Board of Commissioners
Mark Jones, Chair
Benita Finney, Vice Chair
Terry Renegar
Richard Poindexter
M Brent Shoaf

County Manager
Brian Barnett
Commissioners Room
123 S. Main Street
Mocksville, NC 27028
April 3, 2023 6:00 PM

AGENDA
Davie County - Board of Commissioners - Regular Session

1. Meeting Called to Order
2. Invocation
3. Pledge of Allegiance
4. Ethics & Conflicts Disclosure
5. Adopt Agenda
6. Public Comment Period Public Comment Period Rules
    1. Public Comment Period Rules
7. Presentations
    1. GEMS Awards
    2. Aging Services Planning Committee Update - Allison Brown
8. Public Hearings
    1. Zoning Map Amendment 2023-02 - Richard Robertson G700000057
    2. Zoning Map Amendment 2023-03 - Miller Tree Service, Inc. G800000082
9. Consent Agenda
    1. Contract to Audit Accounts for FY 2022-2023
    2. Resolution - Accept American Rescue Plan Funding Award for Southpoint Business Park Pump Station & Force Main
    3. Tax Report, Releases, Refunds
    4. Proclamation - Child Abuse Prevention Month
    5. Water Shortage Response Plan
    6. Board Appointment - Library Board of Trustees - Jane McAllister, Glenn David Joyner

7. National Public Safety Telecommunicators Week

10. County Manager's Report

11. Old Business

12. New Business

13. Commissioners' Comments

14. Closed Session

    1. Closed Session pursuant to NC GS 143-318.11.(a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body AND (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

15. Adjourn

Davie County
ZONING MAP AMENDMENT 2023-03

Submittal Date
March 20, 2023

Richard Robertson

STAFF REPORT TO THE BOARD
March 28, 2023 Meeting Date

Planning Staff
Johnny Easter

I. REQUEST

To rezone approximately 1.04 acres from General Industrial (GI) to Residential Agricultural (R-A).

II. PROJECT LOCATION

The property is located at 2146 Conatazer Road. The property is further described as Davie County Tax Parcel G700000057.

