

STATE OF NORTH CAROLINA )  
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COUNTY OF STOKES )  
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OFFICE OF THE COMMISSIONERS  
STOKES COUNTY GOVERNMENT  
DANBURY, NORTH CAROLINA  
JUNE 1, 2010

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday, June 1, 2010 at 7:00 pm with the following members present:

Chairman Jimmy Walker –entered the meeting at 7:10pm  
Vice-Chairman Ernest Lankford  
Commissioner J. Leon Inman  
Commissioner Ron Carroll  
Commissioner Stanley Smith

County Personnel in Attendance:  
County Manager K. Bryan Steen  
Clerk to the Board Darlene Bullins  
Planning Director David Sudderth  
Emergency Services Director Monty Stevens  
Code Enforcement Officer Gary Williams  
Environmental Health Specialist Fletcher Pipes

Vice Chairman Ernest Lankford called the meeting to order.

Vice Chairman Lankford noted that Chairman Walker would be approximately 10 to 15 minutes late for the meeting.

Commissioner Inman delivered the invocation.

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

Vice Chairman Lankford 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**

Vice Chairman Lankford entertained a motion to approve or amend the June 1, 2010 Agenda.

Commissioner Inman moved to approve the June 1, 2010 Agenda as presented.

Commissioner Carroll seconded and the motion carried (4-0) with Chairman Walker absent.

## **PUBLIC COMMENTS**

There were no public comments.

Chairman Walker entered the meeting.

Vice Chairman Lankford turned the meeting over to Chairman Walker.

## **SPECIAL USE REQUEST – CALVARY BAPTIST CHURCH #219 – (Church Cemetery – Offsite)**

## **PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

### **Public Hearing**

Chairman Walker called to order the Public Hearing for Special Use Permit #219 –

Calvary Baptist Church (Special Use Request for Church Cemetery – Offsite)

The following spoke during the Public Hearing:

### **Chris Moore**

3338 Rosebud Road  
Walnut Cove, NC 27052

### **Re: Calvary Baptist Church – Opposition**

Mr. Moore noted the following in opposition to the offsite church cemetery:

- Live directly beside where the church cemetery is planned
- Have been overwhelmed over the location of the cemetery
- Have not had time to discuss the location of the cemetery with church officials
- Can't understand why the cemetery can't be placed on a different location on the 30 acre lot
- Cemetery is planned directly beside his house
- No woods between my house and the cemetery
- Would not be very comfortable sitting on my porch with a funeral in progress
- Not sure of what the church plans to do with the rest of the property
- Request the Board postpone any decision regarding the Special Use Request

**Sherry Moore**  
3338 Rosebud Road  
Walnut Cove, NC 27052

**Re: Calvary Baptist Church – Opposition**

Ms. Moore noted the following in opposition of the offsite church cemetery:

- Would like to have additional time to discuss the location of the cemetery with the church
- Understood the cemetery would be further down the road from their home, not directly beside their home
- Concerned what the placement of the cemetery will do to their property value/resale value
- Concerned with being in the yard and a funeral in progress
- Would hope the placement of the cemetery could be further down the road and not directly beside their house

**Assistant Pastor Scott Vernon**  
**Calvary Baptist Church**  
209 Scenic Drive  
King, NC

**Re: Calvary Baptist Church - Support**

Pastor Vernon noted the following in support of the offsite church cemetery:

- Church has been working on the project approximately 2-3 years
- Property became available when an individual wanted to do something for the church
- Had no idea until the Planning Board meeting that there was any opposition to the location of the proposed cemetery
- Spoke with the Moores after the Planning Meeting and suggested they talk to the Pastor at Calvary
- The Moores have tried to get in touch with the Pastor and he has been unavailable when they called
- Would like to extend apologies to the Moores for not getting back to them
- Pastor was going to call the Moores today before this meeting, but didn't have their telephone number
- Church would be willing to do anything they could such as building a fence, plant evergreen trees, etc. for a buffer
- Cemetery is for members only
- Uncertain of the number of funerals there would be a year
- Funerals usually don't last but about an hour
- No further plans at this time for the remainder of the property
- Stones will be flat markers
- Cemetery will be well maintained
- Reiterated that the church would be more than willing to try to come to some type of resolution with the Moores

Chairman Walker closed the Public Hearing.

## **Presentation Agenda**

Planning Director David Sudderth presented the following information regarding Special Use Request #219 – Calvary Baptist Church – (Church Cemetery–Offsite):

**REQUEST:** Obtain a Special Use permit in the RA (Residential Agricultural) district for a church cemetery-off site for Calvary Baptist Church located in King, NC.

