

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
AUGUST 4, 2009

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 (Administration Building) located in Danbury, North Carolina on Tuesday, August 4, 2009 at 7:00 pm with the following members present:

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

Commissioner Ernest Lankford – absent

County Personnel in Attendance:
County Manager K. Bryan Steen
Planning Director David Sudderth

Clerk to the Board Darlene Bullins - absent

Chairman J. Leon Inman called the meeting to order.

Vice Chairman Jimmy 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 August 4, 2009 Agenda. Planning Director David Sudderth requested to add Discussion of House Bill #103 (as it relates to denying building permits due to delinquent taxes) to the Agenda. The Board had no issues adding Discussion of House Bill #103 after Rezoning Request #214.

Vice Chairman Walker moved to approve the August 4, 2009 Agenda as amended. Commissioner Carroll seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

**GENERAL GOVERNMENT – JULIO E. ALVAREZ #214 –
(RA to RE-CU 2-LOT RESIDENTIAL SUBDIVISION)
PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

Public Hearing

Chairman Inman called to order the Public Hearing for the Rezoning Request #214 – Julio Alvarez (RA to RE-CU 2-lot residential subdivision).

There were no public comments.

Chairman Inman closed the Public Hearing.

Presentation

Planning Director David Sudderth presented the following information regarding Rezoning Request #214 - Julio E. Alvarez (RA to RE-CU 2-lot residential subdivision).

REQUEST: Rezone approximately 7.778 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 2-lot residential subdivision.

SITE OWNER: Julio E. Alvarez

APPLICANT: Julio E. Alvarez

SITE LOCATION: The property is located on the north side of NC Hwy 704 approximately .3 mile east of the intersection of NC Hwy 704 and NC Hwy 772.

Map: 6978

Parcel: 0828

PIN #: 6978-00-96-0828

Deed Book: 536

Page: 1713

Township: Snow Creek

SITE INFORMATION:

PARCEL SIZE: Total tract 7.778 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) for a 2-lot subdivision.

One of the proposed lots, # 2 has an existing home located on it.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710696800J

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

WATERSHED DISTRICT: WS-IV

SEPTIC/WATER APPROVAL: The site has been evaluated and was found to be suitable for septic disposal by Brandon Joyce, RS. (4-bedroom system 5-22-09). Property will be served by a well.

SCHOOL DISTRICTS: Sandy Ridge, Piney Grove Middle, North Stokes High

EMERGENCY SERVICES: Northeast Stokes VFD, EMS – Danbury, Station # 105

EROSION CONTROL: Plan submittal will only be required if more than one acre of land is disturbed during the construction process.

ACCESS: Access for the proposed lot would be off of NC Hwy 704. The developer, if necessary, would be required to submit information to NCDOT to obtain the necessary driveway approval.

SURROUNDING LAND USE: A portion of the property is currently vacant, proposed lot # 2 has an existing stick built home located on it. The remaining surrounding property is zoned RA (Residential Agricultural) and is used primarily for residential and agricultural purposes. The RE-CU (Residential Exclusive Conditional Use) zoning district allows for the placement of modular housing and stick-built homes. The request is consistent with the housing types within the immediate vicinity of the proposed site.

ISSUES TO CONSIDER:

- Consistency with surrounding housing types.

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 2-lot residential subdivision to be rezoned to RE-CU (Residential Exclusive Conditional Use). This district would allow stick built and modular homes. The applicant is requesting this division to secure a building site for a single family residence. The request is necessary because the proposed lot would exceed the number of subdivision cuts that can be allowed

on a parent parcel by the Stokes County Subdivision Regulations. The addition of one home in this area should not pose a substantial burden on the community infrastructure. The existing lot, tract 2 (3.0 acres) has an existing stick built home located on it. The rezoning of both tracts to RE-CU (Residential Exclusive Conditional Use) will assure that the entire 7.778 acres will be utilized for stick built homes. The Planning staff has no problem with this request.

