

**STATE OF NORTH CAROLINA
COUNTY OF STOKES**

**OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
OCTOBER 7, 2008**

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 (Administrative Building) located in Danbury, North Carolina on Tuesday, October 7, 2008 at 7:00 pm with the following members present:

Chairman J. Leon Inman
Vice-Chairman Jimmy Walker
Commissioner Ron Carroll
Commissioner Ernest Lankford
Commissioner Stanley Smith

County Personnel in Attendance:
County Manager K. Bryan Steen
Clerk to the Board Darlene Bullins
Planning Director David Sudderth
Code Enforcement/Zoning Officer Gary Williams

Chairman J. Leon Inman called the meeting to order.

Vice Chairman Walker delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Inman opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Inman entertained a motion to approve or amend the October 7th Agenda.

County Manager Bryan Steen requested to add the following to the Action Agenda due to an October 10th deadline:

- Consideration of a Letter of Support for the Northwest Piedmont Regional Brownfields Coalition

Planning Director David Sudderth requested to add “Underpinning for Single Wide Mobile Homes” to the Discussion Agenda.

Commissioner Carroll requested the Board consider changing the format of the Planning Agenda by starting with Approval of Agenda, Public Comments and then hear, discuss, and take action on each rezoning request separately (public hearing, presentation/discussion, and action).

The Board discussed changing the format for the Planning Agenda only.

Chairman Inman, with full consent of the Board, directed Planning Director Sudderth to change the format of the Planning Agenda as discussed.

Commissioner Lankford moved to approve the October 7th Agenda as amended.

Vice Chairman Walker seconded and the motion carried unanimously.

PUBLIC HEARING

Changed of Conditional Use Request – David Hoskins #206

Chairman Inman opened the Public Hearing for the Conditional Use Request - David Hoskins - #206.

The following spoke during public comments.

David Hoskins
110 Flinchum Road
Danbury, NC 27016

Mr. David Hoskins, owner and operator Dan River Company, presented the following information:

- Dan River Company was started seven years ago, been in the current location for the last five years
- Largest canoe and kayak outfitter in the Triad
- Employs 5-7 seasonal workers
- Invested over a quarter of a million dollars in the company
- Has helped raise almost \$10,000 over the past four years for Hospice
- Active supporter of the Stokes County Arts Council
- Has advertised the Danbury region in national and regional publications on a regular basis
- Has helped in Search and Rescue Operations by providing equipment
- Tried to help and support the community as much as possible
- Business can no longer rely on the river due to the recent drought which has decreased revenues
- Dan River Company is seeking to place a stage for theatrical and musical events
- Stage will be for music and theatrical events associated with The Arts Council-movie night/Friday night –open mic for local talent; Winston Salem School of the Arts-symphony and quartets; Churches-gospel; and NC Film Commission
- Stage will be placed in an area as large as a football field
- Area will accommodate approximately 200-250 visitors without interfering with the adjacent property owners
- Project will bring talent as well as visitors to the county
- Will be a valuable asset to the County
- Sale of alcohol (beer and wine) will only occur during a non-profit 501(c) 3 fundraising event
- Dan River Company is in no way asking for permission to sell beer and wine
- Dan River Company will not be selling any alcoholic beverages
- The selling of alcoholic beverages will be the sole responsibility of the non-profit organizations if they choose to sell alcoholic beverages
- Music will not be rap, heavy metal or hip hop
- Music will be either bluegrass, blues, folk music, symphony, or quartets
- Arts Council will be allowing Dan River Company to use the half of the music shell that was donated
- Music shell will direct the music to the river away from the surrounding homes
- There is no one living directly across from the Dan River Company for at least a quarter of a mile

- Will create a venue to help expand the Dan River Company and to have a place in Stokes County to host musical and theatrical events
- Wished to correct one of the emails received by the Board of Commissioners from Mr. Golden indicating there is a property owner directly across the road, “To my knowledge, there is no adjacent property owner by the name of Golden”

Mr. Hoskins expressed his appreciation to the Board for taking the time to hear the request.

