

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 12, 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
Jon Britt
Marcia Parrott
Joe Thompson
Jim Kinghorn
Mary Aldridge (arrived at approx. 7:23 PM)

MEMBERS ABSENT John Myers

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the July 8 and July 22, 2002 meetings, a motion to dispense with reading them and to approve them as submitted was made by Joe Thompson, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

PUBLIC HEARING

John F. Conner, Jr. & Rauna G. Conner – Rezoning Request

Planning Director Ray Sturza presented staff comments. He told the Board John and Rauna Conner have submitted a request to change the R2-A zoning classification of their property in Buxton to C-3. He further stated that this hearing was advertised and the property was posted.

Mr. Sturza stated after the close of the public hearing, the Board may make a recommendation on the requested amendment. He reminded the Board that if a denial is recommended then a specific reason for the denial should be stated.

The Planning staff has not received any written comments or phone calls regarding this rezoning request.

Chairman Midgett opened the floor for public comments. No public comments were rendered.

Mr. Ray Meekins of Seaboard Surveying & Planning was present to represent Mr. and Mrs. Conner who were also present.

After discussing this request in detail a motion to recommend the rezoning of this parcel as requested was made by Joe Thompson, seconded by Jon Britt.

Vote: Ayes – Unanimous

OLD BUSINESS

Kinnakeet Shores, Phase 17 – Avon – Final Plat

Donna Creef told the Board Phase 17 & 18 was incomplete last month, and this month 17 is complete but 18 remains incomplete. She stated the developer has asked that Phase 18 be withdrawn from the agenda until a later date.

Mrs. Creef told the Board that all of the improvements for Phase 17 have been installed and the temporary excavation area has been filled as depicted on the plat was included in the Board's second packet. She stated staff did visit the site and found the road improvements complete. Test results on the improvements are pending.

Mr. Mark Bissell, Bissell Professional Group was present to represent this division. Mr. Bissell stated the test results were verbally reported to him and they do meet the state requirements.

Mrs. Creef stated the water department has indicated that the water line improvements are satisfactory and the final water tests are pending.

Staff recommended approval subject to the submission of the test results on the road and water line improvements.

A motion was made by Marcia Parrott, seconded by Jim Kinghorn to grant final plat approval to Phase 17 subject to the test results on the road improvements and water lines being submitted to staff prior to the recordation of the plat.

Vote: Ayes – Unanimous

Surf or Sound Realty – Hatteras – Conditional Use Permit

A motion to excuse Joe Thompson from the discussion of this application was made by Jon Britt, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

Donna Creef told the Board that a revised site plan has been submitted for the proposed Surf or Sound Realty in Avon. The Board of Commissioners reviewed the original site plan in July and the issue of lot coverage was identified

Mrs. Creef pointed out that the site is partially located in a C-2 zoning district and the remainder is located in the R-2A zoning district. Since the July meeting the County Attorney has ruled that the proposed improvements for the area zoned R2-A must comply with the 30% lot coverage standard for this district and the improvements proposed for the C-2 zone must comply with the 60% lot coverage of that district. The site plan submitted reflects these requirements.

Mrs. Creef stated the revised site plan does not indicate the proposed surface materials of the parking improvements. A note or legend area should be included on the site plan that lists the surface materials to be used for the parking improvements. As previously stated in the June comments, the Zoning Ordinance requires 10' x 20' parking spaces with no provisions for curb overhang area.

During the July Commissioners and Planning Board meeting, several area residents expressed concerns about the increased traffic on Westerly Lane and the existing poor condition of the road. The developer has indicated the general willingness to address these concerns. However, specific plans should be discussed and included as conditions of the draft Conditional Use Permit.

Mrs. Creef stated a 3-year approval period for the completion of all improvements should be included in the draft Conditional Use Permit as well.

Mr. Dale Petty and Mr. David Dixon, Attorney representing the applicant, were present. Mr. Petty explained that his intent for the improvement of Westerly Lane is to come to the west side of the second entrance or the entrance to the rear parking which takes in about 200 feet from NC 12.

A motion was made by Marcia Parrott, seconded by Jon Britt to recommend approval of the Conditional Use Permit/revised site plan subject to the following conditions being added to the draft Conditional Use Permit:

1. Westerly Lane shall be resurfaced to the western side of the second driveway entrance on Westerly Lane as stated by Mr. Petty.
2. A legend or note shall be added to the site plan that clearly states the proposed surface materials to be used in the parking areas.
3. All proposed improvements should be completed within 3 years of the date of County approval.
4. The Planning staff shall monitor the site once it is operational.

Vote: Ayes – 4 (Mary Aldridge, Marcia Parrott, Elmer Midgett, Jon Britt)
Abstained – 1 (Jim Kinghorn)

A motion was made by Marcia Parrott, seconded by Jim Kinghorn to bring Joe Thompson back on the Board for the remainder of the meeting.

Vote: Ayes- Unanimous

Holly Ridge Subdivision – Roanoke Island – Final

Donna Creef presented staff comments. She told the Board this is the final plat for Holly Ridge Subdivision. The Board of Commissioners granted preliminary plat approval to this 7-lot division on June 18, 2002.

Mrs. Creef stated a turnaround was installed at the end of the 20-foot easement. The easement area was to be constructed to the sub-base standards of NCDOT.

The covenants do included language on page 2, item 4 that specifically state that the lots may not be resubdivided for the purpose of creating additional lots. Staff recommended final plat approval.

A motion was made by Joe Thompson, seconded by Mary Aldridge to grant final plat approval to the Holly Ridge Subdivision.

Vote: Ayes – Unanimous

NEW BUSINESS

Russell Lowe/Island Dyes South – Salvo - Conditional Use Permit

No action was taken on this application due to the lack of representation.

Scott C. Hise and Anna A. Hise – Salvo – Preliminary Plat

No action was taken on this preliminary plat due to the lack of representation.

OTHER BUSINESS

Dare County Hazard Mitigation Plan

Iyan Phars, Community Development Planner, North Carolina Division of Community Assistance in Washington, North Carolina Regulatory office was present.

Planning Director Ray Sturza told the Board that the Dare County Hazard Mitigation Plan is an item that really finds its roots in legislation following Hurricane Floyd. He explained that the General Assembly passed legislation that requires each county in North Carolina to adopt Hazard Mitigation Plans in order to be eligible for State assistance after a disaster.

Mr. Sturza stated Dare County chose to contract with the Division of Emergency Management and the North Carolina Division of Community Assistance to develop a Hazard Mitigation Plan for Dare County. He explained that the Planning Board must make a recommendation prior to adoption of the plan by the Board of Commissioners.

Mr. Sturza stated the staff participated in the development of the Plan and recommends a favorable recommendation by the Planning Board.

Planning Board member Jim Kinghorn pointed out a minor typographical error in the plan. The error was in reference to the Kinnakeet Shores wastewater treatment plant. He stated that in the first instance it mentioned it said the south side section of Kinnakeet Shores, it should read the Soundside, because later on it said soundside.

A motion to recommend to the Dare County Board of Commissioners the adoption of the Hazard Mitigation Plan pending review and any changes by the State of North Carolina Hazard Mitigation office was made by Jim Kinghorn, seconded by Mary Aldridge.

Vote: Ayes - Unanimous

Proposed Alternatives to address Group Developments/Multi-family zoning districts – Discussion

Planning Director Ray Sturza told the Board that earlier this year the Board of Commissioners enacted a moratorium on construction of group developments and multi-family structures in unincorporated Dare County. This moratorium was enacted to allow the County time to study our current regulations and to suggest some possible alternatives to address concerns primarily about density and location of these kinds of developments.

The moratorium is scheduled to expire in October and the staff has been working on a set of alternatives for consideration. From these alternatives, the Planning Board may choose one or more of the alternatives to address development of multi-family construction and group development projects in Dare County. There may be other alternatives identified from the Board's discussion. Staff drafted some revisions to the current standards that raise the minimum lot size from 20,000 to 40,000 square feet and include specific density limitations. Currently, density and group developments is regulated by density limitations of applicable zoning districts, but for group developments that consist of numerous detached residential structures, there is no set density standard and the County relies on lot coverage to limit the number that can be located on site.

Mr. Sturza also identified the issue of nonconformities for the Board's discussion. If amendments are adopted that delete multi-family uses from certain or all zoning districts, then the structures themselves would be rendered non-conforming uses. Special grandfathering status for existing structures will be an important consideration.

Staff presented alternatives for the Group Development/Multifamily moratorium along with a set of draft standards for the Board's consideration. Mr. Sturza told the Board that the strikethrough and bold print fonts indicate where some of the changes have been made.

Mrs. Creef stated that the staff is requesting endorsement from the Planning Board on the alternatives and on the draft conditional use/group development standards so that they can be forward to the Board of Commissioners for their review.

The Board discussed alternatives prepared and presented by staff and concurred that some multi-family is needed and does not need to be deleted entirely.

The Planning Board was in agreement that some multi-family is needed, and concurred to endorse alternative #5, (Adopt S-1 for all unzoned areas and/or portions of unzoned areas. This alternative would establish density limitations for those areas currently unzoned, but would still have the use flexibility of the S-1 district that permit all uses.

Adjournment

There being no further business before the Dare County Planning Board a motion to adjourn was made by Marcia Parrott, seconded by Mary Aldridge.

Vote: Ayes – Unanimous


This meeting closed at approximately 8:30 PM.

Respectfully submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: September 12, 2002



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