

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 10, 2013. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT	Elmer R. Midgett, Jr. – Chairman	Beth Midgett
	Michael Barr	Dan Oden
	John Finelli	David Overton
	Richard “Ricky” Scarborough, Jr.	

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 13, 2013 meeting of the Dare County Planning Board, Michael Barr made a motion to approve them as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Public comments were rendered by John Harris of Nags Head about the proposed Conditional Use Permit for IG Holdings, LLC, Super Wings in Rodanthe. He is involved with the property adjacent to the proposed Super Wings and said he is attending this meeting to learn more information about the proposed improvements. Mr. Harris asked the Planning Board to consider all of the conditions required for the Kitty Hawk Kites, Rodanthe conditional use permit when reviewing the Super Wings application.

The public comment portion closed at 7:03 p.m.

PUBLIC HEARING

Fred Willard, East Lake Rezoning – East Lake Residential (ELR) to East Lake Village Commercial (ELVC)

Dwight H. Wheless represented Fred Willard, who was also in attendance. In addition to Mr. Wheless, the following six people addressed the Planning Board at the hearing: Alvin Ambrose,

Sr., Thomas Spruill, Christoph Manke, Carolyn Beck, Rosemarie Doshier, Steve Doshier, and Lam Basnight.

Alvin Ambrose, Thomas Spruill, Christoph Manke, Carolyn Beck, and Lam Basnight all spoke in support of Mr. Willard's rezoning request. Mr. Ambrose has known Mr. Willard for fifteen years and lived in East Lake for quite a while. He confirmed that he has seen boat repair being done at Mr. Willard's property. There have been as many as six boats on the property at the same time. Mr. Spruill told the Board that he has worked with Mr. Willard at his boat repair business for the past year. Mr. Manke also said he has worked with Mr. Willard for a while now and helps him with boat repairs, moving boats, and whatever other work needs to be done. Carolyn Beck, owner of County Line Fish and Play, said she has known Mr. Willard since 1993 and has watched him repair boats at this property. She formally requested that Mr. Willard be granted the rezoning. Lam Basnight spoke following Mr. & Mrs. Doshier. He told the Planning Board that he is from the area and has, several times over the years, seen boat repair activity at the property and would support keeping it that way.

Rosemarie Doshier is the adjoining property owner on the west side and has lived in East Lake for forty years. She spoke on behalf of herself and Pam Wade, another adjoining property owner who is ill and can not attend the hearing this evening. She stated she has not observed boat repair work being performed at Mr. Willard's property. She said boat repair is already allowed at the property as it is currently zoned. Ms. Doshier also pointed out that this was never requested during the three years of East Lake Rezoning meetings and hearings. She said Ms. Wade's property would be the only residential property remaining in this section.

Steve Doshier, of East Lake, said that he also has not seen boat repair work being done at this location and that he has only ever seen two boats on the property, including one that has never been moved. Mr. Doshier is concerned that Mr. Willard may have made this rezoning request to allow some activity other than boat repair.

Chairman Midgett declared the Public Hearing closed at 7:15.

Donna Creef asked to enter into record letters from Pamela Wade, Neil Bowden and Lisa Bowden Barranger who are opposed to the rezoning request.

Dwight Wheless addressed the Planning Board. He entered an aerial photo of the area into the record and showed the individual board members the photo as it relates to the zoning map in East Lake. Mr. Wheless explained to the Planning Board that Mr. Willard was only absent from

the East Lake Rezoning meetings due to a severe illness. He stated that the approval of the East Lake Rezoning granted property owners exactly what they wanted for their zoning whether it was commercial or residential. Mr. Wheless told the Planning Board that the properties are located along the highway and are actually being used for boat repair. Both of these conditions support the rezoning request.

Fred Willard told the Planning Board that he is an archaeologist and has done boat repair his entire life except when he was too ill to work. The boat repair business at this location funds a foundation. He has been very ill for a ten year period and is recovering but still has relapses. During the East Lake Rezoning hearings, Mr. Willard had a severe relapse. He apologized for not being able to attend the hearings. Midgett Marine Works was the name of the company that owned the property until very recently when it was transferred into the trust for the Lost Colony Center. During this time, Mr. Willard has purchased or received donations of at least twenty boats. Many of the boats were repaired in the back yard and the boats that were too large to work on at the property had components that were brought there. There are presently nine boats in inventory for resale. There has never been any boat construction. The gentlemen who spoke to the board previously have been employed by Mr. Willard for the past year or year and a half to work on the boat repairs. He again apologized for the late request but said he was deathly ill during the time of the hearings and appreciates any consideration offered by the Planning Board. Mr. Willard said the properties are owned by a trust to support archaeological research for a hundred years after he is no longer with us.

