

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held its regularly scheduled meeting on Monday, March 11, 2002. This meeting was held in the meeting room of the Dare County Administrative Annex building, 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT Elmer R. Midgett, Jr. – Chairman Joe Thompson
Jon Britt Jim Kinghorn
John Myers

MEMBERS ABSENT Marcia Parrott
Mary Aldridge

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the February 11, 2002 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.

Vote: Ayes – Unanimous

OLD BUSINESS None

NEW BUSINESS

Seacrest Group Development – Hatteras Village – C.U.P. (sketch plan)

Present to represent the applicant was Mr. Bob Stewart of Performance Engineering. Also present were Mr. George Wood and Jay Wheless.

Assistant Planner, Donna Creef presented staff comments. She told the Board this is a sketch plan for a group housing development in Hatteras Village in an area zoned R2-A. She stated that seven detached residential structures are proposed to be located on the 8.19-acre tract. Mrs. Creef note that the total tract consist of 6.32 acres of wetland and 1.87 acres of uplands with the structures scattered throughout the site on the upland hammocks. She provided an aerial tax map to give the board an idea of how the property fits together. She pointed out the proposed development site and where the off-site sewage system is proposed.

Mrs. Creef further stated that he property consists of mainly wetlands and wetland-filling activities will be necessary to accommodate the developer. She noted that the sketch plan is very busy with numerous lines making it difficult to interpret.

Mrs. Creef stated that wastewater treatment to the site would be provided via a “community collection” system located on the adjoining site, which is currently used as the hotel. The adjoining site supports the existing septic tanks for the hotel. She informed the Board of 1996 correspondence from the Dare County Tax Appraisal office indicating that the value of the

property is "unsuitable" for on-site septic systems due to the large amount of wetlands on the site.

In the past other projects that featured off-site septic systems have been authorized for construction. However, those off-site systems were located on property that was vacant and not on property that contained other septic systems for another commercial use. Mrs. Creef asked what happens if the septic system dedicated to the hotel needs replacing and experiences problems due to the location of the community collection system for the seven houses on the adjoining site? Although the health department may be comfortable with the proposed septic plans, the Board must consider the precedent of an on-site system on a lot currently dedicated to another use.

Mrs. Creef pointed out that the Board would want to discuss driveways and turn around locations with the engineers. Access to the structures by emergency vehicles and solid waste trucks should be included in this discussion.

In summary, Mrs. Creef stated that staff has reservations about this project based on the large amount of wetlands on the tract and the off site community collection system. In recent months the staff and Board have discussed the marginal nature of the land currently being developed and this project is an example of land that is questionable for development purposes as currently proposed.

George Wood, Environmental Scientist, told the Board that there are a lot of jurisdictional alignments on this plat and they are some times hard to follow. Last year the Corps of Engineers wetland jurisdiction was established, reviewed and confirmed by the Corps of Engineers. The Division of Coastal Management established the CAMA wetland alignment, which is depicted on the plat. This alignment was reviewed and approved by the Division of Coastal Management.

Mr. Wood stated that in order to facilitate the development there are 3 permits that may obtain, as follows:

1. The Nationwide Permit # 12 for utility line crossings. – Mr. Wood pointed out to the Board that a small sector of wetlands in the utility line crossing that goes up at the top of the plat towards the sewage disposal system there is going to be a small area of wetlands that that utility line crossing will impact. The Corps has a provision for installing utility lines in trenches as long as you re-establish the grade to its original contour, and that will be the case here.
2. Nationwide Permit #18 for some of the fills that are associated with the project. – Allows for the minor discharge, minor fill. In this case it will be fill that is less than 1/10th of an acre and probably would be associated with one of the driveways that extends on your plat it would be a piece of wetlands that is filled between the small finger that comes out to the left side of your plat and towards the structure 102.
3. Nationwide Permit #14 which is for the road crossing. –

Mr. Wood explained that the structures that will extend over the wetland alignment would be presented to be considered as exempt from requiring permits for pile-supported structures over wetlands. Basically, pile supported structures over wetlands are allowed by the Corps of

Mrs. Creef asked that the Board discuss and advise staff on the definition of a "landscaping business".

Mr. Cohen told the Board that he has been in this business for 12 years and it is going real well. He and his wife operate the business and have one employee and do not anticipate having more employees. He stated he has two pickup trucks a couple of trailers that pull mulch, tractor, and lawn mowers.

Mr. Cohen stated that he would like to have a pile of mulch that is approximately 85-yards. Mr. Cohen stated there is a fence on one side of the property.

After a detailed discussion of the proposed text amendment to add retail garden shops and landscaping businesses to the VC-2 district, the Board concurred to instruct staff to draft a definition for landscaping business.

