

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 8, 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 David Overton  
Richard "Ricky" Scarborough, Jr.

**MEMBERS ABSENT** Beth Midgett Dan Oden

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the November 10, 2014 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. John Finelli seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

#### ***Conditional Use Permit Application, Christian Lending, LLC, Avon***

Donna Creef addressed the Planning Board. The applicant, Sam Hagedon, cannot be at the meeting this evening due to flooding and overwash on NC 12. Ms. Creef did speak with Mr. Hagedon on the phone today. The Planning Board previously reviewed the application and site plan for Christian Lending, LLC. At the meeting on November 10, 2014, the Planning Board asked for a number of changes to the site plan. A new preliminary site plan has been submitted that incorporates those changes and a draft conditional use permit has been provided.

Ms. Creef spoke with Mr. Hagedon about the open space between the two driveways at the site. The ingress and egress need to be clearly defined. Mr. Hagedon said there is a 2'-3' deep ditch between the two driveways. Even with that, a concrete curb may still be required before a certificate of occupancy is issued. Mr. Hagedon was agreeable with that.

Some of the language in the draft conditional use permit is taken from C-2 zoning regulations. Also included is language addressing the canopy lighting; no staging of equipment; no vending

machines, vacuums, or other equipment; and underground fuel tanks shall be as authorized by the State of North Carolina. Signage will be a separate review. An as-built survey is required and that will confirm the lot coverage. The lot coverage at the site will be brought into compliance at 60%. Ms. Creef said she is comfortable with the site plan and asked if there are any additional conditions the board would like to address.

John Finelli made a motion to recommend approval of the Christian Lending, LLC Conditional Use Permit as drafted by staff. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

#### **NEW BUSINESS**

#### ***Application for Zoning Ordinance Text Amendment to Section 22-56, Parking Standards for Indoor/Outdoor Entertainment Facilities, David Peres***

Chairman Midgett made a motion to recuse Michael Barr from this portion of the meeting because Mr. Barr is employed by Bissell Professional Group and they represent the applicant. John Finelli seconded the motion.

Vote: Ayes – Unanimous

Mark Bissell of Bissell Professional Group was present on behalf of the applicant. Mr. Bissell handed the board members sketches showing examples of parking requirements as they exist now and how they could be modified.

Donna Creef began the discussion. Mr. Peres is asking for a text amendment to section 22-56 which establishes parking standards for indoor and outdoor entertainment facilities. Several of the zoning ordinance districts allow these facilities. If a district already has specific standards which apply to the recreational use, then that is the standard that would apply. If there is not one specified in the individual zoning district, then we refer to section 22-56.

The current standard is one parking space per 100 square feet of gross ground area plus a space for every two employees. This standard appears to be cumbersome and goes back to the original zoning ordinance adopted in 1975. The applicant has supplied an analysis of parking regulations from other local governments and is requesting similar parking regulations be adopted for unincorporated Dare County.

Chairman Midgett asked what size we require for each parking space. Ms. Creef said 10' x 20'.

Ms. Creef said if the consensus is to recommend a revision to the current ratio, we could consider a ratio of 1 parking spot per 200 square feet of principal use ground area. This would maintain consistency in the zoning regulations. We could better define areas to include in the square-footage based calculations. We may want to specify just those areas where the paying customer has access and remove areas designated as storage or office area inside a building or stormwater basins and septic areas outside.

Outdoor uses can be very different in the way they function and the space they occupy. Some do not use a lot of square footage but still require adequate parking for customers while others, such as a skeet shooting course, require much more square footage. In these instances it may be appropriate to have an occupancy rating. The Town of Kill Devil Hills has a specification of 1 parking space for every 3 persons or 1 space per 200 square feet of gross floor area. This allows the appropriate standard to be applied for the proposed activity. In addition, we may want to specify a maximum or minimum standard.

Mr. Bissell spoke to the board. He researched parking standards at other locations both inside and outside of Dare County. Some communities base the parking calculation on occupancy ratings, some on a square footage ratio, some reduce the requirement if parking reaches a certain level, and others leave it for the Planning Director to determine. Some use a similar calculation for indoor and outdoor entertainment while others have very different standards for the two. It is difficult to come up with a standard that meets everything.

Mr. Bissell, the Planning Board, and Donna Creef further discussed parking standards. Topics included defining use areas, specifying gross or net area, reducing the parking requirement for combined uses, including employees in the calculation, accomodating waiting customers, occupancy ratings, and lighting. Ms. Creef said she believes we can provide proposed language and get feedback if the board would like to schedule a public hearing.

John Finelli made a motion to schedule a Public Hearing on January 12, 2015 regarding the proposed text amendment to Section 22-56, Parking Standards for Indoor/Outdoor Entertainment Facilities. Ricky Scarborough seconded the motion.

Vote: Ayes – Unanimous

John Finelli made a motion to have Michael Barr rejoin the meeting. Chairman Midgett seconded the motion.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

***Murray Clark, Murray Bay Two Lot Subdivision, Mare-Vista Drive, Frisco***

Donna Creef provided an update regarding the Murray Clark Subdivision. Mr. Clark presented a sketch plan for a 2-lot subdivision on Mare Vista Drive at the Planning Board's September 8, 2014 meeting. During that meeting it was noted that it may take some time to comply with 404 Wetlands and CAMA requirements. Mr. Clark recently visited Donna Creef and said he has been unsuccessful in his attempts to contact the Army Corps of Engineers and they have not returned his calls.

Michael Barr said the Army Corps of Engineers traditionally deal with consultants, not the property owner, when making wetlands determinations. Mr. Barr advised Donna Creef to recommend that Mr. Clark hire a consultant to contact the Army Corps of Engineers. Ms. Creef said Mr. Clark has done this in the past and she will call Mr. Clark tomorrow.

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:55 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED:



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