

NEW BUSINESS

John Harris – Rodanthe – Conditional Use Permit Application

Mr. John Harris was present for the review of this application. In addition, present, representing the applicant was Mr. Eddie Valdivieso of Quible and Associates, Inc.

Senior Planner Donna Creef presented staff comments. She told the Board that revisions have been made to the site plan to decrease the size of the retail structure. The site is zoned S-1. The S-1 regulations preclude the development of structures in excess of 20,000 square feet of area. Mr. Harris proposes the construction of a commercial group development in Rodanthe. The buildings are proposed to be connected by decking. Mrs. Creef stated the Board would need to discuss whether the connection of the buildings complies with the S-1 language. Mrs. Creef informed the Board of a meeting conducted with Ray Sturza, Marcia Parrott and Chairman Midgett regarding the site plan and whether this connection of the decking complied with the intent of the S-1 language. She stated it was the consensus that the decking as depicted does not meet the intent of the S-1 language and that area should be free and clear of structural improvements. She stated that section 22-31 of the Dare County Zoning Ordinance that establishes a 20-foot separation would also apply.

Comments from the Fire Marshal indicate that the walkway as proposed gives them more square footage than when originally proposed as one building. He further stated that it is his interpretation that this proposal to connect the buildings with a covered deck/walkway would require the installation of a sprinkler system. He further commented that it would be best if there were no connection for fire fighting purposes.

Mrs. Creef identified the following issues for the Board's discussion:

1. FLOOR AREA LIMITS – Mrs. Creef pointed out that in May 2002, the Dare County Board of Commissioners adopted floor area limitations for all commercial zoning districts including the S-1 district. These regulations limit the total floor area to 20,000 square feet of area excluding decks and porches. She stated that language also restricts the use of non-heated spaces from being used as retail display area and other commercial uses.
2. RESTAURANT - Mrs. Creef requested clarification on whether the 74 proposed seats will be indoor seating or outdoor seating so that the required parking can be calculated correctly. She further stated that if the number of seats exceeds 75, the applicant would be required to come back to the Board for an amendment to the Conditional Use Permit.
3. WATERSPORTS RENTALS –
 - a. Conditions pertaining to the hours of operation, a “No Wake” or idle zone for the operation of personal watercraft, area of ticket sales, and specific equipment storage areas will need to be identified.
 - b. The exact nature of the gazebo depicted should also be disclosed. Mrs. Creef stated conversation with Dare County CAMA Permit Officer, Mr. Jim Meads

indicated that the gazebo is not a water related structure, and regardless of its nature, cannot be located within the 30 foot buffer with out a CAMA permit.

- c. A delineated operational area for watercraft operations marked by buoys in the Pamlico Sound would reduce the likelihood of conflicts with net fisherman and other water activities.
 - d. The number and type of non-motorized and motorized watercraft proposed for the site.
4. SITE IMPROVEMENTS
- a. Mrs. Creef stated a visual buffer is not required since the adjoining uses are also commercial. She stated that Mr. Harris may choose to buffer his site and suggested a vegetation or fence and asked that he not use the kite-boards or other items as a buffer along the side property line.
 - b. Lighting - The ordinance does not require detailed lighting. Mrs. Creef recommended the submission of lighting information specifying the type of pole, height and wattage.
 - c. Signage - The site plan does not depict the proposed location of the freestanding sign. Mrs. Creef noted that no temporary sign such as A-frame or sandwich board sign will be permitted on the site. Wall signs and flags will be permitted according to the Dare County Sign Ordinance. Specific language has been included in the draft CUP for this.
 - d. Parking dimensions should indicate 10 x 20.
 - e. The plan depicts a 10 X 24 dumpster pad adjacent to the restaurant. This seems insufficient for the size of the restaurant and all of the retail spaces of the other buildings.
 - f. A NCDOT driveway permit will be needed.

5. UTILITIES

- a. Water will be provided by Dare County.

Given the number of issues identified for resolution, staff urged a cautious approach and review of this site plan and Conditional Use Permit application.

Mrs. Creef suggested that the Building Inspector be consulted to see what the Fire Code and the Building Code says and will consult with the County Attorney on the interpretation of Section 22-31.

Mrs. Creef also stated that the provision of restroom facilities needs to be addressed.

Mr. Harris addressed issues identified by Mrs. Creef in a fax dated May 10, 2004. He stated that his plan is to cater primarily to kite boarding enthusiasts. He stated that he plans to have the following for rentals:

1. Kite boarding gear (estimate 6 units)
2. Personal watercraft (estimate 8 units)

In reference to storage areas, Mr. Harris stated that the kite boarding equipment would be stored underneath the retail building on the west side. The personal watercraft will be stored on the

floating dock. Kayaks will be stored in a rack at the north end of the sound side retail building adjacent to the deck.

Ticket sales will be done from the retail store on the sound side. In peak season, the gazebo may be used for rentals.

Mr. Harris stated that his current plans for hours of operation for personal watercraft and other rentals is 8:00 am to 6:00 pm. He stated he might offer sunset kayak tours and boat tours in the future. An area of operations will be delineated for the personal watercraft, and an idle zone or low speed zone will be established. A channel 50' wide with no water to 200' from the shoreline will be established with a 4000' square foot operating area.

After a lengthy discussion of items identified by Mrs. Creef, the Board concurred the following:

1. Up to eight units on the personal watercraft on site, but no more than six would be operational at one time. One monitor (staff) will be permitted.
2. No ticket sales from the gazebo.
3. Motorized watercraft will operate from 10 am – 6 pm.
4. Idle zone will be 300 yards on the No Wake Zone.
5. The Board concurred that eliminating the decking between the two buildings, continuing a covered porch in front of each of the separate buildings would be a better alternative.

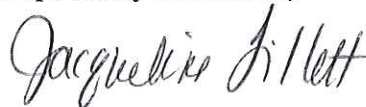
Board considered this item a sketch plan; no action taken. This item will be included on the June 14, 2004 agenda.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: June 14, 2004



Elmer R. Midgett, Jr., Chairman
Dare County Planning Board