**SITE OWNER:** Calvary Baptist Church

**APPLICANT:** Calvary Baptist Church

**SITE LOCATION:** The property is located on the north side of Rosebud Rd. (SR#1945) approximately .1 mile from the intersection of Rosebud Rd. and NC Hwy 8.

**Map:** 693302

**Parcel:** 6734

**PIN #:** 6933-02-99-6734

**Deed Book:** 604

**Page:** 2198

**Township:** Meadows

### **SITE INFORMATION:**

**PARCEL SIZE:** Total tract 29.74 acres, area proposed for cemetery. 2.047 acres.

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

**PROPOSED USE:** Off- site church cemetery

**FLOOD HAZARD AREA:** Proposed site not located in flood hazard area.

**FIRM MAP #:** 3710692200J

**FIRM MAP ZONE:** Facility located in Zone X - Area outside 500-year floodplain.

**WATERSHED DISTRICT:** N/A

**SEPTIC/WATER APPROVAL:** N/A

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** South Stokes VFD, EMS –Walnut Cove #101

**EROSION CONTROL:** N/A

**ACCESS:** The proposed facility will need to apply to NCDOT for driveway access off of Rosebud Rd. SR# 1945. NCDOT must approve any driveway access to the site.

**SURROUNDING LAND USE:** The surrounding land uses consist of mixed residential development and open land.

### **ISSUES TO CONSIDER:**

- Impact on surrounding development.
- Impact on community infrastructure, traffic, public services etc.

**STAFF COMMENTS:** The proposal includes 324 ten by ten plots located on a 2.047 acre tract which is a portion of a 29.74 acre tract that the church owns. The proposed cemetery site would have road frontage on Rosebud Rd. The proposed site plan meets the requirements for a Church Cemetery Off-site. The staff sees no major issue with the request as presented. Special Use requirements for a church cemetery off-site are shown below.

Planning Director Sudderth noted that the Zoning Ordinance was amended in October 2007 to include offsite church cemeteries. Director Sudderth read the following requirements which apply to offsite church cemeteries:

**Cemeteries (Church-off site)**

- 1) Burial sites, tombstones, crypts, monuments and mausoleums, or other structures must be located at least 30 feet from any public street right-of-way line or abutting property line.
- 2) Burial sites shall be located 100 feet from any surrounding well and 15 feet from any part of a septic system.
- 3) Buildings for maintenance, management of cemetery lots must conform to building type permitted in the zoning district. The owners of the property, and their agents, heirs or assignees shall be responsible for the continual maintenance and up keep of all facilities and grounds.
- 4) The proposed use shall be located on a tract no less than one (1) contiguous acre exclusive of transportation easements and rights of ways.
- 5) A plat shall be recorded with the Register of Deeds naming the cemetery and describing the location of the burial site(s).

Director Sudderth noted that the Board can add additional requirements to the Special Use Request.

The Planning Board did not see any issues with the location of the offsite cemetery.

The Planning Department has received only one inquire about the Special Use Request and had no issues after explanation of the planned use.

Director Sudderth noted that there is a resident who lives on part of the property and has lifetime rights to the live on the property until his death.

Planning Director Sudderth noted the following criteria for the issuance of a Special Use Permit:

REQUIREMENTS FOR ISSUANCE OF SPECIAL USE PERMIT

**136.1 Intent of Special Use District**

The development and execution of this Ordinance is based upon the division of the County’s jurisdiction into districts where the use of the land and buildings and structures in relation to the land are substantially uniform. It is understood that certain uses which because of their unique characteristics, are not easily classified into any particular zoning district or districts.

In this situation, individual consideration for each case must be taken to determine the impact of those uses upon surrounding land and the public need for that particular use in that specific location. In these situations, a special use permit must be obtained.

### **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 the following Planning Board recommendation:

- The Planning Board by a vote of 6 to 0 recommended approval of Special Use Request # 219 for a Cemetery (Church off-site) for Calvary Baptist Church.

### **Discussion Agenda**

The Board discussed the item with Planning Director Sudderth.

Vice Chairman Lankford questioned if the requirement of flat stones was recorded on the deed. Assistant Pastor Vernon noted that he was unsure if it was included in the deed, but was certain it was in the church bylaws.

Vice Chairman Lankford confirmed with Assistant Pastor Vernon that the church would have no problems with placing a buffer between the properties.

Commissioner Inman confirmed with Assistant Pastor Vernon that the church currently has no other plans for the property.