III. PROJECT PROFILE

DAVIE COUNTY PIN: G700000057

ZONING DISTRICT: **General Industrial (GI)**

LAND USE PLAN: Commercial

WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: Richard Robertson

PROPERTY SIZE: 1.04 acres

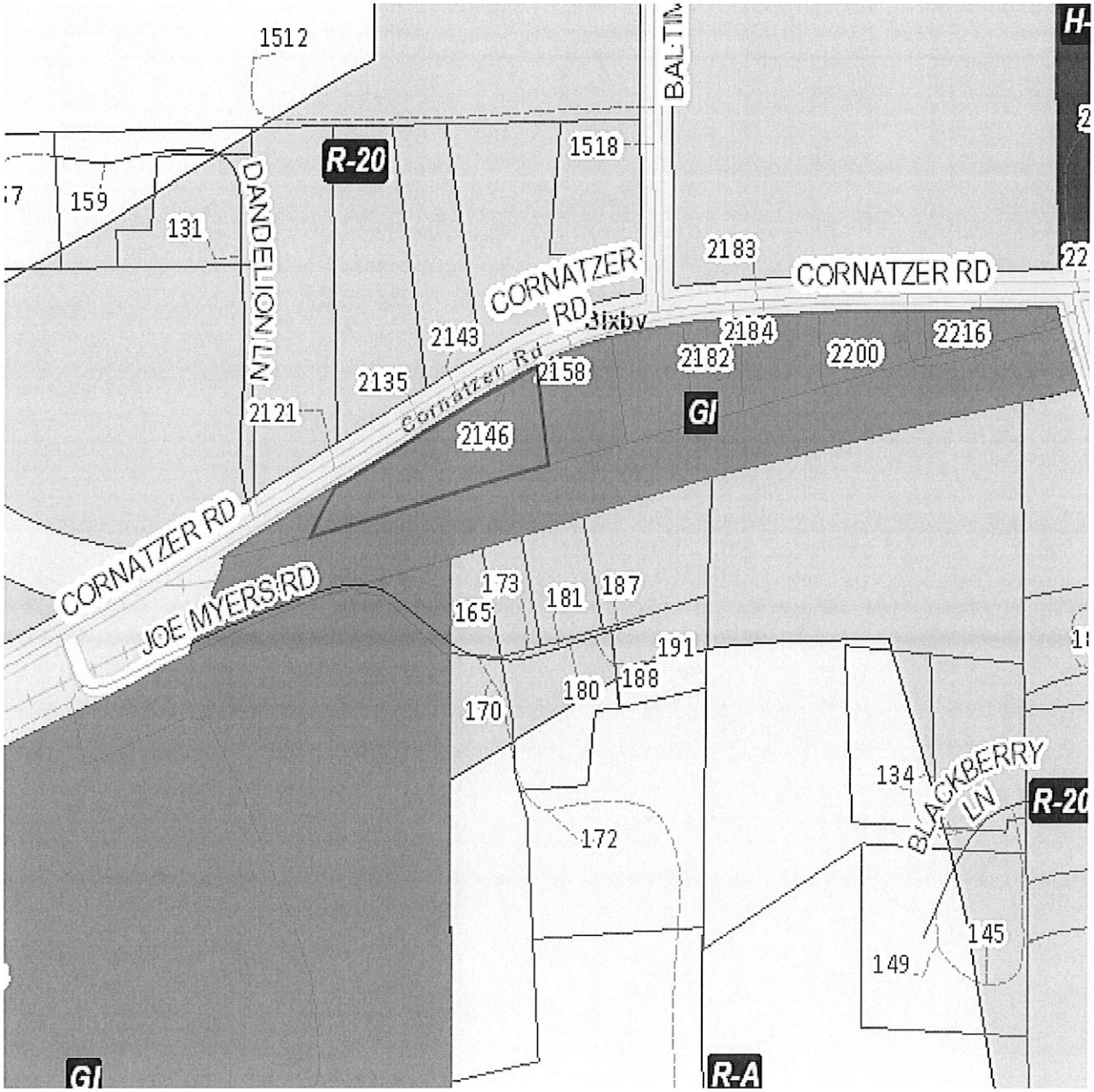
CURRENT LAND USE: Vacant

PROPOSED LAND USE: Residential

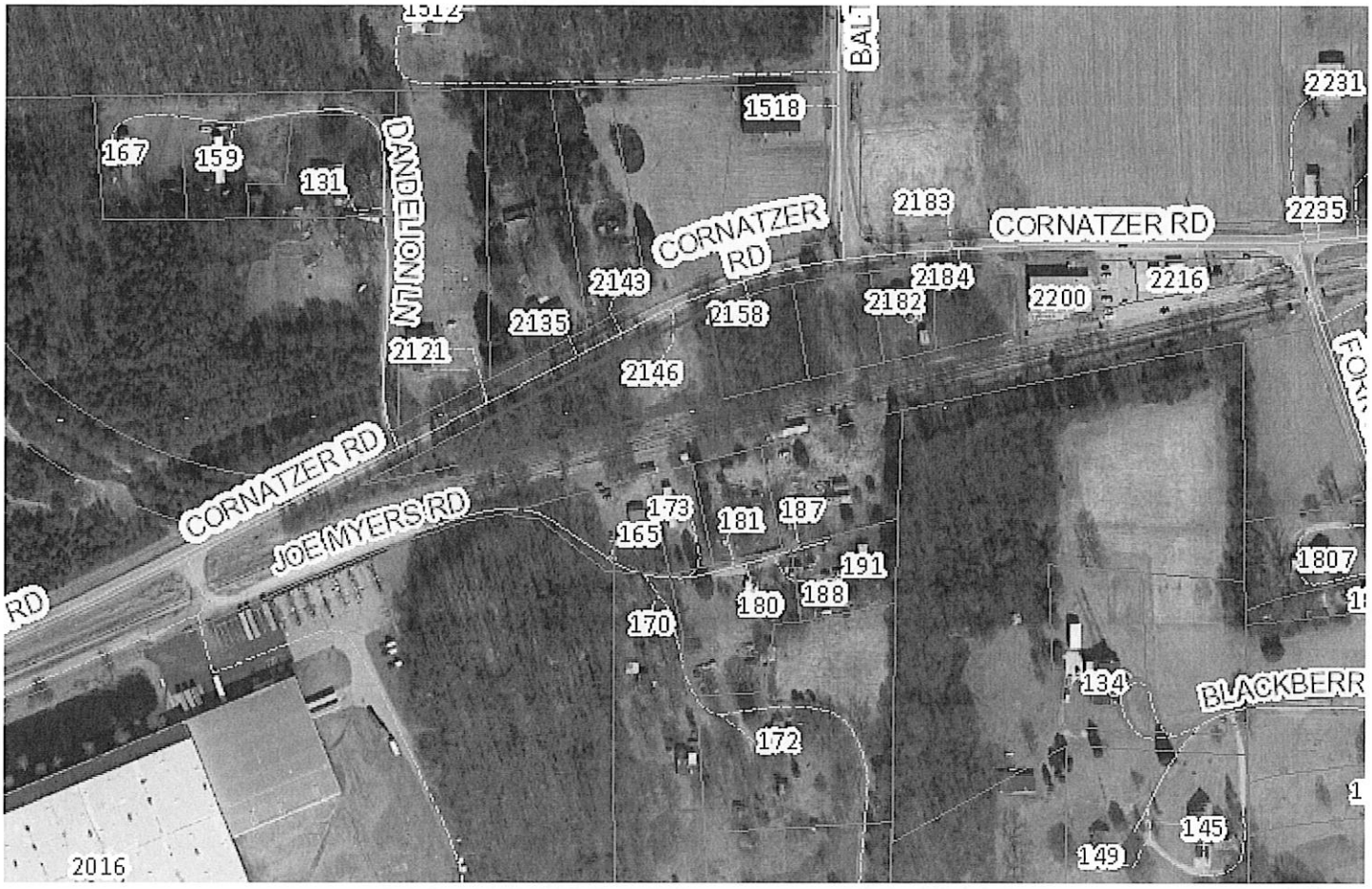
PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Vacant	R-A, R-20
West	Vacant	R-A
South	Residential	GI,R-A
East	Residential	GI

