



Dare County Planning Board Meeting

Dare County Board of Commissioners Meeting Room
954 Marshall C. Collins Drive
Manteo, NC 27954

October 3, 2023

Agenda

- I. Call to order **6:00 PM**
- II. Roll call
John Finelli, Chairman
Beth Midgett
David Overton
Terry Gore II
Buddy Shelton
David Hines
John DeBoy
- III. Approval of minutes for the September 5, 2023 meeting
- IV. Public Comment
- V. Old Business - None
- VI. New Business
 - ***Special Use Permit Application - Group Development consists of storage warehouses, 40041 Brinkley Lane, Avon (Parcel 014720000)
Applicant: Rick Albaugh***
 - ***Preliminary Plat Revision - Lot 4, Murray Bay Subdivision, 52185 Mare Vista Dr., Frisco (Parcel #: 014896000)***
- Other Business
- VII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, September 5, 2023. 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 6:02pm

MEMBERS PRESENT John Finelli, Chairman
Terry Gore, II
John DeBoy
Beth Midgett

MEMBERS ABSENT Buddy Shelton
David Overton
David Hines

APPROVAL OF MINUTES

In consideration of the additional language pertaining to the Dare County Land Use Plan to the minutes of the August 1, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to accept the minutes as permitted, including the aforementioned change. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:03 p.m. Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

Public comment closed at 6:04pm.

OLD BUSINESS

-None-

NEW BUSINESS

THREE LOT SUBDIVISION IN RODANTHE - PARCEL 012552000, ESTATE OF JAZANIA O'NEAL/MIDGETTE

Savannah Newbern, Planner, cited the proposed subdivision is located in Rodanthe. She stated that it is a greater than four-(4) acre parcel that is proposed to be divided into two lots with a nearly three acre parcel remaining. Ms. Newbern further mentioned

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that each lot is accessed from a proposed 20' easement and the applicant is required to improve the entire access easement with gravel capable of handling emergency and trash collection vehicles. Additionally, the lots will be served by centralized water and individual on-site septic systems.

Ms. Newbern specified that the proposed lots meet or exceed the minimum lot size requirements for the S-1 zoning district and are currently vacant. All applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department. It was noted that neither the surveyor nor the applicant was present, however, Ms. Newbern confirmed that this proposal met the requirements to be approved as a preliminary plat.

Terry Gore, made a motion that the preliminary plat for the Jazania Herbert O'Neal subdivision be granted approval. John DeBoy seconded.

Vote: Ayes – Unanimous

***PUBLIC HEARING ON THE TRANSFER OF THE 10 MARTIN'S POINT
COMMERCIAL PROPERTIES FROM SOUTHERN SHORES ETJ TO DARE
COUNTY***

Chairman John Finelli began by stating that the Town of Southern Shores, incorporated in 1979, is currently working to relinquish their Extra Territorial Jurisdiction (ETJ) of the 10 Martins Point Commercial (MP-C) properties to Dare County. This transfer would place these properties under Dare County regulation for Planning and Zoning purposes. Currently, Southern Shores anticipates adopting the transfer ordinance on October 3, 2023. At that time the County has 60 days to adopt zoning laws. As part of this process Dare County must review and process proposals to adopt development regulations (zoning ordinance) that would apply in the newly acquired jurisdiction. General Statute 160D-204 allows a county receiving a jurisdiction to begin this process before the transfer takes place but no final decisions shall be made on any development approval prior to the actual transfer of jurisdiction.

Chairman Finelli detailed that he is the ETJ Representative, which is a county appointed position, representing Martin's Point interests on the Southern Shores Planning Board. He stated that he has been in discussion with the property owners for about 10 months and expressed to them that this proposal did not involve any down zoning. Chairman Finelli further explained the Draft Ordinance for the Martin's Point Commercial district offers a list of uses that are reflective of the current uses that are afforded these properties under Southern Shores, and are reflective of the current uses in the Dare County zoning ordinance for similar commercial properties. Dare County Planning Staff in review of the Southern Shore ordinance for the MP-C district found that the current ordinance could be amended for Dare County with several amendments that would make the new draft ordinance consistent with the already established commercial districts in Dare County and the recorded plat for the Martin's Point Commercial lots.

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The changes would include mixed used development as a permitted use (commercial and residential on the same parcel), and changes to the buffer requirement on rear property lines. A draft copy of the proposed MP-C ordinance was presented for review.

