

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 9, 2009. This meeting was held in the Dare County Board of Commissioners meeting room located at 954 Marshall C. Collins Drive, Manteo, NC.

### **MEMBERS PRESENT**

Elmer R. Midgett, Jr., Chairman  
Henry Haywood  
Dan Oden

John Finelli  
Beth Midgett

### **MEMBERS ABSENT**

Richard Scarborough, Jr.

David Overton

### **APPROVAL OF MINUTES**

There being no additions or deletions to be made to the minutes of the October 12, 2009 meeting of the Dare County Planning Board, Henry Haywood made a motion to dispense with reading those minutes and to approve them as submitted. This motion was seconded by Dan Oden.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Stanley & Nancy J. Beacham Subdivision – Roanoke Island – Final Plat***

Ray Meekins with Seaboard Surveying and Planning, Inc. was present to represent the final plat of the Stanley & Nancy J. Beacham Subdivision.

Senior Planner Donna Creef told the Board that the Dare County Board of Commissioners granted preliminary plat approval of this division on October 5, 2009. Mrs. Creef noted there are no road improvements to be installed, and recommended final plat approval.

A motion to grant final plat approval to the Stanley & Nancy J. Beacham Subdivision was made by John Finelli. This motion was seconded by Henry Haywood.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Jarvis L. Williams – Buxton – Conditional Use Permit***

The applicant, Mr. Jarvis L. Williams was present to represent the site plan and application he submitted for a conditional use permit to construct a two-bay automated car wash in Buxton, NC.

Senior Planner Donna Creef presented staff comments. She noted that the site for the proposed car wash facility is zoned C-3 which permits automobile service stations as a conditional use.

Mrs. Creef noted that based on her discussions with Mr. Williams revisions have been made to the site plan to depict the building be moved a little bit and one of the vacuums being relocated. She told the Board that the Williams property is actually two lots with structures on them that will be removed to accommodate the proposed car wash. She further noted that Mr. Williams will be combining the two lots and will record a recombination plat through the exemption procedures. Mrs. Creef stated that a condition addressing the recombination of the two lots is included in the draft Conditional Use Permit, and that Mr. Williams has indicated that he understands that the recombination is necessary to accommodate the construction of the proposed building.

Mrs. Creef pointed out that the proposed site for the car wash facility is surrounded by residential uses which are permitted in the C-3 zoning district. She told the Board that courtesy notices were sent via first class mail to the adjoining property owners, and as a result of those notices, several e-mails have been received from the adjoining property owners expressing concern about the potential noise from the vacuums and sprayers, trash and debris, lighting of the facility, headlights from patrons and the use of the facility at all hours. Mrs. Creef provided copies of the e-mails for the Board's review. She suggested the lights for the facility be placed on a timer for automatic shut off at a set time, and posting notice of the hours of operation. She noted security lighting will be necessary, but should be situated away from residential properties.

Mrs. Creef told the Board that waste disposal for the facility has been discussed with Public Works Director, Edward Lee Mann who indicates that a roll-out trash receptacle would be adequate.

Mrs. Creef provided the Board with a draft Conditional Use Permit for the Board's review. She suggested the Board discuss fencing and the hours of operation along with any other conditions the Board may identify.

Mr. Williams provided the Board with pictures of the site that. He stated that the car wash will be automated and self serve. He noted that two bays for self service and one bay for washing a boat are proposed. He explained that the proposed facility is a reclamation car wash facility which is what is used across the state. Mr. Williams told the Board that he would like for the facility to operate 24 hours. Regarding the fence, Mr. Williams told the Board that he would prefer not to be required to install a 10' fence and requested permission to install a 6' fence as a buffer.

The Board discussed the hours of operation, buffering for the site adjacent to residential uses and the submission of an engineered stormwater management plan, separation distance from adjoining residential properties, and the required height of the fencing to be installed as a buffer.

Beth Midgett made a motion; seconded by Henry Haywood to recommend approval of the conditional use permit application submitted by Mr. Jarvis Williams subject to the conditions as follows:

1. A solid wooden fence, six feet in height, shall be installed as a buffer along the residential properties that abut the site. The existing vegetation along the Tim Barnett property may be used in conjunction with the wooden fencing along the property line. The planning department staff will verify that the buffer prior to the opening of the car wash facility. The site plan shall be revised to depict the buffer and the type of material to be used.
2. The Hours of operation for the car wash shall be from 6:00 am to 11:00 pm Sunday – Saturday. These hours shall be posted at the car wash facility.
3. An engineered stormwater management plan will prepared and submitted to the Dare County Planning Department upon the completion of removal of the existing structures on the site. A copy of the stormwater plan shall also be submitted to NCDOT for review and approval.
4. The distance of separation from the adjoining residential structures shall be calculated and indicated on a revised site plan, or by letter prepared by the surveyor.
5. All other conditions as outlined in the draft conditional use permit prepared and submitted by the planning staff will apply.

Vote: Ayes – Unanimous

## **OTHER BUSINESS**

### ***Discussion of State response/comments on the Draft Land Use Plan***

Senior Planner Donna Creef told the Board that Greg Ball in the Information Technology Department is still working on the future land use maps, and therefore suggested that the discussion on the necessary

revisions from the state comments to the future land use maps be deferred until the December meeting. She commented that it is hard to have a discussion without having the maps in front of you.

Mrs. Creef provided copies of two policies discussed at the last meeting that needed minor revisions to the wording. She pointed out that the changes involve the wording of LUC Policy #8 on redevelopment activities and LUC #17 on maritime forests. She told the Board that LUC #8 has been revised to be more specific about the redevelopment of older structures and cites the specific codes versus the previous more generic wording. She stated that LUC #17 has been revised to specifically address the acquisition of privately-owned lands for the Buxton Woods Coastal Preserve.

Mrs. Creef informed the Board of a new policy LAC #5 with states – “Dare County encourages federal or state regulatory agencies to consider impacts from activities occurring on their lands on the surrounding privately-owned land and communities. Although Dare County acknowledges that federal and state properties are exempt from local zoning and other land use ordinances, federal and state agencies should coordinate their efforts with local officials whenever practicable.”

The Board was in consensus with the revisions as submitted by staff.

#### ADJOURNMENT

There being no other business before the Dare County Planning Board, a motion to adjourn was made by Dan Oden. This motion was seconded by Beth Midgett.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: December 14, 2009



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