IV. Zoning Map

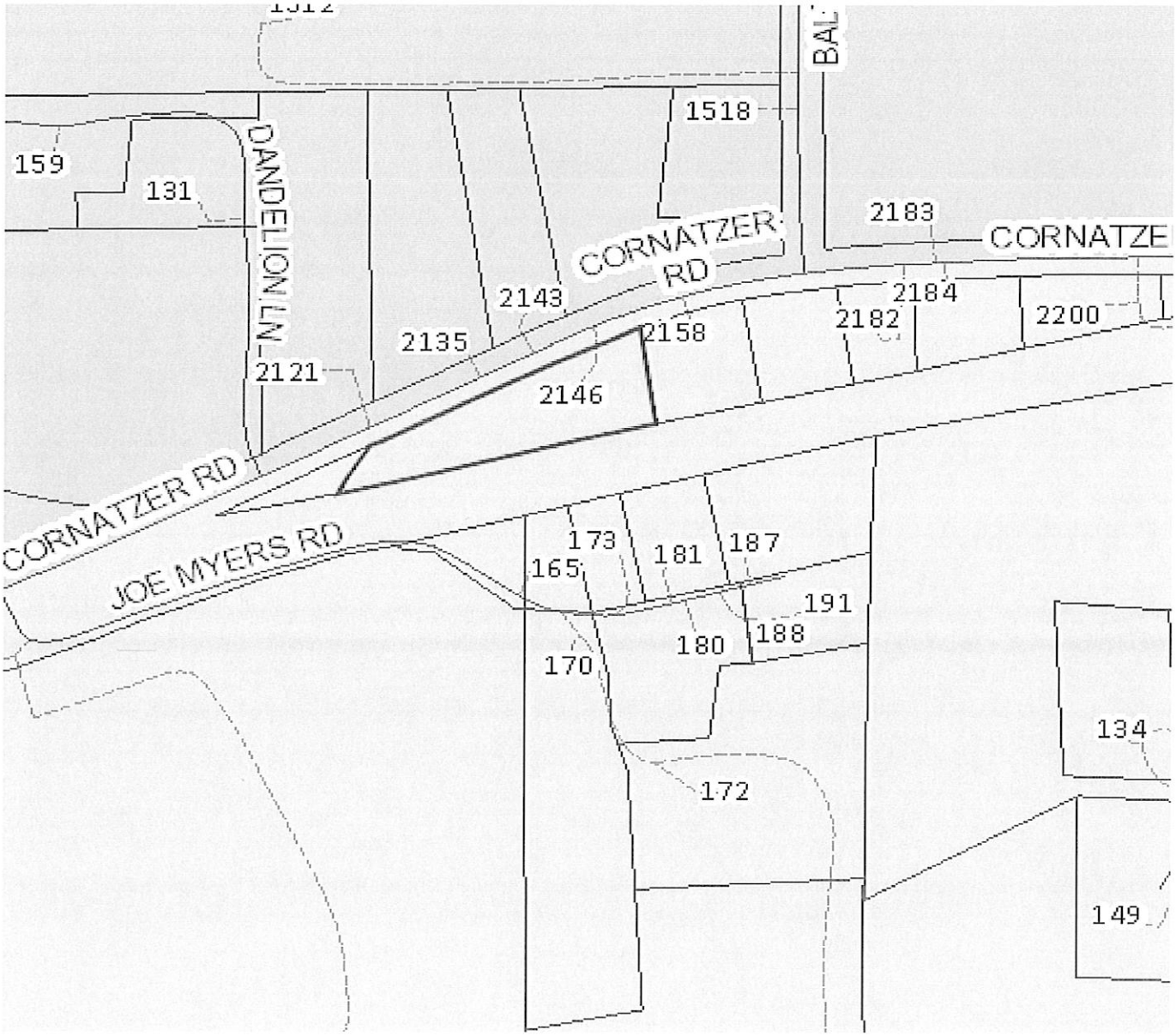


VI. 2018 Aerial Map



VII. Land Development Plan Map

VIII. Davie County Growth Enhancement Strategy Map



IX. LAND USE/ ZONING HISTORY

- **1973:** The property is originally zoned R-A.