Chairman Finelli outlined that all 10 properties in Martins Point Commercial district are currently developed and have their own set of protective covenants. Their current uses included doctors' offices, real estate offices, insurance offices, veterinarian clinic, child care facility, and a garden center. As with any proposed zoning regulation or change the planning board shall provide a recommendation to the Board of Commissioners. This recommendation shall include a finding of consistency with the Dare County Land Use Plan and based upon a review of these policies, the Dare County Planning Board finds the zoning map and text amendment for the MP-C District, to be consistent with the 2009 Dare County Land Use Plan; since the amendment will offer a list of uses that are reflective of the current uses in the Dare County zoning ordinance for similar commercial properties.

Therefore, this item will be forwarded to the Dare County Board of Commissioners, and a Legislative Hearing will be scheduled. The Dare County Board of Commissioners will not be able to make a final decision on the adoption of development regulation prior to the date of Southern Shores actual transfer of the jurisdiction.

The Planning Board further acknowledges the intent of the MP-C commercial district is to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents and hereby recommends that the Martins Point Commercial District map and zoning text amendment be adopted. Additionally, Mr. Gillam, Planning Director, confirmed that all adjoining property owners and area residents have been notified per the General Statute requirements. Chairman Finelli advised that if property owners wanted to make any changes, it would be best to wait until this has been adopted.

Chairman Finelli opened the floor for discussion and comment. The attending Board members, as a whole, expressed no concerns or major issues and agreed this would be a nice addition to the community of Dare County.

Patricia Pledger, owner of Pledger Palace Child Development, which is currently being used as a summer camp, stated she was glad the use included provisions for workforce housing.

Chairman Finelli made a motion to forward this to the Board of Commissioners and recommend approval, further stating the Planning Board acknowledges the intent of the MP-C commercial district is to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents. The motion includes a finding of consistency with the 2009 Dare County Land Use Plan, specifically Policy LUC #5 and LUC #6. Seconded by Terry Gore.

Vote: Ayes – Unanimous

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OTHER BUSINESS

-None-

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:47pm.

Respectfully Submitted,

Gerri Ellington
Planning Board Clerk

APPROVED: October 3, 2023

John Finelli
Chairman, Dare County Planning Board

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SUBDIVISION FACTSHEET

Planning Board – October 3, 2023 Preliminary Plat Review

NAME: Murray Bay Subdivision
LOCATION: Frisco, NC
SITE SPECIFICS: Total site area: 2.10 acres
Number of proposed lots: 5
Smallest lot area: 15,001 square feet
Zoning: S-1 District

STREETS:

Lots are accessed from a proposed 20’ wide improved gravel road that extends into a variable width access easement for Lot 4C, 4D, and 4E. The applicant states in Note 12 on the preliminary plat they intend to improve the entire access easement with gravel capable of handling emergency and trash collection vehicles.

UTILITIES:

Water: Dare County central water system
Sewer: Individual on-site septic systems
Stormwater: No state permits required per NC Department of Environmental Quality

STAFF COMMENTS:

The size of the parent parcel exceeds the threshold for administrative approval. The proposed lots exceed the minimum lot size requirements for the S-1 zoning district. The proposed lots are currently vacant. Lot 4C is the largest proposed lot at 20,319 square feet. The CAMA 30’ buffer and all minimum building setback lines are shown on this plat. All applicable state and federal permits, including wetland fill permits from the US Army Corp and/or Division of Coastal Management, shall be obtained and a copy provided to the Dare County Planning Department. This subdivision was previously approved in February, and has since been reconfigured to address the Fire Marshall’s comments and the access road location.

The requested action is a motion to approve: “I move that the preliminary plat for the Murray Bay subdivision be granted approval.”



Noah Gillam

9/27/2023
Date



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Savannah Newbern, Planner
From: Steven R. Kovacs, Fire Marshal
Date: January 30, 2023
Re: Murray Bay subdivision

I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There shall be no parking allowed on the roads within the subdivision. Signs and surfacing markings shall be as specified by the Dare County Fire Marshal's Office.
- The road length exceeds 150-feet and will require a turn around area for fire apparatus. This area must meet the requirements noted above and allow for a fire apparatus 40-foot in length to turn around. This shall also have no parking signage.
- There needs to be a fire hydrant within 400-feet of the structures along the travel path of the fire apparatus. Currently the plan does not show the location of the closest fire hydrant. Based on GIS review the distance exceeds the 400-feet and a fire hydrant will need to be installed in the area of the road access to Mare Vista Drive.
- The needed water fire flow for the proposed subdivision at this time is 1,000 gallons per minute. This is based on a 20-foot separation as noted below. Dwellings not exceeding 2-stories in height which includes parking area underneath (as one story) and overall square footage of 4,800 square feet or less. Any changes to these conditions would change the needed fire flow requirements. Documentation shall be provided prior to approval showing that the required fire flow can be obtained. This must be included and recorded on the final plat.

