

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 9, 2002. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, North Carolina.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT Marcia Parrott - Vice Chairperson
John Myers
Jon Britt
Mary Aldridge
Joe Thompson
Jim Kinghorn

MEMBERS ABSENT Elmer R. Midgett, Jr. - Chairman

APPROVAL OF MINUTES

After pointing out a typographical error on page 2, John Myers made a motion to dispense with reading the minutes of the November 12, 2002 Planning Board meeting and to approve them with the correction as noted. Mary Aldridge seconded this motion.

Vote: Ayes – Unanimous

OLD BUSINESS

None

NEW BUSINESS

Kenrick Albaugh – Avon- Zoning Amendment Petition

Mr. Albaugh was present to represent this Zoning Amendment Petition.

Donna Creef told the Board that Mr. Albaugh is requesting a rezoning of a site currently zoned R2-A to C-2. She stated that Mr. Albaugh wishes to construct a large structure to facilitate the construction of a sailboat, and eventually conduct educational courses on boat building. Mr. Albaugh's proposal also includes plans for a 2-bedroom apartment in structure. Mrs. Creef noted that the adjoining properties are zoned C-2 and extension of this boundary is also requested due to the fact that the C-2 text does not allow boat building.

Mrs. Creef suggested that the County add boat building as a conditional use subject to review and approval since boat building involves chemicals and paints.

Mrs. Creef suggested the Planning Board schedule a public hearing on this application for next month.

John Myers, seconded by Mary Aldridge made a motion to schedule a Public Hearing for January 13, 2003 at a location on Hatteras Island to be determined on this rezoning request.

Vote: Ayes – Unanimous

Roman Catholic Diocese of Raleigh – Buxton – Conditional Use Permit

Lorraine Tillett told the Board that officials of the Our Lady of the Seas Church are requesting authorization by Conditional Use Permit to construct a 6,399 square foot sanctuary on their property located Highway 12, North of the Cape Hatteras School in Buxton. The site is zoned R2-A, which permits churches by right of conditional use.

Ms. Tillett provided the Board with background information as follows:

1. In December of 1992, an application was submitted to the Planning Board requesting authorization to construct a church project in 3 phases as a group development under S-1 zoning regulations. The 3 phases consisted of a multi-purpose building, parsonage, and a sanctuary.
2. April 12, 1993 and June of 1993, the church officials were instructed by the Planning Board to submit a detailed site plan with information regarding the church plan and parking. At this time they were also instruction to confer with the Health Director regarding comments indicating an insufficient area to site the septic for the other phases of the project. The Board voted to allow the applicants additional time to address comments rendered by the Health Director, and Conditional Use was not recommended.
3. In 1993 they moved forward with their multi-purpose building and decided to return to the Board at a later date for future expansion.
4. this amounts to tonight is that they fall under churches for conditional uses in R-2A and to keep our paper work in order and so that they will have a completed site plan. We need to look at that tonight. In looking at the site plan, we still do not have a detailed site plan like we asked for in 1993. They have a plan with information on it, but in my comments you will see that I had asked that contact the Dare County Fire Marshal because he has several concerns with the drive aisles and a minimum of 25 feet and fire hydrants. These are not noted on the site plan. The Fire Marshal also indicates that a water line must be installed in order to provide fire hydrants for the structure and that the area in front of the Church must be designated fire lane and no parking. The Board of Commissioners has placed a moratorium on group development projects. However, staff feels that the applicants may asked to be exempt from this moratorium because of the church project and it is not intended for the moratorium to create hardship on any public community project.

Ms. Tillett stated that currently all State permits have been secured and the septic field has been installed and approved for the 6399 square foot sanctuary. She submitted a draft Conditional Use permit for the Board's review and consideration. She asked that prior to moving forward, that the applicants comply with the following:

1. Submission of a detailed site plan with parking information included.
2. Submission of an as built survey depicting what is currently on the site as well as any future development.
3. The applicants comply with the comments as rendered by the Fire Marshal.

Dave Kilmer, church representative present. He stated that he was unaware of the need for some of the information that Ms. Tillett identified. He stated Our Lady of the Seas is willing to comply with all requirements. He stated that Bob Stewart is the engineer for this project and will be informed as to what is necessary on the site plan.

A motion was made by John Myers, seconded by Joe Thompson to table the review Our Lady of the Seas Catholic Church site plan to allow the applicants additional time to submit a revised site plan prepared by an engineer depicting the size and location of all buildings, structures, area of buildings, waterlines, fire hydrants, parking areas, drive aisles and buffered areas adjacent to residential properties.

