

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, July 9, 2001. This meeting was conducted in the meeting room of the Dare County Administrative Annex building, 204 Ananias Dare Street in Manteo, NC.

**CALL TO ORDER** 7:45 pm

**MEMBERS PRESENT** Elmer R. Midgett, Jr. – Chairman Joe Thompson  
John Myers Joe Kierzkowski  
Jon Britt  
Marcia Parrott

**MEMBERS ABSENT** Mary Aldridge

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the June 11, 2001 meeting of the Dare County Planning Board, a motion was made by Marcia Parrot, seconded by Joe Kierzkowski to dispense with reading those minutes and to approve them as submitted.

Vote: Ayes – Unanimous

### OLD BUSINESS

None

### NEW BUSINESS

#### *Orville M. Daniels Subdivision – Wanchese – Preliminary plat review*

John Delucia of Albemarle Engineering was present to represent the preliminary plat for this proposed division.

Assistant Planner Donna Creef presented staff comments. She told the Board that this is the preliminary plat for a 6-lot subdivision to be located in Wanchese off SR 1289 (C.B. Daniels Road). All the lots consist of 20,000 square feet and will be served by private wells and on-site septic systems.

Satisfactory comments from the Dare County Health Department, and a copy of the wetland verification plat are on file.

Mrs. Creef suggested the Board discuss the drainage of the property with the developer.

No additional road improvements will be necessary since all of the proposed lots have frontage on SR 1289. Mrs. Creef pointed out an encroaching gravel drive depicted on the plat that appears to access the adjoining property labeled as parcel 2.

Mrs. Creef noted that the plat does not depict a dumpster as required by the Subdivision Ordinance.

Staff recommended a favorable report.

John Delucia made the following comments:

1. A dumpster site will be designated.
2. Drainage does not appear to be a problem at this time and a drainage plan has not been developed. He stated the lots generally slope towards the canal, and if necessary, side area swales could be cut to address any drainage problems.
3. Regarding the encroaching driveway, Mr. Delucia stated that the owner of Parcel 2 adjacent to lot 6 has expressed an interest in purchasing lot 6.

Joe Thompson, seconded by Joe Kierzkowski made a motion to recommend preliminary plat approval to the Dare County Board of Commissioners subject to the following conditions:

1. The plat being revised to depict a dumpster site.
2. Drainage easements being dedicated along the side property lines of each lot and depicted on a revised plat.

Vote: Ayes – Unanimous

***Scarborough Lane Shoppes, Phase 2 Duck – Amendment to Conditional Use Permit***

Planning Director Ray Sturza presented staff comments. He told the Board that the developer of the existing Scarborough Lane Shoppes in Duck has submitted an application for an amendment to the existing Conditional Use Permit authorizing the construction of Phase 2 of the retail center. The site plan included in the Board's packet depicts the existing and proposed improvements. Also included in the Board's packet is a draft amendment to the original conditional use permit. Comments were received from the Health Department indicating that they have no opposition to the proposed addition or the modification of the Conditional Use Permit.

Mr. Sturza stated that Phase 2 consist of two additional buildings with 15,814 square feet of retail space including a potential 46 seat restaurant, 6,824 square feet of decking, and 113 additional parking spaces. The parking improvements will consist of 48 spaces being located under the retail structures and shall meet the Dare County standard dimensions of 10' x 20".

Mr. Sturza noted that a specific condition addressing the restaurant seating has been included in the draft Conditional Use Permit amendment. Given the large amount of decking proposed for phase 2, the use of this deck area needs to be clarified since we have experienced problems with other shopping centers and the use of deck areas as an extension of retail and restaurant seating space.

Mr. Sturza pointed out that additional public restrooms would be included in phase 2 as they were in phase 1.

Mr. Sturza stated that a lighting plan has been included with the site plan depicting the outdoor lighting fixtures for the parking lot. He noted that all lighting would be checked for compliance with the VC lighting standards before an occupancy certificate for the building is authorized.

Mr. Sturza briefly discussed signage. He stated that the new entrance to Scarborough Lane does allow for another sign if the development has frontage on two public rights-of-way. The additional signage would have to comply with the sign ordinance. A condition has been included on the site plan that portable or so call sandwich board signs not be placed on the property or in the right-of-way of NC 12 or Scarborough Lane.

Mr. Sturza made the Board aware of the concerns of the adjoining property owners regarding the fencing proposed around the property. He also commented that the existing phase of Scarborough Lane Shoppes has been well maintained and blends well with the pattern of retail development in the village. The second phase will be constructed in the similar architectural style and match the existing site. A time limit of 3 years is being proposed to begin construction in the CUP amendment, which should be adequate time for any financing or any design features to be resolved. The Dare County Board of Commissioners will calculate the 3 years from the date of authorization.

Mr. & Mrs. Weinbrecht, adjoining property owners were present.

Eddie Valdivieso stated that they met with the Weinbrecht's and they had some concern over the storm water pond. He stated that the pond has been moved away from their property a little bit and the loading zone has been relocated to the other side. He further stated that the developer has tried to reassure the Weinbrecht's that the second phase will be maintained as the first phase is.

Donna Creef presented the Board a plat illustrating the relocation of the loading zoning in relation to the Weinbrecht's residence.

Mr. Valdivieso discussed the concern regarding a wet pond and people walking into it or kids being able to go in there. He stated that they are proposing a pvc coated (black or dark green), short fence maybe 3 feet in height, with landscaping around to serve as a deterrent to keep people out of the pond. There will be some wetland species planted on the banks to make it look more natural. A fountain will be installed to aerate the water and hopefully to discourage mosquitoes.

After discussing the proposed Conditional Use Permit amendment request at length a motion was made by John Myers, seconded by Joe Kierzkowski, to recommend approval of the draft Conditional Use Permit prepared by staff and the revised site plan depicting the relocated storm water basin and loading zone submitted by the developer and distributed by staff at this meeting.

Vote: Ayes – Unanimous

**Colingwood, Phases 2 and 3 – Colington – Preliminary Plat review**

Assistant Planner Donna Creef presented staff comments. She told the Board that this a preliminary plat for phases 2 and 3 of the Colingwood Subdivision. Phase 2 of this division consists of 15 lots and phase 3 will consist of 18 lots. Currently there are 14 lots recorded in phase 1.

Mrs. Creef stated the remainder of the road improvements would be constructed to serve phases 2 and 3. The preliminary plat indicates that the roads are intended for public dedication. Phase 1 indicated the roads were private. She suggested the Board obtain clarification from the developer on whether the roads will be private or public.

During the Commissioners review of phase 1, the possible need for a left hand turn lane off of Colington Road once the Subdivision was built out was discussed. At that time the Board of Commissioners instructed the planning staff to pursue comments from NCDOT at the time the other phases were submitted. Mrs. Creef stated that a copy of the preliminary plat has been forwarded to NDOT District Engineer for comments regarding the improvements to Colington Road.

Central water improvements will be installed for the additional lots. Comments from the Health Department indicating that the lots appear to be suitable for onsite wastewater have been submitted. These comments also express concern regarding drainage on lots 21 – 28 due to the topography. Included in the Boards packet was a copy of the low-density storm water permit issued by the State in September 1999 that addresses all of the development.

The clearing for the road improvements was completed during phase one. The covenants for the first phase included language that limited tree removal along property lines. Mrs. Creef suggested that similar language be included in the covenants for phases 2 and 3.

Mrs. Creef noted that a temporary dumpster site was used for phase one. Staff recommended approval subject to the submission of comments from NCDOT as previously discussed, and the plat being revised to depict a permanent dumpster site. These items shall be addressed prior to going forward to the Dare County Board of Commissioners.

Brant Wise of McKim and Creef, representing the developer was present. He told the Board that a dumpster site will be located in the reserve area, and the roads will be public.

Board member Marcia Parrott questioned the numbering sequence of the lots in phases 2 and 3.

The Board discussed the safety of making a left hand turn onto Colington Road, and concurred a safety issue does exist.

The developer Mr. Trenton Crow as present and told the Board that he owns the land across the street, which is the tight radius of the curve, in question. He further stated that the property is unbuildable and is considered wetlands. Mr. Crow told the Board that he has offered the land free or charge to the State or anyone else desiring to widen the road. He also stated that he has

made a deal with the Bramble's to widen the land that he owns across the road on the bay side by an additional 50 feet so that even after the road straightens up after the curve, that land will also be available for free if they ever want to do it.

After a lengthy discussion, John Myers, seconded by Marcia Parrott made a motion to recommend preliminary plat approval to the Dare County Board of Commissioners subject to the following:

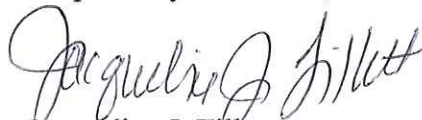
1. The submission of comments from the NC Department of Transportation concerning the possible need for a left-hand turn lane off Colington Road (SR 12127).
2. The submission of a revised plat indicating a dumpster site and correcting the numbering sequence of the lots in phase 2 and 3 to follow the pattern of the lots in phase 1.

Vote: Ayes – Unanimous

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

This meeting adjourned at approximately 8:52 PM

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED:



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board