

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, May 12, 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** John Finelli Dan Oden  
Michael Barr David Overton  
Richard "Ricky" Scarborough, Jr.

**MEMBERS ABSENT** Elmer R. Midgett, Jr., Chairman  
Beth Midgett

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the April 14, 2014 meeting of the Dare County Planning Board, David Overton made a motion to approve the minutes as submitted. Dan Oden seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

***Paul Charron, Full Moon Café, Application for Text Amendment to SP-C Zoning to Add Brewery as a Permitted Use***

Paul Charron was present at the meeting.

Donna Creef told the board Mr. Charron is requesting a text amendment to the Stumpy Point Commercial (SP-C) zoning to add breweries as a permitted use. Mr. Charron operates a restaurant with a small micro-brewery in downtown Manteo. He found a site in Stumpy Point to expand his brewery. Most SP-C zoning is along the highway and some is located along Bayview Drive. If adopted as a permitted use, the site is subject to review by Ms. Creef but if adopted as a conditional use this would be subject to review by the Planning Board and the

Board of Commissioners with the option of adding appropriate and reasonable conditions to the site. Ms. Creef recommended the board conduct a hearing on this before making a recommendation to the Board of Commissioners.

Paul Charron spoke next. He owns the Full Moon Café in downtown Manteo and added a brewery as part of their restaurant three years ago. He would like to begin distributing their beer to other restaurants on the outer banks. A brewery requires water and wastewater systems. Both are available in Stumpy Point. The site he is interested in has a building that is ideal for a brewery and two septic tanks which are necessary to treat the wastewater. The wastewater sent to the municipal system is very light, all biological, and has most yeast and grains removed.

Donna Creef asked Mr. Charron what type of production he is anticipating. Mr. Charron said production is referred to by 31-gallon "barrels" and his current business produces 300 barrels annually. He would hope to be able to produce 1,000 barrels of keg beer at the Stumpy Point location and perhaps increase that to 3,000 barrels in the future.

Mr. Finelli asked if the state allows 25,000 barrels with a brewery permit and what possible capacity Mr. Charron envisions at the Stumpy Point location. Mr. Charron said 25,000 barrels is correct but can be exceeded subject to tax laws. Mr. Charron is only planning distribution on the outer banks and believes 10,000 barrels annually would be an extremely high estimate.

Ms. Creef asked about grain storage. Mr. Charron said grain is delivered in 50 pound sacks and stored indoors.

Ms. Creef asked about the bottling aspect of a brewery. Mr. Charron said they will begin by producing kegs and might be canning beer in the future. The industry trend is changing from bottling to canning.

Mr. Barr asked if there would be any retail sales at the Stumpy Point location. Mr. Charron said there will be no retail sales, no consumption (except as needed to brew the beer), and no group tours at Stumpy Point.

Ms. Creef asked about distribution from Stumpy Point. Mr. Charron said he plans to deliver the beer from Stumpy Point, beginning with one delivery truck.

Dan Oden asked about the wastewater system at Stumpy Point. Mr. Charron said they have a very small wastewater system. The federal government requires breweries to demonstrate to the local government how the brewery treats the wastewater. Two pre-treatment septic tanks will be used, one aerobic and one anaerobic, and the wastewater is free of solids and live material before it enters the municipal wastewater system. Both Mr. Charron and Ms. Creef have had preliminary discussions with the Utilities Department. Ms. Creef said they will not allow any use that would be a detriment to the wastewater system. Mr. Charron said he has engineering reports about the wastewater and will provide them.

Michael Barr made a motion to schedule a public hearing at the Planning Board's June 9, 2014 meeting to consider a text amendment to SP-C Zoning to add brewery as a conditional use.

Ricky Scarborough seconded the motion.

Vote: Ayes – Unanimous

***OT Enterprises Subdivision Review, Hatteras Island Plaza, Avon***

David Ryan of Creative Engineering Solutions and Timothy Fish of M2C Land Services were present on behalf of the property owner.

Donna Creef told the board this is a proposed 2-lot subdivision for Hatteras Island Plaza. The applicant previously proposed a 3-lot subdivision for the same site. There were issues due to non-conformities, the plat was withdrawn, and a text amendment was made to the C-2 district to address subdivisions of group developments to remove inconsistencies between the subdivision and the zoning ordinances. Section 22-25 C-2, (d) Dimensional Requirements, 10.(d) states "A subdivision of the land occupied by the commercial group development may be authorized by Dare County if such subdivision of land meets the required minimum lot size in effect at the time of the proposed subdivision of the commercial group development site." Ms. Creef listed nine revisions to be made to the preliminary subdivision plat in her staff comments however Mr. Fish had office equipment issues and could not print a revised preliminary plat for the meeting tonight.

David Ryan spoke on behalf of OT Enterprises. He said the recent text amendment to the C-2 zoning addressed development activities permitted, lot coverage, parking, and lot size. The proposed 2-lot subdivision represents the second part of this process. The site plan as well as the Declaration of Access Easements and Parking Agreement will be revised and re-submitted.

Mr. Barr said there are easements noted on the side of the plat but there is no indication of where the easements are located. Mr. Fish said he can identify them on the plat. Mr. Barr said the parking and driveway accesses are not shown on the plat and asked if there would be any issues about what parking is on which lot. Ms. Creef said the Declaration of Access Easements and Parking Agreement supplements the subdivision plat and lot lines will go through parking areas.

Mr. Barr said since the property line divides the building, there should be some indication as to how much of the building is located adjacent to the property line. Mr. Fish said the property line goes through a common wall. Ms. Creef said it needs to be noted on the plat that the property line follows the existing common wall.

Mr. Barr said the parking agreement, page 2, letter 2.d. states "Each owner of each parcel shall be solely responsible for the maintenance and repair of the parking and driveway areas..." If it is going to be a shared parking lot then there should be an organization to take care of issues that come up so both parties are responsible to whatever extent their ownership is. Ms. Creef said it could be changed to read "All of the owners shall be responsible..."

Mr. Finelli asked if the 30' access easement on the left side of the plat is accessing parcel IIIA and Mr. Fish said yes. He said that is also where one of the driveways is located. There is another driveway at the northern end of the property and the third is on the right-hand side of parcel IIIB. Mr. Barr asked what purpose the 30' access easement serves. Mr. Ryan said he believes the access easement has been in place for about 15 years and serves as a drive aisle to access parcel IIIA. Ms. Creef said it pre-dates the current owner.

Dan Oden made a motion to recommend preliminary plat approval subject to the revisions outlined in the staff comments and subject to the revisions in the parking agreement as discussed.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

#### **OTHER BUSINESS**

None

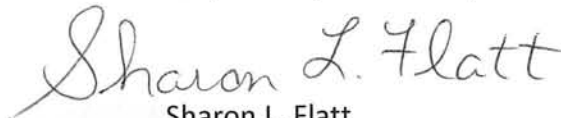
**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Ricky Scarborough and seconded by David Overton.

Vote: Ayes – Unanimous

The meeting adjourned at 7:45 p.m.

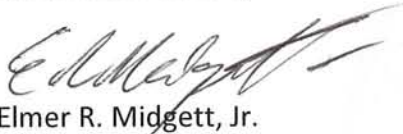
Respectfully Submitted,



Sharon L. Flatt

Planning Board Clerk

APPROVED: June 9, 2014



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board