

STATE OF NORTH CAROLINA) OFFICE OF THE COMMISSIONERS
) STOKES COUNTY GOVERNMENT
COUNTY OF STOKES) DANBURY, NORTH CAROLINA
) DECEMBER 6, 2005

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Tuesday, December 6, 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.

Vice Chairman Inman 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 -GOVERNING BODY-APPROVAL OF MINUTES

Chairman John Turpin entertained a motion to approve or amend the minutes of the November 28th meeting.

Commissioner Joe Turpin moved to approve the minutes of the November 28th meeting.

Commissioner McHugh seconded and the motion carried unanimously.

Chairman John Turpin turned the meeting over to Clerk to the Board Darlene Bullins for selection of Chairman.

GENERAL GOVERNMENT - GOVERNING BODY - REORGANIZATION OF THE BOARD

Chairman

Clerk to the Board Darlene Bullins opened the floor for nominations for Chairman of the Stokes County Board of Commissioners.

Commissioner John Turpin nominated Commissioner Leon Inman to serve as Chairman of the Stokes County Board of Commissioners.

Commissioner Joe Turpin seconded the nomination. There were no other nominations for Chairman.

Clerk to the Board Darlene Bullins entertained a motion to close the nominations.

Commissioner Joe Turpin moved to close the nominations for Chairman of the Stokes County Board of Commissioners.

Commissioner John Turpin seconded and the motion carried unanimously.

The appointment of Commissioner Leon Inman to serve as Chairman of the Stokes County Board of Commissioners was unanimous.

Clerk to the Board Darlene Bullins turned the meeting back over to Chairman Leon Inman.

Vice Chairman

Chairman Inman opened the floor for nominations for Vice Chairman of the Stokes County Board of Commissioners.

Commissioner John Turpin nominated Commissioner Joe Turpin to serve as Vice Chairman of the Stokes County Board of Commissioners.

Commissioner McHugh seconded the nomination.

There were no other nominations for Vice Chairman.

Chairman Inman entertained a motion to close the nominations.

Commissioner John Turpin moved to close the nominations for Vice Chairman of the Stokes County Board of Commissioners.

Commissioner McHugh seconded and the motion carried unanimously.

The appointment of Commissioner Joe Turpin to serve as Vice Chairman of the Stokes County Board of Commissioners was unanimous.

Clerk to the Board

Chairman Inman opened the floor for nominations for Clerk to the Board of the Stokes County Board of Commissioners.

Commissioner McHugh moved to appoint Darlene Bullins to serve as Clerk to the Board of the Stokes County Board of Commissioners.

Commissioner John Turpin seconded and the motion carried unanimously.

County Attorney

Chairman Inman opened the floor for nominations for County Attorney of the Stokes County Board of Commissioners.

Commissioner John Turpin moved to appoint Attorney Jonathan Jordan to serve as County Attorney of the Stokes County Board of Commissioners.

Vice Chairman Joe Turpin seconded and the motion carried unanimously.

Budget Officer

Chairman Inman opened the floor for nominations for Budget Officer for Stokes County.

Commissioner McHugh moved to appoint County Manager Richard Morris to serve as Budget Officer for Stokes County.

Vice Chairman Joe Turpin seconded and the motion carried unanimously.

Finance Officer

Chairman Inman opened the floor for nominations for Finance Officer for Stokes County.

Commissioner John Turpin moved to appoint Finance Director Julia Edwards to serve as Finance Officer for Stokes County.

Commissioner McHugh seconded and the motion carried unanimously.

Fire Marshal

Chairman Inman opened the floor for nominations for Fire Marshal for Stokes County.

Commissioner McHugh moved to appoint Brad Cheek to serve as Fire Marshal for Stokes County.

Commissioner John Turpin seconded and the motion carried unanimously.

Emergency Management Director

Chairman Inman opened the floor for nominations for Emergency Management Director for Stokes County.

Commissioner McHugh moved to appoint Monty Stevens to serve as Emergency Management Director for Stokes County.

Commissioner John Turpin seconded and the motion carried unanimously.

Assistant Emergency Management Director

Chairman Inman opened the floor for nominations for Assistant Emergency Management Director for Stokes County.

Vice Chairman Joe Turpin moved to appoint Brad Cheek to serve as Assistant Emergency Management Director for Stokes County.

