

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The regular meeting of the Dare County Planning Board scheduled for October 10, 2016 was postponed due to Hurricane Matthew and took place on **Tuesday, October 18, 2016**. The meeting was held in Room 238 of the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER**                      6:00 pm

**MEMBERS PRESENT**            John Finelli, Chairman  
   Michael Barr                      Jeff Landreth  
   Terry Gore II                      Charles Read, Jr.

**MEMBERS ABSENT**            Beth Midgett                      David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 12, 2016 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

***Amendment to C-2 Zoning, Request to add Indoor Recreational Activities, 40194 Tuna Terrace Lane, Woodcat LLC***

David Perez was present on behalf of Woodcat, LLC.

Noah Gillam said Mr. Perez would like to add Indoor Recreational Activities to the list of uses allowed in C-2 zoning. The C-2 district, found in Avon and Buxton, is intended to provide development of commercial facilities to serve both residents and visitors. The board was provided the definition of Indoor Recreation Uses as found in the Dare County Zoning Ordinance along with the list of uses included. The applicant has retail space that he plans to renovate if the text amendment is approved.

There are three policies under Commercial Development in the 2009 Dare County Land Use Plan that pertain to the proposed amendment. Policy #5 encourages the continued existence of locally-owned businesses. Policy #6 addresses the scope of commercial development and use of gross floor area to manage the size of commercial development. Policy #7 encourages design standards to reflect the coastal village atmosphere of Dare County. The proposed amendment may be compatible with these policies.

Chairman Finelli asked what type of indoor recreation Mr. Perez would plan to have at the site. Mr. Perez said he would like to provide something similar to his facility in Kill Devil Hills. Mr. Perez is considering adding an arcade, bouncy house, laser tag, and miniature golf.

Chairman Finelli asked if we should change the current list of uses for Indoor Recreation Activities in this text amendment. Mr. Perez said he could narrow down the list of uses if necessary. After discussion, it was decided to include all indoor recreational uses as currently listed in the Dare County Zoning Ordinance and see what the response is at the public hearing.

Terry Gore and Charles Read both reported having positive experiences with their families at the facility owned by Mr. Perez in Kill Devil Hills.

Terry Gore made a motion to schedule a public hearing for the proposed C-2 Zoning Amendment on November 14, 2016 at the Dare County Planning Board meeting.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

***Conditional Use Permit Request to Operate a Restaurant at 2141 Colington Road, Joseph Jones Jr.***

Christine Jones was present on behalf of the property owner as well as Michael Strader of Quible and Associates.

Noah Gillam said a site plan was submitted for a proposed Coffee Shop at 2141 Colington Road. The property is zoned VC-2 which allows restaurants as a conditional use. Quible and Associates have provided an updated site plan to the Board this evening in response to staff comments from the original site plan. There has been a

new ruling by the Division of Coastal Management that removes the requirement of a 30' buffer. This ruling allowed the applicant to make improvements to the attached deck and to the proposed parking area. Hours of operation will need to be discussed.

Michael Barr said if the seating is inside, what is the purpose of the large outdoor deck? Christine Jones, the property owner's daughter, said the plan is to have mostly a take-out business. They want room for people to enjoy their coffee inside and outside but do not plan to have seating outside. The Board informed Ms. Jones that the number of seats will need to remain the same even if some of those seats are brought onto the outside deck during the summer. Chairman Finelli verified that no additional seats are required for a take-out business. Jeff Landreth asked if alcohol will be sold at the restaurant and Ms. Jones said it will not.

Chairman Finelli said there was a proposed deck previously outside the setback area that has been removed on the revised site plan. Michael Strader said the new ruling by the Division of Coastal Management allowed the site to be redesigned so all of the proposed improvements are conforming now. There will be no need for vehicles to back out onto Colington Road when exiting the property.

Ms. Creef said the Division of Coastal Management is not requiring the 30' buffer because they have changed their interpretation regarding the ditch along the back of the property. It is no longer considered to be "jurisdictional waters". There will not be any boats in the ditch so the ruling has been revised.

Christine Jones told the Board their plan is to begin the business as a coffee shop with limited hours and eventually expand the hours to include ice cream sales. Ms. Jones was advised to ask for the increased operating hours as part of her conditional use permit to avoid the need to amend the permit. The operating hours will be 6 a.m. until 10 p.m., seven days a week. This matches the current operating hours for a neighboring business in the area.

Terry Gore made a motion to recommend approval of the conditional use permit with the hours of operation to be 6 a.m. until 10 p.m., seven days a week.

Jeff Landreth seconded the motion.

Vote: Ayes – Unanimous

This request will be considered at the Board of Commissioners meeting on November 7, 2016.

***Subdivision Review, Buxton Fire Prevention Association Inc., Two Lot Subdivision, 47108 NC 12 Highway, Buxton***

Jarvis Williams was present on behalf of the Buxton Fire Prevention Association.

Donna Creef said the Buxton Fire Department has been working to build a new fire station in Buxton for some time. The adjoining property owner plans to subdivide and provide an easement to the Buxton Fire Department. The plat indicates a 20' easement that widens to a 30' easement. The subdivision ordinance says 20' easements will only be used in conjunction with exceptions to the subdivision ordinance. The 20' easement may not be appropriate.

Jarvis Williams said the Buxton Fire Department is interested in Parcel 1B. There is a 30' easement indicated that reduces to 20'. The 20' easement exists now. If Ms. James, the adjoining property owner, wants to develop the site later, she can add 10' to the easement. The 30' easement is indicated on Parcel 1B to make it clear there is access to parcel 1A.

Donna Creef asked if there are existing improvements on Parcel 1B. Jarvis Williams said they have all been removed.

Michael Barr said the property north of the existing fire department property and west of Parcel 1B needs to indicate the property owner's name. Jarvis Williams said the property owner is Steve Crum.

Michael Barr said there are clarifications that need to be made to the plat. The easement may be drawn correctly but is not labeled correctly. Chairman Finelli said it needs to be stated who has the right to use the easements. Chairman Finelli asked if there is a paving requirement. Jarvis Williams said only the portion on the Fire Prevention Association property, Parcel 1B, is required to be paved. Donna Creef said a note can be added that future development of Parcel 1A may require additional road improvements.

Michael Barr made a motion to approve the proposed subdivision subject to the following:

- Plat easements will be labeled as "Existing" and "Proposed".
- Adjoining property owners will be identified on the plat.
- A note will be added to the plat indicating that any future division of Parcel 1A may require additional road improvements.

- Information on which property owners have the authority to use the easements will be provided to the Planning Department.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

***Preliminary Plat Review, Black Duck Shoals, Twelve Lot Subdivision, Wanchese***  
Jay Overton of Albemarle and Associates was present on behalf of the property owners.

Donna Creef said this is the preliminary review of a proposed twelve-lot subdivision named Black Duck Shoals. The subdivision is located on an island in the Wanchese tax district. There are two structures currently on the island. Access to the island is via boat only and no utilities are provided on the island.

Jay Overton said he received the staff comments and will add notes to the plat as indicated. Cross Trail Outfitters operate summer camps at the island and the plan is to give the improvements to Cross Trail Outfitters when done.

Terry Gore made a motion to approve the proposed subdivision with the addition of a note indicating no utilities are provided on the island and a note indicating that CAMA and Dare County construction permits will be secured before beginning any construction.

Michael Barr seconded the motion

Vote: Ayes – Unanimous

## **OTHER BUSINESS**

None

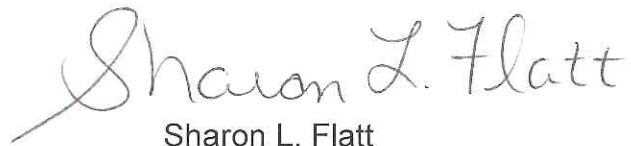
## **ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Charles Read.

Vote: Ayes – Unanimous

The meeting adjourned at 6:50 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: November 14, 2016



John Finelli  
Chairman, Dare County Planning Board