

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, September 5, 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 6:02pm

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

MEMBERS ABSENT Buddy Shelton
David Overton
David Hines

APPROVAL OF MINUTES

In consideration of the additional language pertaining to the Dare County Land Use Plan to the minutes of the August 1, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to accept the minutes as permitted, including the aforementioned change. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:03 p.m. Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

Public comment closed at 6:04pm.

OLD BUSINESS

-None-

NEW BUSINESS

THREE LOT SUBDIVISION IN RODANTHE - PARCEL 012552000, ESTATE OF JAZANIA O'NEAL/MIDGETTE

Savannah Newbern, Planner, cited the proposed subdivision is located in Rodanthe. She stated that it is a greater than four-(4) acre parcel that is proposed to be divided into two lots with a nearly three-acre parcel remaining. Ms. Newbern further mentioned that each lot is accessed from a proposed 20' easement and the applicant is required to improve the entire access easement with gravel capable of handling

emergency and trash collection vehicles. Additionally, the lots will be served by centralized water and individual on-site septic systems.

Ms. Newbern specified that the proposed lots meet or exceed the minimum lot size requirements for the S-1 zoning district and are currently vacant. All applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department. It was noted that neither the surveyor nor the applicant was present, however, Ms. Newbern confirmed that this proposal met the requirements to be approved as a preliminary plat.

Terry Gore, made a motion that the preliminary plat for the Jazania Herbert O'Neal subdivision be granted approval. John DeBoy seconded.

Vote: Ayes – Unanimous

***PUBLIC HEARING ON THE TRANSFER OF THE 10 MARTIN'S POINT
COMMERCIAL PROPERTIES FROM SOUTHERN SHORES ETJ TO DARE
COUNTY***

Chairman John Finelli began by stating that the Town of Southern Shores, incorporated in 1979, is currently working to relinquish their Extra Territorial Jurisdiction (ETJ) of the 10 Martins Point Commercial (MP-C) properties to Dare County. This transfer would place these properties under Dare County regulation for Planning and Zoning purposes. Currently, Southern Shores anticipates adopting the transfer ordinance on October 3, 2023. At that time the County has 60 days to adopt zoning laws. As part of this process Dare County must review and process proposals to adopt development regulations (zoning ordinance) that would apply in the newly acquired jurisdiction. General Statute 160D-204 allows a county receiving a jurisdiction to begin this process before the transfer takes place but no final decisions shall be made on any development approval prior to the actual transfer of jurisdiction.

Chairman Finelli detailed that he is the ETJ Representative, which is a county appointed position, representing Martin's Point interests on the Southern Shores Planning Board. He stated that he has been in discussion with the property owners for about 10 months and expressed to them that this proposal did not involve any down zoning. Chairman Finelli further explained the Draft Ordinance for the Martin's Point Commercial district offers a list of uses that are reflective of the current uses that are afforded these properties under Southern Shores, and are reflective of the current uses in the Dare County zoning ordinance for similar commercial properties. Dare County Planning Staff in review of the Southern Shore ordinance for the MP-C district found that the current ordinance could be amended for Dare County with several amendments that would make the new draft ordinance consistent with the already established commercial districts in Dare County and the recorded plat for the Martin's Point Commercial lots. The changes would include mixed used development as a permitted use (commercial and residential on the same parcel), and changes to the buffer requirement on rear property lines. A draft copy of the proposed MP-C ordinance was presented for review.

Chairman Finelli outlined that all 10 properties in Martins Point Commercial district are currently developed and have their own set of protective covenants. Their current uses included doctors' offices, real estate offices, insurance offices, veterinarian clinic, child care facility, and a garden center. As with any proposed zoning regulation or change the planning board shall provide a recommendation to the Board of Commissioners. This recommendation shall include a finding of consistency with the Dare County Land Use Plan and based upon a review of these policies, the Dare County Planning Board finds the zoning map and text amendment for the MP-C District, to be consistent with the 2009 Dare County Land Use Plan; since the amendment will offer a list of uses that are reflective of the current uses in the Dare County zoning ordinance for similar commercial properties.

Therefore, this item will be forwarded to the Dare County Board of Commissioners, and a Legislative Hearing will be scheduled. The Dare County Board of Commissioners will not be able to make a final decision on the adoption of development regulation prior to the date of Southern Shores actual transfer of the jurisdiction.

The Planning Board further acknowledges the intent of the MP-C commercial district is to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents and hereby recommends that the Martins Point Commercial District map and zoning text amendment be adopted. Additionally, Mr. Gillam, Planning Director, confirmed that all adjoining property owners and area residents have been notified per the General Statute requirements. Chairman Finelli advised that if property owners wanted to make any changes, it would be best to wait until this has been adopted.

Chairman Finelli opened the floor for discussion and comment. The attending Board members, as a whole, expressed no concerns or major issues and agreed this would be a nice addition to the community of Dare County.

Patricia Pledger, owner of Pledger Palace Child Development, which is currently being used as a summer camp, stated she was glad the use included provisions for workforce housing.

Chairman Finelli made a motion to forward this to the Board of Commissioners and recommend approval, further stating the Planning Board acknowledges the intent of the MP-C commercial district is to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents. The motion includes a finding of consistency with the 2009 Dare County Land Use Plan, specifically Policy LUC #5 and LUC #6. Seconded by Terry Gore.

Vote: Ayes – Unanimous

OTHER BUSINESS

-None-

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:47pm.

Respectfully Submitted,



Gerri Ellington
Planning Board Clerk

APPROVED: October 3, 2023



John Finelli
Chairman, Dare County Planning Board