

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 2, 2011

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 2, 2011 at 7:00 pm with the following members present:

Chairman Ernest Lankford
Vice-Chairman J. Leon Inman
Commissioner Jimmy Walker (entered at 7:03 pm)
Commissioner Ronda Jones
Commissioner James Booth

County Personnel in Attendance:
Interim County Manager Richard D. Morris
Clerk to the Board Darlene Bullins
Planning Director David Sudderth

Chairman Ernest Lankford called the meeting to order.

Commissioner Jones delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Lankford opened the meeting by inviting the citizens in attendance to join the Board in the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Lankford entertained a motion to approve or amend the August 2, 2011 Agenda.

Vice Chairman Inman moved to approve the August 2, 2011 Agenda as presented.

Commissioner Booth seconded and the motion carried (4-0) with Commissioner Walker absent.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

Rezoning Request – Randy Kiser #226

RA to H-B-CU Retail Sales, Services/Service Garage for Garbage Service

Public Hearing

Chairman Lankford acknowledged there was no one signed up and no citizens present at tonight's meeting to speak at the Public Hearing for Rezoning Request #226 – Randy Kiser (RA to H-B-CU for Retail Sales, Services/Service Garage for Garbage Service).

Presentation Agenda

Planning Director David Sudderth presented the following information to the Board of Commissioners:

(Before presenting the information, Planning Director Sudderth noted that the Kisers already had a scheduled vacation for this week and that there was no opposition to the request. Director Sudderth also noted that the Kisers spoke to surrounding neighbors before starting the project and received no negative comments.)

STAFF REPORT

Randy D. Kiser - RA to H-B-CU # 226

REQUEST: Rezone approximately 1.581 acres from RA (Residential Agricultural) to H-B (Highway Business Conditional Use) for **“Retail Sales, Services / Service Garage for garbage service.**

SITE OWNER: Randy D. and Theresa Joanne Kiser

APPLICANT: Randy D. Kiser

SITE LOCATION: The property is located on Young Rd. SR# 1990 approximately .2 miles from the intersection with Flat Shoals Rd. SR# 2019 near Geneva Ln.

Map: 6935 **Parcel:** portion of 0968

PIN #: portion of 6935-00-64-0968

Deed Book: 618 **Page:** 2199

Township: Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 8.12 acres. Area proposed for rezoning 1.581 acres

ZONING DISTRICT: RA (Residential Agricultural)
PROPOSED DISTRICT: H-B (Highway Business Conditional Use)
FLOOD HAZARD AREA: N/A
FIRM MAP #: 3710692400 J
FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.
WATERSHED DISTRICT: N/A
SCHOOL DISTRICTS: N/A
EMERGENCY SERVICES: South Stokes VFD, EMS - Station # 105 Danbury.
EROSION CONTROL: N/A
SEPTIC/WATER: The Stokes County Environmental Health Department has approved the proposed site for a septic system adequate for the proposed use. Water will provided by a well.

ACCESS: The proposed business will need a commercial driveway access off of Young Rd. SR# 1990. (NCDOT must approve any new commercial driveway permit).

SURROUNDING LAND USE: The subject property is located on Young Rd. The surrounding land use consists of mixed residential uses, agricultural land and wooded property. The adjacent property is zoned RA (Residential Agricultural).

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Need of service provided
- Impact on community infrastructure, roads, public services etc.
- Increase in commercial tax base.
- Community acceptance

Director Sudderth noted that the Planning Board required the following and Mr. Kiser had no issues with the requirements:

Automobile, vehicle repair/service garage

- 1) No storage of materials, parts, tires or dismantled vehicles shall be allowed in the front yard of any vehicle repair/service garage.
- 2) Storage of all materials, parts, tires and dismantled vehicles shall be in the rear of the primary structure and shall be enclosed by a solid fence no less than eight (8) feet in height. No more than ten (10) motor vehicles shall be stored on the premises at any one time.
- 3) No storable materials, parts, tires or dismantled vehicles shall be stacked or placed to reach a height of six (6) feet.
- 4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

STAFF COMMENTS: The rezoning request comes to the Board as a conditional use rezoning request in the H-B-CU (Highway Business Conditional Use) 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 residential and vacant land. The applicants request to rezone a portion of their property from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) is for the purpose of constructing a 30ft. x 60ft. building for a Retail Sales, Services / Service Garage for garbage service. The applicants have a home in the rear of the property. Kiser's Garbage service has been in operation since 1990 without a specific structure for the business or maintenance of the vehicles. The business was purchased from Mrs. Kiser's uncle and was known as Browns garbage service in the eighties. The business has grown since its inception and is in need of a permanent facility. There are five (5) trucks in operation and the service operates in multiple counties and municipalities. There are no nearby commercial districts, the conditional use aspect of the request should provide for adequate safeguards to the community for allowing this small commercial activity to take place. The planning staff has no problems with this proposed request.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended approval of the rezoning request by a vote of 8 to 0. The Board also recommended by a vote of 8 to 0 to recommend approval of the Conditional Use Permit. The Board stated that due to the topography and proposed orientation of the building that the solid fencing requirement should be waived. They felt the natural buffers would be sufficient.

Discussion Agenda

Planning Director Sudderth stated that no comments had been received regarding the Rezoning Request.

The Board briefly discussed the request with Director Sudderth.

Director Sudderth noted that the Planning Board stated that due to the topography and proposed orientation of the building that the solid fencing requirement should be waived and felt the natural buffers would be sufficient.

Commissioner Jones confirmed with Director Sudderth that this project would slightly increase the County's tax base, but could possibly create more jobs in the future. Director Sudderth noted that currently Mr. Kiser basically has what he can handle with his current fleet. Commissioner Jones confirmed that Mr. Kiser did have room to expand.

Commissioner Walker commended Mr. and Mrs. Kiser for being proactive and talking to neighbors before starting the project.

The Board had no issues with the Rezoning Request.

Action Agenda

Chairman Lankford entertained a motion regarding the Rezoning Request.

Vice Chairman Inman moved to approve Rezoning Request #226 for Randy Kiser (RA to H-B-CU). Commissioner Jones seconded and the motion carried unanimously.

REQUIREMENTS FOR ISSUING A CONDITIONAL USE PERMIT

Planning Director David Sudderth requested the Board vote regarding the following conditions in a Conditional Use Permit:

Action by the Responsible Body

The responsible body shall approve, modify, or deny the application for special use following the public hearing. In granting a special use, the responsible body shall insure:

- (a) The requested use is listed among the special 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 Lankford entertained a motion.

Commissioner Booth to approve the Conditional Use Permit – Randy Kiser #226.

Commissioner Jones seconded and the motion carried unanimously.

Adjournment

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

Vice Chairman Inman moved to adjourn the meeting. Commissioner Booth seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman