

STATE OF NORTH CAROLINA) OFFICE OF THE COMMISSIONERS
) STOKES COUNTY GOVERNMENT
COUNTY OF STOKES) DANBURY, NORTH CAROLINA
) AUGUST 2, 2005

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 2, 2005 at 7:00 pm with the following members present:

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

County Personnel in Attendance:
County Manager Richard Morris
Clerk to the Board Darlene Bullins
Planning Director David Sudderth

Chairman John Turpin called the meeting to order.

Planning Director David Sudderth delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

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

GENERAL GOVERNMENT - PLANNING & COMMUNITY DEVELOPMENT

Vice Chairman Inman referenced Code of Ethics -Stokes County Commissioners - Section #8 -involving a voting conflict. Vice Chairman Inman requested to abstain from voting or participating in discussion on Rezoning Request #166 and Rezoning Request #167 at tonight's Planning and Community Development Meeting of the Stokes County Board of Commissioners as they both involve Carolina Farms Real Estate, in which I have a financial interest as a real estate broker.

To: Darlene Bullins
Clerk to the Board, Stokes County Board of Commissioners

From: Leon Inman 
Vice Chairman, Stokes County Board of Commissioners

Date: August 2, 2005

RE: Voting Conflict (Section 8, Code of Ethics for Stokes County Commissioners)

I request to abstain from voting on Rezoning Request #166 and Rezoning Request #167 at tonight's Planning & Community Development Meeting of the Stokes County Board of Commissioners as they both involve Carolina Farms Real Estate, in which I have a financial interest as a real estate broker.

Chairman John Turpin entertained a motion to allow Vice Chairman Leon Inman to abstain from voting or participation in discussion on Rezoning Requests #166 and #167.

Commissioner Joe Turpin moved to approve the motion to allow Vice Chairman Leon Inman to abstain from voting or participation in discussion on Rezoning Requests #166 and #167.

Commissioner Walker seconded and the motion carried (4-0) with Vice Chairman Inman properly abstaining from the vote. (Vice Chairman removed himself to the audience)

Chairman John Turpin noted that the Board had been informed that there were additional speakers for the Mini-Storage Warehouse Request who had not arrived.

Chairman John Turpin allowed the Rezoning Request #167 to be first.

PUBLIC HEARING

Chairman John Turpin called the Public Hearing for the Rezoning Request #167 to order - Jalal Samhoun.

The following spoke during the Public Hearing:

Phyllis E Mendel

723 Coliseum Dr-Suite 101

Winston Salem, NC 27106

RE: **Jalal Samhoun - RA to RE-CU**

Ms. Mendel informed the Board that she was legal counsel for Jalal Samhoun who was unable to attend the meeting. Ms. Mendel stated that Mr. Samhoun's family will occupy 4 of the proposed 24-lot residential subdivision. Ms. Mendel concluded she would be happy to entertain any questions concerning Mr. Samhoun's rezoning request.

Chairman John Turpin closed the Public Hearing.

Planning Director David Sudderth presented the request to rezone approximately 39.791 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 24-lot subdivision, site owner Blue Ridge Valley Enterprises and applicant Jalal Samhoun.

STAFF REPORT

Blue Ridge Valley Enterprises RA to RE-CU # 167

REQUEST: Rezone approximately 39.731 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 24-lot residential subdivision.

SITE OWNER: Blue Ridge Valley Enterprises

APPLICANT: Jalal Samhoun

SITE LOCATION: The property is located on S. Friendship Rd. (SR#1955) approximately 1.2 miles north of the intersection of NC Hwy 8 and S. Friendship Rd.

Map: 6932 **Parcel:** 0658 **PIN #:** 6932-03-41-0658

Deed Book: 525 & 527 **Page:** 13 & 711 **Township:** Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 39.731 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) for a 24-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: N/A

SEPTIC/WATER APPROVAL: Mr. Robert Edwin Stott a licensed soil scientist has evaluated the site for septic disposal. This report was prepared in May 2005 for Jalal Samhoun who is the applicant. Individual septic permits will have to be issued by the Stokes County Health Dept. (Environmental Health Section). Lots # 22 & 24 appear to be areas of concern.

