

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
AUGUST 10, 2004

The Board of Commissioners of the County of Stokes, State of North Carolina, met in regular session (planning) in the Council Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina, on Tuesday, August 10, 2004 at 7:00 pm with the following members present:

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

Commissioner Howard Mabe - absent

County Manager Richard Morris
County Attorney Jonathan Jordan
Darlene Bullins, Clerk to the Board

Mr. Jack Veit, Stokes Intern

Chairman McHugh called the meeting to order.

Mr. Jack Veit, Stokes Intern 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.

GENERAL GOVERNMENT-GOVERNING BODY-PUBLIC HEARING

Chairman McHugh called the Public Hearing for the Rezoning Request RA to H-B-CU – Jimmy Bullins to order.

There were no public comments.

Chairman McHugh adjourned the Public Hearing.

GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT REZONING REQUEST RA to H-B-CU

Planning Director David Sudderth presented the Rezoning Request to rezone approximately 1.202 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Retail Sales of Landscaping Materials".

Jimmy Bullins RA to H-B-CU # 158

REQUEST: Rezone approximately 1.202 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Retail Sales of Landscaping materials".

SITE OWNER: Jimmy Bullins

APPLICANT: Jimmy Bullins

SITE LOCATION: The property is located on the corner of NC Hwy 704 and Noel Martin Loop Rd. (SR# 1731).

Map: 6979

Parcel: portion of 3453 **PIN #:** 6979-02-85-3453

Deed Book: 277

Page: 549

Township: Snow Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 1.202 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B-CU (Highway-Business Conditional Use)

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 370362 0050B

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

WATERSHED DISTRICT: WS-IV Madison intake – Dan River

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Northeast Stokes VFD, EMS - Station # 2 Lawsonville.

EROSION CONTROL: When construction begins, if necessary.

ACCESS: The proposed business will have driveway access off of Noel Martin Loop Rd. (SR# 1731) (NCDOT must approve a commercial driveway permit).

SURROUNDING LAND USE: The subject property is located on the corner of Noel Martin Loop Rd., SR# 1731 and NC Hwy 704. The closest H-B (Highway Business) district to the site is located approximately .6 mile south of the proposed site near the intersection of NC Hwy 704 and Delta Church Rd.

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Potential tax base increase due to commercial development.
- Consistency with surrounding development.

STAFF COMMENTS: The rezoning request comes to the Board as a conditional use-zoning district; you may discuss the development plan in detail. NC Hwy 704 is a major thoroughfare in the county and has mixed commercial and residential development throughout its length. The septic approval for this site was approved on April 19, 2004 as provisionally suitable for a conventional septic tank system. Due to the nature of the request and the lack of a structure on the property, Environmental Health will not require the septic system to be installed. A change in the proposed use of the property, or the construction of a permanent structure will require the installation of the septic system and would have to be approved by Environmental Health. The conditional use aspect of the request would allow the Board the ability to regulate uses on the property and address any environmental or neighborhood concerns that might arise.

PLANNING BOARD RECOMMENDATION: The Planning Board had tabled this request from the June 24, 2004 meeting until members could visit the property to address the issues that were brought up at that meeting by neighbors. The Planning Board voted 8 to 0 on July 22, 2004 to recommend the proposed rezoning request. The Board also voted 8 to 0 to recommend approval of the Conditional Use permit with the following conditions. Mr. Bullins agreed to these conditions.

Planning Director Sudderth noted that the Department had received letters from the following concerning the Rezoning:

Rhonda W. Fulcher
Thelma R. Wilson

Director Sudderth stated that the letters expressed concerns over increased traffic and odors from the mulch pile. (Mr. Sudderth presented the letters for the Board's review)

Chairman McHugh entertained a motion to approve or reject the rezoning request

RA to H-B-CU for "Retail Sales of Landscaping" – Jimmy Bullins.

Commissioner Inman moved to approve the rezoning request to rezone approximately 1.202 acres from RA to H-B-CU for "Retail Sales of Landscaping" – Jimmy Bullins.

Commissioner Joe Turpin seconded and the motion carried (4-0) with Commissioner Mabe absent.

Director Sudderth presented the Planning Board's recommendations to the Board.

Mr. Bullins had reviewed and agreed to the Planning Board's recommendations.

Recommended Conditions for Jimmy Bullins H-B-CU #158

1. NCDOT must approve a commercial driveway access for the site to be located on Noel Martin Loop Rd. (SR# 1731)
2. Applicant shall adhere to all applicable Federal, State, and local laws.
3. 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.
4. 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.
5. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
6. 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.
7. 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.
8. 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.
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 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.
11. Hours of operation between 8:00 a.m. to 8:00 p.m., Monday through Saturday.
12. Leave remaining tree buffers on property.
13. Plant new tree buffer on NC Hwy 704 in front of home directly across the road and on Noel Martin Loop Rd. (SR# 1731) in front of home across the road.
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Sudderth requested the Board's approval for issuing a conditional use permit.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING CONDITIONAL USE PERMITS.

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 (4-0) Commissioner Mabe absent

- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (4-0)
Commissioner Mabe absent
- (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 (4-0) Commissioner Mabe absent
- (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 (4-0) Commissioner Mabe absent
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (4-0)
Commissioner Mabe absent
- (f) 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 (4-0) Commissioner Mabe absent

Chairman McHugh entertained a motion to approve the Conditional Use Permit.

Vice Chairman John Turpin moved to approve the Conditional Use Permit.

Commissioner Joe Turpin seconded and the motion carried (4-0) with Commissioner Mabe absent.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT – PLANNING AND COMMUNITY DEVELOPMENT SCATTERED SITE HOUSING GRANT 2004-2007

Director Sudderth requested guidance from the Board concerning the County's participation in the upcoming Scattered Site Housing Grant for 2004-2007. Director Sudderth noted applicants were inquiring about the Grant and packages were being given out to applicants noting to each applicant that no final decision has been made on the upcoming Grant for 2004-2007.

The Board continued the discussion concerning the County's participation in the upcoming Scattered Site Housing Grant, bidding out the Grant for a third party administrator, and the value of the Grant for Stokes County citizens.

Vice Chairman John Turpin noted that unfavorable comments had been received concerning CMR Services (formerly Benchmark) who had recently spoke to the Board concerning a third party administrator.

The Board requested Director Sudderth to provide the Board with a list of completed Projects and cost associated with the last Scattered Site Housing Grant for Board's review and if there is any flexibility in the program.

The Board will continue to assess the County's participation in the 2004-2007 Scattered Site Housing Grant.

GENERAL GOVERNMENT – PLANNING – WINSTON SALEM URBAN AREA THOROUGHFARE PLAN- RESOLUTION

Director David Sudderth noted to the Board that the approved Winston Salem Thoroughfare Plan Resolution had been faxed as directed by the Board.

GENERAL GOVERNMENT –GOVERNING BODY – CITY OF KING –(ETJ) EXTRATERRITORIAL PLANNING JURISDICTION

The Board discussed and requested old minutes pertaining to the ETJ with City of King.

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

Vice Chairman John Turpin seconded and the motion carried (4-0) with Commissioner Mabe absent.

Darlene Bullins
Clerk to the Board

Sandy McHugh
Chairman