



CURRITUCK COUNTY PLANNING BOARD May 11, 2010

WORK SESSION

A work session was held prior to the meeting to discuss items on the agenda.

REGULAR MEETING

The Currituck County Planning Board met in the Board Room of the Historic Courthouse. The following members were present: Susan Taylor, Manly West, Fannie Newbern, Lynne Wilson, John Wright, Jim Clark and Forrest Midgette. Absent: Joe Kovacs and William Etheridge.

Ben Woody, Planning Director and Susan Tanner, Clerk to the Planning Board were also present.

Planning Board Chairman Midgette called the meeting to order.

Everyone stood for the Pledge of Allegiance and a moment of silence.

APPROVAL OF AGENDA

Mr. Clark moved to approve the agenda as presented. Mr. West seconded the motion. Motion carried unanimously.

- | | |
|-----------|---|
| 6:15 p.m. | Work Session |
| 7:00 p.m. | Call to Order
Pledge of Allegiance and Moment of Silence |
| Item 1 | Approval of Agenda |
| Item 2 | Approval of April 13, 2010 Minutes |

PLEASE LIMIT PUBLIC COMMENTS TO THREE MINUTES

OLD BUSINESS:

- | | |
|--------|---|
| Item 3 | PB 10-13 Richard Chapman: Request to amend the Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 8: Parking & Driveways, and Chapter 17: Definitions to allow Internet Sweepstakes Cafés and Electronic Gaming Operations in the GB and C zoning districts with a conditional use permit. |
|--------|---|

NEW BUSINESS:

- | | |
|--------|---|
| Item 4 | PB 10-07 The Inn at Corolla Light: Request for a special use permit for an outdoor tour operator located at 1066 Ocean Trail, Tax Map 115B, Parcel P4B3, |
|--------|---|

Poplar Branch-Outer Banks Township.

Item 5 **PB 10-14 Corolla Wild Horse Tours, LLC:** Request for a special use permit for an outdoor tour operator located at 1210 Ocean Trail, Tax Map 114, Parcel 3F, Poplar Branch-Outer Banks Township.

Item 6 **PB 10-16 McMillan Tours:** Request for a special use permit for an Outdoor Recreational Facility (Private) located at 2223 Teal Road, Tax Map 87A, Parcel 1, Fruitville Township.

Item 7 **PB 10-15 Shingle Landing Farm:** Request to rezone 15 acres from Agricultural (A) to Conditional District-Residential (CD-R). The property is located at 116, 121, 122, 125, and 126 Fox Lane, Tax Map 9C, Parcels 3,4,5,6, and 7, Moyock Township.

Item 8 **ADJOURNMENT**

APPROVAL OF MINUTES

Mr. West moved to approve the Planning Board minutes for April 13, 2010 as presented. Ms. Wilson seconded the motion. Motion carried unanimously.

Mr. Midgette stated that the Planning Board has amended the Rules of Procedure by adding language to set limitation on speaker time per planning board case as follows:

- 20 minutes (Applicant and persons in support of the request.)
- 20 minutes (Persons in opposition of the request.)
- 05 minutes (Applicant rebuttal.)

Mr. West moved to approve the Currituck County Planning Board Rules of Procedure as presented. Ms. Taylor seconded the motion. Motion carried unanimously.

OLD BUSINESS:

PB 10-13 Richard Chapman:

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 10-13 Richard Chapman](#)

DISCUSSION

Mr. Woody stated that staff explored at the direction of the Planning Board the accessory use option. The accessory use option would be supported from staff perspective rather than the principle use option for Internet Sweepstakes Cafes. An accessory use is incidental to the business, which means if you went into the business you would not be surprised to see it. Accessory uses also do not increase vehicular trips to the business. The General Assembly will begin their

short session tomorrow, May 12, 2010 and they may address this in the short session. From an enforcement standpoint the county has prohibited any of these operations from opening as a principle use and allowed the operations to continue as accessory uses.

ACTION

Mr. West moved to **table** the request because applicant or authorized representative was not present in order for the case to be heard. Mr. Clark seconded the motion. Motion carried unanimously.

NEW BUSINESS:

PB 10-07 The Inn at Corolla Light: Request for a special use permit for an outdoor tour operator located at 1066 Ocean Trail, Tax Map 115B, Parcel P4B3, Poplar Branch-Outer Banks Township.

Stephen Beaman and Robert White appeared before the board. Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 10-07 The Inn at Corolla Light](#)

DISCUSSION

Mr. West asked what is the minimum amount of time for a special use permit.

Mr. Woody stated the board could set it for any time duration. Mr. Woody stated that this horse tour joins the parking lot of another horse tour.

Mr. White stated he has been running the horse tours at the Inn since 1998. Mr. White stated over the past summer he did operate with two (2) tour trucks and did drop the parasailing over the years to accommodate the parking. Mr. White stated over the years the parking stripes have worn off and needs to be repainted. Mr. White does not have a problem with having another parking study done during the month of June to get more actual numbers.

Mr. Clark stated that July may be better because schools are out then.

Mr. White asked if he does have the parking study done in July would this be reviewed administratively.

Mr. Woody stated yes.

Mr. West asked if the traffic counts are incorrect and there is not sufficient parking, would the special use permit be pulled.

Mr. Woody stated it could be addressed administratively or come back to the Planning Board or the Board of Commissioners.

Mr. Midgette asked Mr. White if he agrees with the staff recommendations.

Mr. White stated yes.

Mr. West stated the applicant is asking for two 15-passenger vehicles and one 7-passenger vehicle. Mr. West asked Mr. White if he has a 10-passenger vehicle.

Mr. Woody suggested that Mr. White restripe the parking lot and create a 49th space that would accommodate a 15-passenger vehicle.

Mr. Beaman asked that the Planning Board either approve what the staff has recommended with the existing parking with the 10-passenger vehicle or the owner and operator need to see if two more parking spaces can be put in to accommodate two 15-passenger vehicles.

ACTION

Mr. Clark moved to recommend **approval** of PB 10-07 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- The applicant shall have a traffic study done during the month of July to see if parking spaces can increase by two to accommodate two 15-passenger vehicles. The traffic study and parking spaces will be reviewed administratively.

Mr. West seconded the motion. Motion carried unanimously.

PB 10-14 Corolla Wild Horse Tours, LLC: Request for a special use permit for an outdoor tour operator located at 1210 Ocean Trail, Tax Map 114, Parcel 3F, Poplar Branch-Outer Banks Township.

Robert White appeared before the board.

Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 10-14 Corolla Wild Horse Tours, LLC](#)

DISCUSSION

Mr. Midgette expressed a concern with the number of tours which have already been approved and if there is a way of limiting horse tours in the Corolla and Carova area.

Mr. West asked what are the criteria for parking spaces since the applicant will have four 15-passenger vehicles which could hold up to 60 people.

Mr. Woody stated that for each 15-passenger vehicle you need three parking spaces and one parking space for every two employees. Mr. Woody stated that staff assumes when people come to take the tours they have multiple families in one vehicle.

Ms. Taylor asked what is the turn around time between tours.

Mr. White stated he allows a 30 minute window between tours.

Mr. West stated that Parks and Recreation had a TRC comment that a plan for restroom usage needs to be addressed.

Mr. Woody stated this is addressed in staff recommendations by putting Porta-Johns close to the tour shed.

Mr. White stated they don't advertise the restrooms in Carova because it messes up the flow of the tour. Mr. White encourages his drivers not to go to Carova if the horses are on the beach. The tourists do like to go to the Carova Fire House to get souvenirs. The tours are three hours long.

Mr. Clark asked Mr. Woody how many more special use permits will be coming up.

Mr. Woody stated one more which is for two buses that carry 40 people. Mr. Woody stated if everything is approved it will be a total of 51 vehicles cumulatively carrying 419 people.

Mr. Clark asked Mr. Woody if the Planning Board could recommend to the Board of Commissioners to put a moratorium on special use permits for horse tours after the next case is presented until a study is done.

Ms. Wilson stated that there is constant movement in the area everyday with the horse tours and beach tourist. There may be a study on ecotourism somewhere.

ACTION

Ms. Newbern moved to recommend **approval** of PB 10-14 with the findings of fact and staff recommendations. Ms. Taylor seconded the motion. Motion carried unanimously.

Mr. Clark moved to recommend to the Board of Commissioners to put a moratorium on special use permits for horse tours after the next case is presented until a study is done. Mr. West seconded the motion. Motion carried unanimously.

PB 10-16 McMillan Tours: Request for a special use permit for an Outdoor Recreational Facility (Private) located at 2223 Teal Road, Tax Map 87A, Parcel 1, Fruitville Township.

David and Polly McMillan appeared before the board.
Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 10-16 McMillan Tours](#)

DISCUSSION

Mr. McMillan stated that Currituck County Sheriff's office came out with their calibrated decibel reading equipment on Tuesday, May 11, 2010 to take readings for their airboat tour vessel. The readings were taken at a 25' distance per county requirements to simulate canal driving; at idle, 61.8 dba and under way, 70 dba. The reading was taken at a 50' distance per Coast Guard requirements to simulate Currituck Sound driving; on plane at high speed, 84 dba. Ms. McMillan stated that North Carolina does not require a muffler system, but Currituck County does. Ms. McMillan stated Mr. McMillan has installed a muffler system on the airboat. Ms. McMillan provided pictures showing the route they would be taking during the tours. Ms. McMillan stated they would be doing two tours per day that have time limits on their tours. The tours do not take place on refuge marshes which are clearly marked. Mr. McMillan stated that a condition of the special use permit could be that they stay in public trust waters and this would take care of any concerns of Mr. Hoff. Ms. McMillan stated airboats have been used in the area since the 1970's. Property values have not dropped because of airboat use.

The Planning Board discussed no restroom facilities for customers.

Mr. McMillan stated he could put a Porta-John on his lot behind the storage building.

Mr. West asked for clarification on the time limit of the tour.

Mr. McMillan stated they allow one hour for vehicular transport which is pick-up and drop-off and the tour itself is two hours. The tours are for residents and tourist in the Corolla area. Mr. McMillan stated on the tours they will see horses going back to the marsh area, otters, turtles, and fish. It is amazing the wildlife you can see on the sound side.

Mr. West asked if the airboat scares the horses or wildlife.

Mr. McMillan stated it may scare the birds but just the other day they saw horses and a new baby and they just looked at them.

Mr. West asked how many people they will carry on the airboat.

Mr. McMillan stated six plus himself.

Ms. Wilson asked the McMillan's if they have had conversations with their neighbors on their feelings about the tours.

Ms. McMillan stated they have not had anyone to say anything negative to them, but they have heard that Mr. Woody has received complaints.

Mr. Wright asked what the position of the Wild Horse Fund is.

Ms. Wilson stated the Wild Horse Fund has sent a letter to the Planning Board members stating their concerns. One concern is that airboats increase turbidity by causing soil and organic particles to become suspended in the water column.

Mr. McMillan stated that when the airboat is on plane it is about one inch in the water so you don't have anything dragging down stirring up the water.

Ms. Wilson clarified that the BOC did approve a special use permit for kayaks and segways tour which cannot be compared to an airboat tour.

Mr. Clark stated that he represents the Knotts Island area and he has received calls from thirteen families in opposition of the request. Mr. Clark has observed many fishermen, canoes, kayaks, and boats using the canal and does not feel airboats are compatible. Mr. Clark is concerned with the two blind curves on the canal, docks on both sides of canal and when it is low tide hard for one boat to get through, and prop wash.

ACTION

Mr. Clark moved to recommend **denial** of PB 10-16 due to public opposition, safety concerns, and the findings of fact and staff recommendations included in the case analysis. Ms. Wilson seconded the motion. Ayes: Mr. Clark, Ms. Newbern, Ms. Taylor, Ms. Wilson, Mr. Wright, and Mr. Midgette. Nays: Mr. West.

PB 10-15 Shingle Landing Farm: Request to rezone 15 acres from Agricultural (A) to Conditional District-Residential (CD-R). The property is located at 116, 121, 122, 125, and 126 Fox Lane, Tax Map 9C, Parcels 3,4,5,6, and 7, Moyock Township.

Derek Dail, Hyman and Robey and Eldon Miller, III appeared before the board. Mr. Woody presented the following case analysis to the board.

[Link for case analysis for PB 10-15 Shingle Landing Farm](#)

DISCUSSION

Mr. Woody stated the applicant did hold a community meeting.

Mr. Miller does not want interconnection from Fox Lane to the northern adjacent parcel, as recommended by planning staff. Mr. Miller stated there is a public boat ramp, 25 acres of open space for recreation that has been dedicated to the county in the Shingle Landing subdivision.

Mr. Midgette asked Mr. Miller if he was in agreement with the staff recommendations.

Mr. Miller stated they agree with all the staff recommendations with the exception of interconnection.

ACTION

Mr. West moved to recommend **approval** of PB 10-15 according to the 2006 Land Use Plan with the findings of fact and staff recommendations included in the case analysis with the exception of interconnection. Mr. Clark seconded the motion. Motion carried unanimously.

ADJOURNMENT

With there being no further business to discuss, Mr. West moved for adjournment. Mr. Clark seconded the motion and the motion carried unanimously. The meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Susan M. Tanner/s/

Susan M. Tanner
Clerk to the Board