

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 13, 2003. This meeting was held in the meeting room of the Dare County Administrative Office Annex located at 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT

Elmer R. Midgett, Jr., Chairman
John Myers, III
John Finelli
Ricky Scarborough, Jr.

Marcia Parrott
Joe Thompson
Jim Kinghorn

APPROVAL OF MINUTES

John Finelli pointed that the vote regarding the Marsh View Subdivision was not unanimous as indicated. He stated the vote was actually 5 to 1. A motion to dispense with reading the minutes of the September 8, 2003 meeting and the correction being made as noted was made by Jim Kinghorn, seconded by Joe Thompson.

Vote: Ayes -- Unanimous

OLD BUSINESS

Marsh View Subdivision – Frisco – Amended Preliminary Plat Review

Senior Planner Donna Creef presented staff comments. She told the Board that the division has been redesigned to reflect the confirmed wetland line, which has resulted in a reduction in the number of lots. Mr. Creef stated that Mr. Willis is proposing that all of the wetland areas be dedicated as a conservation easement and the lots have been calculated to exclude the easement areas based on the concern expressed about the access easement areas.

The Board discussed the access easement areas and the amount of paving improvements necessary.

A motion to recommend preliminary plat approval to the proposed Marsh View Subdivision subject the following was made by Jim Kinghorn, seconded by Ricky Scarborough.

1. Comments being submitted from the Dare County Fire Marshal on the locations of hydrants.
2. The plat being revised to depict property lines intersecting with the NC 12 right of way.
3. The access easements being paved to 20'.
4. The plat being revised to depict the property lines being shown all the way to Hwy. 12.

Vote: Ayes – Unanimous

NEW BUSINESS

Pirates Way – Frisco – Preliminary Plat Review

Senior Planner Donna Creef presented staff comments. She told the Board that access to this proposed division is via an existing 20' easement off of NC 12 that leads to the rear of this tract. The plat was originally submitted as an exemption, but could not be handled as such due to the recordation of an access easement being proposed.

Mrs. Creef stated that the Board will need to discuss additional improvements to this access area, including paving as part or all of the 20' easement area. She stated that it does not appear that that the easement area can be increased in width due to the existing structures located on the adjoining property. However, some level of improvement to the proposed access is needed.

Mrs. Creef also stated that a street name should be identified for the entire length of the easement.

Mrs. Creef noted that the lots meet the minimum lot size requirement and will be served by onsite septic tank/drain field systems and central water provided by Dare County. She pointed out that a note should be included on the plat stating that the lots contain 15000 square feet of contiguous area. She stated that the Board will need to discuss what is an appropriate level of improvements from where it starts at lot 3 and runs back is one issue of it and then what level of improvement is the developers responsibility on the existing easement from NC 12 to where his property starts.

Eddie Valdivieso of Quible and Associates was present to represent this proposed division. Mr. Valdivieso provided an aerial plat to assist in the Board's review.

The Board discussed this proposed division at length and expressed concerns about the width of the existing access easement and the fill activities for the existing basin on lot 1. The Board also indicated that the property owner should pursue acquiring additional area to increase the easement width to 30'. Additional information on the proposed fill activity and its compatibility with surrounding soils on the property once filled was also requested.

Board considered item sketch plan after lengthy discussion; no action was taken.

Alder Branch Subdivision – Roanoke Island – Preliminary Plat

Chief Planner Donna Creef presented staff comments. She told the Board this proposed division consists of 32 lots proposed to be served by private wells and onsite septic tank/drain field systems. The streets are proposed as 50' right-of-ways with 20' of paving improvements. She stated a copy of the plat has been sent to DOT for their comments.

Mrs. Creef noted that the developers will need to get approval for the proposed access point on Highway 64 from the Roanoke Voyages Commission. She also noted that not #10 on the plat indicates that access will be from Hwy. 64 only and not from Holly Ridge Road or the existing easement off Dogwood Trail. She stated that the amount of land disturbing activity will require State permits for storm water and sedimentation and erosion control. Copies of those plans should be submitted to the Planning Department for review by the County Engineer and inclusion in our files. A wetland verification plat is also needed for the Planning Department file.