Nick Golden
1125 Briarwood Drive
Walnut Cove, NC 27052

Mr. Golden presented the following information to the Board:

- Informed the Board that the individuals that were referred to in the email referenced by Mr. Hoskins were Mr. and Mrs. Jessie Sams who do not live directly across the road, but live across Highway #89
- Speaking on behalf of the Sams’ family
- Sams’ family opposes the Change of Conditional Use Request
- Request the Change of Conditional Use Request be denied
- Original understanding was that the Dan River Company was requesting the change in order to sell alcoholic beverages which is unacceptable on the banks of the Dan River
- The mix of water, alcohol, and recreational environment is the recipe for disaster
- Very bad decision for the county
- Benefits no one in the community other than the owner of the Dan River Company
- Opposes any type of alcohol being allowed at any public event
- Allowing alcohol would be the same as advertising “Come party on the Dan River, it is alright to drink and have a good time”

Mr. Golden expressed his appreciation to the Board and reiterated the Sams’ family (Mr. and Mrs. Jessie Sams) opposition to the Change of Conditional Use Request.

Hansel Oakley
Danbury, NC 27016

Ms. Oakley stated the area is not large enough for 200-250 individuals and there is nowhere to park that many vehicles. Ms. Oakley referred to a letter received by the Board from Attorney Sonya Hole regarding opposition to the request.

Tommy Oakley
Danbury, NC 27016
Declined to speak.

Elsie Hole
Danbury, NC 27016
Declined to speak.

Dale Swanson
Danbury, NC 27016

Mr. Swanson stated that Dan River Company had always been a good neighbor and lived up to everything that they said they would do. Mr. Swanson noted the area should be able to accommodate approximately 200-250 individuals and normally individuals who attend the types of music indicated by Mr. Hoskins are not the type of people who go for excessive

partying. Mr. Swanson concluded that the events would be in the afternoon or early evening, not late in the night.

Park Ranger Jason Anthony
Hanging Rock State Park
Danbury, NC 27016

Park Ranger Jason Anthony, who currently is serving as Acting Superintendent, noted that the park had no issues with Mr. Hoskins' request as long as the Park's rules and regulations were not violated – no drinking on park property. Mr. Hoskins has been a very good neighbor to the Park, constantly alerting Park officials regarding illegal campers.

Chairman Inman closed the Public Hearing.

GENERAL GOVERNMENT – DISCUSSION/ACTION AGENDA

Change of Conditional Use Request – David Hoskins # 206

Planning Director David Sudderth presented the following information regarding the

Change of Conditional Use Request – David Hoskins #206:

STAFF REPORT

**Change and amend of Conditional Use Permit #146
David Hoskins #206**

REQUEST: The applicant is requesting a change in the Conditional Use Permit #146 issued on April 1, 2003. The following items are being requested:

- To existing Condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) **add** "Music and theatrical events".
- To existing Condition #13 (No sale of alcohol on the premises) **add** "with the exception of a Non-profit 501(c) 3 fundraising event with the sale of alcohol, (beer and wine)".
- **Change** existing Condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to "6:00 a.m. to 7:30 p.m. or dusk (7) days a week".
- **Change** existing Condition # 16 (All signage shall be developed in context with the park theme) to "All signage shall conform to the standards as set forth in the Stokes County Zoning Ordinance".

SITE OWNER: Diana B. Carl (Applicant's mother)

APPLICANT: David Hoskins

BUSINESS NAME: Dan River Company (Canoe & Kayak)

SITE LOCATION: The property is located at 1110 Flinchum Rd. on the north side of Flinchum Rd. (SR# 1487) approximately .2 mile from NC Hwy 8 & 89.

Map: 6937

Parcel: 6652 **PIN #:** 6937-00-37-6652

Deed Book: 477

Page: 1209

Township: Danbury

SITE INFORMATION:

PARCEL SIZE: Total tract 2.892 acres

ZONING DISTRICT: H-B-CU (Highway-Business Conditional Use)

FLOOD HAZARD AREA: Portion of property is located in flood hazard area.

FIRM MAP #: 3710693700J

FIRM MAP ZONE: Portion of property is located in Zone AE (100 year flood), which is in a flood hazard area where base flood elevations have been determined. Other portions of property are located in Zone X – Areas determined to be outside the 100-year floodplain.

WATERSHED DISTRICT: No

WETLANDS: Ken Bridle has identified multiple areas on the parcel as wetland areas. Wetlands areas are officially designated by the Army Corp of Engineers.

SEPTIC/WATER APPROVAL: Stokes County Environmental Health section.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Danbury VFD, EMS - Station # 2 Lawsonville.

EROSION CONTROL: N/A

ACCESS: The business has a driveway access off of Flinchum Rd. (SR# 1487)

SURROUNDING LAND USE: The subject property is located on Flinchum Rd., which is located in a sparsely developed area near Danbury. The rear of the property borders the Dan River. The structure on the property is occupied by the Dan River Company. Hanging Rock State Park's canoe access is located .3 mile at the end of Flinchum Rd. The surrounding land use consists of (3) residences, cemetery, agricultural land and state park land.

ISSUES TO CONSIDER:

- Impact on surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Effect on tourism.
- Proximity of property to flood plain and wetlands.
- Parking area

STAFF COMMENTS: The request comes to the Board as a request to change and amend the Conditional Use-Zoning Permit issued April 1, 2003. The applicant has operated the Dan River Company on this site since 2003. The Department has had no problems or complaints concerning this business. You may discuss the proposed changes in detail. The proposed changes to conditions #12 and #13 would be allowed in the H-B (Highway Business) zoning district as a permitted use under the category of "**Commercial recreation facilities, whether conducted in a building or in the open**". The requirements for this activity are listed below and revolve around lighting issues. The applicant is not proposing any additional lighting at this time.

Commercial recreation facilities, whether conducted in a building or in the open.

1. All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
2. Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

*Each item requested should be addressed as a separate request for change of the Conditional Use Permit.

Director Sudderth noted that the Planning Board discussed each of the following items separately and suggested possible issues to consider:

The applicant has requested the following changes:

- To existing condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) add "**Music and theatrical events**". The applicant stated that he would like to construct a stage on the property to allow these events to take place. *(To my understanding these events would be held to promote his existing business, the Dan River Company.)*

Possible issues to consider:

Parking
Noise
Make sure stage would be located outside flood plain and areas marked as wetlands.

- To existing condition #13 (No sale of alcohol on the premises) add "**with the exception of a Non-profit 501(c) 3 fundraising event with the sale of alcohol, (beer and wine)**". *(The applicant stated that he wanted to use these fundraising events to support local charities. He proposes to provide the venue. Mr. Hoskins stated that the*

non-profit organization would be responsible for obtaining the ABC permit and setting up and staging the event.)

Possible issues to consider:

Parking

Number of events proposed to be held.

Type of ABC (Alcohol Beverage Control) permit to be issued:

- **Limited special occasion permits** – Valid for **48 hours** before and after the occasion for which the permit was issued.
 - **Special one-time permits** – Issued under G.S. 18B-1002 shall be valid for the period stated on the permit.
 - **Temporary Permit** – Issued under G.S. 18B-905 shall be valid for **90 days**.
- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “**6:00 a.m. to 7:30 p.m. or dusk (7) days a week**”. *(During daylight saving time some patrons of the business may be on the river past 7:30 p.m. During the wintertime the business may be opened until 7:30 p.m.)*
- Change existing condition # 16 (All signage shall be developed in context with the park theme) to “**All signage shall conform to the standards as set forth in the Stokes County Zoning Ordinance**”. *(Hanging Rock State Park officials have requested that signage for the Dan River Company does not emulate the signs that the park service erects. They’re concerned the public will be confused by similar looking signs.)*

Director Sudderth noted the Dan River Company Project was approved by the

Planning Board on March 23, 2003 with the following conditions:

Conditions for David Hoskins H-B-CU #146

1. All areas of parking should be located outside of the flood zone area as delineated on the site plan.
2. No construction should take place in the delineated flood zone and areas designated wetlands as indicated on the site plan.
3. NCDOT must approve a commercial driveway access for the site.
4. Applicant shall adhere to all applicable Federal, State, and local laws.
5. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
6. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
7. The structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
8. If conflict arises between any conditions or the developer’s proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
9. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
10. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
11. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
12. Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar / coffee shop.
13. No sale of alcohol on the premises.

14. Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week.
15. Additional lighting attached to building.
16. All signage shall be developed in context with the park theme.
17. Or any other condition that the Boards may deem necessary at the time the project is approved.

