

TOWN OF STOKESDALE
PO BOX 465
STOKESDALE, NORTH CAROLINA

The regular meeting of the Stokesdale Town Council was held in the Town Hall at 8416 US Highway 158 on Thursday, August 21, 2008.

Mayor Randle L. Jones called the meeting to order at 7:31 PM. The following members of Council were present: Mayor Randle L. Jones, Mayor Pro Tem Mickie Halbrook, Cheryl Steele, James Attaway, and Norman Cook.

Others present included: Guilford County Sheriff's Deputy Steve Christman, Town Attorney William B. Trevorrow; and Town Clerk/Finance Officer Carolyn Joyner.

After the Pledge of Allegiance, Council considered the proposed agenda. Mr. Attaway made a motion to approve the agenda as presented. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried.

Mr. Attaway made a motion to waive the reading of the minutes and to approve them as presented. Ms. Halbrook seconded the motion. The minutes of the regular meeting of Town Council held on July 17, 2008 were unanimously approved.

Mayor Jones noted that Town Hall was at the maximum capacity for the meeting and that people will be allowed to come into Town Hall to be heard on agenda items. He asked that if there was an item that people were not here to be heard on, that they leave and allow others to come in so that all can be heard on an issue. Citizens would be rotated in and out of Town Hall.

Kevan Combs asked to be placed on the agenda for the subject of liquor by the drink in the Town of Stokesdale. Mayor Jones said that if there no objections, he would place it at Legislative Action. Mayor Jones made a motion to amend the agenda by adding liquor by the drink to the agenda. Mr. Attaway seconded the motion. All Council Members voted aye and the agenda was amended.

NEW BUSINESS:

Report from Guilford County Sheriff's Department: Deputy Christman reported an increase in crime since the previous meeting. There has been a residential burglary, two business breaking and entering, an attempted breaking and entering, five assaults, one property theft and one vehicle theft, a vehicle pursuit, and one indecent exposure. All five assaults were acquaintance/domestic type assaults.

Winston-Salem Baseball: Patrick Riley, the Corporate Marketing Manager for Winston Salem Downtown Baseball, addressed Council and the audience regarding a new ballpark in Winston. Bill Harney was also present to assist Mr. Riley. Mr. Riley indicated that some of the new amenities would include a concourse that would go around the entire stadium, suites, a full scale restaurant, and an office complex.

They will have entertainment, customer service by knowing everyone's name, and using a huge video screen, and unique ticket packages. He said that their main focus would be families and they will offer half season plans as well as partial plans. A full season would be 70 games. The Founders Club will include parking, a restaurant, and behind the scenes of the ballclub visits. This package is 90% sold out now. He handed out some information on the choices that were available.

PUBLIC HEARINGS:

REZONING CASE #08-07-STPL-03874: AG to RS-40. Located on the south side of EVERSFIELD ROAD (SR 2109) at ELLISON ROAD (SR 2107) in Oak Ridge Township. Being Guilford County Tax Map 10-656, Block 1040, Parcel 7, approximately 88.35 acres. Owned by Katherine A. Friddle.

Mayor Jones asked if there were people outside who wanted to be heard on the case. The Clerk reported that there were two others who were outside Town Hall who wanted to speak regarding the case. Mayor Jones had two volunteers who left Town Hall so that the two people could come into Town Hall.

Mr. Nuttall gave the report on the request. This request is to rezone approximately 88.35 acres. Approval of the request would allow development of a major residential subdivision.

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered nonfarm residences on large tracts of land. It is not intended for major residential subdivisions.

The RS40, Residential Single Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas within a designated watershed and without access to public water and wastewater services. The district is established to promote single family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development.

Existing Land Use is Agricultural and undeveloped. The requested Land Use is major residential zoning. There is no history of denied cases. Surrounding land uses are rural residential and agricultural property to the north. To the south is undeveloped property. To the east is rural residential and agricultural and to the west is the Pine Needles facility buffer and undeveloped property.

The recommendation of the Stokesdale Land Use Plan (Update 2007) is for residential development. The Plan recommends minimum lot sizes of 40,000 s.f., preservation of significant vegetation, and implementation of an interconnected transportation network.

There are no inventoried historic properties or gravesites located on or near this property. Efforts should be made to rule out the potential of unknown gravesites prior to any site development. Public water is not available to the site and it is in excess of the distance set forth in the Ordinance. It is in the Stokesdale Fire District. School impact information is included in the packet for Council's review.

Existing transportation conditions show that Eversfield Road is a state-maintained minor thoroughfare. Treeline Road is a privately maintained public right-of-way. No ADT counts are available for the vicinity. The Town's adopted collector plan envisions an east-west connection from Eversfield Road to Adano Road; an extension of Friddlewood Drive could be part of this connection.

No improvements are proposed with the request. However, NCDOT driveway permitting requirements will examine both site access locations as well as necessary improvements to Eversfield Road. The Town's development regulations will also require additional right-of-way dedication and limit residential driveway connections along Eversfield Road. The Ordinance will limit individual driveway cuts to Eversfield and they will have to be from new internal streets within the subdivision.

Projected traffic generation show an ADT estimate for single-family dwellings is approximately 10 trips per day. Depending on soil conditions and the future internal road network, approximately 800 trips per day could be generated.

There is no floodplain on the property and it is under NPDES Phase II Stormwater requirements and there will be some environmental requirements on this property.

Planning Board reviewed the case at the August 7 Planning Board meeting and the Board unanimously recommended the approval of the request based on Staff's rationale.

Staff Recommendation: The Future Land Use Plan (FLUP) generally supports this request. The requested density is consistent with the plan and other FLUP recommendations, such as street interconnectivity and environmental protection, will be ensured during development plan review. After reviewing the FLUP,

Collector Plan, and surrounding zoning, which includes areas of RS40 zoning on the east side of Eversfield Road, staff believes the request is reasonable and in the public's interest. Staff encourages the owner and any future developer to further advance FLUP recommendations through subdivision entrance landscaping and street tree plantings. He reminded Council that State Law requires that consistency statements must be included the decision.

Mayor Jones disclosed that he and his wife, Susan Matthews Jones, are included on the list of adjacent property owners. Another adjacent property owner, Phyllis Warren, is his wife's aunt. Mr. Trevorrow asked if there was any monetary interest. Mayor Jones replied that there was not. Mr. Trevorrow said that there was not a conflict of interest.

Mayor Jones said that those in favor of the matter would have 15 minutes to speak.

Kevan Combs, 7400 Hadleigh Court, said that he was representing the Friddle Family and they have no immediate plans to develop the property. It is a part of organizing their estate. If it should be developed, the Friddles have agreed to extend the municipal water lines.

No one spoke in opposition to the matter.

Ms. Halbrook asked if the farmhouse where Mr. Southern lives would be developed and put him out of the house. Mr. Combs replied that should the property ever be developed, it probably would affect that residence if it is on the property.

Mr. Attaway made a motion to approve the request based on the recommendation of the Planning Board and Staff. He said that it is consistent with the Adopted Land Use Plan as found by the Planning Board. The requested zoning district is a reasonable designation of the property. As stated by Staff, it would promote further housing in the public's interest. Ms. Steele seconded the motion. Council voted 5 to 0 to approve the motion.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Aye</u>
	Attaway	<u>Aye</u>	Steele	<u>Aye</u>
	Cook	<u>Aye</u>		

REZONING CASE #08-07-STPL-03918: AG and RS-30 to CU-HB. Located at 9065 US HWY 158 and 8307 BRANSON ROAD in Oak Ridge Township. Being Guilford County Tax Map 6-378, Block 1173, Parcels 43 and 44, approximately 1.9 acres. Owned by Eugene and Angela Lawson.

Mr. Nuttall gave the following report on the request. This request is to rezone approximately 1.9 acres to allow operation of a motor vehicle sales business. The zoning would change from AG, Agricultural District, and RS-30, Residential Single Family District to CU-HB, Conditional Use Highway Business.

The following uses and conditions have been proposed by the applicant: USE(S): Motor Vehicle Sales. CONDITION(S): Since the original application was submitted and the Planning Board Hearing on August 7, the applicant has amended the application to include development conditions as well. Mr. Nuttall noted that after staff reviewed the applicants' proposed wording for the conditions, staff has made some changes to make them more clear, which if acceptable to the applicant's attorney, Council should formerly adopt them into the application by motion if they are agreeable. Mr. Don Vaughan, attorney for the applicant, indicated that they have agreed to the conditions and asked for Council to favorably approve them.

Mr. Nuttall read the conditions into the record as follows:

1. The hours of operation will be from 9:00 am to 6:00 pm Monday thru Friday, 9:00 am until 3:00pm on Saturday, and closed on Sunday.
2. The existing commercial access to Branson Road shall be closed and no new access to Branson Road shall be permitted.
3. A total of 12 evergreen trees, a minimum of four feet tall at the time of planting shall be planted to the

south of the existing car lot area. (Mr. Nuttall pointed out that this would be in addition to any Ordinance required landscaping that would be mandated.)

4. There shall be no more than twenty vehicles offered for sale at any one time.

Mayor Jones made a motion that those conditions should be added to the application which are the recommendations of staff and have been agreed to by the applicant as put forth to the Council at the request of Don Vaughan, Attorney for the applicant. Mr. Nuttall noted that this was somewhat of an unusual circumstance. The original application that was submitted and advertised was a conditional use application for motor vehicle sales as the proposed use. This allows the property owner to submit conditions over and beyond what the Ordinance already requires. The applicant chose not to submit any requirements initially. Following the Planning Board Hearing after hearing some of the concerns that were raised, they have now amended the application to include development conditions. Council's consideration at this point is to allow these conditions to become a part of the application which you are reviewing. Ms. Steele seconded the motion. Council voted 3 to 2 to approve the motion.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Nay</u>
	Attaway	<u>Nay</u>	Steele	<u>Aye</u>
	Cook	<u>Aye</u>		

Mr. Nuttall noted that the districts descriptions are included in the package of information. There are two separate properties and two separate tax parcels involved in the request.

Existing Land Use: Residential and nonconforming motor vehicles sales business (currently under a Notice Of Violation due to the operation of the business without the appropriate zoning.) The requested land use is to allow a Motor vehicle sales business on the property with the continuation of the residential use of the existing residences which would become caretaker buildings if the rezoning is approved for commercial development. Surrounding uses to the North is undeveloped property. To the South is low density residential and undeveloped property. To the East there is rural residential and low density residential property and to the west is rural residential and institutional property.

The Stokesdale Land Use Plan (Update 2007) recommends residential development. The Plan recommends minimum lot sizes of 40,000 s.f., preservation of significant vegetation, and implementation of an interconnected transportation network. FLUP goals and policies also recommend seeking a balance between accommodating new commercial growth, minimizing sprawl, and preserving the Town's rural character.

Public water is available to the site and the site is two miles from the Fire Station.

Existing transportation conditions show that US Highway 158 is a state maintained major thoroughfare. Branson Road is a privately maintained public right-of-way. Estimated traffic counts along US Highway 158 is more than 9000 trips per day both east and west of the subject property.

No transportation improvements are proposed as part of the application. The NCDOT has issued a commercial driveway permit for the existing access drive from US Highway 158 to the existing area where the cars are offered for sale. A condition of that permit is that non-approved improvements within the public right-of-way be removed. NCDOT would enforce this issue. There is an existing driveway from Branson Road has not been reviewed or approved by NCDOT since the road is not part of the state's secondary road system. Mr. Nuttall noted that one of the conditions added to the application indicates that the existing commercial access to Branson Road shall be closed and no new access to Branson Road shall be permitted.

Projected Traffic Generation is difficult to estimate for this use. Specialty retail uses, which could describe

a custom car sales business, can generate approximately 40 trips per day. General vehicular sales would generate more. Mr. Nuttall confirmed that it is currently operating as a business. There are two dwellings on the property as well as the business.

Physical characteristics show that the property does not have a flood plain located on it but it is subject to NPDES Phase II requirements which are more important for commercial development. Depending on the impervious area that is ultimately placed on the site, stormwater devices could be required on the site if the request were to be approved. On site storm water mitigation will be required if 24% built upon areas is exceeded.

Staff Recommendation: The Planning Board heard the case at the August 7 meeting. The Board recommended denial with a 6 to 1 vote after determining that the request is not consistent with the Land Use Plan and it is not a reasonable designation for the property as the use is not compatible with the adjoining neighborhood. Mr. Nuttall noted that Staff's original recommendation is included in the packet. Some factors support the request and some do not. He noted that the Lawsons have amended the application by the addition of conditions which were aimed at improving compatibility with the proposed use and the adjoining neighborhood uses. The conditions help to define the maximum intensity of the use and overall the application is much improved over the application that the Planning Board saw. It offers some assurances to the Town and adjoining owners about the development expectations for the property. However, staff believes that the current zoning, combined with an existing home occupation permit that the property owners hold which allows two cars to be offered for sale from the property, does allow a reasonable use of the property and the denial of the request to be in the public's interest.

Those speaking in favor of the request:

Don Vaughan, 612 West Friendly Avenue, said that he was Town Attorney for Pleasant Garden for 12 years and they have never had this number of citizens to attend a zoning meeting. He said that he was representing Eugene and Angie Lawson who have a family business on US Hwy 158. They have 8 children and have tried to operate their business under the guidelines of the Town and the State and have never been cited for any violations. He said that they have met with Trevor and have tried to offer conditions that would be pleasing to the community. He asked for those present that were in favor of the rezoning to stand. He estimated that 20 to 25 persons stood up and he said that there were others outside the room as well who were in support of the rezoning.

Angie Lawson, 9065 US Hwy 158, handed out booklets to Council which she said would show that they have followed all of the rules. They have been to DMV, NCDOT and everybody. They received a dealer's license in 2005. A home occupancy permit was given to them. About six months ago they asked DMV what they had to do to have a retail business on the property. DMV came out and inspected them and they had to go to Raleigh. They were given a retail license and told that they were in business. Unfortunately, they did not know that they would have to have the property rezoned and DMV did not tell them any different. The property has a 75-foot right of way rather than the usual 35-foot right of way. They placed some asphalt on the right of way. NCDOT notified them and they have worked with them and now have a commercial driveway permit. Energy United has checked the lighting to make sure the lights were not shining on US Hwy 158 or Branson Road. She said they thought that the home occupancy was all they had to have. She addressed some of the issues that were brought up at the Planning Board meeting by the neighbors as follows:

Lighting: There is a security light that was installed by Energy United to their specifications. It had to be a certain height and could not shine on US Hwy 158 or Branson Road. Energy United checked it after it was installed at night to make sure that it was satisfactory. Noise: She said that they have amended their application to restrict the number of hours that they will be open. They have agreed to plant the 12 evergreen trees to help buffer the noise.

Traffic on Branson Road: They will close the entrance on Branson Road and use the entrance that NCDOT has approved on US Hwy 158. The sale of vehicles will be limited to 20 vehicles on the lot. She said that

they have made improvements to the area. Also, when they blacktopped, they had the excess asphalt placed on Branson Road which they paid for. She said that they were just trying to make a living and to feed their family. She was trying to come with an agreement with the neighbors and everyone so that they can keep their business. She said that her daughter and her husband lived in one of the houses with their 11-day-old child and she did want them to be homeless. She said that she has eight children and she has never been arrested or in trouble with the law and she has raised them to be work hard and be good citizens. Neither she nor her children have ever been arrested or in trouble with the law. She said that she had never seen a car leave the car lot go down Branson Road.

Mr. Vaughan said that he had 32 speakers listed and asked Mayor Jones how he wished to proceed. Mayor Jones responded that everyone would be given the opportunity to be heard.

Eugene Lawson, the property owner, indicated that he would speak after the others have spoken.

Scott Reid, 416 Willie Grey Road, Timberlake, NC said that he would speak as a character reference for the Lawsons. He said that he was their insurance agent and that he had known them for 10 to 12 years and they have been good customers.

Holly Yates said that she was not going to speak

Larry Gatewood, 8509 Fieldstream Drive, said that he has purchased two cars from them and have become good friends. They are always willing to help anyone who needs it.

Craig Gatewood, 8215 Chestershire Road, Oak Ridge said that he had known the Lawson since he and his father purchased cars from them, about five years ago. He said that Gene would give anyone the shirt off of his back.

Bob Yates, Sr. 8885 Belews Creek Road, said that he was here on the Lawson's behalf and he had known them for a couple of years. The eleven-day-old child is his great grandson. He said that he has ridden the streets the last few days. He does not see anything wrong with this property and he doesn't see where it is unfavorable for him to be doing what he is doing on his property. He is in a unique business because of the antique and muscle cars that he sells. He will not have a huge car lot there but just needs a way to make a living there.

Marty Willard, 311 Lake Point Lane, Belews Creek, said that he has known the applicant for a number of years and he is a good guy with a small business and he is not going to get any bigger where at this site.

Bill Hyatt, 4401 High Point Guilford County said that he has known the couple for thirteen & one half years. They have always done good business and the economy needs it now.

Robert Huey, 8590 Day Run Drive, said that he wanted to add his two cents worth and said that Gene is a regular guy and Angie is a good person. They are trying to make a living for their family and he felt that it should be approved.

