

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 9, 2014. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT	Elmer R. Midgett, Jr., Chairman	John Finelli
	Michael Barr	Dan Oden
	Beth Midgett	David Overton

MEMBERS ABSENT Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 12, 2014 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Public Hearing: Text Amendment to the SP-C Zoning District to Allow Breweries as a Conditional Use

One person spoke at the public hearing. Paul Charron, applicant and owner of the Full Moon Café and Brewery in Manteo, addressed the Planning Board. His brewery operation has outgrown the Manteo location. Stumpy Point has a water system, a wastewater system, and a property for sale that is ideal for a small brewery. The wastewater would go through two systems, one would be the brewery's and the other would be the county's. His business produces a solid waste which is then used to make fertilizer, feed for livestock, and dog biscuits. Proceeds from the sale of the dog biscuits are donated to the SPCA.

Donna Creef spoke next. She reminded the Planning Board that this text amendment will apply to all properties with SP-C zoning. Ms. Creef included a draft text amendment in her information to the board. Any site-specific conditions would be discussed later if Mr. Charron applies for a conditional use permit. Mr. Charron will need to speak with county staff to be

sure they can accept the brewery influent into the county wastewater system. The email from the water department indicates that the brewery will need to have some type of primary wastewater treatment on the site. If the text amendment is approved, it is incumbent on Mr. Charron to work with county staff regarding water demands and wastewater loads.

Most of the SP-C zoning occurs along Highway 264 with some smaller pockets along Bayview Drive. Ms. Creef's draft amendment states that breweries shall be located on Highway 264. She included the commercial and industrial development policies from the Dare County Land Use Plan in her information to the board. The brewery encourages the development of locally owned businesses and there are policies in the Land Use Plan applicable to this.

Mr. Finelli and Ms. Creef discussed providing a definition for a brewery. Ms. Creef recommended the total annual production be included as part of the definition. Mr. Charron said this will be very small - a nanobrewery. A barrel of beer is 31 gallons and they will brew less than 10 barrels at a time. They may grow but probably will not produce more than 1,000 barrels a year and it would be a hope or dream to produce 3,000 barrels a year. Mr. Finelli said the State of North Carolina statutes reference a "Brewery Permit" which allows 25,000 barrels. Mr. Charron said the state encourages small breweries and their taxes are lower but regional breweries located in North Carolina exceed 25,000 barrels annually. He believes they are subject to different tax laws. Mr. Barr said the amount of influent produced, as well as the maximum square footage allowed for the building, will also limit beer production. Ms. Creef said in keeping with the smaller commercial area in Stumpy Point, a limit of 10,000 barrels annually may work best.

Mr. Oden asked if the brewery would be required to have a brewery permit from the State of North Carolina. Mr. Charron replied that first they must have a permit from the federal government. After the federal permit is acquired, they apply for a permit from the state. The state generally follows course with the federal permit but will add taxes and local government compliance conditions to their permit.

Elmer Midgett asked about beer sales at the site. Mr. Charron said the plan is to not have any drive-up or bar business. Beth Midgett said Stumpy Point becomes very popular when emergency ferry services are operating and the brewery may be discovered during those times. Mr. Charron may want to address retail sales issues during the conditional use permit process.

Elmer Midgett and Donna Creef discussed the text amendment in that it should include a definition requiring applicable licensing, a maximum of 10,000 barrels produced annually, and

additional language in the draft addressing compliance with the central wastewater system. Mr. Finelli and Mr. Barr asked that the 80,000 square feet maximum lot size be removed from draft text amendment (9) a.

Dan Oden made a motion to recommend approval of the proposed draft SP-C text amendment subject to the following:

1. Add a brewery definition which includes a cap of 10,000 barrels produced annually and requires a brewery permit issued by the State of North Carolina.
2. Remove the final sentence of subparagraph (9) a. which references maximum lot size.
3. Add condition (9) e. requiring compliance with all rules and regulations associated with the connection to the Stumpy Point Wastewater System.

This motion also includes a finding of consistency with the policies of the Dare County Land Use Plan, specifically policy LUC 5 which encourages locally owned businesses.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

Preliminary Plat Review, Etheridge Acres Parcel 3 Subdivision, Manteo

Derek Hatchell, applicant, and Michael Strader and Warren Eadus, both of Quible and Associates, P.C. were present at the meeting.

Ms. Creef provided the board copies of a sketch plan showing the location of houses referenced in staff comments. Mr. Strader has also provided a copy of the Sedimentation and Erosion Control Permit as well as copies of the revised covenants and revised plat. No official action was taken when the sketch plan was previously submitted because the stormwater permit had not been applied for. A copy of their Stormwater Management Permit and the accompanying plan has been submitted to Dare County. They have also obtained a Wetland Filling Permit. All of the lots include 15,000 square feet exclusive of wetland soils.

Donna Creef made the following remarks regarding the preliminary plat and covenants:

- Any preliminary plat approval should include a condition for the installation of the driveway improvements for lot 9 and state that no staging of equipment shall occur along Payne Road.
- The problems with the covenants which were outlined in the staff comments provided to the board have been corrected in the revised covenants.
- There is not a dumpster site on the preliminary plat.

- The street name needs to be chosen.
- The road is a 45' right-of-way, will have 20' of paved improvement, has been designed by Mr. Strader, and a letter certifying the design meets NCDOT standards has been provided to the Planning Department.
- The road will be maintained by the homeowner's association and property owners until it is taken over by the state.
- The sketch plan shows the footprint of the structures to be located on the lots as some lots have unusual configurations, particularly lots 7, 9, and 10.
- There is an existing structure on lot 2.
- Lot 9 needs to show the minimum lot width.
- The Fire Marshal is satisfied with the layout of the street and proposed fire hydrant.
- The waterline on Joclar Lane runs to the waterline at the airport and there is no plan to loop the line on Joclar to the new subdivision road. It is not required.

Mr. Strader provided copies of revised plats and covenants to the Planning Board.

Mr. Finelli asked if the structure on lot 2 faces Payne Road and Mr. Strader said it does. Mr. Finelli asked if the structure on lot 2 is removed and replaced with a new one, could the new structure face the new subdivision road. Ms. Creef said the setbacks are compliant for the existing structure but if it is demolished, setbacks would be established for the new structure and it may be possible to have it face the new road.

Derek Hatchell told Ms. Creef the street name will be Etheridge Acres. Ms. Creef will check to see if there is any conflict with that choice.

John Finelli made a motion to grant preliminary plat approval subject to the following:

1. The street name shall be shown on the final plat.
2. Should the house on lot 2 remain, the front yard setback shall be shown off of Payne Road.
3. Driveway improvements for lot 9 will be constructed at the time of the road improvements.

David Overton seconded the motion.

Vote: Ayes – Unanimous

NEW BUSINESS

-None-

OTHER BUSINESS

-None-

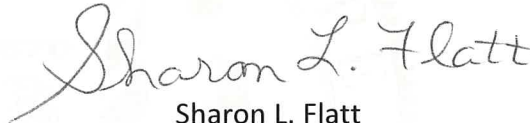
ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett and seconded by Michael Barr.

Vote: Ayes – Unanimous

The meeting adjourned at 7:52 p.m.

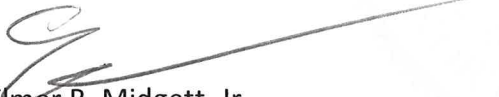
Respectfully Submitted,



Sharon L. Flatt

Planning Board Clerk

APPROVED:



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board