

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
APRIL 3, 2012

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, April 3, 2012 at 7:00 pm with the following members present:

Chairman Ernest Lankford
Vice-Chairman J. Leon Inman
Commissioner Jimmy Walker
Commissioner Ronda Jones
Commissioner James D. Booth

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

Chairman Ernest Lankford called the meeting to order and welcome those in attendance.

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 April 3, 2012 Agenda.

Commissioner Booth moved to approve the April 3, 2012 Agenda as submitted.

Commissioner Jones seconded and the motion carried unanimously.

PUBLIC COMMENTS

The following spoke during Public Comments:

Jane Epperson

1031 Gunnell Road
Rural Hall, NC 27045

Ms. Epperson expressed the following comments in opposition of the rezoning:

- Personally do not want to see the business erected or built in our community
- Feel it will hurt the value of our community
- Several years ago, a man bought some land from us and planned to build a house, but started a trailer park which was nothing but trouble until it was gone

Vicki Warren

7584 HWY 66 S
King, NC 27021

Ms. Warren expressed the following comments in opposition of the rezoning:

- Very concerned that there was no public notice in the Stokes News about tonight's meeting
- Feels this could have deterred some individuals from coming, not sure if it did
- Thinks it states in your rules that anyone interested in attending the meeting should know within 48 hours, that means there should have been a notice in last week's Stokes News since it is published weekly
- Feels it was wrong not to put it in the paper, don't know whose responsibility this is, but it should have been put in the paper
- Feels someone should speak up tonight and express to the citizens why it was not printed
- Feel Mr. Brown should not start a business on this land, we don't want it, that is all there is to it
- He is not going to be a good neighbor as he has already expressed that to a couple of the neighbors who live close to him

Chairman Lankford requested clarification from Clerk Darlene Bullins and Planning Director

David Sudderth regarding the comments made about the advertisement of the meeting.

Clerk Darlene Bullins responded:

- The schedule for all Planning Meetings was prepared, approved, and advertised in December 2011 for calendar year 2012
- Entire schedule for the Board of Commissioners is on the County's website, do not have to advertise each meeting separately
- April Planning Meeting with Agenda is also on the County's website
- April Planning Meeting is also posted as required

Chairman Lankford confirmed with Clerk Bullins that advertisements for the entire annual meeting schedule for the Board were in the Stokes News and on the county's website.

Planning Director Sudderth responded:

- Public Hearing was advertised as required for the February meeting
- Advertisement for the February Planning Meeting was done
- Letters were sent to surrounding property owners as required
- Reposted the signs which was not required, but requested by Vice Chairman Inman
- Meeting was advertised on the website as a regular planning meeting
- Individuals at the February meeting knew the item was being held over to the April Planning Meeting
- Advertisements in the local paper are very expensive
- All requirements, as far as, advertisement and posting of signs, have been done for this item
- All required procedures were done for the February meeting

Randy Dale Brown

1045 Harris Farm Road
Rural Hall, NC 27045

Mr. Brown expressed the following comments in opposition of the rezoning:

- Been a land owner in the same spot for 12 years, rented 5 years prior to purchasing property in the community
- Long standing person in the community
- Second what Ms. Warren stated
- The signs were posted down Forsyth County Line Road where no one could see the signs
- Would not have known about this if a neighbor had not told me
- Need a lot of help on that side of the county
- Oppose changing anything from residential
- Would like to see something come in to boost the community and get it headed back in the right direction

Hazel Martin

1286 Forsyth Line Road
Rural Hall, NC 27045

Ms. Martin expressed the following comments in opposition of the rezoning:

- To answer Commissioner Jones' question at the last meeting, "which would you prefer a housing development or a factory like Mr. Brown wants?" Would prefer to have a housing development
- Been in the community for 60+ years and very few neighbors did I ever have any problems with
- This is going to create problems
- Watched houses being built and have never had problems with any of my neighbors

- Just don't want it
- Still say there are safety issues
- Small children live in the area who dart out in the road
- Big trucks coming in and out of the road can very easily hit a child, would hate to be responsible for a child to get killed over something like this
- Consider what I said last time, need to consider other people
- Breaks my heart to think our children might suffer over a place like that
- If the entrances went out on Highway #66, it might be different
- Appreciate the Board's attention on this matter

Rebecca Allen

1153 Forsyth Line Road
Rural Hall, NC 27045

Ms. Allen expressed the following comments in opposition of the rezoning:

- Have a few concerns
- One of the biggest problem, buses meeting the big trucks on the Forsyth Line Road is a recipe for disaster
- Only a few representing our little community, but means a lot to us
- Everyone here tonight is here for that reason
- Don't want heavy equipment in the area
- Feels his business will devalue the property in the community
- Worked very hard to get the 20 acres owned down Forsyth Line Road and don't want to see the value dropped
- Don't see rezoning that 2 acres for heavy equipment is going to do anything for the county, will certainly not help our community
- Would like to know how many commissioners visited the current facility?
- Mr. Brown had approximately three (3) weeks to clean up the current facility, so it was spic n span before he presented it
- Invitation list was very limited, there were about six (6) people that were invited from the community to go and see his facility
- There were other people at the last meeting that did not get an invitation to that day, so they missed it
- Board of Commissioners and only a handful of people actually got to see the facility
- He had plenty of time to clean it up, you know as well as I do, that when you are expecting company, you will clean your place up
- The clean facility is not the "norm" and has not been in compliance with the county for a very long time
- Don't want the mess brought to our neighborhood, you will be just moving it down the road
- Why is he buying 18 acres when he only needed two acres, there are other places in the county that he can move to
- Do not feel that this is proper for our community and really don't think it is appropriate

- My questions are:
 - How large is the buffer that he is supposed to leave between his current location, as far as the business, and the buffer around his property that affects the rest of the community that has to deal with it?
 - How large is the buffer and how much is he going to have to put in?
 - The Leyland Cypress that he is supposed to be putting in around his business, how big are they going to be? It takes years for them to grow – ten years from now, they may be what we are looking for, maybe not. You can buy a hundred Leyland Cypress right now off of Craig's List for \$75, not big enough to do any buffering for anyone around it, these are concerns.
 - What does he do with the leftover chemicals from his job? His property is higher than the rest of the property down there, his streams run down hill to all of the rest of us. We have a great concern regarding the chemicals that he still has on that property. If the chemicals get spilled, it is our problem, not just his.
- When I was at his facility, he made a comment to me personally that he would be a good neighbor, that is not the case
- He has already had a run in with at least two neighbors and hasn't owned the property six weeks, that is not the type of neighbor we are looking for in our community, but he has already purchased the property
- According to the sign on the property, it is still under-contract, it has already been sold
- We have been led to believe it is still under contract and it was told to us at the last meeting, it was contingent upon him getting this approved, he has already bought the property
- It changed hands on February 21st and we all feel like we have been duped and shoved down the rosy path because the sign is already a lie, so what else is he lying about
- These are questions that we are all here for, because of the sign still being up at this point, we don't feel like we have been told the truth
- We feel that something else is going on and we are here to find out
- Another question: The impartiality of the people in our community services, the gentlemen up front, David, is the biggest "cheerleader" for this guy that I have ever seen
- He is pushing this through as fast and hard as he can go, Why?
- He already has a business setup in Stokes County, what is it going to do to move it down to a dangerous area for everyone else
- A lot of other people here tonight have the same questions, we are just looking for answers
- We are opposed to this
- We don't feel like it is a correct fit for that piece of property and there are lots of other property that it would be a better fit for it if he wants to have heavy machinery operation
- He should do it somewhere else

Chairman Lankford responded to Ms. Allen's comment about visiting the facility - everyone on the Board visited Mr. Brown's current facility.

Sarah Shumate
517 E King Street
King, NC 27021

Ms. Shumate expressed the following comments in opposition of the rezoning:

- Seriously considering purchasing some property in this neighborhood to get out of the hustle and bustle of King
- If this passes, there is no way I will move over there, thus taking income from people who could be selling some of their property
- I am sure that I am not the only person who feels this way
- In reference to the posted signs on the property, they are cardboard, hand written signs
- If you are driving and unless you stop, you can't read what they say
- I beg of you to leave this nice, quiet, rural neighborhood as is
- I am sure that none of you would want this in your backyard
- Please think about this seriously and consider your taxpayers and voters as a whole and not just one person

Cheryl Dodson
7915 HWY 66 S
Rural Hall, NC

Ms. Dodson expressed the following comments in opposition of the rezoning:

- My husband and I have lived in this community with our three children about 15-16 years
- My first question to the Board was going to be who currently owns the property that Allen Michael Brown is attempting to rezone for business, but has Becky mentioned, we already know that he has already purchased the land as of 2-21-12
- The reason we know this, the realty sign still says under contract, but many in the community were led to believe that Mr. Brown (he even stated this) was not purchasing the property until the rezoning was approved for his business
- The way we found out that he purchased the property 42 days ago was my husband was in our backyard doing yard work and he was approached by Mr. Allen Michael Brown, Jr. and told that he felt he should come down and see what he was doing
- My husband was on his own property
- At that time, there were logs laying on the property line and as far as we knew Mr. Harris still owned the property
- For many years, the logs had laid there from an ice storm
- Mr. Brown told my husband to not touch those logs and that he now owned the property and everything on it
- He knows he did say that
- I am speechless that anybody would think that is the kind of neighbor that any of us want

- He is not established, not living in the community, doesn't have a business there and is already showing his true colors in the neighborhood
- Ask the Board to consider the reasons why each of us bought property in the neighborhood
- We all knew a long time ago, even before having children, that we wanted a residential and agricultural community to live in
- We want to raise our children in a peace and quiet, rural environment
- Would also like to address the realty sign that has been up for 42-43 days since the property was sold
- Do not know of any realtor that would leave an under-contract sign up for 42 days after the property has been sold

Jerry Dodson
 7915 HYW 66 S
 Rural Hall, NC

Mr. Dodson expressed the following comments in opposition of the rezoning:

- Wanted to say - I was getting ready to put up a privacy fence because of people buying the land beside us and before I knew it the law was sitting there
- Mr. Brown had called the law because I was working on my property
- In 2009, we lost 50 pine trees in an ice storm
- We had family come in and help cut up the wood – worked two weeks
- Gave the firewood to two different families and had the rest sawed up in 14 ft lengths
- Half of the 14 ft log was on Mr. Harris' land and half on my land
- The law did not do anything, said it was a civil suit
- May be getting papers in the mail to go to court, I will see him there
- Don't believe he would be good neighbor, which is already not being a good neighbor

Chairman Lankford closed the Public Comments.

Chairman Lankford thanked those in attendance for their comments.

Discussion Agenda

Chairman Lankford opened the floor for discussion.

Planning Director David Sudderth addressed some of the statements mentioned tonight:

Signage

- Signs are the same signs that the County has been using for approximately 25 years
- Posted three different places, the only requirement is to post the property being considered for rezoning
- None of the property located on HWY #66 is being rezoned, but a sign was but there anyway so if someone was interested, they could stop
- Probably shouldn't be stopping on HWY #66 with the amount of traffic, but the big "Z" is there to get your attention

- Property was posted on Forsyth Line Road where the rezoning takes place
- Standard operating procedures were done

Buffers – Leyland Cypress

- Those are issues that can be addressed if the rezoning is approved
- Can require Mr. Brown to buy larger trees
- Board can request a different kind of tree that grows faster
- Planning Board required security fencing to enclose the proposed site
- Size of the buffer would go around the fencing or at the Board of Commissioners' discretion

Chemicals

- Contacted the Fire Marshal's office
- At this point on his other site, per Assistant Fire Marshal Grey, no material data sheets were needed on anything stored at his current location
- Any chemical stored on the new property will have to go through the Fire Marshal's office and they determine what is required as far as safety data sheet

Planning Director partial regarding this issue

- If you read the staff report, it states that my job is to be impartial even though I give an opinion
- Read the following section: The requested change of the property M-2 (Heavy Manufacturing Conditional Use) does not necessarily fit in with the immediate surrounding properties due to the residential nature of the area. However, there are general use H-B (Highway Business) districts located within a ½ mile of the site and there is a consistent pattern of mixed, residential, agricultural, business and manufacturing districts along the entire length of NC HWY 66 and down intersecting secondary roads. The Board must first consider if this is a suitable location for a manufacturing district.
- I dealt with Mr. Brown because he requested the rezoning
- I spoke to Jane Epperson today, no one else has called
- Don't get anything from the rezoning requests, just another case to hear and go through the process

Real Estate Sign

- Has no bearing on the rezoning

Director Sudderth provided the Board with the following information which was presented at

February Planning Meeting:

Allen Michael Brown Jr. - RA to M-2-CU #230

REQUEST: Request by applicant Allen Michael Brown Jr. to rezone approximately 2.107 acres of property he currently owns from RA (Residential Agricultural) to M-2-CU (Heavy Manufacturing

Conditional Use) for a Sawmill/wood cutting, splitting for firewood, building materials storage and sales yard.

SITE OWNER: Allen Michael Brown, Jr.

APPLICANT: Allen Michael Brown, Jr.

SITE LOCATION: The property is located on the north side of Forsyth Line Rd. (SR#1963) approximately 200 ft. east of the intersection of NC Hwy 66 and Forsyth Line Rd. (SR# 1963).

Map: 691101

Parcel: portion of 4657

PIN #: 6911-01-46-4657

Deed Book: 626

Page: 1545

Township: Yadkin

SITE INFORMATION:

TOTAL PARCEL SIZE: Approximately 18.08 acres

REZONING PARCEL SIZE: Total tract 2.107 acres, approximately 91,780 sq. ft.

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: M-2-CU (Heavy Manufacturing Conditional Use)

FLOOD HAZARD AREA: N/A.

FIRM MAP #: 3710691100 J

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) is available, septic approval has tentatively been approved for a business with a total of (6) six employees. The applicant is waiting for zoning approval before proceeding with the septic permit for the site.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Rural Hall VFD, EMS - Station # 103 & 104 -Pinnacle.

EROSION CONTROL: When construction begins, if necessary. Plan required if more than one (1) acre being disturbed.

ACCESS: Access is proposed to be located off of Forsyth Line Rd., (SR# 1963). NCDOT must approve a commercial driveway access. The applicant has made contact with NCDOT concerning this.

SURROUNDING LAND USE: The subject property is located near the intersection of Forsyth Line Rd. (SR#1963) and NC Hwy 66. The property is currently zoned RA (Residential Agricultural). The property has a couple of farm structures located on it. The tract is surrounded in all directions by property zoned RA (Residential Agricultural). There are about (17) residential structures located on Forsyth Line Rd. Some of these are located in Forsyth County as the road goes in and out of Stokes and Forsyth County. The proposed site is located less than a .1 of a mile from the Stokes/Forsyth County line. Forsyth Line Rd (SR#1963) is a secondary state road and is approximately .7 mile long with .6 of the road being paved. Most all of the parcels within a ½ mile of the proposed site are zoned RA (Residential Agricultural) with single family residential development being the primary use.

ISSUES TO CONSIDER:

- Impact on surrounding development, community concerns.
- Impact on community infrastructure, public services etc.
- Increased traffic on Forsyth Line Rd. (SR#1963)
- Increased traffic accessing NC Hwy 66 from Forsyth Line Rd.

- Location of proposed commercial access located on Forsyth Line Rd.
- Consistency with surrounding development.
- Potential noise generation.
- Potential tax base increase due to commercial development of property.
- Support of business friendly objective.

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 entire tract is approximately (18) eighteen acres. The applicant has proposed to rezone 2.107 acres in the interior of the tract for commercial use. The applicant is proposing to move his existing business, (rezoned 12/01/09) located at the corner of NC Hwy 66 and Denny Rd. (SR# 2000) to the proposed site approximately (5) five miles south of its current location. Mr. Brown has outgrown his current location and is hoping to find a larger tract of land more suited for his business needs.

The adjacent parcels to the proposed rezoning tract are all zoned RA (Residential Agricultural) as are all the parcels along the entire length of Forsyth Line Rd. (SR# 1963). The closest commercial property is located approximately .2 mile north of the proposed rezoning site on Gunnell Rd. (SR# 1964) and is owned by Elijah and Jane Epperson. The Eppersons had a small business located on the same parcel with their residence and is zoned H-B (Highway Business). The parcel appears to have been zoned during the original zoning phase in the county in 1983. The business does not appear to be active. The closest active commercial district is the Friends Mart located on the corner of NC Hwy 66 and Payne Rd. (SR# 1961). This site is located approximately .5 mile north and is zoned H-B (Highway Business). There is no M-1 (Light Manufacturing) or M-2 (Heavy Manufacturing) districts in the near vicinity of the site.

The M-2 (Heavy Manufacturing) zoning district is the zoning district in which saw milling, wood cutting and splitting would be allowed as a conditional use. Building materials storage and sales lots are a permitted use in the M-1 (Light Manufacturing District). The M-2 (Heavy Manufacturing) district allows all uses in the M-1 (Light Manufacturing) district to be included. Mr. Brown is also a waterproofing contractor, (Affordable Waterproofing). He proposes to include this activity at the site and it would be permitted use based on the zoning regulations. 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. If the property is rezoned to a conditional use district, then any change of use of the property proposed thereafter would require the proposed change to be sent back through the Planning Board and Board of Commissioners for approval.

The requested change of the property to M-2 (Heavy Manufacturing Conditional Use) does not necessarily fit in with the immediate surrounding properties due to the residential nature of the area. However, there are general use H-B (Highway Business) districts located within a ½ mile of the site and there is a consistent pattern of mixed residential, agricultural, business and manufacturing districts along the entire length of NC Hwy 66 and down intersecting secondary roads. The Board must first consider if this is a suitable location for a manufacturing district. The particular concerns of surrounding property owners that may be related to the requested commercial use of the property might be able to be addressed in the conditional use aspect of the rezoning request. The Board can

propose to add reasonable conditions that might assist in making the project proposal acceptable. If this is an option, then careful consideration should be given to the practicality, reasonableness and enforceability of the proposed conditions.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 7 to 2 to recommend approval of rezoning petition # 230 (RA to M-2-CU, for a Sawmill/wood cutting, splitting for firewood, building materials storage and sales yard).

Director Sudderth noted that the information had been updated to reflect the fact that Mr. Brown purchased the tract of land from Bobby Joe Harris Estate and recorded a deed to the property on February 21, 2012. Director Sudderth also noted that the Public Hearing for this request was held on Tuesday, February 7, 2012 and the Board voted to hold this case over until the April 3rd meeting to gather more information before taking a vote.

Vice Chairman Inman noted the following:

- Rezoning property is a very difficult issue
- Rezoning property zoned RA to HB, regardless of the business, is always a difficult decision
- Any decision I make, whether it affects one person or one hundred people is an important decision
- This decision tonight is certainly not an easy decision in any stretch of the imagination
- Listened to some very valid concerns mentioned by citizens tonight and have always prided myself on listening to what the people have to say
- Very torn on this issue right now
- Certainly up for progress and for using our property in whatever manner we want to use it in as long as it doesn't infringe on other people's rights
- Have the right to use our own property, but if it infringes on other people's right of quiet, enjoyable or whatever, it must be looked at very closely
- At this point, still have some very valid concerns

Commissioner Jones noted the following:

- Bit distressed over a couple of things
 - The animosity is just as bad, if not worse, as the last time some of these folks spoke
 - Disappointed, if true, that the property has already been bought before the decision was made, puts a whole different light on things
- In theory, don't see this business being a big deal especially with only using 2 acres of the property and the condition of having buffers
- Noted, if approved, one of the conditions would be:
 - 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

- This will cause some of the concerns to dissipate
- Like Vice Chairman Inman, want the community to be happy, but must realize that this community is prime real estate and must be realistic; cutting wood in the scheme of things is nothing compared to what could end up on the property
- Even if this does not happen, it is just a postponement for this community to have something on this property
- Only two of the 16-18 acres will be rezoned with the other having a home on it
- Something to think about – some think having a neighborhood would be great, but in the big picture, it will be hard on the county's infrastructure, schools, etc. and there would be a lot more traffic for the community
- This could be even worse
- This is a very hard choice
- Regret that Mr. Brown has gotten some of the people so upset
- Will struggle with this rezoning
- Will do the best I can for everyone concerned

Commissioner Booth noted the following:

- Only two acres, basically in the middle, of 18 acres will be rezoned
- Buffer on the east is already there
- There will be a buffer on the road entering the property
- Different sizes of Leyland Cypress can be purchased
- Saw Mr. Brown's current facility before the first meeting and he did not know I was coming
- Listened to the equipment and saw the facility
- Traffic coming to the site is only 3-4 cars in the morning and returning in the evening and then leaving to go home
- Since July 2011, the equipment has only been used approximately 26 hours to cut the logs – not that much time that the equipment will actually be running
- The wood cutting gives the employees something to do in the winter when the waterproofing business is slow
- Still looking at the rezoning

Commissioner Walker noted:

- One of the toughest type of issues to deal with as a Board member is zoning issues
- Someone asked if I was an adjoining neighbor, could I be comfortable with this rezoning?
- I always have that question in mind, would I be comfortable living with the rezoning in question
- Looking back when I served on the King City Council, there was a case that came before the Council in which an individual requested a piece of property be rezoned for a nursery, this did not happen
- Later the property became a big housing development with a lot of different people, traffic, etc.

