meeting

Chairman McHugh requested Mr. Sudderth to plan a joint meeting in the future with the Planning Board and the Board of Commissioners.

Commissioners' Planning Meetings

Mr. Sudderth inquired if the Commissioners' Planning Meeting would remain on the first Tuesday of the month due to the recent change of schedule for the regular Board of Commissioners' meetings.

The Board unanimously agreed to continue to hold the Commissioners' Planning Meeting on the first Tuesday of the month.

Board of Commissioners Meeting Held Within the County

Chairman McHugh entertained a motion to schedule a meeting outside of Danbury once every two months with the first meeting in Collinstown and the second one being in Francisco.

Vice Chairman John Turpin moved to schedule a meeting outside of Danbury once every two months with the first meeting in Collinstown and the second one being in Francisco.

Commissioner Joe Turpin seconded and the motion carried unanimously.

There being no further business to come before the Board, Commissioner Mabe moved to adjourn the meeting.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Darlene Bullins
Clerk to the Board

Sandy McHugh
Chairman