

Mrs. Creef pointed out that developer's attorney has prepared an addendum to an offer to purchase form that addresses the completion of the common driveways during construction. A similar Memorandum of Agreement will also be provided by the Planning Department for the contractor/owner's completion at the time building permits are obtained.

The board discussed the driveway issue as explained by Mrs. Creef, and expressed no problem with the proposal.

A motion to grant final plat approval subject to the following was made by Joe Kierzkowski, seconded Jon Britt and Joe Thompson:

1. Confirmations from the Dare County Health Department that all legal documentation (the tri-party agreement) has been received for the community drainfield serving phase two.
2. The construction of the common driveways to serve lots 124-131 shall be completed prior to the Dare County Building Inspector releasing electrical service to any individual house to be accessed by the driveway. A signed copy of the Addendum to Offer to Purchase and Contract shall be submitted at the time the individual survey, building plans, and site clearing proposal is submitted to the Planning Department for review.
3. The plat shall be revised to contain information that no vegetation shall be removed from the 50' vegetative preservation easement without written approval from the Dare County Planning Department.

Vote: Ayes – Unanimous

NORTH END COLONY SUBDIVISION – ROANOKE ISLAND – FINAL PLAT

Neil Carignan was present to represent this division. Also present was Beth Twyne of Sandcastle Realty.

Assistant Planner Donna Creef told the Board that this is the final plat for a 9-lot subdivision located off of SR 1157 on the north end of Roanoke Island. The Dare County Board of Commissioners granted preliminary plat approval on March 19, 2001.

Staff visited the site on July 27, 2001 under rainy conditions and found that the paving improvements and roadside swales had been installed, but the swales had not been shaped and stabilized. Staff visited the site earlier today and that work has been complete. The stop sign has been installed and the street name sign is on order and will be installed once it is received. Satisfactory test results on the road improvements are on file.

Mrs. Creef pointed out that the notation on the plat indicates that the street will be private but the certificate is for a public street. She stated that this issue needs to be clarified and the correct note placed on a revised final plat.

Staff recommended approval.

A motion to grant final plat approval to this division was made by Joe Thompson, seconded by Joe Kierzkowski.

Vote: Ayes – Unanimous

NEW BUSINESS

Kitty Hawk Kites – Duck – Conditional Use Permit amendment

Mr. John Harris and Mr. G.W. Meadows were present to represent this application.

Zoning Administrator Lorraine Tillett told the Board that the applicants are seeking authorization to add a flying boat or hang gliding boat to their current boat rental facility at Wee Winks Square, Phase II.

Ms. Tillett told the Board the Conditional Use Permit for this establishment was amended last year to allow a 20 passenger tour boat to operate from the end of the pier. The tour boat rentals never took place, but the permit is still active.

The Planning staff was made aware in June that Kitty Hawk Kites was operating an aircraft rental referred to as a flying boat from the facility in Duck. She explained that the flying boat involves an ultra-light type of airplane with a Zodiac rubber raft attached to it. She also noted that the flight pattern and the motor noise seem to be a concern to the public.

Ms. Tillett provided literature describing the craft in detail, and a flight pattern was displayed for the Board's review. She stated that a certified letter citing the violation of the terms and conditions of the current Conditional Use Permit and advising him to cease all rentals of the craft until further review by the Planning Board was sent to Mr. Harris in June.

Ms. Tillett provided a draft Conditional Use Permit for the Boards consideration and identified the following to be discussed by the Board:

1. Is additional parking needed since the tour boat is active?
2. Hours of operation
3. Submission of a flight pattern
4. Outdoor advertising
5. Monitoring the site and end of season
6. Submission of a list of boats to be rented and the type of activities offered at the facility.

Chairman Midgett stated that the current conditional use permit does not authorize airplane rentals. He asked the Board to look at the illustrations presented by Mr. Harris and indicate their opinion of what the apparatus is.

John Myers stated he thinks that it is obvious that it is a boat when it is sitting on the water, and it is an airplane when it is in the air.

Mr. Harris addressed the Board. He stated that his previously approved conditional use permit included a Tandem Hang gliding boat. He stated that he was substituting this boat for the hang gliding boat. He really didn't think it would be a problem because they are very similar except this has less impact because it is only one student at a time, and the hang gliding boat can take up 6 students at a time. *In his mind he was substituting for what was already approved.*

After brief discussion the Board concurred the apparatus in question is in fact a boat.

Mr. Harris stated that this boat has less impact because there was a hang gliding boat that could take out 6 people at a time and now there is the motorized boat, which can only take one person at a time.

The Board discussed the hours of operation and concurred that 9am is a reasonable hour to start the rental operation since that is the time the store opens.

Mr. Meadows explained the flight pattern on the map displayed. He stated that the craft takes off in the sound and lands in the sound.

Planning Director Ray Sturza expressed his opinion that the apparatus in question is an airplane and is not a use that should be permitted. He reminded the Board that it was only a year or 18 months ago someone requested authorization for a pontoon boat and the Board told him that it was an airplane and that he couldn't do it. He stated that he doesn't see this request as being anything dissimilar. He further commented that the Board has been somewhat inconsistent and is setting a precedent by which more applications will be forthcoming for variations of this type of activity.

After lengthy discussion a motion to recommend approval of the Conditional Use Permit subject to the following was made by Joe Thompson, seconded by Marcia Parrott.

1. Operation of the flying inflatable boat is subject to a cutoff date of November 1, 2001. At that time, the Permittee shall return to the Planning Board to reapply for a conditional use permit for boat rental operations for the 2002 season.
2. A flying inflatable boat will be exchanged for the Tandem hang gliding boat
3. Hours of operation shall be from 9 am until sunset.
4. Permittee shall adhere to the flight plan and pattern reviewed by the Planning Board; flight pattern shall be on file with the Planning Department.
5. There shall be no additional signage.

Vote: Ayes – Unanimous

OTHER BUSINESS

Draft amendment to building height definition (basement)

Planning Director Ray Sturza and Assistant Planner Donna Creef presented an amended definition of building height for the Board's review and consideration.

Mr. Sturza told the Board that he would like for the Board to review some of the various definitions of building height, and be thinking about whether or not there is a sufficient combination of information in there that can be put together to create a better definition that addresses the issue as we attempt to better define building height and the point from which building height is measured.

Mr. Sturza asked the Board to review information provided in the packet and provide staff with comments to be discussed at a later date.

Residential Parking Standards

Planning Director Ray Sturza presented alternatives for residential parking standards for the Board's review. He stated that Chairman Midgett advised the Dare County Board of Commissioners at their August 6, 2001 meeting that the Planning Board would be discussing the issue of parking at large multi-bedroom structures at the August 13, 2001 meeting.

Mr. Sturza asked the Board if they have any reaction to the memo included in their packet regarding parking. He stated that staff has been getting some complaints and becoming aware of the fact that we are not sufficiently addressing off-street parking in some of the larger residential structures.

This issue to also be discussed at a later date.

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


Vote: Ayes- Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: September 10, 2001



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