

PROPOSED DISTRICT: M-2-CU (Heavy Manufacturing Conditional Use)

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 370362 0150B

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

WATERSHED DISTRICT: N/A

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Walnut Cove VFD, EMS - Station # 102 Walnut Cove

EROSION CONTROL: N/A

ACCESS: The proposed business has an existing driveway access off of Brook Cove Rd. (SR# 1941) (NCDOT must approve any new commercial driveway permit).

SURROUNDING LAND USE: The subject property is located at 2720 Brook Cove Rd. The surrounding property is residential and agricultural. The RJR Brook Cove facility (M-1) is located less than .3 mile east of the site.

ISSUES TO CONSIDER:

Existing business previously located at site.

Potential tax base increase due to commercial development.

STAFF COMMENTS: The rezoning request comes to the Board as a conditional use-zoning district; you may discuss the development plan in detail. The property has a past commercial history. The most recent use of the site was for Faircloth Welding. This use on the property was considered non-conforming to the H-B (Highway Business) district in the fact that welding and metal fabrication are permitted uses only in the M-2 (Heavy Manufacturing) and M-1 (Light Manufacturing) districts. The applicant is requesting a change from H-B (Highway Business) to M-2-CU to legally allow this type of operation on the property. The property will be used for the same type of operation, a welding shop, which had been occupying the building for many years. Due to the size of the parcel, .785 acres the applicant must request the use to be rezoned to the M-2 (Heavy Manufacturing) zoning district. The M-1 (Light Manufacturing District) requires a minimum lot size of (1) one acre. The M-2 zoning district does not state a minimum lot size but requires setbacks of all buildings. The site plan verifies that the structures meet the required setbacks. The existing septic system approval for this site was approved on June 23, 2004. The system is old and undersized, therefore limiting the number of employees to (2) two. The applicant hopes to obtain additional land in the future to expand the system and the business. The planning staff has no problems with this request as presented. 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 unanimously recommended the approval of the rezoning petition. The Board also unanimously approved the Conditional Use permit and the recommended conditions.

Planning Director Sudderth noted that there had been no calls concerning this Rezoning.

Vice Chairman John Turpin entertained a motion to approve or reject the rezoning of approximately .785 acres from H-B (Highway Business) to M-2-CU (Heavy Manufacturing Conditional Use) Elizabeth Floyd –Applicant (Site Owner-BMC Land Co, INC) for “Welding, Machine Shop and Metal Fabrication.

Commissioner Joe Turpin moved to approve the rezoning request to rezone approximately .785 acres from H-B (Highway Business) to M-2-CU (Heavy Manufacturing Conditional Use) –Elizabeth Floyd. Commissioner Inman seconded and the motion carried (4-0) with Chairman McHugh absent.

Planning Director Sudderth presented the Planning Board’s recommendations to the Board. Ms. Floyd had reviewed and agreed to the Planning Board’s recommendations.

Recommended Conditions for Elizabeth Floyd M-2-CU #160

1. NCDOT must approve any new commercial driveway access for the site.
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. The applicant shall adhere to the occupancy requirements of the Stokes County Health Department, Environmental Health section.
12. Or any other condition that the Boards may deem necessary at the time the project is approved.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING CONDITIONAL USE PERMITS.

Planning Director Sudderth requested the Board's approval for the following special use permit requirements:

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:

1. The requested use is listed among the conditional uses in the district for which application is made. Yes (4-0) Chairman McHugh absent
2. The requested use is essential or desirable to the public convenience or welfare. Yes (4-0) Chairman McHugh absent
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. Yes (4-0) Chairman McHugh absent
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 (4-0) Chairman McHugh absent
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (4-0) Chairman McHugh absent
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 (4-0) Chairman McHugh absent

Vice Chairman John Turpin entertained a motion to approve the Conditional Use Permit.

Commissioner Inman moved to approve the Conditional Use Permit.

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

**GENERAL GOVERNMENT-GOVERNING BODY-PUBLIC HEARING
RA TO H-B – ANTHONY & LEISA DAVIS**

Vice Chairman John Turpin called the Public Hearing for the Rezoning Request RA (Residential Agricultural to H-B (Highway Buiness) – Anthony & Leisa Davis to order.

There were no public comments.

Vice Chairman John Turpin adjourned the Public Hearing.

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

Planning Director David Sudderth presented the Rezoning Request to rezone approximately .553 acres from RA (Residential Agricultural) to H-B (High Business) Anthony & Leisa Davis –Applicant and Site Owner.