For 1- and 2-family dwellings not exceeding 2 stories in height, the following needed fire flows shall be used shall be based on distance between the two homes:

DISTANCE BETWEEN BUILDINGS NEEDED FIRE FLOW

<i>More than 30 feet</i>	<i>500 gpm</i>
<i>21 – 30 feet</i>	<i>750 gpm</i>
<i>11 – 20 feet</i>	<i>1,000 gpm</i>
<i>0 – 10 feet</i>	<i>1,500 gpm</i>

For 1- and 2-family dwellings, exceeding the two-story height or with an effective area greater than 4,800 square feet the needed fire flow will be calculated the same as commercial projects.

- Need to obtain current with test data and provide documentation that the designed waterline shall be capable of providing the needed fire flow requirement as previously noted.
- Need to note street names and addressing which must be approved by this office and coordinated with Dare County 911.
- All water lines for the fire hydrants and basic road improvements must be installed and approved prior to the commencement of any home construction. Roads must remain clear during construction for emergency vehicle access.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*



County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

September 19, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Special Use Permit for a Group Development for storage warehouses

A request for a Special Use Permit (SUP) for a group development for storage warehouses has been submitted by Kenrick Albaugh for his property located at 40041 Brinkley Lane in Avon. The property is identified as parcel 014720000 with Dare County Tax Mapping. The parcel is zoned C-2 Commercial and storage warehouses are permitted as a special use. The applicant currently has two storage warehouses on the parcel that were constructed in 1985 prior to Avon village being zoned in 1992. The applicant is seeking to add an additional storage warehouse to the property which will require a special use permit for a group development since the applicant is seeking to add an additional principle use structure to the property. This review will ensure compliance of the new structure with the Dare County Zoning Ordinance.

The applicant is proposing to construct a 60'ft x 20ft' building on the parcel that will be divided into 6 units for self-storage. The units will be 10'ft x 20'ft non-climate controlled. The site accessed of the existing Brinkley Lane paved right-of-way. A site plan depicting the proposed improvements is attached to this memo for the boards review.

A copy of the site plan has been provided to Steve Kovacs, the Dare County Fire Marshal for his review. The fire marshal comments are attached with this memo, and conditions have been added to the draft SUP to address his concerns.

The proposed self-storage units shall not be occupied for dwelling, office space, or otherwise occupied. Staff suggests the applicants provide a copy of the rental agreement that includes this prohibition. Any lighting installed on the property shall be adjusted or shielded to prevent glare on adjacent right-of-ways, and adjoining properties. Conditions have been added to the SUP to reflect these topics.

A draft SUP is attached for the board's review, conditions discussed in the board's review can be added.

SPECIAL USE PERMIT APPLICATION

Date: 9-5-2023 Application No. 6-2023
Property Owner/Petitioner: Kenrick Albaugh, DBA -Avon Self Storage
Address: 40041 Brinkley Lane Avon NC 27915
Telephone: 252-305-1569 Email: captналbaugh@aol.com
Review Fee Paid: \$ 310.06 ck#
Project Description: Addition of self storage building on south end of C-2 zoned property.
Units are unconditioned and for self storage rental- 6-10' x 20' approx. size.

Property Description:

Lot	Phase/Section	Block	Subdivision
Parcel: <u>014720000</u>			PIN: <u>01 0549 05 19 8340</u>

APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-31 Special Use: GROUP DEVELOPEMENT CONSISTING OF STORAGE SPACES

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant:  Date: 9-5-2023



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Noah Gillam, Planning Director
From: Steven R. Kovacs, Fire Marshal
Date: September 20, 2023
Re: Avon Self Storage

I've reviewed the material submitted for the 'Special Use Permit' for Avon Self Storage at 40041 Brinkley Land for the addition of a third storage building and have the following comments:

- With new construction a fire hydrant will need to be located within 400 feet along the access road. Currently the closest fire hydrant is located approximately 724 feet away. The hydrant can be located at the intersection of Brinkley & Westerly Lanes.
- Based on what I can see of the submitted plan and using wood framing the needed fire flow for this project would need to be 1,000 gallons of water per minute. Change of construction type and changing the fire area could reduce the needed amount.
- The roadway accessing this property is existing but may need some maintenance depending on the condition of the surface. I would not know until a site visit is completed.
- Additional requirements of the North Carolina Fire Code would be addressed during permitting of the building itself.

