

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, January 2, 2024. 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** 6:00 pm

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

**MEMBERS ABSENT** David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the December 5, 2023 meeting of the Dare County Planning Board, Terry Gore and Buddy Shelton made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

*Public Comment Closed at 6:01p.m.*

### OLD BUSINESS

-None-

### NEW BUSINESS

#### **Zoning Map Amendment Application to rezone 40177 Westerly Lane and 40974 NC 12 Hwy., Avon from R-2A to C-2. Applicant: Dale Petty / John Hooper**

Mr. Gillam, Planning Director began by stating that a Zoning Map Amendment application was submitted by Dale Petty of Surf or Sound Realty and detailed that Mr. Petty is seeking to rezone a portion of his property, together with an adjoining property owned by John Robert Hooper, which Mr. Petty has under contract to purchase. The applicant currently owns 40974 NC 12 HWY, which has dual zoning designation; with the front third portion of the property adjacent to NC 12 being zoned C-2 Commercial and the rear two-thirds being zoned R2-A. The parcel under contract to purchase is directly adjacent to the west and is zoned R2-A. Mr. Gillam went on to state that Mr. Petty is seeking to have the properties rezoned to an entire designation of C-2

Commercial. Mr. Gillam explained that Mr. Petty's intentions in seeking this rezoning is to build a storage warehouse that will offer storage for the real estate business and the residential properties that are in his rental program through Surf or Sound, similar to the one he currently operates in the tri-village areas. A map was provided highlighting the current zoning designations of the surrounding areas, as well as some of the surrounding uses. Mr. Gillam informed the Board the properties surrounding the properties seeking the rezoning are R2-A, C-2 Commercial and C-3 Commercial. The properties to the north are zoned R2-A and are developed with residential dwellings. The properties to the east along NC 12 Hwy are zoned C-3 Commercial and include a restaurant, fishing pier and beach club. The properties to the west are separated by a canal and are zoned R2-A and developed with residential. The properties to the south are zoned C-2 commercial and R2-A and have a mix of residential dwellings and commercial uses including retail, wastewater treatment plant and commercial storage warehouses. Mr. Gillam mentioned in a review of the Avon zoning map there are corridors of C-2 Commercial that run from NC 12 Hwy westward to the canal. These corridors of commercial all separate and intersect primarily in areas zoned R2-A. Additionally, the zoning map and historic uses in the area, the reclassification to C-2 Commercial for the applicant's parcels would not disrupt the flow of the surrounding neighborhood and would result in a contiguous area of properties zoned commercial. It is staff's recommendation that the reclassification to C-2 is appropriate, although, it should also be noted the R2-A does afford some commercial uses that are commercial in nature including fish houses, real estate offices, and campgrounds. Mr. Gillam confirmed that the adjoining property owners have been notified and no negative feedback has been received. He also reminded the Board that if the applicant's amendment application is approved, his proposed use of the property would be subject to special use permit review, which would afford the Board the opportunity to address site specifics and address concerns, if any, from the neighborhood. Mr. Gillam found this consistent with the Land Use Compatibility Policy #5 and #6, which were provided in the meeting packet.

Danny Register, VP of Business Development and Morgan Veyna, VP of Operations, both of Surf or Sound Realty and of Avon were present as representatives of the applicant. They were both satisfied and agreed with Mr. Gillam's summary and had nothing more to add.

Chairman Finelli asked if the Board had any questions for the staff or applicant. Terry Gore spoke up stating he believed this to be reasonable and that it seemed congruent with the nature of the area.

Terry Gore made a motion to advance this to the Dare County Commissioners with a positive recommendation and a finding of consistency with the 2009 Land Use Plan. Seconded by Buddy Shelton.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

Chairman John Finelli's term will expire in February 2024 and as previously mentioned, he is not seeking reappointment. Buddy Shelton, David Hines, Terry Gore and Beth Midgett spoke many kind words to Chairman Finelli on his hard work, integrity, service and dedication.

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:13p.m.

Respectfully Submitted,



Gerri Ellington  
Planning Board Clerk

APPROVED: February 6, 2024



John DeBoy  
Chairman, Dare County Planning Board