

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, August 6, 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 DeBoy, Chairman	
Beth Midgett	Buddy Shelton
David Hines	Terry Gore II
David Overton	Eddie Twyne

**MEMBERS ABSENT ~ NONE**

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the July 2, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

At 6:01p.m. Chairman DeBoy outlined the procedure for making Public Comments. There were no public comments made at this meeting.

*Public Comment Closed at 6:02p.m.*

**OLD BUSINESS** -None-

### NEW BUSINESS

**Special Use Permit #03-2024 Application** to allow for Group Development of Furniture and Appliance Warehouses. Parcel 017533000 Manns Harbor. Submitted by Kenneth W. & Angela Daniels

Mr. Gillam began by stating that a Special Use Permit application and site plan was submitted by Kenneth and Angela Daniels for the development of an appliance and furniture storage warehouse group development on their property located at 6300 Hwy 64/264 in Manns Harbor, NC. He noted that this property is zoned MH-A, whereby multiple building projects are permitted for Commercial/light industry uses subject to the requirements of Section 22-31 Group Developments. Mr. Gillam further stated the applicants are proposing to construct three-(3)~ 9,984 square foot warehouses on the parcel to replace the prior 30,000 square foot warehouse that was destroyed by a fire in early 2024. Mr. Gillam detailed that currently the parcel has two mobile homes, two sheds, together with the destroyed remains of the warehouse on the parcel, all of which would need to be removed prior to the site redevelopment and construction of the proposed warehouses. Mr. Gillam explained that the site plan prepared by Quible and Associates shows the three proposed warehouse structures being separated by a minimum of 20 feet, which meets the 20 foot separation requirements of Section 22-31 and all structural improvements, as proposed, meet the dimensional requirements for the MH-A district. Mr. Gillam outlined that the group development will be accessed directly off US Highway 64/264 and the site plan shows all internal drive aisles depicted as gravel construction. Additionally, he stated that a note needs to be added to the site plan

stating that all drive aisles must be improved and maintained to support 75,000 pounds with a minimum width of 20 feet and vertical clearance of 13-feet 6-inches. Mr. Gillam also stated that spaces for employee parking shown on the site plan, totaling fifteen spaces, exceeds the requirements for the Zoning Ordinance and is adequate. He noted that after a staff review of the surrounding adjoining properties, it was determined that a visual buffer would need to be installed along the length of the northern and western property boundary, due to the MH-A zoning ordinance, which requires that where a commercial/light industry use is adjacent to a residential use, the commercial/light industry development must provide a visual buffer along those boundaries. Mr. Gillam and staff recommend a 5 foot vegetative buffer and/or fencing at least 6 ft in height be installed. Additionally, he noted that a lighting plan would need to be submitted at the time of building permit submission and that conditions have been added to the Special Use Permit to address these items. Mr. Gillam further recognized that a North Carolina State Stormwater Permit for the proposed group development will not be required by the State, due to the fact that the redevelopment of the site will result in a net reduction of the prior existing built upon area and stated that the project engineer provided emails from the NCDEQ confirming such, however, the redevelopment of the site will require a North Carolina Sedimentation and Erosion control permit since the redevelopment will disturb more than an acre. A copy of this permit will be required before any land disturbing activity, and conditions have been added to the draft SUP to address this requirement. Mr. Gillam acknowledged the Dare County Fire Marshal has reviewed the site plan and conditions have been added to address his comments including access to the pond located west of the applicant's property. He stated an access easement has been established and recorded for access to the dry hydrant and pond on parcel #017533007 for firefighting operations. Mr. Gillam advised that during the Planning Board review, the Board will need to discuss with the applicant the hours of operation for the delivery of products and loading/unloading of the company's local delivery trucks.

Michael Stader, Civil Engineer for Quible & Associates was present as a representative of the applicant. He reiterated the comments made by Mr. Gillam that this proposed site plan is in compliance with all regulations, including the state's fire code.

Terry Gore of the Planning Board inquired of the hours of operation for this site. The applicant stated the hours could be between 7am - 7pm.

Terry Gore made a motion to advance this to the County Commissioners with a finding that the conditions are reasonable and appropriate for the intended use. Seconded by David Hines.

Vote: Ayes – Unanimous

**Zoning Text Amendment** to Section 22-31 Group Development - Submitted by Tim W. Midgett

Board member Beth Midgett recused herself from this matter.

Attorney Jay Wheless was present, as a representative of the applicant.

Mr. Gillam informed the Board that a Text Amendment application has been submitted by attorney Jay Wheless on behalf of his client Timothy Midgett. The applicant is seeking to amend Section 22-31 Group Development Projects ordinance to recognize the existence of properties with multiple structures of which at least one structure on the property was constructed prior to the adoption of the Dare County Zoning Ordinance on November 20, 1975. The amendment would allow the ability of properties with existing historic structures that do not meet the current dimensional requirements of Section 22-31 to seek special

use permit approval for a group development. Mr. Gillam stated that a group development allows for a parcel of land to be developed with more than one principal use structure on the parcel. He further stated the developer of a group development has the option of retaining ownership of the entire parcel and its improvements or recording footprints or building envelopes around the structures which can be sold or transferred to another owner with the remainder of the land being dedicated as common area regulated by a homeowners association or some other similar entity. Mr. Gillam detailed that the language as drafted by the applicant would create a new subsection under the group development ordinance that specifically addresses properties with at least one historic structure that predates the Dare County Zoning Ordinance, however, the language does not specify between commercial and residential structures. Mr. Gillam's recommendation is that the language shall only apply to residential structures. Mr. Gillam detailed that the applicant has included dimensional standards for the proposed amendment that includes a minimum lot size requirement, minimum separation of buildings, lot coverage, and language that addresses setbacks. The current group development regulations for group housing projects, requires that all dwellings shall be setback a minimum of 25 feet from any side or rear property lines. The proposed setback language would acknowledge the existing rear and side yard dimensional standards of structures built prior to the adoption of the Dare Zoning Ordinance and allows for a reduced side and rear yard setback for existing structures built after its adoption that do not meet the current 25 foot setbacks of section 22-31. Mr. Gillam advised that during the Planning Board review a discussion should be had that addresses front yard setbacks for historic structures. Mr. Gillam explained that although text amendments are not site specific, the applicant's property that would benefit from this amendment is currently compliant with the front yard setbacks for its applicable zoning district, this might not be the case for another property owner wishing to establish a group development on another qualifying parcel with a historic structure. Therefore, Mr. Gillam has inserted a line that addresses setbacks for proposed new structures that would require them to meet the current dimensional standards of Section 22-31. It should be noted that if favorable action is found on the proposed amendment, group housing developments would still only be permitted in the districts currently listed in Section 22-31. Mr. Gillam reminded the board that as is the case when reviewing any proposed text amendment, a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. In a review of the proposed amendment to Section 22-31 and the 2022 Dare County Land Use Plan, Mr. Gillam identified the following policies under the Land Use Compatibility section as applicable to this amendment request:

Policy LUC #6-Residential development shall be the preferred land use in Unincorporated Dare County for seasonal accommodations and year-round housing. All new residential structures, whether attached or detached, are encouraged at a scale that is consistent with existing neighborhood patterns of development. Policy LUC #7-Diversification of housing opportunities to address the housing needs of Dare County's year-round population is supported. Multi-family dwellings and other types of residential structures, such as accessory use dwellings, are appropriate alternatives. Amendments of existing dimensional requirements to create flexibility for the development of year-round housing may be acceptable if such amendments are consistent with existing patterns of development and scale of neighborhoods.

Mr. Gillam explained that both of these policies are applicable to the proposed amendment since the amendment will allow for properties that have been excluded from being developed as group housing developments, due to decades old historic structures existing location on the parcel that pre-date the zoning ordinance. The amendment creates the potential to increase housing options in Unincorporated Dare County without disturbing the existing patterns of development and scale of neighborhoods.

Attorney Jay Wheless, approached the podium to provide further clarity and intent, as well as to answer any questions from the Board.

Terry Gore made a motion that the proposed amendment, as edited by staff, is reasonable and consistent with Dare County Land Use Plan and recommended it be adopted. David Hines seconded the motion.

Vote: 6 Ayes / 1 Abstention

**Amendment to Special Use Permit #5-2012 City Beverage/Ace Mini storage Group Development, 1099 Driftwood Drive, Manteo. Submitted By JT Dixon**

Mr. Gillam started off by stating that a request for an amendment to SUP 5-2012 for the City Beverage Group Development located at 1099 Driftwood Drive in Manteo has been submitted by the owner J.T. Dixon. He referenced the original SUP issued in February of 2013 authorized the construction of a second mini storage building subject to the requirements of Section 22-31 Group Developments. Section 22-31 Group developments allows for permitted uses in the 1-1 zoning district to have more than one principal use structure on a parcel subject to special use permit review. In May of 2017, the applicant had an amendment to the site plan and SUP approved that allowed for the expansion of the group development with two additional mini storage warehouses. Mr. Gillam stated the current request and proposed site plan, would allow for the construction of four new structures, an addition to an existing structure, authorize the use of portable storage containers, and expand the authorized on-site storage of boat trailers, travel trailers, and other similar equipment. He further detailed that Mr. Dixon currently owns the parcel located to the north of the group development site and is under contract to sell a portion of the parcel to the Dare County Airport Authority and explained the remaining acreage after the sale will be recombined with the existing acreage on the group development parcel. Mr. Gillam stated a recombination plat will need to be recorded prior to any land disturbing activities and that the proposed site improvements will be installed in phases. Mr. Gillam detailed that Phase one of the improvements will be completion of the overall site work including installation of stormwater improvements, gravel drive aisles for access, designated areas for portable storage containers, and parking areas for the storage of RV's, boats, and trailers; Phase two of the improvements will be the 2,100 square feet addition to the existing mini storage facility; the third phase will be the construction of the two 3,600 square feet open air canopy structures intended for covered parking of RV's and boats; and Phases four and five will be for the construction of the remaining two proposed buildings, one building will be 7,500 square feet, and the other will be 10,800 square feet. He noted the order of construction on these two buildings will depend on the market demand at that time. These buildings will be broken down into larger storage units than the typical mini storage facility. As-built surveys will need to be provided to the Dare County Planning Department upon completion of each of the phases. Mr. Gillam further advised the proposed and existing improvements on the site meet the use and dimensional requirements of the 1-1 and C-3 zoning districts. He stated the proposed improvements will require North Carolina State Stormwater Permits and Sedimentation and Erosion control permits and copies of these permits will need to be provided to the Dare County Planning Department prior to ground disturbing activities. Mr. Gillam detailed that the site plan also depicts the relocation of the existing northern driveway access due to the recombination of the parcels and will require approval from NCDOT, copies of this approval shall be supplied to Dare County Planning prior to ground disturbing activities. Additionally, Mr. Gillam noted the portable storage unit service and portable storage containers proposed on the site will be subject to the requirements of Section 22-58.10; and that the existing and proposed buildings/structures shall not be occupied for dwelling space, office space, work space, or otherwise occupied. Recreational vehicles, travel trailers, and boats stored on the property shall not be occupied or used for housekeeping purposes. This prohibition will need to be included in the applicant's rental agreement, and a copy provided to the Dare County Planning Department. A copy of the site plan has been reviewed by the Dare County Airport Authority. Mr. Gillam advised that during their review they indicated that the site plan and building plans would need approval

from the Federal Aviation Authority. The applicant has submitted the plans to the FAA for approval and is currently waiting on their response and/or approval. He also noted the Dare County Airport Authority during their review indicated that the required vegetative buffer on the rear and side property boundaries should only be planted with vegetation that does not grow in excess of 30 feet to avoid height clearance issues for runway approaches in the future when the vegetation is mature. Conditions have been added to the SUP amendment that addresses this concern. The Dare County Fire Marshal has reviewed the site plan, and a copy of his comments is attached to this memo. Mr. Gillam noted that during the review the fire marshal indicated that a new fire hydrant would need to be installed internal to the project to service the proposed new improvements due to their distance from the existing hydrant located on Driftwood Drive. He also noted that to meet the intent of the North Carolina Building and Fire Code the newly proposed buildings will need to be constructed with rated fire walls to meet the needed fire flow requirements of the applicable Codes. Conditions have been added to the SUP amendment to address the Fire Marshals comments. A draft SUP amendment with conditions was provided for the Planning Boards review. All prior conditions set forth in SUP 5-2012 shall remain in effect.

Terry Gore made a motion that the Dare County Planning Board finds these conditions reasonable and appropriate for the intended use. Seconded by Buddy Shelton

Vote: Ayes – Unanimous

**OTHER BUSINESS**

**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John DeBoy. Seconded by Buddy Shelton.

Vote: Ayes – Unanimous

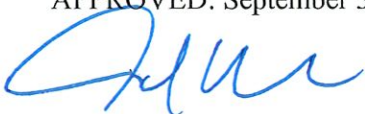
The meeting adjourned at 6:26 p.m.

Respectfully Submitted,



Gerri Ellington  
Planning Board Clerk

APPROVED: September 3, 2024



John DeBoy  
Chairman, Dare County Planning Board