

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

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

**CALL TO ORDER**                      6:30 PM

<b>MEMBERS PRESENT</b>	Elmer R. Midgett, Jr. – Chairman	Marcia Parrott
	Joe Thompson	John Finelli
	Richard Scarborough, Jr.	Jim Kinghorn

**MEMBERS ABSENT**                  John Myers, III

**APPROVAL OF MINUTES** – June 9, 2003 meeting

There being no additions or deletions to be made to the minutes of the June 9, 2003 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by Jim Kinghorn, seconded by Joe Thompson

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Island Mobile Home Park, Phase II – Colington – Final***

Mr. & Mrs. Bridges, owners/developers, were present for the final review of this mobile home park.

Senior Planner Donna Creef presented staff comments. She told the Board that this is the second phase of Island Mobile Home Park that is located in Colington. Phase II consists of 15 mobile home sites and is zoned R-2B.

Mrs. Creef stated that the road was paved as part of the phase II. Maintenance of the road will be the responsibility of the mobile home park owners. She stated that staff visited the site on June 27, 2003 and found that the existing vegetation has been maintained to create a buffer along the rear of the property and site 11 has remained to comply with the buffering conditions.

Mrs. Creef recommended final approval of Phase II of Island Mobile Home Park.

A motion to grant final approval to Phase II of Island Mobile Home Park was made by Joe Thompson, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

***Hatteras by the Sea North – Hatteras – Final***

Present to represent this plat was attorney Mike Casey.

Senior Planner Donna Creef presented staff comments. She told the Board this proposed division located in Hatteras consists of four lots. The division was granted preliminary plat approval by the Dare County Board of Commissioners on June 16, 2003. All of the lots will be accessed from Old Lighthouse Road and no new waterline improvements are needed. Mrs. Creef noted that the easement from the Hatteras by the Sea Homeowners Association to this property will be recorded as previously discussed.

Mrs. Creef recommended final plat approval.

Jim Kinghorn, seconded by Joe Thompson made a motion to grant final plat approval to the Hatteras by the Sea North division subject to the recordation of the easement along Old Lighthouse Road and verified by staff. Once the easement is recorded, the mylar and covenants for this division may be submitted for recordation.

Vote: Ayes – Unanimous

***Kinnakeet Shores, Phase 18 & 22 – Avon – Final Plat***

Mr. David Ryan of Bissell Professional Group was present to represent this division. Mr. Ryan provided a demographic of the Phases of the Kinnakeet Shores division.

Chairman Midgett provided a brief background of the Kinnakeet Shores Subdivision project.

Senior Planner Donna Creef presented staff comments. She told the Board that there were numerous phases of Kinnakeet Shores Soundside that were granted preliminary approval by Dare County in the late 80's. Some of phases have been finalized and are being developed, and some are in the last stages of completion. She stated that the entire soundside area was approved with a phasing map and phasing agreement. The Phasing agreement established a staggered set of proposed completion date to replace the standard 12 month approval period described in the Dare County Subdivision Ordinance.

Mrs. Creef stated that Phase 18 of this division consists of 20 lots and is the latest phase to be submitted for final approval. She stated that she visited the site on July 7, 2003 and found that all of the road improvements in Phase 18 are complete.

Board member Joe Thompson commented that the building lines should be denoted on the final plat for recordation and he has no problem approving this division subject to the building lines being shown on the final plat.

Joe Thompson, seconded by Jim Kinghorn made a motion to grant final plat approval to Phase 18 of the Kinnakeet Shores Subdivision subject to the building lines being depicted on the final plat and verified by staff.

Vote: Ayes – Unanimous

Mrs. Creef told the Board that phase 22 was approved as a group development under the guidelines of Section 22-31 of the Zoning Ordinance. Forty single-family units will be constructed in this phase. She noted that the final plat for Phase 22 depicts the location of each unit with a metes and bounds description and includes a square footage calculation. Mrs. Creef noted that staff is uncomfortable with the inclusion of individual square footage calculations being depicted. She explained that it would appear to someone unfamiliar with the group development concept that small lots are being conveyed. She suggested the use of dash lines and the deletion of the specific square footage calculations.

Mrs. Creef commented on the signs in the development for “Kinnakeet Woods”. She stated that staff would be opposed to any change in name of the development since all of the files recognize the division as Kinnakeet Shores.