- Always wondered if the individuals who opposed the small nursery would have rather had the nursery instead of the big housing development
- Always want to know what effect does the rezoning have on the existing neighbors
- Last time, one issue mentioned was noise from the equipment, haven't heard that as an issue tonight
- Would like to see some sort of middle ground
- Is there something that Mr. Brown could do to help with the concerns of the neighbors beyond what has been discussed so far
- As far as chemicals, would like Mr. Brown to respond to some of the concerns
- Only saw hydraulic oil and other things found on some farms at his current location
- Understand that Mr. Brown will pick up his supplies needed for the waterproofing business as he is going to the job site, not store them on site
- Reiterated that he would like to find a middle ground for everyone
- Equipment sounds like a farm tractor

Commissioner Walker requested to ask Mr. Brown some direct questions.

The Board had no issues with Commissioner Walker asking Mr. Brown some direct questions.

Commissioner Walker confirmed with Mr. Brown that he did not store any chemicals for the waterproofing business at his current location.

Commissioner Walker questioned Mr. Brown if he had plans to store substantial amounts of chemicals on the property being considered for rezoning?

Mr. Brown responded:

- Do not have any intentions to store substantial amounts of chemicals on the property
- Fire Marshal inspects the facility once a year
- No hazardous chemicals stored on site
- Pick up the needed waterproofing chemicals on the way to the job
- Waterproofing chemicals must be stored at a certain temperature

Commissioner Walker questioned Mr. Brown regarding the comments made about the property changing hands?

Mr. Brown responded:

- Yes, I do own the property
- Still have plans for the property (zoned RA) whether or not the property is rezoned

Commissioner Walker stated that the issue of Mr. Brown owning the property does not have any bearing on the rezoning request.

Commissioner Walker questioned Mr. Brown if there was any effort on his part to mislead the neighbors regarding the purchase of the property?

Mr. Brown responded:

- Had no intentions on misleading the people in the community about the purchase of the property
- Have been at the property several times, cleaning up, bush hogging, etc.
- Would have told any of the people in the community about the purchase of the property if asked
- Wasn't trying to hide anything, it is public record
- Want to build a home on the property

The realtor (Mr. Kent Hunter) stated that he guess he would have to fire the guy who puts up and takes down the realty company's signs because the guy had been asked several times to take the sign down. Mr. Hunter stated that he would take the blame for the sign still being up and it will be taken down tomorrow.

Commissioner Walker questioned Mr. Brown about the enclosure around the equipment that was mentioned at the last meeting and the amount of traffic coming in and out of the business.

Mr. Brown responded:

- I come to the site each morning
- One employee comes to the current site each morning
- Another employee is dropped off
- Both get into the service truck and leave the site for the entire day
- I follow the service truck out each day
- Both vehicles come back to the shop between 5:00 – 5:30 pm
- Other employees meet at the job site
- Each job usually last 4-5 days

Commissioner Walker questioned Director Sudderth regarding the conditional use permit and what would Mr. Brown have to do if he wanted to expand the two acres or change anything.

Planning Director Sudderth responded:

- Would have to start the process over for an expansion or any change of use that is substantially different from the wood cutting and waterproofing business

- Rezoning has to be site specific in order to make sure everyone knows what is being proposed for the property
- Site is approved for a total of six (6) employees for septic disposal

Commissioner Walker confirmed with Mr. Brown that he plans to build a home on the property.

Commissioner Walker stated that he was a little surprised with the number of people who spoke tonight and their concerns, wasn't expecting that.

Commissioner Walker questioned Mr. Brown if there was anything else he could do or would be willing to do to help with the concerns mentioned at tonight's meeting.

Mr. Brown responded:

- Leaving all the trees that are standing on the property intact for a buffer
- Going to clean up the property to make the appearance better
- Hauling off an old bulk barn that was almost completely rotten
- Have letters from the current neighbors (including a church) stating that he had been a good neighbor
- Want to be a good neighbor

Commissioner Walker noted that the letters from his current neighbors and the church adjacent to the property stated that Mr. Brown had been a good neighbor and an asset to the community.

Chairman Lankford noted the following:

- To my knowledge, this is the first rezoning issue that has been carried over to a second meeting
- Did that for a specific purpose – to allow the neighbors to be able to go see the facility, to talk with Mr. Brown, to find out about the business, to hear the equipment, and to learn more about what would be coming to the community
- Board of the Commissioners likes to look at what the people want, but on certain situations, there comes a time that you have to look at the big picture
- Wanted everyone to know that this Board felt it was very important to this community to have additional time for the members of the community to visit the current operation, to listen to the machinery, to revisit the property being rezoned, to look at the traffic, etc.
- The owner has moved the driveway on up the road in order to not be directly in front of a house
- In my opinion, looks like the business owner was trying to do everything possible to become a friendly neighbor

- Board of Commissioners has done their homework on this rezoning
- Board of Commissioners takes into consideration the recommendation from the Planning Board which was (7-2) in favor of the rezoning
- Planning Board also did their homework on this rezoning
- Not sure how the vote will go, but wanted everyone to know that rezoning a piece of property is not taken lightly
- Board of Commissioners must consider what the citizens want, but also must consider areas that can be developed
- Businesses are a vital and very important part of the county's tax structure
- Without businesses, would hate to see what the property tax rate would be for the citizens of Stokes County
- Wanted everyone, regardless of what decision is made, to know that this Board has been very honest, open, and fair to do everything possible for this decision
- Board will have a say regarding the conditions for the rezoning that Mr. Brown will have to follow, if approved
- Understand the members of the community wanting to keep a quiet neighborhood
- Will assure the people here tonight, that regardless of the decision, the Board of Commissioners did visit the current facility as well as the proposed site and talked to the current neighbors
- Board of Commissioners have done their due diligence regarding this issue

Chairman Lankford questioned the members of the Board for any further comments?

Vice Chairman Inman responded:

- Have acquaintances and friends in this room tonight
- Have listened to the people's comments
- Must decide if this business will keep them from the quiet, enjoyment of their property
- Hope everyone will respect the decision I make tonight

Commissioner Jones responded:

- Hope Mr. Brown realizes that he had jumped the gun by buying this property which has made the neighbors feel they were tricked, I probably would have, too
- Hope if this vote approves the rezoning, that Mr. Brown will work really hard to make amends with his neighbors
- Hope the neighbors will also work to make amends with Mr. Brown, it takes both sides
- Appreciate everyone coming tonight to voice their opinion regardless of how the rezoning comes out
- Will have to look at the big picture and make the best decision possible
- Hope everyone will respect the decision I make

Commissioner Booth responded:

- With the comments from the Chairman and the other commissioners, have no further comments

Commissioner Walker responded:

- Like the quality of the process
- Feels this is a tough decision for each member of this Board
- Wish we could please everyone
- Wish there was a magic button that could make everyone happy, but unfortunately that is not how life works
- Like to think that if Mr. Brown's request were to be granted, he would be a good neighbor and the kind of neighbor that would be helpful when needed and try to work with the community if issues arise
- Approving a conditional use zoning request is only one step in the process, specific conditions are applied and monitored on an ongoing basis for continued compliance, like conditional use zoning for that reason
- If a property is zoned business, there are no conditions, whatever fits within that zoning can happen without any further rezoning
- With conditional use zoning, it is very specific with no surprises, everyone knows what is expected
- Hope things will work out, if approved
- Have seen many times things work out even if folks don't think they will

There were no further comments from the Board of Commissioners.

Chairman Lankford entertained a motion regarding the rezoning request.

Commissioner Booth moved to approve the Rezoning Request #230 for Allen Michael Brown, Jr. to rezone approximately 2.107 acres from RA (residential agricultural) to M-2-CU (heavy manufacturing conditional use). Commissioner Jones seconded and the motion carried (4-1) with Vice Chairman Inman voting against the motion.

Proposed Conditions for Allen Michael Brown – Conditional Use #230

Planning Director Sudderth presented the following Planning Board recommendation:

- The Board felt the conditional use aspect of the request and the recommended conditions would make the request acceptable at the proposed location. The Board then voted 8 to 1 to recommend approval of the Conditional Use permit attached to the rezoning request. The Board recommended the following conditions be attached to the request:
1. NCDOT must approve location of a commercial driveway access. Follow NCDOT recommendation for location of driveway, either on Forsyth Line Rd. or NC Hwy 66 S. (NCDOT has approved the driveway on Forsyth Line Road)
 2. The use allowed under the Conditional Use Permit shall be for "Sawmill/wood cutting, (splitting for firewood, building materials storage and sales yard, (Waterproofing business).

(no other uses – any change in the conditions must come back before the Boards)

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 buffer along the south side of the property shall be left intact as much as is feasibly possible. A tree buffer, (Leyland Cypress) shall be planted along the northern and western property lines of the commercial property.

The Board discussed the size of the trees.

Commissioner Walker suggested the Leyland Cypress (Green Giant Variety) because they are more disease resistance and faster growing.

The Board discussed the pattern in planting the trees.

Commissioner Booth suggested planting the trees 6 ft apart in the first row and then planting a second row with a tree in the center of the open space (off setting-triangle) which would get the coverage needed quicker.

The Board had no issues with the suggestions from Commissioner Walker and Commissioner Booth regarding the tree buffer.

Mr. Brown agreed with the suggestions from Commissioners Walker and Booth.

13. Security fencing shall enclose the proposed site.

Mr. Brown stated that he plans to expand the security fencing.
The Board discussed the area to be fenced and the required buffer

Chairman Lankford noted that the buffer was going to be very important regarding the comments presented at tonight's meeting.

After a lengthy discussion, the Board agreed the following would be added to the conditions:
#12 – Tree buffer is identified on the site plan and a Green Giant Variety of the Leyland Cypress, which must be at least 5 ft tall and planted in a 6 ft offset 3 ft triangle to get quick growth

Mr. Brown agreed to the security fencing conditions and the tree buffer.

Commissioner Walker questioned what would happen if Mr. Brown goes to buy the suggested Leyland Cypress and the suggested planting is 8 ft. apart?

Director Sudderth suggested adding the wordage "at a minimum of".

Director Sudderth noted that there should be no issue with adjusting the requirement to be adaptable to the planting requirements.

#13 – Security fencing will be required per the site plan.

14. Security lighting shall be located in a manner not to illuminate adjacent residential property.

15. At driveway access point, construct a concrete apron to help reduce mud and debris on state road. (typically 20 ft –tapered)

16. Hydraulic wood splitting equipment should be used to process the wood as to avoid excess noise in the community. Substantial changes in equipment used in the processing of the wood must be approved. (Example, sawing logs with a band saw, or circular saw mill).

The Board discussed the correct wordage for the wood splitting equipment.

The Board agreed to use Air/Hydraulic firewood splitting equipment.

Mr. Brown agreed to the wordage of the equipment.

17. All signs shall require a permit and meet applicable zoning standards for the zoning district it is located in.

18. Or any other condition that the Boards may deem necessary at the time the project is approved. (Delete – no longer needed)

The Board discussed and agreed to add the following:

19. Add: Hours of Operation for wood splitting – 6:00 am to 6:00 pm
20. Add: Logs are not to be stacked above the 6 ft fence line.

Director Sudderth noted that there are regulations on the amount of logs that can be stacked – Fire Marshal regulations.

Mr. Brown agreed to adding hours of operation and stacking of logs not to exceed the 6 ft fence line.

Planning Director Sudderth noted that the county is 98% residential/agricultural and there is nothing that prohibits Mr. Brown from doing an agricultural operation on the parcel, there are animals on the next parcel.

Requirements for Issuing a Conditional Use Permit

Director Sudderth read the following conditional use requirements with a request to the Board to vote:

Action by the Responsible Body

The responsible body shall approve, modify, or deny the application for a conditional 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, playground, 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 regarding the Conditional Use Permit with the amendments made to the Planning Board's recommended conditions which were agreed upon by the Board of Commissioners.

Commissioner Booth moved to approve the Conditional Use Permit with the amendments for Rezoning Request #230. Commissioner Jones seconded and the motion carried (4-1) with Vice Chairman Inman voting against the motion.

Cell Tower in the Lawsonville Area

Director David Sudderth noted that he had received information from Verizon (Betty Johnson) that the tower in the Lawsonville area will be constructed by the end of the year.

Adjournment

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

Commissioner Booth moved to adjourn the meeting. Commissioner Walker seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman