

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on September 12, 2002. This meeting was held in the meeting room of the Dare County Administrative Annex building, 204 Ananias Dare Street, Manteo, North Carolina.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT Elmer R. Midgett, Jr., Chairman Joe Thompson
John Myers Jim Kinghorn
Marcia Parrott

MEMBERS ABSENT Mary Aldridge
Jon Britt

APPROVAL OF MINUTES

Jim Kinghorn pointed out the omission of Jon Britt's name in the vote on the Surf or Sound Realty Conditional Use Permit (page 3). A motion to dispense with reading the minutes of the August 12, 2002 meeting and to approve them with the correction identified by Mr. Kinghorn was made by Joe Thompson, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

OLD BUSINESS

Large Structure Committee Recommendation – Parking & Lot Coverage

Planning Director Ray Sturza presented staff comments. He stated earlier this year the Board of Commissioners appointed a committee to study the issue of large residential structures and to make recommendations standards for adoption. The committee drafted standards for residential structures based on lots size that were adopted by the Board of Commissioners in August. At that time, the Board of Commissioners also indicated that the committee should continue its work in reviewing the issue of parking and lot coverage.

Mr. Sturza stated the draft language provided in the Planning Board's packet was drafted by the committee in an effort to address these issues. He stated that the recommended language attempts to address the challenge of providing enough infrastructure to meet the needs of the large structures without creating an unacceptable increase in storm water runoff. He further stated that the recommendations also attempt to address the inequity of the S-1 zoning district's failure to differentiate between commercial and residential uses in that district standards for lot coverage, allowing 60% coverage regardless of the nature of land use.

The Board of Commissioners is scheduled to receive the recommendations from the committee in the near future and may be interested in expediting their adoption. Mr. Sturza stated that in

order to proceed with this amendment process, a recommendation by the Planning Board would be both timely and helpful.

Donna Creef informed the Board of concern and discussion the committee had regarding whether or not all of the parking needed to be of a pervious or impervious surface. The standards currently allow for a 50/50 split. She noted the committee recommendation is to change all of the parking to be 100% impervious.

Mrs. Creef stated the committee also went round and round about whether or not there needed to be a limit on the stacking of parking. The committee concurred that houses with less than 4 bedrooms would not require a drive aisle. Mrs. Creef stated there was also some question about the width of the drive aisle, whether 10' is satisfactory or would 12' be better.

Skip Dixon commented that if the width of the driveways are going to be regulated, the Planning Board might consider alternative types of pervious use such as turf stone, pea gravel, and porous concrete and make some allowances in the percentages of pervious coverage to allow for an innovative situation which will give them a porous treatment and take a large amount of lot coverage by doing that.

A motion was made by Joe Thompson, seconded by Jim Kinghorn to forward this item to the Dare County Board of Commissioners with a favorable recommendations based upon further examination of porous concrete and other alternative impervious surfaces.

Vote: Ayes – Unanimous

HATTERAS ESTATES, SECTION 1 (LOTS 3-9) – HATTERAS – FINAL PLAT

Eddie Valdivieso of Quible and Associates was present to represent the final plat for Hatteras Estates, Section 1.

Donna Creef presented staff comments. She told the Board that this proposed division was granted preliminary plat approval by the Dare County Board of Commissioners on June 17, 2002 subject to the conditions listed below:

1. The covenants and the final plat contain language stating that no pool improvements can be located in the front yard setback area.
2. The covenants shall include language that restricts the lots for residential purposes only and the final plat should also include a note to that effect.
3. Installation of bollards at the emergency access aisles as recommended by NCDOT.

Mrs. Creef noted that the final plat submitted for review does not address conditions 1 and 2 of the preliminary plat approval, and the covenants have not yet been submitted. She also noted that road improvements are 90% complete due to inclement weather this week, and a delay in the turf stone that is being used in the access aisles.

Mrs. Creef recommended final plat approval subject to the following:

1. The completion of the road and access improvements to be verified by staff and the submissions of satisfactory test results.
2. The submission of the covenants.

A motion to grant final plat approval as recommended by staff was made by Jim Kinghorn, seconded by Joe Thompson.

Vote: Ayes – Unanimous

HATTERAS HARBOUR – HATTERAS – FINAL PLAT

Representing the final plat for Hatteras Harbor Subdivision was Eddie Valdivieso of Quible and Associates. Also present was the developer Mr. Skip Dixon.

Donna Creef presented staff comments. Preliminary plat approval for this division was granted by the Board the Dare County Board of Commissioners on March 18, 2002 subject to the following conditions:

1. Note 15 on the plat should state that private wells shall not be used as a water source.
2. No improvements, including pools and wastewater treatment systems, shall be located within the 30' easement area along the rear of lots 19-22 and 24-29. Language addressing this limitation shall be included on the plat and in the restrictive covenants.
3. A revised depicting the fire hydrant locations on lot 1, 7 and 15 shall be submitted.

Mrs. Creef noted that the final plat did not include any of the conditions of the preliminary plat approval and that will be addressed before it is put to record. She stated she has reviewed the covenants for this division and all of the recommended language has been included.

Mrs. Creef told the Board that the road improvements are complete and satisfactory test results have been submitted. The Stop sign and street signs have been installed, and satisfactory comments from the Water Department have been submitted.

Staff recommended approval subject to the revised plat containing the notations/language as stated at the preliminary plat approval.

A motion to grant final plat approval subject to conditions as stated by staff was made by Joe Thompson, seconded Jim Kinghorn.

Vote: Ayes – Unanimous

NEW BUSINESS

Buxton Pointe – Buxton – Preliminary Plat

Donna Creef presented staff comments. She told the Board that the proposed subdivision was originally submitted as a 9-lot division and is currently being submitted as an 8-lot division. She stated the site is located in an area zone C-2 in Buxton. The site is accessed from SR 1231, Old Lighthouse Road.

Mrs. Creef stated all of the proposed lots include a minimum of 15, 000 square feet of upland area and will be served by central water from Dare County and individual on-site septic systems. A 45' right-of-way with 20' of paved improvements is proposed to access these lots. No access from Old Lighthouse Road will be permitted as noted on the plat.

Mrs. Creef noted that the wetland verification from the Army Corps of Engineers is pending. She stated that it would be helpful if the typical building footprints, amenities, and parking layout were shown on a revised plat, so that it could easily be established if the lots with wetlands have adequate space.

Mrs. Creef suggested that the Planning Board discuss drainage of the site with the project engineer. Due to the amount of land disturbing being less than an acre, storm water or sedimentation permits from the State are not required.

As recommended from previous subdivisions located in the C-2 district, language should be included on the final plat and in the covenants restricting the use of the property to residential purposes.

Mrs. Creef stated that plat meets the technical merits of the Subdivision Ordinance. Staff recommended a favorable report subject to the submission of a wetland verification plat and a revised preliminary plat depicting the typical building footprints prior to submission to the Dare County Board of Commissioners for review.

Eddie Valdivieso of Quible and Associates was present to represent this division.

A motion to recommend preliminary plat approval subject to the submission of the wetlands verification by the Corps of Engineers, and the placement of the proposed house and pool on a revised preliminary plat that will be reviewed by the Board of Commissioners, was made by John Myers, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

ZONING AMENDMENT PETITION – ROANOKE ISLAND – RS-8 TO R-1

Ray Sturza presented staff comments. He told the Board that a petition from several property owners on the north end of Roanoke Island seeking to amend the zoning map for Roanoke Island has been submitted. He stated the petitioners seek to change the classification of land currently zoned RS-8 to R-1.

Section 22-81 of the Dare County Zoning Ordinance establishes the procedures for consideration of proposed changes to the Zoning Ordinance and its associated maps. According to Section 22-81, "any person within the zoning jurisdiction of the County" may petition for such a change.

Mr. Sturza stated that it has been the Planning Board's practice to conduct an optional Public Hearing on rezoning requests prior to making a recommendation to the Board of Commissioners. He stated a Planning Board level public hearing on this request would be wise since the scope of the area to be affected is large and impacts a number of parcels owned by parties who have not joined in the Petition.