Commissioner McHugh seconded and the motion carried unanimously.

Planning Director

Chairman Inman opened the floor for nominations for Planning Director for Stokes County.

Commissioner McHugh moved to appoint David Sudderth to serve as Planning Director for Stokes County.

Commissioner John Turpin seconded and the motion carried unanimously.

Economic Development Director

Chairman Inman opened the floor for nominations for Economic Development Director for Stokes County.

Commissioner McHugh moved to appoint Ron Morgan to serve as Economic Development Director for Stokes County.

Commissioner John Turpin seconded and the motion carried unanimously.

PUBLIC HEARINGS

Chairman Inman called the Public Hearing for the Rezoning Request #172-William (Bill) Hall (RA to M-1-CU for "Manufacturing Building Materials - Cast Stone") to order. The following spoke in favor of the rezoning request:

William (Bill) Hall, Jr.
1836 Moir Farm Road
Lawsonville, NC 27022

Mr. Hall requested the Board approve his rezoning request.

There were no other public comments.

Chairman Inman closed the Public Hearing.

Chairman Inman called the Public Hearing for the Rezoning Request #173-Felts Lumber Co., Inc. (RA to M-1) to order.

There were no public comments.

Chairman Inman closed the Public Hearing Chairman Inman called the Public Hearing for the Conditional Use Permit #174-Felts Lumber Co., Inc. (Mini Storage Warehouses) to order.

There were no public comments.

Chairman Inman closed the Public Hearing

Chairman Inman called the Public Hearing for the Rezoning Request #175-DJN Properties Inc. (RA to RE-CU for an 8-lot Residential Subdivision) to order.

The following spoke in favor of the rezoning request:

Don Snyder

1151 Julius Tucker Road
Pinnacle, NC 27043

Barbara Snyder

1151 Julius Tucker Road
Pinnacle, NC 27043

June Tilley

1085 Julius Tucker Road
Pinnacle, NC 27043

Cindy Tilley

1124 Julius Tucker Road
Pinnacle, NC 27043

Chairman Inman closed the Public Hearing

REZONING REQUEST - William B. Hall RA to H-B-CU # 172

Planning Director David Sudderth presented the Request to rezone approximately 1.091 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Building Materials, Cast Stone" manufacturing operation.

REQUEST: Rezone approximately 1.091 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a "Building Materials, Cast Stone" manufacturing operation.

SITE OWNER: William B. Hall

APPLICANT: William B. Hall

SITE LOCATION: The property is located at 1836 Moir Farm Rd. (SR# 1652)

Map: 5650 **Parcel:** portion of 6029 **PIN #:** 6050-00-80-6029

Deed Book: 341 **Pages:** 133 **Township:** Snow Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 45.426 acres

AREA PROPOSED: 1.091 Acres

ZONING DISTRICT: RA (Residential Agricultural)

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

ACCESS: The proposed business will have driveway access off of Moir Farm Rd. (SR# 1652) on a 50 ft. easement (NCDOT must approve a commercial driveway permit).

SURROUNDING LAND USE: The subject property is located off of Moir Farm Rd. on a 50 ft. easement that serves the proposed site and the applicant's home. The proposed site is approximately .4 mile off of Moir Farm Rd. The applicant owns all the land surrounding the proposed 1.091-acre site. The majority of the surrounding property is vacant land.

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 “Building Material, Cast manufacturing operation” in detail. The county has mixed commercial and residential development throughout its jurisdictional boundaries. This pattern of mixed development is common in the county. The nearest commercial zoning district is Barry Nelson’s (H-B-CU) Highway Business for a garage (Rezoned 01-02-01) is located approximately 1 mile north of the property. There is residential and agricultural property adjacent to the site. Mr. Hall’s intention is to relocate the business known as “The Rock and Stone Shop”. This business was located on the property of Joe James (Rezoned 04-08-97) off of Duggins Rd. The proposed site is similar to the site located off of Duggins Rd., both being served by private easements. The applicant will be able to use an existing building on the property. 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 the rezoning request by a vote of 7 to 0. The Board also recommended the Conditional Use permit by a vote of 7 to 0 with the following conditions. There was no opposition to the rezoning request or the Conditional Use permit request.

