

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 1, 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, December 1, 2009 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 J. Leon Inman called the meeting to order and 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 1, 2009 Agenda.

Vice Chairman Walker moved to approve the December 1, 2009 Agenda as presented.

Commissioner Lankford seconded and the motion carried unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**GENERAL GOVERNMENT – MICHAEL ALLEN BROWN #215 –  
(H-B TO M-2-CU –SAWMILL, WOOD CUTTING, AND SPLITTING FOR FIREWOOD)  
PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

**Public Hearing**

Chairman Inman called to order the Public Hearing for the Rezoning Request #215 – Michael Allen Brown (H-B to M-2-CU) sawmill, wood cutting & splitting for firewood.

There were no public comments.

Chairman Inman closed the Public Hearing.

## **Presentation**

Planning Director David Sudderth presented the following information regarding

Rezoning Request #215 – Michael Allen Brown (H-B to M-2-CU) (sawmill, wood cutting & splitting for firewood).

**REQUEST:** Request by property owner Michael Allen Brown to rezone approximately .8734 acres of property from H-B (Highway Business) to M-2-CU (Heavy Manufacturing Conditional Use) for a Sawmill/ wood cutting, splitting for firewood.

**SITE OWNER:** Michael Allen Brown

**APPLICANT:** Michael Allen Brown

**SITE LOCATION:** The property is located at the corner of NC Hwy 66 and Denny Rd. (SR# 2000)

**Map:** 690404 **Parcel:** 5417 **PIN #:** 6904-04-60-5417

**Deed Book:** 598 **Page:** 23 **Township:** Yadkin

## **SITE INFORMATION:**

**PARCEL SIZE:** Total tract .8734 acres, approximately 38,045.3 sq. ft.

**ZONING DISTRICT:** H-B (Highway Business)

**PROPOSED DISTRICT:** M-2-CU (Heavy Manufacturing 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:** Public water (City of King), septic approval has tentatively been issued for a business with four employees. The applicant is in the process of revising the septic permit for the proposed use.

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Sauratown VFD, EMS - Station # 3 & 4 -Pinnacle.

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

**ACCESS:** Access is proposed off of NC Hwy 66 and Denny Rd., (SR# 2000). NCDOT must approve a commercial driveway access.

**SURROUNDING LAND USE:** The subject property is located at the corner of Denny Rd and NC Hwy 66. The property is currently zoned H-B (Highway Business). The City of King owns property adjacent to the site which is utilized for a water tower. There is a small H-B (Highway Business) parcel next to the site that has frontage on NC Hwy 66. The remaining surrounding property is zoned M-1 (Light Manufacturing) Property across NC Hwy 66 is zoned RA (Residential Agricultural) and is currently used for residential purposes. Property across from Denny Rd. is zoned RA (Residential Agricultural) and is a part of the Mount Olive Cemetery.

## **ISSUES TO CONSIDER:**

- Impact on surrounding development.
- Consistency with surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Potential tax base increase due to increased commercial development.

**STAFF COMMENTS:** The rezoning request comes to the Board as a conditional use rezoning request in the M-2 (Heavy Manufacturing) zoning district; you may discuss the site plan and commercial use of the property in specific terms. The property which is currently vacant of any structures is surrounded by commercial property to the south, (H-B) and commercial property (M-1) and a City of King water tower to the east. The commercial property to the south (H-B) is currently used for residential purposes and was zoned commercially under the original adoption of the zoning ordinance in 1983. The commercial property to the east was amended with a Conditional Use permit approved on 10-02-07 for (12) mini-storage warehouses. The requested change of the property to M-2 (Heavy Manufacturing Conditional Use) does not appear to be out of context with the immediate surrounding property due to the commercial nature of the area. The M-2 (Heavy Manufacturing)

zoning district is the zoning district in which saw milling, wood cutting and splitting would be allowed in as a conditional use. The most appropriate use for this parcel is for commercial purposes as was noted when the parcel was rezoned from RA (Residential Agricultural) to H-B (Highway Business) on February 3, 2009. The property has access to public water but will be served by a septic system. Although the requested use of the property is listed in the M-2 (Heavy Manufacturing Conditional Use) zoning district there are limitations to the potential uses that can be allowed on the property due to the existing infrastructure and the size of the parcel. If the property is rezoned to a conditional use district then any change of use proposed thereafter would be required to be sent back through the Planning Board and Board of Commissioners for approval.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 8 to 0 recommending approval of rezoning request #215 by Michael Allen Brown. to rezone his property from H-B (Highway Business) to M-2-CU (Heavy Manufacturing Conditional Use). The Planning Board also voted 8 to 0 to recommend approval of the proposed conditions.

Planning Director Sudderth noted that there had only been one comment prior to today's meeting regarding the Rezoning Request which was only to clarify what type of business was going to be placed on the property. After clarification of what type of business was going to be located on the property, there were no issues.

### **DISCUSSION – REZONING REQUEST**

The Board discussed the rezoning request with Planning Director Sudderth and Michael Brown who was in attendance for the meeting.

The Board discussed the following with Mr. Brown:

- Type of equipment being used and noise level of the equipment when in operation
- Hours of operation
- Type of building that will be placed on the property
- Location of where the building will be placed on the property
- Some type of buffer to buffer the site from the main road
- Using a buffer that would not block the visibility at the intersection of HWY #66 and Denny Road

Mr. Brown discussed the following:

- No negative comments have been received from members of the Church across from Denny Road or other adjoining property owners
- Wood will be stored behind the proposed building, no wood should be able to be seen from Highway #66
- 90% of the wood will be delivered offsite of the business location
- Most advertising will be done in the local papers
- Would like for the building to be visible from the road
- Most all of the property in front of the building will be concrete
- Wood cutting will be a seasonal operation
- Fence was placed on the property for security reasons
- Wants to have the clean location for the business

Commissioner Carroll expressed the following concerns:

- Not sure if it is the appropriate location for this type of business
- Not only are the logs an appearance issue, but the fence is actually the main “eye sore”

Commissioner Lankford suggested placing hurricane slats in the chain link fence to buffer the site from the road.

**ACTION – REZONING REQUEST**

Chairman Inman entertained a motion.

Commissioner Lankford moved to approve Rezoning Request #215 (H-B to M-2-CU) – Michael Allen Brown. Vice Chairman Walker seconded and the motion carried (4-1) with Commissioner Carroll voting against the motion.

**DISCUSSION – CONDITIONAL USE PERMIT**

Director Sudderth presented the following conditions that were recommended by the Planning Board. (The Board may add or delete conditions as it deems necessary for the proper development of the proposal). Mr. Brown has agreed to all the recommended conditions recommended by the Planning Board.

**Recommended Conditions for Michael A. Brown - Conditional Use -#215**

1. NCDOT must approve any changes to the existing commercial driveway access.
2. The use allowed under the Conditional Use Permit shall be for **“Sawmill, wood cutting and splitting for firewood”**.
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 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 discussed the recommended conditions.

The Board discussed adding a buffer condition.

Commissioner Carroll suggested possibly moving the fence to behind the proposed building location.

Director Sudderth suggested possibly using a tree buffer along the fence on Denny Road.

The Board discussed several options for buffers for the property.

Mr. Brown stated he was willing to work with the Board to create some type of buffer for the property. Mr. Brown suggested possibly placed a privacy fence behind the building which would hide the logs that would be placed behind the building.

The Board discussed in detail placing a fence behind the building and the use of a tree buffer along the fence on Denny Road.

The Board agreed to add the following condition:

16. Place a wooden privacy fence from the building set back on each side of the building with some type of gate to allow trucks to go behind the building along with a tree line buffer along the inside of the fence down Denny Road to the property line.

Mr. Brown agreed to condition #16. Director Sudderth stated there should be no issues with the added condition.

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/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)

**ACTION - CONDITIONAL USE PERMIT**

Chairman Inman entertained a motion.

Commissioner Lankford moved to approve the Conditional Use Permit for Michael Allen Brown (H-B to M-2-CU#215) which include recommendations 1-15 from the Planning Board and recommendation 16 which was added by the Board of Commissioners. Vice Chairman Walker seconded and the motion carried (4-1) with Commissioner Carroll voting against the motion.

**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