

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, May 9, 2016. 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 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
Michael Barr David Overton
Terry Gore II Charles Read, Jr.
Beth Midgett

MEMBERS ABSENT Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

Michael Barr asked that the second to the motion to amend the agenda on page 4 be changed to read *by Terry Gore*. Mr. Barr made a motion to approve the minutes of the April 11, 2016 meeting with this correction. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

-None-

NEW BUSINESS

Paul Charron, Conditional Use Permit Application to Operate a Brewery at 106 Highway 264, Stumpy Point

Paul Charron was present.

Noah Gillam told the Planning Board that Paul Charron applied for and received a text amendment to allow a brewery as a use in the SP-C zoning district in 2014. He has now applied for a conditional use permit for a brewery to be located at 106 Highway 264. The board has been provided a draft of the proposed permit and a site plan. Hours of operation, auxiliary uses, and parking are a few topics that should be discussed tonight.

Paul Charron said he and his wife own Full Moon Café and Lost Colony Brewery in Manteo. They would like to expand the brewery and have chosen this site in Stumpy Point. Mr. Charron would like the brewing hours of operation to be 7 a.m. until 10 p.m., seven days a week. There will be one delivery truck. Loading and unloading of trucks can take place between 8 a.m. and 7 p.m. Initially there will be three employees and that may increase to ten employees in a couple years.

Chairman Finelli asked about tours and a tasting room. Paul Charron said his concern is to establish brewing operations at this time but he believes tours and tastings could potentially take place between noon and 5 p.m., seven days a week. Mr. Charron estimates a tour may include 10-15 people and said there is a large area available to provide additional parking if needed. Beth Midgett asked about retail items. Mr. Charron said they would like to offer t-shirts, pint glasses, and things of that nature.

Noah Gillam said the four angled parking spaces indicated on the site plan need to be changed to straight parking spaces to prevent a car from backing onto the highway.

Terry Gore made a motion to recommend approval of the conditional use permit application subject to the following:

- Days of Operation for all uses will be seven days per week.
- Hours of Operation for Brewing will be 7 a.m. – 10 p.m.
- Hours for Deliveries and Loading will be 8 a.m. – 7 p.m.
- Hours for Tasting Room and Tours will be noon – 5 p.m.
- The four angled parking spaces on the site plan will be squared.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This item will be reviewed by the Board of Commissioners at their June 6, 2016 meeting.

Marshy Ridge Retreat, LLC, Travel Trailer Park, Amendment to Conditional Use Permit Number 7-2011, 103 Marshy Ridge Road, Colington

Frederick House of House Engineering was present.

Donna Creef said the Marshy Ridge Travel Trailer Park conditional use permit was approved in 2011. The campground is currently well-maintained and in good working order. The original proposal included 60 campsites but only 48 were permitted in 2011. Environmental Health has been monitoring the site and now they have approved the

additional 12 campsites. The site plans show where some of the sites are being moved to accommodate the additional sites which are scattered throughout the overall layout. A new cul-de-sac is being added at the end of the entrance to the campground. The gravel road will be consistent with what is already there. Mr. House will certify that these improvements comply with NCDOT standards. The applicants will need to comply with buffering requirements. The state stormwater permit will need to be modified due to changes in some of the stormwater basins. A copy of the stormwater permit will be provided to the Planning Department. Proposed improvements are to be completed within one year of permit approval and an as-built survey will be provided to the Planning Director. All of the conditions in the original conditional use permit remain in effect and a draft amendment has been provided to the Planning Board.

Rick House of House Engineering said he has been working with the applicant on this project since 2011. Health Department regulations allowed 5 locations for septic tanks on the property with 48 campsites originally approved and operational. The Environmental Health Department has reviewed the water records and approved the additional 12 sites. This will not encumber the existing septic systems. Stormwater will be slightly modified and the state permit will be changed accordingly. This is a dry site that hasn't experienced standing water issues. Four sites are being relocated to accommodate the additional 12 sites. The buffer will be added in accordance with the travel trailer park ordinance. Ms. Creef said the ordinance is specific that it must be a vegetative buffer. If a berm is used, it will need vegetation on it.

Michael Barr asked if the site is two separate parcels. Donna Creef replied that the parcels are in common ownership and this has not presented any problems.

Charles Read made a motion to recommend approval of the conditional use permit amendment for Marshy Ridge Retreat. Beth Midget seconded the motion.

Vote: Ayes – Unanimous

This item will be reviewed by the Board of Commissioners at their June 6, 2016 meeting.

OTHER BUSINESS

Zoning Ordinance Amendment, Initial Discussion of Permitted / Unlisted / Prohibited Uses in Response to Recent NC Court Cases

The county attorney recently attended a presentation regarding a court case which addressed land uses that are not specifically addressed in a zoning ordinance. He instructed Donna Creef to review Dare County's ordinance relative to this issue. David Owens of the Institute of Government prepared a summary of the court case and this has been provided to the Planning Board. Ms. Creef said the original premise was that a use not specifically listed as *permitted* would be presumed to be *prohibited*. Many of the Dare County zoning ordinances include language to that effect. Some of the older zoning districts do not have that language. Staff is reviewing the ordinance to research how unlisted uses would be addressed and identify those areas in the ordinance that we might want to modify.

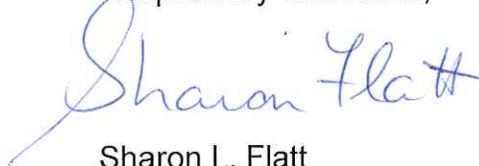
ADJOURNMENT

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 6:40 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: June 13, 2016



John Finelli
Chairman, Dare County Planning Board