

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, May 10, 2021. 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 Finelli, Chairman
 Michael Barr Beth Midgett
 Terry Gore II David Hines
 Buddy Shelton

MEMBERS ABSENT David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the April 12, 2021 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Preliminary Plat Review, Hatteras Island Reserve, Hatteras Ventures, LLC, 56883 NC 12 Hwy, Hatteras, NC

Michael W. Strader, Jr., P.E. of Quible & Associates, P.C. was present on behalf of the property owners.

Donna Creef said a revised preliminary plat has been submitted with the proposed common drive width increased to 24' within the 40' easement. The eastern side of the common drive will access lots 1 and 2 and the western side of the common drive will access lots 3 and 4. Ms. Creef said the use of a common drive is allowed by the Subdivision Ordinance provided the Planning Board makes the determination that the use of the common drive will not endanger or diminish public health, safety and welfare. Ms. Creef said Note 13 on page 1 indicates the lots will be accessed from the common drive. She suggested a second sentence be added stating none of the lots will have direct access from NC 12. Ms. Creef said a review of the covenants will also need to be made before submission of the final plat to ensure appropriate language about the use

and maintenance of the common drive. Ms. Creef also recommended the developer install "No Parking" signs along the common drive area.

Ms. Creef said Note 13 should be revised to note 60% lot coverage is associated with the commercial use of the property, however any transition to residential use will be limited to the applicable 30% residential lot coverage. Ms. Creef also stated that Page 4 includes a potential building pad with a note that the elevation will meet flood zone requirements. Ms. Creef clarified that the construction on the lots will need to meet Dare County regulatory flood elevation requirements. Ms. Creef added that a second sentence indicating the first line of stable vegetation is to be re-verified at the time of construction permits and should be added to all three pages unless this delineation will not be included on the final plat.

Ms. Creef said the Zoning Ordinance does not include pervious pavement in the list of materials and there is no reduction offered in terms of lot coverage. Compliance with parking regulations and lot coverage will be determined at the time individual permits for each lot are sought. Ms. Creef added that Note 5 on page 3 should also note the property is subject to Section 22-27.4 Height Overlay District for Hatteras Island.

John Finelli made a motion to recommend approval of the preliminary plat and stormwater plan based on the determination that the use of the common drive for lots 1-4 of the Hatteras Island Reserve Subdivision does not endanger or diminish public health, safety and welfare. Said motion to include the following conditions:

1. The common drive shall be constructed according to the NCDOT pavement requirements and upon completion, shall be certified by the project engineer as constructed as approved. No parking signs shall be installed along the 100' section of the common drive before final plat submission.
2. The common drive shall be maintained by the property owners and this information shall be noted on the final plat and in the covenants.
3. The Fire Marshall shall review the installation of the common drive before final plat approval.
4. The final plat should note the first line of stable natural vegetation and must be re-verified before construction on the individual lots.

Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their review at the June 7, 2021 meeting.

NEW BUSINESS

Conditional Use Permit Application, Outer Banks LP Gas & Appliance, Request for LP Gas Storage Yard Facility, 19561 HWY 64, East Lake, NC

John M. DeLucia, P.E. of Albemarle & Associates, Ltd. and Ted Moseley, Property Owner and Applicant, was present at the meeting.

Noah Gillam told the Board that the proposed facility is located in East Lake and is zoned East Lake Commercial Services (ELCS). Liquefied petroleum gas storage, sales, and service facilities are permitted as a conditional use. Mr. Gillam said the applicant is proposing to install one 30,000-gallon bulk LP tank and three 1,000-gallon LP tanks on the property. The applicant plans to construct a new 20' x 44' building to serve as an office and storage area and an 80' x 24' covered open air structure to serve as a service and storage area for tanks and equipment. Mr. Gillam added that the facility will have perimeter fencing and gating as required by the North Carolina Department of Agriculture and the Dare County Zoning Ordinance.

Mr. Gillam said hours of operation have been added to the draft Conditional Use Permit that reflects the Dare County Noise Ordinance. Mr. Gillam said after a discussion with the applicant they felt these hours gave them the flexibility that is often needed during inclement weather events.

A copy of the site plan has been provided to Steve Kovacs, the Dare County Fire Marshal for his review. Mr. Gillam noted that the Fire Marshal indicated the applicant needs to prepare and submit a fire protection plan for the site for the local fire department in Mann's Harbor. The plan needs to show how the applicant plans to meet the fire flow requirements for the site. The Fire Marshal's approval will be required before this item is submitted to the Board of Commissioner's.

A draft copy of the Conditional Use Permit was provided to the Board.

Terry Gore asked the applicant if the hours of operation of 7:00 A.M. to 10:00 P.M., seven days a week is a workable time. Mr. Moseley stated the time frame is good.

Chairman Finelli asked the applicant what the largest truck is that will be pulling into the facility length wise. Mr. Moseley said the largest truck will be transport delivery trucks that drop off roughly 8,000 gallons at a time. Chairman Finelli asked if there is adequate

room for the transport truck to turn around. Mr. DeLucia said there is enough room in the yard to turn around if they need to.

The Board and Staff discussed the time frame for securing the building permits.

Terry Gore made a motion to recommend approval of the Conditional Use Permit application subject to the following:

1. The site plan and fire protection plan shall be approved by the Fire Marshall.
2. The time frame to obtain building permits is 36 months from the date of approval of the Conditional Use Permit.
3. Hours of operation shall be from 7:00 A.M. to 10:00 P.M., 7 days a week, including deliveries and servicing of trucks.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their review at the June 7, 2021 meeting.

OTHER BUSINESS

Discussion and Recommendation of Chapter 160D Amendments to Land Use Regulations

Donna Creef continued the discussion of 160D amendments. The discussion began at Section 22-63, Administration and Enforcement. Ms. Creef noted this is the bulk of the amendments and a lot of the changes are renumbering and/or an update of the sections. There is also new language added to the Zoning Ordinance that reflects the way the Planning Department functions in terms of administering the ordinance and following through with violations and the submission of site plans.

Donna Creef and Buddy Shelton discussed notice requirements, specifically the public comment period serving as the public hearing for Advisory Boards. Ms. Creef explained that the Zoning Ordinance gives the Planning Board the option to hold a public hearing on Zoning Map Amendments and Zoning Text Amendments. Mr. Shelton asked Ms. Creef if there is language that requires the Planning Board to hold a public hearing. Ms. Creef said Advisory Boards are not required; however, the Board of Commissioners are

required by Law to hold public hearings. Ms. Creef thinks it is appropriate to codify the ordinance that public comment will serve as the public hearing.

Ms. Creef concluded her presentation of the 160D Amendments.

Chairman Finelli asked Ms. Creef if the Board of Adjustment will require a majority vote on everything other than a variance as noted in Section 22-70, Quasi-Judicial Procedures. Ms. Creef answered that is correct.

Michael Barr made a motion to recommend approval of Chapter 160D Amendments to Land Use Regulations. Terry Gore seconded the motion.

Vote: Ayes - Unanimous

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Andrea DiLenge
Planning Board Clerk

APPROVED: June 14, 2021



John Finelli
Chairman, Dare County Planning Board