Director Sudderth noted that the Board of Commissioners added the following conditions to the Planning Board's recommendation:

- #13 – add - post signs on the premises concerning the consumption of alcohol
- #18 – Restrooms must left opened to public during business hours

Mr. Hoskins agreed to all conditions at that time.

Director Sudderth noted the Dan River Company Project was approved on April 1, 2003 by the Board of Commissioners.

Director Sudderth stated the request is to amend and change the Conditional Use Permit approved by the Board of Commissioners on April 3, 2003 and the Board can talk about each item specifically and would need to address each item specifically as a finding of fact for each item.

Director Sudderth noted the Board may consider the following items in reviewing or changing existing conditions:

136.9 Conditions and Guarantees

Prior to the granting of any special use, the Planning Board may recommend, and the responsible body may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 136.5 above. In all cases in which special uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

Director Sudderth noted that the County had received no complaints or problems since the applicant started operating the current business in 2003.

Director Sudderth noted the following Planning Board Recommendation:

- The Planning Board recommended approval of all requested items by a vote of 7 to 2. The Board held a lengthy discussion concerning the requested changes to conditions number 12 and 13. In particular the Board discussed parking standards for the activities and the pros and cons of the sale of alcohol for non-profit events. There was limited discussion on the requested changes to conditions 14 and 16 concerning signs and hours of operation. The Board was in total agreement on these two requested changes.

Director Sudderth presented the proposed Condition #12:

- To existing condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) **add “Music and theatrical events”**. The applicant stated that he would like to construct a stage on the property to allow these events to take place. *(To my understanding these events would be held to promote his existing business, the Dan River Company.)*

Director Sudderth noted the following issues to consider:

- Parking
- Noise
- Make sure stage would be located outside flood plain and areas marked as wetlands.

Director Sudderth presented the proposed Condition #13:

- To existing condition #13 (No sale of alcohol on the premises) **add “with the exception of a Non-profit 501(c) 3 fundraising event with the sale of alcohol, (beer and wine)”**. *(The applicant stated that he wanted to use these fundraising events to support local charities. He proposes to provide the venue. Mr. Hoskins stated that the non-profit organization would be responsible for obtaining the ABC permit and setting up and staging the event.)*

Director Sudderth noted the following issues to consider:

- Parking
- Number of events proposed to be held.
- Type of ABC (Alcohol Beverage Control) permit to be issued:
 - **Limited special occasion permits** – Valid for **48 hours** before and after the occasion for which the permit was issued.
 - **Special one-time permits** – Issued under G.S. 18B-1002 shall be valid for the period stated on the permit.
 - **Temporary Permit** – Issued under G.S. 18B-905 shall be valid for **90 days**.

Director Sudderth presented the proposed Condition #14:

- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “**6:00 a.m. to 7:30 p.m. or dusk (7) days a week**”. *(During daylight saving time some patrons of the business may be on the river past 7:30 p.m. During the wintertime the business may be opened until 7:30 p.m.)*

Director Sudderth presented the proposed Condition #16:

- Change existing condition # 16 (All signage shall be developed in context with the park theme) to “**All signage shall conform to the standards as set forth in the Stokes County Zoning Ordinance**”. *(Hanging Rock State Park officials have requested that signage for the Dan River Company does not emulate the signs that the park service erects. They’re concerned the public will be confused by similar looking signs.)*

The Board discussed each item presented by Director Sudderth. Director Sudderth noted that the Planning Board did have some issues with the selling of alcoholic beverages.

Commissioner Smith noted the following:

- As a member of the Regional Tourism Initiative, bringing musical and theatrical events would promote tourism in the County
- Current business is located on a state maintained road
- Biggest issue – the sale of alcoholic beverages

- Dan River Company would not be selling any alcoholic beverages
- Open mic night would be good for the community

Vice Chairman Walker noted the following:

- Need for a designated area for the music shell so that it would not disturb the neighbors in the area
- Events would be held in the afternoon
- Very concerned with the request to sell alcoholic beverages

Mr. Nick Golden noted that similar events (with smaller numbers) had been held on his family's property located on the Dan River, but considers the requested venue totally different. Mr. Golden reiterated the opposition comes from changing the use of the property and the sale of alcoholic beverages.

Commissioner Lankford noted the following:

- In 2003, all four of the current requests were concerns of the Planning Board along with the Board of Commissioners
- In my opinion, if these current requests had been included in 2003, none would have passed at that time
- In favor of the business venture in 2003
- Concerned with the very narrow dirt road, not enough parking space, sale of alcoholic beverages which would be a nuisance
- Changing the current conditions would increase calls for EMS, Communications, and Sheriff's Department
- Petition received from citizens of Stokes County which oppose changing the conditions
- Opposes the request other than allowing the signage to be changed

Commissioner Carroll noted the following:

- Expressed concerns with more than 250 people arriving for the performance, how would the additional attendees be handled and who would handle the excess crowd
- Confirmed with Director Sudderth that Conditional Use Permits follow the property and not the property owner
- Have no problems with Condition #16
- Have great concerns with Conditions #12, #13, and #14
- Currently a member of a task force regarding alcoholic fatalities (Stokes County being one of the highest in the State) and one thing identified as a possible major reason is a culture of acceptance
- Not comfortable with any non-profit organization selling alcoholic beverages

Director Sudderth noted that conditional uses have to be enforceable, but that Mr.

Hoskins or any future property owner can always revisit the conditions.

Mr. Hoskins stated the following after discussion by the Board:

- Reiterated his position that the Dan River Company would not be selling any alcoholic beverages
- Would only be creating a venue to supply a music shell for anyone who met the requirements.
- His company has no control whether someone drinks while canoeing on the river
- Only 250 tickets would be sold and the remainder would be asked to leave and he would have no issues informing the Sheriff's Department if someone refused to leave or parked on adjoining property or in the road

- Runs a very tight, neat organizational business and does not believe that non-profit organizations such as Hospice and the Arts Council who may serve beer and wine would allow “fist fights”
- Would advise anyone who rents the facility that the Sheriff’s Department along with EMS needs to be informed of any type of event
- Have had large crowds before and had no issues
- Never had to call EMS or the Sheriff’s Department

Chairman Inman stated that since the approval of Mr. Hoskins’ permit in 2003, Mr. Hoskins had been a good neighbor to Stokes County and promoted tourism in Stokes County. Chairman Inman expressed concerns regarding the changes being requested.

Director Sudderth reiterated that the Board could look at each request individually and vote separately.

Mr. Hoskins stated that he would concede and withdraw the condition requesting the approval to allow non-profits to sell alcoholic beverages during fundraisers. Mr. Hoskins reiterated the need to extend the hours of operation in order to safely go get his customers, would like the signage changed so that no one confuses his operation as being part of the park service, and the music venue is really what he would like to see approved in order to promote more events in the county and to continue to help non-profit organizations raise funding.

Director Sudderth noted that in approving a change in the existing Conditional Use Permit, the Board should follow these guidelines and must respond and vote on each of the following items concerning the issuance of a Conditional Use Permit:

The responsible body shall approve, modify, or deny the application for special use following the public hearing. In granting a special use, the responsible body shall insure:

- (a) The requested use is listed among the special uses in the district for which application is made.
- (b) The requested use is essential or desirable to the public convenience or welfare.
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Chairman Inman entertained a motion.

Commissioner Lankford moved to deny Conditions #12, #13, #14, and accept Condition #16. Commissioner Carroll seconded the motion.

Vice Chairman Walker expressed concerns with denying Condition #14 – amend operating hours.

Commissioner Lankford noted the Planning Board in 2003 felt that 7:30 pm was adequate time to end the operation and still have time to get customers in without having to call for a search and rescue after dark.

Vice Chairman Walker reiterated his concerns with not allowing Mr. Hoskins to extend his hours of operation and wished a middle ground could be reached for the music venue.

Mr. Golden noted that the small crowds were not the issue, it was the large number of up to 250, the county already has that venue and that is Moratock Park. Mr. Golden noted that possible alternatives could have been proposed if the Sams' family had been able to sit down and discuss the issues before now –possibly smaller number of attendees with a stage that could be moved.

Vice Chairman Walker stated that he could not vote for the motion and that he would like to see possibly the individuals involved sitting down and discussing the extended hours and the music venue.

