

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, October 1, 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 6:01 pm

MEMBERS PRESENT John DeBoy, Chairman
Beth Midgett Buddy Shelton
David Hines Terry Gore II
Eddie Twyne

MEMBERS ABSENT David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 3, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:02 p.m. Chairman DeBoy outlined the procedure for making Public Comments. The following citizens chose to speak:

Lorraine Tillett of Wanchese, spoke to the requested Zoning Text Amendment for the MC-1 on the agenda, stating that this was not originally envisioned in the plans for this particular zoning district. However, she commended the orderly process set forth by Dare County in proposed zoning amendments, whereby citizen concerns and/or support were able to be heard.

Joey Daniels of Wanchese, addressed the Board stating he could see where both sides were coming from, but ultimately is in full support of this request.

Paul Spencer, the property owner, spoke in favor of this amendment and explained the purpose of this request was to extend an opportunity for entrepreneurship in the auto service industry and potentially the new building could be used for outboard motor repair.

Sandra Barilel of Wanchese, stated that she was not opposed to the zoning change, as long as the people in the district were in favor and that everyone be notified.

Tracy Buchanan spoke in favor of this request, stating that this is a beneficial business in the community.

Ronald Carter of Wanchese, stated that he did not see any issues with this proposal and he supported this 100%.

Christine Pridgen of Wanchese, she lives next door to the proposed site and spoke in favor of the proposal, stating that it would be great for the community.

Public Comment Closed at 6:19pm.

OLD BUSINESS

-None-

NEW BUSINESS

- Special Use Permit #05-2024, Storage Warehouse, 40177 Westerly Lane, Avon. Submitted by Surf or Sound Realty

Mr. Gillam, Planning Director, addressed the Board by stating a Special Use Permit application and site plan for the development of a storage warehouse has been submitted by Dale Petty on behalf of Surf and Sound Realty. He stated the applicant is proposing to construct a 9,478 square foot storage warehouse on the 34,519 square foot parcel and noted the C-2 district has an established lot coverage limitation of 60 percent for commercial uses, and the applicants proposed improvements as shown equate to a 28.8 percent lot coverage, meeting the requirements of the ordinance. Mr. Gillam detailed the building will have 2,370 square feet dedicated to office space with the remaining 7,108 square feet to be used as storage of materials for the day to day operations of the realty company. He noted the property is bordered by a canal on the western property boundary that connects to the Pamlico Sound, and the proposed improvements are located in the CAMA AEC and will trigger the need for CAMA permits. Additionally, he stated the subject parcel is located in an AE 4 flood zone, and advised that the applicant intends to elevate the structure above the Dare County Regulatory Flood Elevation of 8' feet. The site plan depicts the placement of fill material and construction of a retaining wall to hold the fill material in place to achieve the elevation requirement. Mr. Gillam further advised the building construction will be a slab on grade structure, and the placement of fill and construction of the retaining wall will require an engineered design and certification from a geotechnical engineer to certify the fill material is sufficient to support the imposed weight of the structure, noting conditions have been added to the draft SUP to address these items. Mr. Gillam stated the access to the site will be off Westerly Lane through the existing driveway on the applicant's adjacent parcel to the east and the site plan depicts a proposed 35' foot wide by 60' foot long access easement on the adjacent parcel. Mr. Gillam addressed that this easement will need to be shown and recorded on the recombination plat. He further detailed the applicant has indicated that 5 employees would be on the largest shift, and advised 5 parking spaces are provided on the site plan meeting the parking standards of the ordinance. The site plan depicts a vegetative buffer along the property boundaries that abut residential uses. The C-2 ordinance does require a vegetative buffer but since once has been shown on the site plan, staff feels that it is appropriate to add conditions to the draft SUP addressing the planting and maintenance of the buffer. The area of disturbance and built up area is below the threshold to trigger the need for North Carolina State Stormwater Permits or Sedimentation and Erosion control permits. The States threshold for Stormwater management starts at 10,000 square foot of built-upon area, and Sedimentation and Erosion Control requires an acre of land disturbance. The Dare County Fire Marshal has reviewed the site and has provided comments on a memo dated September 25, 2024, a copy of this memo is attached for the board's review. At the time of the SUP application submittal the applicant had indicated that the proposed building would be constructed with a fire suppression system, but after conducting a fire flow test of the adjacent fire hydrants the fire marshal and project engineer have determined that the existing hydrants have the ability to supply the needed 1,750 gallons per minute needed for a structure of this size if constructed with non-combustible materials. The notes on the site plan will need to be updated to remove the fire suppression system, and reflect that the building construction will be of non-combustible materials. The portion of Westerly Lane that is used as access to the proposed site will need to be resurfaced with an all-weather surface capable of supporting 75,000 pounds for emergency vehicle access. The road width adjacent to the applicant's property will need to widen to a width of 20 feet the entire length of the property and reinforced with a material such as GEOWEB to provide a stable base for fire apparatus to access and work around the

proposed structure. Another set of access stairs will need to be added on the southwest end of the retaining wall. Conditions have been added to the draft SUP to address the fire marshal comments.

Dale Petty, applicant, was present and stated the broad hours of operation could be 5:30AM - 7:00PM, having no deliveries.

David Hines made a motion to advance this to the Board of Commissioners with a recommendation that this request is reasonable and appropriate for the intended use. Terry Gore seconded.

Vote: Ayes – Unanimous

- **Zoning Text Amendment to MC-1 (Wanchese Wharf Marine Commercial Zoning District)** to allow Automotive Service and Repair. Submitted by Karen Spencer

Morgan Potts, Planner, stated that a text amendment application has been submitted by Karen Spencer and Spencer McGill to amend the "Wanchese Wharf Marine Commercial Zoning District" (MC-1) zoning ordinance. Ms. Potts noted the zoning district has historically been utilized for commercial and harbor related activities, and the district is designed to preserve and protect such uses. She detailed the property in question is located at 157 Beverly Drive in Wanchese, and is owned by Paul Spencer and that Mr. Spencer has authorized the applicants, Karen Spencer & Spencer McGill, to speak on his behalf for the text amendment proposal. Ms. Potts outlined that it is at the discretion of the Board to decide if the proposed use should be categorized as a use permitted by right, or as a Special Use and suggested that the Board discuss with the applicant any other uses incidental to "automotive repair service", including towing, et al. She further noted that Wanchese has one other zoning district that permits "Automotive repair service center" which is the Residential Business (RB) zoning district and acknowledged that the Board has the power to apply the same regulations to this proposed amendment if deemed necessary. Ms. Potts stated that Staff finds that the proposed text amendment would be of similar intensity as existing businesses within the MC-1 district, and would be in keeping with the scope and intent of the MC-1 district, considering the nature of existing businesses within the area (boat yards, boat and motor display, sales and service, and boat building); the proposed use would not cause additional disturbance to the neighborhood. During the review of 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 the MC-1 language and the 2022 Dare County Land Use Plan, staff found that three policies in the Land Use Compatibility section apply to the proposed amendment. The first policy is LUC #1 under the "Coastal Heritage and Overall Development Practices" heading which states that Dare County recognizes the importance of our coastal village heritage and will continue to foster this heritage through the use of appropriate land use policies, regulatory guidelines, and other County ordinances. The second policy is LUC #8 under the "Commercial Development" heading states that Dare County supports the continued existence of locally owned businesses in unincorporated Dare County. Zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal. Lastly, LUC #9, "Commercial Development", Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers; the prohibition of drive-thru window service at restaurants and gross floor area limitations are examples of appropriate tools for this goal. A copy of the proposed language is attached to this memo for the board's review. If at the close of the discussion the Board finds that the proposed amendment is reasonable and consistent with the Dare County Land Use Plan, a draft statement of the consistency is attached with this memo.

Cliff Spencer addressed the Board stating that he is trying to help his cousin get started with his business. He apologized for not gaining all of the required permitting and noted it as a sheer oversight, as he

believed that he had obtained everything that was needed. He ensured the community and the Board that all of the required applications relating to this building process are currently being addressed. Additionally, Mr. Spencer noted that in consideration of the other uses that are allowed in this district, his request for automotive service was reasonable.

After a full and frank discussion among Board members, Buddy Shelton made a motion to forward this to the Commissioners, as a Permitted Use, with a finding that is reasonable and consistent with the Dare County Land Use Plan. Seconded by David Hines.

Vote: Ayes – Unanimous

- **Amendment to SUP #06-2017**, Relocation of improvements to adjoining parcel. 0 & 47382 Rocky Rollinson Road, Buxton; Parcels 027732003 and 027732000. Submitted by William Belter

Due to a scheduling conflict, Terry Gore made a motion to table this until next month. Seconded by Beth Midgett.

Vote: Ayes – Unanimous

OTHER BUSINESS

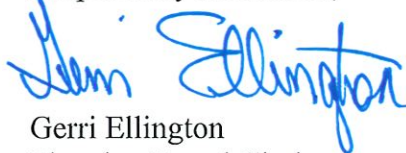
ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by David Hines. Seconded by Terry Gore.

Vote: Ayes – Unanimous

The meeting adjourned at 6:56p.m.

Respectfully Submitted,



Gerri Ellington
Planning Board Clerk

APPROVED: November 6, 2024



John DeBoy
Chairman, Dare County Planning Board