

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 10, 2014. 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 7:00 pm

MEMBERS PRESENT	Elmer R. Midgett, Jr., Chairman	John Finelli
	Michael Barr	Dan Oden
	Beth Midgett	David Overton

MEMBERS ABSENT Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the January 13, 2014 meeting of the Dare County Planning Board, John Finelli made a motion to approve the minutes as submitted. Michael Barr seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Terri Nunemaker addressed the Planning Board first. Ms. Nunemaker is a neighbor of Bill's Marine and she told the Planning Board she still has the same concerns expressed at the December 9, 2013 meeting. There are still problems with vehicles parked in front of the business and this causes a line of site issue when trying to enter Colington Road. Ms. Nunemaker believes allowing Mr. Meyer to display boats in front of the business will make the problem worse. There are not any "No Parking" signs at the business and customers have no idea where to park. Ms. Nunemaker added that the fence is not a sound barrier and the sound from the business is unbearable.

Ava Johnson lives at 1640B Colington Road and spoke next. She said she has the same concerns she expressed at the December 9, 2013 meeting, which include privacy, safety, and traffic. She lives eight to ten feet from Bill's Marine and can't keep the blinds open at her dining room table. She asked the Planning Board to please enforce the existing conditional use permit before increasing any privileges at the business.

Amber Dodge spoke next. Her parents are Terri and Mark Nunemaker. Ms. Dodge is a lifetime Colington resident and plans to continue living there. She believes Bill's Marine has a business too large for their location. Ms. Dodge said the site plan presented this evening does not change any of the problems the neighbors have with the business. She believes the fence at

Bill's Marine is not in compliance with their conditional use permit. Ms. Dodge recommends an 8'-10' solid wood fence be installed along with a wooden tank (3' x 4' x 2') filled with water that will allow engines to be completely submerged when running them. Ms. Dodge said parking continues to be a problem and customers do not know where to park. The business needs adequately marked parking.

Maynard Outlaw was the last to speak to the Planning Board. He is a neighbor on the south side of the Bill's Marine property. He said he continues to have the same issues he spoke of at the December 2013 meeting as well as the same concerns as those who spoke prior to him tonight. Mr. Outlaw said there have been no improvements to the conditions at Bill's Marine. He pointed out that the new plat presented this evening doesn't show the designated working area but the previous plat did. He believes any boat display area outside the fence will increase parking and line of site problems when people pull over to look at the boats. Mr. Outlaw also mentioned nothing has been done to designate a parking area and the plat presented tonight indicates three parking spaces when the previous plat showed four. Mr. Outlaw said Mr. Meyer has not followed up on anything discussed at the December 2013 meeting.

The public comment portion of the meeting closed at 7:10 p.m.

OLD BUSINESS

Request for Extension of Conditional Use Permit Number 5-2012 issued to Jay Dixon, Sr. for City Beverage Company / Mini Storage Units

Jay Dixon, Sr., owner of City Beverage Company, was present at the meeting.

Donna Creef said the application for this conditional use permit was reviewed by the Planning Board at the end of 2012 and approved by the Board of Commissioners in February 2013. Conditional Use Permit 5-2012 was issued for City Beverage Company to construct a second building of storage units at 1099 Driftwood Drive. The conditional use permit designated a 12-month timeframe for Mr. Dixon to secure building permits. Mr. Dixon has been working to secure state and Airport Authority permits for the site but has not started construction and is requesting an extension of the conditional use permit.

Mr. Dixon said he has received all of the state permits for stormwater and erosion control. At this time, he has a verbal agreement with the airport and is working on acquiring a written agreement with them.

Mr. Finelli made a motion to recommend approval of a 12-month extension for Conditional Use Permit 5-2012 with all other terms of the conditional use permit remaining valid. Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This will be presented to the Dare County Board of Commissioners for consideration at their March 3, 2014 meeting.

Request for Amendment to Conditional Use permit Number 3-2010 issued to Bill's Marine, tabled at December 9, 2013 meeting to allow submission of site plan

William Meyer and Kaitlyn O'Malley of Bill's Marine were present at the meeting.

Donna Creef addressed the Planning Board. Two agenda items concerning Bill's Marine were discussed at length at the December 9, 2013 Planning Board meeting. First was a request for a text amendment to the VC-2 zoning to allow the sale of boats, boat motors and trailers. The Planning Board recommended approval of the text amendment which will be forwarded to the Board of Commissioners for their consideration. The Planning Board re-affirmed their position on this matter at the December meeting because of the length of time that has passed since this was first submitted.

Second was the request by Bill's Marine to amend their conditional use permit to allow boat storage outside the fenced area of the business. This issue was tabled to allow time for Mr. Meyer to have a site plan prepared. The site plan submitted shows the boat display area. There are no specific parking spaces indicated inside the boat display area. The area is approximately 25' x 60'.

Previously, Bill's Marine did have boats outside the fence in the area indicated on the plat. Ms. Creef sent a letter to Mr. Meyer after the December 2013 meeting requesting all boats be moved behind the fence. There was much discussion at the December meeting and the neighbors have returned tonight to reiterate their concerns and problems with Bill's Marine. Ms. Creef provided a memo to the Planning Board in their agenda packets stating that she continues to have serious reservations about Mr. Meyer's request to display boats in areas outside of the designated fenced storage areas. Display implies that boats are being displayed for sale and Bill's Marine has not received any approval to have boat sales. Mr. Meyer has acknowledged that he has been selling boats there and he continues to sell boats. This is not allowed by county ordinance or by his conditional use permit.

If boat sales were allowed, Ms. Creef would still have concerns about the boat display area indicated on the plat because it will compound the existing problems at the business regarding parking and line of site issues. Maneuvering boats in and out of the display area would add additional traffic.

Neighbors have been emphatic about problems with boats being dropped off after hours and with vehicles parking in front of the business. There are less boats being dropped off after hours but this could be because it is off-season. Having a display area could increase the amount of traffic due to customers viewing the boats after business hours. There continues to be a problem with vehicles parking in front of the business. Mr. Meyer needs to correct and control this. No parking signs should have been installed a long time ago.

Ms. Creef told the Planning Board that, should they recommend approval of the boat display area, she would strongly encourage them to delineate specific standards regarding the size and number of boats that may be in the area.

Ms. Creef said she believes there are legitimate concerns regarding the noise problems from Bill's Marine. She has asked Mr. Meyer to voluntarily put the outboard engines in a 55 gallon water tank and he has not done so. She recommends the Planning Board address this in Mr. Meyer's conditional use permit as it goes forward to the Board of Commissioners.

Regarding the fence at Bill's Marine, Ms. Creef said there is a 6' wooden fence and Mr. Meyer needs to do a better job of keeping it repaired. Mr. Meyer has been lax in repairing the fence in a timely fashion.

Ms. Creef told those in attendance there was a letter submitted from Stacy O'Neal that was provided to the Planning Board at the beginning of the meeting. Ms. O'Neal is concerned that the county is placing undue restrictions on Mr. Meyer.

Chairman Midgett said there is a line of sight issue and he believes no boats should be outside of the fence.

Mr. Barr said he believes boats should be inside the fence but maybe the chain-link fence could be moved further forward to align with the front of the building. Regarding the sound issues, Mr. Meyer needs to work with his neighbors and a better sound-deadening fence might help.

Mr. Meyer said he runs engines in a 55 gallon barrel. He has 2 barrels, one for smaller engines and one for larger motors that he can't carry.

Mr. Barr asked if we can require the fence be increased to 8' or 10' in height. Ms. Creef said if the Planning Board feels that is an appropriate recommendation, it can be included in the recommendation sent forward to the Board of Commissioners.

Mr. Oden said a previous plat designated a work area and this is not indicated on the plat provided this evening. Mr. Meyer approached and indicated on Mr. Oden's plat where the work area is. Ms. Creef asked about the canopy area in front of the shed at the back of the property. Mr. Meyer said his personal boat, which does not have a motor, is located in that area and he has been working on it for the past two years. Ms. Midgett asked what type of work is being done in that area. Mr. Meyer said he is working on the wood and fiberglass and he does use a sander.

Mr. Oden asked where Mr. Meyer is working when he is running an engine. Mr. Meyer said every boat he starts is located in the work area he designated on Mr. Oden's plat. Ms. Creef asked where the water tanks are located. Mr. Meyer said they are in the same work area.

Mr. Oden asked how many boats are within the fenced area right now. Mr. Meyer said approximately twenty. Ms. Creef pointed out that is a small number and in the summer there are more boats. Mr. Oden asked how many people Mr. Meyer has working for him. Mr. Meyer said none. Ms. Creef asked if his father worked with him. Mr. Meyer said no and the only people who work there are himself and his wife, Kaitlyn.

Ms. Midgett said she is concerned that what was originally a small operation may outgrow this space. She is concerned that the boat sales continue without authorization as evidenced on the Bill's Marine website. Ms. Creef reminded the board that at the December 2013 meeting, Mr. Meyer said he has sold boats at this site since day one. Mr. Meyer said every boat on the website is on his lot right now, he did not build the website, and this is something he overlooked. Ms. Creef said the website is not the issue but selling boats is the issue. She added that the Planning Board has recommended approval of the VC-2 text amendment.

Mr. Meyer said there are no breaks in the fence, everything has been repaired on it, and it complies with what the county asked him to install.

Ms. Creef said she is hesitant about the use of a 55 gallon tank. She questions if the size of the tank will accommodate larger engines. She asked if every engine that is running is fully submerged. Mr. Meyer said sure. He said there is no size restriction and even a 300

horsepower motor will fit in the 55 gallon barrel. Ms. Creef asked Mr. Meyer if he would argue against making this a requirement and Mr. Meyer said he would not argue against it.

Mr. Oden asked what the hours of operation are and Ms. Creef replied Monday through Saturday, 8 a.m. through 7 p.m.

After discussion, a motion was made by Mr. Barr to recommend the following revisions to the Bill's Marine site plan and Conditional Use Permit 3-2010 as detailed below:

Site plan revisions:

1. The number of parking spaces provided at the site should reflect four parking spaces as depicted in the original site plan approved in 2010.
2. The "repair area" and "storage area" should be indicated on the site plan as depicted in the original site plan approved in 2010. Repairs that do not require the motor to be started and/or running can occur in this repair area.
3. A work area should be depicted on the site plan adjacent to the east side of the building, from the corner of the building to directly south of the HVAC unit adjacent to the building. This work area should be labeled as "work area for running motors" and repairs that require the motor to be started and/or running shall be confined to this area.
4. The 2014 site plan should be revised to depict the relocated portion of chain link fence from the corner of the building connecting with the existing wooden fence and the words "boat display" area should be removed from the site plan.
5. The areas in front of the building and along the wooden fence area should be labeled on the site plan as "no parking".

Conditional Use Permit 3-2010 revisions:

1. Signage shall be posted on the building and the wooden fence indicating no parking is permitted along the front of the building, in front of the wooden fence, or along the Colington Road right-of-way.
2. No drop-off and/or pick-up of boats and/or trailers shall be permitted after hours or during those times the business is closed. Signage advising customers of this restriction shall be posted on the site.
3. Water tank(s) as needed shall be used for all motor repairs that require the running of the motor. These tanks shall be of sufficient depth and size to ensure propellers and

exhaust of boat motors can be submerged while running to decrease the noise from the motor.

4. The existing wooden fence on site shall be maintained by Bill's Marine to ensure that there are no gaps in coverage of the fence or missing panels or sections of the fence.
5. Customer access to the repair and storage areas shall be prohibited except during the hours of operation set forth in the original conditional use permit.

Mr. Finelli seconded the motion.

Vote: Ayes – Unanimous

This will be presented to the Dare County Board of Commissioners for consideration at their March 3, 2014 meeting.

NEW BUSINESS

Donna Creef told the Planning Board that the Board of Commissioners re-appointed Beth Midgett, David Overton, and Michael Barr to the Planning Board for an additional three-year term.

OTHER BUSINESS

None

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Ms. Midgett and seconded by Mr. Overton.

Vote: Ayes – Unanimous

The meeting adjourned at 8:15 p.m.

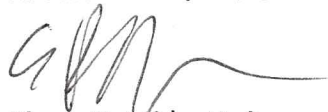
Respectfully Submitted,



Sharon L. Flatt

Planning Board Clerk

APPROVED: March 10, 2014



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board