Joe Thompson, seconded by John Finelli made a motion to grant final plat approval to Kinnakeet Shores Subdivision, Phase 22 subject to the following:

1. The COBRA zone be shown and a note stating that flood insurance may not be available are added to the plat.
2. A master plan showing the proposed structural improvements and the deletion of the individual square footage calculations.

Vote: Ayes – Unanimous

***Scott C. & Anna A. Hise – Salvo – Preliminary Plat***

Attorney Mike Case was present to represent Mr. & Mr. Hise who was also present along with Mr. Gary Price of Rankin Surveying and Planning.

Board members expressed an unwillingness to approve the division as proposed.

On behalf of his clients, Mr. Casey withdrew this preliminary plat.

**NEW BUSINESS**

***David R. Dixon – Avon - Rezoning Request***

Mr. Mike Casey, Attorney was present to represent this request.

Senior Planner Donna Creef presented staff comments. She told the Board that David Dixon on behalf of Dixon, Dixon, and Casey PLLC is requesting the rezoning of their property in Avon, North Carolina. The existing structure on the site serves as their law offices located at the corner of NC 12 and Askins Creek Drive. She stated that the rezoning request involves two adjoining parcels with two adjustments being made to the map. The first amendment would rezone one parcel currently zoned C-2 to VC (Village Commercial). The second amendment would rezone the adjoining lot from R-1 to VC if adopted.

Mrs. Creef stated that the scope of uses offered by the VC district is less intensive than that of the C-2. She pointed out that there are no other areas in Avon zoned VC.

Mrs. Creef noted that the Planning Board has the option of conducting a Public Hearing on the request before making a recommendation to the Dare County Board of Commissioners. To maintain consistency, Mrs. Creef recommended a public hearing be scheduled for the August Planning Board meeting.

Joe Thompson, seconded by Ricky Scarborough made a motion to conduct a Public Hearing on the rezoning request as submitted by Mr. David Dixon.

Vote: Ayes - Unanimous

***R. Stewart Couch – Avon – Rezoning Request***

Mr. Stewart Couch was present to represent this rezoning request.

Senior Planner Donna Creef presented staff comments. She told the Board that Stewart Couch and Nino Palazzolo own adjoining properties in Avon, North Carolina and have submitted a rezoning request for their property. She stated that the applicants are requesting that property zoned R-1 owned by Mr. Couch be reclassified to C-2 and property owned by Mr. Palazzolo zoned R-2A be reclassified C-2. A detailed packet was submitted for the Board's review and is on file in the Dare County Planning Department. Mrs. Creef stated that Mr. Couch has contacted the adjoining property owners, the Kinnakeet Shores Homeowners Association and the Avon Property Owners; letters from these organizations supporting this request were included in the Board's packet and are on file.

A motion to schedule a Public Hearing for the August 11, 2003 Planning Board meeting to receive comments on this rezoning request was made by Marcia Parrott, seconded by Jim Kinghorn.

Vote: Ayes – Unanimous

***Cutty Sark Subdivision – Avon – Preliminary Plat***

Eddie Valdivieso of Quible and Associates was present to represent this plat. Gary Price of Rankin Surveying was also present

Senior Planner Donna Creef presented staff comments. She told the Board that this proposed 18-lot subdivision is located in Avon on a site zoned C-2. She stated the developers would like to construct single-family residential structures on the proposed lots. The tax records list the property as separate parcels with the second parcel following the configuration of the dark line on the plat around the road improvements and the northern side of lot 18 and there has also been a plat place at the Board's seats tonight that has been drawn up in response to staff comments dated June 30, 2003.

Mrs. Creef stated that staff assumes that all of the lots will be connected to the Dare County central water supply even though some of the lots are platted in excess of 20,000 square feet. Connection to the water system should be a condition of approval and language should be added to the plat and included in the covenants stating that the use of private wells be specifically precluded.

Access to the property is from NC 12 across a lot that was recorded and platted as part of Hatteras Colony Subdivision in 1966. Mr. Casey has submitted a copy of the covenants this evening that shows that there is no prohibition in the covenants that would preclude the use of the road accessing the subdivision. Mrs. Creef noted that no road name is indicated on that plat and that if this division proceeds forward a road name will need to be established.

Mrs. Creef pointed out that the plat depicts a borrow site and a note that this area will be filled. She expressed concern about this activity and the suitability of the lots once the borrow area is filled. Health Department evaluations have been done and those evaluations are very general. He stated that Mr. Crawford of the Dare County Health Department informed her that septic systems cannot be placed in the borrow pit site even after it has been filled. She also stated that the County Engineer has expressed concern about this and indicated that additional engineering information about this work is needed concerning the displacement/dewatering of the pit, depth of the pit, type of materials that will be used to fill the pit, and compaction tests after the fill work is completed.

Mrs. Creef suggested that revisions be made to the preliminary plat to indicate the total square footage of each lot excluding the borrow pit area and that the proposed improvements be pre-platted on each of the borrow pit lots.

She stated that lots 9 and 12 depict a 50' front yard setback. An explanation of this setback is requested, and if it is an effort to comply with the lot width standard of 75', then a note should be added to the plat and language included in the covenants that preclude a reduction in this front yard setback.

Staff is unsure of the amount of land disturbing work that will take place and if State permits for sedimentation and storm water will be necessary. This will need to be established during the Board's discussion with the developer.

After a lengthy discussion of this proposed division, it was agreed that the item would be considered a sketch plan with no formal recommendation rendered by the Planning Board.

***Island Woods Subdivision – Roanoke Island – Preliminary***

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

Senior Planner Donna Creef presented staff comments. She told the Board that Island Woods is a proposed 15-lot division located on Roanoke Island. She pointed out that lots 1 and 2 are not included as part of this development since they have been handled as an exemption and reviewed administratively by the Planning Director. The site is zoned R-2 which permits single-family residential structures and this development will be consistent with the surrounding development. The site is within the service boundaries of the Dare County central water system and will be connected to this system. Staff requests that a note be added to the plat that prohibits the use of private wells except for irrigation purposes on these lots.

Mrs. Creef noted that the plat depicts three means of access for the proposed lots. Lots 3 – 5 front on an existing road, Payne Road. An extension of another existing road, Timberlin Way will be constructed to access lots 6 and 7. A new road and cul-de-sac will be added off The Dogwoods to access lots 8 – 17. The Dogwoods, Timberlin Way, and Payne Road are all state maintained roads. The new road improvements will be 45' wide with 20' of paving improvements. A street name needed for the new road and driveway access applications have been submitted to NCDOT.

The plat does contain wetland areas and these areas have been verified by the Army Corps of Engineers according to the cover letter. A verification map should be submitted to the Planning Department to be kept on file. State permits for storm water and sedimentation will not be necessary since the land disturbing activities fall below the State threshold of one acre. The County Engineer has reviewed the plat and may have comments.

Mrs. Creef requested that the building setback lines be depicted on lots 12 and 13. She also requested that a dumpster site be depicted on the plat.

Mrs. Creef asked Mr. Valdivieso how he proposes to drain the property.

Mr. Valdivieso stated that nothing outside of the traditional roadside swales are going to go in to address drainage. All the lot lines will have utility and drainage easements on the front, rear, and sides.

Joe Thompson, seconded by Marcia Parrott to recommend preliminary plat approval subject to the following, made a motion:

1. A revised plat depicting a dumpster site, minimum lines on lots 12 and 13, street name, and the realignment of the cul-de-sac extension of Timberlin Way to better match the existing right-of-way and road configuration.
2. A valid wetland verification map.
3. A note being added to the plat that limits access to lot 5 from Payne Road.
4. The division shall be connected to the Dare County central water system and a note added to the plat and covenants that prohibits the use of private wells for potable water within the division.

Vote: Ayes - Unanimous

***Marsh View – Frisco – Preliminary Plat***

Eddie Valdivieso of Quible and Associates was present for the review of this plat.

Senior Planner Donna Creef presented staff comments. She told the Board that after receiving staff comments, the developer redesigned the proposed subdivision to address some of the staff concerns. The difference in the two plats is that the second plat shows access easements to address concerns regarding 14 driveway cuts on NC 12. It also depicts the improvements on the lots.