SCHOOL DISTRICTS: Germanton Elementary, Southeastern Middle, South Stokes High

EMERGENCY SERVICES: Rural Hall VFD, EMS - Station # 1 - Walnut Cove.

EROSION CONTROL: Plan would be submitted at permitting phase and for road construction with North Carolina Division of Environment Health and Natural Resources, (DEHNR).

ACCESS: Access for proposed lots would be off a newly proposed road in the development, identified on the map as Brittway Way Drive. If the subdivision is approved this road would have to be paved to meet state standards. The developer would be required to submit information to NCDOT to obtain the necessary subdivision driveway approval.

SURROUNDING LAND USE: The subject property is currently vacant. The surrounding property is zoned RA (Residential Agricultural) and is used for residential purposes. The property has been recently logged. The primary housing type in the area is stick-built homes which is the housing type allowed in the RE (Residential Exclusive) zoning district.

ISSUES TO CONSIDER:

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

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 24-lot residential subdivision to be rezoned to 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 is consistent with the immediate surrounding property development. The proposed development shows a stub-out road between proposed lots 5 and 6 identified on the map as Jonway Lane. This proposed road would be a connector road back to S. Friendship Rd. by tying into Oak Haven Lane, a private road currently serving lots in Friendship Oaks subdivision. The use of this stub-out road appears to serve no purpose at this time. The developer does not control the access to utilize Oak Haven Lane. The Stokes County Subdivision regulation does not allow private roads in major subdivisions. The staff would recommend that this stub-out road be eliminated unless the applicant could gain access to and upgrade the existing private road to NCDOT standards. The main road in the subdivision, Brittway Lane would exceed by 723 ft. the allowed length of ½ mile as prescribed by the Stokes County Subdivision Regulations. The subdivision review committee will have to review the subdivision proposal on its technical merits if approved by the Board. The staff would recommend a waiver to the requirement based on the best utilization of the property due to terrain features and suitable septic areas.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended approval of the rezoning request by a vote of 5 to 0. The Board recommended by a vote of 5 to 0 the conditional use permit with the following conditions:

Recommended Conditions for Blue Ridge Valley Enterprises RE-CU #167

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. 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).
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
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 lots approved shall not be further subdivided.
12. The Conditional Use permit will expire one (1) year after approval is received from the Board of Commissioners. If no work on infrastructure improvement has begun within this time frame, the Conditional Use permit will expire. The Planning Department shall determine if substantial work or progress has been made to allow continuance of the project.
13. Allow length of proposed road "Brittway Lane" to exceed ½ mile limit as stated in the Stokes County Subdivision Regulations by approximately 723 ft.
14. Eliminate stub-out road identified as "Jonway Lane" between Lots 5 and 6.
15. Or any other condition that the Boards may deem necessary at the time the project is approved.

Planning Director Sudderth noted that Mr. Samhoun had agreed to all the recommended requirements.

Planning Director Sudderth noted that there had been only one call who was just interested on what was going on.

The Board discussed the estimated value of the proposed homes in the subdivision.

Chairman John Turpin entertained a motion to approve or reject the request to rezone approximately 39.791 acres from RA (Residential Agricultural) to RE-CU

(Residential Exclusive Conditional Use) for a 24-lot subdivision, site owner Blue Ridge Valley Enterprises and applicant Jalal Samhoun.

Commissioner McHugh moved to approve the request to rezone approximately 39.791 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 24-lot subdivision, site owner Blue Ridge Valley Enterprises and applicant Jalal Samhoun.

Commissioner Joe Turpin seconded and the motion carried (4-0) with Vice Chairman Inman properly abstaining from the vote.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING CONDITIONAL USE PERMITS

The Board must respond and vote on each of the following items concerning the issuance of a Conditional Use Permit.

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

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. (4-0) with Vice Chairman Inman properly abstaining
- (b) The requested use is essential or desirable to the public convenience or welfare. (4-0) with Vice Chairman Inman properly abstaining.
- (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. (4-0) with Vice Chairman Inman properly abstaining.
- (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. (4-0) with Vice Chairman Inman properly abstaining.
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (4-0) with Vice Chairman Inman properly abstaining.

