

**Davie County
Planning Board Minutes
Tuesday March 28, 2023
Commissioners Meeting Room-123 South Main Street**

Call to order-Chairman Wright called the meeting to order at 3:00 P.M.

<u>Attendee Name</u>	<u>Title</u>	<u>Status</u>
Tamara Taylor	Board Member	Present
Mark White	Board Member	Present
Miriam Wright	Board Chair	Present
Alan Miller	Board Member	Present
Chris Cole	Board Member	Absent
Ellen Grubb	Board Member	Present
Keith Beck	Board Member	Absent
Andrew Backus	Alternate-Board Member	Present

Adopt the Agenda- Alan Miller made the motion to adopt the agenda. Mark White seconded the motion. The agenda was adopted unanimously.

Approval of Minutes-Minutes from February 28, 2023 meeting were *unanimously* approved. Motion by Tamara Taylor, Seconded by Ellen Grubb.

Public Comment from Citizens-Members of the public may address the Planning Board on items not on the agenda for today's meeting. *There were no public comments made.*

Zoning Amendment-Zoning Map Amendment 2023-03. Richard Robertson has applied to rezone approximately 1.04 acres from General Industrial (GI) to Residential Agricultural (R-A). The subject property is located at 2146 Cornatzer Rd. The property is further described as Davie County Tax Parcel G700000057.

Johnny Easter introduced the first item. Mr. Easter stated the owner, Richard Robertson, was requesting to put a single wide mobile home on the property. There had previously been a mobile home on that property prior to it being rezoned to General Industrial (GI) and the owner just wants to return it to Residential Agricultural (R-A) zoning. General Industrial (GI) zoning does not allow for a mobile home on that property.

Public comment section in favor: **Chairman Wright** opened the floor for public comment in favor of the rezoning request. *There were none.*

Board Discussion:

Chairman Wright asked if there was public water available to the property.

Ms. Grubb stated there was public water available to this area. She stated there were several smaller homes in that area as well.

Mr. Backus asked if Mr. Robertson was planning to put more than one mobile home there.

Mr. Easter stated there would be only one mobile home put on the property. The Residential Agricultural (R-A) zoning would allow for one single wide mobile home.

Public comment period in opposition: **Chairman Wright** opened the floor for public comment in opposition of the project. *There were none.*

Andrew Backus *made the motion to approve the conditional rezoning.* **Ellen Grubb** *seconded the motion.*

Chairman Wright called for a vote. The motion was *unanimously* passed (5-0) to approve Richard Robertson to rezone approximately 1.04 acres from General Industrial (GI) to Residential Agricultural (R-A). The subject property is located at 2146 Cornatzer Rd. The property is further described as Davie County Tax Parcel G700000057.

Mr. Easter then introduced the 2nd rezoning request for the meeting.

Zoning Map Amendment 2023-04. Miller Tree Service, Inc. has applied to rezone approximately 6.22 acres from Residential 20 (R-20) and Residential Agricultural (R-A) to Highway Business- Conditional (H-B C). The subject property is located on Underpass Rd. The property is further described as Davie County Tax Parcel G800000082.

Mr. Easter stated that the applicant is requesting for only one specific use of the property which is building contractor heavy. He also stated this was a conditional rezoning request and the conditions put in place had to be agreed upon by both parties.

Board Discussion:

Ms. Grubb asked Mr. Miller if he intended to put a house or office on the property.

Mr. Miller said there was no plan at this time to put an office on the property.

Mr. Easter went on to explain that in order for Miller's Tree Service to park their equipment on this property it is required to be zoned Highway Business. The conditional rezoning would stay with the property if the property would ever be sold.

Mr. Backus asked Mr. Easter if there is access to the property from Underpass Road.

Mr. Easter confirmed that there is access from Underpass Road.

Ms. Grubb asked Mr. Miller if there would be a use for a septic tank on the property.

Mr. Miller stated there would be a storage building and shop. There may be a need for a bathroom for employees' use while working in the shop.

Mr. Backus asked if there are any plans for buffering or visual protection from the roadway.

Mr. Miller said there were no particular plans for this at this time.

In looking at the staff report, **Ms. Grubb** stated there appeared to still be a lot of trees on lot 461. She was informed the trees had been cut down. **Mr. Miller** advised her there is still a buffer there.

