

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly schedule meeting on Monday, January 13, 2003. This meeting was held at the Hatteras Island Civic Association Building in Hatteras.

CALL TO ORDER 7:00 PM

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

MEMBERS ABSENT Mary Aldridge

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the December 9, 2002 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

PUBLIC HEARING

Kenrick Albaugh – Avon- Zoning Amendment Petition

Senior Planner Donna Creef presented staff comments. She stated Mr. Albaugh appeared before the Planning Board last month to request an amendment to the Avon zoning map and a text amendment to the C-2 district table of permitted uses.

Mrs. Creef stated that Mr. Albaugh has an offer to purchase on a piece of property in Avon that is currently zoned R2-A. Mr. Albaugh plans to build a large sailboat and asked if he could do this in the R2-A district.

Mrs. Creef stated that the original request was to authorize the proposal as a resident business. Staff felt it was above and beyond the scope of the R2-A and what was intended as a resident business. Staff felt that the proposed use would probably be better suited in the C-2 District which would require a zoning map amendment to extend the C-2 boundary because the property is adjacent to the C-2 in Avon. In addition, a text amendment to the C-2 would be required since the C-2 text currently doesn't allow boat-building facilities.

Staff did not receive any comments on the zoning amendment petition from the public.

Mr. Albaugh was present to represent this request. He told the Board that he plans to clean up the property in question as he did with the old Avon Hotel site. He stated that he feels his proposal will act as a buffer between the residential areas and the water tower and substation adjacent to the property.

Mr. Albaugh provided a brief history of boat building in the village of Avon. He stated he has spoken with a lot of residents of Avon, particularly the older people, and they have indicated that his proposal is a great thing to bring back to the village. He stated that he hopes that the Board will recommend authorization of this request. If it isn't the pleasure of the Board to recommend authorization of this request, he would like to have this item tabled.

Public comments were rendered from the following:

1. Robin Ames, resident of 40105 McMullen Road. Ms. Ames expressed concern about commercial zoning on the corner of McMullen Road and the liability of the residential aspects of the community. She also expressed concern about expanding the commercial zoning beyond where it currently is.
2. Amanda Haage who lives right next door to the lot that Mr. Albaugh is seeking also expressed concern about commercial zoning right next door to her. She also stated she has a contract to purchase on the property in question

Board members Midgett, Thompson, Parrott, Myers, and Britt concurred that boat building should be permitted in the C-2, but also expressed apprehension regarding changing the zoning to C-2.

Chairman Midgett stated that he agrees that boat building, with conditions, should be placed in the C-2 zone. However, Mr. Midgett indicated that he does have a problem with expanding the C-2 zone around the corner. He suggested that this item be tabled to give the Board and staff some time to possibly work out some language.

Joe Thompson stated that he doesn't see why boat building shouldn't be included in the C-2. He further stated that changing the zoning is a different subject because that would allow for any of the uses permitted in the C-2 district.

Marcia Parrott also agreed that it must have been an oversight to have not included boat building in the C-2.

John Myers expressed concern regarding changing the zoning to C-2.

Jon Britt agreed that the C-2 district should include boat building. He stated that in looking over the uses for R-2A, it might be feasible to include boat building as a conditional use in that district.

A motion to table this item until the next meeting was made by John Myers, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

Hatteras Village Civic Association Zoning Amendment Package – Public Hearing

Planning Director Ray Sturza told the Planning Board that the subject of this hearing is a set of zoning amendments submitted by the Hatteras Village Civic Association. He stated that the amendments have been submitted as an update to the Hatteras zoning map that was adopted in 1990.

Mr. Sturza stated that the amendment package proposes changes using the existing regulatory framework with changes to fit the particular desires of the village. The proposed amendment package creates three new districts and an amendment to the height overlay that references the new districts.

The following rendered public comments:

1. Ricki Shephard, President, Hatteras Village Civic Association stated that the Association supports this package and would like to see adopted.
2. Howard Rooney – Resident of Hatteras Village and a member of the Civic Association commented that the zoning currently on the books today does not really represent what is actually going on in Hatteras. He stated that they are a village, they want to save the village, and are hoping that the proposed ordinance or some variation thereof will ordinance will help achieve their goal.
3. Ernie Foster, a resident of Hatteras Village commented that in looking at the proposed Land Use Plan one of the areas addressed was the need for the various villages to maintain their historic character. He stated that the proposed land uses are a modest attempt by the village of Hatteras to try to maintain the interior part of the village as a village
4. Dan Burrus a resident of Hatteras pointed out that this may be the last opportunity the Civic Association and the community may have to maintain the architectural integrity of the course of what we are trying to do.
5. Ricki Shepherd speaking as a resident of Hatteras Island pointed out that since she has been involved with zoning from the beginning, she feels that they have come full circle with full circle with what was envisioned in the 80's when zoning was first initiated. She stated in the 80's the village people envisioned that the beachfront would require greater heights than the other parts of the village. She also stated that tying lots to sea level will not be a hindrance to people and in some cases the added height will probably be more

helpful than a hindrance. She thanked the Board for coming to Hatteras for this meeting.