PLANNING BOARD RECOMMENDATION REZONING: The Planning Board voted 8 to 0 to recommend approval of the rezoning request. The Board stated that the request was consistent with the surrounding housing in the area.

Planning Director Sudderth noted that there had been no comments regarding the Rezoning Request.

DISCUSSION – REZONING REQUEST

The Board had no issues with the Rezoning Request.

ACTION – REZONING REQUEST

Chairman Inman entertained a motion.

Commissioner Smith moved to approve Rezoning Request #214 (RA to Re-CU 2-lot residential subdivision) – Julio E. Alvarez. Vice Chairman Walker seconded and the motion carried (4-0) with Commissioner Lankford absent.

DISCUSSION – CONDITIONAL USE PERMIT

Director Sudderth presented the following conditions that were recommended by the Planning Board for the proposed 2-lot subdivision: (The Board may add or delete conditions as they deem necessary for the proper development of the proposal. Mr. Alvarez has agreed to all the recommended conditions)

Recommended Proposed Conditions for Julio E. Alvarez RE-CU #214

1. The proposed use shall be for a “2-lot residential subdivision” consisting of stick built and modular homes in the RE-CU zoning district.
2. Adequate storm water facilities shall be provided for each lot, including the placement of NCDOT approved drain tile under each driveway if needed.
3. All improvements shall be completed before final subdivision approval is granted by the (SRC) Subdivision Review Committee.
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. 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).
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. 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.
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.

PLANNING BOARD RECOMMENDATION CONDITIONAL USE PERMIT : The Planning Board voted 8 to 0 to recommend approval of the Conditional Use Permit request with the conditions as stated.

The Board had no issues with the Planning Board recommendations.

Director Sudderth noted that in approving a Conditional Use Permit, the Board should follow these guidelines, respond, and vote on each of the following items concerning the issuance of a Conditional Use Permit:

The responsible body shall approve, modify, or deny the application for Conditional Use following the public hearing. In granting a Conditional Use Permit, 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 with Commissioner Lankford absent)
- (b) The requested use is essential or desirable to the public convenience or welfare. (yes/4-0 with Commissioner Lankford 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 with Commissioner Lankford 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 with Commissioner Lankford absent)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (yes/4-0 with Commissioner Lankford 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. (yes/4-0 with Commissioner Lankford absent)

ACTION - CONDITIONAL USE PERMIT

Chairman Inman entertained a motion.

Commissioner Smith moved to approve the Conditional Use Permit for Julio E. Alvarez RE-CU #214. Commissioner Carroll seconded and the motion carried (4-0) with Commissioner

Lankford absent.

HOUSE BILL #103

Planning Director David Sudderth noted the following regarding House Bill #103:

- County used to always try to collect delinquent taxes (if aware) before issuing a building permit, along the way this procedure was stopped in the 90's
- House Bill #103 which was recently adopted gives Stokes County the authority to deny building permits if the applicant has delinquent taxes, taxes must be paid before issuing the permit
- In agreement with Tax Administrator Jake Oakley, this will relate to building permits for real property, stick built homes and mobile homes, accessory buildings on real property, decks, porches, etc.
- Per Tax Administrator Oakley, the tax bill must be delinquent for at least one fiscal year (July 1 to June 30)
- This will not be applied to those taxpayers making payments on accounts
- Tax Administration and Planning Department will work together to ensure accuracy in collecting the delinquent accounts
- Delinquent motor vehicles and EMS bills do not apply to this new legislation
- Does not think there will be a huge volume

The Board discussed House Bill #103 with Director Sudderth.

Vice Chairman Walker requested a report back after six months to see how the new procedure is working and if there are any issues.

Director Sudderth noted that the department could keep statistical information regarding the new procedure.

Adjournment

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

Vice Chairman Walker moved to adjourn the meeting. Commissioner Smith seconded and the motion carried (4-0) with Commissioner Lankford absent.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman