



## **PUBLIC COMMENTS**

There were no public comments.

## **PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

### **Text Amendment**

#### **Public Hearing**

Chairman Booth opened the Public Hearing for the Zoning Text Amendment.

Chairman Booth noted that those speaking would have a three (3) minute time limit.

The following spoke during the Public Hearing:

#### **Mr. Tom Costner**

1160 Curtis Lane  
Pilot Mountain, NC 27041

Mr. Costner presented the following comments:

- Appreciate the opportunity to speak tonight
- Resident of Stokes County
- Citizens of Stokes and Surry Counties united enthusiastically to support both actions by the Planning Board
- By a split vote of 7 to 1, the Planning Board accepted the Board of Commissioners request to amend the ordinance by deleting Section 92.2
- The Planning Board also considered a petition from Mr. Fulp to rezone some property from Rural Agricultural to Heavy Manufacturing to use the land for the purpose of creating a Bioremediation Facility; the Planning Board voted 8 to 0 to recommend that the rezoning petition be denied
- The Stokes County Board of Commissioners has already gone on record as of December 23, 2013, in which they sent a message in one voice unanimously, loud and clear, "We don't want contaminated soil by remediation in the County"
- The surrounding landowners don't want it and that is why we are here
- Please vote to support our planning and zoning committee members and the citizens of Stokes and Surry Counties by deleting the text amendment and denying the petition

#### **Ms. Kim Campbell**

1185 Waterstone Drive  
Pilot Mountain, NC 27041

Ms. Campbell presented the following comments:

- Live about a mile and a half from the proposed site

- Here to present the Board of Commissioners original letters from our citizens opposing the rezoning and supporting the Board of Commissioners in the deletion of the text amendment for a bioremediation facility
- Will find the letters very interesting, one in particular is from my brother-in-law who lives in Wichita, Kansas, who has significant work experience and direct experience with this so called “land farming” on an air force base
- The soil is still contaminated and the government is still trying to clean it up on that particular air force base
- Presented petitions from citizens of Stokes County and surrounding areas; at last count, there were 752 individuals opposing this type of operation
- Presented other petition lists of citizens who also oppose the operation that were just handed to her before the start of the meeting
- If you do delete the text, please know that the citizens are behind and support you

**Mr. Mike Jones**

3662 Volunteer Road  
Pinnacle, NC 27043

Mr. Jones presented the following comments:

- Speaking tonight to express my concerns about the rezoning of land on Grassy Knob Road for a land treatment facility
- We are afraid this could jeopardize our dreams to continue our family farm for future generations
- I am the fourth generation to live and farm our family farm
- We have around 200 acres on two separate tracts of land that border the property that is being considered for the bioremediation facility
- Part of this farm has been in our family for over 100 years
- We have worked hard to improve and conserve our farm land
- For generations, our family has relied on growing tobacco for a source of income
- We have conserved our farm land
- Since 1995, we changed our focus to producing hay and selling lambs
- My family and I care deeply for our land and have always planned to rely on it as a further source of income upon my retirement from my current job
- By the proposed bioremediation site being built so close to our land, I feel that it could have a negative impact on the sales and the customers’ perception of our products
- In this area, it is difficult to make a good income from farming alone and we continue to explore ways to make a decent living from the land
- The fact that Stokes County is located near many populated areas, state parks, and tourist attractions, I feel that our area is in good position to profit from tourism
- In the future, we have considered expanding in the area of agritourism, for example educating school groups about farming, cabin rentals, horse trails, and riding facilities so that others can enjoy and love our beautiful land the way I have all my life
- If we have a land treatment facility located next to our farm, we would be afraid to make any further financial investment to expand the ideas that I have expressed
- I have two sons and would love to see them continue operating our family farm and pass it down to future generations

- We have many beautiful farms, rural scenery, and natural resources in this area and I feel that a land treatment facility would spoil what we treasure so dearly
- There are many other farms located in the area surrounding the proposed bioremediation facility and I feel that they too will suffer from the negative impacts that may come
- I would like to urge the commissioners to consider removing the text amendment for the dedicated soil treatment facility to prevent this from reoccurring in Stokes County

**Mr. William Roughton**  
 2224 Horseshoe Road  
 Westfield, NC 27053

Mr. Roughton presented the following comments:

- Two years ago, the language that is being proposed for deletion tonight was added to the Zoning Ordinance
- This is a chance for you to look at that language again and a chance for a “redo”
- Have watched this Board over the years struggle with this dilemma
- I have seen all of you carefully listen to those who have spoken to you
- Respect this Board for listening
- Have learned a lot about local government
- Have learned that the future of Stokes County is in the minds of all of you
- I think you have an opportunity tonight to do something that will show courage and leadership by deleting the language that prevents an industry to come into the county that is not part of the vision you have for Stokes County
- Would expect you will listen to us as quietly tonight as you have in the past and take the action to show you are listening to us

**Mr. Al Engler**  
 2224 Horseshoe Road  
 Westfield, NC 27053

Mr. Engler presented the following comments:

- A presentation to the Board of Commissioners of Stokes County on February 4, 2014 concerning the “disclosure of” and “property value” issues for properties possibly impacted by the operation of a “Land Farm” on Grassy Knob Road in Stokes County
- My name is Al Engler and I am a land owner on Horseshoe Road in Francisco
- I am a rural real estate broker, licensed by the State of NC since 1982 and have owned and managed two real estate companies – Carolina Farms and Engler Boyles Properties
- I am currently an independent rural property specialist with Berkshire Hathaway in Winston Salem
- As a Broker-in-Charge, I was responsible for overseeing more than 1,000 rural property transactions
- I have contacted the NC Real Estate Commission for their advice on a real estate broker’s responsibility to disclose the material facts about the existence of a land farm to potential buyers of land near the proposed site
- Mr. Peter Myers, the Legal Information Officer at NC Real Estate Commission, left a voicemail which I have recorded

- Would like to share some of the voicemail with you:
  - He said in part, “when it comes to material facts, it is up to you (meaning the real estate broker) to determine if you think it is material to your subject property or not... does it affect the subject property in a negative way through all the usual things – noise, smells, pollution, traffic, etc? It is up to you to try to determine that – but if you think there is a chance that it does affect the subject property, then I would go ahead and disclose that to potential buyers...”
- With 32 years of experience, I will definitely err on the side of caution
- I will disclose this material fact to potential buyers, to protect my reputation and protect my real estate broker’s license
- I have a legal obligation to never mislead a potential buyer
- I am confident any buyers would say “Let’s keep looking”
- The obvious conclusion for me and for nearby property owners is “yes, a Land Farm will negatively affect property values”

**Senator Shirley Randleman**

487 Triple Core Drive  
 Wilkesboro, NC 28697

Senator Randleman presented the following comments:

- As you all know, I represent and serve District 30 which is made up Surry, Stokes, and Wilkes County
- Want to begin by thanking you for the opportunity to speak tonight
- Speak not only for myself, but for Representative Bryan Holloway who was unable to attend the meeting
- Most of you received a letter from Representative Holloway and myself dated January 21, 2014
- In essence of time, I will not read the letter
- I am here tonight to say that our positions (Representative Holloway and myself) are not here to micromanage what local government does, but we do ask that you listen to your constituents as we have
- We both have been contacted by many of the individuals that are here tonight
- They are earnest in their pleas
- They value their properties
- They value property rights
- They are appreciative of the opportunity to be heard
- So again, we are here for question or comment
- Appreciate your consideration of the request of your constituents

**Mr. Larry Vermeulen**

1316 Brown Mountain Road  
 Westfield, NC 27053

Mr. Vermeulen declined to speak.

Chairman Booth closed the Public Hearing.

### **Presentation and Discussion by Planning Director David Sudderth**

Planning Director David Sudderth presented the following information regarding the proposed Zoning Text Amendment:

The Stokes County Board of Commissioners under Article XII, Section 120 (Motion to Amend) is requesting to amend the Stokes County Zoning Ordinance. Their request is to delete the following zoning text section from the ordinance:

- Delete the following Conditional Zoning Use: Dedicated Soil Treatment Facility-Land Farming Bioremediation and Conditions as found in subsection 92.2 (Conditional Zoning) from Article VIII, Section 92 (Heavy Manufacturing Zoning District and Heavy Manufacturing Conditional Zoning District) from the Stokes County Zoning Ordinance.

