

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held its regularly scheduled meeting on Monday, February 12, 2001. This meeting was held in the Dare County Administrative Annex building located at 204 Ananias Dare Street in Manteo, NC.

CALL TO ORDER Immediately following the conclusion of the Dare County Zoning Board of Adjustments meeting

MEMBERS PRESENT Elmer R. Midgett, Chairman
John Myers
Jon Britt
Marcia Parrott

MEMBERS ABSENT Mary Aldridge
Joe Thompson
Joe Kierzkowski

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the January 8, 2001 Planning Board meeting a motion to dispense with reading them and to approve them as submitted was made by Marcia Parrott, seconded by Jon Britt.

OLD BUSINESS

Sawyer's Landing – Roanoke Island – Preliminary Plat

Chief Planner Donna Creef told the Board that the proposed division is located on Roanoke Island in an R-1 zoning district. The property has frontage on Scuppernong Road and Mother Vineyard Road. A total of eight lots are proposed each consisting of 20,000± square feet of area exclusive of the wetlands. Each will be served by a private well and on-site septic systems.

Additional road improvements will be installed to access lots 4 – 7 and are proposed as a private road. The rear of the tract is comprised mostly of wetlands that is not included as part of the division. Verification of the wetlands from the Corps of Engineers will need to be submitted.

Lots 1-3 will be accessed from Scuppernong Road and lot 8 will be accessed from Mother Vineyard Road.

Mrs. Creef pointed out the following items for correction or inclusion on a revised plat:

1. Note 9 on the plat indicates the NFIP zones but does not indicate the applicable flood zone for the property.
2. No dumpster site is depicted on the plat.
3. A note indicating the zoning district R-1 should be included on a revised plat.
4. A note indicating the smallest lot area and the total number of lots created should be included on a revised plat.

Comments from the Dare County Health Department are on file and specifically mention that lot 8 does not appear to be suitable to support an on-site septic system, and that there are problems meeting the separation from the 50-foot wetlands.

Mrs. Creef suggested that the Board discuss the management of storm-water or any drainage problems that may occur.

Bill Robbins, Surveyor was present to represent the Sawyer Family. He provided a revised plat addressing the items identified by Mrs. Creef. He also stated that he anticipates being able to obtain a re-verification of the wetlands tomorrow.

After discussing the plat, Marcia Parrott seconded by John Myers, made a motion to recommend preliminary plat approval subject to the following:

1. The submission of an up-to-date wetland verification plat.
2. Relocation of the dumpster site from lot 8.
3. Additional of comments from the Dare Health Department regarding the suitability of lot

Vote: Ayes – Unanimous

OLD BUSINESS

DUCK COMMUNITY AND BUSINESS ALLIANCE – LIGHTING REGULATIONS

Planning Director Ray Sturza told the Board The Duck Community and Business Alliance has submitted a Draft Lighting Regulations for the Board's consideration.

Ms. Liliias Morrison addressed the Board on behalf of the Duck Community and Business Alliance. She stated that the Alliance has submitted draft lighting regulations for the VC zoning district in Duck. She stated that the proposed regulations have wide community support.

Ms. Morrison stated that the Alliance has checked the existing lighting for current business in Duck and found that their lighting complies with the proposed draft regulations.

Ms. Morrison stated if the proposed regulations were adopted they would not create a hardship for any of the existing business and would be a guide for future establishments the intent.

Ms. Morrison said that The Town of Nags Head's Ordinance was used as a model in developing the proposed regulations.

After discussing the proposed lighting regulations in detail, a motion to schedule a Public Hearing and forwarding this item to the Dare County Board of Commissioners in anticipation of a favorable recommendation was made by Jon Britt, seconded by John Myers.

Vote: Ayes – Unanimous

NEW BUSINESS

North End Colony – Roanoke Island – Preliminary

Present for the review of this preliminary site plan was Neil Carignan of Coastal Engineering.

Assistant Planner Donna Creef told the Board the site is located at the north end of Roanoke Island off SR 1176 in the vicinity of the Shriner's Club and is zoned R-1. The proposed division consists of nine lots are proposed to be served by private wells and onsite septic systems. All of the lots feature the minimum 20,000 square feet of area Ms. Creef suggested the Board discuss drainage of the site and have the surveyor/engineer identify any potential problem areas.

The site is heavily wooded and will require extensive land clearing for the installation of the road improvements. Although the county does not have restrictions on land clearing, she suggested the developer consider including some language in the covenants that encourage selective tree and vegetation removal during the lot development.

A 45' wide right-of-way with 20' of paved improvements will be constructed to access the lots. Lots 1 and 9 will have frontage on SR 1176 but will be restricted to access off of the internal subdivision road as noted on the plat. This language will also be included in the covenants. Clarification of whether the road is intended to be private or public is needed.

Satisfactory comments from the Health Department are on file.

Mrs. Creef recommended preliminary plat approval subject to any obvious drainage problems or anything else that arises during the Board's discussion.

Neil Carignan told the Board that he plans to retain all stormwater within the right-of-way in a constructed swale. Mr. Carignan told the Board that the owner does plan to include language in the covenants that will limit the removal of vegetation for development.

Planning Director Ray Sturza suggested the developer give consideration to the hours of land clearing and possibly develop some kind of work plan that will not disrupt the lives of the existing property owners.

A motion to recommend preliminary plat approval was made by Jon Britt, seconded Marcia Parrott.

Vote: Ayes – Unanimous

Giant Slice Pizza – Duck – Conditional Use Permit

The Osprey Landing Group represented by owner Neil Blinken was present to discuss this application. Mr. David Julius d/b/a as Giant Slice Pizza is requesting authorization to operate a carryout food service with 3 customer seats.

Ms. Tillett noted that the applicant(s) have submitted an engineered site plan identifying the area to be leased for the proposed use and 25 parking spaces.

After discussing the plat at length, the Board concurred to consider this review a pre-application conference and identified the following to be shown on a revised site plan and other items of compliance needed for review at the March 12, 2001 Planning Board meeting:

1. Relocation of parking spaces 1 and 2 to be depicted as stacked so that the dumpster site will be clear for the solid waste truck to service.
2. Placement of the handicapped ramp with the dimensions (length, width, & height).
3. Placement of all deck benches and any chairs proposed for use by patrons of the complex.
4. Placement of the heating and air conditioning units
5. Dumpster site with proposed buffering (wood or opaque fencing as discussed)
6. Placement of outdoor advertising sign and lighting.
7. Written verification from the Dare County Building Inspector regarding the requirements for the restroom facilities.

Hawaiian Island Ice Cream and Coffee Shop – Duck – CUP

Mr. Blinken stated that the Dare County Health Department has stated this project falls under the jurisdiction of the Department of Agriculture.

The Planning Board concurred to review this application in conjunction with the CUP application submitted for Giant Slice Pizza since they are both in the same complex and represented by the owner, Mr. Neil Blinken.

OTHER BUSINESS

Mining Activities - Discussion

Assistant Planner Donna Creef briefly discussed two nuisance proceedings the Planning Staff has initiated for two sites in the Colington Harbour Subdivision where two property owners have chosen to excavate sand from their lots for use in other locations. Both of the sites featured large sand dunes and the mining activities have resulted in a remnant slope/grade that presents a collapse hazard. Although the nuisance proceedings have alerted the property owners of the danger the excavation activities have created, mitigation actions to bring the sites to an acceptable grade poses a challenge and perhaps may prove to be extremely difficult.

Mrs. Creef told the Board that the Colington Harbour Association has requested assistance from Dare County in this matter. The appropriate action that staff has identified is an amendment to the R-4 zoning district that would address excavation/mining activities.

Mrs. Creef told the Board that she advised the Colington Harbour Association that in addition to a text amendment it would be best if they add similar language in their covenants so that it is a two-fold approach instead of just our regulations.

Mrs. Creef submitted draft regulations addressing excavation activities and some violations for the Board's review and consideration. She also presented pictures of the sites for the Board's review.

The Planning Board briefly discussed scheduling a public hearing on this proposed text amendment and concurred to apply this text amendment across the board.

A motion to conduct a public hearing on the proposed mining/excavation regulations at the next regularly scheduled Planning Board meeting was made by John Myers, seconded by Marcia Parrott.

Vote – Ayes - Unanimous

Captain Levene's Estate Subdivision – Rodanthe – Revised Preliminary

Assistant Planner Donna Creef told the Board that preliminary plat approval was granted in December 2000 subject to the developer meeting the requirements of the Dare Health Department. In meeting the requirements of the Health Department, the developer had to revise the plat. The revision to the plat necessitated an additional review by the Planning Board.

After brief discussion a motion to recommend approval to the revised plat for this division subject to clarification of the location of the repair area for the septic systems was made by John Myers, seconded by Jon Britt.

Vote: Ayes - 3
Noes – 1

There being no further business before the Dare County Planning Board a motion to adjourn was made by John Myers, seconded by Jon Britt.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

Approved: March 12, 2001



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