

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  
DECEMBER 4, 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, December 4, 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.

Vice Chairman Walker 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 December 4<sup>th</sup> agenda.

Vice Chairman Walker moved to approve the December 4<sup>th</sup> agenda as presented.

Commissioner Lankford seconded and the motion carried unanimously.

**PUBLIC HEARING – Rezoning Request – Larry & Terry Boles #197 (RA to H-B-CU)**

Chairman Inman called the Public Hearing for Larry & Terry Boles - #197 (RA to H-B-CU) for – Mini Storage-Warehouses to order.

There were no public comments.

Chairman Inman closed the Public Hearing.

**PUBLIC HEARING – Zoning Text Amendment**

Chairman Inman called the Public Hearing for the proposed Zoning Text Amendment to order.

There were no public comments.

Chairman Inman closed the Public Hearing.

**PUBLIC COMMENTS**

There were no public comments.

**REZONING REQUEST – Larry & Terry Boles #197 (RA to H-B-CU) (Mini Storage Warehouses)**

Planning Director David Sudderth presented the Rezoning Request #197 (Larry & Terry Boles). The request is to rezone approximately 8.758 acres for “Mini – Storage Warehouses”.

Director Sudderth presented the following information to the Board for their consideration:

**Larry & Terry Boles – Rezoning Request # 197**

**REQUEST:** To rezone approximately 8.758 acres for “Mini-Storage Warehouses” as shown on submitted site plan.

**SITE OWNER:** Larry & Terry Boles

**APPLICANT:** Larry & Terry Boles

**DEVELOPERS:** Brad White & Mitch Allen

**SITE LOCATION:** The property is located off of Old Hwy 52 S (SR# 1236) on Linz Ln.

**Map:** 690102 **Parcel:** portion of 4335 **PIN #:** 6901-02-97-4335

**Deed Book:** 98E **Pages:** 72 **Township:** Yadkin

**SITE INFORMATION:**

**PARCEL SIZE:** Total tract 8.758 acres.

**ZONING DISTRICT:** RA (Residential Agricultural)

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

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

**FIRM MAP #:** 370362 6901

**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:** King VFD, EMS - Station # 3 -Pinnacle.

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

**ACCESS:** The proposed site will have access from a proposed 30 ft. access easement utilizing an existing private road, (Linz Ln). An alternate access would be available from an existing driveway at the Rollerdomo site to the north.

**SURROUNDING LAND USE:** The subject property is located off of Old US 52. The property is zoned RA (Residential Agricultural). There is an H-B (Highway Business) parcel, (Rollerdomo) adjacent to the site that has frontage on Old U.S.52. The remaining surrounding property is zoned RA (Residential Agricultural) and is currently utilized for residential purposes.

**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.

**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 rezoning permit request in the RA (Residential Agricultural) zoning district. The Board may discuss the development plan of the proposed "Mini Storage Warehouses" in detail. The proposal would

increase the amount of commercial development near the property and add to the county tax base without requiring an excess in services. The nearest mini-storage warehouses, (King Mini-Storage) are located 1.5 miles to the north inside the City Limits of King on East King St. The applicants own the old Rollerdom property that is zoned H-B (Highway Business) adjacent to the proposed site. The property proposed for rezoning is zoned RA (Residential Agricultural) and was used for a driving range for years but is located on a separate parcel from the skating rink. This portion of the property has had a commercial use attached to it for many years. There are currently four structures on the property proposed for rezoning. Two accessory buildings and a single-wide mobile home would be removed. One structure on the property, a 17.4 x 54 (939.6 square ft.) block building would remain. The applicant is proposing to construct six (6) metal storage facilities and a covered open sided storage facility for recreational vehicles and marine storage. The remaining 8.031 acres of the property are currently used for residential purposes. The applicants also intend to use the skating rink property in their overall plan. This property is zoned correctly for the commercial activity proposed and is not to be considered under the rezoning petition. The conditional use aspect of the request will allow the Board the opportunity and ability to regulate uses on the property and address any environmental or neighborhood concerns that might arise if the project is approved.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 7 to 0 to recommend approval of rezoning request # 197 from RA to H-B-CU. The Board felt that the location was appropriate for commercial development.

Director Sudderth noted that there was only one inquiry requesting to know what was being proposed on the site. There were no issues concerning the request.

Vice Chairman Walker questioned whether a tree buffer was necessary or not.

The Board discussed the rezoning request. The Board had no issues with the rezoning request.

Chairman Inman entertained a motion to approve the Rezoning Request #197 (Larry & Terry Boles) to rezone approximately 8.758 acres for “Mini – Storage Warehouses”.

Commissioner Lankford moved to approve the Rezoning Request #197 (Larry & Terry Boles) to rezone approximately 8.758 acres for “Mini – Storage Warehouses”.

Commissioner Smith seconded and the motion carried unanimously.

**PLANNING BOARD RECOMMENDATION:** The Board also recommended by a vote of 7 to 0 the Conditional Use permit with the following conditions:

### **Recommended Conditions for Rezoning Request - Conditional Use Permit -#197**

1. NCDOT must approve any new commercial driveway permit, Linz Ln. access and changes to the existing commercial driveway access, RollerDome property.
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. Existing tree buffers located on the east side of the property should be left intact.
13. Security fencing shall enclose the proposed site.

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

Larry and Terry Boles along with Developers Brad White and Mitch Allen all agreed to the Recommended Conditions for the Rezoning Request – Conditional Use Permit #197.

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 #197 – Conditional Use Permit (Larry & Terry Boles – Mini Storage Warehouses).

Commissioner Lankford moved to approve the Rezoning Request #197 – Conditional Use Permit (Larry & Terry Boles – Mini Storage Warehouses) as presented. Commissioner Smith seconded and the motion carried unanimously.

**ZONING TEXT AMENDMENT – Appendix B- Wireless Telecommunication Requirements & Guidelines**

Planning Director David Sudderth presented the following zoning text amendment for the Board’s consideration: (Appendix B – Wireless Telecommunication Requirements and Guidelines)

**Stokes County Zoning Ordinance  
Revision of Appendix B**

**Wireless Telecommunication Requirements and Guidelines**

**Background Information:** As stated in the joint meeting with the Stokes County Commissioners, Stokes County Planning Board and Rusty Monroe with the Center for Municipal Solutions, Appendix B of the Stokes County Zoning Ordinance must be amended to comply with NCGS 153A-50-53 "Part 3B. (Wireless Telecommunications Facilities). Much of the original text is incorporated into a revision of the appendix. Changes have been made to comply with the new state requirements that will become effective December 1, 2007. The text incorporated all the localized components that are in the current zoning text. The one, two, and three mile adopted view shed protection zone and review by the Hanging Rock Advisory Board are included. The 199 ft. tower height remains the same. One change recommended by the Planning Board is that all new towers be monopoles unless it was proven that a lattice type tower was required.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 7 to 0 to approve the zoning text amendment, Wireless Telecommunication Requirements and Guidelines.

Planning Director Sudderth introduced Mr. Rusty Monroe – Center for Municipal Solutions who was also in attendance for the meeting. Mr. Monroe is the county’s telecommunication tower consultant.

Planning Director Sudderth noted the following:

- Existing tower height remains at 199 ft
- The Hanging Rock Advisory Committee remains the same

- The one, two, and three mile adopted view shed protection zone and review by Hanging Rock Advisory Committee remain the same
- Regulations concerning Brown Mountain remain the same
- Planning Board recommended - All new towers will be monopoles unless it is proven that a lattice type tower is required
- Co-location permit in the Old text –there was a special use co-location permit – by the letter of the law, it has been changed to a “written authorization”
- Fee schedule will remain the same
- New Tower Construction - \$5,000
- Co-location on a tower - \$2,000
- Special Use Permit - \$200
- Towers will still be required to be designed to carry the same number of antenna arrays
- New State Legislation requirements were effective December 1, 2007

Mr. Rusty Monroe discussed the following:

- Application is a faster, easier process which has lowered the cost for the applicant
- The initial proposed legislation would have allowed towers to be built anywhere, any height, and in anybody’s backyard
- With the adopted legislation, the County has suffered no real loss of rights or authority- just needs to do some things differently
- Existing county requirements prohibited spec towers (towers built on speculation-without a carrier who had proven a need for a tower)
- New legislation allows towers to be built without a carrier (must be given a permit if they comply with all regulations- vendors will be issued a special use permit- they do not get a building permit unless they provide a carrier who has a signed lease that states they must use the specific tower and there are no other facilities to co-locate on
- The applicant must prove the tower needs to be built along with the necessary height requirements – this will prevent spec towers
- In the new legislation, the applicant must exercise the special use permit within 24 months by proving the need for the tower
- The height of the tower must be proven by the carrier
- It is consultant’s responsibility to make sure the carrier has proven the need for the height of the tower
- Exceptions to the new guidelines must be of a non-commercial nature
- New legislation requires that there is no light visible from the ground-existing towers will remain the same unless they add carriers or change equipment at which time they will have to come into compliance
- Current Ordinance requires the least visually intrusive tower- this can require towers on each side of a ridge instead of allowing them on the top of the ridge



The Board discussed the new legislation with Director Sudderth and Mr. Monroe.

Commissioner Carroll noted the following corrections to the Stokes County Zoning

Ordinance:

- Page #31 - Eliminate duplicated Section M-Visibility of Wireless Telecommunication Facilities
- Page #39 - Z. Fines – change the **County** may be... to the **applicant** may be..

Chairman Inman entertained a motion regarding the submitted Zoning Text

Amendment.

Commissioner Smith moved to approve Zoning Text Amendment – Revision of Appendix B – Wireless Telecommunication Requirements and Guidelines as amended.

Commissioner Carroll seconded and the motion carried unanimously.

(A copy of the amended Stokes County Zoning Ordinance will be retained by the Clerk to the Board and the Planning Director)

### **Planning Board – Appointment – Yadkin Township**

Planning Director David Sudderth notified the Board that Mr. Dempsey Lilly who has served on the Planning Board for several years resigned at the last meeting due to family health issues. Director Sudderth noted the vacancy would follow the county's guidelines for appointment.

### **2008 Commissioners' Calendar**

Clerk Darlene Bullins requested direction from the Board regarding the upcoming 2008 Commissioners' Meeting Calendar.

The Board discussed having all meetings at the Danbury location with possibly going to different communities for a special reason, being citizen friendly by taking the meetings to

different communities, and keeping the option to allow communities to invite the Board to their community on the calendar notice.

The consensus of the Board is to continue with the same calendar notice.

**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 meeting. Commissioner Lankford 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**