

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, March 5, 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

Swearing in of New Member Eddie Twyne

MEMBERS PRESENT John DeBoy, Chairman
Buddy Shelton Terry Gore II
David Overton Eddie Twyne
David Hines - arrived at 6:05PM

MEMBERS ABSENT Beth Midgett

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the February 6, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as they stand. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:02 p.m. Chairman DeBoy outlined the procedure for making Public Comments. There were no public comments made at this meeting.

Public Comment Closed at 6:02.

OLD BUSINESS

-None-

NEW BUSINESS

- **Preliminary Review - Three lot subdivision in Rodanthe - Parcel 012552000, Jonna O. Midgette Subdivision**

Mr. Gillam began by stating this is a prior subdivision that has been reviewed and approved back in September 2023 and since that time the applicant did not record the final plat and has made some adjustments to the property line boundaries to make some lots larger and readjusted some of the easements. He also stated that the applicant, Jonna Midgette has met with the Fire Marshal and the Chicamacomico Fire Station Chief and notes have been added to the plat to address their comments.

Jonna Midgette from Rodanthe, the applicant, was present and stated that everything Mr. Gillam stated was accurate and that there has only been a slight change of the property lines and no further divisions are intended. Ms. Midgette further mentioned that she is carrying out her mother, Jazania O'Neal's wishes and preserving what she has already done.

Buddy Shelton made a motion for the Preliminary Plat for the Jonna O. Midgette Subdivision be granted approval. Seconded by Terry Gore.

Vote: Ayes – Unanimous

Let the record reflect that David Hines was not present at the time of this vote.

- **Special Use Permit Application 01-2024; Construction of eight-(8), three bedroom, Single Family Dwellings; Parcel 012572001 / 23244 Midgetts Mobile Court, Rodanthe / Submitted by Dereck Hench**

Rick House of House Engineering was present as a representative of the applicant. Mr. House stated they are planning an eight house cluster home subdivision on 23244 Midgetts Mobile Court. Mr. House lightly touched on some details of this subdivision, as well as mentioning some concerns brought up by the Fire Marshal and ensured these concerns would be addressed and satisfied.

Morgan Potts, Planner, presented the Special Use Permit application and explained that the property is zoned S-1 and stated that cluster home developments are allowed in this district, subject to review as a special use, as referenced in 22-31.1 of the Dare County Zoning Ordinance. She further cited that a cluster home development is defined in Section 22-2 of the Dare County Zoning Ordinance as a residential group development project consisting of more than one residential dwelling on one parcel of land, whereby the dwellings are occupied on a long-term basis and long-term occupancy is defined in the County Zoning Ordinance as a residential dwelling that is occupied and used for residency and housekeeping purposes for a period of 31 days or more. Ms. Potts continued in detailing the parcel is 1.3 +/- acres (approximately 57,000 square feet) and exceeds the minimum lot size required for a cluster home development. She went on to state the area of disturbance for the proposed development will require the applicant to apply for an Erosion and Sediment Control permit and a Stormwater Management permit from the North Carolina Department of Environmental Quality and that the applicant plans to manage stormwater runoff internal to the property through a series of basins and swales as depicted on the site plan's grading and drainage plan. She further revealed the State permits will be applied for once the applicant receives local approval, and copies of approvals shall be provided to the planning department before ground disturbing activities can occur.

Ms. Potts stated the parcel is currently vacant, however, there exists a former sand mine borrow pit, and the borrow pit fencing, which will be filled and the fencing will be removed. She also provided details that the applicant has an engineered plan to successfully backfill the pit with suitable materials in layers, in which each layer will be laid, compacted, and then watered down before the next layer is laid. The area will then be graded to match the surrounding terrain and a total of 4 layers is indicated on the submitted plans. Ms. Potts further advised that each structure in the cluster home development will be accessed from the existing Midgett Mobile Court, which will lead to a separate road for the development. The Dare County Fire Marshal has reviewed the site plan and provided a Memo to Planning Staff noting his comments. She has attached the Memo in its entirety for review.

Furthermore, Ms. Potts noted other specifics, such as the parking for cluster homes would be provided at a rate of one parking space per bedroom of each cluster home; the wastewater for the proposed cluster home development would be handled by an engineered wastewater system, of which the system will be monitored twice per year by Dare County Environmental Health to ensure proper effluent quality; an "Operations and Maintenance Plan" will be included within the homeowner's association documents; and the landscaping for the development shall adhere to the planting details found on the submitted "Landscape Plan", of which the developer shall agree to maintain the landscaping as noted in the plans, until a homeowners' organization is created. She also mentioned a copy of the as-built site plan would need to be recorded in the Register of Deeds once the infrastructure improvements have been completed. Ms. Potts clarified that the applicant has 24 months to obtain the building permits.

Terry Gore made a motion that the conditions of the SUP are reasonable and appropriate. Seconded by Buddy Shelton.

