

Kitty Hawk Planning Board Meeting  
May 16, 2019 – 6:00pm  
Kitty Hawk Municipal Building

**AGENDA**

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
  - a. March 14, 2019
4. Administrative Report:
  - a. Town Council Action from April 1, 2019 and May 5, 2019 Meetings
5. Public Comment
6. Site Plan Review:
  - a. 5112 N. Croatan Highway – Urgent Care. The Applicant has proposed replacing the existing roll carts with a bulk container (dumpster).
7. Comments:
  - a. Chairman Richeson
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director
8. Adjourn

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

Chairman Richeson called the Kitty Hawk Planning Board Meeting to order at approximately 6:00pm on Thursday, May 16, 2019.

**Board Members Present:**

John Richeson, Chairman; Bryan Parker, Vice-Chairman; Chuck Heath, Member; Dusty Rhoads, Member; Jim Geraghty, Member; Matt Spencer, Alternate; Robert Testerman, Planning Director; Casey Varnell, Town Attorney.

**Absent:**

Gary Muir, Alternate.

**Voting:**

Due to the absence of Gary Muir, Alternate; Matt Spencer, Alternate, will vote on the Agenda items.

2. **Approval of Agenda:**

Hearing no objections/changes/corrections to the May 16, 2019 Agenda, the Agenda was approved unanimously.

3. **Approval of Minutes:**

- a. Hearing no objections/changes/corrections to the March 14, 2019 Meeting Minutes, the Minutes were approved with Mr. Spencer making the motion to approve and Mr. Richeson seconded and the Minutes were approved unanimously.

4. **Administrative Report**

- a. Town Council Action from 4/1/19 and 5/6/19 Meetings
- b. At the 4/1/19 Meeting, the Council approved the gas station Conditional Use Permit and the subdivision for the three (3) lots on West Kitty Hawk Road.
- c. At the 5/6/19, the Council denied the Text Amendment for the Miniature Horses.

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5. **Public Comment:**

- Mr. Richeson asked if any member(s) of the audience would like to speak, and if so, to come forward and state their name/address.
- Mr. Richeson clarified for members of the audience that the Planning Board is strictly an ‘advisory board’ that makes recommendations to the Town Council and the Council, in turn, can either agree with the Board’s recommendation(s) or deny those recommendations; therefore, the Council has the final vote.
- As no member(s) of the audience approached to address the Board, Mr. Richeson closed the Public Comment portion of the meeting.

6. **Site Plan Review:**

- a. 5112 N. Croatan Highway, Urgent Care. The Applicant has proposed replacing the existing roll carts with a bulk container (dumpster).

**(Note: This was originally brought up in the summer of 2018 and the Conditional Use Permit was approved for the site plan for the Urgent Care.)**

- Mr. Testerman referred the Board to the overhead screen showing the proposed site for the dumpster.
- As at the meeting in 2018, there were definite points of contention from some of the adjacent residents to the rear on Putter Lane concerning the medical waste/garbage that would be in the dumpster and the possibility of some of that medical waste blowing into some of their yards and were highly opposed.
- Because of the residents’ concerns, the dumpster was eliminated and rolling carts were then obtained from Dare County Sanitation Department.
- Mr. Testerman stated that since the Urgent Care facility was opened during the off season the rolling carts have been filled to their capacities and that on particularly windy days, the lids on the carts have been blown open and some of the trash has been blown onto the residences behind the facility.
- Representatives of the Urgent Care facility have expressed concerns that the roll carts will not be sufficient during the busier summer months.
- The Applicant is now requesting approval of Site Plan Amendment to place a commercial dumpster on site, rather than continuing to use the previously approved roll carts.
- Mr. Testerman stated that, should the Site Plan Amendment be approved, the dumpster would be closer to the bypass as opposed to closer to the adjacent Putter Lane property owners.
- Mr. Testerman stated that the dumpster would be approximately 350 feet from the nearest property owner’s front porch and the house to the south would be approximately 210 feet from the dumpster site.
- In doing his due diligence on the concerns of the neighbors on Putter Lane, Mr. Testerman contacted those home owners to advise them of the proposed Site Plan Amendment. The neighbor to the rear had no objections but if the Site Plan was approved, would that then eliminate the roll carts for the other buildings as well and Mr. Testerman stated that Urgent Care representatives indicated it could.

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- With the proposed Site Plan Amendment, the roll carts would be eliminated and the entire complex would then be using the dumpster (ENT, two other buildings under construction) and Vidant would be more than happy to utilize the one dumpster.
  - Just as a matter of information, Urgent Care currently has three (3) or four (4) roll carts and the ENT facility has two (2) and the other properties under construction would possibly also have two (2) would could bring the total roll carts to approximately 8-10; therefore, the one dumpster would totally eliminate all the roll carts.
  - Mr. Testerman, in his discussion with the Dare County Sanitation Department, stated that the dumpster would be emptied three times/week with a collection time of approximately 4:30am; thus cutting down any noise concerns the residents to the rear may have.
  - Mr. Testerman stated that, as required by Sec. 34-3(e), bulk containers (dumpsters) shall be placed on a concrete pad and shall be screened from public view on three sides. Mr. Testerman, pointed out the highlighted orange area where the proposed dumpster would be located which would be facing south toward Urgent Care and would be screened on the north, east and west sides. Also, the Sanitation truck would enter at the access point indicated on the site plan, turn in, pick up, back out and drive out through the southern-most exit.
  - Mr. Geraghty wanted verification that Dare County Sanitation had already looked at the proposed dumpster site and Mr. Testerman stated that Vidant had submitted the proposed amendment and they had also met with the Dare County Sanitation Department representatives concerning the placement of the dumpster and that the proposed dumpster site would work.
  - Mr. Testerman noted that for a typical minor Site Plan Amendment, it is usually approved administratively, but due to the contentious history around this proposal Mr. Testerman felt it would be appropriate for the Board and Town Council to formally review.
  - Mr. Spencer stated, that as a member of the Board of Adjustment, notices are officially notified of any such issues and Mr. Testerman stated for a Site Plan Amendment, that would not be the case but for Conditional Use Permits and Rezoning Amendments, adjacent property owners would be notified by mail.
  - Mr. Richeson then asked if there were any further questions from the Board and hearing none, asked for a motion to be made and Mr. Heath made the following: **“I recommend approval of the Site Plan Amendment for the medical office at 5112 N. Croatan Highway, allowing the placement of a commercial dumpster. The Board has found this proposal to be consistent with the Town’s Adopted Land Use Plan.”**
  - Mr. Richeson seconded and the proposal was passed unanimously.
7. **Comments:**
- a. Chairman Richeson – None
  - b. Planning Board Members – None
  - c. Town Attorney – None
  - d. Planning Director – None
8. **Adjourn:**  
Chairman Richeson adjourned the May 16, 2019 Planning Board Meeting at approximately 6:17pm.  
Respectfully submitted by Patricia Merski, Recording Secretary