#### **Planning Board Recommendations:**

- The Planning Board voted 7 to 1 to recommend the removal of the Conditional Zoning Use for Dedicated Soil Treatment Facility-Land Farming Bioremediation and Conditions from the Zoning Ordinance. There was no discussion.

Chairman Booth opened the floor for discussion.

There was no discussion.

#### **Action**

Chairman Booth entertained a motion.

Commissioner Inman moved to delete Dedicated Soil Treatment from the Conditional Zoning and Dedicated Soil Treatment Facility-Land Farming Bioremediation and Conditions as found in subsection 92.2 (Conditional Zoning) from Article VIII, Section 92 (Heavy Manufacturing Zoning District and Heavy Manufacturing Conditional Zoning District) from the Stokes County Zoning Ordinance. Vice Chairman Jones seconded and the motion carried unanimously.

### **PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS** **Kent William Fulp – RA to M-2-CA #13-761**

Chairman Booth directed the following question to County Attorney Ty Browder:

“In view of the fact that the Board has deleted the section of the Zoning Ordinance which allows a Dedicated Soil Treatment Facility, how does this Board proceed with Mr. Fulp’s rezoning ordinance request?”

County Ty Browder responded:

- Mr. Chairman, you have deleted the section under which Mr. Fulp’s request was filed
- That means his requested use is no longer permissible in the Zoning Ordinance
- His zoning application is now “moot” and subject to dismissal upon motion and vote of the Board

Chairman Booth entertained a motion.

Commissioner Inman, upon the advice of the County Attorney, moved to dismiss the rezoning request by Kent William Fulp because the requested use is no longer permitted in the Stokes County Zoning Ordinance.

Commissioner Lankford seconded and the motion carried unanimously.

Geologist Barry Nelson stated the following question to the Chairman: “May I address the Board of Commissioners for a clarification of this latest ruling on behalf of Mr. Fulp?”

Chairman Booth allowed Mr. Nelson to address the Board.

Mr. Nelson read the following:

- Do we clearly understand that Mr. and Mrs. Fulp are not being allowed to complete the rezoning process which requires:
  - A presentation and public hearing before the Stokes County Commissioners followed by an approval or rejection of the request, and
  - Even though, at the time that Mr. and Mrs. Fulp filed their application on December 27, 2013, Section 92.2 of the Stokes County Zoning Ordinance that set forth the requirements for a dedicated land farm for the treatment of petroleum impacted soils was clearly a part of the officially recorded ordinance, and
  - Even though, they have paid their application fee, have conducted the required informational meeting, have been before the Stokes County Planning and Zoning Board, that their application has been deemed complete by the Stokes County Planning Director, and
  - That it has been shown that the site meets or exceeds the siting requirements as set forth in the ordinance, and
  - By your action to prohibit Mr. and Mrs. Fulp from completing the rezoning process, you are, therefore, by your actions here tonight, denying Mr. and Mrs. Fulp their constitutional right to due process under the laws of the State of North Carolina and the United States of America

- And finally, you acknowledge that the zoning regulations of Stokes County that were in effect at the time of their application included a process for siting a dedicated land from for the treatment of petroleum impacted soils regardless of the action just passed this February 4, 2014 by the Stokes County Board of Commissioners to delete Section 92.2 from the Zoning Ordinance

County Attorney Ty Browder requested to respond to Mr. Nelson.

Chairman Booth allowed County Attorney Browder to respond to Mr. Nelson.

County Attorney Browder stated the statement is out of order and requires no response.

Mr. Nelson requested his presentation be made a part of the record.

**PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**  
**Michael Speeney H-B-CU to H-B-CZ #14-11**

Chairman Booth noted the next Rezoning Request is from Michael Speeney - Highway Business (H-B-CU) to Highway Business Conditional Zone (H-B-CZ).

Commissioner Inman stated that he was a license real estate broker in State of North Carolina and represent Mr. Speeney in the purchase of this property and request to be recused from this item/vote on the Agenda due to a conflict of interest.

Chairman Booth entertained a motion.

Commissioner Lankford moved to recuse Commissioner Inman from this item on the Agenda. Vice Chairman Jones seconded and the motion carried unanimously.

Commissioner Inman exited the meeting.

**Public Hearing**

Chairman Booth opened the Public Hearing for the Rezoning Request for Michael Speeney (H-B-CU to H-B-CZ).

There were no public comments.

Chairman Booth closed the Public Hearing.

**Presentation and Discussion by Planning Director David Sudderth**

Planning Director David Sudderth presented the following information Rezoning Request for Michael Speeney (H-B-CU to H-B-CZ):

**Staff Report**

**Request:** Rezone approximately 2.861 acres currently zoned H-B-CU (Highway Business Conditional Use) for a "Limousine Service" to H-B-CZ (Highway Business Conditional Zone) for an "Automobile/Vehicle Repair/Service Garage".

**Site Owner:** Andrew D. Hundley

**Applicant:** Michael Speeney

**Site Location:** the property is located at 1604 Mountain View Road, King, NC 27021

**Map:** 691304 **Parcel:** portion of 0734

**PIN #:** 6913-04-82-0734

**Deed Book:** 423 **Page:** 366

**Township:** Yadkin

**SITE INFORMATION:**

**PARCEL SIZE:** Total tract 2.861 acres. Total acreage in tract is 5.7 acres

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

**PROPOSED DISTRICT:** H-B-CZ (Highway Business Conditional Zone) Minimum lot size is 20,000 sq. ft. (.459 acres). Existing lot size is 2.861 acres.

**FLOOD HAZARD AREA:** Not located in flood hazard area.

**FIRM MAP #:** 3710691300 J

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

**WATERSHED DISTRICT:** No

**SEPTIC/WATER APPROVAL:** Existing well and septic system located on the property.

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** King VFD, EMS - Station # 103 & 104 Pinnacle.

**EROSION CONTROL:** N/A

**ACCESS:** The existing business has a driveway access off of Mountain View Rd. (SR# 1973).

## **SURROUNDING LAND USE**

The subject property is located at 1604 Mountain View Rd. The surrounding land use consists of mixed residential uses and agricultural land. The nearest residence is located beside the garage and is occupied by the current owner. There are other residences adjacent to the proposed site. The closest commercial zone (H-B) is located approximately .3 mile away. There are (3) three existing (H-B) commercial zones located on Mountain View Rd. within ½ mile from the site.

## **ISSUES TO CONSIDER**

- Impact of change of use on the surrounding development.
- Consistency with the Stokes County Land Development Guide

## **ECONOMIC**

The proposal maintains the current commercial tax base through an active business. Employment will be limited due to the family owned nature of the business and the existing infrastructure currently available.

## **STAFF COMMENTS**

The Planning staff does not see a major problem with the request. The applicant, Michael Speeney has stated the intent to operate a family owned racing operation and racing graphics related business out of the garage. Mr. Speeney also intends to live in the home next to the business. The request to change the use still maintains the current land use pattern of mixed development in the area. The existing business since it was rezoned in 2003 has coexisted with the surrounding residential properties without any problems. The rezoning petition comes to the Board as a Conditional Zoning Request. The Board may ask specific questions about the proposed change of use. The recommendation from the Planning Board concerning the petition either in favor of or opposed to should be based on this determination and whether the decision rendered is reasonable. The original conditions approved in December 2003 and listed below are still valid and binding on the property and should be included in any new conditions placed on the parcel.

## **CONDITIONS PREVIOUSLY APPROVED (December 2, 2003)**

- Lighting shall be attached to the building and positioned not to shine on surrounding property.
- Building size shall not exceed 50' x 120' (6000 sq. ft.) as noted on site plan.
- Signage shall be limited to two (2) square feet.
- Applicant shall obtain commercial driveway permit from NCDOT (North Carolina Department of Transportation)

## **PUBLIC INFORMATION MEETING:**

- The Public Information Meeting for this proposal was held on December 27, 2013 at 4:00 pm at the garage site
- Adjoining property owners Wayne Ray, Dean & Annette Slate, and Edward E. Gambill and wife Kathryn were in attendance
- In addition, neighbor Rodney Slate was in attendance along with the petitioners Andy Hundley and wife Regina, potential buyers, Mike and Dawn Speeney, Leon Inman, realtor for the buyers and Kristi Idol, realtor for the petitioners

- The petitioners and the potential buyers, Mike and Dawn Speeney answered questions pertaining to the proposed new use of the property and the fact that the garage would still be used as a garage but changed from being used as a limousine services to a family owned business that works on race cars
- The potential buyer explained that they would be living on the property and that no other vehicles would be serviced at the site and that there would not be any body work performed at the site or any junk cars, etc. parked outside the garage
- Potential noise was addressed and all other concerns were addressed and answered
- The meeting ended at approximately 5:00 pm

**Planning Board Recommendations:** The Planning Board voted 8 to 0 to recommend approval of rezoning petition #14-11 submitted by applicant Michael Speeney on property currently owned by Andrew David Hundley. The Board recommended approval for an “Automobile/Vehicle Repair/Service Garage with the following conditions:

- The primary use of the business garage would be for the Speeney family racing business
- The proposed graphic operation associated with the racing operation should be a secondary use on the property
- All previous conditions approved on December 2, 2003 by the Stokes County Board of Commissioners should remain in effect

Planning Board Director Sudderth read the following Conditional Rezoning Petition

Statement of Consistency and Reasonableness:

**CONSISTENCY WITH ADOPTED PLANS:** Stokes County Land Development Guide

## STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016  
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

### Conditional Rezoning Petition Statement of Consistency and Reasonableness

Case No.	<b>#14-11</b>
Applicant:	<b>Michael Speeney</b>
Parcel ID#	<b>Portion of 6913-04-82-0734</b>
Location:	<b>1604 Mountain View Rd., King, NC 27021</b>
Proposed Amendment:	<b>Rezone 2.861 acres from H-B- CU “Limousine Service” to H-B-CZ for an “Automobile, vehicle repair / service garage”.</b>

The Stokes County Land Development Guide designates the proposed site as being located in the Southwest Area and shown as Community class. The Land Development Guide Goals for the Southwest area identifies the area having potential for enhancing non-residential potential outside watershed protection designated areas.

**Community Class: Definition:**

The purpose of the Community class is to provide for clustered, mixed land uses at low densities to help meet the housing, shopping and employment needs of rural areas. Areas meeting the intent of the Community classification are presently developed at low densities that are suitable for private septic use. Municipal type services should be anticipated only to correct existing or projected public health hazards.

This proposed amendment **appears to be consistent** with the Stokes County Land Development Guide and other adopted plans in that: The Land Development Guide designates this area as Community class which would provide clustered mixed land uses at low densities to help meet the housing, shopping and employment needs of rural areas. These uses would be suitable in areas where private septic tanks are utilized. This request is consistent with this definition and the change of use of the existing commercial development seems appropriate.

This proposed amendment **appears to be reasonable** and in the public interest in that: This property is currently zoned H-B-CU and is being proposed to remain commercial under a newly developed zoning classification adopted by the county to replace conditional use zoning.

Chairman Booth opened the floor for discussion.

Commissioner Lankford confirmed with Director Sudderth that the Planning Board recommends all the previous conditions approved in December 2003 by the Board of Commissioners will remain in effect.

Commissioner Walker questioned Director Sudderth what kind of input has the Planning Department received regarding the rezoning request after the Public Information Meeting?

Director Sudderth responded:

- Four (4) surrounding property owners/neighbors came to the Planning Board Meeting
- Some of the discussion pertained to the uses of the property (racing operation and graphics)
- One request was that the previous conditions remain in effect
- Have not received any calls since the Planning Board Meeting
- Does meet the criteria for the Land Use Guide

## Action

Chairman Booth entertained a motion.

Vice Chairman Jones moved to approve the Rezoning Request for Michael Speeney to rezone approximately 2.861 acres (H-B-CU to H-B-CZ) for “Automobile/Vehicle Repair/Service Garage”. Commissioner Walker seconded and the motion carried (4-0) with Commissioner Inman being recused from the vote.

Commissioner Inman returned to the meeting.

Director Sudderth commented:

- This is the procedure for Conditional Zoning that was adopted by the Board of Commissioners
- The Statement for Consistency and Reasonableness based on the Land Use Guide is the main focus on land use decisions
- The Board will see statements like this stating yes or no, but it is still the Board of Commissioners’ decision
- All these statements must be done in writing and must be part of the rezoning and will be attached to the rezone request
- These new procedures will be used for each rezoning request

## Adjournment

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

Commissioner Lankford moved to adjourn the meeting. Vice Chairman Jones seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
Clerk to the Board

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**James D. Booth**  
Chairman