Mrs. Creef stated that this is a proposed 14-lot division in Frisco. It is zoned S-1 but does fall within the SED-1 buffer area and will be subject to the land clearing restrictions of the SED-1 buffer area. The entire tract consists of 48 acres with the majority of the site consisting of wetland areas (approximately 40 acres).

Mrs. Creef stated she received e-mail from T.J. Ketterman of the water department that stated that the water department has reviewed the plans for Marsh View and have no problems with the subdivision as far as the RO production well goes. Mr. Ketterman further stated in the e-mail that there is an 8" water main along Highway 12 that can service this subdivision.

In her staff comments, Mrs. Creef stated as proposed the 14-lot division represents an ambitious design that attempts to maximum the use of what can only be described as marginal soils with scattered high ground areas. The wisdom of this layout is questionable. The Subdivision Ordinance provides that the County can require access roads for divisions; and that is what has been proposed on the second plat submitted for review. A shared driveway on what is lots 1 & 2, 3,4,5,6, 7, 8, & 9 being accessed off another access road and then a second access road for lots 10, 11, 12, 13, & 14.

The engineer for the project has indicated that individual lot evaluations have been requested from the Health Department. The plat fails to included a dumpster site, the AEC notification and a vicinity map.

Mrs. Creef stated that it would be helpful for the plat to depict the proposed improvements for each lot and establish a land disturbing/clearing boundary. She further stated that the property does not appear suitable for development to the degree depicted on the preliminary plat. Although each of the lots include the minimum square footage required in the ordinance, the wisdom of the division is questionable and staff is reluctant to move forward.

Following the Board's discussion, it was agreed that the proposed division would be considered a sketch plan with no formal recommendation rendered by the Planning Board. The Board expressed concern about the proposal and the suitability of the site for development, and concurred that additional information on the wetlands and septic suitability is needed. The Board also indicated that the two access roads should be connected versus the configuration submitted.

### **OTHER BUSINESS**

#### ***Storm Water/Drainage – Discussion***

Senior Planner provided for the Board's review and discussion some alternatives for amending the Subdivision and/or the Zoning Ordinance. She asked that the Board consider these amendments and generate some feedback.

Mrs. Creef stated that the proposed amendments to the Subdivision Ordinance would apply to newly proposed divisions and would establish local regulations for those divisions that involve less than one acre of land disturbance and are therefore exempt from State regulations. Larger divisions involving more than one acre of land disturbance activity must comply with State storm water rules. The first Subdivision Ordinance amendment, if adopted, would require the submission of storm water/drainage plans for all new divisions. Language is also included that addresses the maintenance and repair of the drainage improvements. Culvert standards are also included with the proposed amendments.

Mrs. Creef stated that the amendments to the Zoning Ordinance are intended to apply to new residential construction in subdivisions previously platted. The draft amendments are based on a graduated scale with increasing levels of response from the developer based on the amount of fill used on an individual lot. As part of these amendments staff is proposing to establish an impact fee in conjunction with new construction. The Dare County Board of Commissioners must approve the establishment of such a fee. However, the fees collected could be used by the County to address drainage issues.

Draft standards for retaining walls have also been included in the proposed amendments.

Mrs. Creef informed the Board of comments received from board member John Myers regarding the proposed amendments. In his comments, Mr. Myers states that, "having to have drainage plans certified by a licensed engineer or land surveyor for submission to the County Engineer is too much".



Mrs. Creef stated that she is not looking for any recommendation from the Board tonight. She stated she would like to have the benefit of Mr. Myers being present before this item moves forward. She stated she wanted the item to be on the agenda and to demonstrate that it was discussed and are moving in the right direction.

Chairman Midgett asked the Board members to read the proposed amendments and try to apply it. He also asked that they look at the pictures submitted, ride through the County, look at areas, and come up with their own ideas as to what they think.

**Adjournment**

There being no other business before the Dare County Planning Board, a motion to adjourn was made by Joe Thompson, seconded by John Finelli.

Vote: Ayes – Unanimous

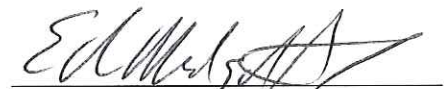
This meeting adjourned at approximately 9:45 p.m.

Respectfully Submitted,



Jacqueline J. Tillett  
Senior Administrative Support Specialist

APPROVED: 11 August 2003

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