

STATE OF NORTH CAROLINA) OFFICE OF THE COMMISSIONERS
) STOKES COUNTY GOVERNMENT
COUNTY OF STOKES) DANBURY, NORTH CAROLINA
) OCTOBER 4, 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, October 4, 2005 at 7:00 pm with the following members present:

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

Commissioner Sandy McHugh (absent)

County Personnel in Attendance:
County Manager Richard Morris
Clerk to the Board Darlene Bullins

Planning

Director David Sudderth

Sheriff Mike Joyce

Stokes County Schools
Dr. Larry Cartner - Superintendent
Mr. Ty Boles - Chairman - Board of Education

Chairman John Turpin called the meeting to order.

Commissioner Walker 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.

PUBLIC HEARING

Chairman John Turpin called the Public Hearing for the following zoning issues and zoning text amendment to order:

**SPECIAL USE PERMIT REQUEST - ALLTEL COMMUNICATIONS -
(150 ft. Telecommunication Tower)**

The following spoke during the Public Hearing:

Mr. Bill Howard
Development Agent
Alltel Communications

(Ms. Amy Schott - Alltel Communications and Mr. Billy Ashburn - land owner also signed up to speak, but requested the Board allow their time to be given to Mr. Howard to speak- Chairman John Turpin allowed Mr. Howard to use the additional time)

Mr. Howard presented the Board a brief summary of the proposed project -150 ft. Telecommunication Tower to increase Alltel communication in the southwest section of Stokes County along Highway 66. Mr. Howard did request a waiver of the landscaping requirements due to a heavy buffer of vegetation already on the site and a second waiver on the total tower capacity - 4 carriers due to the 150 ft. monopole.

REZONING REQUEST - SARAH RIDDLE

RA to RE-CU for a 3-lot residential subdivision

The following spoke during the Public Hearing:

Mr. Monty Nelson

1126 Ralph Boyles Road
King, NC 27021

Re: **Opposition to the Rezoning**

Mr. Nelson expressed the following concerns opposing the rezoning request:

- Originally bought the large tract of land (9-acres) six months ago
- Was told at the time of purchase that the large tracts of land adjoining their property would have only one house per tract
- Should have been advised at the time of purchase

Ms. Kathy Nelson

1126 Ralph Boyles Road
King, NC 27021

Re: **Opposition to the Rezoning**

Ms. Nelson expressed the following concerns opposing the rezoning request:

- Confirmed and agreed with comments of Mr. Monty Nelson
- Concerned over being misled about the tracts being divided

Mr. Ivan Johnson

438 Anderson Road
Siloam, NC 27047

Re: **Support of Rezoning**

Mr. Johnson explained that the intentions were to place 6 units on 30 acres and that the individuals had not been misled. Mr. Johnson stated that Ms. Sandra Johnson and Ms. Sarah Riddle who had signed up to speak did not wish to speak at this time.

REZONING REQUEST - E. AKERS STEELE

RA to M-1CU for a Machine, Welding and Equipment Repair Shop

Mr. E Akers Steele

1160 Steele Road
Sandy Ridge, NC 27046

RE: **Support of Rezoning**

Mr. Steele expressed the following concerns in support of the rezoning request:

- Outgrown current facility
- Request opportunity to build shop on his land
- Need for the business in the community

Mr. Mark Steele

1215 Steele Road
Sandy Ridge, NC 27046

RE: **Opposition to the Rezoning**

Mr. Steele expressed the following concerns in opposition of the rezoning request:

- Easement is in view of historic farmhouse and restored log cabin
- Commercial traffic in the neighborhood
- Noise in the neighborhood
- Possible water runoff from proposed garage
- Easement granted in good faith by his father for access for land-farming only- not commercial use
- Better location in business zoned areas

Ms. Mattie Barney

191 Kinlock Street

Winston Salem, NC

RE: Opposition to the Rezoning

Ms. Barney expressed the following concerns in opposition of the rezoning request:

- Not a good location for business
- Easement originally given for personal use
- Business will not create any future jobs

Mr. Bo Dodson

PO Box 248

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Dodson expressed the following concerns in support of the rezoning request:

