

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 5, 2014

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 5, 2014 at 7:00 pm with the following members present:

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

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

Chairman James Booth called the meeting to order and welcomed those in attendance.

Vice Chairman Jones delivered the invocation.

**GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman Booth opened the meeting by inviting everyone in attendance to join the Board in the Pledge of Allegiance.

**GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA**

Chairman Booth entertained a motion to approve or amend the August 5, 2014 Agenda.

Commissioner Lankford moved to approve the August 5<sup>th</sup> Agenda as presented. Vice Chairman Jones seconded and the motion carried unanimously.

## **PUBLIC COMMENTS**

There were no public comments.

### **PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS** **Rezoning Request – Martin Wayne Bullins - RA to H-B (General Use Rezoning) #14-383**

Chairman Booth noted the rezoning request is from Martin Wayne Bullins to rezone approximately 2.088 acres currently zoned RA (Residential Agricultural) to H-B (Highway Business) “General Use Rezoning”.

#### **Public Hearing**

Chairman Booth opened the Public Hearing for the Rezoning Request for Martin W. Bullins (RA to H-B).

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 regarding the Rezoning Request for Martin Wayne Bullins (RA to H-B):

#### **Martin Wayne Bullins RA to H-B #14-383**

Director Sudderth noted before his presentation that this is a General Use Rezoning so there will be no discussion regarding any specific use that could be placed on the property.

**REQUEST:** Request by applicant Martin Wayne Bullins to rezone approximately 2.088 acres of property owned by Allie Ray Fulp from RA (Residential Agricultural) to H-B (Highway Business)

**SITE OWNER:** Allie Ray Fulp

**APPLICANT:** Martin (Marty) Wayne Bullins

**SITE LOCATION:** The property is located on the east side of NC Hwy 8 approximately 200 ft. south of the intersection of NC Hwy 8 and Pringle Rd. (SR# 1605). (Located across from the Berry Patch Market/Grill)

**Map:** 6030    **Parcel:** portion of 7655    **PIN #:** 6030-00-80-7655  
**Deed Book:** 468    **Page:** 1642    **Township:** Peters Creek

**SITE INFORMATION:**

**TOTAL PARCEL SIZE:** Approximately 38.19 acres

**REZONING PARCEL SIZE:** Total tract 2.088 acres – road frontage on Highway #8.

**ZONING DISTRICT:** RA (Residential Agricultural)

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

**FLOOD HAZARD AREA:** N/A.

**FIRM MAP #:** 3710602000J

**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:** Septic has tentatively been approved for a commercial use. Water will be furnished by a well.

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Lawsonville VFD, EMS - Station # 102 -Lawsonville

**EROSION CONTROL:** An erosion control plan is required if more than one (1) acre of land is to be disturbed in the construction process. It must be approved by the Land Quality Section of NCDEHNR.

**ACCESS:** The applicant is in the process of obtaining a commercial driveway permit from NCDOT. This must be approved before development of a project can proceed.

**SURROUNDING LAND USE:** The subject property is located on the east side of NC Hwy 8 in Lawsonville, NC approximately 200 ft south of the intersection of NC Hwy 8 and Pringle Rd. (SR# 1605). The proposed site is located across the road from the Berry Patch Market and Grill and is located within one (1) mile of other commercial zones located on NC Hwy 8. This area along NC Hwy 8 in the Lawsonville area consists of mixed commercial, residential and agricultural development.

**ISSUES TO CONSIDER:**

- Impact on surrounding development, community concerns.

- Impact on community infrastructure, public services etc.
- 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 general use Highway Business (H-B) rezoning request. **No specific use is proposed or can be discussed.** The entire tract is approximately 38.19 acres. The applicant has proposed to rezone approximately 2.088 acres of the tract along NC Hwy 8 for commercial use. The remaining property is zoned RA (Residential Agricultural) and will maintain an access off of NC Hwy 8 as well as access off of Pringle Rd. (SR# 1605). The planning staff has no problem with the proposed request feeling that it is consistent with the existing land use and development patterns in the area.

The proposed site is located on a main highway directly across from another commercial business, makes sense from a land use standpoint.

**PLANNING BOARD RECOMMENDATION:** The Planning Board recommended approval of rezoning petition #14-383 by Martin Wayne Bullins by a vote of 6 to 0. The Board felt that it was consistent with the Land Development Guide and the development pattern along NC Hwy 8 in the Lawsonville area.

**Conditional Rezoning Petition and Statement of Consistency and Reasonableness**

Director Sudderth presented his recommendation regarding the Conditional Rezoning

Petition Statement of Consistency and Reasonableness for the Board's review:

**STOKES COUNTY PLANNING & INSPECTIONS DEPARTMENT**

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

**Zoning Amendment  
Statement of Consistency and Reasonableness**

Case No.	<b>#14-383</b>
Applicant:	<b>Martin Wayne Bullins</b>
Parcel ID#	<b>6030-00-80-7655</b>
Location:	<b>East side of N.C. 8, about 200 feet south of Pringle Rd. (SR# 1605)</b>
Proposed Amendment:	<b>Rezone 2.088 acres from RA to H-B</b>

This proposed amendment **is consistent** with the Stokes County Land Development Guide and other adopted plans in that: **The Land Development Guide designates this area as community class in the Northern area 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 should be considered suitable for retail commercial development.**

This proposed amendment **is reasonable and in the public interest** in that: **This property is located directly across NC Hwy 8 from property that is zoned H-B and there are other commercially zoned property located on NC Hwy 8 within a mile of the proposed site.. The parcel is located in an area of mixed commercial, residential and agricultural properties along NC Hwy 8 in the Lawsonville, NC area.**

**Chairman, Planning Board:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Chairman, County Commissioners:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Director Sudderth commented:

- Received no calls on this process
- There were no public comments at the Planning Board Meeting
- Seems to be a positive move for the applicant
- Applicant does have a commercial business in mind
- Applicant is ready to move on the project
- From a staff standpoint, see this as a good business for the county

### **Discussion**

Chairman Booth opened the floor for discussion.

Commissioner Lankford questioned Director Sudderth if this applicant had a Public Information Meeting?

Director Sudderth responded:

- For General Use, there is no requirement for a Public Information Meeting because you can't discuss anything
- Public Information Meetings are for Conditional Zoning – specific uses for the property
- The Berry Patch, which is located across the road, is zoned General Use

Commissioner Lankford questioned Director Sudderth how the applicant requested the rezoning?

Director Sudderth responded:

- Applicant stated he wanted to operate a business on the property

- I advised the applicant his choices:
  - General Use – which has the option for other uses
  - Conditional Zoning
- I can't tell an applicant what type of zoning they should request
- The applicant has to make the choice
- Business is to be located on a main highway and other businesses are already zoned General Use – consistent with the area
- If the business falters, there are many businesses that don't make it, the applicant has a choice from the General Use (which has approximately 75 business types) to change his business and not have to come back to the Board
- Applicant also has better ability to market the property if his business falters
- If a change of business is done, the facility has to meet all the code requirements for that particular business along with approval from environmental health for septic
- You want your general business zoning in areas where other businesses are zoned general business
- Everything around the proposed site is a general business district (some were grandfathered in before zoning)

Commissioner Lankford commented:

- Understand that, but with highway business, there is approximately 76 different businesses you can have
- Only thing that bothers me is the close location to a school

Director Sudderth responded:

- It is the same argument that was made when the zoning was done for the Berry Patch, it did not change things then

Commissioner Lankford commented:

- In my opinion, it should have

Director Sudderth commented:

- Even though there are 75+ businesses in the general use, there are some things that can't be done based on septic availability and based on General Statutes requirements
  - Septic has a huge impact on rural septic rezoning
- Reiterated that Mr. Bullins has the option to request the type of rezoning

Commissioner Walker commented:

- Over the years, I have reminded myself many times that this Board does not zone land for a person, we zone the property regardless of what the person's intended use is
- Support the request
- Agree with your perspective, it will be located on a well-traveled highway
- Highway Business makes sense

- Suppose the gentleman, understand he wants to operate a motorcycle repair shop or something of that sorts, wants to create a hangout for motorcycle gangs (am not saying the applicant would do this sort of thing)
- Is there anything from stopping a person from doing that?
- If the applicant starts this business, can the applicant also put another business on the same rezoned property as long as the sewer will support it?

Director Sudderth responded:

- Creation of a “hangout” would be a law enforcement issue
- Applicant has to submit a site plan, once rezoning is approved, to detail what he is planning to do with the rezoned property
- Can’t really give you a definitive answer on the question regarding the placement of putting two businesses on an existing property that has been zoned general use
- With more than one business, you must look at separation, building codes, parking requirements, redeveloping a site plan and septic requirements
- You look at those Highway Business uses as being good up and down
- If the Board has concerns with specific uses in the Highway Business, it might be a good idea for the Board to review those uses and eliminating those undesirables

Commissioner Lankford noted that he would like to review the Highway Business uses.

since the Board has decided to go to Conditional Zoning.

Director Sudderth commented:

- Would need to provide a list of concerns to the Planning Board for their recommendation and then back to the Board of Commissioners for final approval
- This would be the same process when any amendment is done to the Zoning Ordinance

Commissioner Walker commented:

- I am pro-business, pro economic development as most of the other Board members have stated before
- I want to see a businessman succeed and hope to see that for this applicant

Director Sudderth commented:

- Recommend this as Highway Business, feel that general us districts need to be located down our major highways
- If this was off on a side road, I would suggest to the applicant that they might want to consider Conditional Zoning since the business would be located on a secondary road
- With this rezoning, have heard positive comments through the grapevine
- Based on the Land Use Plan and past experience, this seems to be a good proposal

### Action

Chairman Booth entertained a motion.

Commissioner Inman moved to approve the Rezoning Request for Martin Wayne Bullins to rezone approximately 2.088 acres (RA - Residential Agricultural to H-B – Highway Business) #14-383 with the request being consistent with the Stokes County Land Development Use Guide. Vice Chairman Jones seconded the motion.

Commissioner Walker commented:

- Very minor point
- Questioned Director Sudderth should the statement about consistent with the Land Use Plan be specific to the intended use or should be this zoning change is consistent to the Land Use Plan?

Director Sudderth responded:

- You don't know what the use is
- It is actually the zoning district that is consistent
- It is consistent with what the development pattern has been
- You are not zoning it for a particular use
- You are looking at whatever is allowed in the zoning districts

The motion carried unanimously.

**Other comments:**

Director Sudderth commented:

- If the Board is interested, there are other things that the Board can consider other than eliminating a use
- The Board can put more restrictions on a particular use
- The Board can decide to put it into a specifically conditional zone
- Need to just review and decide what direction the Board would like to take

Commissioner Walker commented:

- Would be good to consider possibly putting in restrictions that certain uses can't be within a certain distance of a school or church

Director Sudderth responded:

- There are already some General Statutes that already specify particular distances

Commissioner Walker questioned if the Board could extent particular distances mandated by General Statutes?

Director Sudderth responded:

- That would need a legal review



- Do not think the Board has the authority to make things more stringent than what the State already requires

**Adjournment**

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

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

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

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**James D. Booth**  
**Chairman**