A. Proposed Zoning

The R-A Residential-Agricultural District is established to maintain a rural development pattern where Single-family housing dwellings are intermingled with agricultural uses. Two family dwellings will be allowed with the issuance of a Special Use Permit. Generally, houses will be separated from one another by open fields or wooded areas. The impact of one homeowner's activities on his or her neighbors will be less than if the property owners were located side by side in a subdivision. Consequently, the property owner may have more freedom to use his or her land as he or she sees fit. Therefore, some limited commercial uses will be permitted along with residential and agricultural uses; however, the intent is clearly to exclude commercial and industrial uses or residential subdivisions that require public services (principally water and sewer systems) before they are generally needed in the area.

B. Utilities

The site will use public water and private septic.

C. Davie County Comprehensive Plan

The Davie County Land Use Plan identifies the site as Commercial. The predominant land use will be commercial activities including shopping, retail and services, offices and other commercial business. The commercial areas are generally located at main intersections throughout the County, along major thoroughfares, and in areas expected to develop in a commercial pattern.

The Land Development Plan states:

C.4 Cluster highway oriented commercial uses at suitable points along arterial streets.
C.5 Encourage new commercial development to locate within existing areas of commercial activity.
C.16 Use landscaping effectively to separate and/or buffer incompatible land uses.
C.14 Limit rural area commercial development to local convenience stores, farm supply stores, and generally accepted rural retailing establishments and require them to be clustered near intersections.
C.17 Insure that the location and design of parking and loading areas is well integrated into the overall development site and is designed to minimize negative offsite impacts whenever practicable.

M.1 Encourage mixed-use commercial development where appropriate and where compatible with surrounding residential uses.
M.3 Locate places of work, shopping, recreation, etc. reasonably central to residential areas in order to promote efficiencies of travel.
R.2 Allow residential neighborhoods which have become infused or surrounded by non-residential uses to undergo an orderly conversion from residential use to higher density residential use or other compatible alternative land uses.
R.3 Prohibit encroachment by new or expanded commercial uses into viable existing or planned residential areas unless identified on the Land Development Plan map as a planned commercial or mixed-use area
R.6 Use buffer areas (e.g. open space or public/semi-public uses) to separate incompatible uses of land.

D. Davie County Growth Enhancement Strategy

The property is located in an area that is designated as a Rural Growth Area. This area is characterized by traditional agricultural operations, pasture land, forestry, and open space scattered non-farm residences on large tracts of land. Rural scenic vistas are a natural part of the landscape. There is normally an abundance of large, undeveloped tracts not experiencing significant residential development encroachment or pressure. There are natural, scenic, historic, or other heritage assets that contribute to the special characteristics of the area that might require special conservation and management. Land use changes in this area should be designated to protect the rural character and discourage premature public infrastructure demands by sustaining groundwater recharge capacity.

The Growth Enhancement Strategy describes policies within the rural growth area as:

Policy 5.15 The County will encourage creativity in design of residential subdivisions by allowing for greater flexibility in the design, provided that the development is not greater than that normally allowed in the district.
Policy 5.16 The County will create compact neighborhoods accessible to open space amenities and with a strong community identity.
Policy 5.18 New driveway connections will be designed in a way to minimize new locations on existing public roads.
Policy 5.19 Each lot in a subdivision planned for single-family residential development will be designed to contain well and septic tank system on the same lot as residence unless alternate system is approved through "open space" design.

X. ISSUES TO CONSIDER

The Planning Board may not consider any specific use of the property but all possible uses in the R-A District. The Planning Board may approve or deny, or defer the request for additional consideration. The Board should consider the following in making its recommendation:

1. The property's potential as a residential use.
2. The property's potential as a commercial use.
3. The property's location along a major arterial.
4. If rezoning is approved, any new structure/subdivision will go through a Project Review to ensure compliance with zoning ordinance standards such as setbacks, landscaping, buffers, parking, etc.
5. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
6. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
7. Applicable Zoning Ordinance Sections: The following sections of the Zoning Ordinance are applicable to this request: §155.125(B) Table of Uses; §155.141 Residential District; §155.142 Residential-Suburban District; §155.150 Neighborhood Business District §155.161(B) Procedures for Regular Districts; and, §155.250-253 Changes and Amendments.