Vote: Ayes – unanimous

COLLINS RETREAT SUBDIVISION – SKYCO – PRELIMINARY PLAT

Donna Creef told the Board this is a preliminary plat for a proposed 5-lot subdivision at the end of Toler Road, SR 1188 on Roanoke Island. The site is zoned R-1 and the lots are proposed to be subdivided out of a larger piece of property that the Collins family owns. All of the lots contain a more than the minimum of 20,000 square feet and will be served by individual onsite septic systems and private wells.

Staff visited the site on December 2, 2002 and found that there has been a lot of fill material placed on the site. She suggested that the Board discuss the drainage of the site with the developer.

Mrs. Creef noted that the plat depicts an extension of SR 1188 that will be constructed for access to these lots. A copy of the plat was sent to NCDOT for comments. She stated she has not heard from NCDOT yet. Mrs. Creef stated she is unsure how maintenance of the extension will be handled since Toler Road is currently on the State's Secondary Road System.

She also noted, prior to submission to the Dare County Board of Commissioners the following items that will need to be addressed:

1. Revised plat depicting a dumpster site.
2. Correction of Note 8 indicating that the rear is 25 feet.

3. Lots 1 & 2 should be revised to include the actual square footage of the lots and not the reference to the 1.1 acres.

As suggested by the Fire Marshal, the cul-de-sac radius measurement.

Mr. Mearl Meekins, surveyor for the developers was present. Also present were representatives of the Collins Family, Mr. & Mrs. Osborne Hester, as well as Mr. Johnnie Robbins.

Mr. Meekins stated that the five lots are entirely within the subject's property. He stated that it doesn't border any other properties and is an island to itself within the bounds of the property. He stated that the State of North Carolina has established a drainage structure about 300 feet from the road down the property line, the wetland line here and it is a culvert with a stone silk revetment there. He stated they have used that to drain this whole tract of land where you see the wetland lines on the plat. All of that has been filled and they put an outlet drain there and that is what we plan to use to drain this subdivision and our road. It will all go down from the road, down the wetland line, where we already have a swale to that silk containment basin. It doesn't show on here but it is right under the seal. It is off the site of the actual subdivision but within the bounds of the property. All of this land surrounding us here that has been filled is higher than the surrounding property. So none of the drainage from all of these 15 acres of clearing here goes over onto other lands. It has been swaled all the way around it. They have put several drainage basins, silk retention basins within the bounds of these 15 acres of clearing. Mr. Meekins that that the plan is to use the same drainage system that the State has used for placing this fill for this subdivision.

Mrs. Creef asked if the Collins family is going to maintain the drainage system?

Mr. Meekins stated that the drainage system would be maintained.

Mr. Johnnie Robbins told the Board that the State has a drainage plan for this 44-acre tract. It has approximately 20 acres of upland area. He stated that there are some questionable areas that may be upland and presently not classified as uplands. It is all part of what was originally 155 acres of property owned by the Collins Family. 70+/- acres of it is owned by Dare County and the courthouse rest upon it, and approximately 8 to 10 acres of it is owned by the State of North Carolina and the visitor center rests upon it, and there is a road that slices through the middle of it, and for 5 years it has been one hassle after another for my clients. Now, there are those that don't want any development on this property and that message has been received loud and clear. But they deserve to be compensated for their property, but they also have an emotional attachment to their property.

Board discussed drainage system at length as well as the remnant land surrounding the proposed subdivision.

Joe Thompson, seconded by Mary Aldridge, made a motion to table this proposed division pending the submission the following items:

1. A survey of boundary map depicting the proposed subdivision in reference to the entire 44-acre property.
2. A revised site plan that depicts a dumpster site, the specific square footage of lots 1 and 2, the cul-de-sac radius measurement, and a correction to the setback information in Note 8. The revised plat should also depict the ability to locate an access road adjacent to the cemetery.
3. Information from NCDOT regarding the extension of Toler Road.
4. Letter from DEHNR regarding the drainage system located on the site.
5. Wetland delineation from the Army Corps of Engineers.
6. Access being shown to the remaining property.

Vote: Ayes – Unanimous

OTHER BUSINESS

Discussion of Land Use Plan/Land Classification Map

Donna Creef told the Planning Board that the Board of Commissioners had a Town Hall meeting last Monday night in Wanchese. She stated the meeting was specifically in reference to concerns of the Friends of Roanoke Island regarding the 2002 Draft Land Use Plan specific to the Land Classification map that accompanies the draft plan. There were approximately 75-100 people present.