Director Sudderth noted that there had been no opposition to the rezoning request or the Conditional Use permit request.

The Board discussed the rezoning request.

Chairman Inman entertained a motion to accept or deny the request to rezone approximately 1.091 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a “Building Materials, Cast Stone” manufacturing operation.

Vice Chairman Joe Turpin moved to rezone approximately 1.091 acres from RA (Residential Agricultural) to M-1-CU (Light Manufacturing Conditional Use) for a “Building Materials, Cast Stone” manufacturing operation.

Commissioner McHugh seconded and the motion carried unanimously.

Recommended Conditions for William B. Hall H-B-CU #172

Director Sudderth read the following recommended conditions which Mr. Hall had agreed to:

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. Or any other condition that the Boards may deem necessary at the time the project is approved.

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.

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. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (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. Yes (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. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (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. Yes (5-0)

Chairman Inman entertained a motion to approve the conditional use permit.

Commissioner McHugh moved to approve the conditional use permit.

Commissioner John Turpin seconded and the motion carried unanimously.

Felts Lumber Co., Inc RA to M-1 # 173

Planning Director David Sudderth presented the Request to rezone approximately approximately 1.284 acres from RA (Residential Agricultural) to M-1 (Light Manufacturing).

REQUEST: Rezone approximately 1.284 acres from RA (Residential Agricultural) to M-1 (Light Manufacturing)

SITE OWNER: Felts Lumber Co., Inc.

APPLICANT: Felts Lumber Co., Inc.

SITE LOCATION: The property is located off of Robert C. Kellam Rd. (SR# 1145) near the end of the road. The site will be accessed off of Perch Rd. in Pinnacle behind Felts Lumber Company.

Map: 593707

Parcel: 3518

PIN #: 5937-07-78-3518

Deed Book: 477

Pages: 590

Township: Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 4.997 acres

AREA PROPOSED: 1.284 Acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: M-1 (Light Manufacturing)

FIRM MAP #: 370362 0125B

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: N/A

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Pinnacle VFD, EMS - Station # 3 & 4 - Pinnacle

EROSION CONTROL: When construction begins, if necessary.

ACCESS: The existing business has a driveway access off of Perch Rd. (SR# 1147) (NCDOT must approve any changes to the existing commercial driveway permit). The proposed site for rezoning would be incorporated into an existing M-1 (Light Manufacturing) zoning district utilizing the same access.

SURROUNDING LAND USE: The closest commercial district is the adjacent parcel, which is owned by Felts Lumber Co., Inc. The remaining surrounding property 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.
- Consistency with surrounding development.

STAFF COMMENTS: The rezoning request comes to the Board as a general use-zoning district; you may discuss the plan in general terms as it relates to all the potential uses in the M-1 (Light Manufacturing) zoning district. The purpose of this rezoning is to add an additional 1.284 acres to the existing 16.93-acre tract that is currently zoned M-1 (Light Manufacturing). The applicant owns both parcels. The 1.284 acre proposed site is being taken out of the back portion of an existing 4.997 acre parcel currently zoned RA (Residential Agricultural). The access to the proposed site would be from Perch Rd. The proposed parcel is currently accessed off of Robert C. Kellam Rd. If the property is rezoned the remaining 3.710 acres zoned RA (Residential Agricultural) would maintain its access off of Robert C. Kellam Rd. (SR# 1145). Robert C. Kellam Rd. is a gravel state maintained road. The Planning Department sees no problem with this proposal to add additional land to the existing M-1 (Light Manufacturing) district as long as access to the proposed site comes from Perch Rd.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the rezoning request by a vote of 7 to 0.

There was no opposition to the request.

Director Sudderth noted that there had been no negative comments during the Planning Board; however, an email have been received on 12-05-05 from Leesa Kellam opposing the rezoning request.

The Board discussed the rezoning request.

Chairman Inman entertained a motion to accept or deny the request to rezone approximately 1.284 acres from RA (Residential Agricultural) to M-1 (Light Manufacturing).

Commissioner John Turpin moved to rezone approximately 1.284 acres from RA (Residential Agricultural) to M-1 (Light Manufacturing).

Commissioner McHugh seconded and the motion carried unanimously.