Anthony & Lisa Davis RA to H-B # 161

REQUEST: Rezone approximately .553 acres from RA (Residential Agricultural) to H-B (Highway Business).

SITE OWNER: Anthony & Leisa Davis

APPLICANT: Anthony & Leisa Davis

SITE LOCATION: The property is located at 10640 NC Hwy 89 W in Westfield near the county line.

Map: 5979 **Parcel:** 7410 **PIN #:** 5979-00-55-7410

Deed Book: 463 **Page:** 953 **Township:** Big Creek

SITE INFORMATION:

PARCEL SIZE: Total tract .553 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B (Highway Business)

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 370362 0025B

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

WATERSHED DISTRICT: N/A

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Westfield VFD, EMS - Station # 103 Pinnacle

EROSION CONTROL: N/A

ACCESS: The proposed business will have driveway access off of NC Hwy 89 (NCDOT must approve a commercial driveway permit).

SURROUNDING LAND USE: The subject property is located at 10640 NC Hwy 89 W in the Westfield community. The adjacent properties to the west and east are zoned H-B. The Davis's own and operate Davis Grocery beside the site. The property located behind this parcel is zoned RA (Residential Agricultural) and is owned by Westfield Baptist Church. The property in across NC Hwy 89 is residential and is zoned RA (Residential Agricultural).

ISSUES TO CONSIDER:

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

STAFF COMMENTS: The rezoning request comes to the Board as a general use-rezoning request. The subject parcel is located between two general use H-B (Highway Business) districts. The applicant began using the existing house on the property as a tanning bed salon. The zoning enforcement officer informed them that the property would have to be rezoned to a commercial use for that activity. Mrs. Davis contacted us and began going through the rezoning process. James Kallam from the Inspections office and Brad Cheek of the Fire Marshal's office have inspected the structure for compliance with the building, electrical, plumbing, mechanical and fire codes. Kim Sutton, Environmental Health Supervisor has looked at the existing septic system and given approval for its use. Due to the location of the property being adjacent to existing H-B (Highway Business) districts the proposal seems appropriate.

PLANNING BOARD RECOMMENDATION: The Planning Board unanimously recommended the approval of the rezoning petition to H-B (Highway Business).

Planning Director Sudderth noted that there had been no calls concerning this Rezoning.

Vice Chairman John Turpin entertained a motion to approve or reject the rezoning request RA (Residential Agricultural) to H-B (Highway Business).

Commissioner Mabe moved to approve the rezoning request to rezone approximately .553 acres from RA (Residential Agricultural) to H-B (Highway Business).

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

GENERAL GOVERNMENT-GOVERNING BODY-PUBLIC HEARING-SPECIAL USE PERMIT FOR CONSTRUCTION OF A 199 FT. TELECOMMUNICATION TOWER – JAMES & HAZEL BENNETT

Vice Chairman John Turpin called the Public Hearing for the request of a Special Use Permit for the construction of a 199 ft. telecommunication tower. (Site owner James & Hazel Bennett/ Applicant-ATT Communications & Alltel) to order.

There were no public comments. Mr. Bill Howard –AAT Communications & Alltel waived to speak during Planning Director Sudderth's presentation.

Vice Chairman John Turpin adjourned the Public Hearing.

**GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT
SPECIAL USE PERMIT- 199 FT. TELECOMMUNICATION TOWER**

Planning Director David Sudderth presented the Special Use Permit –199 ft. Telecommunication Tower request.

Special Use Permit

AAT Communication Corporation & Alltel # 162
(199 ft. Telecommunication Tower)

REQUEST: ATT Communications Corporation & Alltel is requesting a Special Use permit for the construction of a 199 ft. telecommunication tower.

SITE OWNER: James & Hazel Bennett

APPLICANT: ATT Communications Corporation & Alltel

INITIAL SERVICE PROVIDER: Alltel

SITE LOCATION: The property is located at 3896 NC Hwy 89

Map: 695402

Parcel: 6504

PIN #: 6954-02-96-6504

Deed Book: 432

Page: 1648

Township: Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 43.360 acres

PROPOSED LEASE LOT: .23 acres, 10,000 sq. ft. (100 ft. x 100 ft.)

PROPOSED TOWER HEIGHT: 199 FT. (195 ft. tower, 4 ft. lightning rod)

PROPOSED TOWER TYPE: Self-support tower located within a 70 ft. x 70 ft. fenced equipment compound.