Mrs. Creef stated that after extensive public comment, the Board of Commissioners had a discussion and they were specifically requested by the Friends of Roanoke Island (FRI) to change the land classification map for the Draft version of the 2002 update to a map that they had included that reverts back to having more conservation classification. They (FRI) also requested that 1994 Land Use Plan that is in effect now be amended to use that same land classification map. They (FRI) submitted some narrative text that goes with the Land Classification map. They (FRI) asked that the Board act immediately on the 1994 plan while work continues on the 2002 plan.

Mrs. Creef stated that the Board of Commissioners voted on the requests and instructed staff to schedule a public hearing on the 1994 amendment. That hearing has been scheduled for January 6, 2003 at 7 PM. Mrs. Creef stated that the amendment process requires that you have advertise for 30 days. She stated that the advertisement has been posted at the courthouse; and have also been sent to the newspaper.

Mrs. Creef also told the Board that a copy of the comments from Mr. Thayer, John Thayer, Regional Planner for the Division of Coastal Management was attached to her memo. When you update your land use plan you submit it to the State for review and Mr. Thayer is the responsible party there in Elizabeth City who handles that review process through the 21 state agency review, and he has submitted comments from us back in November and I have included a copy of those comment with the memo. She stated that she and Ray have been going through them and going through the plan and addressing his comments and hope to have a response to his

comments and try to schedule a workshop with the planning Board to discuss those comments probably at the end of January or the first part of February.

Hatteras Village Zoning Request

Donna Creef told the Board that this item of business was added to the agenda at the request of Commissioner John Hooper after the agenda had been set. The Hatteras Village Civic Association zoning sub-committee has submitted their request to the Board of Commissioners for whatever reason; I guess they felt that was the appropriate action to get things moving. In the interest of time instead of going to them just to have it referred to the Planning Board we just skipped that step and put it on the Planning Board's agenda.

Mrs. Creef provided the Board with a package of amendments to the Zoning Ordinance that has been endorsed by the Hatteras Village Civic Association. The package requests specific amendments that can be categorized as follows:

1. Exempt Hatteras Village from the Height Overlay District that applies to the majority of Hatteras Island. When the Avon zoning map was developed there was a concern about the building height so to get the Avon map adopted, the Dare County Board of Commissioners established a height overlay district that has been in effect on Hatteras Island for some time now. There seems to be a consensus among Hatteras residents that the maximum height of 52 feet allowed in the overlay district is not appropriate for the "village proper" area. They have come up with a request to amend the building height or lower the building height with an overlay zone of 500 feet along the oceanfront that does allow the higher building height for the immediate oceanfront to take advantage of the view corridors and of the dunes there with construction in the Village being restricted to a lower building height. They have tied the definition or the calculation of building height to mean sea level.
2. Establish three new districts: the R-2H that is similar to the existing R2, the R2-AH that is similar to the R2-A district and the C-2H that is similar to the existing C-2. No changes in the scope of permitted or conditional uses are proposed. The variations would limit multi-family density to 4 units per acre, remove the requirement from multifamily developments to be served by central wastewater treatment facilities and establish different building heights for each district. The proposed amendments indicate that low-income year round residential housing may have a density of 10 units per acre. Staff is uncertain of the legal aspects of this language and will consult with the County Attorney.

A copy of the draft language was included in the Board's packet.

A motion was made by Joe Thompson, seconded by John Myers to schedule a public hearing to be held possibly at the Civic Center for January 13, 2002.

Vote: Ayes – Unanimous

DRAFT SIGN STANDARDS

Donna Creef presented staff comments. She told the Board that a hearing is scheduled for January 6, 2003. She stated that there are new standards for what we call off premise directional signs that are geared toward businesses and non-profit organizations that have a need for signage on NC12 even though there business isn't located on NC 12 that was one of the issues that came up during this past year while we have been studying this issue.

She stated that a specific prohibition on sandwich board and portable signs has been included in exchange for that we are bumping up the freestanding sign requirements so that you can have an additional 10 square feet of message board area so that people will have their specials on the message board area and not rely on their sandwich board signs. It includes an amortization schedule and some other things that are not in our existing standards. As far as their being a drastic change in the amount of signage it is just not there.

A motion to recommend approval of the draft standards for signs to the Dare County Board of Commissioners was made by John Britt, seconded by John Myers.

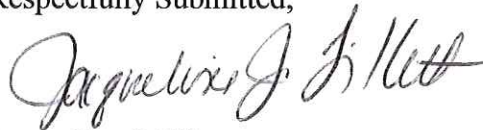
Vote: Ayes – Unanimous

ADJOURNMENT

There being no other business before the Board, a motion to adjourn was made by John Myers, seconded by Mary Aldridge.

Vote: Ayes - Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: January 13, 2003



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