

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, May 11, 2015. 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  
Michael Barr David Overton  
John Finelli Charles Read, Jr.  
Richard "Ricky" Scarborough, Jr.

**MEMBERS ABSENT** Beth Midgett

### APPROVAL OF MINUTES

Michael Barr made a motion to approve the minutes of the April 13, 2015 meeting, including a change on page 2 paragraph 2, which states "Michael Barr asked to have a note added on the plat indicating there will be no solid waste service or school bus access". This will be changed to read: "Michael Barr asked for an acknowledgement on the plat that individual solid waste service and school bus pick-up service may not be available".

Charles Read seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

Lorraine Tillett, Wanchese resident, spoke to the Planning Board and provided a copy of a June 20, 2005 memorandum to the Dare County Planning Board outlining the work involved in developing zoning regulations in Wanchese. She said the Baumtown District is "protected" and she is concerned about the Dare County Water Distribution System wells, flood zones, health and welfare of residents, compliance with Health Department regulations, and that zoning requests be consistent with land use planning. Ms. Tillett mentioned that gaming is an outdoor entertainment use that will require parking, rest room facilities, and offices. The applicant requesting the zoning text amendment this evening is not the owner of the property but is a lease holder. She is also concerned about the possible landscaping business proposed at the same property.

Winkie Silver, a Wanchese resident and property owner in the Baumtown district, told the Planning Board the entire village spent 18 months developing the zoning for Wanchese. He believes a proposed business in the Baumtown district should be in compliance with the zoning regulations.

The public comment portion of the meeting closed at 7:07 p.m.

## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

### ***Dominic Polidoro, Proposed Zoning Text Amendment, Section 22-27.9, Baumtown Traditional Zoning District***

Dominic Polidoro, applicant, and Kim O'Malley, property owner were present.

Donna Creef spoke first. Mr. Polidoro is leasing property in the Baumtown Traditional Zoning District and contacted the Planning Department about establishing an airsoft gaming facility as a private club in this district. The airsoft facility is very similar to a paintball facility and is considered an outdoor recreational use. Mr. Polidoro is hoping this will be allowed in the zoning district. The Planning Board must make a recommendation to the Board of Commissioners regarding his request. The Planning Board may choose to schedule a public hearing before making their recommendation. The Board of Commissioners is required to hold a public hearing before taking action on this matter.

Mr. Polidoro said he developed the idea for an Airsoft facility with Bud Elkins. They want to provide an activity for local children. Mr. Polidoro decided to make it a private club with membership cards and a clubhouse in Manteo. The actual gaming facility would be located at the property in Wanchese and would only be open on Saturdays and Sundays. Participants would be club members. He doesn't expect operational hours during July and August but possibly September through December, then opening up again in March or April.

Mr. Polidoro considered operating a landscaping business with a partner at the Wanchese property but he no longer plans to do this. Mr. Polidoro said the airsoft business will not need a sign and is not near water. There is both an exterior and an interior fence around the playing field. The mulch on the property can be removed.



Mr. Finelli said the draft rules provided by Mr. Polidoro included a muzzle velocity of feet per second. Mr. Finelli asked what that velocity is. Mr. Polidoro said there is a chronograph to measure this and there is a 250 fps limit. Mr. Finelli asked if the pellets stay inside the course. Mr. Polidoro said yes and they are biodegradable.

John Finelli made a motion to request a Public Hearing on the proposed zoning text amendment to section 22-27.9, Baumtown Traditional Zoning District, to allow the operation of an airsoft gaming facility as a private club.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

There will be a Public Hearing on this request at the June 8, 2015 Planning Board Meeting.

***Sharon Peele Kennedy, Conditional Use Permit Application, 48155 Buxton Back Road, Buxton***

Sharon Peele Kennedy was present at the meeting.

Donna Creef told the board that Ms. Kennedy's property is located in the R2A zoning district which allows resident businesses as a conditional use. The property at 48155 Buxton Back Road once operated a beauty shop but that discontinued operation some years ago. Ms. Kennedy would now like to have retail sales and she will need a new conditional use permit. R2A standards allow up to 40% of the main dwelling area to be used for the resident business, allow the business to hire 1 employee and also allow the sale of items that have been produced outside of the property. The board received a drawing which shows the building area to be used for the business, a site plan showing the designated parking area, and a draft conditional use permit. The adjacent property owners have been contacted.

Ms. Kennedy told the Planning Board that she would like to sell boutique items of encouragement and spirituality. She would like to have hours of operation on Monday through Saturday from 10 a.m. until 7 p.m. The building was actually the first bank on Hatteras Island, was her grandfather's barber shop, and was more recently a hair salon.

Mr. Finelli asked if there is any chance of expanding the main house. Ms. Kennedy said she has no plans to add on to the house. Mr. Barr asked how accessible the "unimproved drive" is. Ms. Kennedy said it has gravel and was improved for access to the hair salon. Chairman Midgett asked if there will be a sign at the business and if it

will be lit. Ms. Kennedy said there is already a sign there that she plans to use again and it is not lit.

Michael Barr made a motion to recommend approval of the conditional use permit for Sharon Peele Kennedy with the hours of operation to be Monday through Saturday, 10 a.m. until 7 p.m.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

A Public Hearing will be held on this matter at the Board of Commissioners June 1, 2015 meeting.

## **OTHER BUSINESS**

### ***Staff Update, Zoning in Rodanthe, Waves, Salvo***

Donna Creef referred to the existing use map for the three villages to develop a very rough draft of a zoning map. There are two commercial districts and two residential districts that provide a general idea of how a zoning map may eventually look for the area. There appears to be much residential area on the map while commercial tends to run the corridor of NC 12. Part of the reason for this is because of the larger, platted subdivisions such as Wind Over Waves, Mirlo Beach, Hattie Creef Landing, and Hatteras Colony, which are all subject to covenants and will require a residential district. Dare County does not enforce covenants but designating residential zoning districts will be an additional layer of protection. There are other residential districts which currently have mobile homes or more than one structure on the site so that district may be somewhat broader in scope. The two commercial districts differ depending on the intensity of the commercial use in the area. One of the commercial districts would be more of a village commercial district. The draft is subject to change as this process moves forward.

The Planning Department has received inquiries regarding borrow pits in Rodanthe, Waves, and Salvo. The county manager and Board of Commissioners are aware of this and the Board of Commissioners has asked to schedule a public hearing to consider a moratorium on borrow pits during the time we are working to develop zoning districts in the villages.

Ms. Creef will continue to provide updates at future Planning Board meetings. There is no action required from the Planning Board at this time regarding zoning in Rodanthe, Waves, and Salvo.

**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John Finelli and seconded by David Overton.

Vote: Ayes – Unanimous


The meeting adjourned at 7:40 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: June 8, 2015



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