

## **MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING**

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 13, 2008. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC 27954

**CALL TO ORDER**                      7:00 pm

### **MEMBERS PRESENT**

Elmer R. Midgett, Jr., Chairman	David Overton
John Finelli	Mary Beth Midgett
Henry Haywood	Dan Oden
Ricky Scarborough, Jr.	

### **APPROVAL OF MINUTES**

There being no additions or deletions to be made to the minutes of the September 8, 2008 Planning Board meeting, a motion was made by Henry Haywood, seconded by David Overton to dispense with reading them and to approve them as submitted.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Lake Burnside Subdivision – Roanoke Island – Preliminary Plat***

Mr. Eddie Goodrich was present to represent the preliminary plat for Lake Burnside Subdivision.

Dare County Planner Ryan Simons told the Board that preliminary plat approval for the proposed Lake Burnside Subdivision was recommended by the Planning Board on June 9, 2008. Mr. Simons stated that the preliminary plat has not been submitted for review by the Dare County Board of Commissioners.

Mr. Simons stated that on September 2, 2008, the Dare County Board of Commissioners adopted amendments to section 153.20 Dare County Subdivision Ordinance specifically referencing minor subdivisions; thus prompting the developer to resubmit a revised preliminary plat proposing six lots to be accessed via a private 30' right of way with a road bed width of 18'. Mr. Simons noted that the proposed right-of-way will be an extension of an existing state maintained right-of-way that will be improved to include 18' wide paved road bed.

Mr. Simons stated that a statement from a licensed engineer and/or surveyor should be submitted to assure that the road street construction will comply with Section 153.20 of the Dare County Subdivision Ordinance.

A motion to recommend preliminary plat approval to the Dare County Board of Commissioners subject to the roads being constructed according to the requirements of Section 153.30 of the Dare County Subdivision Ordinance was made by John Finelli, seconded by Henry Haywood.

Vote: Ayes – Unanimous

***Ocean Builders for Stanford Holdings – Waves – Text Amendment to Chapter 158 Signs***

Senior Planner Donna Creef noted that last month the Planning Board tabled the text amendment submitted by Stanford Holdings to amend the Dare County Sign Ordinance because they felt it was too broad, and instructed staff and the applicant to develop language that will narrow the scope of what was originally submitted. She told the Board that the applicants requested that the definition of wall sign be amended to accommodate a sign on their building in Waves that had been determined by the staff not to be a wall sign.

Mrs. Creef provided the Board with a copy of the draft definition for their review and consideration as follows:

*Wall Sign – A sign affixed to the wall of any building that projects not more than 12 inches from the building. Wall signage may also be attached to exposed architectural framing that is connected to the exterior of a wall of a building when display of the signage on the exterior wall would be limited by the location of the exposed architectural framing. Exposed architectural framing shall not be interpreted to allow for the display of wall signage on handrails, deck framing, deck enclosures or roofs. Signage displayed in exposed architectural framing shall not be displayed in a manner whereas the signage extends above the highest point of the roof line of the building. No additional allowances in the amount of permitted wall signage shall be authorized for signage displayed in the exposed architectural framing.*

Mrs. Creef told the Board that the applicants were informed that they could appeal her decision and be heard by the Zoning Board of Adjustment or apply for a text amendment. Mrs. Creef reminded the Board that if a recommendation to deny the request is made the recommendation will be forwarded to the Board of Commissioners and the applicants will have the opportunity to plead their case in front of the Board of Commissioners.

Chairman Midgett stated that he is not in favor of amending the ordinance to fit a particular property or structure.

Following a discussion of the draft amendment language proposed, a motion to recommend denial of the requested text amendment because it would not be a benefit county-wide and given the fact that freestanding signs are currently permitted there is not a need for the amendment requested was made by John Finelli, seconded by Ricky Scarborough, Jr.

Vote: 6 – Ayes (E. Midgett, J. Finelli, D. Overton, H. Haywood,  
R. Scarborough, and B. Midgett)  
1- No (Dan Oden)

The Planning Board also concurred not to conduct a public hearing on the requested text amendment.

***Barry Stephen Crum – Buxton – Zoning Amendment Petition***

Mr. Barry Stephen Crum, Jr. was present for this review.

Planner Ryan Simons noted that the Board will recall in July, Mr. Barry Crum submitted both a rezoning request and a text amendment application to permit biodiesel fuel production at his property in Buxton. He stated that the rezoning request was to go from a C-3 to I-1. At that time the Planning Board decided to not recommend approval of the rezoning request, and to forego any decision on the text amendment request until staff could do some more research and consult with Mr. Crum on the issue.

Mr. Simons told the Board that since that time staff has consulted with Mr. Crum, have done some research on the topic of biodiesel production and have tried to come up with some language for insertion into the C-3 zoning district. Mr. Simons provided the Board with a copy of the draft language for the Board's consideration.

Chairman Midgett stated that he doesn't recall anyone being in favor of permitting bio-diesel manufacturing in the C-3 district. He stated that he recalls the item being tabled to allow time for language to be drafted for the I-1 district so that the business could be located within that district. He stated that the nature of business does not fit the neighborhood.

Board member Ricky Scarborough commented that there has been an overwhelming negative response from the neighbors. He further commented that an industrial park would be a more suitable location for this type of manufacturing due to the tremendous hazards associated with bio-diesel production. He applauded Mr. Crum's entrepreneurship, but suggested he find a different location.

Board member Beth Midgett also applauded Mr. Crum's efforts and what he is trying to do, but also expressed the opinion that the manufacturing of bio-diesel does in fact belong in an industrial setting.

A motion was made by John Finelli, seconded by Beth Midgett to recommend that the application for the text amendment be denied because it is not an appropriate use in the C-3 zoning district.

Vote: Ayes – Unanimous

The Board concurred that a public hearing conducted by the planning board is not needed.

Mrs. Creef added for the record that from staff's perspective, the production of bio-diesel in the C-3 zoning district is a violation of the Dare County Zoning Ordinance, and they have been requested to stop. She stated the whole reason for the text amendment was to try to resolve the violation. She stated that they need to stop what they are doing out there. We will proceed with Mr. Outten to follow through with that. We have advised them to stop what they are doing out there and there is some question as to whether they have done that and because this was in the process we haven't been hard and fast on them about that. But if they choose to withdraw that then we will have to ask Mr. Outten what our options are.

**NEW BUSINESS**

***Joseph K. & Kellie P. Kiely – Conditional Use Permit Application – Waves, NC***

Planner Ryan Simons presented staff comments. He told the Board that this is a Conditional Use Permit application to add a four bedroom residence to a lot with an existing single family home. Mr. Simons told the Board that both structures are proposed to be accessed via a single driveway from NC 12. He stated that this driveway should be improved with a dust free surface to a width of 10' to accommodate emergency vehicles. He provided the Board with a draft Conditional Use Permit for consideration.

Mr. Simons told the Board that as a courtesy the adjacent property owners were notified and he has not heard any opposition or support from anyone.

Jason Buckner with Island Pine Builders, contractor for Mr. Kiely was present. He told the Board that the existing dwelling is approximately 100 years old and has been completely renovated/restored to Mr. Kiely's specifications. He told the Board that the second building proposed will not be a rental home a guest house. He stated that both structures will face Hwy. 12 and the Pamlico Sound. Mr. Buckner told the Board that reasons they are approaching it this way is that the property has some very hard wood trees on it that they want to keep and that is why they are proposing one driveway and not trying to subdivide this.

A motion to recommend approval of the draft Conditional Use Permit as submitted by staff was made by Henry Haywood, seconded by Dan Oden.

Vote: Ayes – Unanimous

***IG Holdings, LLC (Waves Village) – Waves – Conditional Use Permit Application***

John Delucia of Albemarle and Associates was present on behalf of IG Holdings, LLC was present.

Senior Planner Donna Creef told the Board that earlier this year she approved a site plan administratively for a retail establishment (WINGS) for IG Holdings LLC in Avon, NC.

Mrs. Creef stated that IG Holdings, LLC is not seeking authorization for a Conditional Use Permit for a second structure on their property to be used for employee housing. She stated that four parking spaces will be dedicated for use by the residential structure and suggested that these spaces be indicated on the site plan submitted to the Dare County Board of Commissioners.

Mrs. Creef provided the Board with a draft Conditional Use Permit with conditions for their review and consideration.

There being no further discussion, a motion to recommend approval of the draft Conditional Use Permit as prepared by staff was made by Ricky Scarborough, Jr., seconded by Henry Haywood.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

***Text Amendment to add fences around borrow pits – Referred by the Dare County Board of Commissioners***

Senior Planner Donna Creef submitted a draft text amendment to Chapter 152 to address fencing at borrow pits as requested by Commissioner Virginia Tillett for the Board's consideration. She told the Board that a recommendation on the draft language is necessary prior to forwarding to the Dare County Board of Commissioners for their consideration.

Chairman Midgett stated that he has no problem with the text amendment as it came from the Commissioners. He stated that in their discussion they were discussing borrow pits and Commissioner Tillett said that for safety reasons she felt like borrow pits should be fenced. So it is here for us to make a recommendation on and go back to the Commissioners with.

Finelli asked if this pertains to new pits or existing pits?

Mrs. Creef stated that she didn't know how it would be applied to existing pits; she stated that would be a question for the County Attorney. She stated that the enforcement may be a problem.

Board discussed this item at briefly and concurred to include this item on the agenda for next month for further discussion.

***Dare County Land Use Plan Update – Discussion***

Senior Planner Donna Creef told the Board that included in the first packet was info on the workshops being held next week for the Land Use Plan. She stated the first workshop is Tuesday, October 21, 2008 and the second one is Wednesday, October 22, 2008. She stated that Mr. Harbeck will be conducting both workshops.

She asked Board members to please try to attend a workshop closes to their home.

She stated that a report from Mr. Harbeck on these meetings will be presented at the November meeting if possible.

She provided a copy of the policy workshops handout that will be given to those in attendance that the meetings.

Mrs. Creef also told the Board that as a follow-up to the previous discussion regarding floating homes, she stated that she sent out a memo stating that floating homes are defined as something other than a boat and informed the Board that she has made changes to the narrative for the section in the Land Use Plan that discusses floating homes and structures.

In closing, Mrs. Creef informed the Board that Planner Ryan Simons has accepted the position of Planning Director for the Town of Selma.

Planner Ryan Simons thanked the Board for the opportunity to work with them and stated that it has been a very good learning experience and has enjoyed his time here.

## **ADJOURNMENT**

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED: November 10, 2008**

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