XI. PLANNING BOARD RECOMMENDATION

The Board should consider one of the following actions:

Rezone

☐ **Move that the following statement be adopted in support of a Motion to Approve**;

The proposed zoning amendment is consistent with the Davie County Comprehensive Plan because:

1. The Comprehensive Plan policy goals to limit rural area commercial development to local convenience stores, farm supply stores, and generally accepted rural retailing establishments and require them to be clustered near road intersections.

Therefore, we find this zoning amendment is reasonable and in the public interest because it supports the Comprehensive Plan policies and maps above and because:

1. The property's classification of Commercial/Mixed Use on the Comprehensive Plan Map.
2. The existing of Highway Business zoning in the vicinity.
3. The property's location along a major intersection.

☐ **Move that the following statement be adopted in support of a Motion to Deny**,

The proposed zoning amendment is not consistent with the Davie County Comprehensive Plan because:

1. The requested parcel is designated as a rural growth area on the Growth Enhancement Strategy Map.

Therefore, we find this zoning amendment is unreasonable and not in the public interest because it does not support the Comprehensive Plan policies and maps above and because:

1. The amendment does not protect the areas residential rural historic character.
2. The proposed amendment is incompatible with the surrounding residential structures.

☐ **Defer** the amendment for additional consideration

Davie County
ZONING MAP AMENDMENT 2023-04

Submittal Date
March 20, 2023

Miller Tree Service, Inc.
STAFF REPORT TO THE BOARD

Planning Staff

March 28, 2023 Meeting Date

Johnny Easter

I. REQUEST

To rezone approximately 6.22 acres from Residential Agricultural (R-A) and Residential 20(R-20) to Highway Business-Conditional (H-B C).

II. PROJECT LOCATION

The property is located at Underpass Road. The property is further described as Davie County Tax Parcel G800000082.

III. PROJECT PROFILE

DAVIE COUNTY PIN: G800000082

ZONING DISTRICT: Residential 20 (R-20) and Residential Agricultural (R-A)

LAND USE PLAN: Rural

WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: Miller Tree Service, Inc.

