

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, September 10, 2012. 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 6:00 PM

New Planning Board member Michael Barr was administered the Oath by Planning Board Clerk Jacqueline Tillett.

MEMBERS PRESENT	Elmer R. Midgett, Jr., Chairman	Ricky Scarborough, Jr.
	Beth Midgett	John Finelli
	Michael Barr	David Overton

MEMBERS ABSENT	Ricky Scarborough, Jr.	Dan Oden
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APPROVAL OF MINUTES

There being no additions or deletions to the minutes of the August 13, 2012 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by David Overton, seconded by Beth Midgett.

PUBLIC COMMENTS

The following individuals rendered public comment regarding the Storage Spot/Lazy Day Campground in Salvo:

1. Michael Egan – Resident of Hatteras Colony and member of the Hatteras Colony Homeowners Association
2. Tom Sperry
3. Seth Johnson
4. Janes Jenjans – Thirteen year resident of Rampart Street
5. Ed Roessner – Non-resident property owner on Rampart Street
6. Daniel Lee Green – Representing parents Raymond and Carolyn Green, 26229 Rampart Street
7. Lucille Lamberto – Property owner on Rampart Street
8. Tom Faison – Property owner on Rampart Street since 1985

They all expressed concern about the recent storm water run-off and flooding problems in their neighborhood they believe is a result of the development of the Lazy Day Campground by Ms. Mary Temple Mullis. Their comments also referenced wetland violations cited by the Army Corps of Engineers and the Division of Water Quality. The residents/property owners asked the Board to withhold any operation permit for the Lazy Day Campground until all violations are rectified and that Ms. Mullis has complied with all requirements of the Dare County Travel

Trailer Park Ordinance. Residents/property owners also requested that the County consider developing a plan to address storm water run-off in Dare County.

In reference to the East Lake zoning initiative business/property owner Ms. Courtney Gallop told the board that she is looking forward to participating in the East Lake zoning process.

Regarding the zoning amendment application submitted by Mr. Mark L. Rawl to amend Section 22-69 of the Dare County Zoning Ordinance, Ms. Joanie Price rendered public comment in support of this application.

The public comment portion of this meeting closed at 6:32 P.M.

PUBLIC HEARING

RUSSELL PROPERTIES, LLC – WANCHESE – ZONING AMENDMENT PETITION (NEIGHBORHOOD COMMERCIAL DISTRICT-1)

Mr. Dean Johnson, General Manager for Holiday Ice was present to represent this text amendment. Mr. Johnson told the Board they are requesting this amendment so that they may convert an existing boat building facility into an ice facility. He stated that they plan to install a freezer panel inside of the existing building for the storage of ice to service their current customers here on the Outer Banks. He stated that they currently ship ice from the south side of Suffolk, VA. He noted that establishment of this facility in Wanchese would create some local jobs and would be beneficial to his company as well by cutting down on the amount of time his trucks are on the road from Suffolk.

Mr. Johnson stated the storage capacity at the site in Wanchese would be about 700 pallets of ice. He noted that they may also want to install an ice maker so that they could also bag ice at the facility.

Mr. Johnson explained that the cooling units are similar to the traditional HVAC systems and have low decibel levels comparable to what a 4000 square foot house would have.

Mr. Johnson told the Board that the number of trucks he will have on the road will decrease and will not need to replenish freezer if they are able to make ice on site. He stated that the 50% of the truck is inside of the building so that it can be loaded in the rain. The trucks are loaded in the morning and unloaded in the evening. He stated that the loading and unloading process takes approximately 5 – 15 minutes per truck.

Public input session closed at 6:36 P.M.

Planning Director Donna Creef presented staff comments. She told the Board that the Russell Properties is seeking to have ice production and cold storage added to the list of permitted uses in the NC-1 Neighborhood Commercial district.

Mrs. Creef told the Board that she did not make any changes to the draft language submitted by the applicant. She suggested the Board discuss the hours of operation and how that is going to impact the neighborhood with the loading and unloading of the trucks. She stated that if the proposed text amendment is adopted it will be included as a permitted use and approved administratively.

Mrs. Creef noted that the Dare County Land Use Plan does include a policy on Industrial Development that is applicable.

John Finelli made a motion to recommend that ice production and storage be added to the list of permitted uses in the NC-1 District and that the request is consistent with the Dare County Land Use Plan. Michael Barr seconded this motion.

Vote: Ayes – Unanimous

CC of the Outer Banks, LLC – Wanchese – Zoning Amendment Petition (Highway 345 Business District)

There were no speakers present for this public hearing.

Mr. Chris Seawell, Attorney representing CC Outer Banks, LLC was present. Also present was the property owner Mr. Tysinger.

Mr. Seawell told the Board that the proposal is for a text amendment to the Highway 345 Business District to add temporary portable concrete plants as a conditional use for the construction of the Oregon Inlet Bridge.

Mrs. Creef told the Board that the Highway 345 zoning district offers a broad range of services and uses.

Mrs. Creef noted policy LUC #9 from the Land Use Compatibility section and ICC #6 included in the Dare County Land Use Plan that are relevant to the importance of the Bonner Bridge and NC 12.

Mrs. Creef told the Board that she is of the opinion that the Highway 345 district amendment represents a better alternative than the previously submitted MC-2 district.

Mrs. Creef reminded the Board that a finding of consistency/inconsistency with policy LUC#9 and ICC #6 should also be included in their recommendation.

David Overton made a motion to recommend approval of the proposed text amendment as submitted by the applicant with the further finding that it is consistent with the policies of the 2009 Dare County Land Use Plan specifically policy LUC#9 and ICC#6 and that it furthers the best interest of the county in support of the vital infrastructure of the Bonner Bridge replacement project. This motion was seconded by Beth Midgett.

Vote: Ayes - Unanimous

OLD BUSINESS

Storage Spot Travel Trailer Park – Salvo – Final Plat Review

This item was removed from the agenda due to unresolved issues.

NEW BUSINESS

Julie R. Schauer Division – Frisco – Preliminary Plat Review

This item to be reviewed at the October 8, 2012 meeting due to Ms. Schauer being unable to attend this meeting.

Shirley A. Weeks Division – Buxton – Preliminary Plat Review

Mrs. Shirley Weeks was present to represent this preliminary plat.

Planning Director Donna Creef told the Board that prior to the start of this meeting Mrs. Weeks provided a copy of the evaluation from the Dare County Environmental Health Department and a revised plat depicting the storage building that crosses the proposed shared property line. Mrs. Creef stated the shed will be removed prior to the recordation of the final plat.

Mrs. Creef informed the Board of an email received from Mr. Josh Pelletier of the US Army Corps of Engineers indicating approval of the wetland delineation as depicted on the plat. Mr. Pelletier stated that he will have the signed copy of the plat released in the next couple of weeks. Mrs. Creef noted receipt of the wetland delineation plat must take place prior to recordation of the final plat.

Mrs. Creef stated that the 20' wide easement proposed for access to lot 2 overlays a portion of the parking area used for Ms. Weeks antique business located on lot 1. The proposed division is for members of her family.

Beth Midgett, seconded by Michael Barr and David Overton made a motion to grant preliminary plat approval subject to the following:

1. The storage shed being removed prior to the recordation of the final plat
2. The submission of a signed wetland delineation plat by the Army Corps of Engineers
3. A note being included on the final plat indicating that the 20' easement is for access and utility purposes for lot 2 only. Language addressing this requirement should also be included in the deed for lot 2.

Vote: Ayes – Unanimous

Mark L. Rawl – Zoning Text Amendment Petition – Section 22-69 – Temporary Uses

Mr. Mark Rawl was present.

Planning Director Donna Creef told the Board that Mr. Mark Rawl has submitted a petition to amend Section 22-69 of the Dare County Zoning Ordinance to add temporary seafood sales. She stated that Mr. Rawl has developed some language that would add temporary seafood sales on Hatteras Island in any district which permits seafood markets, and would require that temporary seafood sales would be required to abide by the Board of Health regulations.

Mrs. Creef stated that temporary seafood sales have not been allowed in the county for some time. She told the Board that recently the Dare County Board of Health amended their regulations temporary seafood sales.

Mrs. Creef stated that Mr. Rawl has also submitted several letters and a petition supporting the requested text amendment. Mrs. Creef suggested the Board conduct a public hearing prior to taking action on this proposed text amendment.

John Finelli made a motion to schedule a public hearing for October 8, 2012. Beth Midgett seconded this motion.

Vote: Ayes - Unanimous

Georgia G. Rhodes – Hatteras – Preliminary Plat Review

David Dixon, Attorney representing Ms. Georgia G. Rhodes was present.

Planning Director Donna Creef presented staff comments. She told the Board that this is a proposed four lot subdivision. She noted that Parcel A will have access off of Lighthouse Road; Parcels B, C, and D are proposed to be deeded and combined with adjoining properties as noted on the plat, and do not have access. Mrs. Creef informed the Board that she requested and has

received copies of the offers to purchase contracts for the three parcels. Once the final plat is recorded, the new owners will record deeds for the recombination of the new parcels with the adjoining properties.

Mrs. Creef noted that Mr. Josh Pelletier's with the Corps has signed off on the wetlands depicted on the property. She noted that a signed wetland verification plat will need to be submitted prior to the recordation of the final plat.

The Board discussed access parcel B, C, and D.

Michael Barr, seconded by David Overton made a motion to grant preliminary plat approval to the Georgia Rhodes Subdivision subject to the following conditions:

1. The final plat should include a 20' easement across lot 35 to parcel B, across lot 40 to parcel C, and across lot 41 to parcel D. These easements can be discontinued once deeds are recorded combining the properties as noted on the plat.
2. A wetlands verification plat signed by the Corps will be submitted prior to the recordation of the final plat.

Vote: Ayes – Unanimous

VIII. OTHER BUSINESS

East Lake Zoning Initial Discussion

Planning Director Donna Creef presented the draft East Lake zoning map. She told the Board that East Lake is the last unzoned portion of the county. Mrs. Creef stated that earlier this year, a moratorium on borrow pits in the East Lake was adopted by the Board of Commissioners. This moratorium resolution includes language instructing staff to proceed with the development of a zoning map and district regulations for East Lake.

Mrs. Creef provided the Board with draft language for review and asked that they submit comments, questions, and feedback to her. She told the Board that she has met with the East Lake Community Center Board and property owners/residents several times and has received input from them on the draft regulations and has a feel for what they are seeking to accomplish. She suggested the Board conduct a workshop with the East Lake community to receive additional feedback on the proposed zoning map and associated language.

The Board concurred to conduct a workshop with the East Lake community on October 2, 2012 from 6:30 P.M. – 8:30 P.M. at the East Lake Community Center.

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: October 8, 2012



Elmer R. Midgett, Chairman
Dare County Planning Board