Robert L. Yates, 8307 Branson Road, said that he is the Lawson's son-in-law and that he has known them for many years and that he and his wife have just had the Lawson's eighth grandchild. He said that he would not have any shelter for his family and that without Gene and Angie and his grandfather he would not be able to attend NC State. They have always done the right thing. He said that he has helped to build the business.

Herman Stephens, 429 New Creek Road, Mocksville, said that he owns an auto transport business and that he has hauled cars for Gene. He said that he has been all over the US and the size of the car lot that he now has is a good size. He deserves a chance.

Bill Neely, 1029 Scuffletown Road, Walnut Cove, said that he has known the Lawson's for several years and they have a good thing going. They need to keep it going to bring in revenue and get people in to see

some interesting cars.

Brian Vernon, 8301 Branson Road, said that he was a neighbor of Gene and Angie and that he has never had a problem with them. The car lot is not a problem. Since they have put in the car lot, he felt that the neighborhood has improved. It was nasty and grown up with grass and pine trees before they bought it and improved it. It said that he thought it was a good thing. He said that he was across the street from the applicant and that all of the neighbors complained about the lights and the traffic but he had never seen a car leave the car lot and go to the end of Branson Road. It is a dead-end road. Mr. Vernon said that he has a light in his yard and he does not see how the light on the Lawson property would bother anyone else on Branson Road.

Curt Roling, 1403 Old 65 Road, Walnut Cove, said that he has known Gene and Angie for 10 to 11 years, bought a car from them. He said he as here to support them and ask that they be given a chance to make a living.

Judy Roling, 1403 Old 65 Road, Walnut Cove, said that her husband had bought a car from the Lawson's and they are still friends.

Brenda Sholese declined to speak.

Brad Walsh, 5515 Reidsville Road, Belews Creek said that he was in favor of the rezoning.

Jerry Joyce, 2629 Capules Road, Madison said that he was in favor of the rezoning.

Gayle Tuttle, 8023 Treeline Road, did not speak.

Rena Montgomery, 7646 Walnut Cove Road, said that the Lawsons would make it better and ask Council to rezone it for them.

Don Montgomery, 7646 Walnut Cove Road, said that he has known the Lawson's for a long time and they had always been there for him and he wanted to help them now.

Gwendolyn Sechrest did not speak.

Ricky Sechrest, 854 Ernest Synder Road Lexington, said that he was in favor of the rezoning.

Billy Moore, 6165 Reidsville Road, Belews Creek, said that he has known Gene for a long time and has done business with him. He takes pride and look after his place and he felt sure that it would stay that way. He said that it was hard to find a place in Stokesdale and Hwy 158 is all that is left and he would like to see it happen.

Mayor Jones asked Captain Caliendo to check outside to see if anyone else wanted to speak in favor of the case. He reported that there was no one that wished to speak.

Eugene Lawson, said that he was the property owner of 9065 Hwy 158 and 8307 Branson Road, said that with his family and friends and his 8th grandchild here, suddenly the car lot is not as important. He said at the Planning Board meeting they run him over and were hateful and he is not that kind of person. He said that he just wanted to make a living. He said that he probably broke some rules along the way and he is paying for that. He said that he did not like to come and beg for his life when someone else is controlling his destiny. He said that Council was controlling whether he could make a living. He said that he wants to stay here. Some others will come in a few minutes and they will be unreasonable about things. He said that he had met with Trevor and tried to jump through hoops.

After checking to make sure there were no others that wanted to speak in favor of the rezoning, Mayor Jones call for those to speak who were opposed to the case. (Citizens who were waiting outside were

allowed to come in as others left Town Hall.) Mr. Nuttall suggested that the conditions that were added to application should be read for the people that had come into Town Hall.

Mayor Jones noted that the applicant had amended his application by adding the following four conditions which Council has agreed for them to be added:

1. The hours of operation will be from 9:00 am to 6:00 pm Monday thru Friday, 9:00 am until 3:00pm on Saturday, and closed on Sunday.
2. The existing commercial access to Branson Road shall be closed and no new access to Branson Road shall be permitted.
3. A total of 12 evergreen trees, a minimum of four feet tall at the time of planting shall be planted to the south of the existing car lot area.
4. There shall be no more that twenty vehicles offered for sale at any one time.

Mayor Jones noted that the conditions were recommended by Staff and adopted the applicant and the applicant requested that they be added to the application as conditions to the rezoning.

Those speaking in opposition:

Tim Jones, 8402 Southard Road, Stokesdale said that it was difficult for those that had been outside since the 8 or 9 people outside did not know what has been said during the meeting. He said that he was opposed to the rezoning since the Planning Board has voted against it. It is against the Stokesdale Land Use Plan. The lot does not seem to be large enough to accommodate the car lot and the residential use as there is not enough area to meet for a sufficient planting yard to separate the commercial use from the residential use. He said that he knew the neighbors are opposed to it. It could become a traffic hazard at the intersection of Branson Road and US Hwy 158.

Betty Wilson, 9047 US Hwy 158, Stokesdale, said that she and her husband Lawrence had put in Branson Road. She said that every time something had to be done, they have to get permits. She said that she did not think that everyone that spoke for Mr. Lawson lives in Guilford County, they live in other places. If he had applied for a permit like he should have, it would have been much better. He got away with the house and the three-foot right of way. It is not fair to the citizens of Stokesdale. Everyone has to get permits to do what they do.

Holly Houston, 8299 Branson Road, said that she previously lived at Mr. Clodfelter's house at 8259 Branson and has rented from Mr. and Mrs. Wilson for three years. She has lived on Branson Road since 1995. She has raised her 14-year-old son because she felt that it was safe and a little out of the way and scenic in its own way. She said that she went to work one day and when she came home there was a car lot on the corner. There were no more pine trees and it was a real shock. Now there have been cars going up and down Branson and they like to squeal tires. A lot of the kids play basketball out on the road. There are dogs which she keeps in her yard and others in the neighborhood. When Mr. Wilson brought in one of the houses, the zoning people came out and said that the house had to be moved because it was too close to the property line. Mr. Wilson had to redo the footings and then had the house moved over five feet because he wanted to do the right thing. She said that there are deer and squirrels in the woods and her son plays there. She has planted trees there as well. She said that Mr. Wilson is a good man and tries to do things right and it is not fair for someone to come in and do things and worry about the consequences later. She said the area has homes and churches but now it has a car lot. She said that she is totally against the car lot.