6. Jodie Stowe stated that everyone made very valid points and thinks that the residents of Hatteras Village would appreciate the efforts of this Planning Board.

The Planning Board concurred this zoning amendment initiative should move forward.

A motion to recommend approval of the Hatteras Village Civic Association Zoning amendment package was made by Jim Kinghorn, seconded by Joe Thompson.

Vote: Ayes – Unanimous

OUR LADY OF THE SEAS

On behalf of Zoning Administrator Lorraine Tillett, Ray Sturza presented staff comments. Mr. Sturza told the Board that this item was on the agenda last month. He stated there were some items need for the file, the need for a more articulated site plan and all of the information that was omitted last month has been submitted and has been included in the Board's packet for review. Staff recommends that the Board vote to recommend the conditional use permit for the addition to Our Lady of the Seas Catholic Church.

He also stated that this item was initiated actually more than a decade ago and is not subject to the on-going moratorium concerning group developments. The county attorney has stated that it is vested by the vested interest ordinance.

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

Vote: Ayes – Unanimous

Dave Kelmer thanked the Board and staff on behalf of the church community.

Collins Retreat Subdivision – Skyco – Preliminary Plat Review

Senior Planner Donna Creef presented staff comments. She told the Board that the preliminary plat for this proposed division was tabled last month after an extensive discussion. She stated there were five items of additional information and clarification that we needed as follows:

1. A survey or boundary map depicting the proposed division in reference to the entire 44-acre property.
2. A revised plat that depicting a dumpster site, the specific square footage of lots 1 and 2, the cul-de-sac radius measurements, 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. Submission of a wetland verification map from the Corps of Engineers.
4. Submission of information from the NC Department of Environment and Natural Resources concerning the drainage improvements on the site.
5. Submission of comments from the NCDOT concerning the extension of Toler Road.

Mrs. Creef stated that all of the above items have been addressed satisfactorily. She also informed the Board of a letter submitted by Mrs. Joanne Baum Clift expressing concern about the drainage on the property.

Staff recommended preliminary plat approval.

Present to represent this division was Mr. Mearl Meekins of Meekins and Associates, Inc., Johnnie Robbins, Mr. & Mrs. Osborne Hester and Radcliff Hester.

After a brief discussion, John Myers, seconded by Jon Britt made a motion to recommend preliminary plat approval to the Collins Retreat Subdivision subject to language being included on the final plat and in the restrictive covenants stating that the developers/property owners are responsible for maintenance of the drainage improvements on the subdivision site.

Vote: Ayes – Unanimous

Otter Point – Extension Request

Eddie Goodrich present. Mr. Goodrich he is requesting an extension for a conditional use permit, which was granted in March of 1993. Mr. Goodrich stated he would like an additional five years although he doesn't anticipate in taking that long, but he doesn't want to have to come back in front of the Board to request another extension.

Staff suggested the Board grant the Otter Point CUP an additional 3 or 5 years.

After discussing this extension request, a motion was made by John Myers, seconded by Marcia Parrott to grant an extension of 4 years to the Otter Point CUP.

Vote: Ayes – Unanimous

Colingwood Subdivision, Phase 2 & 3 – Revised Preliminary Plat

Senior Planner Donna Creef presented staff comments. She told the Board that in September 2002 the new developers of the Colingwood Subdivision requested an extension of the preliminary plat approval. During the closing on the sale of the property, the purchasers were informed that all of the property approved in Phase 2 and 3 of Colingwood did not belong to the original developer, Mr. Trenton Crow.

Mrs. Creef stated that as a result of this situation, the boundaries of phases 2 and 3 have changed resulting in the need for a revised preliminary plat. The number of lots has not changed but

some of the lot sizes have been reduced. The changes affect lots 25 – 31 as depicted on the revised preliminary plat.

Staff recommended that the revised plat get a favorable approval subject to the same condition of approval attached to the original plat as follows:

1. The developer shall install a left-turn lane into the division off SR 1217, Colington Road. This project shall be coordinated with the NC Department of Transportation and installed prior to the submission of the final plat.

Present to represent this plat were Eddie Valdivieso of Quible & Associates, and Crouse Gray, Attorney representing the developer.

Joe Thompson, seconded by Jon Britt made a motion to recommend approval of the revised preliminary plat subject to the condition as identified by staff.

Vote: Ayes – Unanimous

NEW BUSINESS

South Beach – Salvo – Preliminary Plat

Senior Planner Donna Creef told the Board that a preliminary plat for the Oceanside portion of the division was reviewed and recommended for approval in 2002. The numbering sequence of this phase continues from phase 1, which included 38 lots. The proposed division includes 5 lots and are zoned S-1. The proposed lots will be served by central water from Dare County and individual onsite septic systems will be utilized.