Mr. Sturza informed the Board that the petitioner's request is not inconsistent with the stated intent of the Dare County Land Use Plan, which places a great emphasis on detached residential structures as the preferred land use in unincorporated Dare County. The zoning district proposed for amendment is one that facilitates multi-family structures. A change from RS-8 to R-1 would reduce the land use budget on Roanoke Island for multi-family structures. Others might argue that in doing so such a change would further decrease any opportunity for housing priced in the moderate level range, although no pattern of such housing has developed in this setting for several decades and it has been zoned for higher density dwellings.

Mr. Tom White addressed the Board and stated that this petition affects a little over 25 acres of land. He commented that if this 25 acres is rezoned to R-1 there would still be approximately 25 acres of RS-8 located to the north which would not be affected.

Mr. White further commented that the property for which the petition has been filed is all being used as single family residences. He stated that the other Petitioners are present, along with Mr. Bobby Owens, former Chairman of County Commissioners. Mr. White stated that Mr. Owens has information about the history of this thing of which the Board may want to hear and he thinks would be wise to hear.

Mr. White stated that all of the property owners within the Petition of the area proposed to be rezoned except for two are in support of it even though they aren't listed on the petition. He stated that the nature of this land is not conducive to multi-family. It is characterized by very high rolling sand dunes which have been vegetated over with pretty heavy forest vegetation. Disturbance of those sand dunes could reek havoc in this entire area.

Mr. Bobby Owens stated that he is familiar with the property, and asked that each board member look at the property prior to the final analysis. He stated his opinion that the property is probably

the most pristine beautiful property in Dare County. He commented that it is property that needs to be preserved and saved in its present state. Mr. Owens agreed that the issue needed to put to a public hearing.

A motion was made by Joe Thompson, seconded by Marcia Parrott to schedule a public hearing for October 14, 2002.

Vote: Ayes – Unanimous

DAVID AND CAROLYN ROBERTS – ROANOKE ISLAND – CONDITIONAL USE PERMIT

Mrs. Carolyn Roberts was present along with the General Contractor Mr. Bobby Etheridge.

Lorraine Tillett presented staff comments on this item. She told the Board that Mr. & Mrs. Roberts are requesting authorization to establish a CPA home office as a home occupation in the R-1 zoning district. The property is located on the North End of Roanoke Island in the newly developed North End Colony Subdivision. The Roberts home is currently under construction with occupancy anticipated in late fall.

Ms. Tillett stated that the home office will contain 315 square feet, which is 20.6% of the 1526 square foot total building area. She noted that home offices are limited to not more than 25% of any building. The business is strictly limited to home office work with no customers coming to the home. Three parking spaces are provided in addition to the two allowed for the residence.

The property was posted and notification of the application was sent to the adjoining property owners. No comments or response has been received.

Staff recommended approval of the draft permit with conditions of operations for the Board's review and consideration.

Mrs. Carolyn Roberts informed the Board that she would anticipate few customer visits. She explained that Mr. Roberts meets with the customers or the clients at their offices. She stated that maybe one customer per week would actually make a brief visit to the home office.

A motion to recommend approval subject to the conditions as outlined in the draft Conditional Use Permit prepared and submitted by Zoning Administrator Lorraine Tillett was made by John Myers, seconded Marcia Parrott.

Vote: Ayes - Unanimous

RUSSELL LOWE/ISLAND DYES SOUTH – SALVO – CONDITIONAL USE PERMIT

This item was withdrawn at the request of the applicant.

SCOTT C. HISE AND ANNA C. HISE – SALVO – PRELIMINARY PLAT

This item was withdrawn from the agenda at the request of Michael C. Casey, Attorney representing the developer.

OTHER BUSINESS

None

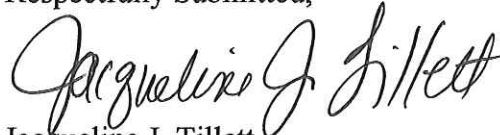
ADJOURNMENT

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

Vote: Ayes – Unanimous

This meeting closed at approximately 8:19 PM

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: October 14, 2002



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