PROPERTY SIZE: 6.22 acres

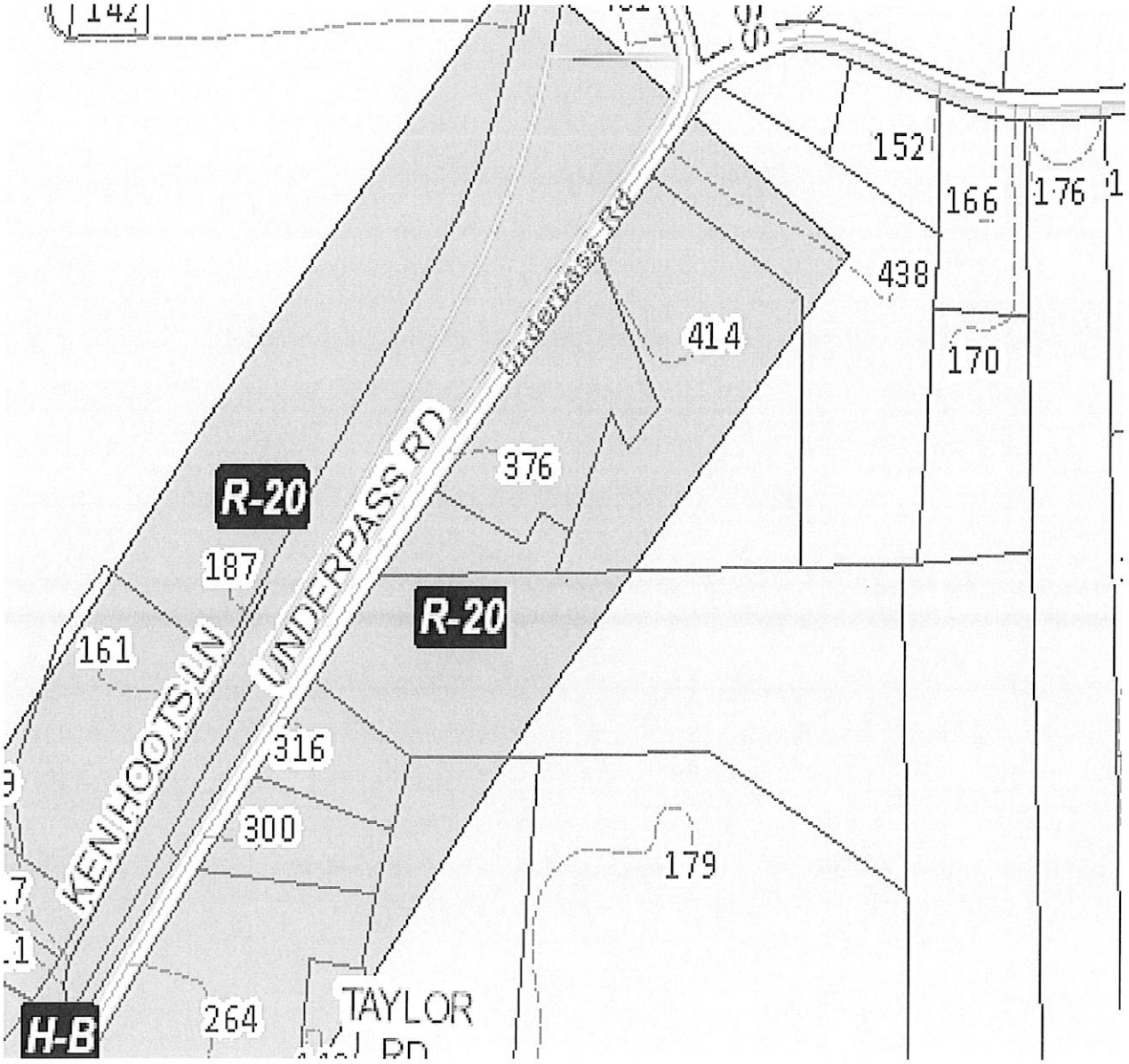
CURRENT LAND USE: Vacant

PROPOSED LAND USE: Commercial

PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

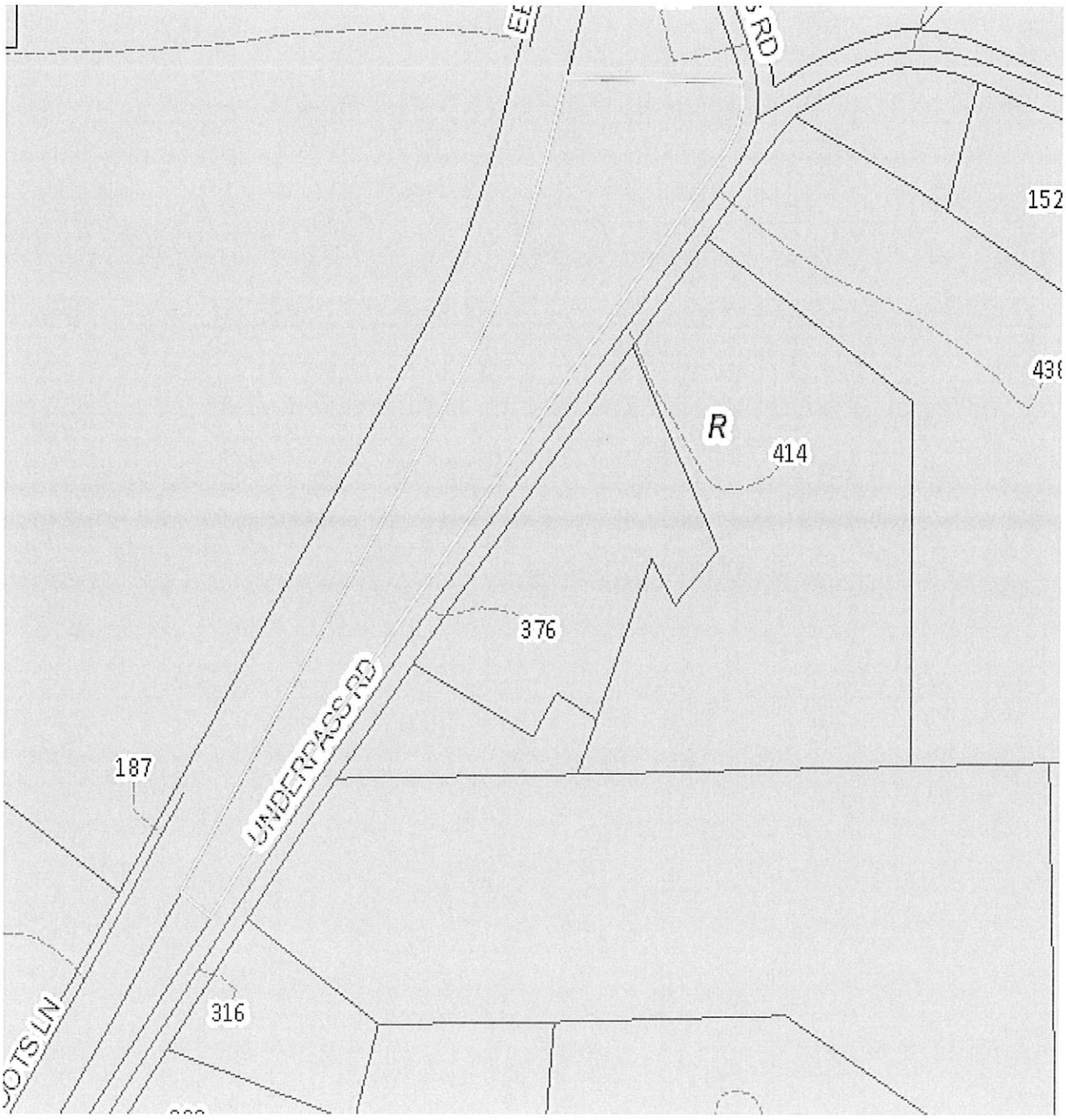
DIRECTION	LAND USE	ZONING
North	Residential	R-A, R-20
West	Vacant	R-A, R-20
South	Residential	R-A, R-20
East	Residential	R-A, R-20