Vote: Ayes – Unanimous

- **Zoning Text Amendment to the MP-C Section 22-17.2 for Shared Space Occupancy Dwelling and Section 22.2 Definitions / 6325 N Croatan Hwy., Martin's Point Commercial Lots, Parcel # 021865004. Submitted by Patricia Pledger**

Both Casey Varnell, Attorney with Sharp, Graham, Baker & Varnell, together with Patricia Pledger, owner/operator of Pledger Palace Child Development & Education Center were present.

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Mr. Gillam, Planning Director, began by stating a zoning text amendment application has been submitted by attorney Casey Varnell on behalf of Patricia Pledger, the owner of Pledger Palace Child Development and Education Center located in the Martins Point Commercial district. He detailed the applicant is seeking to amend Section 22-17.2 Martins Point Commercial of the Dare County Zoning Ordinance and the definition section to allow for Shared Space-Occupancy Dwellings as a special use and to include that as a definition. As part of the submittal, an amendment to Section 22-2 definitions have been included that defines Shared Space-Occupancy Dwellings. It should be noted that this is not site specific and the proposed amendments are only for the MP-C Neighborhood Commercial District, which consists of 10 parcels and is the smallest zoning district in Unincorporated Dare County. The applicant has noted in her application attachments that the intended use of the Shared Space-Occupancy Dwellings is to provide housing for non-transient residents which may include J-1 Work Visa Students. Mr. Gillam reminded us the Martins Point Commercial district was released to Dare County for zoning and development regulations purposes in November of 2023 and stated that before being released to Dare County, the 10 Martins Point Commercial properties were under the regulation of the Town Southern Shores. Additionally, he informed the Board that in May/June of 2023, the applicant submitted a text amendment to the Town seeking the addition of Shared Space Occupancy Dwellings to the list of permitted uses, not a Special Use. Mr. Gillam went on to mention that both the Towns Planning Board and Board of Commissioners (Southern Shores) voted to deny the applicant's request based on the potential impacts of the proposed use on adjacent properties.

Mr. Varnell, attorney confirmed the submission of the application to add Shared Space Occupancy Dwelling as a Special Use to the Martin's Point Commercial District, as well as to the definition section. He stated that he could see the potential concerns with intensity of use and concerns with density, but he believes a precedent is not being set and stated this was not going to apply in other parts of Unincorporated Dare County. Mr. Varnell explained that Ms. Pledger was approached by a local business to propose using the Pledger Palace Child Care Center as housing for J1 students, based on the size of the building. Mr. Varnell confirmed the previous application to the Town of Southern Shores was submitted as a permitted use and was ultimately denied.

It is outlined that the applicant has defined Shared Space Occupancy Dwelling as follows:

Shared Space-Occupancy Dwelling (SSO) means a private structure in which shared spaces are offered for long-term rental. Each shared space offered for rent within the structure shall exist within the confines of four walls, and separate and apart from any other shared space located within the structure. Residents of the SSO shall share a kitchen facility and common living area with all other residents.

Mr. Gillam highlighted that in the review of the proposed definition, Dare County Planning staff found that the structure defined would be classified as a Residential Group R occupancy structure according to the 2018 North Carolina State Building Code. Group R occupancy is broken down into 4 classifications based on the services provided, length of stay (transient/non-transient), and number of occupants. He also added, with the applicant including the long-term rental requirement, the classification would either be a group R-2 or group R-3 depending on the number of occupants permitted in the structure. As defined by the applicant, an SSO would be classified by the North Carolina Building Code as either Congregate Living Facilities or Dormitory. The State defines Congregate Living Facilities as a building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both. A dormitory is defined by the State as a space in a building where group sleeping accommodations are provided in one room, or a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management. Mr. Gillam noted that this classification is important and is what building code officials will use when reviewing building plans for occupancy load ratings and building code compliance.

A full and frank discussion took place over the conditions that were included in the application in which various views and opinions were expressed. These conditions included, the maximum number of occupants in a shared space, the amount of living space for each occupant, together with the required number of toilets, sinks, bathing facilities, washers and dryers, number of parking spaces and the minimum distance of the SSO from any residentially zoned property.

Ms. Pledger, the applicant addressed the Board and expressed that she cannot solve the lack of housing problem for the students that are coming here to work, but expressed that she wanted to try to do her part to fulfill this in the right manner.

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Based upon a review of the adopted 2022 Dare County Lane Use Plan and Policies #6 and #7, which are identified and provided in the meeting packet, the zoning text amendment is found to be inconsistent with the LUP since the amendment would allow for development with a density/occupancy that is inconsistent with the existing patterns of development and scale of surrounding zoning districts and neighborhoods in Dare County.

The Planning Board acknowledged the intent of Ms. Pledger, however, a motion was made by Terry Gore to deny the text amendment as drafted by the applicant. Seconded by Eddie Twyne.

Vote: Ayes – Unanimous

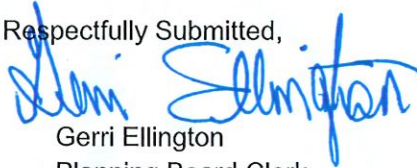
ADJOURNMENT

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 7:29p.m.

Respectfully Submitted,



Gerri Ellington
Planning Board Clerk

APPROVED: April 2, 2024



John DeBoy
Chairman, Dare County Planning Board