Lawrence Wilson, 9047 US Hwy 158, Stokesdale, said that a few years back he put in Branson Subdivision and he went by all of the rules and regulations. It is fair to work under permits. He said that he has worked for the public in Stokesdale for 30 years and all of his work is under permits. He runs a pumping service and he has permits for where he dumps in Eden and he keeps records. He works under the rules and regulations. He said that he goes to school so that he can have a license in North Carolina. He said that he does not think that it is fair to rezone this and make it commercial where it is supposed to be houses. He put in Branson Street and paid for it. Mr. Lawson has two acres there with two houses on it. There is not room for a car lot or a business.

Marie Austin, 8295 Branson Road, said that she built her house in a residential area and did not expect to have commercial zoning there. She felt that the car lot negatively affects the value of her home. She felt that if Council approves the rezoning, then the whole Town will be subject to people putting anything up anywhere they want to and then asking for approval afterwards whereas then Council will have to allow it by following the example of Council's action tonight. The Planning Board which is set up to do research and make recommendations to Council per regulations on zoning issues have made the decision to deny this rezoning with a 6 to 1 vote and she hoped that the Town will follow suit and deny the request.

Webster (Lawrence) Smith, 8117 McCrory Road, said that Lawrence Wilson is his grandfather. He said that he was raised on Branson Road all his life and had just recently moved to McCrory Road. He said that he has fond memories of riding bikes with his brother up and down the street when his grandfather built it. His grandfather has been in business probably 45 years and has always followed the rules and regulations and has been doing it the right way. He was totally against the business and it would set a bad precedence to put up a business.

Roger Holt did not speak.

Rae Cook, 178 Hwy 158, said that she lives beside of the business. She was worried about the water since she uses well water and has grandchildren who are two and three years old. She was also concerned about runoff since they wash cars all of the time. If the business is allowed, they should have something there to take care of the chemicals. She said they were not very good neighbors.

Ted Southern, 9025 US Hwy 158, said that he lives close to the car lot. He said that he did not know what had been said during the meeting since he could not come in and he felt that was a little unfair. He questioned how could there be a rebuttal if you do not know what has been said. He was at the Planning Board meeting and everything is irrelevant up to the point of the rezoning. It was his understanding that Mr. Lawson did not get the property rezoned before building the car lot. According to the Planning Board, there are procedures and everyone else in this Town had to go through the procedures to get everything done commercially. In his opinion, this was not the place for a car lot. He did not have a problem with the business but this was not the place to put. It is residential area. If they had gone through the procedures and had it rezoned that would be different. He felt that Council should follow the Planning Board's recommendation of denial.

Mayor Jones stated again that the original application has been amended as proposed by the applicant, recommended by Staff and adopted by the applicant. He read the proposed amendments again. Captain Caliendo checked outside again and no one else wished to speak.

Rebuttal for those who were in favor:

Don Vaughan: Mr. Vaughan asked for everyone who was in favor of the case to stand. Some stood up. Mr. Vaughan said that some have traveled a long, some were from the community and some were adjoining property owners. He said that the Lawsons are good people and this is their lively hood. He said that the request has been changed since the planning board meeting and they had worked with staff to add the conditions to make it work at this location and satisfy most of the concerns. NC DOT has approved the road access. Water was an issue and the Division of Water Quality regulates water in NC and they would take care of anything that is wrong with the water. The Lawsons have agreed to close Branson Road and limit their hours of operation. He said that they have worked with staff to try to resolve all of the issues.

Angie Lawson said that she follows the rules and she went to school and got her DMV license. When she went to get her home occupancy license, they gave it to her. She said that she has never had a complaint or a violation. The DVM said that the home occupancy was all that she needed and she did not know that she had to ask for a rezoning. She said that the Health Department inspected the building. She said that it did not happen in just one day and that she has been in business since 2005. They did add the blacktop and the building was inspected and she said they have followed all of the rules. She said that she had tried to do everything to keep her family fed and in a house. She showed Council pictures of what she said that it

looked like when you turned into Branson Road. She said that it was all grown up with old campers, trucks, and vehicles for sale and vehicles with no license tags. She said that she kept her property mown, neat and clean. She did not understand how her neighbors could say that it looked bad. She said that Holly Houston's son and her son were best friends. She said that there was a dump behind Holly's house with old mattresses, computers and junk that Mr. Wilson had put there. EPA was just out there looking at it. She said that she paid for the blacktop that was put down at the end of Branson Road. She said that she would not let anything get into the water since she has an 11-day-old grandson that lives on the property as well as her daughter and son-in-law.

Mayor Jones said that this was not a personality issue and Council needs to hear the facts that are relevant to the case and the facts that they can base their decision. It should be how the case is or is not compliant with the rules and regulations that apply to zoning.

Eugene Lawson said that he understands some of the concerns. He said that he would not have access to Branson Road since he understands that they do not want traffic on that road. He said that after the Planning Board meeting he met with a gentleman that spoke against him a few minutes ago. The man said that he had some commercial real estate that he would sell to him. He said that he would try to continue to be a good neighbor to the neighbors. He said that the Town is growing whether it is on NC 65 or 158. He said he was not encroaching on anyone else. He said that he would stay in the community and that he was just trying to make a living. He said that there was as much room on his property as Shamburg's or Mike Sharon's car lot had for cars on their lots. RSM is on a quarter acre car lot. He said that you could cut expenses when you can operate your business out of your house.

There were no other speakers to speak in favor of the case.

Those speaking in opposition:

Lawrence Wilson, US Hwy 158, said that he felt like he was on trial. He said that he would make corrections if he needed to.

Ted Southern, 5043 US Hwy 158 said that he was the one who said that he had property if the case did not work out. He said that he had an opinion just like others do and he was against because he lives there. He said that he did not feel like this business was the right business for the location. Mr. Lawson did not go through the right procedures. He said that he feels the Lawson's have a neat place but it is the wrong place for a car lot. He said that he did not think most people would like it if someone put in a car lot at the entrance to their subdivision.

Mayor Jones closed the comments from the floor portion and said that the matter was with Council. Mayor Jones asked Mr. Nuttall if he would recap the request.

Mr. Nuttall said that this request is to rezone approximately 1.9 acres to allow operation of a motor vehicle sales business. The zoning would change from AG, Agricultural District, and RS-30, Residential Single Family District to CU-HB, Conditional Use Highway Business.

The following uses and conditions have been proposed by the applicant USE (S): Motor Vehicle Sales. CONDITION(S): Since the original application was submitted and the Planning Board Hearing on August 7, the applicant has amended the application to include development conditions that have been read into the record several times regarding hours of operation and access limitations.

The Planning Board heard the case at the August 7 meeting. The Board recommended denial with a 6 to 1 vote after determining that the request is not consistent with the Land Use Plan and it is not a reasonable designation for the property as the use is not compatible with the adjoining neighborhood. He noted that the Lawson's have amended the application by the addition of conditions which were aimed at improving compatibility with the proposed use and the adjoining neighborhood uses. The conditions help to define the maximum intensity of the use and overall the application is much improved over the application that the Planning Board saw. It offers some assurances to the Town and adjoining owners about the development

expectations for the property. However, staff believes that the current zoning, combined with an existing home occupation permit that the property owners hold which was issued in 2005 and it allows two cars to be offered for sale from the property at any one time provided they are kept in an enclosed structure, and the residential uses does allow a reasonable use of the property and the denial of the request to be in the public's interest. Some factors support the request and some do not and they are included.

Ms. Halbrook said that in October 2006, Council held a meeting about Mr. Lawson's having added some garages to his property. Ms. Halbrook said that her sister could not attend tonight and she is an adjoining property owner. In 2006 her sister said that the garages were not a problem but she would be opposed to any business in the residential neighborhood. She read from the minutes of the meeting the following: "Mr. Trevorrow cautioned the applicant that if he were to involve himself in any business activity at all on this property, that he would have to apply for a rezoning. Mr. Lawson indicated that he understood that." Ms. Halbrook said that she had a problem with this. Everyone has to go by the rules and ask for a rezoning so that it can be done right.

Ms. Steele asked for the minimum lot size for a car dealership. Mr. Nuttall replied that there is no minimum area for a car lot in the highway business district. The district itself sets forth a minimum lot area of 20,000 square feet for a new parcel to be created in the HB district. This would not be applicable in Stokesdale because there are no public utilities. Ms. Steele questioned why they would want to rezone the entire two acres since there are houses on the property. Mr. Nuttall said it was discussed with the applicant and he chose to seek rezoning for the entire tract. Ms. Steele asked about the number of homes on the property. Mr. Nuttall clarified that there are two houses on two separate parcels.

Mr. Nuttall said that it is split zoning with RS-30 with a 30,000 square foot lot and RS-40 with a 40,000 square foot lot. The lots were approved with this configuration several years ago. Mr. Cook said that a house would require a 30,000 square foot lot. He asked how would you get a health permit for the house and a car lot. Mr. Nuttall said that the lot configuration would not change and the existing homes would become caretaker dwellings for the commercial use of the site. Ms. Steele asked if they would become commercial buildings. Mr. Nuttall replied that in theory the whole two acres could be used for a motor vehicle business although he did not feel that this is their intention. Ms. Steele said that in theory they could tear down the building and build a new building and put in a larger car lot. Mr. Nuttall said that this was correct but the conditions would still apply to a new owner of the property as well should the property be sold.

Mr. Attaway asked if there it is rezoned, is anything to prohibit the houses from becoming additional businesses such as an insurance office. Mr. Nuttall responded that it could not without them coming back to Council to ask for additional use allowances. Mr. Nuttall clarified that the conditions do go with the real estate and whoever owns it if it is approved.

Mr. Attaway asked if this would not be spot zoning. Mr. Nuttall responded that spot zoning is generally an analysis performed by the Courts if you want to rezone property that is not consistent with adjoining property. There are several factors that would be considered such as the size of the tract, differences in uses permitted by the zoning and prior uses and the Land Use Plan to see if there are good reasons not to follow the map. They would look at the text of the Plan to see if there were policy statements that would give guidance to supporting the request.

Ms. Steel asked why have a twenty car maximum. Mr. Lawson said that he has 11 vehicles now. Sometimes you purchase, for example, seven additional cars at a sale on Wednesday and then take five cars to the next sale on Thursday so you would have additional cars at some time.

Mayor Jones made a motion that the rezoning be denied based on the following issues: Denial is appropriate in this case in that it is not consistent with the Land Use Plan of the Town of Stokesdale; it is not a reasonable designation of the property because of the adjoining neighborhoods and it is inconsistent with the land use patterns in the area and in the surrounding area that is residential in nature and there is no commercial property and it is outside the Town Core which is noted for commercial property. There is no commercial zoning in the immediate vicinity and the Land Use Plan does not designate this area for

expanded commercial growth. Also site constraints are such that full compliance with the commercial development standards in the area will likely be difficult. Further it is should be denied and it is not in the public interest. Further find that denial does not prevent the applicant from the reasonable use of the property under the zoning requirements and they still may operate a home business and sell up to two vehicles. Mr. Attaway seconded the motion.

Ms. Steele asked if they could keep their business and sell two cars but not ten. Mayor Jones said that under the current conditions, they can keep and sell two vehicles if they are inside and that has not changed. Mr. Nuttall concurred. Mr. Nuttall provided a copy of the home occupation permit that County did sign off on in 2005 which sets out the approval of the business and the conditions that must be met. Ms. Steele noted that a sign is not permitted. Mayor Jones said that the Guilford County Planning and Development Home Occupation Application is made to be a part of the official record.

Mayor Jones noted that an aye vote would be a vote to deny the rezoning and a nay vote is for approval of the rezoning. Ms. Halbrook verified that her vote was an aye vote in favor of the motion to deny the request.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Aye</u>
	Attaway	<u>Aye</u>	Steele	<u>Aye</u>
	Cook	<u>Aye</u>		

Mayor Jones made a motion to have a ten-minute recess. Mr. Attaway seconded the motion. All Council members voted aye.

Council reconvened at 10:07 pm.

Green Guilford Plan: Draft Plan available (<http://www.co.guilford.nc.us/greenguilford/>); The County is seeking input on Plan. The Clerk indicated that the County had sent out an email containing information about the Draft which can be found on the Guilford County website. Public input is being sought on the Plan which seeks to make the County more sustainable and looks at various ways that this can be accomplished.

UNFINISHED BUSINESS:

Resolution Providing Approval for the Spin-off of Time Warner Cable, Inc. – (Update): The Clerk indicated that information had been received in June which indicated that Time Warner would be making a change involving a spin-off from the parent company. Mr. Harris, the Piedmont Triad Council of Government’s representative who deals with cable issues, has reviewed the documents and per his email, says that the day-to-day operation of Time Warner will not change. It is his recommendation that council should allow the time to expire and it would not be necessary to adopt a resolution.

Partnering to End Chronic Homelessness in Guilford County: Consider selection of a representative to serve as a contact for Stokesdale (Continued from July 17, 2008 meeting): The Clerk indicated that the Town has been invited to select a representative from the community to serve as a point of contract. This would assure that Council is aware of the Ten Year Plan’s progress, upcoming community meetings and events, and receive invitations to join community partnership action teams. Mayor Jones asked if anyone wanted to speak about the matter or would volunteer to serve on the committee. No one came forward.

Matters pertaining to the Water System: The Clerk noted that Council’s packet includes a proposal for changes to the tap fees that are being charged. A proposal from Yates Construction Company indicates that they will be increasing prices for the services that they are providing. Mayor Jones said that Council has always tried to maintain a breakeven situation for fees that the Town has charged based on the cost to the Town. Otherwise the Town would have to supplement every tap fee. Ms. Joyner noted that there are additional charges when the tap is on the opposite side of the road from the waterline. Previous Councils

have averaged the tap fees and set fees based on the average costs. The cost of a tap for a 1 ½ inch meter was not provided and it was proposed to charge the actual cost when a tap is installed since only one meter of this size has been installed since the water system was started. Mayor Jones noted that the water system is growing and the Town is getting more requests. The Town has a good source of water that provides for growth. All the Town is doing is passing along the costs and those have gone up and the Town cannot afford to subsidize the system without a property tax and he did not feel that Council should want to bring on a tax. Mayor Jones made a motion to adopt the Tap Fee Proposal as set forth in the item prepared by the Town Clerk dated August 21, 2008 as there are set forth as proposed fees and incorporate that document by reference and include the Yates Construction proposal as well. Mr. Attaway seconded the motion. All Council members voted aye and the fees were adopted.

COMMITTEE AND BOARD REPORTS:

Public Safety Committee: Chairman Theoron Hooks reported that the Public Safety Committee had met on August 13 at the Stokesdale Fire Department. He indicated that Bobby Richardson had attended the meeting and requested that the Committee look into an issue regarding vehicles that are blocking access at the end of Blackthorn Road in Rachael's Landing. The stub road had been approved through the zoning process and was to remain open for public use. Mayor Jones suggested that Mr. Richardson should contact the Clerk to get contact information for Zoning Enforcement.

Mr. Hooks reported that the Committee had discussed the parking issue in Weatherstone Subdivision. They had determined that some municipalities have ordinances that prohibit parking in the front yards. Oak Ridge has an ordinance that pertains to the fire zone. Larger cities have specific ordinances that pertain to parking in specific areas and some permit required parking in certain districts. He had some sample ordinances which he would leave with the Clerk. The Committee will meet on September 10 at 5 pm at the Sheriff's District One office.

Planning Board: The Clerk reported that Steve Louie had served as Chairman of the Planning Board for two years and Bob Casey had served as Vice Chairman for two years. At the September meeting, the Board elected Bobby Richardson to serve as Chairman and Mitchael Lawson, Sr. was elected as Vice Chairman.

Departmental and Administrative Reports: Finance Report: July, 2008: The Finance Officer reported that assets had increased by approximately \$6,000 over the previous month. Checking Account transactions included a payments of \$395 to the School of Government for membership dues, \$3,316 to the NC League of Municipalities for Membership fees; \$470 to NC Interlocal Risk Management for Workmen's Compensation; \$3,689.33 to NCLM Interlocal Risk Financing for General Liability; \$1,464 to Piedmont Triad Council of Government for dues which included Cable TV support; and \$299 to the American Society of Composers, Authors, and Publishers. Ms. Joyner noted that there was a 4 cent adjustment made because the bank had processed a check incorrectly and had credited the Town with an additional four cents.

Accounts Payable included an invoice from Cannon & Company for the audit preparation in the amount of \$1,000. The auditor is scheduled to come to Town Hall the first week of September to begin the annual audit. Stewart, Cooper Newell Architects have billed the Town \$7,503.50 for their services pertaining to the design of the Park.

Checking account transactions for the Water Enterprise Checking account were routing. The water usage had increased over the previous month and the City of Winston was paid \$8,403.90. Insurance for the Water Tank and the meter station cost \$887.46 and Yates Construction was paid \$5,398.10 for the installation of meters and three taps.

The Savings account reflects the deposit of planning fees that were collected during the month. The Money Market Savings account does not show the deposit of any interest from the certificates of deposit. Some CD's were set up to make quarterly deposits rather than monthly and that is being corrected. Water Enterprise Accounts Payable shows one invoice from the City of Winston for water in the amount of \$7,550.83.

Administrative Report – Town Clerk: Ms Joyner said Town Hall can now take rechargeable batteries and cell phones for recycling.

LEGISLATIVE ACTION: Kevan Combs asked Council to allow the citizens to vote on liquor by the drink. He said that he has struggled trying to get restaurants to locate at the Food Lion Site and when they find that there is not liquor by the available, they turn down the site since it provides a large part of their income. Mr. Trevorrow indicated that there are resolutions that must be adopted and paperwork completed. It cannot be on the November ballot due to the Presidential election. There will have to be a special election or wait until the next general election. He felt that the cost would be nominal for a special election.

Mayor Jones said that he felt that Council should get some information from Mr. Combs as to specifically what he was requesting. Mr. Trevorrow asked Mr. Combs if he was interested in an ABC vote as well. Mr. Combs said that he would leave that up to the Town but he did feel that it would be advantageous for the Town because of the revenues. Mayor Jones said that it would be a logical question as to whether it should be just liquor by the drink or to include an ABC store. There would then be issues as to which Board you would deal with so some investigation may be needed.

Jim Flynt said that he had looked at General Statues 18 –B and at the recent Asheboro referendum which was the fourth time they had voted on it. He said that there were two ways that the issue could be brought before the citizens. Council can vote on the matter or a committee can work to acquire 975 signatures during a 90-day period. He noted that if it was approved it would bring additional revenue to the Town.

ANNOUNCEMENTS: Mayor Jones read the announcements listed on the agenda.

COMMENTS FROM THE FLOOR: Mr. Combs asked what he needed to do in regards to the Liquor by the Drink vote. Mayor Jones said that Council would investigate the General Statutes and what Authority the Town might deal with. He suggested that Mr. Combs should bring some information to Council and Council can investigate the issue and be prepared to vote on it within a month or two. He said that it should be published so that citizens are aware of it. Mr. Combs asked if it could be publicized for the next meeting. Mayor Jones said that it can be an agenda item and hopefully Council will have information on the various ways of proceeding with it. He suggested that Mr. Combs contact the Clerk with his basic information and proposal. Mr. Combs asked if she would advertise it. Mayor Jones said that advertising would be through the newspapers and it would be checked to see if there has to be special advertising for any public hearings on it. Mr. Trevorrow said that a special election would be set up through the elections board.

COMMENTS FROM COUNCIL: There were no comments from Council.

ADJOURNMENT: Ms. Steele made a motion to adjourn. The meeting adjourned at 10:42 pm.

Carolyn L. Joyner, Town Clerk

Approved:

Randle L. Jones, Mayor



GUILFORD COUNTY PLANNING AND DEVELOPMENT

HOME OCCUPATION APPLICATION

Permit No. _____

A Home Occupation is the operation of a business conducted within a dwelling unit owned by the applicant, which is clearly incidental secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or neighborhood. A Home Occupation may be approved if it meets all requirements of the Guilford County Development Ordinance. The Home Occupation Permit obtained from the Guilford County Planning and Development Department does not include any additional local, state, or federal permits or licenses required for a specific business.

Steps to Apply for Home Occupation Permit

- 1: Read Home Occupation Development Standards found in the Guilford County Development Ordinance or Guilford County Development Bulletin No. 7 - Home Occupations (found on the back of the application). If you find that you meet all the requirements proceed to Step 2.
- 2: Complete the application and submit to the Planning and Development Department - Zoning Section. Do not seal the permit fee. (Average review time is 3 to 5 working days)
- 3: If approved, submit approved application to the Planning and Development Department - Permit Section for permit issuance. This must be done in person. Bring the permit fee and the approved application.

Name ANGIE LAWSON Date 5-31-05

Address 9065 US Hwy 158 or Stokesdale State NC Zip Code 27357

Tax Map # _____ Block _____ Lot _____ Zoning _____

Type of Home (Check One): Site Built or Modular Manufactured (Mobile Home)

Gross Square Footage of Home 1600 sq. ft. Square Footage of Home Occupation Area Garage 350 sq. ft.

Number of Employees 1 Open to the Public: Yes No Sign: Yes No

Any Planned Alterations to Accommodate Home Occupation: Yes No Describe Alterations _____

Name of Business Early Times Hot Rods and Type of Business Wholesale - Retail

Detailed Description of Business - Include the type of work that will take place in the home, number of employees, materials needed to conduct business, storage of materials, if customers will be coming to the home, etc. Attach additional sheets if necessary.

SEE ATTACHED

Signature Angie Lawson Date 5-31-05

I hereby agree to comply to all applicable laws of Guilford County and the State of North Carolina and certify that the information and factual contents to the best of my knowledge. I understand that by filling out this application, representation from Guilford County Planning and Development may visit the subject property for the purpose of investigation and analysis of this request.

DENIED _____ APPROVED AS APPROVED W/ CONDITIONS NO PERMIT REQUIRED _____

Environmental Health Review Required _____ Permits Required: Mechanical Electrical Construction Plumbing

By Roderick Jones Title Zoning Enforcement Officer Date 5-31-05

Permit Remarks: No more than (2) two vehicles there at a time
The vehicles are to be kept in the Garage while on

The decision of the Enforcement Officer can be appealed to the Guilford County Board of Adjustment within fifteen (15) days following the decision. The appeal must be filed on the appropriate form and shall be subject to any restrictions on

Paper City