IV. Zoning Map

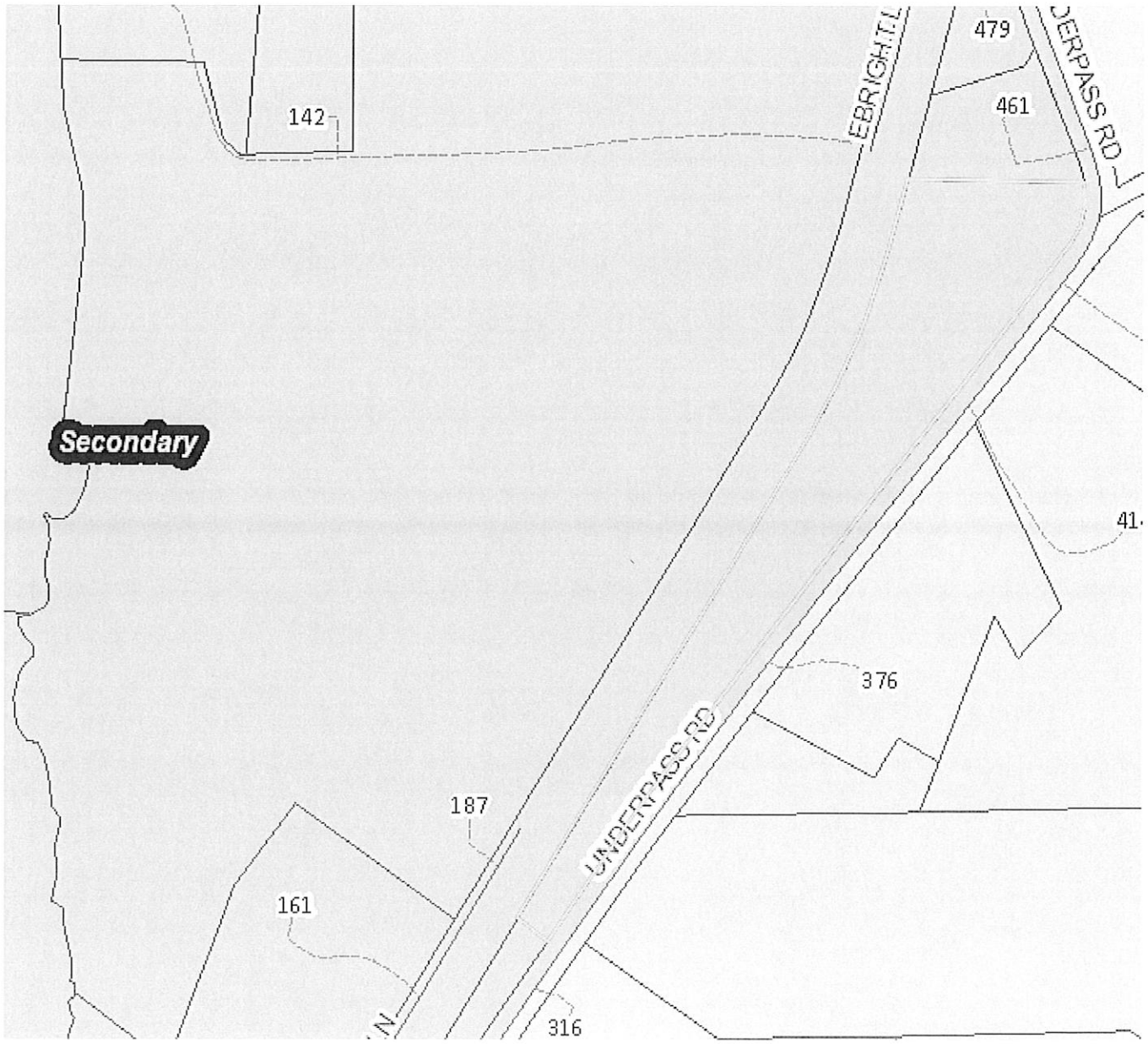


V. Areial Map

VI. Land Development Plan Map



VII. Davie County Growth Enhancement Strategy



LAND USE/ ZONING HISTORY

- **1973:** The property is originally zoned Residential Agricultural and Residential 20.