- Business will be a good asset for the community
- Need for this type of business in the community

Mr. Lynwood Shelton

1643 NC 770 HWY

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Shelton expressed the following concerns in support of the rezoning request:

- Should be allowed to build a shop on his own property
- Benefit to the Sandy Ridge Community
- Benefit to Stokes County

Mr. David Ferguson

1450 Amostown Road

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Ferguson expressed the following concerns in support of the rezoning request:

- Mr. Steele currently maintains all the equipment for Ferguson Lumber Co.
- Benefit for community
- Asset for the County

Ms. Marlene Smith

1778 Franklin Moore Road

Madison, NC 27046

RE: Opposition to the Rezoning

Ms. Smith expressed the following concerns in opposition of the rezoning request:

- Original easement given in 1981
- In 1996, Ms. Sybil Steele gave Mr. Akers Steele 5 additional easement ft. to move the easement. Ms. Steele paid for surveying, graveling, and piping to connect to Steele Road
- Easement given specially for residential-agricultural use not for commercial use
- Commercial zoning would place a burden on the easement
- Business does not fit the surroundings

Mr. Roy Steele Jr.

Sandy Ridge, NC 27046

RE: Opposition to the Rezoning

Mr. Steele expressed the following concerns in opposition of the rezoning request:

- Does not oppose Mr. Steele having a garage, opposes the location of the garage
- Not suitable location for a garage
- Better location in the commercial district

Mr. Sidney Fritz

1205 Brim Road

Madison, NC 27025

RE: Opposition of Rezoning

Mr. Fritz expressed the following concerns in opposition of the rezoning request:

- Not opposed to Mr. Steele having a garage in Sandy Ridge, but very interested to setting a precedent in zoning small acreage tracts to M-1
- M-1 should be large tracts of land
- Spot zoning will impact the adjoining areas
- Need commercial growth in specific areas
- Need commercial growth on major highways
- Sandy Ridge area is a growing area and zoning issues should not be taken likely

Mr. Mike Carter

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Carter expressed the following concerns in support of the rezoning request:

- Need for the business in the area
- Mr. Steele will keep the road up if he says he will

Mr. Mickey Flinchum

1030 Steele Acres Road

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Flinchum expressed the following concerns in support of the rezoning request:

- Respectful citizen in Sandy Ridge
- Can't afford a big tract land on major highway
- Their land - they should be able to build a shop if they want to

Mr. Robert Stephens

1576 Doug Stanley Road

Sandy Ridge, NC 27046

RE: Support of Rezoning

Mr. Stephens expressed the following concerns in support of the rezoning request:

- Need for this type of business in the area
- Benefit the County
- Good People - they do what they say they are going to do

ZONING TEXT AMENDMENT

Add Mini Storage Warehouse

Amend Article VIII, Section 91 Light Manufacturing

There were no public comments.

Chairman John Turpin closed the Public Hearing.

Special Use Permit Request

Alltel # 171

(150ft. Telecommunication Tower)

Planning Director David Sudderth presented the Special use Permit Request for the construction of a 150 ft. telecommunication tower - Applicant: Alltel Communications Inc;

Site Owner: Billy J. Ashburn.

REQUEST: Alltel is requesting a Special Use permit for the construction of a 150 ft. telecommunication tower.

SITE OWNER: Billy J. Ashburn

APPLICANT: Alltel Communications Inc.

INITIAL SERVICE PROVIDER: Alltel Communications Inc.

SITE LOCATION: The property is located on William Fowler Rd. near the intersection of William Fowler Rd. and Tom Gordon Rd.

Map: 690302
Deed Book: 530

Parcel: 0393
Page: 1601

PIN #: 6903-02-66-2381
Township: Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 8.768 acres

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

PROPOSED TOWER HEIGHT: 150 FT. (155' to top appurtenance)

PROPOSED TOWER TYPE: Monopole tower located within a 60 ft. x 60 ft. fenced equipment compound.

CAPACITY: (4) Antennae arrays

ZONING DISTRICT: RA (Residential Agricultural)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0125B

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

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

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

ACCESS: Access for the site will be from a 20 ft. access easement beginning at William Fowler Rd. (SR# 1133) and terminating at the leased area. The easement is incorporated entirely within the Ashburn property.

STAFF COMMENTS: The proposed site meets the requirements as set forth in appendix B of the zoning ordinance. The Center for Municipal Solutions 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 this recommendation. The zoning requirements for issuing a special use permit are:

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the approval of the Special Use permit request by Alltel Communications for a 150 ft. Telecommunication tower by a vote of 8 to 0.

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.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING SPECIAL USE PERMIT

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

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

In granting a special use, the responsible body shall insure:

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. (4-0) Commissioner McHugh absent
- (b) The requested use is essential or desirable to the public convenience or welfare. (4-0) Commissioner McHugh 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. (4-0) Commissioner McHugh 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.

(4-0) Commissioner McHugh absent

(e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

(4-0) Commissioner McHugh 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. (4-0) Commissioner McHugh absent

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.

Planning Director Sudderth noted that there had been no opposition to the rezoning request and that The Center for Municipal Solutions (County's Cell Tower Consultant) had submitted a letter of recommendation for the approval of the application. Planning Director Sudderth also requested the approval of waiving of the buffer and the number of antennae arrays requirements.

Chairman John Turpin entertained a motion to approve the Special Use Permit for the construction of a 150 ft. telecommunication tower with waiving the buffer and the number of antennae arrays requirements.

Commissioner Joe Turpin moved to approve the Special Use Permit for the construction of a 150 ft telecommunication tower with waiving the buffer and the number of arrays antennae requirements.

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

SARAH RIDDLE **RA to RE-CU # 169**

Planning Director David Sudderth presented the request to rezone approximately 12.67 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

ice Chairman Inman requested to abstain from voting or participating in discussion on Rezoning Request #169 at tonight's Planning and Community Development Meeting of the Stokes County Board of Commissioners as the rezoning involves Carolina Farms Real Estate, in which I have a financial interest as a real estate broker.

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

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

Date: October 4, 2005

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

I request to abstain from voting on Rezoning Request #169 at tonight's Planning & Community Development Meeting of the Stokes County Board of Commissioners as it involves 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 Request #169.

Commissioner Joe Turpin moved to approve the motion to allow Vice Chairman Leon Inman to abstain from voting or participation in discussion on Rezoning Request #169.

Commissioner Walker seconded and the motion carried (3-0) with Vice Chairman Inman properly abstaining from the vote and Commissioner McHugh absent. (Vice Chairman removed himself to the audience)

REQUEST: Rezone approximately 12.67 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

SITE OWNER: Arnold Ivan Johnson Estate

APPLICANT: Sarah Riddle

SITE LOCATION: The property is located on the east side of Denny Rd. (SR#2000) approximately .2 miles north of the intersection of Denny Rd. and Mountain View Ch. Rd.

Map: 6913

Parcel: 8475

PIN #: 6913-01-39-8475

Deed Book: 133

Page: 385

Township: Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 12.67 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Restricted Conditional Use) for a 3-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: The site has been reviewed and was found to be provisionally suitable for septic disposal by Kim Sutton, RS. Individual septic permits will have to be issued by the Stokes County Health Dept. (Environmental Health Section).

SCHOOL DISTRICTS: Mt. Olive Elementary, Chestnut Grove Middle, West Stokes High

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

EROSION CONTROL: Plan submittal will only be required if more than one acre of land is disturbed during the construction process.

ACCESS: Access for proposed lots would be off of Denny Rd. (SR# 2000). The developer would be required to submit information to NCDOT to obtain the necessary subdivision driveway approval. There is a 25 ft. access easement that serves the property of Ira Tucker.

SURROUNDING LAND USE: The subject property is currently vacant. The surrounding property is zoned RA (Residential Agricultural) and is used for residential and agricultural purposes. The primary housing type along Denny Rd. is a mixture of stick-built homes, and manufactured housing. This proposal of single-family dwellings would consistent with the current housing in the area.

ISSUES TO CONSIDER:

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

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 3-lot residential subdivision to be rezoned to RE -CU (Residential Exclusive) that would allow stick built, and modular homes. The Board may discuss the development plan in detail. The addition of stick-built homes in this area is consistent with the mixed uses on the surrounding property and should not pose a substantial burden on the community infrastructure. The subdivision review committee will have to review the subdivision proposal on its technical merits if approved by the Board.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the approval of the rezoning request from RA to RE-CU by Sarah Riddle for a 3-lot residential subdivision by a vote of 6 to 2. The Planning Board recommended by a vote of 8 to 0 to recommend the following conditions concerning the request.

Recommended Conditions for Sarah Riddle RE-CU #169

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 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.
3. 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. The landowner shall advise the buyers of lots 1 & 3 of the existing 25 ft. easement and their rights concerning its use.
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

The responsible body shall approve, modify, or deny the application for 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.
- (b) The requested use is essential or desirable to the public convenience or welfare.
- (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.
- (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.
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
- (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.

Planning Director Sudderth stated that the rezoning request had used all the options of minor subdivisions and had to request major subdivision rezoning regulations. Director Sudderth explained that there had been another couple that opposed the rezoning and a few other inquiries.

The Board discussed the impact on the area schools, minor and major subdivision zoning regulations, precedent setting, and the original zoning of property.

Chairman John Turpin entertained a motion to accept or deny the request to rezone approximately 12.67 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

Commissioner Joe Turpin moved to deny the request to rezone approximately 12.67 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

Chairman John Turpin seconded and the motion carried (2-1) with Vice Chairman Inman properly abstaining from the vote, Commissioner Walker voting against the motion, and Commissioner McHugh absent.

Vice Chairman Inman returned to his seat on the Board.

**E. AKERS STEELE
RA to M-1-CU # 170**

Planning Director David Sudderth presented the request to rezone approximately 2.78 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Machine, Welding, and Equipment Repair Shop".

REQUEST: Rezone approximately 2.78 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Machine, Welding, and Equipment Repair Shop".

SITE OWNER: Akers Steele

APPLICANT: Akers Steele

SITE LOCATION: The property is located on Steele Farm Rd. approximately .3 mile south of the intersection with Steele Rd. (SR#1649)

Map: 6969 **Parcel:** portion of 7014 **PIN #:** 6969-00-99-7014
Deed Book: 360 **Pages:** 2150 **Township:** Snow Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 2.78 acres out of 23.3 acres.

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: M-1CU (Light Manufacturing 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: N/A

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 Steele Farm Rd. and Steele Rd. (SR# 1649) (NCDOT must approve a commercial driveway permit).

SURROUNDING LAND USE: The subject property is located on Steele Farm Rd., a private road located off of Steele Rd. (SR# 1649). The proposed site is located approximately .3 mile from the intersection of Steele Farm Rd. and Steele Rd. The surrounding land use consists of a singlewide mobile home adjacent to the site. This home is owned by the applicant's son and is used for rental property. The remaining surrounding property is vacant, agricultural or forested land.

ISSUES TO CONSIDER:

- Impact on existing and future surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Use of an easement as access to a commercial site.
- 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 rezoning; you may discuss the development plan of the proposed "Machine, Welding, and Equipment Repair Shop" in detail. Steele Farm Rd. is a private road running off of Steele Rd. (SR# 1649). The road is .6 mile in length and has a soil gravel roadbed. The road currently serves one singlewide mobile home. There is a pond near the end of the road and an abandoned mobile home and a vacant house along with some agricultural buildings at the end of the road. The first part of Steele Farm Rd. that comes off of Steele Rd. goes through the property of Sybil Martin Steele. This parcel of land is currently undeveloped. Mr. Steele's son owns all of the property below the proposed rezoning site along the remainder of Steele Farm Rd. The easement of

record, a thirty - (30) ft. easement was recorded 11/20/96 in Deed book 394, Page 1854. This easement was originally twenty-five - (25) ft. in width and was recorded on 09/03/81 in Deed Book 270, Pages 690-693. There appears to be no restrictions on the use of the easement. The easement would have to be extended to serve the proposed site. The site is well buffered from residences on Steele Rd., however the proposed site would be adjacent to the existing mobile home. The closest commercial districts are located about one mile away located on NC Hwy 704. Colonial Funeral Home, just recently approved and Oscar Wood's garage are the two closest zoned businesses. The main concern of the Planning Staff is access to the site. The Board should pay close attention to the potential of the surrounding property in making their decision and the adequacy of the easement access. The rezoning of property to be served by an easement has been approved in the past, Wesley Hawkins, (October 03, June 95), Ronald Collins, (October 97), Eddie G. Mabe, (May 97), Joe James, (April 97), Junior Duncan, (December 94), and Sheldon Dotson, (April 90). The pattern of mixed development is common throughout the county where residential and commercial activities are interspersed along a road. The conditional use aspect of the request would allow the Board the opportunity and ability to regulate the proposed uses and any potential uses on the property, as well as the ability to address any environmental or neighborhood concerns that might arise if the proposal is approved.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the approval of the rezoning request from RA to M-1-CU by Akers Steele for a Machine, Welding, and Equipment Repair Shop by a vote of 8 to 0. The Planning Board voted 8 to 0 to recommend the following conditions concerning the request.

The Board discussed the comments from those who opposed and supported the rezoning requests, location of the garage, the easement, type and amount of equipment serviced, recommended conditions, current buffer being used, and usage of the road.

Director Sudderth noted that there had been negative and positive calls concerning the rezoning request and other commercial districts nearby.

Chairman John Turpin entertained a motion to accept or deny the request to rezone approximately 2.78 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Machine, Welding, and Equipment Repair Shop".

Commissioner Joe Turpin moved to approve the request to rezone approximately 2.78 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Machine, Welding, and Equipment Repair Shop".

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

Director Sudderth read the following recommended conditions which Mr. Akers Steele had agreed to.

Recommended Conditions for Akers Steele M-1CU #170

1. NCDOT must approve a commercial driveway access for the site coming off Steele Rd.
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. Maintain the access easement in a manner that will be sufficient to handle the equipment that will utilize the road and limit dust as much as is feasible.
12. Plant a tree buffer along the outside edge of the easement along Steele Farm Rd. continuing on with the existing tree buffer.
13. Or any other condition that the Boards may deem necessary at the time the project is approved.

BOARD ACTION REQUIREMENT

The Board must respond and vote on each of the following items.

Planning Director Sudderth requested the Board's approval for the following:

The responsible body shall approve, modify, or deny the application for 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. (4-0) Commissioner McHugh absent
- (b) The requested use is essential or desirable to the public convenience or welfare. (4-0) Commissioner McHugh 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. (4-0) Commissioner McHugh 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. (4-0) Commissioner McHugh absent
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (4-0) Commissioner McHugh absent
- (g) 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) Commissioner McHugh absent

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.

The Board discussed the Planning Board recommended conditions for Akers Steele -

M-1CU #170.

Director Sudderth requested clarification of items #11 and #12.

The Board discussed clarification of items #11 and #12.

Director Sudderth also questioned Mr. Mark Steele, adjoining property owner, and Mr. Akers Steele-applicant concerning items #11 and item #12, which outlines the tree buffer and the current road. Mr. Steele responded that Ms. Steele had already spent \$7,000 on the current easement and that the tree buffer should be a decent size to conform with the existing tree buffer. Mr. Akers Steele responded that he would maintain at least the same or better condition of the current road.

Chairman John Turpin entertained a motion to approve the planning board recommendations with the following amendments to #11 and #12:

- #11. Maintain at the current level or better the access easement in a manner that will be sufficient to handle the equipment that will utilize the road and limit dust as much as is feasible.
- #12. Plant and maintain a tree buffer of Leyland Cypress along the outside edge of the easement along Steele Farm Road continuing on with the existing tree buffer located on the (northeast side).