Mr. Miller stated when DOT granted him an access across from Bailey Road, they required a certain amount of visibility and trees were removed to achieve this.

Ms. Grubb asked Mr. Miller if he intended to put a fence around the property.

Mr. Miller replied that he did have plans to erect a fence. Mr. Miller lives ¼ mile from the property and wants to be a good neighbor.

Public comment section in favor: **Chairman Wright** opened the floor for public comment in *favor* of the rezoning request.

Jake Miller is the owner and operator of Miller's Tree Service. He has 15 employees. He would like to have one central facility to store his equipment and for his employees.

Public comment section in opposition: **Chairman Wright** opened the floor for public comment in *opposition* of the project

Albert Russell-he lives on Bailey Road. He said there are 3 other businesses on his road currently that are well hidden. He is concerned that he will come out the end of his road and see a "piece of crap". There is nothing up and down Underpass Road as a business, there are 3 on Bailey Road that he believes are grandfathered. He stated that he is a grading contractor. He feels that from an aesthetic standpoint, the zoning is not suitable. He asked if Millers Tree had previously asked for zoning on 801 and Hillcrest 3 months prior and asked why they had been denied.

Ms. Grubb confirmed they had asked for zoning on 801 and Hillcrest and that the Planning Board passed it but the Board of Commissioners denied it.

Mr. Russell said he feels 801 is more applicable for them to be going in and out with heavy equipment. He does not agree with this rezoning.

Jane Vogler-lives on Underpass Road. She lives directly across from the Miller property. One of her concerns is how the entrance and exit correlates to her driveway. She asked if there is only going to be one entrance and exit or will there be another. She is asking that the entrance to the property not be near her driveway. She is concerned about the sharp turn and sight issues and wants to know how that will be addressed. She is also concerned about the increase in noise with the equipment, engines cranking up, employees and in and out traffic. She stated that the natural sound barriers of trees and

brush have already been removed. The sounds echo and the train is louder. She wants to request a sound barrier be put along Underpass Road. She has concerns about the equipment that will be affixed to the property, such as chippers, grinders and saws. She states there is a permanent grinder that they currently have on their property on Bailey Road which is ½ mile or so away that she can hear. She is against a chipper like that being placed on that property. It is too large and extremely loud. She asked if there can be restrictions placed on the property so that no fixed piece of equipment such as that be installed on that property. She would like to know if restrictions like that be added into the new zoning change.

Ms. Vogler's 3 minute time expired.

Mr. Miller responded to Ms. Vogler's concerns regarding the entrance being close to her driveway. He stated that DOT recommended the proposed entrance be put near Bailey road. He stated it would be a very wide entrance. The entrance/exit would not be near her driveway.

Chairman Wright asked if there was anyone else that wished to speak.

Mr. Russell was allow to ask another question. He asked why plans were not submitted like in Forsyth County.

This question was referred to Planning and Development Director, Johnny Easter.

Mr. Easter explained that the purpose of this meeting is just looking at the land use, the intended use of the property only. This is the first step of many. If the rezoning is approved, Miller's Tree Service would still have to go through the permitting process. They will have to submit site plans and pull all the necessary permits.

Board Discussions:

Chairman Wright asked for board discussions

Mr. Backus stated that he feels there needs to be conditions placed upon this rezoning for buffering.

Alan Miller- agreed with Mr. Backus regarding the buffering conditions.

Ms. Grubb agreed there needs to be buffering conditions.

Chairman Wright asked Mr. Easter if there is a project review board to approve landscaping and adequate buffering.

Mr. Easter explained there are specific requirements in the zoning ordinances for business separate from residential. Additional conditions can be placed on the rezoning as long as both parties (the Board and Miller's Tree Service) agree on them. The buffering requirements must be met or exceeded, they cannot be lessened. Buffering can consist of berms, fencing, landscaping such as bushes and trees, or a combination thereof.

Chairman Wright asked if there was a motion to defer.

Ellen Grubb *made the motion to defer with conditions. The motion was seconded by Andrew Backus.*

The motion to defer was approved *unanimously (5-0)*. The board advised Mr. Miller to return to the next meeting on April 25, 2023 with plans for buffering and concealment.

There were no other items to discuss

Chairman Wright asked if there was a motion to adjourn.

Andrew Backus *made the motion to adjourn. The motion was seconded by Ellen Grubb.* All were in favor and the meeting was adjourned at 4:00 P.M.