A. Proposed Zoning

H-B Highway Business-Conditional "Building Contractor Heavy-Tree Service". The H-B Highway Business-District was established principally for retail operations that located on the roadways throughout the county.

D. Utilities

Public water appear to be available at the site and a private septic system would be used.

E. Davie County Land use plan Plan

The property is located in an area designated as Rural Residential on the Davie County Land Use Category Map. This district defines the predominant land use will be rural activities including farming, rural commercial business, and limited residential development. This category is not intended for intense urban or suburban development, including major residential subdivisions (limited residential development may be appropriate). The rural-residential land use is intended to preserve the rural character of the County.

The Land Development Plan states:

R. 1 Encourage the protection and rehabilitation of viable neighborhoods to insure their continued existence as a major housing source and as a reflection of the long term quality of life in Davie County.

C.2 Discourage shallow, linear zoning districts within the corridor.

C.4 Cluster highway oriented commercial uses at suitable points along arterial streets.

C.14 Limit rural area commercial development to local convenience stores, farm supply stores, and generally accepted rural retailing establishments and require them to be clustered near intersections.

M.1 Encourage mixed-use commercial development where appropriate and where compatible with surrounding residential uses.

R.4 Encourage the continued viability of single-family homes as a major housing source while allowing and encouraging alternate forms of housing.

F. Davie County Growth Enhancement Strategy

The property is located in an area that is designated as a Secondary Growth Area. This area is characterized by transitional residential development is predominant in this area with major subdivisions scattered between agricultural and commercial land use patterns. Both public water and sewer infrastructure access is unlikely within the immediate future. The availability of large undeveloped tracts can substantially alter the development character of established residential areas.

The Growth Enhancement Strategy describes policies within the secondary growth area as:

Policy 4.2 Highway-oriented commercial uses will be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They will be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.

Policy 4.4 Commercial uses will be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Policy 4.5 Effective buffering and/or landscaping will be provided where commercial development adjoins existing or planned residential uses.

Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas will be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

X. ISSUES TO CONSIDER

The Planning Board may only consider the specific use of the property as a "Building Contractor Heavy-Tree Service". The Planning Board may approve or deny, or defer the request for additional consideration. The Board should consider the following in making its recommendation:

1. The property's potential as a commercial use.
2. The property's potential as a residential use.
3. The property's location along a major arterial.
4. If rezoning is approved, any new structure will go through a Project Review to ensure compliance with zoning ordinance standards such as setbacks, landscaping, buffers, parking, etc.
5. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
6. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
7. Applicable Zoning Ordinance Sections: The following sections of the Zoning Ordinance are applicable to this request: §155.125(B) Table of Uses; §155.145 Highway Business district; §155.161(B) Procedures for Regular Districts; and, §155.250-253 Changes and Amendments.

XI. PLANNING BOARD RECOMMENDATION

The Board should consider one of the following actions:

Rezoning with Conditions

☐ **Move that the following statement be adopted in support of a Motion to Approve**;

a. The proposed zoning amendment is consistent with the Davie County Comprehensive Plan because:

1. The Comprehensive Plan policy goals to incentivize development near infrastructure (e.g. roads, water and sewer) to reduce growth demand on prime agricultural farmlands by allowing increased density.

b. Therefore, we find this zoning amendment is reasonable and in the public interest because it supports the Comprehensive Plan policies and maps above and because:

2. The proposed zoning would be in harmony with the surrounding uses.
3. The property's location along a major intersection.

☐ **Move that the following statement be adopted in support of a Motion to Deny**,

The proposed zoning amendment is not consistent with the Davie County Comprehensive Plan because:

1. The requested parcel is classified residential/mixed use on the 2019 plan, which allows for only limited commercial uses.

Therefore, we find this zoning amendment is unreasonable and not in the public interest because it does not support the Comprehensive Plan policies and maps above and because:

1. The amendment does not protect the areas residential rural historic character.
2. The proposed amendment is incompatible with the surrounding residential structures.

☐ **Defer** the amendment for additional consideration