

STATE OF NORTH CAROLINA) OFFICE OF THE COMMISSIONERS
) STOKES COUNTY GOVERNMENT
COUNTY OF STOKES) DANBURY, NORTH CAROLINA
) FEBRUARY 7, 2006

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, February 7, 2006 at 7:00 pm with the following members present:

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

Commissioner Jimmy Walker (absent)

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

Chairman Inman called the meeting to order.

Planning Director David Sudderth delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

Chairman Inman called the Public Hearing for the Rezoning Request #176-(M-1-CU to H-B) Junior Building Corp/ Patrick Flinchum and Janice Nickell and Change of Conditional Use Permit #164 Colonial Funeral Home (add an additional driveway access off of NC HWY 704) to order.

The following spoke in favor of the rezoning requests:

Barry Dodson
(on behalf of Colonial Funeral Home)
PO Box 718
Madison, NC 27025

Mr. Dodson requested the Board ratify the Planning Board's decision for the Conditional Use Permit for an additional driveway access off of NC HWY 704.

Pat Flinchum
(on behalf of Junior Building Corporation)
1180 Bennett Lane
Walnut Cove, NC 27052

Mr. Flinchum spoke in favor of the rezoning request (M-1-CU to H-B), which would make it easier to utilize the space.

There were no other public comments.

Chairman Inman closed the Public Hearing.

REZONING REQUEST - Junior Building Corp. M-1-CU to H-B # 143

Planning Director David Sudderth presented the request to rezone approximately 4.28 acres from M-1-CU (light manufacturing conditional use) to H-B (highway business), site owner Junior Building Corporation, applicants Patrick Flinchum and Janice R. Nickell.

REQUEST: Rezone approximately 4.28 acres from M-1-CU (Light Manufacturing Conditional Use) to H-B (Highway Business)

SITE OWNER: Junior Building Corp.

APPLICANT: Patrick Flinchum & Janice R. Nickell

SITE LOCATION: The property is located at 2620 NC 8 Hwy S on the corner of NC Hwy 8 and NC Hwy 89 in the Meadows community.

Map: 695501

Parcel(s): 5451 & 5525 **PIN #:** 6955-01-15-5451

6955-01-15-5525

Deed Book: 263**Page(s):** 633 & 635

Township: Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract - two parcels 4.28 acres

ZONING DISTRICT: M-1-CU (Light Manufacturing Conditional Use)

PROPOSED DISTRICT: H-B (Highway-Business)

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 370362 0100 B

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

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: Existing system, system must be checked by Environmental Health section of Health Department. Application has been made.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: South Stokes VFD, EMS - Station # 1 Walnut Cove.

EROSION CONTROL: N/A.

ACCESS: The business has an existing driveway access off of NC Hwy 8.

SURROUNDING LAND USE: The subject property is located at the NC Hwy 8 and NC Hwy 89 intersection. The property is surrounded by commercial and residential uses. The site was originally zoned H-B (Highway Business) when the zoning ordinance was created in 1983. On December 5, 1995 the parcel was rezoned to M-1-CU (Light Manufacturing Conditional Use) specifically for a machine shop. The machine shop has since closed. The property owner rents this property for commercial uses and is requesting the change due to the limitations of the M-1-CU district to only manufacturing type activities. There are more opportunities for the property to be leased for use under the Highway-Business zoning district. The closest other H-B (Highway Business) districts to the site are located to the north and east of the site across the road. Directly across NC Hwy 8 & 89 are Meadows Self Storage and the Dollar General store. The commercial property directly across the road on NC Hwy 8 is vacant. The property due south and east of the site are zoned RA (Residential Agricultural).

ISSUES TO CONSIDER:

- Impact of changing zoning classification on surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Consistency with present pattern of commercial development in the area.
- Potential increase in sales tax revenue from a retail commercial site.

