

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held its regularly scheduled meeting on Monday, September 13, 2000. This meeting was conducted in the meeting room of the Dare County Administrative Annex Building located at 204 Ananias Dare Street, Manteo, North Carolina.

CALL TO ORDER 7:00 pm

MEMBER PRESENT Elmer R. Midgett, Jr. – Chairman
John Myers
Jon Britt
Marcia Parrott
Mary Aldridge
Joe Kierzkowski
Joe Thompson

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the August 14, 2000 meeting of the Dare County Planning Board a motion was made by Joe Thompson, seconded by Joe Kierzkowski to dispense with reading those minutes and to approve them as submitted.

Vote: Ayes – Unanimous

OLD BUSINESS

Avon Inn Group Development – Avon – Conditional Use Permit Amendment Request

Planning Director Ray Sturza presented staff comments. He told the Board that the developer of the Avon Inn has submitted a request to amend the outstanding Conditional Use Permit for this project to increase the number of authorized hotel rooms and the number of restaurant seats. He told the Board that when this site plan was originally approved the only zoning on Hatteras Island was S-1 and there was no time limit placed on the site plan approval. At the time of the original site plan approval, there was considerable uncertainty surrounding the future of the Cape Hatteras Water Association's expansion plans and a moratorium on the sale of water impact units was in effect.

Mr. Sturza provided a brief background on this project, as follows:

1. The original Conditional Use Permit was issued in 1992 for a 48-unit hotel with a 95-seat restaurant in the pier. This CUP was amended in 1995 to increase the number of hotel rooms to 58 units. The Pier House Restaurant has been closed, and another 40-seat restaurant is located on the site and has been in operation for some time now.
2. The hotel phase of the site plan has never been implemented nor have construction permits been issued. Mr. Sturza stated that it is not unusual for hotel projects attempting to secure franchise affiliation to experience delays. This project has experienced compounded delays due to market conditions and the difficulties associated with the water system.

3. Having an unexpired site plan approval for a hotel project of some sort, the developers now find both market conditions and the availability of water to a degree that once again they feel capable of implementing the hotel phase of the project.

Mr. Sturza told the Board that the requested amendment could be viewed as an opportunity to update the original approval and attach an expiration date to the site plan. He pointed out that since the original approval, several aspects of the zoning in Avon have changed. The site plan was approved in 1992 under the S-1 zoning district building height limitation of 52'. Today the site is zoned C-3 with a 35' height limitation. Strict application of the C-3 district standards as a part of the amendment process could result in more rooms being authorized with a lower building height limitation.

In summary, Mr. Sturza stated that the issue seems to boil down to a question of whether or not the greater size hotel and the likelihood that it may garner a franchise agreement is worthy of the increase requested. A hotel with a lesser number of rooms has been approved on the site; the site is zoned C-3, and if the previously approved hotel is not marketable, then the C-3 site will host some other form of development.

Mr. Sturza recommended approval of the requested amendment with a 3-year time limit. He commented that if the project cannot get off the ground in three years then it probably should expire because it will have had a total of almost 11 years to be completed.

After discussing the request at length a motion was made by John Myers, seconded by Jon Britt to table further consideration of this proposed amendment to allow the applicant time to redraw the site plan accurately depicting the footprint, address the easement issue and the placement of the pool on the site. Staff will also ask Al Cole to make a determination on whether or not the 52' height limit can be granted by the Board.

Vote: Ayes – Unanimous

TURNPIKE PROPERTIES – DUCK – CONDITIONAL USE PERMIT (East Side of NC 12)

Planning Director Ray Sturza presented staff comments. Mr. Sturza the applicants are requesting authorization to amend the existing establishment located on the east side of NC 12. He told the Board that the applicant has a desire to add an additional 1,493 square feet to the kitchen area of their existing operation with no increase in seating.

Mr. Sturza recommended approval of this request and submitted a comprehensive draft conditional use permit prepared by Zoning Administrator Lorraine Tillett for the Boards review and consideration.

John Myers, seconded by Jon Britt, made a motion to recommend approval of the requested CUP amendment to modify and expand the kitchen facilities on the east side of the road.

Vote: Ayes

TURNPIKE PROPERTIES, INC. – DUCK – CONDITIONAL USE PERMIT – WEST SIDE

Present representing Turnpike Properties, Inc. were Sean Boyle of Quible and Associates, Mr. Holland, and Mr. Cranfill. Also present was Attorney, Dwight Wheless.

Planning Director Ray Sturza presented staff comments. He told the Board that this Conditional Use Permit involves the construction of a 60-seat restaurant on the west side of the Turnpike Properties complex located in Duck, NC.

Mr. Sturza identified parking as the key constraint to the site. He told the Board that Lorraine Tillett prepared the draft comprehensive conditional use permit included in the Board's packet for review and consideration.

Sean Boyle of Quible and Associates addressed the Board. He stated that the applicants are proposing a 60-seat restaurant on the sound side on a parcel where there is an existing parking lot that has 20+ parking spaces. The sewage for this project is still going north to the Pine Island/Currituck LLC wastewater plant and water is available for the proposed restaurant.

Mr. Boyle addressed parking briefly. He stated that approximately 15 spaces are shown on an adjoining piece of property to the south owned by Mr. & Mrs. Joe Speight. He further stated that Turnpike has worked out an easement arrangement with the owners.

Mr. Dwight Wheless addressed the Board. He told the Board that at one time or another there are sensitive matters covered in a lease that a property owner doesn't want to be placed on the public record. He stated that the North Carolina Legislature recognizes this and has provisions for a procedure whereby you can put to record a interest in a lease and let the public become aware of the fact that a lease does exist without revealing the terms of it except for the length of term.

Mr. Wheless told the Board that Turnpike has entered into an agreement with Mr. & Mrs. Joe Speight to lease property for a term of 40 years for the parking to facilitate this new structure. He asked the Board's lien to exhibit, without submitting into the public record, the real lease agreement to Planning Director Ray Sturza who can verify that the lease agreement has been executed, and this it does cover a term of 40 years (30 years with 2 five-year options to renew).

The Board granted Mr. Wheless the requested lien to exhibit the lease agreement without submitting it into public record to Mr. Sturza for verification.

Mr. Wheless presented the document to Mr. Sturza, and Mr. Sturza verified that I had in fact been executed and does contain a term of 40 years.

Chairman Midgett informed Mr. Wheless that the Conditional Use Permit would contain language that stating that if this lease ceases to exist, Turnpike Properties will have to find new space or the electric meter for the establishment will be disconnected.

John Myers seconded by Jon Britt made a motion to recommend approval of draft Conditional Use Permit #8-2000 for Turnpike Properties, Inc. (60 seat restaurant) as prepared by Lorraine Tillett.

Vote: Ayes – Unanimous

Mill Creek Acres – Wanchese – Preliminary Plat

Mike Meekins was present to represent this division.

Donna Creef presented staff comments. She told the Board that the proposed Mill Creek Acres is a 4-lot subdivision located in Wanchese. Each of the lots contains a minimum of 20,000 square feet and will be served by private wells and individual on-site septic systems. The property has frontage on SR 1135 and no additional road improvements will be necessary.

Mrs. Creef pointed out that lot 1 contains an existing old barn and house that will be removed prior to final plat submission, and should be included as a condition of approval. She recommended approval of the preliminary plat for the Mill Creek Acres Subdivision.

Mike Meekins informed the Board that the construction of a house is underway on the Clark property; the wood frame house has been removed. He stated that the barn is still there and will be removed.

A motion was made by Marcia Parrott, seconded Mary Aldridge to recommend preliminary plat approval of the Mill Creek Acres Subdivision.

Vote: Ayes – Unanimous

OTHER BUSINESS

Zoning Text Amendment – Building Height – Publicly owned buildings

Donna Creef presented staff comments. She stated that the County has been working on the construction of a new courthouse to be located near the Midway Intersection and the new bridge site. During the course of discussing this project with the architects, the issue of building height was noted. The proposed courthouse site involves two zoning districts, R-2 and C-2 both having a maximum building height of 35'. The current design of the proposed courthouse features a 42' maximum height.

Mrs. Creef provided a draft text amendment for the R-2 and C-2 districts for the Board's review and consideration. She explained that this language establishes a building height of 45' for publicly owned structures and restricts all other structures to a height limit of 35'. This approach narrows the scope of the amendment and will apply only to projects that are publicly owned and will not apply to commercial structures.

Mrs. Creef stated that a recommendation from the Planning Board is required prior to forwarding the item to the Board of Commissioners who will then conduct a public hearing prior to the adoption of the text amendment.

A motion was made by Marcia Parrott, seconded by Joe Kierzkowski to recommend approval of the draft text amendment submitted by staff and that the Dare County Board of Commissioners schedule a Public Hearing on the proposed text amendment.

Vote: Ayes – Unanimous

Martins Point Zoning Proposal

Donna Creef presented staff comments. She told the Board that on August 28, 2000, the Town of Southern Shores voted to amend their ETJ ordinance to exclude the residential land portions of the Martin's Point Subdivision. She stated that they would retain the piers and docks that extend into Jean Guite Creek and the commercial portions out front. Based on the NC General Statutes, regulatory authority will revert to Dare County after a 60-day transition period. During that 60 day time period, the County has to adopt a zoning map for the area.

Mrs. Creef stated in order to meet the 60-day deadline, a Public Hearing on the draft set of zoning regulations needs to be scheduled by the Dare County Board of Commissioners. She stated that the Board of Commissioners only has one scheduled meeting for September so the planning staff will request the Commissioners schedule this hearing for October 16, 2000.

Mrs. Creef provided a set of draft zoning regulations for the Martin's Point area for the Board's review and consideration. She stated that a recommendation from the Planning Board is needed before the Commissioners can act on a set of regulations for the Martin's Point area.

A motion was made by Joe Kierzkowski, seconded by Jon Britt to move forward with the Martin's Point zoning proposal, and recommend approval of the draft set of regulations for the Martin's Point areas as submitted by staff.

Vote: Ayes – Unanimous

Adjournment

There being no further business before the Board, a motion to adjourn was made by John Myers, seconded by Mary Aldridge.

Vote: Ayes – Unanimous

This meeting closed at approximately 8:35 PM.

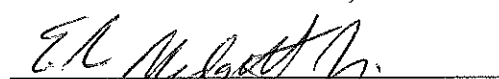
Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: October 9, 2000


Elmer R. Midgett, Jr. – Chairman
Dare County Planning Board