

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 14, 2003. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street in Manteo, North Carolina.

CALL TO ORDER

MEMBERS PRESENT

Elmer R. Midgett, Jr. – Chairman
Marcia Parrott
Jim Kinghorn

John Myers, III
Joe Thompson

MEMBERS ABSENT

John Finelli

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the March 10, 2003 Planning Board meeting, a motion to dispense with the reading of them and to approve them as submitted was made by Joe Thompson, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

OLD BUSINESS

Bernice Ballance Travel Trailer Park – Buxton – Revised Preliminary

Donna Creef presented staff comments. She told the Board that Board reviewed a site plan for a proposed travel trailer park in Buxton proposed for development by Mr. Bernice Ballance last month. During that review it was noted that some of the sites were within the 30' CAMA buffer area. The developer was advised to revise the site plan to remove the sites from the CAMA buffer area. The Board concurred to consider sites 1-8 Phase 1 of the Bernice Ballance Travel Trailer Park with the understanding that the developer will come back with a revised site plan showing phase two.

Mrs. Creef stated that the revised site plan submitted does depict a redesign layout with twelve sites and a bathhouse. She noted the required 5' vegetated buffer around the site is also depicted.

The Board discussed the relocation of the dumpster site to make it accessible to the sanitation department, and the prohibition of year round occupancy. A copy of the lease agreement was provided and is on file.

After brief discussion, a motion to grant final plat approval to The Estates at Hatteras Island Resort, Phase 1 (lots 1- 9) was made by Joe Thompson, seconded by Jim Kinghorn subject to the verification of the completion of the road improvements, installation of the necessary road signs, the dumpster site being depicted on the final plat and the submission of satisfactory test result on the road improvements.

Vote: Ayes – Unanimous

NEW BUSINESS

North Hatteras by the Sea (Todd Baker) – Hatteras – Preliminary

Donna Creef told the Board that this division was submitted earlier this year as the Malloy-Davis Division. The plat was removed from the agenda at the request of the developer and was never discussed by the Board.

Mrs. Creef stated that the wetland verification plat has been submitted, and noted that there is a disputed area along the estuarine shoreline.

Mr. Chris Seawell, Attorney, representing the developer was present.

Mr. Seawell addressed the following issues:

1. Common area depicted on the plat – Mr. Seawell stated that the original Hatteras by the Sea Subdivision, which was developed by the Phipps, is a little sliver of land between this development and the next property. He stated that the developer proposes to annex this division into the Hatteras by the Sea subdivision. He stated that there are provisions in the Hatteras by the Sea covenants for adding additional property. He further stated that the Homeowners have already voted to allow the annexation, and access will be along the common area depicted. This is a four-lot division and along the entire frontage of the four lots, there will be access to that road through an easement. The same restrictive covenants will be adopted.

Mr. Seawell explained that the original developer, which was a partnership, has transferred all its rights as developer to the association. He stated that the association maintains all of the common area currently and they control the entire subdivision.

2. Disputed area – Mr. Seawell noted that this area is a wetland area. There is nothing that can be done in that area, the subdivision has been platted as if that is just left out of the subdivision. He stated that perhaps the disputed area could be added as part of the lot on the right as you face the road as sort of a non-warranty area just to get the title out of limbo and maybe convey that by non-warranty, but the usable part of the lot is not involved in that area anyway just to kind of clear the title.

A motion to grant preliminary plat approval for Phase II, of the Bernice Ballance Travel Trailer Park subject to the following conditions was made by Marcia Parrott, seconded by John Myers.

1. The dumpster site being relocated closer to the road.
2. Indication on where the vegetated buffer will stop.
3. Verification and approval of the improvements to be made by staff.

Vote: Ayes – Unanimous

Buxton Pointe Subdivision – Buxton – Final

Eddie Valdivieso of Quible & Associates was present to represent this plat.

Donna Creef told the Board that this is the final plat review for Buxton Pointe Subdivision, which is located off Old Lighthouse Road in Buxton. The Dare County Board of Commissioners granted preliminary plat approval in October 2002. Staff visited the site on March 31, 2003 and found that the road improvements were not complete, and the swales needed to be stabilized. The sub-base for the road and waterline improvements was complete.

Mr. Valdivieso told the Board that the paving is complete as of today and the test results are expected on Wednesday.

Mrs. Creef stated that staff needs to verify that the paving is complete and the test results need to be submitted. She also stated that a street name sign and a STOP sign needs to be installed.

A motion to grant final plat approval to the Buxton Pointe Subdivision subject staff verification of the completion of the road improvements, installation of the necessary road signs, and the submission of satisfactory test results on the road improvements, was made by John Myers, seconded by Jim Kinghorn.

Ayes – Unanimous

The Estates at Hatteras Island Resort – (formerly known as Hatteras Island Resort, Phase 1 (Lots 1 – 9) – Hatteras – Final

Donna Creef told the Board that this is the final plat for Phase 1 of Hatteras Island Estates. She reminded the Board that this division was originally submitted as one large subdivision and then the developer came in with the phasing for lots 1 – 9 due to a change in a CAMA ruling that is requiring a major permit.

Mrs. Creef stated that the paving improvements have not yet been installed and it is at the discretion of the Board to grant final plat approval subject to staff verification of the improvements to be installed. She stated the paving should be installed next week provided the weather is suitable.

After lengthy discussion about the easement proposed across the common area in question a motion to table this item was made by John Myers, seconded by Marcia Parrott to allow staff time to consult with the County Attorney about the disputed area depicted on the plat. Board request comments from the County Attorney regarding the disputed area depicted on the plat.

Vote: Ayes – Unanimous

OTHER BUSINESS

Joe Thompson informed the Board about a call he received from a concerned citizen regarding the weather and storm water being diverted in subdivisions.

The Board briefly discussed drainage issues in Dare County.

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: May 12, 2003



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