STAFF COMMENTS: This property has been used for commercial purposes since the zoning ordinance was adopted in 1983. The original zoning of the property as a H-B (Highway Business) district attests to the viability of the site as commercial retail property. There are mixed land uses along NC Hwy 8 & 89. The rezoning of this parcel would be consistent with the current commercial land use development in the area. Commercial zones are located sporadically all the way from the town limits of Danbury to the town limits of Walnut Cove. The rezoning request comes to the Board as a general use-zoning district. As always, the Board should consider all the potential uses that are associated with the general use H-B (Highway - Business) district and no one particular use. On November 22, 2002 the Stokes County Planning Board voted 7 to 0 to table this rezoning request. They did so in response to concerns from surrounding property owners about the subject property. There were 10 to 12 individuals who were concerned over the noise and traffic being generated by the occupants of the building before the request was presented to the Board. The occupants of the building were operating a business illegally at the time of the request. The applicant at that time was not present at the meeting to respond to the concerns of the neighbors or answer questions from the Board. The Planning Board decision was forwarded to the Board of County Commissioners who took no action on the matter. The applicant later withdrew the request. The building has been vacant since 2003.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 7 to 0 to recommend approval of the rezoning request. The Board felt based on the properties past zoning history and the surrounding commercial districts that the area was a good location for a general use business district.

Director Sudderth noted that there had been no opposition to the rezoning request, but had one inquiry regarding trash in the area.

The Board discussed the rezoning request.

Chairman Inman entertained a motion to accept or deny the request to rezone approximately 4.28 acres from M-1-CU (light manufacturing conditional use) to H-B (highway business), site owner Junior Building Corporation, applicants Patrick Flinchum and Janice R. Nickel.

Vice Chairman Joe Turpin moved to rezone approximately 4.28 acres from M-1-CU (light manufacturing conditional use) to H-B (highway business), site owner Junior Building Corporation, applicants Patrick Flinchum and Janice R. Nickell.

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

Change of Conditional Use Permit

Colonial Funeral Home RA to H-B-CU # 164

Planning Director David Sudderth presented the request to change the Conditional Use Permit #164 - Colonial Funeral Home to include an additional driveway access off of NC HWY 704.

REQUEST: The applicant is requesting a change in the Conditional Use permit issued on June 7, 2005. The request is to add additional driveway access off NC Hwy 704. The approved site plan has only one driveway access, which is located off of Hope Beasley Rd.

SITE OWNER: Colonial Funeral Home & Chapel

APPLICANT: Colonial Funeral Home & Chapel

SITE LOCATION: The property is located at 1020 Hope Beasley Rd on the corner of NC Hwy 704 and Hope Beasley Rd. (SR# 1615) in Sandy Ridge area.

Map: 6060

Parcel: 0703

PIN #: 6060-00-93-0703

Deed Book: 534**Pages:** 1765

Township: Snow Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 2.816 acres

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

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 370362 0050B

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

WATERSHED DISTRICT: WS-IV- Mayo River

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section has given final approval for the septic system.

SCHOOL DISTRICTS: N/A

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

EROSION CONTROL: Plan completed.

ACCESS: The approved driveway access is located off of Hope Beasley Rd. (SR# 1615) (NCDOT approved this commercial driveway permit).

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Impact on traffic along NC Hwy 704.

STAFF COMMENTS: The request to add an additional driveway access to the site has been approved by the North Carolina Department of Transportation. The applicant stated the additional access was needed, because of the steep grade associated with the currently approved access point located on Hope Beasley Rd. (SR# 1615). Major changes associated with the Conditional Use permit and the approved site plan requires Board approval before proposed changes can take place.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 8 to 0 to recommend approval of the site plan change to add an additional driveway access off of NC Hwy 704.

APPROVED CONDITIONS:

Colonial Funeral Home & Chapel #164

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. Appropriate hedgerow buffer mixed with trees on sides of property.
12. Parking lot and building lighting that does not project directly to surrounding properties.
13. An approved erosion control plan must be submitted.
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

The Board discussed the Conditional Use Permit change request.

COUNTY COMMISSIONERS ACTION:

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

Chairman Inman entertained a motion to approve or deny the request to change the conditional Use Permit #164 - Colonial Funeral Home for an additional driveway access off of NC HWY 704.

Commissioner John Turpin moved to approve the request to change the Conditional Use Permit #164 - Colonial Funeral Home to include an additional driveway access off of NC HWY 704.

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

Planning Director David Sudderth noted the addition of item #15 (additional second access point) would be included in the existing Conditional Use Permit.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT - GOVERNING BODY - SCATTERED SITE HOUSING GRANT (CDBG)

Interim County Manager Darlene Bullins presented a request from NWPCOG- Rebecca Kassner who had been awarded the administration of the NC Community Development Block Grant (CDBG) (Scattered Site Housing Grant) regarding the program's funding.

Ms. Bullins presented the following timetable regarding the grant:

Time Line	Dates
Letter of confirmation of grant	2/1/2004
Approval to Continue Scattered Site Housing	10/11/2004
Approval - NWPCOG -administration	2/14/2005
Contract Signed	
By County	2/14/2005
By NWPCOG	3/3/2005
Letter Received from State indicating close out complete	3/10/2005
Letter of close out completion faxed to Rebecca-NWPCOG	10/18/2006
Meeting Rick, Lisa, Danny for new grant	10/26/2005

Ms. Kassner noted the following regarding the Scattered Site Housing Grant (CDBG):

- Applications were taken for the grant
- NWPCOG was in contact with Raleigh officials clearing out the previous grant
- Difficulties working with representative in Raleigh
- Only two houses that are repairable
- Several applications have already received funding and are ineligible
- Three or four houses need relocation
- Was not notified by Raleigh officials that funding was available for spending
- Only a couple of months to allocate funding
- Must hold a public hearing

- Funding must be allocated by April 06
- Funding must be expended by September 06
- Stokes County will be eligible for another round of funding 2007

With the time constraints, Ms. Kassner offered the following options regarding the Scattered Site Housing Grant (CDBG):

1. Withdraw and start over with the 2007 funding allocation
2. Do not continue this round of funding due to time constraints
3. Do what we can with the time left - relocations

Ms. Kassner explained that with relocations, the house is un-repairable and the only solution is to demolish and replace the dwelling. Ms. Kassner presented information regarding the needed repairs pertaining to the applications that had been received by the NWPCOG.

The Board discussed issues regarding the State's participation, reasons why the current grant was not considered closed, using grant funding for relocations (pros and cons), comments regarding projects done under the previous grant, and the need to help as many citizens in the County as possible.

Planning Director David Sudderth noted that his paperwork indicated that the Grant was officially closed out March 2005 even though Mr. Dennis Branch - Raleigh had made two additional visits to the County after the closing date of the correspondence.

Chairman Inman entertained a motion regarding the Scattered Site Housing Grant (CDBG).

Commissioner John Turpin moved to deny funding for the Community Block Housing Grant.

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

GENERAL GOVERNMENT - GOVERNING BODY - PROPOSED COMMENTS TO FCC REGARDING CABLE FRANCHISING

Clerk to the Board Darlene Bullins presented "Comments to FCC regarding Cable Franchising" prepared by County Attorney Jonathan Jordan for the Board's consideration.

The comments are in support of the comments filed by the National Association of Telecommunications Officers and Advisors (NATOA) which believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. The comments from Stokes County are designed to inform the FCC about the facts of video franchising in our County.

County Attorney Jordan requested the Board consider a motion to allow the County Attorney to submit comments along the lines of this draft version to the FCC and/or the Piedmont Triad Council of Governments.

Comments are due on Friday, February 10, 2006.

Chairman Inman entertained a motion to allow the County Attorney to submit comments along the lines of this draft version to the FCC and/or the Piedmont Triad Council of Governments.

Commissioner McHugh moved to allow the County Attorney to submit comments along the lines of this draft version to the FCC and/or the Piedmont Triad Council of Governments.

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

(A copy of the Comments will be retained by the Clerk to the Board & the County Attorney)

GENERAL GOVERNMENT - GOVERNING BODY - AWARDS COMMITTEE

Clerk to the Board Darlene Bullins requested a member from the Board of Commissioners to serve with Chairman Inman on the Special Achievement Awards Committee.

Vice Chairman Joe Turpin volunteered to serve the Special Achievement Awards Committee.

CLOSED SESSION

Chairman Inman entertained a motion to enter into closed session for the following:

- To consider and take action to the position to be taken by the County in negotiating the price or other materials terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318.11(a)(5).

Commissioner John Turpin moved to enter into closed session for the following:

- To consider and take action to the position to be taken by the County in negotiating the price or other materials terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318.11(a)(5).

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

GENERAL GOVERNMENT - GOVERNING BODY - NC HELPING NEIGHBORS

Interim County Manager Darlene Bullins informed the Board that the County could be receiving additional funding for the NC Helping Neighbors (Katrina evacuees) due to counties not participating in the program.

ADJOURNMENT

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

Commissioner John Turpin moved to adjourn the meeting.

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

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman