

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 8, 2012 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  
Richard Scarborough, Jr.  
Dan Oden

John Finelli  
Michael Barr

### **MEMBERS ABSENT**

David Overton  
Beth Midgett

### **APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of the September 10, 2012 meeting of the Dare County Planning Board, John Finelli made a motion to dispense with reading those minutes and to approve them as submitted. Michael Barr seconded this motion.

Vote: Ayes - Unanimous

### **PUBLIC COMMENT**

None.

### **PUBLIC HEARING**

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

The following rendered public comments in support for the proposed text amendment to Section 22-69 of the Dare County Zoning Ordinance:

1. Rick Anzolut, 39942 NC Hwy 12, Avon a member of the Board of Directors for Coastal Harvesters Inc. on Hatteras Island rendered comments on behalf of Bernard Tetreault, President of Coastal Harvesters Inc.
2. Frank Folb, resident of Avon; owner/operator of a tackle business on Hatteras Island.

The following rendered comments in opposition to the proposed text amendment to Section 22-69 of the Dare County Zoning Ordinance citing the opinion that temporary seafood sales

sites would not be subject to the same inspections and approvals they were required to go through for their businesses. Some also expressed concern regarding proper sanitation.

1. Nick Wolosuk, 49799 Hwy. 12, Buxton, owner/operator of Buxton Seafood.
2. Steve Bailey resident of Hatteras Village.
3. Ervin Bateman, licensed fisherman and seafood dealer; owner of Sugar Creek restaurant and The Sugar Shack Seafood.
4. Vicki Harrison, resident at NC 12 58129 Hatteras, NC owner with family of Harbor House Seafood Market in Hatteras Village.
5. Mark Vrablic

Mr. Mark Rawls was present for the review of this text amendment request.

Planning Director Donna Creef presented staff comments. She stated that seven e-mails in support of Mr. Rawls request were received and four in opposition.

After a lengthy discussion board members John Finelli and Michael Barr indicated support of temporary seafood sales.

Dan Oden made a motion to recommend denial of the request for text amendment to section 22-69 to the Dare County Board of Commissioners. Ricky Scarborough seconded this motion.

Ayes – 3 (Midgett, Scarborough, Oden)

Noes – 2 (Finelli, Barr)

## **OTHER BUSINESS**

### ***Waves/Salvo Landowners presentation re: Lazy Day Campground (Storage Spot Campground)***

Chip Walton, homeowner in Wimble Shores, representing many of his neighbors on Wimble Shores and Rampart Street addressed the Board. Mr. Walton requested the Boards continued effort in finding a solution for the collective problem of flooding in the neighborhood. He stated that the Lazy Days Campground is the significant contributing factor of the flooding. He stated the neighborhood never had flooding prior to the campground construction.

Mr. Walton asked the Board to withhold final and conditional approval until all violations have been corrected, inspected, and approved by County, State, and Army Corps of Engineers.

Planning Director Donna Creef informed the Board that the Division of Water Quality have requested that the County not issue the certificate of occupancy for Ms. Mullis' campground until they indicate to us that they have resolved all of their issues with her.

***East Lake Zoning – Results of October 2, 2012 workshop***

Mrs. Creef presented a draft zoning map for East Lake. She told the Board that the workshop conducted on October 2, 2012 was well attended by the Planning Board, residents, and property owners in East Lake.

Mrs. Creef provided the Board with recommend changes to the proposed ELR District and the proposed ELC District. She also recommended the addition of a second commercial district identified as the East Lake Commercial Services District.

Mrs. Creef asked that the Board review the draft language and associated map and to contact her with questions, comments or suggestions. She noted that this item will be on the November agenda for possible action.

**NEW BUSINESS**

***Julia R. Schauer Division – Frisco – Preliminary Plat***

Item not reviewed due to the lack of representation.

***Jane Krumwiede/Outer Banks Dog Club – Zoning Amendment***

Ms. Krumwiede was present to represent an amendment to add "dog agility training facilities" to the list of permitted uses in the I-1 district.

Mrs. Creef stated that the I-1 district also allows the uses permitted in C-2 and C-3.



Mrs. Creef noted that the training facility will not offer kennel or boarding of dogs. She recommended that a definition for "dog agility training facility" be included with the text amendment and provided a draft definition for the Board's review.

Mrs. Creef also pointed out that the text amendment doesn't seem to be incompatible with policies in the 2009 Land Use Plan under the "industrial uses" heading (LUC#9 and LUC #10).

Board member Michael Barr suggested that parking requirements for the proposed use to accommodate special events be considered and included in the text amendment.

A motion to schedule a public hearing for Tuesday, November 13, 2012 was made by Dan Oden, seconded by Ricky Scarborough.

Vote: Ayes - Unanimous

***Jar-Don Properties, LLC – Zoning Amendment***

Jarvis Williams was present to represent a request he submitted seeking to amend the Buxton zoning map to rezone property he owns on Buxton Back Road currently zoned R2-A to C-3. Mr. Williams is also seeking an associated text amendment to add vehicle storage impoundment facilities to the list of conditional uses in the C-3.

Mrs. Creef told the Board that the C-3 district permits automobile service stations as conditional uses but prohibits the storage of junked or wrecked vehicles. She stated that after researching the Land Use Plan she found no clear direction on the text and map amendment submitted by Mr. Williams.

Mr. Williams told the Board that his property is 138' x 138' square, and is not for a big business. He stated that the vehicles that he tows are turned over quickly. He told the Board that there is a chain link fence with one piece of barbed wire installed around the property as required by the NC Highway Patrol. He stated that he has 20' of natural shrub across the front and side of his property and the site can't be seen unless you are looking for it. He provided photos of the site for the Board's review.

Mr. Williams told the Board that the Highway Patrol requires security lighting but does not provide specifications for security lighting.

Board discussed lighting for the facility, required size of property required for an impoundment site. The Board instructed staff to research the issue of lighting and fencing for consideration as part of the requested amendments.

Mrs. Creef asked Mr. Williams to try to get some feedback from the NC Highway Patrol on their required lighting specifications so that language can be included in the amendment.

Dan Oden made a motion to schedule a public hearing on Tuesday, November 13, 2012 on the zoning map and text amendment for Jar-Don Properties, LLC. Ricky Scarborough seconded this motion.

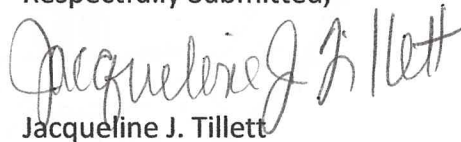
Vote: Ayes – Unanimous

#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: November 13, 2012



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