

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, November 13, 2001. This meeting was held in the meeting room of the Dare County Administrative Annex building located at 204 Ananias Dare Street in Manteo, NC.

**CALL TO ORDER** 7:00 pm

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

### **APPROVAL OF MINUTES**

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

### **OLD BUSINESS**

#### ***Rezoning Request submitted by Joe Britt***

A motion to allow Jon Britt to abstain in the review of this item was made by Joe Kierzkowski, seconded by Joe Thompson.

Vote: Ayes – Unanimous

Chief Planner Donna Creef told the Board that the rezoning request submitted by Joe and Barbara Britt was tabled last month pending the results of the Duck incorporation vote held on November 6, 2001. She stated that on May 1, 2002 Duck will become the County's 6<sup>th</sup> municipality.

Mrs. Creef stated that comments were requested from acting County Attorney Bobby Outten regarding the effect of the incorporation vote on this rezoning request, but comments have not been received as of this date.

Mrs. Creef pointed out that a recommendation from the Planning Board is necessary before the item can proceed to the Board of Commissioners. She also noted that it has been the policy of the Planning Board to conduct a public hearing on rezoning issues prior to making a recommendation to the Board of Commissioners.

Mrs. Creef identified three alternatives of action for the Board's consideration, as follows:

1. Schedule a Public Hearing on this request.
2. Make a recommendation without a public hearing.

3. Recommend a denial. If the Board votes to recommend denial, a specific reason for the denial should be included in the motion.

Joe Thompson, Marcia Parrott, and Mary Aldridge concurred that the Planning Board should conduct a *Public Hearing*.

Chairman Midgett identified two choices of action for the Board.

1. Denial
2. Schedule a public hearing.

A motion was made by Joe Thompson, seconded by Mary Aldridge to schedule a Public Hearing on the rezoning request submitted by the Britt's for December 10, 2001 at 7:00 p.m.

Vote: Ayes – Unanimous

***Captain Levene's Estate – Rodanthe – Final Plat***

Chief Planner Donna Creef presented staff comments. She told the Board the final plat for Captain Levene's Estate was tabled last month this item was tabled pending the resolution of the following:

1. The roadside swales need additional grading, shaping, and stabilization.
2. Street name sign and STOP sign need to be installed.
3. The covenants shall include language to address the maintenance (grass mowing) of the remote drainfield site and the road maintenance. A copy of the covenants needs to be submitted for review by staff.
4. The plat should be revised to reflect the location of the low-pressure systems for lots 4 & 5.
5. The proper certificate for the road indicating its status as "private" road should be included on a revised final plat.

Mrs. Creef noted that all of the conditions listed above have been met and recommended final plat approval.

Mr. Mearl Meekins was present to represent this plat.

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

Vote: Ayes – Unanimous

***Lot "A", Third Section, Mirlo Beach (formerly Oceanic Ventures) – Rodanthe – Preliminary Plat***

Chief Planner Donna Creef told the Board this plat was reviewed as Oceanic Ventures last month. The plat was tabled last month due to concerns expressed by the Health Department regarding the suitability of lots 5 and 6. The plat submitted this month has been revised to combined lots 5 and 6.

The Health Department comments reflect that the combination of lots 5 and 6 is satisfactory, however, they are requesting that the septic system be placed on the west side of the property where the seasonal high water table is currently 18".

The roads for Section 3 and the roads in the existing Mirlo Beach Subdivision are dedicated to the public. The revised plat depicts a dumpster site.

Mrs. Creef recommended preliminary plat approval.

A motion to recommend preliminary plat approval for Lot "A", Third Section, Mirlo Beach to the Dare County Board of Commissioners was made by Marcia Parrott, seconded by John Myers.

Vote: Ayes – unanimous

**NEW BUSINESS**

***Four Seasons West Subdivision – Duck – Preliminary Plat***

Donna Creef presented staff comments. She told the Board this is a preliminary plat for Four Seasons West Subdivision located in Duck. It is an 8.89-acre tract that is just south of Founder's Ridge Subdivision. A total of 19 lots are proposed and they will be served by central water from the county and individual onsite septic systems. The site is located on the West of NC 12 and is heavily vegetated with extreme differences in elevations very similar to the Founder's Ridge property.

Mrs. Creef stated that locating a structure; driveway, septic improvements and amenities on the lot will be a challenge due to the topography of the site and will demand extra attention from the developer. A stormwater plan and a sedimentation plan has been submitted to the State for their review and approval.

Access to lots 1 and 19 will be restricted to the eternal road entitled Bowline Drive. The covenants for the division should also include this restriction. The plat has been submitted to the Department of Transportation, but at the time these comments were being written they had not responded back to the agent for the developer.

Comments from the Health Department indicate that the site will support onsite septic systems. However, the variations in the topography will affect and perhaps limit the placement of the septic systems, the size of the house and the pools that can be located on each lot.

The plat depicts an amenity area adjacent to lot 6. This amenity area will be subject to site plan review by the staff and limited to the lot coverage standards of the RS-1 zoning district. It should also be noted that if the plat were recorded depicting this area as an amenity area, then any change in plans to utilize this area as a residential home site would require the recordation of a revised plat for the entire division.

Mrs. Creef pointed out the 15' access easement to the adjoining Monat tract located at the rear of the site. The surveyor has provided a copy of the recorded deed that reads it is a 15' existing access easement there and that he has rights to use the paved road that goes in should there ever be a subdivision put in there.

Mrs. Creef noted that no dumpster site is depicted on the plat; the linear footage of the road and the area of the smallest lot should be included in the note section.

A wetland delineation has been submitted to the Corps for their verification.

As previously stated, the sedimentation plans and stormwater plans have been submitted to the State for their approval. Mrs. Creef stated that staff is hesitant to proceed to the Board of Commissioners without these approvals and comments from NCDOT in hand. Therefore, staff recommends this plat be considered a sketch plan or be tabled.

Chairman Midgett agreed with Mrs. Creef and stated that he would like to consider this review a sketch plan.

Mike Robinson of Bissell Professional Group was present.

A motion to table this item was made by Marcia Parrott, seconded by Joe Kierzkowski.

Vote: Ayes – Unanimous

### ***Ocean Isle Estates – Avon – Preliminary***

Chief Planner Donna Creef presented staff comments. She told the Board that this is the preliminary plat for the Ocean Isle Estate Subdivision. The site is the former Castaway's Inn (Kona Kia) site in Avon. The site is zoned C-2 and the total tract consists of 12.5 acres. The existing hotel structure and other site improvements are in the process or have been removed from the site. The subdivisions current design features 27 lots. The lots will be served by central water from Dare County and individual onsite septic systems.

Mrs. Creef pointed out that there is a pond on the site in the vicinity of lot 11 that is proposed to be filled. The pond was constructed years ago to serve as a water supply for the firefighting purposes of the hotel. At that time there was no central water down in Avon. Since we do have

central water down there they have filled in the pond, although it is not depicted on your plat. We do have a letter from Eddie Valdivieso of Quible and Associates addressing the roadway improvements and the filling of the pond. A portion of the roadway improvements is proposed to be located over the former pond area

As you will note from the review of the proposed subdivision plat, the design of the subdivision is contrary to the traditional grid/rectangular lot configuration. The County's Subdivision and Zoning standards are difficult to apply to this unusual configuration. The design appears to have the goal of maximizing the land use by using a switch back or a large number of flag lots. Although this design may be beneficial in terms of economics, it raises questions as to access by emergency vehicles to the oceanfront lots that feature elongated designs and interior lots that also depend on extended "flag" features. Comments from the Dare County Fire Marshal regarding this are on file.

Mrs. Creef noted that it is staff's recommendations that the subdivision be redesign to reflect a more traditional layout. Lots 21 and 24 are a particular concern as well as lots 9, 10, & 11.

Based on comments from the Health Department, staff is aware that the developer plans large multi-bedroom structures with pools for these lots. Lot coverage limitations of 30% will be strictly enforced including the paved access drives. The issue involves off street parking in these flag areas; if vehicles are parked in the flag areas then access for emergency vehicles will be impeded.

Staff feels that a total redesign and a more traditional layout is worth consideration.

Eddie Valdivieso of Quible & Associates was present on behalf of Lefar Corporation and BD&A Realty and Construction. He presented an aerial photo showing the hotel configuration. He pointed out the tennis courts, lots 13 & 14, and the pond. He stated that the hotel has been demolished and pretty much complete. He stated that he doesn't know the status of the pond being filled yet. The road is going to be constructed to meet DOT standards; they have some specific tests for density and compaction and stone and asphalt thickness. He stated that the pond is not shown on the plat because it will not be on the site when the plat is recorded.

Mr. Valdivieso told the Board that there are no wetlands on the site; and the pond was manmade so it is non-jurisdictional by the Corps of Engineers.

The Health Department raised the question about CAMA and the potential for CAMA permits being needed for the oceanfront lot and the potential for some grading of the dunes. The vegetation line is approximately 260' away and a determination has been made that this property is not affected by a CAMA AEC setback. The hotel was demolished without any CAMA permits being issued.

Mr. Valdivieso stated that he does have an erosion control permit in place, and the State approval for the water line extension was received today. He stated he spoke with Gretchen the District Engineer for NCDOT today and she has looked at the site and said that we should have a permit within 7 to 10 days.

Board concurred that the developer should reconfigure subdivision layout and present a revised plat for review.

Mrs. Creef stated that the layout as proposed is not in the best interest of the County.

Board concurred to consider this review a sketch plan to allow developer to submit a re-configuration of the subdivision.

**OTHER BUSINESS**

None.

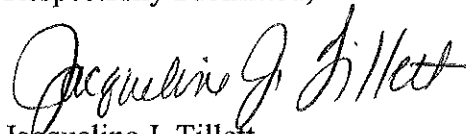
**ADJOURNMENT**

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

This meeting adjourned at approximately 8:20 PM.

Respectfully Submitted,



Jacqueline J. Tillett,  
Senior Administrative Support Specialist

APPROVED: December 10, 2001



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