Commissioner Smith commended Mr. Hoskins for removing the sale of alcoholic beverages from the table. Commissioner Smith noted that the Dan River Company is currently a business located on a state maintained road with a park canoe river access, feels that the music venue would be beneficial to the community and cannot support the motion on the floor at this time.

Ms. Hansel Oakley noted that the heirs of Ms. Flinchum were tired of having everyone trample over their property and the dirt road is not adequate for heavy traffic.

Chairman Inman called the question.

The motion carried 3-2 with Vice Chairman Walker and Commissioner Smith voting against the motion.

Director Sudderth noted that the Board must address and answer each question as a finding of facts for each condition:

Director Sudderth requested each Commissioner to respond to each of the following questions (a-f) as it relates to changing Condition #12.

- To existing condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) **add “Music and theatrical events”**. The applicant stated that he would like to construct a stage on the property to allow these events to take place. *(To my understanding these events would be held to promote his existing business, the Dan River Company.)*

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made.
 - Commissioner Carroll – yes
 - Commissioner Lankford – yes
 - Vice Chairman Walker – yes
 - Chairman Inman – yes
 - Commissioner Smith – yes
- (b) The requested use is essential or desirable to the public convenience or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – yes
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes

Director Sudderth requested each Commissioner to respond to each of the following questions (a-f) as it relates to changing Condition #13:

- To existing condition #13 (No sale of alcohol on the premises) add **“with the exception of a Non-profit 501(c) 3 fundraising event with the sale of alcohol, (beer and wine)”**. *(The applicant stated that he wanted to use these fundraising events to support local charities. He proposes to provide the venue. Mr. Hoskins stated that the non-profit organization would be responsible for obtaining the ABC permit and setting up and staging the event.)*

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made.
 - Commissioner Carroll – yes
 - Commissioner Lankford – yes
 - Vice Chairman Walker – yes
 - Chairman Inman – yes
 - Commissioner Smith – yes
- (b) The requested use is essential or desirable to the public convenience or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – no
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – no
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – no
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – no
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no

- Chairman Inman – no
- Commissioner Smith – no

Director Sudderth requested each Commissioner to respond to each of the following questions (a-f) as it relates to changing Condition #14:

- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to **“6:00 a.m. to 7:30 p.m. or dusk (7) days a week”**. *(During daylight saving time some patrons of the business may be on the river past 7:30 p.m. During the wintertime the business may be opened until 7:30 p.m.)*

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made.
 - Commissioner Carroll – yes
 - Commissioner Lankford – yes
 - Vice Chairman Walker – yes
 - Chairman Inman – yes
 - Commissioner Smith – yes
- (b) The requested use is essential or desirable to the public convenience or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – no
 - Chairman Inman – no
 - Commissioner Smith – no
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes
 - Chairman Inman – no
 - Commissioner Smith – yes
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - Commissioner Carroll – no
 - Commissioner Lankford – no
 - Vice Chairman Walker – yes

- Chairman Inman – no
- Commissioner Smith – yes

Director Sudderth requested each Commissioner to respond to each of the following questions (a-f) as it relates to changing Condition #16.

- Change existing condition # 16 (All signage shall be developed in context with the park theme) to “**All signage shall conform to the standards as set forth in the Stokes County Zoning Ordinance**”. (*Hanging Rock State Park officials have requested that signage for the Dan River Company does not emulate the signs that the park service erects. They’re concerned the public will be confused by similar looking signs.*)

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. (5-0) yes
- (b) The requested use is essential or desirable to the public convenience or welfare. (5-0) yes
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. (5-0) yes
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. (5-0) yes
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (5-0) yes
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (5-0) yes

Mr. Hoskins requested confirmation that the only Condition approved to be changed was Condition #16. Chairman Inman confirmed that the Board only approved Condition #16 so far, unless another motion was made.

Chairman Inman noted that the Arts Council Director Eddy McGee is working on a similar venue in the Town of Danbury.

Mr. Hoskins stated that this would not bring revenue for his business.

Vice Chairman Walker stated that he would like to have seen Condition #12 be postponed until the next meeting in order to see if something could have been worked out and approve Condition #14 - the extended hours of operation.

Mr. Hoskins stated without the extended hours, he would have to call the Sheriff’s Department if customers had not returned by 7:30 pm for a search and rescue.

