

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, November 7, 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** 5:58p.m.

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

**MEMBERS ABSENT** David Overton  
David Hines

### APPROVAL OF MINUTES

There being no deletions, corrections or additions to the minutes of the October 3, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to accept the minutes as drafted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

*Fred Brumbach* of Manteo aimed to speak on two issues. The first being the zoning in the Mother Vineyard area, which is R-1. He stated that it was his understanding that the lot requirement is 20,000 square feet and he hoped that standard would remain. The second issue was Dough's Creek, which he stated is a drainage creek recognized by the Department of Interior that flows into Shallowbag Bay. He detailed his concerns over the potential development of a neighboring property and the effect it could have with runoff, drainage and pollution. He suggested Dough's Creek be preserved and effort should be taken to ensure it is maintained in order to flow properly.

*Juanita Wescott* of Manteo stated that she lived next door to the 4.3 acre property that is currently under an Offer to Purchase and Contract. She spoke of her concerns in this expected sale, as well as the development in the surrounding area, namely the clear cutting of trees, level of density building, pollution and the negative impacts this could have on Dough's Creek. She explained the measures she has personally taken to keep her portion of the ditch clean of debris for many years and has requested that consideration for funds be allocated this year to clean up and maintain the ditches to ensure adequate flow of stormwater runoff and drainage.

*Nancy Silver* of Wanchese addressed the board and expressed her delight of the newly updated Land Use Plan, stating that Dare County could be paradise on earth. She commented on the many protected areas that exist in Dare County and attributed them as a direct result of grass root swells. She further suggested the protection of trees, touched on her belief in the change

of the area marshes, specifically relating to smell, as well as her concern with over development.

Before concluding the Public Comment portion of the meeting, the Planning Director, Noah Gillam requested to address a statement brought up in Public Comment regarding the minimum lot size in the area of R1 zoning district. Mr. Gillam advised there was a reduction in the minimum lot size in the R-1 district many years ago (2006-2007) from 20,000 sq. ft. down to 15,000 sq. ft. This change occurred when the county water was supplied across Roanoke Island.

*Public comment closed at 6:14p.m.*

## **NEW BUSINESS**

- ***Two-(2) Lot Subdivision William Barley Trust - 48126 Daniel Lane Buxton***

Mr. William Barley, the applicant was present. Mr. Gillam, Planning Director, began by stating Mr. Barley has submitted a two-lot subdivision for his property located in Buxton, off of Buxton Back Road. Lots 2A and 2B will be accessed from Daniel Lane, an existing 40' private road. Mr. Gillam detailed that the applicant is proposing to subdivide his property by cutting out a 28,915 square foot parcel. Since the size of the tract exceeds the threshold for administrative approval, the proposed subdivision is being reviewed this evening by the Planning Board. This property is serviced by the Dare County central water system and individual on-site septic tank/drainfield system. Not anticipating any future subdivision, staff recommends approval. Buddy Shelton made a motion for the preliminary plat for William Barley Subdivision be granted approval. Seconded by Terry Gore

Votes: Ayes - Unanimous

- ***Zoning Map Amendment - submitted by Cape Hatteras Electric Membership Corporation - Six parcels to be rezoned to C-3 from R2-A***

Ms. Susan Flythe, the Executive Vice President and General Manager of the Cooperative was present representing the applicant. The Planning Director, Mr. Gillam began by informing the Board that Cape Hatteras Electric Membership Corporation and Pbp&s,LLc., have both submitted a Zoning Map Amendment request to have their parcels located along Light Plant Road in Buxton rezoned to C-3 Commercial from the current R2-A Zoning, which would then permit them to increase lot coverage to 60%. This would allow for future expansion for CHEC to meet the increased power demands and needs on Hatteras Island and also would be more reflective of a commercial use and the Pbp&s property would then align with the surrounding zoning map if the map amendment is approved. After review of the surrounding properties historic uses and zoning, a reclassification to C-3 Commercial for the applicant's parcels would not disrupt the flow of the surrounding area uses and zoning districts, which would result in a contiguous strip of properties zoned commercial. Terry Gore made a motion to advance and recommend approval of this Map Amendment to the Board of Commissioners being reasonable

and appropriate. The motion includes a finding of consistency with the 2009 Dare County Land Use Plan. Seconded by Beth Midgett.

Votes: Ayes - Unanimous

***Text Amendment - to R2-A to allow for church accessory uses submitted by St. John's United Methodist Church, Avon***

Dottie Reed from Avon was in attendance as a representative of the applicant, Saint John's United Methodist Church. Mr. Gillam, Planning Director detailed that the church has submitted a Text Amendment application for the addition of accessory uses to churches, which would include a youth retreat center or recreation center that provides short term, weekly overnight accommodations. He further stated that it is the church's goal to have a facility to host and house groups from other churches for Mission work and Camp retreats. Mr. Gillam communicated that the amendment does seem consistent with policies under the Land Use Compatibility section, specifically Policy #5 and #6, but also made clear this text amendment is not site-specific, reiterating that it would apply for all land zoned R2-A. Buddy Shelton made a motion to recommend approval with the finding of consistency of the Dare County Land Use Plan, based upon a review of these policies, the Dare County Planning Board finds the Zoning Map Amendment to be consistent with the 2009 Dare County Land Use Plan, since the amendment will allow for use that is already similar to what is in the district's ordinance and surrounding neighborhood. The Planning board further acknowledges the intent of the R2-A alternative medium density residential district is to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low-density areas and more intensely developed areas and providing a setting for a limited number of business uses associated with Coastal Village location. The range of uses permitted in this District includes bed and breakfast homes, campgrounds and fish houses. The Dare County Planning Board hereby recommends The Saint John's United Methodist Church text Amendment be adopted. Seconded by Terry Gore.

Votes: Ayes – Unanimous

**OLD BUSINESS**

• ***Land Use Plan Update - Final Review***

Mr. Gillam, Planning Director, explained that the Land Use Plan is a group of policies used by the Planning Board Staff and Board of Commissioners to review development regulations or zoning map changes. He went on to explain that the State also uses the Land Use Plan in reviewing CAMA Major permits to make sure that any major permit that's submitted to the state is consistent with the County's Land Use Plan. He detailed these policies are not development regulations and they are not a code of ordinance. He stated they are policies that shape future

development. Mr. Gillam further explained that this update was started in 2018, of which included public participation and updated flood maps from the Federal Government. This draft was submitted to the State for the first completeness review in 2021 and then underwent a second review where it met the State's requirements. To move forward with this the Planning Board conducts a review and then presents it to the Dare County Board of Commissioners with a recommendation, whereby it will undergo a public hearing and review prior to adoption. Once adopted, it is then sent back to the State for certification through the State. Chairman Finelli went through the sections of the plan briefly, pausing throughout asking if there were any questions or concerns and due to the extensive, detailed review in the years prior, there were none. Terry Gore made a motion to forward this to the Board of Commissioners and to recommend favorable action on the draft 2022 Dare County Land Use Plan. Seconded by Buddy Shelton.

Votes: Ayes - Unanimous

#### **OTHER BUSINESS**

Chairman Finelli commented that the Commissioners adopted the zoning ordinance for Martin's Point, preceded by a public hearing, and that he received some positive public comments and believed it was favorable.

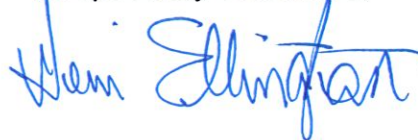
#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:50p.m.

Respectfully Submitted,



Planning Board Clerk

APPROVED: December 5, 2023



John Finelli  
Chairman, Dare County Planning Board