- (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. (4-0) with Vice Chairman Inman properly abstaining.

Section 133. Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the responsible body (either the Governing Body or the Board of Adjustment) may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 132.5 above. In all cases in which conditional uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

Section 134. General Provisions in Granting Conditional Use

134.1 Compliance with Other Codes

Granting a conditional use does not exempt applicant from complying with all of the requirements of other ordinances.

134.2 Revocation

In any case where the conditions of a conditional use have not been or are not being met, the Enforcement Officer shall give the grantee notice of intention to revoke approval. Said notice shall be at least ten (10) days prior to action by the responsible body considering conditional uses.

134.3 Expiration

In any case where a conditional use has not been exercised within the time limit set by the responsible body, or within one (1) year if no specific time limit has been set, then without further action, the approval shall be null and void. "Exercised" as set forth in this Section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are constructed in a substantial stage of development, or completed (sewage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use in operation is in compliance with the conditions which are set forth in the approval

Chairman John Turpin entertained a motion to approve the Conditional Use Permit. (recommended conditions 1-15)

Commissioner Joe Turpin moved to approve the Conditional Use Permit (recommended conditions 1-15).

Commissioner Joe Turpin seconded and the motion carried (4-0) with Vice Chairman Inman properly abstaining from the vote.

GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT

PUBLIC HEARING

Chairman John Turpin called the Public Hearing for the Rezoning Request #166 to order - Robert Culler.

The following spoke during the Public Hearing:

Patricia F. Boyles

3655 Scenic Hwy 98
Destin, FL 32541

Re: **Opposition to the Rezoning Request - RA to H-B-CU for Mini Storage Warehouses**

Ms. Boyles presented the Board with more than 75 signatures who support the opposition to the rezoning of five acres beside Mr. Boyles' home to allow for storage warehouses.

(Copies will be retained in the Clerk's office)

Ms. Boyles also submitted a handout, which was prepared by Patricia Boyles, Julia Boyles Jessup, and James Boyles that listed the primary reasons to opposing the mini storage warehouses. (A copy will be retained in the Clerk's office)

Lois Shields

1155 Timber Trails
Pinnacle, NC 27043

Re: **Opposition to the Rezoning Request - RA to H-B-CU for Mini Storage Warehouses**

Ms. Shields stated the reason she moved to Pinnacle was to escape the business zones.

Ms. Shields does not feel the location is the best location for a mini storage warehouse.

Julia B Jessup

1809 Ridgewood Drive
Atlanta, GA 30307

Re: **Opposition to the Rezoning Request - RA to H-B-CU for Mini Storage Warehouses**

Ms. Jessup feels that the proposed rezoning will be definitely impact negatively the secure and peaceful life that residents now enjoy. Ms. Jessup also stated that this might set a trend to develop more businesses in the area that should be zoned for homes.

Dean Boyles

640 Goff Road
King, NC 27021

Re: **Opposition to the Rezoning Request - RA to H-B-CU for Mini Storage Warehouses**

Mr. Boyles questioned the long-term impact of having a storage unit in that location. Mr. Boyles stated that people do not want to build a nice home near a mini storage warehouse.

Michael Westcott

204 Pearce Drive
Jamestown, NC 27282

Re: **Spoke on behalf of Property Owner**

Mr. Wescott (civil engineer) spoke on behalf of the owner of the property, Doris Bowen Hill. Mr. Wescott presented factual information concerning the proposed mini storage warehouse project such as placing an 8 ft wooden fence, less traffic than the nearby church, very little noise, security, and parking.

William O. Tedder

220 Hartgrove Road
King, NC 27021

Re: **Opposition to the Rezoning Request - RA to H-B-CU for Mini Storage Warehouses**

Mr. Tedder stated the area should be used for a nice housing development instead of a mini storage warehouse.

Chairman John Turpin closed the Public Hearing.

Planning Director David Sudderth presented the request to rezone approximately 5.0 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Mini-Storage Warehouses". Two warehouses in phase 1, two warehouses in phase 2, and two warehouses in phase 3.