If you have any questions please let me know.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*



Special Use Permit No. #6-2023

Dare County Sections 22-25, 22-31, 22-65, & 22-70

Application of: Kenrick Albaugh D/B/A Avon Self Storage Group Development for Storage Warehouses

On November xx, 2023 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Storage Warehouses and Group Developments
3. The subject property is zoned C-2. This property is identified on the Dare County tax records as PARCEL 014720000 and located in the Avon Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

SPECIAL USE: A Group Development consisting of 3 Storage warehouses divided into self-storage units. A site plan depicting the proposed improvements identified as Appendix B is included as part of this permit.

CONDITIONS:

1. The group development shall operate as prescribed in the definition set forth in Section 22-31 of the Dare County Zoning Ordinance. All buildings constructed after November 6, 2023 shall be separated by 20'ft. The structures shall be constructed as depicted on the Appendix B.
2. The existing 1,600 square foot storage warehouse constructed in 1985 is building one of the group development. Building two of the group development is an existing 2,400 square foot building constructed in 1985. A proposed 2,040 square foot building will be building three of the group development.
3. The structures constructed after November 6, 2023 shall be located on the parcel in conformance with the setbacks of Section 22-25 and Section 22-31 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. Nonconforming structures in the group development shall not be enlarged or altered in way which increases its non-conformity, but any structure or portion thereof by be altered to decrease its non-conformity. Should such non-conforming structures or non-conforming portion of structures be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with section 22-25 and section 22-31.
5. The applicant shall install a fire hydrant at the intersection of Westerly Ln and Brinkley Ln. The fire hydrant shall be capable of supplying 1,000 gallons of water per minute.
6. Building permits for the proposed structure shall be secured within 24 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance.
7. All structures and improvements constructed after November 6, 2023 shall be constructed in compliance with the requirements of the Dare County Fire Marshal and North Carolina Fire Code.
8. All lighting improvements installed on the property shall be adjusted and/or shielded to prevent glare on adjacent right-of-ways, and adjoining properties.

9. There shall be no staging of equipment or materials in or along the right-of-way of Brinkley Ln
10. Parking for the individual storage units shall be allowed immediately adjacent to the storage buildings to facilitate the loading and unloading of individual units.
11. The storage units shall not be used or occupied for residential or commercial purposes. No recreational vehicles, travel trailers, or campers stored on site shall be occupied or used for habitation while being stored. A copy of the rental agreement with this prohibition shall be submitted to the Dare County Planning Department prior to issuance of Certificate of Occupancy.
12. Tenants of the storage building shall be allowed access to the site between the hours of 6:00a.m. and 10:00p.m. daily.
13. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
14. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
15. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This xxth day of November 2023

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____
Skyler Foley
Clerk to the Board

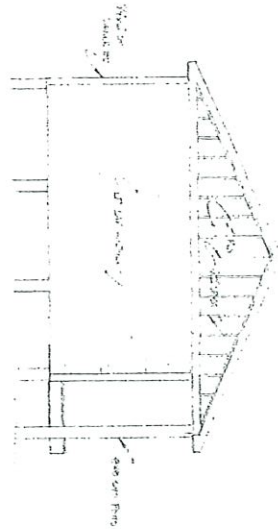
THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
Kenrick Albaugh
Avon Self Storage