CAPACITY: (6) Antennae arrays

ZONING DISTRICT: RA (Residential Agricultural)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0150 B

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

WATERSHED DISTRICT: N/A

EMERGENCY SERVICES: Walnut Cove VFD, EMS - Station # 102 Walnut Cove.

ACCESS: Access for the site will be from a 20 ft. access easement beginning at NC Hwy 89 E and terminating at the leased area. The easement lies solely within the property owned by James H. and Hazel O. Bennett.

STAFF COMMENTS: The proposed site meets the requirements as set forth in appendix B of the zoning ordinance. Trigon Engineering has given us a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance. A staff review of the application and site concur with Trigon's recommendation. The zoning requirements for issuing a special use permit are:

Planning Director Sudderth noted all telecommunication towers are reviewed by Trigon Engineering, Greensboro, North Carolina.

Mr. Bill Howard

AAT Communication & Alltel

21300 Nautique Blvd

Suite #102

Cornelius, NC 28031

Mr. Bill Howard presented the following overview concerning the selection of the Bennett property for the placement of a 199 ft. Telecommunication Tower.

- Placement at the County property-Lions' Club Park-duplication of coverage
- Placement at the County property-Lions' Club Park-close to airport-FFA limitations- decreasing the height of the tower
- Placement at the County property-Lions' Club Park-no coverage west of #89
- Bennett property – exceptional elevation
- Bennett property – filled and buffered with hardwood vegetation
- Bennett property – limited visibility from Highway #89
- Bennett property – no restrictions pertaining to surrounding historical property
- Bennett property – tower will have space for 5 additional carriers

136.1 Intent of Special Use District

The development and execution of this Ordinance is based upon the division of the County's jurisdiction into districts where the use of the land and buildings and structures in relation to the land are substantially uniform. It is understood that certain uses which because of their unique characteristics, are not easily classified into any particular zoning district or districts. In this situation, individual consideration for each case must be taken to determine the impact of those uses upon surrounding land and the public need for that particular use in that specific location. In these situations, a special use permit must be obtained.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 9 to 0 to recommend the approval of the Special Use petition for a Telecommunication Tower with the stipulations as set forth in the recommendation from Trigon Engineering.

Planning Director Sudderth requested the Board's approval for issuing a special use permit.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING SPECIAL USE PERMIT.

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

1. The requested use is listed among the conditional uses in the district for which application is made. Yes (4-0) Chairman McHugh absent
2. The requested use is essential or desirable to the public convenience or welfare. Yes (4-0) Chairman McHugh absent
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. Yes (4-0) Chairman McHugh absent
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 (4-0) Chairman McHugh absent
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (4-0) Chairman McHugh absent
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 (4-0) Chairman McHugh absent

Vice Chairman John Turpin entertained a motion to approve the Special Use Permit – for a 199 ft. Telecommunication Tower – Applicant James and Hazel Bennett.

Commissioner Inman moved to approve the Special Use Permit for a 199 ft.

Telecommunication Tower- Applicant James and Hazel Bennett.

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

PUBLIC COMMENTS

There were no public comments.

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

Planning Director Sudderth presented photographs of dwellings owned by applicants who had applied for the proposed 2004-2007 Scattered Site Housing.

Planning Director Sudderth noted that if the Board decided to decline the Scattered Site Housing Grant, the Board would need to hold a Public Hearing to inform the public.

Also, verification was obtained from the State that the Board of Commissioners could sit as the selection committee along with appointing others to that committee.

The Board continued to discuss the pros and cons of accepting the proposed 2004-2007 Scattered Site Housing Grant, the option of bidding out for a third party administrator to administer the program, and the extensive time involved with the County's Planning Department administering the program.

Planning Director Sudderth requested guidance from the Board whether the County wish to continue with the program due to the constant receipt of paperwork coming into the County.

The Board requested Planning Director Sudderth to find out if the Northwest Piedmont Council of Government (NWPCOG) administers this type of program and if there was a time limit on the County submitting to the State their decision to participate or not participate in this program for the October 11th meeting.

GENERAL GOVERNMENT – ADMINISTRATION – COUNTY FLOODING

County Manager Rick Morris noted that FEMA representatives along with County officials had reviewed flooded areas. The County would receive notification if any FEMA funding is available.

The Board commented on the excellent job done by County Departments and officials during the recent flooding.

There being no further business to come before the Board, Commissioner Inman moved to adjourn the meeting. Commissioner Joe Turpin seconded and the motion carried (4-0) with Chairman McHugh absent.

Darlene Bullins
Clerk to the Board

Sandy McHugh
Chairman