Commissioner Joe Turpin moved to approve the planning board recommendations with the following amendments to #11 and #12:

- #11. Maintain at the current level or better the access easement in a manner that will be sufficient to handle the equipment that will utilize the road and limit dust as much as is feasible

- #12. Plant and maintain a tree buffer of Leyland Cypress along the outside edge of the easement along Steele Farm Road continuing on with the existing tree buffer located on the (northeast side)

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

ZONING TEXT AMENDMENTS

Add Mini-Storage Warehouse
(Amend Article VIII, Section 91-Light Manufacturing)

Planning Director Sudderth requested to amend the zoning text to add "Mini-Storage Warehouses" with the following requirements. (Planning Director noted that when the zoning was created in 1980's-mini storage warehouses did not exist)

The following section will be required to be amended:

Amend Stokes County Zoning Ordinance Article VIII, Section 91 (Light Manufacturing), Sub-Section 91.2 (Conditional Uses) to read as follows:

Mini-Storage Warehouses

- 1) The maximum height of building (s) shall be twenty (20) feet.
- 2) No outside storage shall be permitted.
- 3) Storage of hazardous, toxic, or explosive substances shall be prohibited.
- 4) No business activity other than the rental of storage units shall be conducted on the premises

These requirements are the same as stipulated in the H-B (Highway Business -zoning district). The addition of mini-storage warehouses would be consistent with the warehousing currently allowed in the M-1 (Light Manufacturing) zoning district.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommended by a vote of 8 to 0 to approve the text amendment.

The Board discussed item#2 in detail, which does not allow outside storage.

Chairman John Turpin entertained a motion to amend Stokes County Zoning Ordinance Article VIII, Section 91 (Light Manufacturing), Sub-Section 91.2

(Conditional Uses) to read as follows:

Mini-Storage Warehouses

1. The maximum height of building (s) shall be twenty (20) feet.
2. Outside storage shall be limited to non-commercial RV's and Watercraft
3. Storage of hazardous, toxic, or explosive substances shall be prohibited.
4. No business activity other than the rental of storage units shall be conducted on the premises

Vice Chairman Inman moved to amend Stokes County Zoning Ordinance Article VIII, Section 91 (Light Manufacturing), Sub-Section 91.2 (Conditional Uses) to read as follows:

Mini-Storage Warehouses

1. The maximum height of building (s) shall be twenty (20) feet.
2. Outside storage shall be limited to non-commercial RV's and Watercraft
3. Storage of hazardous, toxic, or explosive substances shall be prohibited.
4. No business activity other than the rental of storage units shall be conducted on the premises

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

Commissioner McHugh absent.

PUBLIC COMMENTS

There were no public comments

GENERAL GOVERNMENT - GOVERNING BODY - PROPOSED SRO POSITION

AT MEADOWBROOK

The Board continued the discussion regarding the proposed SRO position at Meadowbrook. Dr. Larry Cartner-Superintendent, Mr. Ty Boles-Chairman of the Board of Education, and Sheriff Mike Joyce were also in attendance for the agenda item.

Dr. Cartner presented Board members with a packet containing the following:

- SRO Talking Points for proposed SRO position
- Meadowbrook enrollment
- Additional uses for a SRO at Meadowbrook
- Returning Auxiliary Expenses To County Budget
- School Resource Officer (SRO) Summary - June 2005
- Meadowbrook Alternate School- Discipline Notes
- Disciplinary Data Collection - School Summary
(a copy of the packet will be retained in the Clerk's Office)

Dr. Cartner presented a brief overview of the items in the packet.

Dr. Cartner stated the following concerns regarding the proposed SRO position at Meadowbrook:

- Had consulted with City of King- King Police could not dedicate one officer - Board of Education desired to have one officer at the school
- Funds are available in the school budget for the position (2005/06)
- Intention of the General Assembly is that every high school have an SRO- Meadowbrook is counted as a high school
- It is an issue of proactively providing safety measures for our most challenged student population and the employees who serve them
- SRO position at Meadowbrook was included in proposed 05/06 school budget, but was not funded by the County
- Faculty consist of 7 teachers, 2 assistant teachers, 2 counselors, 1 administrator and 1 secretary
- Approximately 40 students
- Not an issue of numbers -issue of need for the most challenged students and a need of responsibility to place a SRO at Meadowbrook
- Auxiliary Expenses paid by the Board of Education that should be paid by the county

Mr. Boles stated the following concerns regarding the proposed SRO position at Meadowbrook:

- Need for SRO at Meadowbrook
- Responsibility to place an SRO at Meadowbrook
- Board of Education unanimously supports the placement of an SRO at Meadowbrook, the vote passed 3-2 for the SRO position (the two voting against the motion was due to the motion being for a full time position and not a part time position)
- Reiterated that this is not a numbers game- it is a need
- All schools are equipped with quality personnel and equipment- all schools are treated fairly
- Loss of faculty due to not having an SRO at Meadowbrook

The Board discussed why the urgent need for a SRO at Meadowbrook at this time, discipline notes for Meadowbrook Alternate School, number of other alternate schools who currently have School Resource Officers, budgeting for the SRO now and for future budgets, and placing a current officer from another school where the need is not as great.

Sheriff Mike Joyce stated that his opinion of placing an SRO at Meadowbrook was the same as it was during budget time; however, the Board of Education has made the decision to place an SRO at Meadowbrook and the Sheriff's Department is willing to help out with equipment and a vehicle. Amended contracts would have to be worked out between the Board of Education and the Board of Commissioners. Sheriff Joyce also reported the following regarding the number of incidents at Meadowbrook during the last two years:

- 4 charges this year (2 for using profanity and 2 for fighting on the bus)

- 21 calls last year (15 of the 21 calls were for some type of assistance from law enforcement such as service of papers; assistance with a vehicle wreck; assistance requested from school personnel; disorderly conduct, disturbance, sexual offense, juvenile problems, etc.

Dr. Cartner expressed his appreciation to Sheriff Joyce for his willing to help out with the equipment and the vehicle.

Chairman John Turpin entertained a motion to accept or deny the request for a SRO position at Meadowbrook. There was no response.

Chairman John Turpin requested County Manager Rick Morris to speak with the City of King regarding the possibility of sharing the cost of a SRO at Meadowbrook and report back to the Board at the October 10th meeting.

GENERAL GOVERNMENT - GOVERNING BODY - OLD SAFE LOCATED AT OLD COURTHOUSE

Chairman John Turpin presented information from Mr. Charles H. Farlow, President of Stokes County Historical Society supporting the view of the Historic Society that the old safe should remain in the historic courthouse and information from Support Services Supervisor Danny Stovall estimating the cost of removal to be \$1000.

Dr. Cartner stated that he would like to respectfully withdraw his request to move the safe out of the old courthouse building due to the amount of attention given to the historic value of the safe. Dr. Cartner did suggest that the historic society place some type of plaque for public viewing. Dr. Cartner did express to the Board maintenance issues at the facility-one being the fire alarm system.

County Manager Morris noted that the issue of the fire alarm system would be investigated immediately.

GENERAL GOVERNMENT - GOVERNING BODY - JOINT MEETING WITH BOARD OF EDUCATION

Chairman John Turpin stated that the Board of Education had requested a joint meeting on Monday, October 24, 2005 at 4:00 pm (School Administration Board Room-Old Courthouse) for a presentation of the demographic study by Operations Research/Education Laboratory (OR/Ed Lab).

Vice Chairman Inman moved to approve the joint meeting on Monday, October 24, 2005 at 4:00 pm (School Administration Board Room-Old Courthouse) for a presentation of the demographic study by Operations Research/Education Laboratory (OR/Ed Lab).

Commissioner Walker seconded and the motion carried (4-0) with Commissioner McHugh absent.

GENERAL GOVERNMENT - GOVERNING BODY - 2005/06 BUDGET DISCUSSION

Vice Chairman Inman questioned whether the 2005/06 budget would be discussed at tonight's meeting as indicated at the last meeting.

Vice Chairman Inman suggested that the discussion (due to the meeting lasting longer tonight than anticipated) should be either at the next meeting or at a separate meeting.

Commissioner Walker stated that he would prefer a separate work session.

Commissioner Walker also stated that he had received a lot of comments from citizens requesting additional work to be done on the budget and felt an obligation to at least give a good faith effort, say what needs to be done, do as much as we can, and then say that it's over for this year.

Chairman John Turpin requested that the Board try to discuss the budget issues at the next meeting, if not enough time available, then possibly consider scheduling a separate meeting.

Commissioner Joe Turpin requested clarification whether the County tax rate could be reduced before December 2005.

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

Commissioner Walker moved to adjourn the meeting.

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

Darlene M. Bullins
Clerk to the Board

John M. Turpin
Chairman