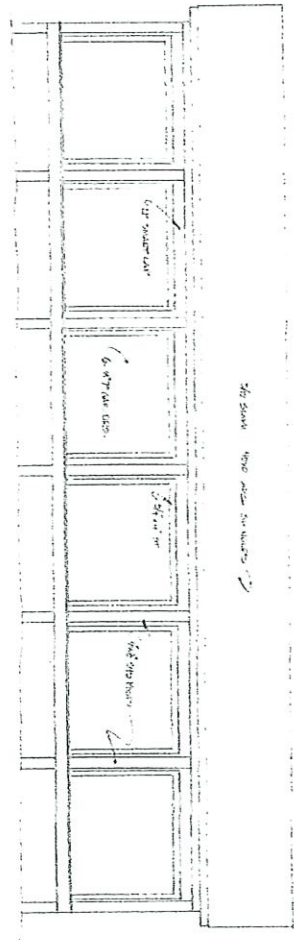
APPROVED AS TO LEGAL FORM

By: _____
Robert L Outten
County Attorney

BUILDING SIZE 20.5' X 60.5'

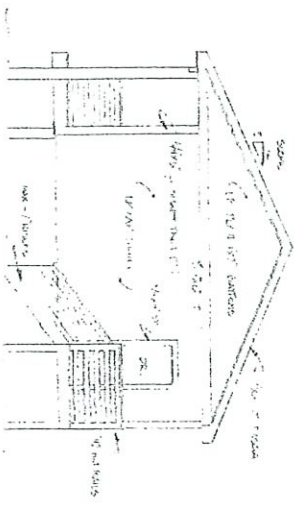


EAST ELEVATION

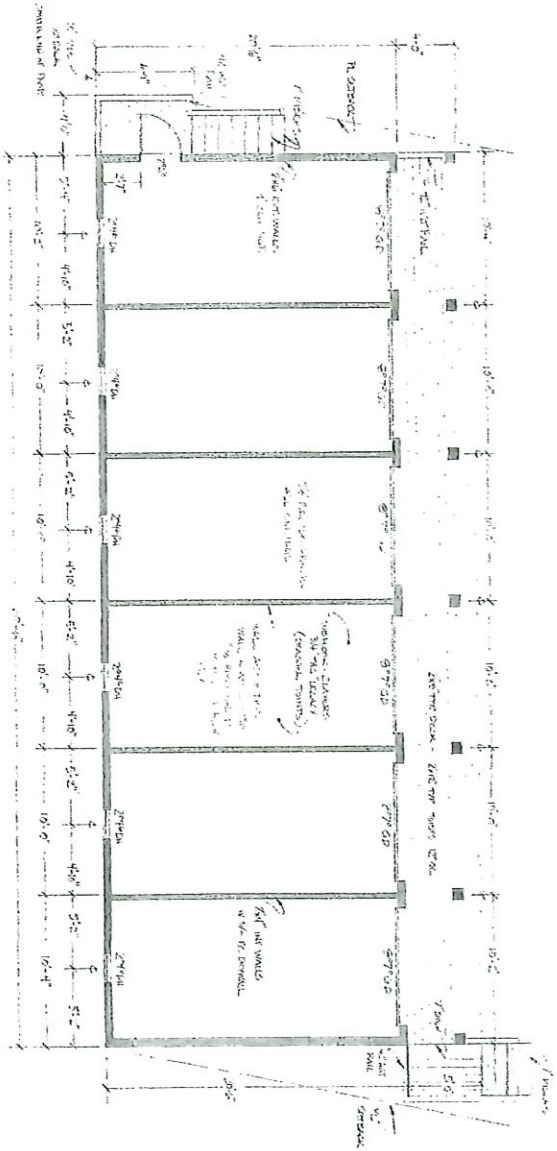


NORTH ELEVATION

PAGE	DETAIL	DESCRIPTION
1	A	EAST ELEVATION
1	B	NORTH ELEVATION
1	C	FLOOR PLAN
1	D	WEST ELEVATION
1	E	SECTION
1	F	SECTION



WEST ELEVATION



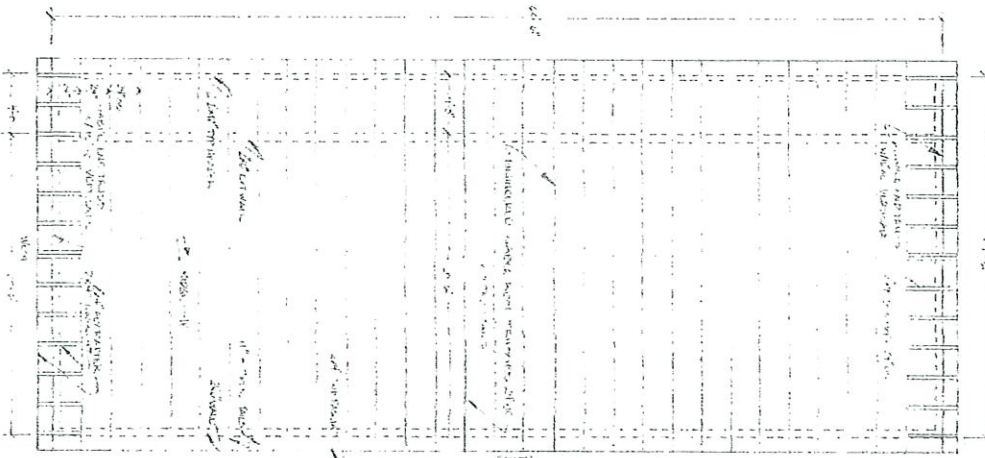
FLOOR PLAN

DESIGNED BY KENRICK J. ALBAUGH, INC.

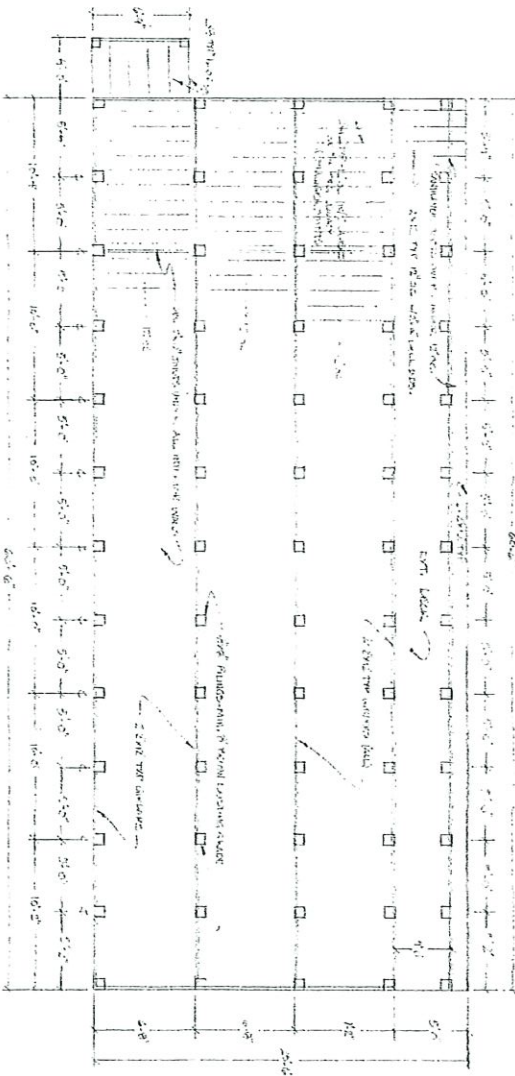
AVON SELF STORAGE
40041 BRINKLEY LANE, AVON

DATE	1/20/10
DESIGNER	KENRICK J. ALBAUGH, INC.
CHECKED	
SCALE	AS SHOWN
JOB NO.	
SHEET	1
SHEET	1

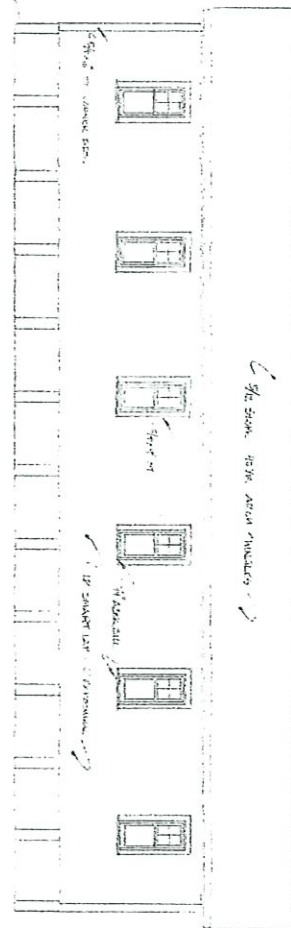
REVISIONS	BY



ROOF FRAMING



PILING, GIRDER & FLOOR JOIST LAYOUT



SOUTH ELEVATION

DESIGNED BY KENRICK J. ALBAUGH, INC.

AVON SELF STORAGE

10041 BRINKLEY LANE, AVON

OWNER	AVON SELF STORAGE
ARCHITECT	KENRICK J. ALBAUGH, INC.
DATE	10/15/11
PROJECT	AVON SELF STORAGE
SHEET	2

REVISIONS	BY