

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 8, 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 7:00 pm

SWEARING IN OF ERNEST “TERRY” GORE, NEW PLANNING BOARD MEMBER

Sharon Flatt, Planning Board Clerk, administered the Oath of Office to Terry Gore. Mr. Gore was appointed to the Planning Board by the Dare County Board of Commissioners at their meeting on February 1, 2016.

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

MEMBERS ABSENT Beth Midgett Richard “Ricky” Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the December 14, 2015 meeting of the Dare County Planning Board, Charles Read made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Chairman Finelli informed the Planning Board that those participating in the Public Comment portion of the meeting will be allowed five minutes to speak. Several months ago, the Board of Commissioners increased the allotted time to speak from three to five minutes and the Planning Board will do that also.

No one wished to comment at this meeting.

OLD BUSINESS

Proposed Amendment to Conditional Use Permit No. 4-2008 to add an Adventure Climbing Tower System at Waves Village, Rodanthe

John Harris, business owner, Luke Bear, employee, and Brian Rubino of Quible and Associates were present.

Donna Creef provided additional information to the Planning Board, including a new site plan which moves the structure farther away from the power line. The original conditional use permit proposed a building, which was never constructed, in the area where Mr. Harris would now like to locate a climbing tower system. This use is permitted in S-1 zoning but this is before the board because it is a change to the conditional use permit and will require approval of the Board of Commissioners. A draft conditional use permit has been provided and includes a number of topics to be discussed including ticket sales, restrooms, hours of operation, parking, lighting, perimeter boundary, crowd control, observation areas, and time allowed to acquire building permits. The Fire Marshal requested annual training for emergency responders in the event their assistance is needed at the site.

Brian Rubino spoke about the proposed amendment. The revised plan shifted the climbing tower 25' to the west to provide distance from the electric power while staying within the footprint of Future Building A. Phase 1 of the site plan is a micro-system climbing tower with 3 layers. The closest piling is over 40' away from the power pole that was in question. Phase 2 could be added on to this tower at some time in the future but may never be added. If it ever would be built, Phase 2 is greater than 23' away from the power pole. The electric coop did not provide a specific setback but indicated 23' is adequate.

A local general contractor will oversee the installation. A local structural engineer will certify that the foundation will meet the wind code. The pilings will have concrete foundations.

Mr. Rubino addressed the draft amendment.

Participants will meet at Building B where they will purchase their tickets (if they have not done so online), pick up necessary equipment, and attend training before proceeding to the climbing tower.

Public restrooms, accessible from the outside, are located in Building B.

The requested hours of operation will be 10 a.m. until 9 p.m., seven days a week, during peak season.

The parking for the climbing tower is within the allotment for Building A. The maximum capacity of the tower is 20 people (7 spaces) and 2 employees operating the site with a maximum of 6 employees (3 spaces). Mr. Harris said Phase 1 will only require 2

employees per shift. Since this is the case, Mr. Rubino is requesting a total of 8 spaces rather than 10. The system is self-guided once participants are on it. There are 161 parking spaces in place now. Donna Creef suggested that a note be added indicating "Phase 1 Parking" and also "Parking for Phase 2 will be determined at the time of construction."

Lights will be shielded, cut-off lights, similar to street lamp lights. There are already security lights at the site. Ms. Creef asked that more specific information regarding the lighting be provided and suggests that the operational lights shut off after closing time.

Chairman Finelli asked if there will be triangular shades or roofing for inclement weather. Mr. Harris said it has been discussed. Shades can be cabled between the poles and are easy to install with the existing framework. Ms. Creef suggested the conditional use permit include a statement that the structure will not exceed the maximum height limit of the S-1 district which is 52' and that a height certification be required. Mr. Read asked if the structural engineer is aware shade tarps may be installed. Mr. Rubino said the structural engineer will be informed to include this in his equation for the foundation.

Ms. Creef asked about crowd control. Mr. Harris said the first level of the structure is about 8' high and well above foot traffic. They plan to secure the access steps with a barrier and locking gate, similar to what is used at the ropes course in Nags Head.

Mr. Overton asked if the structure is metal. Mr. Harris replied the primary structure is galvanized steel with some of the framing made of aluminum. Mr Overton asked who provides maintenance and inspections on the structure. Mr. Harris said Kitty Hawk Kites personnel will perform daily safety checks and there will likely be annual safety inspections performed by the manufacturer. Luke Bear said the structure will be insured so the Department of Labor may be involved. The manufacturer will be on site for weeks during installation and employee training.

Donna Creef recommended no signage or banners be allowed on the climbing tower.

Chairman Finelli asked if it is possible for the lights to shut off at 9:15. Mr. Harris said yes. Mr. Barr would like a lighting plan submitted and reviewed by staff. Mr. Rubino will check with the manufacturer about lighting plans at existing sites.

Chairman Finelli suggested we limit the number of users to 20 to accommodate parking at the site. He also asked that no part of the structure extend beyond setbacks on or above the ground.

Regarding Phase 2 of the project, Chairman Finelli said the site plan appears to be in order except for the parking. Ms. Creef suggested a note be added to the site plan stating additional details on parking will be submitted to the Dare County Planning Department for approval before beginning Phase 2 of the project. This would mean Phase 2 of the project would require staff-level approval provided Phase 2 stays within the confines of what is on the current site plan.

Chairman Finelli reviewed the conditions that were discussed this evening with the other members of the Planning Board.

Terry Gore moved to recommend approval of the proposed amendment to Conditional Use Permit No. 4-2008 to add an Adventure Climbing Tower System subject to the following:

- The hours of operation shall be 10 a.m. – 9 p.m., seven days per week.
- The lighting on site will be shielded, will turn off at 9:15 p.m., and a lighting plan will be submitted.
- Approval is recommended for both phases however construction for phase 2 shall not begin until designated parking has been submitted for staff approval.
- No part of the structure will extend beyond setbacks on or above the ground.
- No roof, permanent or temporary, shall be installed without prior approval of the Dare County Planning Department.
- No additional signage or banners will be on the structure other than those necessary for safety.
- Owners will coordinate with the Dare County Fire Marshal to provide annual training on rescue.
- Overall height of the structure shall not exceed 52' (S-1 zoning height limit).
- The foundation of the structure shall be designed and sealed by a North Carolina licensed Structural Engineer to meet the wind zone requirements of the NC Building Code.
- A gate shall be located at the bottom of the stairs to prohibit unauthorized access to the structure.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

This item will be presented to the Board of Commissioners March 7, 2016.

NEW BUSINESS

None

OTHER BUSINESS

Proposed Revisions to Zoning Ordinance Section 22-58.2, Standards for Residential Construction Based on Lot Size

Donna Creef began the discussion. In 2003, Dare County adopted zoning ordinance amendments in an attempt to address residential parking and residence size in response to concerns about large residential structures and their impacts on traffic, noise, density, solid waste, and occupancy. The bedroom standards were adopted in conjunction with parking regulations and lot coverage standards.

Ms. Creef said there have been revisions to state statutes that require Dare County to revise section 22-58.2 of the zoning ordinance. The statute revisions prohibit local governments from regulating certain aspects of one-family and two-family residential structures. The statutes allow local government to regulate the height, bulk, orientation on the lot, and location of the structure on a lot but items such as exterior colors, roof styles, windows, doors, and the location and layout of interior rooms cannot be regulated. Zoning regulations cannot say how many bedrooms are allowed.

The Planning Board discussed several topics and options, including: adopting a maximum house size; reviewing the percentage of maximum lot coverage; regulating the location of pools and accessory use structures in conjunction with CAMA setbacks, property setbacks, and lot coverage; dealing with structures smaller than 12'x12'; providing exceptions or trade-offs when lot coverage issues are raised; changing the definition of residential structures; and/or limiting heated square footage of a residence to a percentage of the net lot area. Prevailing opinions were toward allowing the Environmental Health Department to regulate occupancy capacity while zoning regulations enforce lot coverage, parking, height, and setbacks.

Staff will update the draft of proposed revisions to section 22-58.2 based on the Planning Board's discussion this evening. The updated draft will be presented at the March 14, 2016 Planning Board meeting.

Appointment of Vice-Chairman to the Dare County Planning Board

Chairman Finelli said he would like a vice-chairman appointed to the Planning Board in the event he is unavailable for a meeting. He previously spoke with Beth Midgett and she would accept if nominated.

Michael Barr made a motion to appoint Beth Midgett as the Vice-Chairman to the Dare County Planning Board. Charles Read seconded the motion.

Vote: Ayes – Unanimous

Dare County Planning Board Meeting Time

Chairman Finelli discussed beginning the Planning Board meetings earlier than 7 p.m. Beginning March 14, 2016, Planning Board meetings will begin at 6 p.m.

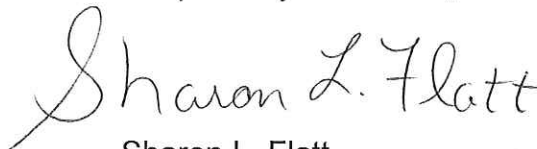
ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 8:25 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: March 14, 2016



John Finelli
Chairman, Dare County Planning Board