

STATE OF NORTH CAROLINA)
)
COUNTY OF STOKES)
)

OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
FEBRUARY 2, 2010

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, February 2, 2010 at 7:00 pm with the following members present:

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

Commissioner Ron Carroll - absent

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

Chairman Jimmy Walker called the meeting to order.

Commissioner Inman delivered the invocation.

Chairman Walker noted that Commissioner Carroll would not be present due to a family illness.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Walker 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 Walker entertained a motion to approve or amend the February 2, 2010 Agenda.

Commissioner Inman moved to approve the February 2, 2010 Agenda as presented.

Vice Chairman Lankford seconded and the motion carried (4-0) with Commissioner Carroll absent.

PUBLIC COMMENTS

There were no public comments.

SPECIAL USE REQUEST – GREGORY E. WILLARD #216 – (Special Use Permit for Amusements/Recreational Facilities – Fishing Lakes)

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS PUBLIC HEARING

Chairman Walker called to order the Public Hearing for the Rezoning Request #216 –

Gregory E. Willard (Special Use Permit for Amusements/Recreational Facilities – Fishing Lakes).

There were no public comments.

Chairman Walker closed the Public Hearing.

PRESENTATION

Planning Director David Sudderth noted that Mr. Willard requested that his request for a Special Use Permit be held over until the March 25, 2010 Planning Board meeting and the April 6, 2010 Board of Commissioners' meeting in order to address some issues concerning the property.

Planning Director Sudderth noted that the Planning Board recommended by a vote of 6 to 0 that the Special Use Request #216 by Gregory E. Willard for an Amusement/Recreational Facilities for Profit (outdoors) – Fishing Lakes be postponed to the March 25th Planning Board meeting and the April 6th Commissioners' meeting.

Chairman Walker entertained a motion.

Vice Chairman Lankford moved to honor the applicant's request to postpone the Special Use Permit #216 to the March 25th Planning Board meeting and the April 6th Commissioners' meeting. Commissioner Smith seconded and the motion carried (4-0) with Commissioner Carroll absent.

GENERAL GOVERNMENT – ADAM ANTHONY POLICASTRO #217 – (RA TO RE-CU for a 3-lot residential subdivision)

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

PUBLIC HEARING

Chairman Walker called to order the Public Hearing for the Rezoning Request #217 – Adam Anthony Policastro (RA to RE-CU for a 3-lot residential subdivision).

There were no public comments.

Chairman Walker closed the Public Hearing.

Commissioner Inman stated the following:

- He currently holds a valid real estate license in the State of North Carolina and practices real estate
- Mr. Policastro's property is currently listed by Carolina Farms and Homes Real Estate
- He has an ownership interest in Carolina Farms and Homes

Commissioner Inman noted that he feels this would be a direct conflict of interest to participate in this particular zoning request and requested to be recused.

Chairman Walker entertained a motion.

Vice Chairman Lankford moved to honor Commissioner Inman's request to be recused

from this zoning request. Commissioner Smith seconded and the motion carried (4-0) with Commissioner Carroll absent. Commissioner Inman exited the meeting.

PRESENTATION

Planning Director David Sudderth presented the following information regarding

Rezoning Request #217 – Adam A. Policastro (RA to RE-CU for a 3-lot residential subdivision):

REQUEST: Rezone approximately 29.486 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

SITE OWNER: Adam Anthony Policastro

APPLICANT: Adam Anthony Policastro

SITE LOCATION: The property is located at the intersection of Hauser Rd. (SR#1983) and Buenavista Dr. (private rd. #16609).

Map: 5986

Parcel: 3851

PIN #: 5986-00-95-3851

Deed Book: 555

Page: 1213

Township: Quaker Gap

SITE INFORMATION:

PARCEL SIZE: Total tract 29.486 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) for a 3-lot subdivision.

One of the proposed lots, tract two, has an existing home located on it.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710598600J

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 systems by Joseph A. Hinton, a licensed soil scientist. Proposed tract 2 has an existing home and septic system already located on it. New septic systems will be permitted by the Stokes County Environmental Health Department. All properties will be served by wells.

SCHOOL DISTRICTS: Pinnacle, Chestnut Grove Middle, West Stokes High

EMERGENCY SERVICES: Double Creek VFD, EMS – Pinnacle Station # 103 & 104

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 lots would be off of Hauser Road (SR#1983) Buenavista Drive. A 50 ft. private easement (private rd. # 16609) currently serves two lots at the end of the private road. Conveyance of proposed lots is subject to the private easement known as Buenavista Drive as described indeed Book 470, pages 1725 and 1727, Stokes County Registry.

