

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 11, 2011. This meeting was held in Dare County Board of Commissioners meeting room located 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 pm

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

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the March 14, 2011 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by, Beth Midgett. This motion was seconded by Henry Haywood.

Vote: Ayes – Unanimous

PUBLIC HEARING

John F. Conner, Jr. – Buxton – Zoning Amendment Petition – R-2A to C-3

Mr. Ray Meekins, project representative from Seaboard Surveying and Planning was present along with the applicant Mr. John F. Conner, Jr.

Planning Director Donna Creef told the Board that she received e-mail comments from adjoining property owner Mrs. Ruth Fiber expressing opposition to the requested amendment due to concerns regarding the devaluation of her property and the noisy air conditioning units at Conner's supermarket.

Mr. Ray Meekins addressed the Board and reviewed the list of uses permitted in the R-2A with the Board, and noted that although the C-3 commercial district does permit a broader range of commercial uses, the R-2A is strictly a residential district.

Mrs. Creef pointed out items included in the 2009 Dare County Land Use Plan that are applicable to the requested zoning map amendment (LUC#3, LUC#5, and LUC #6).

Mr. Conner addressed the Board and provided a brief history of the Conner's Supermarket. He told the Board that Conner's Supermarket is a third-generation family owned and operated business that has served the community since 1963. Mr. Conner also referenced land use policy LUC #5 that supports locally-owned businesses.

In response to comments submitted by Mrs. Ruth Fiber, Mr. Conner told the Board that Mrs. Fiber is not a full-time resident and the lot that she refers to in her comments is used for a camping trailer. He further stated he doesn't think that a zoning change would have any effect on the property values of any of the adjoining properties. In reference to the concern regarding noise, Mr. Conner stated that if they could keep the refrigerated foods and store cool without compressor noise they would certainly do so. He also noted for the Board that the store existed prior to any of the residences except for the residence he just purchased.

There being no other speakers, the public input portion of hearing closed at approximately 7:13 PM.

Following the close of the hearing, several of the Board members commented that the Conner family and their business, Conner's Supermarket, has always been good neighbors and is an asset to the community. They also acknowledged the land use policies that support locally-owned businesses.

A motion to recommend approval of the rezoning request to the Dare County Board Commissioners and that the request is consistent with the Dare County Land Use Plan and other policy's of Dare County, was made by Beth Midgett, seconded by David Overton.

Vote: Ayes – Unanimous

OLD BUSINESS – None

NEW BUSINESS

Hatchell Concrete, Inc. – Roanoke Island – Zoning Text Amendment (C-3 district)

Mr. Bill Pearce was present to represent this application.

Planning Director Donna Creef presented staff comments. She stated Mr. Pearce in conjunction with Hatchell Concrete, Inc. has submitted a zoning text amendment requesting to amend the text of the C-3 zoning district to add "boat engine repair and boat maintenance" to the list of permitted uses in the C-3 district.

Mrs. Creef stated the requested amendment does not seem to be incompatible with the other uses currently permitted in the C-3 district and she is entirely comfortable with it being a permitted use rather than a conditional use. She reminded the Board of their option to conduct a Public Hearing on this request prior to making a recommendation.

The Board concurred a public hearing would not be necessary.

A motion to recommend approval of the text amendment as requested was made by Dan Oden, seconded by Ricky Scarborough and Beth Midgett. The Board also found that the request is consistent with the Dare County Land Use Plan.

Vote: Ayes – Unanimous

OTHER BUSINESS

Draft Regulations for Wind Energy Research Facilities

Planning Director Donna Creef told the Board that recently the Board of Commissioners instructed the staff to draft a set of regulations for wind energy research facilities to be included in the Zoning Ordinance. She stated that this instruction came following a presentation by GMESA, Northrup Grumman, and the UNC Coastal Studies Institute on a proposal to construct an offshore wind field, and a land based turbine to help with the design and research that goes into the offshore facility. Mrs. Creef noted that earlier this year the Planning Board recommended a set of regulations to address the location of wind energy devices in unincorporated Dare County. She stated these regulations did not address land-based turbines as proposed by GMESA.

Mrs. Creef provided a copy of the draft regulations to the Board and noted that an amendment to the Highway 345 zoning district is proposed to accompany the regulations since this is the tentative site for the GMESA turbine project. Mrs. Creef also included a map depicting the ideal locations for the turbine. She noted that the draft regulations establish a maximum height limit of 600 feet; a minimum lot size of 25 acres; and setbacks from all occupied structures of 2.0 times the total height of the wind turbine. She further noted that the regulations also include noise and shadow flicker standards and require an environmental assessment be prepared in conjunction with any application to Dare County. Mrs. Creef also told the Board that there are also decommissioning plans and performance bonds to address non-functioning of the project.

Mrs. Creef told the Board that the Board of Commissioners has a scheduled a public hearing under the terms of the zoning ordinance for April 18, 2011 at 5:30 pm, but must have a recommendation from the Planning Board prior to taking any action.

Board member Ricky Scarborough, Jr. asked what other kind of structures would be adjacent to device.

Mrs. Creef stated that it is her understanding that they have to have equipment buildings, generator, and an anemometer to measure wind speed.

Board member John Finelli questioned if the device will be hooked into to grid and if there are any transmission lines.

Mrs. Creef told Mr. Finelli that she understood that it will be hooked into the grid and that language in the ordinance requires any transmission lines to be underground from the tower to where ever they go.

A motion was made by John Finelli, seconded by David Overton to recommend the adoption of the draft regulations as written with the amendment to the Hwy 345 and the finding of consistency with the Dare County Land Use Plan policy #13 of the infrastructure carrying capacity management topic.

Vote: Ayes – Unanimous

Proposed Amendments to commercial zoning districts for fire stations and other public buildings

Planning Director Donna Creef told the Board that she was contacted by a local fire department concerning the location of a fire station in a C-3 zoned area. In reviewing the ordinance, Mrs. Creef stated that she found that the C-3 does not specifically list fire stations as a permitted use in this district. She noted that the C-3 zoning district states all uses permitted in the C-2 district are permitted in the C-3 district. The C-2 district does not list fire stations as a permitted use.

Mrs. Creef noted that there are four commercial districts used throughout unincorporated Dare County that do not include fire stations and other public buildings.

Mrs. Creef recommended the Board move forward with a recommended to amend the following districts to add "Fire Stations and other public buildings to the list of permitted uses:

1. SP-C - Neighborhood Commercial

2. C-2 - Commercial District
3. C-2H - General Commercial District
4. CS – Commercial Services

Mrs. Creef told the Board that the Zoning Ordinance also does not contain a definition for public building and suggested that one be included. She submitted the following for the Board's consideration:

Public building – a building that is designed for and constructed by a government-affiliated, non-profit organization for community and public sector services and activities. This shall include such buildings as volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers.

In discussing the proposed definition, the Board concurred that the definition should read as follows:

Public building – a building that is designed for and constructed by a government-affiliated (federal, state or local government), non-profit organization for community and public sector services and activities. This shall include such buildings as volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers.

A motion was made by Beth Midgett, seconded by David Overton to recommend approval of the definition for public buildings as discussed, and amendments to the SP-C, C-2, C-2H, and CS districts to include "Fire stations and public buildings as a permitted use.

Vote: Ayes – Unanimous

Proposed Amendments to review procedures for child care homes

Planning Director Donna Creef suggested the review process for childcare homes be updated in the zoning code. She told the Board that she spoke with the County Manager about this and he is in agreement to move forward with it.

Mrs. Creef provided the Board with a copy of the Permit for Special Exception review standards along with proposed revisions and a listing of how each zoning district addresses the use.

Upon review of amendments submitted by Mrs. Creef Board member Beth Midgett suggested that the family childcare home permit may be re-instated upon correction of any violations. The Board concurred that a Public Hearing on the proposed amendments is not necessary.

Beth Midgett made a motion to recommend approval of the language as drafted with the change that the family child care home permit may be reinstated upon correction of any violations. This motion was seconded by David Overton.

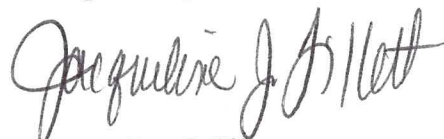
Vote: Ayes – Unanimous

ADJOURNMENT

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

Vote: Ayes – Unanimous


Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: May 9, 2011



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