

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
OCTOBER 3, 2006

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Tuesday, October 3, 2006 at 7:00 pm with the following members present:

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

Commissioner Sandy McHugh -absent

County Personnel in Attendance:
Clerk to the Board/Interim County Manager Darlene Bullins

Chairman Leon Inman called the meeting to order.

Chairman Inman 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 - REZONING REQUEST #184 - JIMMY KNIGHT JR - (RA to H-B-CU) AUTO SALES, NEW AND USED

Chairman Inman opened the Public Hearing for the Rezoning Request #184 -(RA to H-B-CU) Auto sales, new and used.

There were no public comments.

Chairman Inman closed the Public Hearing.

GENERAL GOVERNMENT - PLANNING - REZONING REQUEST #184

Jimmy Knight Jr. - RA to H-B # 184

Planning Director David Sudderth presented Rezoning Request #184 to rezone approximately 1.58 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Automobile sales, new and used", site owner and applicant Jimmy Knight Jr.

REQUEST: Rezone approximately 1.58 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Automobile sales, new and used".

SITE OWNER: Jimmy Knight Jr.

APPLICANT: Jimmy Knight Jr.

SITE LOCATION: The property is located at 1022 Good Hope Dr.

Map: 6954 Parcel: 3493 PIN #: 6954-03-23-3493
Deed Book: 447 Page: 754 Township: Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 1.58 acres.

CURRENT USE: There is currently a single-family residence and a backyard workshop, (Hairdressing) on the property.

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B (Highway Business)

Minimum lot size is 20,000 sq. ft. (.549 acre)

FLOOD HAZARD AREA: Not located in flood hazard area. Rear portion of property is located in 100-year floodplain.

FIRM MAP #: 370362 0100 B

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

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section has identified and inspected an existing septic system on the property.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: South Stokes VFD, EMS - Station # 101 Walnut Cove.

EROSION CONTROL: N/A until construction begins.

ACCESS: The proposed site has an existing access located off of Good Hope Dr.

SURROUNDING LAND USE: The adjacent surrounding properties are zoned RA (Residential Agricultural). The closest commercial zone to the site is located at the end of Red Oak Dr., (Ronald Collins, H-B-CU rezoned 11-04-97). There are no other commercial zones located within 1 mile of the site.

ISSUES TO CONSIDER: As with all rezoning petitions the Board should consider all the impacts both positive and negative that a commercial development brings with it. Since the proposal is a conditional use-rezoning request, the Board may discuss the proposal in detail.

- Impact on surrounding development.
- Consistency with surrounding development
- Impact on community infrastructure, roads, public services etc.
- Increase in commercial tax base.
- Community acceptance
- Traffic

STAFF COMMENTS: The applicant is requesting a conditional use rezoning for Automobile sales, new and used. The applicant has stated that he specifically wants to retail cars over the Internet. He currently has a wholesale dealers license that allows him to wholesale cars at auctions and to other dealers. The ability to sell automobiles over the Internet requires a retail dealer's license from the North Carolina Department of Motor Vehicles, (NCDMV). The applicant currently maintains a single-family residence on the property as well as a backyard workshop, (Hairdressing) on the property. The existing location of structures and infrastructure on the property did not easily allow the applicant to create a separate parcel for the proposed business. The applicant chose to petition the inclusion all of his property in the rezoning request. Single-family residences are an allowed use in the H-B-CU zoning district. The applicant is proposing to use existing office space, (16 x 24, 384 sq. ft.) below the hairdressing operation as an office to satisfy the requirements of NCDMV. The parcel has a separate septic system for both the house and the hairdressing operation. The NCDMV requirements for a retail auto dealers license is a 96 sq. ft. office with a sign and have one vehicle displayed on the property. The applicant has indicated that his main goal is to be able to sell vehicles over the Internet. He has stated that he does not intend to create a sales lot on the property.

Ordinance Requirements for Conditional Use Permit for: Automobile sales, new and used.

Automobile sales, new and used.

- 1) Parcels used for the purpose of the sale of new or used vehicles/recreational vehicles shall provide off street parking according to Article VII Section 74.
- 2) The use and accessory uses shall be separated a minimum of thirty (30) feet from any adjoining residential property line.
- 3) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
- 4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a 7 to 0 vote to approve the rezoning request from RA to H-B-CU,"Auto sales new and used". The Board also recommended by a vote of 7 to 0 to approve the Conditional Use permit with the following recommended conditions.

Planning Director Sudderth noted the following regarding the rezoning request:

- Rezoning is specially for retail sales for new and used automobiles
- Mr. Knight currently has a wholesales dealers' license which allows a certain amount of vehicles on the property
- Mr. Knight cannot sell to the public
- Mr. Knight wishes to sell vehicles on the internet
- NC Department of Motor Vehicles requires Mr. Knight to have a retail dealers' license

- Spouse currently operates a hair salon the property
- Needs an office space of 96 square foot to comply with the guidelines set by NC Department of Motor Vehicles for a retail auto license
- Must have space to display at least one vehicle to comply with the guidelines set by NC Department of Motor Vehicles for a retail auto license
- Planning Board voted unanimously (7-0) for the rezoning request with the emphasis on the retail license being granted for the internet sells
- There was no opposition to the rezoning, only a few questions as to what was being done in the area, neighbors in the area do not want change in the existing environment
- Even if the property is sold, any change in business would have to come back to the Board for approval

The Board discussed the rezoning request.

Ms. Abbey Davis - neighbor - noted that neighbors in the area are concerned by loosing the existing appearance and keeping the pastoral fields in the area.

Mr. Jeb Davis, neighbor, noted that approving the rezoning request will set a precedence for allowing more businesses in the area.

Mr. Jimmy Knight noted the following:

- The only change is a sign will have to be placed and visible from the street, which is required by the NC Department of Motor Vehicles.
- Limited to sell only 5 vehicles
- Can only have 3 vehicles visible from the street
- Majority of sales will be from the internet or the newspaper
- Does not think it will be any changes other than the sign for the existing business currently being operated on the property
- Has spoken to all adjoining property owners with no opposition

Vice Chairman Joe Turpin moved to approve the Rezoning Request #184 to rezone approximately 1.58 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for "Automobile sales, new and used".

Commissioner John Turpin seconded the motion.

The Board continued discussion regarding the rezoning request.

The motion carried (4-0) with Commissioner McHugh absent

Director Sudderth presented and read the following proposed recommended conditions for Jimmy Knight Jr. who had agreed to all the recommended conditions:

Recommended Conditions for Jimmy Knight Jr. H-B-CU #184

1. Applicant shall adhere to all applicable Federal, State, and local laws.
2. If any of these conditions are not met or compiled 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. Exercise of permit will require the applicant to obtain and maintain a retail dealers license from NCDMV.
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.
4. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
5. 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.
6. 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.

7. 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.
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 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.
10. Storage of vehicles will be limited to same as customarily allowed under wholesale dealers license, (5) vehicles.
11. Dealer may display up to (3) vehicles for retail sale.
12. The vehicles displayed for sale shall be situated in the upper driveway located in the northwest corner of the property. Identified on the site map as a gravel drive located on Good Hope Dr. (SR# 1979).
13. Vehicles needing repair need to be parked behind the house at the garage.
14. Required signage should be no larger than required by the NCDMV. Sign should be placed next to the display area located in the northwest corner of the property.
15. The garage cannot be used as a commercial repair garage.

All conditional use permits must be exercised within one (1) year or they expire.

Director Sudderth reviewed the following regarding a conditional use permit:

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.

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.

Planning Director Sudderth presented the following for the Board's consideration:

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

Director Sudderth noted to the Board that the rezoning and conditional use does follow the guidelines with our pattern of zoning since Stokes County does not have a Comprehensive Land Use Plan.

Commissioner John Turpin moved to approve the Conditional Use Permit with the stated Recommended Conditions for Jimmy Knight Jr.

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

GENERAL GOVERNMENT - GOVERNING BODY - PART(PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION) - PRESENTATION ON POLICIES AND ACTION FOR REGIONAL GROWTH

Mr. James Yarbrough, Jr. AICP-Land Use and Transportation Planning presented the 2025 Policies and Actions for Regional Growth on behalf of PART.

Mr. Yarbrough presented a brief overview of the following:

1. Coordinate long range land use/transportation planning on a regional and local basis
2. Direct significant portion of future land use development to existing and proposed targeted nodes and transit corridors to support transit
3. Integrate land use planning with infrastructure development
4. Encourage redevelopment of infill and "under invested" areas

Mr. Yarbrough noted that the objective of PART is to improve transportation choices in the region which includes Stokes County. Mr. Yarbrough noted that the policies are being recommended to begin the process of reshaping how city and county governments in the region address land development.

Mr. Yarbrough requested that the Board approve the 2025 Policies and Actions for Regional Growth Resolution as presented by PART.

Mr. Yarbrough concluded that there was no deadline for approving the submitted 2025 Polices and Actions for Regional Growth.

The Board discussed the 2025 Policies and Actions for Regional Growth.

Chairman Inman with consensus of the Board directed Planning Director Sudderth to take the 2025 Policies and Actions back to the Planning Board for their consideration before placing on the regular agenda for the Board's consideration.

Commissioner John Turpin suggested that the County Attorney along with the Economic Development Director review the Policies and Actions.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT - GOVERNING BODY - PLANNING BOARD APPOINTMENT

Interim County Manager Darlene Bullins notified the Board that Garrett Meadows who was nominated at the September 25th meeting to serve on the Planning Board does not live in the Quaker Gap Township.

GENERAL GOVERNMENT - GOVERNING BODY - REGIONAL SEWER SYSTEM UPDATE

Interim County Manager Darlene Bullins informed the Board that R&A Laboratories who currently services and monitors the Regional Sewer has agreed to provide the County with an assessment of the Regional Sewer at no cost. The information will be presented at the October 9th meeting.

GENERAL GOVERNMENT -GOVERNING BODY-APPROVAL OF MINUTES

Chairman Inman entertained a motion to approve or amend the minutes of the August 31st meeting.

Vice Chairman Joe Turpin moved to approve the minutes of the August 31st meeting.

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

GENERAL GOVERNMENT - GOVERNING BODY - REQUEST FROM THE STOKES COUNTY HISTORICAL SOCIETY

Interim County Manager Darlene Bullins presented the following request from the Stokes County Historical Society:

- Respectfully requests that the two unused flagpoles, currently located at the former prison camp on Dodgetown Road be donated by the County to the Historical Society for placement at the Stokes County Museum of History in Danbury

Interim Manager Bullins noted that a Stokes County Scout is currently in the process of trying to acquire his "Eagle Scout Badge" by performing this project at the Stokes County Museum of History in Danbury and noted that the County staff will take down the poles if approved by the Board.

Interim Manager Bullins also noted the following regarding the project and request:

- Approval was received by the Institute of Government which allows the County to donate the requested item pursuant to G.S. 160A-279 (Sale of Property to Entities Carrying Out A Public Purpose) and will follow G.S.160A-267 (Private Sale)
- The Scout must acquire all property and funding to complete the project
- The Scout had informed the County that if approved to use the flagpoles that a plaque will be placed beside the project area which states where the flagpoles originally came from

Interim Manager Bullins requested the Board's approval for following Resolution Authorizing Sale of Personal Property Worth Less than \$30,000 pertaining to NCGS 153A-176, 160A-265, 160A-266, 160A-267 and 160A-279 prepared by Services Support Supervisor Danny Stovall:

Resolution authorizing sale of personal property worth less than \$30,000.00
(NCGS 153A-176, 160A-265, 160A-266, 160A- 267, 160A-279)

WHEREAS, The County of Stokes owns two old flag poles that have become surplus and the County has received a request from the Stokes County Historical Society requesting such and;

WHEREAS, North Carolina General Statute, 153A-176, 160A-267 and 160A-279 permits the County to sell such property by private sale, upon authorization by the Board of Commissioners at a regular meeting and notice to the public; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

THEREFORE, THE BOARD OF COMMISSIONERS OF STOKES COUNTY RESOLVES THAT:

1. The Board of Commissioners authorizes the Support Services Supervisor to sell by private sale the following items of surplus property:

Two (2) old flag poles located at the old Department of Correction Campus to the Stokes County Historical Society.
2. The Clerk to the Board of Commissioners shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least ten (10) days after the day the notice is published

Adopted this the 3rd day of October 2006.

J. Leon Inman- Chairman

Joe Turpin - Vice Chairman

Sandy McHugh - Commissioner

John Turpin - Commissioner

Jimmy Walker - Commissioner

Attest

Darlene Bullins - Clerk to the Board

Commissioner John Turpin moved to approve the Resolution Authorizing Sale of Personal Property Worth Less than \$30,000 for disposing of the two old flagpoles to the Stokes County Historical Society at the price of \$1.00. Vice Chairman Joe Turpin seconded and the motion carried (4-0) with Commissioner McHugh absent.

GENERAL GOVERNMENT - GOVERNING BODY - DESCENDENTS OF THE CONFEDERATE VETERANS OF STOKES COUNTY

Commissioner John Turpin noted that a member of the Descendents of the Confederate Veterans of Stokes County had requested the Board's approval to make necessary repairs to the monument located at the Old Courthouse.

Chairman Inman directed the Interim Manager to contact a member of the organization to discuss the request, speak to the County Attorney regarding a waiver for personal liability, and to contact Public Works Director Jay Kinney for any available help from the County's maintenance department.

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

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman