

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 2, 2007

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, October 2, 2007 at 7:00 pm with the following members present:

Chairman J. Leon Inman  
Vice-Chairman Jimmy Walker  
Commissioner Ron Carroll  
Commissioner Ernest Lankford  
Commissioner Stanley Smith

County Personnel in Attendance:  
County Manager K. Bryan Steen  
Clerk to the Board Darlene Bullins  
Planning Director David Sudderth

Chairman Leon Inman called the meeting to order.

Commissioner Smith 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.

**GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA**

Chairman Inman entertained a motion to approve or amend the October 2<sup>nd</sup> agenda.

Vice Chairman Walker moved to approve the October 2<sup>nd</sup> agenda.

Commissioner Smith seconded and the motion carried unanimously.

**PUBLIC HEARING – Conditional Use Request – Michael Terry - #196 (M-1)**

Chairman Inman called the Public Hearing for Michael Terry - #196 M-1 Conditional Use Permit – Mini Storage-Warehouses to order.

There were no public comments.

Chairman Inman closed the Public Hearing.

**PUBLIC HEARING – Zoning Text Amendments**

Chairman Inman called the Public Hearing for proposed zoning text amendments.

Mr. Kevin Broyhill  
Calvary Baptist Church  
King, NC 27021

Mr. Broyhill spoke in favor of the proposed zoning text amendments for cemeteries (Churches-off site).

Chairman Inman closed the Public Hearing.

**PUBLIC COMMENTS**

There were no public comments.

**REZONING REQUEST #196 – Michael Terry Conditional Use Permit M-1 Light Manufacturing –Mini Storage Warehouses)**

Planning Director David Sudderth presented Rezoning Request #196- Michael Terry – Conditional Use Permit request for “Mini-Storage Warehouses” – twelve proposed warehouses, 153 individual storage units to be developed in phases. Director Sudderth presented the following information to the Board for their consideration:

**Michael Terry – Conditional Use Permit in M-1 (Light Manufacturing) district # 196**

**REQUEST:** Conditional Use permit request for “Mini-Storage Warehouses ”. Twelve proposed warehouses, 153 individual storage units to be developed in phases.

**SITE OWNER:** Michael Terry

**APPLICANT:** Michael Terry

**SITE LOCATION:** The property is located at 1088 Denny Rd. (SR# 2000)

**Map:** 690404 **Parcel:** 8048 **PIN #:** 6904-04-60-8048

**Deed Book:** 405 **Pages:** 643 **Township:** Yadkin

**SITE INFORMATION:**

**PARCEL SIZE:** Total tract 7.69 acres. Proposed area for use 5.0 acres.

**ZONING DISTRICT:** M-1 (Light Manufacturing)

**PROPOSED DISTRICT:** Conditional Use

**FLOOD HAZARD AREA:** N/A.

**FIRM MAP #:** 3710690400J

**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:** N/A

**SCHOOL DISTRICTS:** N/A

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

**EROSION CONTROL:** When construction begins, if necessary. Plan indicated less than one (1) acre would be disturbed.

**ACCESS:** The current site, formerly a part of Terrycraft Furniture has an existing driveway access off of Denny Rd. (SR# 2000).

**SURROUNDING LAND USE:** The subject property is located at 1088 Denny Rd. The property is zoned M-1 (Light Manufacturing). There is a small H-B (Highway Business) parcel adjacent to the site that has frontage on NC Hwy 66. The remaining surrounding property is zoned RA (Residential Agricultural) and is currently residential.

**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 increased commercial development.

Planning Director Sudderth reviewed the following required conditions:

**REQUIRED CONDITIONS**

Mini-Storage Warehouses

1. The maximum height of the building (s) shall be (20) ft.
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 rental of storage units shall be conducted on the

premises.

**STAFF COMMENTS:** The rezoning request comes to the Board as a conditional use permit request in the M-1 (Light Manufacturing) zoning district; you may discuss the development plan of the proposed “Mini Storage Warehouses” in detail. Mr. Terry sold 1.831 acres of the property to Signature Custom Woodworking. Mr. Terry retained the bulk of the property, which is currently not being used. The proposal would increase the amount of commercial development on the property. There are no other mini-storage warehouse facilities in the immediate area. The site already being zoned M-1 (Light Manufacturing) is currently under utilized. There is only one structure on the property, a 50 x 60, (3000 square ft.) block building. The creation of additional structures on the property would add to the tax base. 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.

**Recommended Conditions for Michael Terry - Conditional Use -#196**

1. NCDOT must approve any changes to the existing commercial driveway access.
2. The use allowed under the Conditional Use Permit shall be for “Mini-Storage Warehouses”.
3. Applicant shall adhere to all applicable Federal, State, and local laws.
4. 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.
5. 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.
6. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. Security fencing shall enclose the proposed site.
13. Security lighting shall be located in a manner not to illuminate adjacent residential property.
14. All signs shall require a permit and meet applicable zoning standards.
15. Or any other condition that the Boards may deem necessary at the time the project is approved.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 8 to 0 to recommend approval of Conditional Use request # 196 for “Mini-Storage warehouses” with the conditions as stated. The Board felt that the request was appropriate and that it was a good use of the existing M-1 (Light Manufacturing) property. The applicant, Michael Terry agreed to the recommended conditions.

Planning Director David Sudderth stated that there have been no comments regarding the rezoning request.

The Board discussed the recommended conditions for request.

Vice Chairman Walker noted the need for a possible buffer on the property, possibly leaving the natural tree line in the rear portion of the property.

The Board discussed leaving the natural tree line in the rear as a buffer.

Mr. Terry agreed to leave the tree line as a natural buffer in the rear of the property.

Director Sudderth noted that Item #16 would read as follows:

#16 – Recommended Condition:

16. Leave the natural tree line buffer on southern border of Phase I where existing building currently exist. The area will be designated on the map.

Director Sudderth reviewed the following regarding a conditional use permit.

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.

Director Sudderth requested the Board’s response to each of 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 regarding the Rezoning Request #196 –

Conditional Use Permit- Michael Terry – Mini Storage Warehouses.

Commissioner Lankford moved to approve the Rezoning Request #196 – Conditional Use Permit – Michael Terry – Mini Storage Warehouses as amended. Commissioner Carroll seconded and the motion carried unanimously.

**ZONING TEXT AMENDMENT – Cemeteries – Church – Off-Site, For Profit**

Planning Director David Sudderth presented the following request for zoning text amendment: (Add to Article VIII, Section 80 (Residential Agricultural) Section 80.3 –

Special Uses):

**Cemeteries (Church – off site)**

- 1) Burial sites, tombstones, crypts, monuments and mausoleums, or other structures must be located at least 30 feet from any public street right-of-way line or abutting property line.
- 2) Burial sites should be located 100 feet from any surrounding well and 15 feet from any part of a septic system.
- 3) Buildings for maintenance, management of cemetery lots must conform to building type permitted in the zoning district. The owners of the property, and their agents, heirs, or assignees shall be responsible for the continual maintenance and up keep of all facilities and grounds.
- 4) The proposed use shall be located on a tract no less than one (1) contiguous acre exclusive of transportation easements and rights of ways.
- 5) A plat shall be recorded with the Register of Deeds naming the cemetery and describing the location of the burial site(s).

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 8 to 0 recommend approval of the proposed text amendment.

Director Sudderth noted that the department had received inquiries in the past that prompted the need for this zoning text amendment.

The Board discussed the requested zoning text amendment, setback requirements, and road right of ways relating to the proposed zoning text amendment.

Commissioner Carroll noted the need to replace **should** with **must** – **Item #2**.

Chairman Inman entertained a motion regarding the submitted Rezoning Text Amendment.

Vice Chairman Walker moved to approve Zoning Text Amendment – Cemeteries (Church – off sites) as amended. Commissioner Smith seconded and the motion carried unanimously.

Planning Director David Sudderth presented the following request for zoning text amendment Cemeteries (for profit) to be consistent with the (Cemeteries – Church- off site): (Amend Section 80 R-a (Residential –Agricultural District), Special Uses 80.3



**Cemeteries (For profit):**

To item number (1) add: Burial sites.

To item number (3) add: exclusive of transportation easements and rights of ways.

Add an item (4) to read: Burial sites should be located 100 feet from any surrounding well and 15 feet from any part of a septic system.

Add an item (5) to read: A plat shall be recorded with the Register of Deeds naming the cemetery and describing the location of the burial site(s).

Director Sudderth reiterated the need for the Cemeteries (for profit) to be consistent with Cemeteries (off site).

Chairman Inman entertained a motion regarding the submitted Rezoning Text Amendment.

Vice Chairman Walker moved to approve Zoning Text Amendment – Cemeteries (For profit). Commissioner Lankford seconded and the motion carried unanimously.

**DISCUSSION AGENDA - Departmental Procedures**

Planning Director David Sudderth requested direction from the Board regarding the the following departmental policies presented at the June 5<sup>th</sup> meeting.

**Permits – One year or older**

Director Sudderth requested direction from the Board to classify permits that are not exercised within one year (with no renewal request) be considered a “dead” permit. Before the end of that year, the landowner has the opportunity to renew the permit. If the landowner came back after the permit has been classified as a “dead” permit, the landowner would have to obtain another permit.

Vice Chairman Walker requested if the new information could be placed in the information packet given to citizens who are requesting a permit. Director Sudderth noted that

would be no issue and would make sure the citizen was personally informed of the new procedure change.

The Board continued discussion of the “Dead Permit”.

Chairman Inman entertained a motion to approve or reject the “Dead Permit” as requested by the Planning Director.

Commissioner Smith moved to approve the “Dead Permit” Policy. Commissioner Lankford seconded and the motion carried unanimously.

### **Refunds**

Director Sudderth noted the Department currently prorates refunds according to the number of inspections that has been performed on the property. Director Sudderth requested direction from the Board to allow the department to exercise the policy that a refund must be requested within one year from the date of the issuance.

The Board continued discussion regarding refunds.

Vice Chairman Walker requested this information also be placed in the Permit Package.

Chairman Inman entertained a motion to approve the refund procedure as requested by Planning Director Sudderth.

Vice Chairman Walker moved to approve the refund procedure as requested by Planning Director Sudderth. Commissioner Smith seconded and the motion carried unanimously.

### **Re-inspection Fees**

Director Sudderth noted that the department’s current re-inspection fee is \$30.00 with some of the surrounding counties at \$50. Re-inspection fees can occur if the landowner is not at home, job has to be redone, or items have not been completed prior to calling the

department for the inspection. Director Sudderth noted the staff takes extra steps to make sure the landowner understands why there is a re-inspection fee and stresses what must be done to eliminate another re-inspection fee.

Director Sudderth noted that re-inspections incur extra cost to the County and the taxpayer. In checking with surrounding counties, Director Sudderth noted the following:

- Rockingham County
  - First two re-inspection is \$50.00 each with any after two being \$100.00
- Surry County
  - Re-inspection fee is \$30.00
- Yadkin County
  - Re-inspection fee is \$50.00
- Forsyth County
  - Re-inspection fee is \$40.00
- Davie County
  - Re-inspection fee is \$100.00 from the beginning.

Commissioner Lankford expressed concerns increasing the re-inspection fee. At times, there are certain circumstances such as miscommunication of times, unable to wait for the department due to an emergency, etc.

Director Sudderth noted the policy would remain the same with only the fee being increased and reiterated re-inspections are costly to the county-man hours, increasing cost of fuel, etc.

Vice Chairman Walker moved to approve the motion that the first re-inspection fee be \$30.00 with any following re-inspection fee being \$50.00. Commissioner Carroll seconded and the motion carried (4-1) with Commissioner Lankford voting against the motion.

Commissioner Carroll moved to approve the departmental policies adopted at tonight's meeting be effective January 1, 2008. Vice Chairman Walker seconded and the motion carried unanimously.

**Adjournment**

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

Commissioner Smith moved to adjourn the special session. Vice Chairman Walker seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
**Clerk to the Board**

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**J. Leon Inman**  
**Chairman**