Mr. Wheless addressed the Planning Board again, saying the rezoning of the properties is logical and would have been done had Mr. Willard been in good health. He urged the Planning Board to support the rezoning and hopes they will recommend the change.

The public hearing concluded at 7:23 p.m. and Chairman Midgett asked if staff had anything to add.

Donna Creef said that boat repairs are allowed as the property is currently zoned (East Lake Residential) only for a full time resident. This can cause problems if Mr. Willard can not be a full time resident. Mr. Willard has indicated he is not a full time resident. The rezoning he is requesting would allow boat repair as a conditional use without the requirement of being a resident.

Dan Oden asked what happens if the property is rezoned. Donna Creef explained that if the Board of Commissioners, after a public hearing, decide to rezone the property, Mr. Willard

would again appear before the Planning Board. At that time a site-specific conditional use permit would be considered and discussed.

Beth Midgett asked if Mr. Willard first approached staff about this after the March meeting. Donna Creef responded that Mr. Willard and a couple other people approached her after the March 4 hearing and requested changes to the East Lake zoning map. The Board of Commissioners had scheduled another hearing on April 15. Mr. Willard and the other gentlemen spoke at that meeting. It was acknowledged that they had not gone through the workshop process and there was a concern that the community didn't have a full grasp of what was being requested. The Board of Commissioners adopted the East Lake zoning map and advised the individuals to submit their paperwork and follow the steps required to request rezoning. Mr. Willard is following the instructions of the Board of Commissioners and is going through the rezoning process as directed. The other individuals did not choose to proceed at this time.

Michael Barr said he believes the property rezoning would have been approved if Mr. Willard had attended the East Lake rezoning meetings and hearings, particularly because it adjoins another commercial area.

Beth Midgett said it concerns her that other East Lake residents and property owners went through the process of rezoning East Lake while Mr. Willard continued to operate a boat repair business and did not participate in the rezoning process with so much as a phone call.

Ricky Scarborough made a motion to recommend to the Board of Commissioners that they approve Mr. Willard's request to change the zoning for two parcels in East Lake from East Lake Residential (ELR) to East Lake Village Commercial (ELVC) and that this request has been found to be consistent with the Dare County Land Use Plan.

The motion was seconded by Michael Barr.

Vote: Ayes – 4 (Finelli, Barr, Elmer Midgett,
Scarborough, Overton, Oden)
Noes – 1 (Beth Midgett)

Donna Creef advised Fred Willard that this will be on the agenda for the Board of Commissioners meeting on June 17, 2013 at 5 p.m. and that the Commissioners may choose to

schedule a public hearing to consider the rezoning. She told Mr. Willard that he should attend the meeting.

OLD BUSINESS

None

NEW BUSINESS

Super Wings Rodanthe – IG Holdings, LLC – Conditional Use Permit/Group Development

John Delucia of Albemarle and Associates was in attendance on behalf of the property owner. He presented the Planning Board with a new preliminary site plan which addressed the Fire Marshal's concerns with fire code compliance and staff concerns with lighting. Mr. Delucia said the fire lane has been moved further to the south, a five foot wide elevated wood ramp has been added down the back, one of the light fixtures near the highway has been eliminated, and a couple of light fixtures have been repositioned to minimize spill-over between two fixtures and bring the lighting levels down. Mr. Delucia said Steve Kovacs, Dare County Fire Marshal, is satisfied with this layout. He also said this is very similar to the configuration of the IG Holdings building in Avon.

Mr. Delucia has met with the state Department of Environment and Natural Resources (DENR) last week. Pending the outcome of the Dare County review, they plan to submit a fast track CAMA Stormwater and Erosion Sediment Control Plan.

Donna Creef asked John Delucia to discuss the fill and stormwater management at the site. Mr. Delucia said they will add a couple of feet of fill along the south side of the property as required by the Health Department for the septic drainfield. The majority of the back half of the site is actually near where the existing grade is now. To get to the front door, maintain ADA compliance, keep the parking lot at less than five percent, and to get up to base flood plus plumbing elevations, the majority of the fill will be under the building itself. The stormwater basins are being constructed to the north. There will be a berm constructed between this site and the Kitty Hawk Kites facility to the north.

Chairman Midgett asked if the basin is sufficient to prevent drainage onto adjacent sites and if there is an overflow to the sound. Mr. Delucia said the basin is designed to operate at twice the capacity of the state's requirement and that the vegetative strip shown on the plat will be the low spot that takes the water when it exceeds the height of the infiltration basin to the

sound. The plan is that if it ever overflows, the water will not go to the highway or to the neighbors to the north.

Mr. Finelli asked about access to the dumpster. Donna Creef said she spoke to the Public Works Director this afternoon and he is okay with the revised plan. Mr. Delucia said the 32' wide driveway provides quite a bit of maneuverability. That, along with the location of the handicapped parking, results in about 52' across the back if there are not cars parked there in the morning.

Mr. Finelli said the parking spaces are supposed to be 20' deep and Mr. Delucia replied the 2' overhang is not shown but they will pave 18' with a 2' overhang. Donna Creef mentioned the site plan shows 18' and that is confusing unless you know to look for the 2' overhang.

Mr. Finelli asked about compliance with elevation requirements. Ms. Creef said the NC State Building Code requires a 1' freeboard and that will be enforced. That is where the fill comes in but Mr. Delucia is indicating that the fill will be limited to the footprint of the structure and will be graded and sloped. Mr. Delucia also said the stormwater management plan will take care of the rest of it. Ms. Creef told the board there is no zoning requirement precluding any level of fill or setting forth any standards for fill but Albemarle and Associates is addressing this with their design.

Mr. Finelli asked what the elevation of the house is. Mr. Delucia replied the house is a single story structure on pilings and will be approximately 8' off the ground.

Beth Midgett asked if the conditional use permit at the Super Wings could address the issue of merchandise and flags displayed outdoors at the site. Ms. Creef said this has not been addressed in any previous conditional use permits.

Donna Creef reminded the Planning Board that John Harris of Kitty Hawk Kites, Rodanthe had previously addressed the board asking that the restrictions of their conditional use permit be applied to this site as well but Mr. Harris' business is water sports rentals and those conditions are specific to that. IG Holdings is indicating the pier at the location is only for walking on and passive use by employees and patrons. No water sports rentals will be allowed at the pier. If they want to change that at some future time, they can request an amendment to the conditional use permit.

Ms. Creef said she previously discussed the vegetative buffer requirement with Mr. Finelli. Because this site is not adjacent to residential property, there is no buffer requirement but they do plan to landscape at the site. They are not including the landscaping plan on the site plan.

Ms. Creef made note that there are existing improvements at the site that will be removed. She also explained the reason this is a conditional use permit/group development is because there is an employee housing building in addition to the retail store.

Chairman Midgett asked if there are any lights on the boundary line or if all the lights are internal. Mr. Delucia said all the external lights are shown and there may be some lights under the canopy. Chairman Midgett said he does not want lighting complaints from neighbors.

Mr. Finelli asked if the conditional use permit should specify "no rentals" when addressing the use of the pier. Ms. Creef said the permit can include a statement that no commercial activities are allowed at or on the pier including signage or the display of goods. Mr. Delucia said that would be fine and if the owners would want to change this in the future, they would need to request an amendment to the conditional use permit. Chairman Midgett asked who has jurisdiction for the pier. Donna Creef said CAMA would regulate that as well as the stormwater management.

Ms. Creef asked if 180 days is appropriate for securing the building permit and Mr. Delucia said the owners are ready to begin construction as soon as possible.

Dan Oden made a motion to recommend approval of the Super Wings – Rodanthe Conditional Use Permit to the Board of Commissioners with the addition of the statement that no commercial activities, including signage or the display of goods, be allowed at or on the pier.

David Overton seconded the motion.

Vote: Ayes – Unanimous

Donna Creef told Mr. Delucia that this will be heard at the Board of Commissioners meeting this Monday, June 17, at 5 p.m.

OTHER BUSINESS

None

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

Approved August 12, 2013:



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