Commissioner Inman confirmed with Director Sudderth that this Special Use Permit was consistent with similar other Special Use Permits approved by the Board.

Assistant Pastor Vernon stated that all those who looked over the property agreed the proposed location was the perfect place on the property for the cemetery.

### **Action Agenda**

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

#### 136.8 Action by the Responsible Body

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. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (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. Yes (5-0)
- (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. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (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. Yes (5-0)

Chairman Walker entertained a motion.

Commissioner Smith moved to approve the Special Use Permit for Calvary Baptist Church for an offsite church cemetery (#219). Commissioner Carroll seconded the motion.

The Board continued discussion regarding the conditions.

Commissioner Carroll requested a buffer of some sort be included in the requirements.

Vice Chairman Lankford requested the church's requirement to use flat markers be included in the deed.

Commissioner Carroll noted that the use of flat markers could be included in the requirements but not on the deed.

Director Sudderth noted that the church would not be required to do a deed, but would be required to record a plat which the requirement of flat markers could be placed on.

The Board discussed amending the motion to include Leyland Cypress trees being placed on the western side of the parcel where the proposed cemetery is to be located which would serve as a buffer between the property and the Moore's house and the requirement of flat markers be placed on the plat before recording.

Assistant Pastor Vernon agreed to both added conditions.

Commissioner Smith amended his motion to include the placement of Leyland Cypress trees being placed on the western side of the parcel where the proposed cemetery is to be located which would serve as a buffer between the church property and the Moore's property not to extend into the line of site of traffic and the requirement of flat markers be placed on the plat before recording.

Commissioner Carroll seconded and the amendment carried unanimously.

Chairman Walker read the amended motion:

- To approve the Special Use Permit for Calvary Baptist Church for an offsite church cemetery (#219) with added conditions of placing Leyland Cypress trees on the western side of the parcel where the proposed cemetery is to be located which would serve as a buffer between the church property and the Moore's property not extending into the line of site of traffic and the requirement of flat markers be placed on the plat before recording.

The amended motion carried unanimously.



**GENERAL GOVERNMENT –CHANGE OF CONDITIONAL USE REQUEST#220 ON  
CONDITIONAL USE PERMIT #146 (issued on April 1, 2003**

- To existing condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) add “Restaurant”.
- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “expand hours of operation to 10:00 p.m.”

**PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

**Public Hearing**

Chairman Walker called to order the Public Hearing for the Change of Conditional Use Request #220 on Conditional Use Permit #146 issued on April 1, 2003– David Hoskins: (Request for the following changes to Conditional Use Permit #146):

- To existing condition #12 (Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar/coffee shop) add “Restaurant”.
- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “expand hours of operation to 10:00 p.m.”

The following spoke during the Public Hearing:

**Olivia N. Shelton**

602 N Main Street

Danbury, NC 27016

Re: **Support of Changes to Conditional Use Permit #146**

Ms. Shelton read a letter in support of economic development through a new dining opportunity in Danbury from Steve Shelton who was unable to attend the meeting. (Ms. Shelton stated she is also in support of the new dining opportunity in Danbury)

Mr. Shelton included in his letter the following:

- Dave Hoskins has a special niche in the county’s tourism
- Dave Hoskins has proven himself to be a responsible businessman, one who follows the rules and ask permission or gets the proper permits before moving forward with a project
- Dave Hoskins has invested his time, money and energy into providing a top notch river business which is an asset not only to Danbury but to Stokes County
- Dave Hoskins desires to establish a restaurant at his canoe/kayak livery on Flinchum Road which would probably have clientele that are likely environmentally conscious, upwardly mobile, and have the resources and desire to spend money

- Dave's restaurant would offer a different kind of dining experience while being a great asset to Danbury and the northern and central part of the County

**David Hoskins**

621 Main Street

Danbury, NC

**Re: Approval for changes to Conditional Use Permit #146**

David Hoskins presented the following information regarding his request:

- Owner and Operator of Dan River Company – Canoe/Kayak Rental and Sales in Danbury
- Dan River Company will be celebrating its 10<sup>th</sup> year anniversary in September 2010
- Dan River Company estimates that the company has welcomed more than 35,000 people to Danbury and Stokes County
- Requesting to add a restaurant to the existing Conditional Use Permit
- Clientele should bring sales tax dollars into Stokes County as well as possible investments
- Adding restaurant to supplement income in order to continue to operate a canoe and kayak business in Stokes County
- Dan River Company will employ only Stokes County residents
- Dan River Company will be buying produce and products from local growers and distributors
- Estimated \$250,000 has already been invested in the Dan River Company
- Estimated to spend an additional \$50,000 for renovations if the changes to the Conditional Use Permit is approved
- Offering a new and unique opportunity to have dinner in Stokes County
- Presented a letter from Captain Mike Marshall of the Stokes County Sheriff's Department stating that the department has never had any issues or concerns with Mr. Hoskins's operation of his present business

**Dale Swanson**

1105 Flinchum Road

Danbury, NC

**Re: Support of Changes to Conditional Use Permit #146**

Mr. Swanson stated the following:

- Lives directly across from the Dan River Company
- Have had no issues with the operation of the Dan River Company
- Sons work for the Dan River Company
- Provides an appropriate and much needed avenue for citizens to get acquainted with the river
- River provides an excellent recreational opportunities
- Supports the changes to Conditional Use Permit #146

Chairman Walker closed the Public Hearing.

**Presentation Agenda**

Planning Director David Sudderth presented the following information regarding the

Change of Conditional Use Request #220 on Conditional Use Permit #146 issued on April 1, 2003–

David Hoskins:

**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 “Restaurant”.
- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “expand hours of operation to 10:00 p.m.”.

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

**APPLICANT:** David Hoskins

**BUSINESS NAME:** Dan River Company

**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.
- Economic impact

**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 since 2003. We have had no problems or complaints concerning this business. You may discuss the proposed changes in detail. 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 “Restaurant”.
- Change existing condition # 14 (Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week) to “expand hours of operation to 10:00 p.m.”.

The applicant’s proposal for a restaurant is a request to expand the existing snack bar/coffee shop to be able to serve meals. The original use of this structure was for a restaurant. To maintain the existing business, the Dan River Company, the Stokes County Health Department Environmental Section has determined the existing septic system is suitable to accommodate a restaurant for (17) people. That is seventeen patrons including staff. The addition of a restaurant will be supplemental to the existing business. General requirements for a restaurant in the H-B (Highway Business) zoning district are shown below.

**Restaurants, including drive-in restaurants.**

- 1) Outdoor lighting associated with the use shall not shine directly into yards or windows of a residential structure.
- 2) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.

The applicant will be required to provide a paved handicapped parking space accessible to the main entrance. The current parking is not paved and is unmarked. Parking requirements for the business are as follows. Standard parking spaces have a required dimension of 9ft. by 18ft

Restaurants, Indoor: One (1) space for each three (3) seats or stools, plus one (1) space for each two (2) employees on the shift with the largest employment.

**Retail Business and Consumer Service Outlets** One (1) space for each 200 square feet

The request to expand the existing conditional use permit to include a restaurant does not substantially increase the impact of the business on the surrounding area due to the limited number of seats available. The business already offers seating for a snack bar and coffee shop. The ability to serve cooked food should not pose a problem. Serving an evening meal prompted the request for expanding the hours of operation to 10:00 p.m. to allow time for later dining and for cleaning up the facility. If approved the applicant would need to meet all the requirements of the Stokes County Health Department Environmental Health Section concerning restaurant rules. Other regulations concerning building codes and zoning must also be met.

When the project was approved on April 1, 2003 by the Stokes County Board of Commissioners with the following conditions attached to the permit.

### **Existing 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.
10. 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.
11. 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.
12. 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.
13. Use is for Canoe & Kayak Rental & Sales and associated sporting goods with a snack bar / coffee shop.
14. No sale of alcohol on the premises.
15. Operating hours from 6:00 a.m. to 7:30 p.m. (7) days a week.
16. Additional lighting attached to building.
17. All signage shall be developed in context with the park theme.
18. Or any other condition that the Boards may deem necessary at the time the project is approved.

The Planning Board voted 8 to 0 at the March 27, 2003 meeting to approve recommendation of the following conditions. The applicant agreed to the stated conditions.

The Board included the following to the Planning Board's recommended conditions:

- Add - post signs on the premises concerning the consumption of alcohol
- Restrooms must left opened to public during business hours

Mr. Hoskins agreed to the additional conditions.

Director Sudderth noted the following recommendation from the Planning Board:

- The Planning Board by a vote of 5 to 1 recommended approval of the change of Conditional Use Request # 220 to add “Restaurant” as an additional use and to expand hours of operation to 10:00 p.m.

Director Sudderth noted that if the request receives a favorable recommendation, additional conditions may be placed on the permit to satisfy any additional requirements that the Board may feel necessary. These conditions would be added to the original conditions that were approved on April 1, 2003 by the Stokes County Board of Commissioners.

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

Prior to the granting of any conditional 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 conditional use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 132.5 above. In all cases in which conditional 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 Department had received no complaints regarding Mr. Hoskin’s current business and the Mr. Hoskins always obtains the proper permits before starting any projects.

Director Sudderth noted that the 20 conditions approved on April 1, 2003 remain in effect and the impact of a 17 seat restaurant in the area would not pose a major impact on the community and sales tax revenue would bring dollars to Stokes County.

Director Sudderth noted that Zoning Officer Gary Williams, Environmental Health Specialist Fletcher Pipes, and EMS Director Monty Stevens were in attendance for the meeting tonight if the Board had any questions.

### **Discussion Agenda**

The Board discussed the request with Director Sudderth.

Commissioner Inman confirmed with Director Sudderth that the conditions approved on April 1, 2003 are not proposed to be changed, only adding "Restaurant" as an additional use and to expand hours of operation to 10:00 p.m.

Director Sudderth noted that the department has not received any opposition from the public regarding the proposed changes. Chairman Walker noted that he had received a call in support of the request.

Vice Chairman Lankford commended Mr. Hoskins regarding the type of business he has operated since April 2003 which has been an asset for the county.

Vice Chairman Lankford requested the Board discuss the condition added by the Board in April 2003 which required Mr. Hoskins to post signs on the premises concerning the consumption of alcohol.

Mr. Hoskins recalled that at that time the Board was concerned with the dangers of consumption of alcohol on the river and throwing trash in the river. Mr. Hoskins stated that when he inquired about what kind of signs to post, the Board did not give any specific requirements about size wording, etc. Mr. Hoskins stated that signs were placed at the entrance and in the changing room that reads "we do not condone the use of alcohol on the river" and staff has been instructed to notify management if someone appears to be under the influence of alcohol that wishes to rent a canoe/kayak, that person is exempted from paddling on the river. Staff tries to make sure that customers are aware of the dangers of the river and consumption of alcohol on the river is a bad idea.

Vice Chairman Lankford requested to clear up the wordage concerning no consumption of alcohol on the premises.

Mr. Hoskins stated that he could not agree to that condition as that would prevent him or his personal guests after a long hard day from sitting down and consuming a beer if he so desired on his own back porch. Mr. Hoskins also stated that as a citizen it is his right to be able to consume a beer on his own property.

Mr. Hoskins stated that Mr. Sudderth and Mr. Williams have already informed him that state law prevents serving or allowing customers to bring alcohol on the restaurant premises.

Director Sudderth clarified that the actual permits of on premise consumption to sale alcohol have been taken care of with condition #14 “No sales of alcohol on the premises”. Mr. Hoskins will not qualify for a permit to sale alcohol which is approved by Planning Department personnel – David Sudderth or Gary Williams along with Alcohol Beverage Control.

Director Sudderth stated that Mr. Hoskins does not qualify for a brown-bag permit which allows someone to bring fortified wine, being any wine (with the content of alcohol between 16-24%) and spirituous liquors on the property. There is no law against someone bringing beer or un-fortified wine (under 16% alcohol content) on the premises with permission from the property owner.

Director Sudderth reiterated that consumption of un-fortified wine and beer can be granted by Mr. Hoskins based on the current conditions. Consumption of un-fortified wine and beer on the property would have to be taken care of under the Condition Use Permit and not through Alcohol Beverage Control. State law requires that the restaurant have at least 36 inside seats to qualify for the sale of alcohol.

The Board discussed other restaurants in the county that serve beer and wine.



## **Action**

Director Sudderth noted that in approving a Conditional Use Permit, the Board should follow these guidelines, 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 Conditional Use following the public hearing. In granting a Conditional Use Permit, the responsible body shall insure:

- (a) The requested use is listed among the special uses in the district for which application is made. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (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. Yes (5-0)
- (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. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (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. Yes (5-0)

Chairman Walker entertained a motion.

Commissioner Smith moved to approve the changes of Conditional Use Request #220 on Conditional Use Permit #146 to add "Restaurant and to expand the hours to 10:00 pm".

Commissioner Inman seconded and the motion carried unanimously.

Mr. Hoskins expressed his appreciation to the Board regarding the approval of the changes and noted that he had six chefs from the top restaurants in the triad who will be bringing clientele on Wednesday and Thursday nights and cooking for residents in Stokes County.

**Planning Board Work Session**

Director Sudderth noted that the Planning Board would be holding a work session on Thursday regarding changes to temporary uses regarding turkey shoots which could be coming to the Board at the August meeting.

**Adjournment**

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

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

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

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**Jimmy Walker**  
Chairman