SURROUNDING LAND USE: Proposed tracts 1 and 3 are currently vacant, proposed tract 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 3-lot residential subdivision to be rezoned to RE-CU (Residential Exclusive Conditional Use). This district would allow stick built and modular homes. The request is necessary because the proposed 3-lot subdivision would exceed the number of subdivision cuts that can be allowed on a parent parcel by the Stokes County Subdivision Regulations. The addition of two homes in this area should not pose a substantial burden on the community infrastructure. The proposed tract 2 (12.205 acres) has an existing stick built home located on it. The rezoning of all tracts to RE-CU (Residential Exclusive Conditional Use) will assure that the entire 29.486 acres will be utilized for stick built homes. The Planning staff has no problem with this request.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 6 to 0 to recommend approval of rezoning request #217 for Adam Anthony Policastro . The Board also recommended by the same unanimous vote the Conditional Use Permit with the following twelve (12) proposed conditions. The owner’s agent, Mr. Al Engler, a Realtor with Carolina Farms and Homes was in agreement with the proposed recommended conditions.

DISCUSSION – REZONING REQUEST

The Board discussed the request with Director Sudderth.

Director Sudderth noted that a few neighbors attended the Planning Board meeting and the office received several calls to inquire about the rezoning request. After explaining the rezoning request, no one had any issues or opposition with the rezoning request.

Director Sudderth noted the Planning Board added the proposed recommended condition #12: (Staff recommended conditions 1-11)

12. The purchaser/owner of tract number three (3) as identified on the site plan for Adam Anthony Policastro will be required to contact the property owners at the end of Buenavista Dr. which is a private 50 ft. easement and offer to assist in the cost of road maintenance if the road is to be utilized for ingress, egress and regress. This requirement would only take effect if and when access to the easement identified as Buenavista Dr. is requested or required. Current legal access to proposed lot/tract number three (3) is off of Hauser Rd. (SR#1183).

Vice Chairman Lankford confirmed with Director Sudderth that if a property owner wanted (the parcels being large) to subdivide their parcel, a rezoning request would have to be brought back to the Planning Board and the Board of Commissioners.

ACTION – REZONING REQUEST

Chairman Walker entertained a motion.

Commissioner Smith moved to honor the Planning Board’s recommendation to approve Rezoning Request #217 - Adam A. Policastro (RA TO RE-CU for a 3-lot residential subdivision).

Vice Chairman Lankford seconded and the motion carried (3-0) with Commissioner Carroll absent and Commissioner Inman approved to be recused.

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 they deem necessary for the proper development of the proposal). Director Sudderth reiterated the owner’s agent, Mr. Al Engler, a Realtor with Carolina Farms and Homes, was in agreement with the proposed conditions recommended by the Planning Board.

Proposed Recommended Conditions for Adam Anthony Policastro RE-CU #217

1. The proposed use shall be for a “3-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.
12. The purchaser/owner of tract number three (3) as identified on the site plan for Adam Anthony Policastro will be required to contact the property owners at the end of Buenavista Dr. which is a private 50 ft. easement and offer to assist in the cost of road maintenance if the road is to be utilized for ingress, egress and regress. This requirement would only take effect if and when access to the easement identified as Buenavista Dr. is requested or required. Current legal access to proposed lot/tract number three (3) is off of Hauser Rd. (SR#1183).

Director Sudderth discussed recommended condition #12 with the Board.

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/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused
- (b) The requested use is essential or desirable to the public convenience or welfare. (yes/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused
- (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/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused
- (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/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (yes/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused
- (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/3-0) Commissioner Carroll absent and Commissioner Inman approved to be recused

ACTION - CONDITIONAL USE PERMIT

Chairman Walker entertained a motion.

Vice Chairman Lankford moved to approve the Conditional Use Permit for Adam Anthony Policastro (RA to RE-CU #217). Commissioner Smith seconded and the motion carried (3-0) with Commissioner Carroll absent and Commissioner Inman approved to be recused.

Commissioner Inman re-entered the meeting.

Adjournment

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

Commissioner Smith moved to adjourn the meeting. Commissioner Inman seconded the motion.

Vice Chairman Lankford requested revenue information from Director Sudderth.

Director Sudderth noted that the department is currently exceeding revenue projections, but unsure what the building season that usually starts up in March will be.

Director Sudderth noted that with the Nancy Reynolds renovation project, it will probably take the majority of one worker's time.

Commissioner Smith requested information regarding the status of sending out condemnation

letters to property owners to clean up their property.

Director Sudderth noted that letters could be sent at anytime with direction from the Board, but the Board needed to know that the County could incur some expenses with this type of action.

The Board discussed the issue with Director Sudderth pertaining to some specific locations in the County (Highway #66).

Director Sudderth noted that he could make a call to the property owner and report back to the Board at the next meeting.

The motion carried (4-0) with Commissioner Carroll absent.

Darlene M. Bullins
Clerk to the Board

Jimmy Walker
Chairman