

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 9, 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 Beth Midgett
John Finelli David Overton

MEMBERS ABSENT Charles Read, Jr. Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the October 12, 2015 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

CHANGES TO AGENDA

Chairman Midgett announced we will postpone consideration of the proposed amendment to S-1 zoning and the floor area ratio concept until the December 14, 2015 Planning Board meeting per the applicant's request.

Chairman Midgett said the staff update regarding zoning in Rodanthe, Waves, and Salvo will take place immediately following the public comment portion of tonight's meeting.

PUBLIC COMMENT

The Public Comment portion of the meeting began at 7:03 p.m.

Ryan Gentry of Rodanthe spoke first. He wanted to reiterate comments he made previously that he, and the majority of the community, is against rezoning in Rodanthe, Waves and Salvo. In a two day period, there were over 200 signatures on a petition against the proposed zoning changes. The changes won't benefit the community.

Kathy Pettit of Salvo said she agrees with Mr. Gentry. She recommends that, were the proposed changes to move forward, a group be formed to mediate rezoning issues

between the board and the community. She believes the proposed rezoning is not fair for residents with a business in their home.

Joseph Wells of Salvo said small business owners don't want to have to look over their shoulder every time a white car pulls in the driveway. He is opposed to rezoning.

Eric Stump of Salvo previously made comments at the last meeting and sent written comments also. The proposed zoning changes will put commercial zoning in areas that are projected to be under water due to beach erosion within the next 30 years. He believes we should keep liberal S-1 zoning and that this will allow uses to move as needed in the future. Visitors use Hatteras Island as a corridor to the rest of the Outer Banks and we need to allow our small businesses to grow and move.

Ronnie O'Neal thought rezoning this area was no longer under consideration. Chairman Midgett explained that the Planning Board is required to make a recommendation to the Board of Commissioners and they expect to do that tonight. Mr. O'Neal said he is completely against rezoning in Rodanthe, Waves, and Salvo. He has a small fishing and welding business and he doesn't want it zoned commercial. It doesn't make sense to change something that's worked so well for so long.

Judy Blue of Beulah O'Neal Drive said she and her family thought the recommendation to keep S-1 zoning had been decided or her relatives would have attended tonight. Taking care of building the bridge is more important right now. We don't need rezoning.

Jason Heilig has a residence and business in Rodanthe. He does not want the S-1 zoning changed. Mr. Heilig believes less regulation in the tri-villages helps support the free spirit of the area. He said if we continue with an open-book approach, this will allow us to continue to be dynamic and roll with the punches.

The Public Comment portion of the meeting closed at 7:22 p.m.

OTHER BUSINESS

Staff Update, Zoning in Rodanthe, Waves, Salvo

Donna Creef thanked everyone for coming to the meeting. Since the last meeting in Rodanthe, she prepared a summary of the speakers at that meeting, tabulated the signatures (202) received on the petition against rezoning, and made the information available on the Dare County website.

Ms. Creef said community support is an essential proponent of any zoning initiative in Dare County. Based on what we have heard, the community does not support changes to the S-1 zoning. She suggests that the Planning Board's recommendation to the Board of Commissioners be to discontinue our efforts at this time.

John Finelli commended Donna Creef for her work on the proposal and thanked all of the people of Rodanthe, Waves, and Salvo for their participation and attendance. This is the fourth area Mr. Finelli has participated in zoning and the other three areas had overwhelming support. Ms. Creef presented proposed ordinances to allow people to live and continue working as they are now while at the same time providing basic protection against uses that many of us do not want in our neighborhoods. Opposition has been strong in this instance and beyond the threshold to move forward. Mr. Finelli agrees with staff's comment that we should stop at this time.

Mr. Finelli clarified for the attendees that lighting issues are discussed in relation to the entire county and are not unique to S-1 zoning. New technology, electronic billboards, and digital displays can create a road hazard. This is something he would like to continue to address for all of unincorporated Dare County.

Beth Midgett said Donna has done a lot of work and a great job on the proposed zoning. There was a zoning workshop held last March and zoning in Rodanthe, Waves, and Salvo has been an agenda item for every Planning Board meeting beginning last April. There were additional meetings on Hatteras Island after the initial one in March. Residents shouldn't be afraid of new zoning prohibiting uses that already exist at their property. Ms. Midgett said if the community decides to move forward with zoning changes, this information will be useful but right now it is very clear that everybody wants the zoning to stay the way it is.

Beth Midgett made a motion to recommend to the Board of Commissioners that the current S-1 zoning remain in effect in Rodanthe, Waves, and Salvo.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This item will be scheduled on the Board of Commissioners agenda for Monday, November 16, 2015.

OLD BUSINESS

Request Extension for Conditional Use Permit Number 4-2014, Sam Hagedon, Christian Lending LLC, Avon

Sam Hagedon, property owner, was present at the meeting.

Noah Gillam, Planner, addressed the board. Sam Hagedon is requesting an extension to conditional use permit number 4-2014 for construction of a self-service fuel facility at 40598 NC 12 Highway in Avon. Condition number 7 states an extension may be granted by the Board of Commissioners, upon recommendation of the Planning Board, if more than 50% of the construction has occurred. Construction improvements have not been made to the site since the conditional use permit was issued. Traditionally, the Planning Board has granted extensions without 50% of the construction improvements being completed. If an extension is recommended, consideration should be given to reduce the improvement percentage required or possibly to increase the time allowed from one to three years.

Sam Hagedon spoke next. He is self-funding and thought one year would be plenty of time to begin construction. He does not have enough funds to finish the project right now but he believes a three year extension will work.

Beth Midgett said there has been work at the site, it hasn't been sitting idle, and it is progressing. Mr. Hagedon said he has spent money making the building look better by adding a new roof, adding lights, and painting. Ms. Midgett said it does look good.

Michael Barr asked if any ordinances or regulations have been changed that will affect this particular type of development. Noah Gillam said no.

Michael Barr moved to recommend a three year extension to conditional use permit number 4-2014 provided there are no changes to the ordinances or requirements for the site.

David Overton seconded the motion.

Vote: Ayes – Unanimous

This item will move forward for consideration by the Board of Commissioners.

Proposed Amendment to S-1 Zoning for Multi-Family Developments and the Floor Area Ratio Concept

This item will be considered at the Planning Board meeting on December 14, 2015 at the request of the applicant.

NEW BUSINESS

Chairman Midgett said he has decided not to seek reappointment to the Planning Board when his term expires in February 2016. His last meeting as chairman will be January 2016. Michael Barr said it won't be the same without him. Donna Creef said Elmer Midgett was appointed to the Planning Board in 1975, appointed as Chairman in 1982, and has been involved in Dare County's development for the past 40 years. This is a true testament to community service.

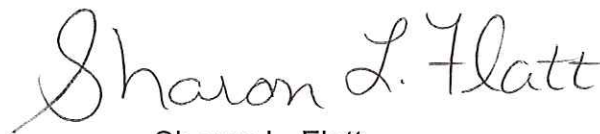
ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: December 14, 2015



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