Chairman Inman replied to Mr. Hoskins that would have to be your prerogative and you also have the prerogative to bring a different proposal to the Planning Board.

Director Sudderth noted that the current hours of operation were not being monitored due to operational hours after 5:00 pm and on weekends, but would address the issue if complaints were received.

PUBLIC COMMENTS

There were no public comments.

Piedmont Triad Seamless Mobility Study

PART Director Brent McKinney briefed the Board on the upcoming PART Transportation, which would start on October 13th in Stokes County. Director McKinney noted that the temporary pickup location would be Calvary Baptist Church, but hoped to be in the permanent location (Old Bojangles) very soon.

Director McKinney noted the Piedmont Triad Seamless Mobility Study is more of a goal than a statement which would be a seamless mobility system in the region.

Director McKinney introduced Project Manager Brian Piascki, URS Corporation, who presented the Piedmont Triad Seamless Mobility Plan.

Project Manager Piascki noted the following regarding the Piedmont Triad Seamless Mobility Study:

- Rising fuel prices and congestion on the roadways are two primary forces increasing public consciousness and concern toward conserving energy, protecting the environment and considering the use of alternative modes of travel
- The ten transit agencies (in nine counties) that serve the Triad are poised to take steps necessary to bring their systems to a point where they form a regional network that is accessible, convenient, and ultimately, a viable option for travel – the first step being to conduct the Piedmont Triad Seamless Mobility Study (PTSMS)
- Primary purpose of the PTSMS is to provide a systematic review of all services and functions provided by the participating transit systems and to identify possible opportunities for consolidation, coordination, and communication among the systems
- Project also includes two other key elements – development of a long range (5-10 years) transit concept plan and an evaluation of potential regional funding scenarios as they relate to the expansion goals for each of the systems
- PTSMS produced approximately 45 recommendations for the systems to continue to work together
- PTSMS was one of the largest Public Transportation Coordination Projects undertaken in the State
- Director David Sudderth served on the Technical Advisory Committee and was a tremendous asset to the study
- Stokes County can help support state legislation to provide funding in order to increase public transportation
- Use of mini vans to provide transportation to PART Express pickups or drive directly to a common location
- Funding and financial assistance will be discussed at a later date

Project Manager Piascki presented the Board with the Executive Summary for their review.

The Board discussed the PTSMS with Project Manager Piascki.

Director McKinney presented County Manager Steen with a proposed Resolution Accepting the Piedmont Triad Seamless Mobility Study and Authorizing Staff to Participate in the Development of the Piedmont Triad Seamless Mobility Work Plan for their review and consideration at a later meeting.

Letter of Support for the Northwest Piedmont Regional Brownfields Coalition

County Manager Bryan Steen provided information regarding a regional Brownsfields Coalition being proposed by the Northwest Piedmont Council of Governments (NWPCOG), which will assist counties in the identification of Brownfields.

NWPCOG would provide the \$1,000 match for Stokes County.

Manager Steen presented the Board with a Letter of Support as required by the Building Reuse and Restoration Program Assessment Grants for the Board's consideration, which is due by October 10, 2008.

The Board discussed the Letter of Support submitted by Manager Steen.

Chairman Inman entertained a motion.

Vice Chairman Walker moved to authorize Chairman Inman to execute a Letter of Support for the Northwest Piedmont Regional Brownfields Coalition. Commissioner Smith seconded and the motion carried unanimously.

Underpinning for Single Wide Mobile Homes

Director Sudderth stated that the Department had received a request to look at different types of underpinning for single wide mobile homes other than what is listed in the Zoning Ordinance.

Director Sudderth noted that the applicant requested whether stucco on metal lathe would be acceptable.

Director Sudderth requested direction from the Board whether they would like further information on the product for consideration as a suitable product for underpinning.

The Board discussed the issue with Director Sudderth.

Chairman Inman, with full consent of the Board, directed Director Sudderth to discuss the issue with the Planning Board first and bring a recommendation back to the Board of Commissioners.

Closed Session

The Board unanimously agreed to defer the Closed Session until Monday, October 13, 2008.

Adjournment

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

Vice Chairman Walker moved to adjourn the meeting. Commissioner Smith seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman