

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning held its regularly scheduled meeting on Monday, May 10, 2010. This meeting was held in the Dare County Board of Commissioners meeting room located at 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 7 pm

<b>MEMBERS PRESENT</b>	Elmer R. Midgett, Jr. – Chairman	Ricky Scarborough, Jr.
	David Overton	Beth Midgett
	John Finelli	Henry Haywood

**MEMBERS ABSENT** Dan Oden

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the March 8, 2010 meeting a motion to dispense with reading them and to approve them as submitted was made by Henry Haywood. This motion was seconded by Beth Midgett.

Vote: Ayes – Unanimous

**OLD BUSINESS** – None

### NEW BUSINESS

***John Myers – Colington – VC-2 Zoning Amendment Petition to add boat/outboard motor repair shop and boat storage to the list of permitted uses***

Present for the review of this request was Mr. John Myers serving as the agent for the current property owner Mr. John Myers IV. Also present was Mr. Bill Myer, a boat builder who has made an offer to purchase on the site.

Senior Planner Donna Creef told the Board that Mr. Myers has submitted a request to amend the text of the VC-2 district as it applies to several portions of Colington to add boat motor repairs and boat storage to the list of permitted uses.

Mrs. Creef told the Board that the intent of the VC-2 district is to provide limited commercial areas to serve existing or developing residential neighborhoods and to provide goods and services for permanent residents and seasonal visitors. She provided the Board with a copy of the Colington zoning map depicting the areas of VC-2 along Colington Road along with language for the VC-2 so that they can review the entire list of permitted and conditional uses currently allowed in the VC-2 district.

Mrs. Creef suggested the Board discuss the consistency of boat repairs and storage with the other uses currently allowed in the VC-2 district and whether the proposed amendment should be added to the list of permitted uses or as a conditional use. She noted that the Planning Board has the option of conducting a public hearing on the requested text amendment prior to making a recommendation to the Dare County Board of Commissioners.

Mrs. Creef stated that if the VC-2 text amendment granted, a detailed site plan will be necessary before operations at the site are authorized. She reminded the Board that any motion made should include a finding of consistency or inconsistency with the County's 2003 Land Use Plan. She noted that in reviewing the land use plan the only policy she found to address the proposed amendment is policy #58 that states that "Dare County encourages the continued existence and development of locally owned businesses in unincorporated Dare County.

Mrs. Creef told the Board that it is the staff's opinion that boat repair and boat storage is consistent with the VC-2 district and the intent statement. She provided the Board with draft language outlining several conditions as follows for the Board discussion:

- a. The boat storage area is enclosed by solid fencing constructed of wood or composite material and is no less than 6' in height.
- b. No dry stack storage facilities are permitted.
- c. No bulk storage or sale of fuel is permitted.

A motion was made by John Finelli to recommend the text amendment requested by the applicant to include boat repair and storage as a conditional use and that the Planning Board not hold a public hearing, and the proposed text amendment is consistent with the policies of the 2003 Dare County Land Use Plan and other officially adopted plans of Dare County that are applicable and in the public interest of Dare County since this amendment provides for the construction of locally owned businesses. This motion was seconded by Henry Haywood.

Vote: Ayes – Unanimous

***David L. Ballance – Hatteras – Zoning Amendment Petition to add Sporting clay course to the list of permitted uses.***

Mr. and Mrs. David Ballance were present for the review of this request.

Senior Planner Donna Creef told the Board that Mr. Ballance owns a 9.3 acre tract at the end of G. Austin Lane located in the R-2H zoning district. She stated that Mr. Ballance is seeking a text amendment to the R-2H district to add sporting clay courses as a conditional use with specific conditions

versus a rezoning of the site to a commercial classification which would involve a wide range of uses associated with the commercial designation.

Mrs. Creef provided draft language outlining conditions of operation for the Board's discussion and consideration and briefly went over the conditions recommended for the text amendment. She explained that she drafted the text amendment to limit the potential number of sites that would qualify as clay sporting courses in the R-2H district in order to give the Planning Board and Board of Commissioners a greater level of comfort with the proposed R-2H text amendment.

After discussing the conditions as identified by Mrs. Creef, the Planning Board members concurred that the proposed clay course is a good, low impact use of the property.

Mr. Ballance addressed the issue of noise. He stated he has discussed the proposed text amendment with his neighbors and has received no opposition.

A motion was made by Henry Haywood to recommend adoption of the requested text amendment as a conditional use as outlined by staff. That the Planning Board not conduct a public hearing. The board also finds that the text amendment requested is consistent with the policies of the 2003 Dare County Land Use Plan and other officially adopted plans of Dare County that are applicable and in the public interest of Dare County since the amendment provides for the construction of locally owned businesses. This motion was seconded by Beth Midgett.

Vote: Ayes – unanimous

***Wayne Umphlett – Mashoes – MH-A Text Amendment Request***

Mr. Umphlett was present to request a text amendment to the MH-A zoning as it applies to the Manns Harbor/Mashoes area.

Senior Planner Donna Creef told the Board that Mr. Umphlett is requesting a text amendment to the MH-A district regulations to add fishing and hunting camps as a permitted use. She stated that Mr. Umphlett owns six ten acre lots along the Albemarle Sound. She stated that Mr. Umphlett's plan is to construct several overnight guest quarters on the site in individual cabins, which will necessitate a group development/conditional use permit review.

Mrs. Creef provided the board members with a copy of the MH-A regulations for their review along with language/conditions for the proposed amendment. She further told the Board that the 2003 Land Use Plan policies on commercial development encourage the continued existence of and development of locally owned businesses. Land Use Plan Policy #65 references support for eco-tourism and combining natural resources and tourism. Mrs. Creef stated that the text amendment proposed can be determined to be consistent with the policies of the 2003 Land Use Plan, based on those policies.



Mrs. Creef stated that the addition of fishing/hunting camps does not seem to be incompatible with the range of other uses allowed in the MH-A district.

They also concurred that a public hearing conducted by the Planning Board is not necessary since the Board of Commissioners is mandated to do so.

Richard Scarborough, Jr. made a motion that the proposed text amendment for the MH-A district to add fishing and hunting camps to the list of conditional uses as prepared by staff with the inclusion of an 800 square foot limitation on the individual cabins/overnight quarters be recommended for adoption. This motion also includes a finding that the amendment is consistent with the policies of the 2003 Land Use Plan and other officially adopted plans of Dare County and is in the public interest of Dare County by allowing for the development of locally owned businesses with an emphasis on the promotion of eco-tourism. This motion was seconded by John Finelli.

Vote: Ayes – 5 (Scarborough, Finelli, B. Midgett, Haywood, Overton)  
Nay – 1 (E. R. Midgett, Jr.)

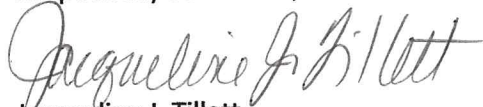
**OTHER BUSINESS - NONE**

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: June 14, 2010



Elmer R. Midgett, Chairman  
Dare County Planning Board