STAFF REPORT

Robert Culler RA to H-B-CU # 166

REQUEST: Rezone approximately 5.0 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Mini-Storage Warehouses". Two warehouses in phase 1, two warehouses in phase 2, and two warehouses in phase 3.

SITE OWNER: Doris Bowen Hill

APPLICANT: Robert Culler

SITE LOCATION: The property is located on Old U.S. 52 (SR# 1236)

Map: 598301 **Parcel:** portion of 5846 **PIN #:** 5983-01-36-5846

Deed Book: 237 **Pages:** 923 **Township:** Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 39.440 acres. Proposed area for use 5.0 acres.

ZONING DISTRICT: RA (Residential Agricultural)

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

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 370362 0125 B

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

WATERSHED DISTRICT: WS-IV- Yadkin River

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section.

SCHOOL DISTRICTS: N/A

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

EROSION CONTROL: When construction begins, if necessary. Plans indicate less than one (1) acre being disturbed.

ACCESS: The proposed business will have driveway access off of Old U.S. 52 (NCDOT must approve a commercial driveway permit for this project).

SURROUNDING LAND USE: The subject property is located on N Old U.S. 52 The closest commercial H-B (Highway Business) districts to the site are located approximately .3 mile northwest from the proposed site. This includes the Stokes County EMS station # 103 and the Midway Beauty Shop on one side of the road and Todd's Drywall on the other side of the road. There are two manufactured housing units and one stick-built home across Old US 52 from the proposed site and a stick-built home approximately 215 ft. northwest of the proposed site and a stick-built home approximately 600 ft. southwest of the site. The remaining surrounding property is either vacant or being used for agricultural purposes. Most of the commercial development in this area is located to the northwest of the site on Old US 52 going into Pinnacle. There are no close commercial districts to the southwest of the site along Old US 52.

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Consistency with surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Need of services provided.
- 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 of the proposed "Mini Storage Warehouses" in detail. The proposed site would extend the area of mixed development on Old US 52 approximately .3 mile southwest of where it is now, however the Stokes County green box site is located approximately ½ mile southwest of the proposed location. The Board should take into consideration the future potential of the area for other commercial or residential growth. Most of the residential subdivision growth in the area has taken place closer to the City of King. The conditional use aspect of the request would allow the Board the opportunity and ability to regulate uses on the property and address any environmental or neighborhood concerns that might arise if approved.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended approval of the rezoning request by a vote of 3 to 2. The Conditional Use permit was approved by a vote of 5 to 0 with the following conditions:

Recommended Conditions for Robert Culler H-B-CU #166

1. NCDOT must approve a 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. Plant a vegetative buffer, Leland cypress on the west side of the property outside of the security fence.
12. Pave driveway from driveway access entrance off Old US 52 (SR# 1236) to security gate entrance.
13. Move front security fence 40 ft. from edge of right of way.
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

The Board discussed location of the warehouses on the lot, impact on the surrounding community, fencing surrounding the storage units, lease agreements of the units, garage sales for unpaid rent, and the comments received during the Public Hearing.

Chairman John Turpin entertained a motion to approve or reject the request to rezone 5.0 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Mini-Storage Warehouses". Two warehouses in phase 1, two warehouses in phase 2, and two warehouses in phase 3.

Commissioner McHugh moved to approve the request to rezone approximately 5.0 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Mini-Storage Warehouses". Two warehouses in phase 1, two warehouses in phase 2, and two warehouses in phase 3.

Commissioner Joe Turpin seconded the motion.

The Board continued discussion of whether this type of development is the best use of the land and the surrounding land. The motion failed (2-2) with Vice Chairman Inman properly abstaining from the vote.

The motion failed; therefore, no further discussion continued concerning the Conditional Use Permit.

Vice Chairman Inman returned to his seat on the Board.

PUBLIC HEARING

Chairman John Turpin called the Public Hearing for the Rezoning Request #168 to order- Wallace Wade Poston- Special Use Permit. (Recreational Fishing Pond) There was no one signed up to speak at the Public Hearing, Chairman John Turpin closed the Public Hearing.

Planning Director David Sudderth presented the request to obtain a Special Use Permit for a Fishing Pond.

STAFF REPORT

Wallace Wade Poston- Special Use Permit # 168 Recreational Fishing Pond

REQUEST: Obtain a special use permit for a Fishing Pond

SITE OWNER: Wallace Wade Poston

APPLICANT: Wallace Wade Poston

SITE LOCATION: The property is located off of Dodgetown Rd.

Map: 6966

Parcel: 0792

PIN #: 6966-00-35-0792

Deed Book: 500

Page: 2097

Township: Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 29.667 acres.

POND SIZE: Approximately 1.4 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED USE: Fishing Pond

FLOOD HAZARD AREA: Proposed site 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: Site has been evaluated and approved by the Stokes County Health Department (Environmental Health Section) for a septic system.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Danbury VFD, EMS -Walnut Cove #101

EROSION CONTROL: N/A

ACCESS: The proposed fishing pond will have driveway access off of Stewart Rd. (SR# 1707). NCDOT must approve the driveway permit to the site. There will be a 12 ft. gravel driveway leading to the site.

SURROUNDING LAND USE: The surrounding land uses consist mainly of open land and scattered residential development.

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Impact on community infrastructure, traffic, public services etc.
- Recreational benefit to the community

STAFF COMMENTS: The Planning staff does not see any major problems with the request. The applicant is able to meet all the applicable requirements for the issuance of the Special Use permit to operate an Amusements/Recreational Fishing Pond. The proposed location has a natural buffer due to the terrain and size of the tract of land.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended approval of the Special Use permit by a vote of 5 to 0 with the following requirements and conditions.

REQUIREMENTS FOR FISHING POND

- **Amusements/Recreational Facilities For Profit (Outdoors) (swimming pools, fishing lakes, etc.)**
 - 1) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property that is located in a residential district, if required by the Boards.
 - 2) No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 100 feet of any adjoining property line.
 - 3) Hours of operation shall be no earlier than 7:00 a.m. and no later than 12:00 midnight.
 - 4) No motorized vehicles, such as motorcycles, dirt bikes, go-carts, all terrain vehicles, and similar uses shall not be allowed.
 - 5) The site shall have a minimum of ten (10) acres, unless otherwise determined by the Board.
 - 6) Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall permitted on a temporary basis and only during the operation of the use and shall meet all applicable state health codes.
 - 7) All parking shall be on site in a designated area for that purpose.
 - 8) Any signage, which identifies the use, shall be in accordance with standards of the underlying zoning district.

The Board discussed the requirements approved by the Planning Board. Mr. Poston had agreed to all the requirements for the fishing pond.

Mr. Sudderth stated that there was only one inquiry from Gareath Meadows who owns adjoining property. Mr. Meadows had no complaints after being informed of the use.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING SPECIAL USE PERMITS

The Board must respond and vote on each items concerning the issuance of a Special Use Permit.

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

CONDITIONS FOR SPECIAL USE PERMIT REQUEST:

- 1) Control access to fishing pond with gate near driveway off Dodgetown Rd.
- 2) Construct lighting to be non-obtrusive to the surrounding properties.

REQUIREMENTS FOR ISSUANCE OF SPECIAL USE PERMIT

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.

136.9 Conditions and Guarantees

Prior to the granting of any special use, the Planning Board may recommend, and the responsible body may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 136.5 above. In all cases in which special uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

The Board must respond and vote on each of the following items concerning the issuance of a Special Use permit.

136.8 Action by the Responsible Body

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

- (a) The requested use is listed among the special uses in the district for which application is made. (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. (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. (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. (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (5-0)
- (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. (5-0)

Chairman John Turpin entertained a motion to approve the Special Use Permit for a fishing pond.

Commissioner Joe Turpin moved to approve the Special Use Permit for a fishing pond.

Commissioner McHugh seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

Scattered Site Housing Grant

Director Sudderth updated the Board concerning the Scattered Site Housing Grant. Final requested information has been returned for final approval for closure which will allow the 2005 Scattered Site Housing to be executed by the NWPCOG.

Cell Tower Update

Director Sudderth updated the Board concerning potential cell towers within the County with a possible lease agreement for a cell tower at the old prison site.

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

Commissioner McHugh moved to adjourn the meeting.

Chairman John Turpin seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

John M. Turpin
Chairman