Felts Lumber Co., Inc.- Conditional Use Permit # 174 Mini-Storage Warehouses

Planning Director David Sudderth presented the Request to obtain a Conditional Use permit for the construction of (5) Mini-Storage warehouses.

REQUEST: Obtain a Conditional Use permit for the construction of (5) Mini-Storage warehouses.

SITE OWNER: Felts Lumber Co., Inc.

APPLICANT: Felts Lumber Co., Inc.

SITE LOCATION: The property is located off of Perch Rd. (SR#1147) and Robert C. Kellam Rd. (SR# 1145)

Map(s): 597311 & 597312 **Parcel(s):** 3434 & 0363 **PIN #:** 5973-11-77-3430

5973-12-87-0363

Deed Book 483 & 526 **Page:** 513 & 25 **Township:** Yadkin

SITE INFORMATION:

PARCEL SIZE: Total proposed tract 3.284 acres.

ZONING DISTRICT: M-1 (Light Manufacturing)

PROPOSED USE: Mini-Storage Warehouses

FLOOD HAZARD AREA: Proposed site 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

SEPTIC/WATER APPROVAL: Mini-Storage Warehouses that do not have an on-site attendant are not required to have septic disposal.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Pinnacle VFD, EMS - Station # 3 & 4 - Pinnacle.

EROSION CONTROL: When construction begins, if necessary.

ACCESS: The proposed site will have driveway access off of Perch Rd. (SR# 1147). The proposed site would utilize a 30 ft. easement that serves Felts Lumber Co., Inc. NCDOT must approve the driveway permit to the site.

SURROUNDING LAND USE: The surrounding land uses consist of commercial land to the north, west, and south, and residential property to the east.

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Impact on community infrastructure, traffic, public services etc.
- Potential tax base increase due to commercial development.
- Need of service in the area.

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 Conditional Use permit to establish and operate Mini-storage warehouses. The proposed location is well buffered due to the terrain and size of the tract of land. The applicant will be required to meet the requirements for establishing "Mini-storage warehouses" as stated in the zoning ordinance.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the Conditional Use permit request by a vote of 7 to 0. There was no opposition to the request.

Requirements for Mini-Storage Warehouses

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 John Turpin moved to approve the Request to obtain a Conditional Use Permit for the construction of (5) Mini-Storage warehouses as requested by Felts Lumber Company.

Commissioner McHugh seconded the motion.

Commissioner John Turpin withdrew his motion and Commissioner McHugh withdrew her second to the motion for further discussion of requirements for Issuance of a Conditional Use Permit.

The Board continued discussion for the Conditional Use Permit.

Requirements for Issuance of Conditional Use Permit

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

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

132.1 Action by the Planning Board

The Planning Board shall review the application prior to the public hearing and shall present its recommendations to the responsible body prior to or at the public hearing. The Planning Board may reverse its recommendations following the public hearing and present such recommendations to the responsible body before final action is taken. 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. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (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. Yes (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. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (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. Yes (5-0)

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.
- (e) 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

134.4 Compliance with Other Codes

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

134.5 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.

134.6 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 Inman entertained a motion to approve the Request to obtain a Conditional Use permit for the construction of (5) Mini-Storage warehouses as requested by Felts Lumber Company.

Commissioner John Turpin moved to approve the Request to obtain a Conditional Use Permit for the construction of (5) Mini-Storage warehouses as requested by Felts Lumber Company.

Commissioner McHugh seconded and the motion carried unanimously.

DJN Properties RA to RE-CU # 175

Planning Director David Sudderth presented the request to Rezone approximately 13.799 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for an 8-lot residential subdivision.

REQUEST: Rezone approximately 13.799 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for an 8-lot residential subdivision.

SITE OWNER: Daniel L. Stewart

APPLICANT: DJN Properties

SITE LOCATION: The property is located on Julius Tucker Rd. (SR#1150) and on Scenic View Dr. (Private) next to the Surry County line.

Map: 597403 **Parcel:** 1698 **PIN #:** 5974-03-33-1698

Deed Book: 406Page: 267 **Township:** Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 13.799 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) for an 8-lot subdivision.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0075 B

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

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

SEPTIC/WATER APPROVAL: Mr. Joseph A. Hinton a licensed soil scientist has evaluated the site for septic disposal. This report was prepared in October 19, 2005. Individual septic permits will have to be issued by the Stokes County Health Dept. (Environmental Health Section). Water would be provided by private wells.

