

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, June 3, 2003, at 7:00 pm with the following members present:

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

Darlene Bullins, Clerk to the Board

Chairman McHugh called the meeting to order. Planning Director David Sudderth delivered the invocation.

#### **GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman McHugh opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT**

Planning Director David Sudderth presented the rezoning request from S&E Properties RA to RR-CU #145, which was originally brought to the Board on April 1, 2003.

Director Sudderth restated the request to rezone approximately 12.444 acres from RA (Residential Agricultural) to RR-CU (Residential Restricted Conditional Use) for an 8-lot residential subdivision. Director Sudderth noted that the rezoning request had recently been brought before the Planning Board again on May 22, 2003 at which time the Planning Board voted 8 to 0 to approve the rezoning.

**REQUEST:** Rezone approximately 12.444 acres from RA (Residential Agricultural) to RR-CU (Residential Restricted Conditional Use) for an 8-lot residential subdivision.

**SITE OWNER:** S&E Properties

**APPLICANT:** Edwin Johnson & Sarah Stevens

**SITE LOCATION:** The property is located on the east side of Asbury Rd. (SR# 1416) approximately 1.0 mile south of Asbury Rd. (SR# 1432)

Map: 5080 Parcel: 3857 PIN #: 5080-00-19-3857

Deed Book: 473 Page: 641 Township: Big Creek

#### **SITE INFORMATION:**

**PARCEL SIZE:** Total tract 12.444 acres.

**ZONING DISTRICT:** RA (Residential Agricultural)

**PROPOSED DISTRICT:** RR-CU (Residential Restricted Conditional Use) for an 8-lot subdivision. Proposed name of the development is "Edwin's Folly".

**FLOOD HAZARD AREA:** Not located in flood hazard area.

**FIRM MAP #:** 370362 0025 B

**FIRM MAP ZONE:** Zone X - Area outside 500-year floodplain except along branch. **WATERSHED DISTRICT:** N/A

**SEPTIC/WATER APPROVAL:** Richard Farris, RS Licensed Soil Scientist has evaluated the property for septic disposal. Individual septic permits would have to be issued by the Stokes County Health Dept. (Environmental Health Section).

**SCHOOL DISTRICTS:** Francisco Elementary, Piney Grove Middle, North Stokes High

**EMERGENCY SERVICES:** Westfield VFD, EMS - Station # 102 Lawsonville

**EROSION CONTROL:** Would be submitted prior to construction.

**ACCESS:** The proposed lots will have driveway access off of Asbury Rd. (SR# 1416). (NCDOT must approve driveway permits and any permits for new road construction for the subdivision).

**SURROUNDING LAND USE:** The subject property is surrounded by mixed residential and agricultural uses. The Asbury section of the county consists of rural low-density mixed development.

#### **ISSUES TO CONSIDER:**

- Impact on surrounding development.
- Compatibility of proposed housing to surrounding housing stock. (More stick-built homes than manufactured housing).
- 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 an 8-lot residential subdivision that would allow stick-built, modular, and multi-sectional manufactured housing. The Board may talk about the request in detail. The housing stock around the proposed site consists of (14) stick-built homes, (1) multi-sectional manufactured house, and (3) singlewide manufactured housing units. These figures are taken from a visual survey of ½ mile along Asbury Rd. in both directions. Lots 6 & 7 have a small pond located on the proposed property line. Under the Stokes County Subdivision Regulations, Article VI, Section 6-8.1, any subdivision with an impoundment (i.e. lake, pond, etc.) would be required to install a dry hydrant and provide a 30 ft. wide easement for access. The Stokes County Fire Marshal's office and the area Volunteer Fire Department would determine the need for this dry hydrant and the ability of the impoundment to sustain it. The applicants requested residential zoning district is (RR-CU) Residential Restricted Conditional Use. This district would permit all housing types except singlewide manufactured housing. The predominant housing closest to this property is stick-built housing. The request for allowing multi-sectional manufactured housing may be driven by the perceived market in the area. The Asbury area of the county does not see a lot of development request. The size of the development is appropriate for the area and should not create an infrastructure problem if approved.

**PLANNING BOARD RECOMMENDATION:** Planning Board voted 8 to 0 to approve the rezoning request. The Board determined that based on the different scenarios on how the property could be subdivided; the rezoning of the property to RR-CU (Residential Restricted Conditional Use) for a (8) lot subdivision provided the community with the least amount of impact and the most protection. The Board also voted 8 to 0 to recommend the Conditional Use permit with the following conditions.

The following spoke to the Board in opposition to the rezoning:

**Amy Johnson**

2832 Asbury Road  
Westfield, NC 27053

**Larry Joyce**

1235 Joyce Mill Road  
Westfield, NC 27053

Ms. Johnson presented the Board with a petition that stated the following:

Petition Against Rezoning

This is a petition to oppose rezoning property for a subdivision of 12.44 acres on Asbury Rd. (from Residential Agricultural to Residential Restricted). Della M. Chilton previously owned this land. The new owners (S & E Properties) plan to rezone this property for an 8-lot subdivision. Please help to prevent rezoning of this property by signing below to show you are against it.

There were approximately 259 signatures on the petition. Petition will be included in the minute book.

Director Sudderth discussed with the Board the different scenarios on how the property could be subdivided. The requested zoning could provide the community with the least amount of impact and the most protection.

Chairman McHugh entertained a motion concerning the rezoning request to rezone approximately 12.444 acres from RA (Residential Agricultural) to RR-CU (Residential Restricted Conditional Use) for an 8-lot residential subdivision.

Commissioner Mabe moved to approve the rezoning request to rezone approximately 12.444 acres from RA (Residential Agricultural) to RR-CU (Residential Restricted Conditional Use) for an 8-lot residential subdivision.

Vice Chairman John Turpin seconded and the motion carried 4-1 with Vice Chairman John Turpin voting against the motion.

Mr. Sudderth requested the Board's approval for conditional uses:

**Recommended Conditions for S&E Properties RR-CU #145**

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 driveways be constructed as recommended by the North Carolina Department of Transportation and in compliance with applicable design and construction standards, 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. 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.

Applicants –Edwin Johnson & Sarah Stevens agreed to the stated conditions.

Mr. Sudderth requested the Board's approval for conditional uses:

#### **CONDITIONAL USES**

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 the following:

1. The requested use is listed among the conditional uses in the district for which application is made. (yes-unanimously)
2. The requested use is essential or desirable to the public convenience or welfare. (yes-unanimously)
3. 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. (4-1 with Commissioner Joe Turpin voting against the condition)
4. 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-unanimously)
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (yes-unanimously)
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (yes-unanimously)

Commissioner Inman moved to approve the recommended conditions for S&E Properties.

Vice Chairman John Turpin seconded and the motion carried unanimously.

#### **PLANNING BOARD RE-APPOINTMENTS**

Planning Director David Sudderth requested the following re-appointments to the Stokes County Planning Board for a three-year term:

Ted Hairston – Beaver Island Township  
 Andy Rogers – Big Creek Township  
 Ernest Lankford – Peters Creek Township

(Term June 30, 2003 to June 30, 2006)

The re-appointments of Ted Hairston, Andy Rogers, and Ernest Lankford can be considered at the June 23, 2003 meeting.

#### **CONDITIONAL USE PERMIT REVIEW RIVER RIDGE RUN CAMPGROUND & GEM MINE**

Planning Director David Sudderth reported on the conditional use permit review for River Ridge Run Campground and Gem Mine. Director Sudderth stated that a certified letter stating the date, time, place, that the Campground operation-conditional

use permit would be reviewed had been mailed to operators, Jerry and Nancy Barbee. Ms. Barbee had called and left a message for Director Sudderth to inform him that the Campground would not be opened this year. Director Sudderth stated that he contacted Ms. June McKnight of Advance, NC the property owner concerning the review of the conditional use permit. Ms. McKnight stated that she was in the process of having the tenants evicted from the property.

Director Sudderth stated that no action concerning the conditional use permit would need to be taken since the Campground would not be in operation this year. If a request was received to open the campground, Director Sudderth would return to the Board.

#### **Minimum Lot Size**

Chairman McHugh requested Director Sudderth to present information to the Board at a future meeting concerning an increase in minimum lot size for building to a one-acre lot.

#### **Cell Towers**

Director Sudderth informed the Board stated that there could possibly be two new cell towers in the county- Alltel (2) and Cingular along with possibly a Verizon Tower.

There being no further business to come before the Board, Commissioner Inman moved to recess the meeting until Wednesday, June 4, 2003 at 6:00pm. Commissioner Joe Turpin seconded and the motion carried unanimously.

---

**Darlene Bullins**  
**Clerk to the Board**

---

**Sandy McHugh**  
**Chairman**