Mrs. Creef stated pointed out that there are wetland areas on the rear of the tract and a wetland verification plat will need to be submitted prior to submission to the Dare County Board of Commissioners for their review.

Mrs. Creef stated that the developers are proposing to install a 45' wide public right-of-way with 20' of paving. Roadside swales and drainage easements will be included.

Mrs. Creef stated that plat failed to depict the following items:

1. A note stating that no structural improvements, including pools shall be located in the 20' side yard setback area on lots 39 and 43.
2. The plat did not depict a dumpster site.
3. The plat does not include the CAMA AEC notification.

Staff recommended approval subject to the items identified being included on a revised plat.

Mr. Eddie Goodrich, the developer, was present. He told the Board that they meet every requirement that the planning staff has requested.

Jim Kinghorn, seconded by John Myers made a motion to recommend approval subject to conditions identified and to be verified by staff.

Vote: Ayes – Unanimous

Croatan Wood Subdivision – Roanoke Island – Preliminary Plat

Ray Meekins of Seaboard Surveying and Planning was present to represent this preliminary plat. Also present were Mr. & Mrs. Wallace Harvey and Hackney High, Attorney representing the Harvey's.

Senior Planner Donna Creef told the Board that this is a preliminary plat for a proposed 44-lot subdivision located at the north end of Roanoke Island. She stated that the tract consists of 46 acres and is bordered by property owned by the United States of America Department of the Interior. The site is zoned C-PR (Conservation/Public Recreation) which permits singly family homes. The area is not served by central water; they will be using individual private wells so they are bound to the 20,000 square foot lot size.

Mrs. Creef stated that access to the proposed division would be from internal, publicly dedicated subdivision roads. She noted that access to lots 39 – 44 should be restricted with a note on the plat and in the covenants to Chicora Court and not US 64. The plat depicts a 50' Roanoke Voyages Corridor land clearing and tree removal. This area is subject to approval by the Roanoke Voyages Corridor. Mrs. Creef suggested that a note to this effect be included on the plat and also in the covenants so that any perspective homeowner/property owner in the subdivision knows that they will be restricted to those regulations by the Roanoke Corridor Commission. Mrs. Creef stated that a plat was forwarded to the North Carolina Department of Transportation, but no response from that agency has been received.

Mrs. Creef noted that there is some "common areas" depicted on the plat and assumed the areas are intended for buffer zones along portions of the publicly owned property. She suggested the developer consider the use of conservation easements for this purpose instead of designated common areas. The plat does not depict any common area along the rear of lots 10 – 19, although that borders federal property and from my conversations with Mr. Meekins of Seaboard Surveying he indicates that the one common area shown beside the United States of America is an old logging road. They felt that it would be better suited as a common area. I haven't received any feedback on how they feel about the conservation easement.

The surveyor is preparing a storm water management plan and sedimentation plan since both of these will be required for state review. Mr. Meekins will provide additional information on that.

Policy 2.2.8 of the 1994 Dare County Land Use Plan speaks to the protection of structures, lands and artifacts that have been identified as archaeologically or historically significant. The reason

staff brings this up is because when we did the subdivision on the other side of Hwy. 64, Heritage Point, it was a great deal of discussion at that time about the significance of the land and if there were any artifacts out there. That is why that policy is in the Land Use plan.

Mrs. Creef stated that a copy of the wetland verification map would need to be submitted prior to submission to the Dare County Board of Commissioners. She pointed out that the plat notes some small wetland areas will be filled under the nationwide permit program.

The rear yard setback noted as 20' should be corrected to indicate a 25' rear yard setback.

Mrs. Creef stated that the site is heavily wooded in most areas and although there is no land clearing restrictions in our Subdivision Ordinance and/or Zoning Ordinance, the developer may want to consider some language in the restrictive covenants that limits land clearing and tree removal to those areas necessary for home-sites, septic areas, and driveways.

The items detailed above should serve as a starting point for the Board's detailed discussion. The site has been the focus of much attention over the past several years particularly when we did the rezoning of the site to C-PR. The proposed division meets the technical requirements of the Subdivision and Zoning Ordinances, and pending the satisfactory resolution of the issues identified by staff the division should be able to move forward if not tonight at least at some point in the future.

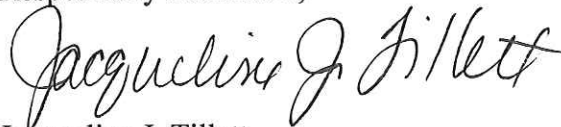
Mr. Wallace Harvey presented a brief video of the site.

After extensive discussion the Board concurred to consider this review a sketch plan and the plan is suitable for further consideration.

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

This meeting closed at approximately 10 PM.

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: February 10, 2003



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