SCHOOL DISTRICTS: Pinnacle Elementary, Chestnut Grove Middle, West Stokes High

EMERGENCY SERVICES: Pinnacle VFD, EMS - Station # 3 & 4 - Pinnacle.

EROSION CONTROL: Plan would be submitted at permitting phase, if necessary.

ACCESS: Access for proposed lots # 2 and 3 would be off of Scenic View Drive, a private paved 20 ft easement road approximately .3 mile long intersecting with Julius Tucker Rd. Lots# 4,5,6,7, & 8 would have access off of Julius Tucker Rd. (SR# 1150) NCDOT will have to approve all driveway access.

SURROUNDING LAND USE: The subject property has an existing house located on proposed lot # 5. The remaining property is currently vacant. The surrounding area consists of mixed residential uses zoned RA (Residential Agricultural). Part of Mr. Stewart's property is located in Surry County.

ISSUES TO CONSIDER:

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

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 8-lot residential subdivision to be rezoned for 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. Similar subdivision rezoning petitions in the Pinnacle area that were approved include a (6) lot subdivision rezoned to RE-CU on 12-03-02 on East Old Phillips Rd. and a (12) lot subdivision rezoned to RE-CU on 05-04-04 also located on East Old Phillips Rd.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the rezoning request by a vote of 7 to 0. The Planning Board considered the impact of the development on the infrastructure of the community, specifically the school system. The Board felt that it was better to recommend an (8) lot major subdivision with the zoning protection of the RE (Residential Exclusive) zoning district, rather than have a minor subdivision develop on the property which would allow (4) lots in the RA (Residential Agricultural) zoning district that allows all housing types. The Board felt this would help preserve the surrounding property values due to the existing stick built homes along Julius Tucker Rd. and Scenic View Dr. The Board also recommended approval of the Conditional Use permit with the following (14) conditions.

Director Sudderth noted that there had been no opposition to the request.

The Board discussed the impact of the schools in the area, size of homes to be built, lot sizes, and other uses of the land.

Chairman Inman entertained a motion to accept or deny the request to rezone 13.799 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for an 8-lot residential subdivision.

Commissioner McHugh moved to rezone 13.799 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for an 8-lot residential subdivision.

Vice Chairman Joe Turpin seconded and the motion carried unanimously.

Director Sudderth read the following recommended conditions which Mr. Nichols had agreed to:

Recommended Conditions for DJN Properties RE-CU #175

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.
13. A road maintenance agreement shall be provided for lots (2) and (3) which would have access off of Scenic View Dr. (Private)
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Nichols agreed to all the conditions and stated there would be also covenants for the

subdivision.

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:

132.2 Action by the Planning Board

The Planning Board shall review the application prior to the public hearing and shall present its recommendations to the responsible body prior to or at the public hearing. The Planning Board may reverse its recommendations following the public hearing and present such recommendations to the responsible body before final action is taken. 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. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (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. Yes (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. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (h) 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 (5-0)

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.
- (f) 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

134.7 Compliance with Other Codes

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

134.8 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.

134.9 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 Inman entertained a motion to approve the conditional use permit.

Commissioner McHugh moved to approve the conditional use permit.

Commissioner John Turpin seconded and the motion carried unanimously.

ZONING TEXT AMENDMENT

Planning Director David Sudderth presented the following zoning text amendment:

This request is to amend the zoning text to change the following requirements for "Mini-Storage Warehouses" in the H-B (Highway Business) zoning district. The following section will be required to be amended.

Amend Stokes County Zoning Ordinance Article VIII, Section 89 (Highway Business) Sub-Section 89.1 (Permitted Uses) to add the following statement:

Mini-Storage Warehouses

“Outside storage shall be limited to non-commercial RV’s and watercraft”.

The ordinance currently reads: No outside storage shall be permitted.

This change in the requirements for Mini Storage warehouses will make the standards consistent with those found in the M-1 (Light Manufacturing) zoning district. These standards are.

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

PLANNING BOARD RECOMMENDATION: The Planning Board recommended the zoning text amendment by a vote of 7 to 0. There was no opposition to the request.

The Board discussed the zoning text amendment.

Chairman Inman entertained a motion to approve the submitted zoning text amendment.