A motion to schedule a Public Hearing for April 8, 2002 for the proposed text amendment to the VC-2 was made by Jon Britt, seconded by Joe Thompson.

Vote: Ayes – Unanimous

Allen Daniels d/b/a Surf's Up Seafood Market – Avon – Conditional Use Permit

Mr. Allen Daniels operator/owner of Darrell's Seafood Restaurant in Manteo was present.

Assistant Planner Donna Creef told the Board that Mr. Daniels is requesting authorization to operate a retail seafood market in the existing Sun Realty building in Avon, NC.

Mrs. Creef stated the site is located in the C-2 zoning district, which is specific that seafood markets are conditional uses. Mr. Daniels intends to operate the market with a take-out items such as steamed shrimp, clams, crab legs, etc. He has been working with the Health Department to meet the requirements for seafood operations in terms of layout of the store and other issues related to the interior of the space. The Health Department does annual inspections of seafood markets. The entire building is connected to the Kinnakeet Shores wastewater treatment facility and will be served by central water from Dare County.

The Dare County Zoning Ordinance does not include specific parking standards for seafood markets, but all retail uses are required to provide one space for each 200 square feet of floor area. The site appears to have adequate parking for the entire building. Mrs. Creef noted that should there be a problem with parking, the Board could require Mr. Daniels to come back and remedy the situation.

Staff visited the site last week and found that a dumpster site is located behind the building as depicted on the site plan. Staff stated that the dumpster is in a state of disrepair and needs some attention. Mrs. Creef suggested that Mr. Daniels speak to the Public works department about obtaining a new dumpster for the site. The maintenance of the dumpster site will be important to avoid conflict with other occupants of the Sun Realty Building.

Engineers if you can demonstrate that the pilings are placed in such a configuration as to not constitute fill.

Bob Stewart Engineer for the project. Mr. Stewart offered comments in regard to the Health Department's involvement. He stated that he has had the Assistant Supervisor, Mr. Rob Crawford on site doing a site evaluation and showed him the concept they have in mind. Subsequent to that he met with Mr. Crawford and Fred Parker the Supervisor at which he explained what exactly they were trying to do and went through everything with them. Mr. Stewart stated that when he left that meeting obviously he didn't anticipate getting a permit; I never applied for a permit and knew that we were far short of detail to get a permit.

Chairman Midgett advised Mr. Stewart that at the present time the Board does not need to discuss the technical merits of the septic system. He expressed his opinion that this is not a good piece of property and it should not be developed. He stated that he would not send this proposal forward to the Board of Commissioners with a favorable recommendation.

During this discussion the Board expressed concerns regarding the following:

1. The adequacy of a 20' wide roadway to support the utility lines without impacts on the wetlands.
2. Use of the road by emergency and service vehicles
3. Use of an off-site septic system on adjoining property currently dedicated to another commercial use.
4. Large amounts of wetlands on the site

The Board concurred that the project as currently proposed is inadequate.

No action taken or required on sketch plan review.

Richard and Charlene Cohen – Colington – Text Amendment Request

Assistant Planner, Donna Creef told the Board that Mr. and Mrs. Cohen currently own and operate a landscaping business and are considering the purchase of a site in Colington that is zoned VC-2 with the intention of operating their business from the site.

The VC-2 permits retail flower shops. Staff has offered the interpretation that a landscaping business, including bulk storage of mulch is beyond the traditional services offered at a retail flower shop. Based on this interpretation, staff recommended that the Cohen's pursue a text amendment to the VC-2 language.

Mrs. Creef stated that the applicants have indicated that they wish to operate a "retail garden shop and landscaping business". Mrs. Creef recommended that the request be considered as a conditional use since landscaping businesses often involve trucks and other heavy equipment, the bulk storage of mulch, dirt, and the construction of greenhouses.

Mrs. Creef provided the Board with a draft CUP with conditions outlined for the Boards review and consideration and recommended approval of the Conditional Use Permit as requested.

Mr. Daniels told he Board that the all the fish and seafood he will sell will be already cleaned. In regard to the dumpster, Mr. Daniels stated that he plans to obtain is own dumpster as suggested by Grady Courson with the Dare County Health Department.

A motion to recommend approval of the Draft Conditional Use Permit as prepared by staff was made by John Myers, seconded Joe Thompson.

Vote: Ayes – Unanimous

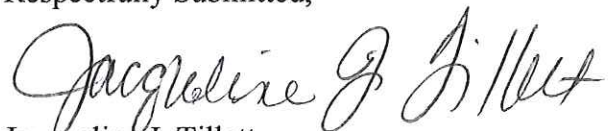
OTHER BUSINESS

Assistant Planner Donna Creef informed the Board that she hopes to have a draft copy of the Land Use Plan by the end of the month.

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: April 8, 2002



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