

Kitty Hawk Planning Board Meeting
Thursday, March 15, 2018 – 6:00pm
Kitty Hawk Municipal Building

AGENDA

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
 - a. January 25, 2018
4. Administrative Report:
 - a. Town Council Action from February 5 and March 5, 2018 Meetings
5. Public Comment
6. Text Amendment:
 - a. 42-250(c)34 – Yards Generally. Staff is proposing a Text Amendment that would allow pool equipment to encroach into the side and rear yard setbacks.
7. Conditional Use Permit:
 - a. Craft Production and Sale. The Applicant is requesting a Conditional Use Permit to establish a craft glass blowing and retail sales operation within a new business at 4622 N. Virginia Dare Trail.
 - b. Licensed Physician & Pharmacy. The Applicant is requesting a Conditional Use Permit to establish an urgent care facility and pharmacy at 5113 and 5117 Putter Lane.
8. Comments:
 - Chairman Richeson
 - Planning Board Members
 - Town Attorney
 - Planning Director

9. Adjourn

1. **Call to Order/Attendance:**

Chairman Richeson called the Kitty Hawk Planning Board Meeting to order at approximately 6:00pm on Thursday, March 15, 2018.

Board Members Present:

John Richeson, Chairman; Chuck Heath, Member; James Geraghty, Member; Dusty Rhoads, Member; Gary Muir, Alternate

Absent:

Vice-Chairperson Parker; Alternate, Jan Collins.

Staff Present:

Robert Testerman, Director, Planning & Inspections; Casey Varnell, Town Attorney; Patricia Merski, Recording Secretary

Voting:

Due to the absences of Mr. Parker and Ms. Collins, Gary Muir, Alternate will vote in their absence.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-2-

2. **Approval of Agenda:**
Hearing no objections/changes/corrections to the January 15, 2018 presented Agenda, Town
3. **Approval of Minutes: January, 25, 2018**
Hearing no objections/changes/corrections to the January 25, 2018 Minutes, the Minutes were approved with Mr. Geraghty making the motion to approve and Mr. Richeson seconded and the Minutes were approved unanimously.
4. **Administrative Report: Town Council Action from the February 5th and March 5, 2018 Meeting:**
 - At the February 5, 2018 Town Council Meeting, Mr. Testerman stated that the Town Council approved the rezoning request from the December 14, 2017 Planning Board meeting as well as the Text Amendment for the Accessory Dwelling Units.
 - At the March 5, 2018 Town Council Meeting, Mr. Testerman stated that the Council kicked back to the Planning Board the setback Text Amendment which is scheduled for the March 15, 2018 meeting.
5. **Public Comment:**
 - Mr. Richeson opened the Public Comment portion of the meeting by inviting anyone to come before the Board and to state their name. Mr. Tom DeLucia, resident of Putter Lane. The Conditional Use Permit for the licensed physician and pharmacy to be established at 5113 and 5117 Putter Lane is an agenda item for this meeting.
 - Mr. DeLucia stated that he and other residents of Putter Lane are entirely opposed to the Conditional Use Permit. Mr. DeLucia stated that he knows the zoning had been approved to allow the urgent care and pharmacy and that he has also seen the site survey and because of his opposition and others on Putter Lane, wanted to know what his options are.
 - Mr. Richeson thanked Mr. DeLucia for coming in and explained that the Planning Board is strictly an Advisory Board where Site Plans and Conditional Use Permits come before the Board when Staff cannot approve them administratively. He also stated that the Board reviews for compatibility with the Zoning Ordinance in the Land Use Plan and then the Board makes a recommendation(s) to the Town Council whether to approve or deny and that the decision of the Board is not binding and the Council can agree or disagree with the Board's recommendation(s).

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-3-

- Mr. DeLucia proceeded with his questions/requests: 1) will the height of the proposed building be the same as the existing building? ANS: Elevation is what the architect has proposed to date; 2) will the color scheme of the building be the same as the existing building? ANS: A color scheme is not bound by the Conditional Use Permit. Mr. DeLucia stated that he would like to see the new building match the existing; 3) Request: A 3'-4' berm along Putter Lane and a vegetative barrier to be built on the berm between the building; also, a berm/plantings to continue on the other side of the existing building for continuity; 4) MOST IMPORTANT to Mr. DeLucia, the location of the dumpster, which, according to the site plan positions it at the end of Mr. DeLucia's driveway. He would also like to see other enclosure material instead of pressure-treated wood; i.e., cinder blocks; also planted to match the building. Also, is there a possibility of using roll-out carts?
- Height: Should a new owner take over, could the height of the building to two stories? Staff stated that the new plan would have to meet the minimum zoning requirements and there could be a possibility for a Conditional Use Permit to address new height proposals.
- Question by Mr. Richeson if the Board could put in a 'restriction' in the Conditional Use Permit regarding height requirements and new owner possibilities and the Town Attorney stated 'yes.'

6. **Text Amendment:**

- a. 42-504(b) and 42-504(i) – Yards Generally. Staff is proposing a Text Amendment that would allow pool equipment to encroach into the side and rear yard setbacks.
- Mr. Testerman stated that Staff revised this as this was the Text Amendment that the Council kicked back to the Board for re-review.
 - This would allow pool equipment/HVAC units to be enclosed or covered that would be under Proposal 42-405(b) and to encroach up to 5' into the required side yard setbacks.
 - 42-504(i) pool equipment to be deleted from the listed items that would have to comply with the setback requirement.
 - Mr. Richeson asked if these could be covered or uncovered and Mr. Testerman stated 'yes.' Mr. Richeson asked for any questions and then asked for a recommendation to be made and Mr. Geraghty made the following: ***I recommend approval of the proposed Text Amendment to amend section 42-504(b) and 42-504(i) regarding the encroachment of pool equipment into side yard setbacks. The Board has found this proposal to be consistent with the Town's adopted Land Use Plan.*** Mr. Richeson seconded and the recommendation was passed unanimously.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-4-

7. Conditional Use Permit:

a. Craft Production and Sale. The Applicant is requesting a Conditional Use Permit to establish a craft glass blowing and retail sales operation within a new business at 4622 N. Virginia Dare Trail.

- Mr. Testerman received an Application requesting approval of a Conditional Use Permit under the Craft Production and Retail Sales under the BC-1 district.
- The Applicant is renting a commercial portion of the front of 4622 N. Virginia Dare Trail south of Art's Place and wants to establish a retail space for a glass blowing operation to include glass blowing demonstrations and retail sales of her products.

42-250(c)14. Craft production and retail sales, subject to any reasonable conditions imposed by the Town Council and the following conditions:

- The production of crafts must be incidental to and for the purpose of retail sales and not for distribution to wholesale vendors.
The glassblowing operation will be incidental to a primary retail store, items crafted will not be for distribution to wholesale vendors on the premises.
- The maximum square footage of the area devoted to craft production shall not exceed 800 square feet.
The Applicant has confirmed that the area dedicated to the glassblowing operation will be less than 800 square feet.
- The building in which crafts are produced shall be constructed in such a manner and with such materials as to prevent any noise originating within the facility from being heard beyond the approved site boundary line if the same is a freestanding building and to prevent any noise emanating from within the building, or portion thereof used for craft production, if the same is located within a multi-unit structure. An architect, engineer or qualified professional must certify on the site plan that the proposed design and materials will allow no noise from the craft production activity within the building to be heard at any point on the approved site boundary or outside of the building, or that portion of the building used for craft production if the same is located within a multi-unit structure. (The only noise would be from a small blow torch to heat the glass.)
It is Staff's understanding that noises produced during glassblowing are minimal and should not be an issue to contain within the boundary line of the property.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-5-

- All odors and vapors, including chemical vapors, associated with or generated by the production of crafts shall be contained within the boundaries of the site or within the building, or that portion of the building used for the production of crafts in a multi-unit structure. When requested by the Planning Board, an engineer's certification shall be furnished to the Planning Board that the design, construction and proposed methods of odor and vapor control are sufficient to contain all odors and vapors generated by or emanating from the production of crafts within the site boundary, if a freestanding building or within the interior of that portion of the building used for the production of crafts in a multi-unit structure.

The Applicant has indicated that any odors or vapors produced will be contained within the boundaries of the site.

e. The Property Owner must provide a waste container of sufficient size to accommodate all of the waste generated by the craft production activity.

The Applicant has verified that a sufficient waste container will be provided.

f. If flammable materials are used in the craft production activity, the Owner shall obtain and maintain firefighting apparatus or fire extinguishing apparatus in accordance with the requirements of the Planning Board or the Volunteer Fire Department. (ASIDE; Mr. Tetsterman stated that since Kitty Hawk does NOT have a volunteer fire department that would have to be changed in the code.)

The Applicant has discussed this Proposal with the Fire Inspector and the Building Inspector and if approved, the glassblowing operation will meet the requirements of both.

Background Information

The subject property is presently zoned General Beach Commercial (BC-1). In total, the lot is approximately 10,000 square feet (0.23 acre).

The abutting property to the north is also zoned General Beach Commercial (BC-1) and contains Art's Place. Abutting the property to the south is the Saltaire Motel, also zoned BC-1 and abutting the property to the rear are several single-family residences also zoned BC-1 and across N. Virginia Dare Trail to the east are vacant lots and single-family residences zoned BR-1.

Staff Analysis

Building Height: The building height is not an issue but there is a kiln that is approximately 2'x3' which also not an issue and nothing on the site will be changed.

Kitty Hawk Planning Board

Meeting Minutes

March 15, 2018

-6-

Conditional Use Findings

Per the standards of Section 42-99(b)(7), in order to approve this Application, the Town Council must make findings that the proposed conditional uses:

- a. Does not materially endanger the public health or safety.
 - There is no evidence to suggest that allowing the proposed use room would endanger the public health or safety as long as the safety measures recommended by the Building and Fire Inspectors are met.
- b. Does meet all required conditions and specifications.
 - As noted in the Staff Report, the Proposal will meet all specific requirements of craft production and retail sales. Items that are noncompliant with zoning requirements are legal nonconformities. The building is on the property line and a few nonconformities do exist but nothing that would create any new violations.
- c. Will not substantially injure the value of the adjoining property or be a public nuisance and,
 - There is no evidence that permitting a glassblowing operation as an accessory to a retail business would substantially injure the value of adjoining properties or be a public nuisance.
- d. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

The proposed use is in harmony with the area which it is located and is in general conformity with the comprehensive plan.

- Mr. Richeson asked for any question from the Board and hearing none asked for a recommendation to be made and Mr. Richeson made the following: ***"I recommend approval of the Conditional Use Permit for the establishment of a craft production and retail operation to be located at 4622 N. Virginia Dare Trail, subject to the conditions listed in Sec. 42-250(c)14. The Board has found this proposal to be consistent with the Town's adopted Land Use Plan."***
- Hearing no nays, the motion was passed unanimously.

7.b. Licensed Physician & Pharmacy. The Applicant is requesting a Conditional Use Permit to establish an urgent care facility and pharmacy at 5113 and 5117 Putter Lane.

- (NOTE: Mr. Testerman stated that if approved, addresses will be assigned for N. Croatan Avenue addresses.)

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-7-

Proposal: The Applicants are requesting approval of a Conditional Use Permit to construct a single medical office building, 7, 131 sq. ft. in size. The Development Plan consists of vehicular access, parking and drainage improvements.

Proposed Conditional Uses: Specifically, approval for the following types of conditional uses is being sought as part of this application:

- 1.) Licensed Physician Offices
- 2.) Pharmacy

Background Information: The two subject properties are presently zoned Emergency & Government Services (MS-1) and are presently undeveloped. Each of the properties has 100 feet of frontage on N. Croatan Highway and is 200 feet in depth (20,000 sq. ft.). In total, the two

Directly abutting the subject properties to the north is zoned MS-1 that was previously approved for a medical office building in 2015. Further to the north is the ear, nose and throat office that was also a part of the 2015 Conditional Use Permit approval. To the south are three single-family residences, BR-1. To the west, across Putter Lane are several single-family residential properties zoned BR-1. To the east, across N. Croatan Highway are several commercially zoned properties (BC-2). The uses on these properties include two single-family residences and the Surf Pediatric Office.

Staff Analysis: Proposed uses: Licensed Physician Office & Pharmacy. Licensed physician offices and pharmacies are presently permitted as conditional uses in the Emergency & Government Services (MS-1) district.

Lot Coverage: Including the proposed buildings, sidewalks, parking, access drives and drive aisles, the proposed lot coverage for the development is 23,495 sq. ft. (58.6%). A portion of the proposed parking area falls onto Lot 5 (5116 N. Croatan) which was previously approved. In the 2015 CUP approval, the proposed lot coverage on Lot 5 was 10,193 sq. ft. (51.0%). The additional parking area would bring the total proposed lot coverage on Lot 5 to 57,425%. The maximum permitted lot coverage in the MS-1 district is 60% which is permissible.

Building Height: The maximum height in the MS-1 district is 35' from the existing grade to the peak of the roof. The Applicant has noted the maximum building height standard in the submittal materials and plans to comply with this limitation of a single-story building.

Building Setbacks: Per the table below, it appears that the building will comply with the Town's current minimum building setback standards for the MS-1 district.

<u>Setback</u>	<u>Proposed</u>	<u>Required</u>
Front	111 Feet	15 feet
Rear	36 Feet	20 Feet
Sides	49 Feet(north)	10 Feet
	11 Feet(south)	10 Feet

Kitty Hawk Planning Board
 Meeting Minutes
 March 15, 2018
 -8-

Access: The subject properties will be served by one new 22 foot wide ingress/egress drives off of N. Croatan Highway at the southern end of Lot 7. An NCDOT encroachment permit will be necessary to install the proposed driveway onto N. Croatan Highway. In addition, a 22 foot wide parking lot connection is proposed to connect the proposed development to the existing parking lot on Lots 3, 4 and 5. The Town's adopted Land Use Plan specifically highlights the importance of providing such interconnectivity and states a specific objective to 'encourage inter-parcel connections between commercial lots adjoining Highway 158.' While it is an objective to reduce curb cuts on Highway 158, the proposed curb cut is necessary to meet Fire Code requirements.

- Mr. Testerman stated that he had a discussion with the Fire Inspector who brought up the idea of closing off that curb cut since currently there are two (2) existing on the lot to the north. The issue is, from the connection to Lot 5 to the end of the parking it exceeds 150 linear feet and if there is no curb cut access it would become a dead end and the Fire Code would requires a turnaround if the curb cut were eliminated; either a 120' hammerhead turnaround OR a 96' diameter cul-de-sac, neither of which are feasible on that lot.
- The drive aisle also serves as a fire lane for the property and complies with the NC Fire Code. Access easements will need to be recorded to ensure that this shared drive aisle is maintained in the future.
- (NOTE: Mr. Testerman stated that he had received an email from another property owner on Putter Lane and the owner's request is to close off the existing access to Putter Lane which was part of the previous approval.)
- Mr. Testerman had a discussion with the Fire Inspector and was informed that the reason it was put in place was for access to the fire hydrant on Putter Lane which is directly across the street and for that same reason that area cannot be closed off. The Fire Department has to measure 400' from the fire hydrant which is measured on the street from the truck to hook up the hose to where the fire hydrant is. This is measured on the road and is not a straight line from the hydrant to the building.)
- Also, per the Fire Inspector, a second hydrant is required and will be at the existing curb cut onto 158 on Lot 5 and the reason for the connection is that one hydrant does not get the required gallon per minute flow needed to meet the fire code and they also have to be able to hook to two separate fire hydrants to meet that requirement.

<u>Parking:</u>	<u>Parking Calculations</u>	<u>Ratio</u>	<u>#Required Spaces</u>
	Medical Office/Clinic	5 per doctor, 1 per employee	23 spaces

TOTAL(Minimum) Parking Required)

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

--9--

- The Applicants' proposed site plan shows a total of 39 paved parking spaces accessed by the drive aisle, which exceeds the minimum required. Seven (7) additional parking spaces are proposed on the adjacent Lot 5 which is owned by the Applicant. All parking spaces must be striped as outlined on the site plan.
- ADA standards require a minimum of two (2) handicapped accessible parking spaces, including one van accessible space. A total of three (3) ADA spaces are proposed and the proposed parking plan meets ADA standards.
- Mr. Testerman, in speaking with the Town Manager, it was suggested, that because the excess parking spaces are more than the code requires, that, possibly, the rear six (6) parking spaces that are closest to Putter Lane could be possibly eliminated and the pad and dumpster could be moved to the east, giving further separation from the property owners to the west of Putter Lane.

Buffers: Buffers shall be required between all uses in commercial zones and abutting residential zones. It is Staff's interpretation that, although the MS-1 district and an urgent care use are not a typical 'commercial' use that first comes to mind, such as a retail use, it is a commercial office, and shall be subject to the requirements of Division 5, Buffers and Landscaping.

Waste Management: The Applicant has proposed to locate dumpsters at the west end of the parking area.

Lighting: A lighting plan for the site must be submitted and approved by the Planning & Inspections Department prior to the issuance of a building permit. Such plan must comply with the standards of Section 42-515 of the Zoning Ordinance. There is also a maximum foot candle requirement so that there is no glare across property lines.

Signs: The lot will be permitted to have its own freestanding sign up to 48 sq. ft. in size. The Applicant has shown a single, freestanding sign location on the development. All signs will be permitted separately by the Planning & Inspections Department.

Waste Disposal: Septic improvement permits from the Dare County Environmental Health Department will be required prior to the issuance of any building permits.

Conditional Use Findings: Per the standards of Section 42-99(b)(7), in order to approve this Application, the Town Council must make findings that the proposed conditional uses:

- a. Does not materially endanger the public health or safety.
 - If all of the required State and other permits are obtained, then the authorized agencies will have reviewed and permitted the driveway designs and locations, septic systems, water lines, stormwater management and erosion and sediment control plan. Therefore, it can be presumed that these improvements will be made in a safe manner.
 - Allowance of a new curb cut on N. Croatan Highway is not ideal, but is necessary to meet Fire Code access requirements.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018
-10-

- b. Does meet all required conditions and specifications,
 - With compliance with the suggested condition in the Staff Report, the proposed use will comply with all applicable standards of the Town Code.
- c. Will not substantially injure the value of adjoining property or be a public nuisance, and,
 - Effects on property values of properties adjacent to a non-residential use is widely debated. According to Hosea Wilson, Assistant Assessor, Dare County, what you will find for facilities of this type is that in most cases, property values are positively affected. Many buyers feel that being in close proximity to a medical facility is a positive external factor. As an example, Nags Head Cove, which is in very close proximity to the Outer Banks Hospital has had no negative effects on the real estate market since. The hospital, being open 24/7, and having ambulance and occasional helicopter traffic is also a much more intense use than the proposed urgent care center.
 - The proposed use of an urgent care is not the type of use that should become a 'public nuisance'.
- d. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
 - With the approval of the previous rezoning request and subsequent automatic amendment to the Land Use Plan, the proposed use is in general conformity with the comprehensive plan.
 - Staff recommended conditions would allow the development to be more harmonious with the adjacent residential zone and uses.

Staff Comments: The Planning Board is asked to consider the following condition.

In order to mitigate potential visual impacts to adjacent residential uses, Staff recommends requiring a Type A vegetative buffer along the western and southern property boundaries. Per Sec. 42-644(a), a Type A buffer is an opaque vegetative buffer of a minimum width of ten (10') feet that will reach a height of six (6') feet in three years. The buffer may include a stabilized soil berm as part or all of the required height. In this particular instance, a stabilized berm with vegetation would be more desirable. Maintenance of the buffers would be continuing condition of the site plan approval. Failure to maintain the buffers would constitute grounds for revocation of any occupancy permit, per Sec. 42-655.

Additionally, it is Staff's recommendation that the two lots be recombined into one singular lot prior to any building permits being issued.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-11-

- Mr. Testerman then read an email from a Putter Lane resident who has adjacent property to the south and is also opposed to this project in its entirety; however, if this is approved, the property owner is requesting the following conditions:
 1. The buffer to be opaque and high and wide enough to block the properties to the rear;
 2. The two curb cuts on the bypass and parking areas to be interconnected; therefore no need for a third curb cut which would add to the traffic congestion;
 3. Since there are two curb cuts into the bypass which provides suitable ingress/egress to the third one and the cut onto Putter Lane should then be closed and moved to prevent further encroachment to the residential area along with a sufficiently robust opaque buffer placed the length of the medical property to give some semblance of relief from the devaluation of the residential homes in the area.
- Mr. Testerman reiterated that the fire code requirement is to have the new curb cut and that the one to Putter Lane is still required for access to the fire hydrant.

At this time, Mr. Testerman stated that the Applicant's Engineer was in attendance, David Ryan from Creative Engineering Solutions, LLC stepped forward to address the Board.

- Mr. Ryan stated that this proposal is to fulfill a need in the community to make up for the loss of Urgent Care and that the Applicant has been in communication with the OBX Hospital regarding how that need can be met for the community.
- Mr. Ryan stated that before coming before the Board, there were 6-8 versions created and that there is nothing arbitrary in the proposal and the Applicant feels this proposal will strike a balance between local and state requirements and those of the hospital.
- Parking – Applicant's requirement would be to have the maximum amount of parking spaces allowable.
- Solid Waste Disposal – Mr. Ryan has been in discussions with the Dare County Public Works Department to ascertain the minimum requirements regarding a solid waste dumpster which is shown on the site plan.
- Landscaping – The Applicant is willing to put in supplemental landscaping to the rear of the property and long the southern property line which will hopefully address some of the concerns of the property owners; but, there are some limitations due the layout of the site and the concentration of the project which is a small footprint.
- A 3-4' high berm will not be achievable due to the fact that there is only a 10' corridor to work with and to put a sand berm in place there would have to be three to one side slopes to provide stability and at least a foot wide to accommodate the landscaping.
- Dumpster – Most of the discussion centered around the location of the dumpster:

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018

-12-

- Mr. Ryan stated that where the dumpster is shown on the site plan is to provide access to the facility and would be in accordance with the Dare County vehicle used which are front loaders and the dumpster's location would provide easy access to the dumpster location.
- Roll out cart option was brought up and due to the size of the lot size and the scale of the operation, roll out carts would not be an option and that according to the Department of Sanitation requirement, at least one dumpster is required at this location; one for recycling and one for solid waste.
- The discussion then went into various other areas where the dumpster could be located; eliminating parking spaces to place the dumpster on those spaces; relocate the dumpster to the side which would then make it a dominant feature on the site; shift the dumpster so the back of the dumpster would be facing the south; concern about the front loader trucks being able to drive in, dump and then drive out easily; are there drains in the dumpster; another location for the dumpster may require additional screening, landscaping which the Applicant would be willing to do by putting the screening along three sides and also enhance the vegetation and provide a stable berm; strong reason for where it shows on the site plan would provide access for the Dare County Sanitation vehicles and would maximize the number of parking for the facility and shared parking with the lots to the north which are lots 6 & 7 and Lots 3-5, when all built out will provide adequate parking at all times of the day.
- Curb Cuts – The access to Putter Lane is a major concern for the residents. A 'right-of-way' discussion ensued and it was pointed out that the Town has a right-of-way thru the medical center at the end of Putter Lane and traffic could be directed there because there is an easement over the property when the road was put in and there was a barrier there and the Town made the developer remove it. Mr. Testerman stated requiring a right-hand turn would depend on the Fire Department' requirement.
- Another suggestion would be to have a lockable arm gate where only the Police and Fire Department would have the keys to use in the case of emergencies and Mr. Testerman stated that the Fire Chief, in a discussion, would have no problem with a gate being installed.

Kitty Hawk Planning Board
Meeting Minutes
March 15, 2018
-13-

- Mr. Varnell stated that when that area was platted, some form of deeded access to Putter Lane and an inherent right could have been granted to the Applicant at that time which could restrict this suggestion.
- Mr. Richeson brought up the subject of the berm and asked if the height of the buffer could be measured to the top of the berm of 6' with no restrictions and that in three years the buffer would include stabilized soil as part of the required height and the Board can put this requirement into the CUP. Mr. Ryan stated that the Applicant would like to meet the residents' concerns by adding a supplemental buffer.
- Mr. DeLucia then spoke and stated that the proposal has 39 parking spots where only 23 are required and as long as the dumpster does not go past the property line and the pad faces the back of the building line and the easement is behind the property line for a stable berm and may be the easement could move up by the drain field behind the dumpster then six (6) spots would be lost which give more area for the berm and loose the last two (2) spots to the west where a higher berm could be and Mr. Ryan stated that there will be a break in the berm due to an existing transformer.
- Final word is that the location and access to the dumpster is upon the approval of the Dare County Public Works.
- Hearing no further discussion, Mr. Richeson asked for a recommendation and Mr. Richeson made the following: ***"I recommend approval of the Site Plan and Conditional Use Permits for the medical office at 5113 & 5117 Putter Lane subject to: a) requiring a Type A vegetative buffer along the western and southern property boundaries per Sec. 42-644a and extending the height of the buffer measured from the 6' vegetation form the top of the berm through the southern portion of Lot 5; b) Lots 6 & 7 be combined into one singular lot prior to building permits being issued and that the dumpster pad be relocated to the southwest corner of the west parking apron or two parking spaces from the rear of the west parking apron eastward, whichever would be approved by the Dare County Sanitation Department; c) A lockable-arm gate on Putter Lane with the lock only accessible by the Police and Fire Department. The Board has found this proposal to be consistent with the Town's adopted Land Use Plan."***
- Mr. Geraghty seconded and the recommendation was approved unanimously.

8. **Comments:**

- a. Chairman Richeson – thanked the Board for their input
- b. Planning Board Members – None
- c. Town Attorney – None
- d. Planning Director – None

9. **Adjourn**

Mr. Richeson adjourned the meeting at approximately 7:50pm.

Respectfully submitted by Patricia Merski, Recording Secretary