Commissioner John Turpin moved to approve the zoning text amendments.

Commissioner McHugh seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT - PLANNING - COLONIAL FUNERAL HOME - UPDATE

Planning Director David Sudderth noted that the Colonial Funeral Home was almost completed.

Director Sudderth noted that there may be an issue regarding a driveway to the Funeral Home from Highway 704 in place of Beasley School Road. At the present time, there has been no request made to the Planning Department.

GENERAL GOVERNMENT - PLANNING - PROPOSED C&D LANDFILL

County Manager Rick Morris requested direction from the Board regarding scheduling a special planning board meeting to be held December 29th for a zoning request for a C&D Landfill access in Stokes County.

Manager Morris also noted that if approved by the Forsyth County Planning Board on December 8th, the issue would probably go to the Forsyth County Board of Commissioners in late January or early February.

Director Sudderth noted that there is a tentatively scheduled Planning Meeting for January 2006 with a Commissioners Planning meeting tentatively scheduled for February 7, 2006.

Director Sudderth also noted that he would be attending the Forsyth County Planning Meeting to be held on December 8, 2005.

Director Sudderth noted that at the present time, no one had submitted a rezoning application.

The Board discussed the misinformation being given to citizens, proposed C&D Landfill in Forsyth County, and the direction the Board desires to proceed with scheduling meetings regarding the proposed C&D Landfill in Forsyth County.

The Board scheduled no special planning meeting at this time.

Attorney Don Nielson, representative for City/County Utilities (Winston Salem/Forsyth County), was in attendance at the meeting. Mr. Nielson noted that the Planning Board had 60 days to submit their recommendation to the Forsyth County Board of Commissioners.

GENERAL GOVERNMENT - TAX ADMINISTRATION - R.E. CONRAD APPEALS

Chairman Inman opened the floor for discussion regarding the R.E. Conrad's appeals of personal property values.

The Board continued further discussion regarding the following appeals of mobile home values:

| | Tax Administration's value | Conrad's Suggestive value |
|--------------------------|----------------------------|---------------------------|
| 1974 (12x60) Single wide | \$4,540 | \$0 |
| 1995 (14x76) Single wide | \$19,332 | \$3,000 |
| 1980 (14x56) Single wide | \$4,604 | \$1,000 |
| 1993 (14x56) Single wide | \$13,812 | \$2,500 |
| 1992 (26x56) Double wide | \$37,400 | \$10,500 |

The Board discussed the following regarding Mr. Conrad's appeals:

- Fair and consistent with other similar mobile homes in the County
- Marshall and Swift Pricing Guide
- Condition of mobile homes in question
- Other available resources for valuing mobile homes

Commissioner McHugh moved to approve the motion to deny the appeal requests on all the personal property excluding the 1992 double wide mobile home.

Motion died for lack of second.

The Board continued discussion.

The Board requested that the Tax Department present the additional information at the December 12th meeting:

- Any further justification for the valuation
- Similar models valuation listed in the County
- Marshall and Swift Pricing Guide
- Prior pricing guide used by the County for mobile homes valuation
- Be present at the December 12th meeting

No action was taken by the Board regarding the R. E. Conrad's appeals.

GENERAL GOVERNMENT - PUBLIC BUILDINGS - RELAY FOR LIFE ADVERTISEMENT ON COUNTY PROPERTIES - GREENBOX SITES

County Manager Rick Morris requested approval from the Board to allow the Stokes County Relay for Life committee to place 3'x6' signs at the entrances of each Greenbox site from February to June 2006 to advertise the event which is scheduled for June 9th and 10th -2006.

This event is sponsored by the American Cancer Society.

The Board discussed the signage being placed on the fence rather than the entrance due to mowing, etc. and other non profit, schools, churches, fire department events that would probably follow this request.

Commissioner McHugh moved to approve the request contingent upon their ability to place the signage on the fence.

Commissioner John Turpin seconded the motion.

Commissioner Walker recommended that the County Manager be given the flexibility to approve future requests.

The motion carried unanimously.

The Board unanimously agreed to allow the County Manager to use his discretion on future requests, with any questionable request being presented to the Board.

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

Vice Chairman Joe Turpin moved to adjourn the meeting.

Commissioner McHugh seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman