

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 10, 2008 in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT Elmer R. Midgett, Jr. – Chairman John Finelli
 Richard “Ricky” Scarborough, Jr. Mary Beth Midgett
 David Overton

MEMBERS ABSENT Henry Haywood
 Dan Oden

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the October 13, 2008 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by Ricky Scarborough, Jr. This motion was seconded by John Finelli.

OLD BUSINESS

Nothard Hills Subdivision – Avon – Preliminary Plat Review

This item was not reviewed by the Planning Board due to the lack of representation.

NEW BUSINESS

Carolina Key Green Energy Corp., Inc. – Text Amendment to Section 22-29 - Variances as to Height Limits

On behalf of Carolina Green Energy Corp., Inc., John DeLucia of Albemarle and Associates was present to represent this text amendment.

Senior Planner Donna Creef told the Board that Albemarle and Associates on behalf of Carolina Key Green Energy Corp., Inc. has submitted a request to amend Section 22-29 (Variances as to height limits) of the Dare County Zoning Ordinance to add “meteorological data towers” to the list of other structures that may be considered for height variances.

Mrs. Creef told the Board that Carolina Key Green Energy Corp., Inc. intends to request a variance for the possible construction of a wind tower farm on the island they own in the vicinity of the Oregon Inlet Bridge. She told the Board that Carolina Key Green Energy Corp., Inc. will need to have a temporary wind tower constructed so that wind data can be collected to see if there is adequate wind to justify the expenditures of a more permanent facility out there.

Mrs. Creef told the Board that the County Attorney has advised that an amendment needed to be pursued prior to the submission of a variance request.

Mrs. Creef provided the Board with a copy of the draft amendment language submitted by the petitions as a result of conversations with the Planning staff and the County Attorney. Mrs. Creef suggested that the Board may want to consider including an additional condition that requires a distance of perhaps 500 feet from any residential structure. She told the Board that Albemarle and Associates have indicated that this requirement is extreme and expressed that perhaps a height limitation would be more appropriate.

Mr. DeLucia told the Board that there is between 2,000 – 2,500 mega watts of renewable energy out there in that sound. He stated that the proposed temporary tower is 166 feet tall and will be constructed on a 52 acre island. He further stated that there is a residence on the island and suggested a tower height of 200 feet would be adequate. He stated that if the Board wishes to implement a setback, a 300 – 400 foot setback would be feasible.

After discussion of this request the Board concurred that it is not necessary for the Planning Board to conduct a Public Hearing on this amendment.

A motion to recommend approval of the requested text amendment was made by Beth Midgett, seconded by David Overton and John Finelli.

Vote: Ayes – Unanimous

Crystal Crockett – Zoning Text Amendment – MH-B – to add indoor recreation facilities (Beach BINGO) to the list of permitted uses

Mrs. Crystal Crockett was present to represent her request to amend the MH-B district of the Dare County Zoning Ordinance to include Beach BINGO to the list of permitted uses.

Mrs. Creef told the Board that the staff comments for this item were prepared by Ryan Simons. She noted that Mr. Simons indicate that Mrs. Crockett proposes to amend the MH-B zoning text to allow “indoor recreation facilities” (Beach BINGO) as a permitted use.

Mrs. Creef told the Board that in discussing this item with Mr. Simons he mentioned should the text amendment be advertised and considered in the broad context of indoor recreation or considered as just an amendment for Beach BINGO. As indicated by Mr. Simons, Mrs. Creef told the Board that there is nothing to preclude the Board from limiting the amendment to Beach BINGO.

After discussing the options provided by staff comments, Board members indicated that they would prefer that the scope be narrowed to Beach BINGO..

Mrs. Crockett told the Board that she has no problem with narrowing the scope. She stated that with the opposition that will be presented, she believes that narrowing the scope to “Beach BINGO” is a better alternative.

John Finelli made a motion to recommend that a public hearing be conducted at the next planning board meeting and that it be advertised to narrow the scope and add Beach BINGO to the list of conditional uses permitted in this district. This motion was seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

David and Mary Elizabeth Bein – Text Amendment to VC-2 Zoning District – to add tattoo studios to the list of permitted uses

David and Mary Elizabeth Bein were present to represent their application submitted to amend the text of the VC-2 zoning district to add tattoo studios to the list of uses permitted.

Senior Planner Donna Creef noted that letters of support for the Bein amendment were included with her written comments included in the Board packet.

Mrs. Creef told the Board that historically tattoo establishments have been perceived as undesirable land uses and were not permitted or only permitted and regulated as adult businesses in limited areas by many local governments.

In discussing the amendment request, Mrs. Creef suggested that the Board should consider whether tattoo studios be considered a permitted or conditional use and special conditions that may be applied to the use such as outside appearance, the display of signage used by the establishment, and any separation requirement from other land uses that may be appropriate.

Ricky Scarborough made a motion to conduct a public hearing at the December 8, 2008 meeting, and to advertise the amendment to the VC-2 zoning district to add tattoo studios to the list of conditional uses

permitted in this district. This motion was seconded by Beth Midgett.

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 stated that at the October meeting, staff presented to the Board some draft language to amend Chapter 152 of the Dare County Code of Ordinances to address adding fences around borrow pits. She stated the question of whether these regulations would apply to existing or new pits was raised and staff was instructed to discuss this issue with the County Attorney. Mrs. Creef informed the Board that based on her conversation with Mr. Outten, she has revised the draft language to only apply to new borrow pits that are associated with mining permits issued by the NC Division of Land Resources and constructed after the date of adoption of the fencing regulations. She noted that as suggested by Mr. Finelli, the definition of borrow pit has been amended along with the requirement that fencing around borrow pits to be consistent with the building code fencing height of four feet that also applies to pools.

A motion to recommend the of adoption of the language as submitted by staff was made by John Finelli, seconded by David Overton.

Vote: Ayes – Unanimous

Dare County Land Use Plan Update – Report of workshops

Senior Planner Donna Creef told the Board that the workshops held on October 21st and 22nd were not heavily attended, but did produce some positive feedback on the draft policies and draft future land use maps. She told the Board that Mr. Harbeck is still working on the report from those meetings and once she receives the report the necessary changes will be made. Mrs. Creef stated that she thinks it will be necessary for the Board to have a separate workshop to discuss the report and necessary changes sometime at the end of November or early December.

The Board discussed a date for the next Land Use Plan Update workshop and decided that December 15th would be a tentative date.

Discussion/possible recommendation on ancillary residential uses (referred from Board of Commissioners)

Senior Planner Donna Creef told the Board that at the October 20, 2008 meeting of the Board of Commissioners, the County Attorney and the Planning Department were instructed to draft language to

address certain ancillary uses in residential zoning districts. Mrs. Creef stated that the language drafted and included in the Board packet exempts three specific activities from the zoning regulations: the operation of recreational motorized vehicles, the repair or restoration of motor vehicles or boats, and the ownership of up to three horses for individual use. She further stated that the draft language defines ancillary residential use as a use that occurs on private property only in association with a residential structure, and only in a manner prescribed above.

After brief discussion, the Board concurred to conduct a public hearing at the December 8, 2008 meeting. A motion was made by Ricky Scarborough, seconded by Beth Midgett to conduct a public hearing.

Vote: Ayes – Unanimous

Dare County Nuisance Ordinance – Proposed Revisions

Senior Planner Donna Creef informed the Board that the County Attorney has instructed the Planning Department to work on the Dare County Nuisance Ordinance to expand the scope of conditions that are defined as a nuisance and address situations other than those that represent eminent threats to public health and safety.

Mrs. Creef provided the Board with a copy of the revised nuisance ordinance and asked that they review it and note any comments or questions for discussion it at the December 8, 2008 meeting.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED:

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