Mrs. Creef identified the following items for the Board's discussion:

1. Existing drainage of the site and the proposed storm water plan.
2. Vegetation clearing restrictions, and the idea of possibly including a restrictive covenant that would preclude clearing beyond the scope of what is needed for the foot print.
3. Vegetative buffer along sections of Madeline Drive to prevent access from Holly Ridge Road and Dogwood Trail.
4. Some of the lots (1, 2, 4, 6, 9 10, 15, 16 & 22) are somewhat of an irregular shape, and possible problems with setbacks. A redesign of those lots has been suggested.
5. Discussion of the possible alignment of Madeline Drive with Fort Raleigh.
6. A construction entrance off of US 64 and not from the adjacent subdivision will be particularly important for the staging of equipment that will be used during the clearing of the site so that they are not intruding on the existing subdivisions.

Mr. Mearl Meekins, W.M. Meekins, Jr. and Associates was present, addressed comments made by staff as follows:

1. The drainage plan is in the process. Roadside drainage will be provided. Drainage easements along all of the lot lines to swales between the lots to the road will be provided, and then to the Alder Branch which is the little piece of 404 line. He stated that the Alder Branch is a low settle that goes out to the Croatan Sound. - He explained that the only part of 404 that is on the whole site is up in the north- west corner on lots 7 & 8. He stated these wetlands have been delineated and it goes further to the west about 2000 feet and this was the only part of the 404 line that was on the property to be divided and it is simply where it falls off into the Alder Branch.
2. Vegetation clearing restrictions – Mr. Meekins stated that limitations are included as part of the covenants especially boundaries of the site that abut the National Park Service.
3. The entry road Madeline Drive is slightly offset from the entrance to Fort Raleigh. The distance is 190' from the west property line of lot 1 to the exit center line of the road coming out of Fort Raleigh. Mr. Meekins stated that it is too far to be able to match up in anyway and there is nothing that they could do to line it up.

4. The construction entrance off of US 64 and not from adjacent subdivisions is the exact intention of the owners/developers. Holly Ridge Road will have a barricade across there as well as the existing 50' easement.

The Board discussed the sharp curves depicted on the plat meeting NCDOT standards and expressed concern that they are too sharp.

After lengthy discussion the Board concurred to consider item a sketch plan; no action taken.

Bonney Landing, LLC – Hatteras – Preliminary Plat

Eddie Valdivieso of Quible and Associates was present. Mr. Bonney was also present.

Donna Creef presented staff comments. She told the Board this proposed division is located in Hatteras Village and is zoned C2-H. The proposed division consists of 4 lots to be accessed through the existing 30' paved private easement that was developed as part of the Hatteras Harbor Subdivision. The plat depicts an 80' wide utility and marina bathhouse easement that narrows to 40' in width with gravel improvements to what is depicted as lot 4. .

Mrs. Creef noted that lot 2 currently functions as a campground, and lots 3 and 4 have structural improvements on them. Mrs. Creef stated that the main issue is the level of improvements needed to the access area. She stated that the proposed division will be served by central water from Dare County with individual onsite septic tank/drain field systems.

Eddie Valdivieso addressed the Board. He provided the Board with an aerial of the proposed site. He stated that the developer is proposing to develop three single family home sites. He stated they are rather large sites, but strategically for wastewater disposal between the waters of the Marina and the Pamlico Sound and setbacks for the wastewater systems it really pinpoints where wastewater can go.

Mr. Valdivieso explained that it is the desire of Village Marina, to maintain control of the bathhouse. He stated that there is access from the right of way easement adjacent to Hatteras Harbor all the way east out to the Harrell and Branch property for them to access their home sites as well.

The Board discussed the proposed easement and indicated that a redesign of the proposed division is needed to exclude the easement area from the property lines of the four proposed lots. The Board also indicated that the revised plat should also depict the septic improvements for the existing bathhouse and the structure currently on lot 4.

This item was considered a sketch plan; no action was taken.

Duke Woods – Roanoke Island – Preliminary Plat

Ray Meekins of Seaboard Surveying was present to represent this preliminary plat. Also present was the developer, Linda McCown.

Chief Planner Donna Creef presented staff comments. She told the Board that this is a proposed 24 lot subdivision to be located on Roanoke Island accessed along Airport Road and Sunnyside Drive via a 45' publicly dedicated right of way with 20' of paved improvements. Individual private wells and onsite septic tank/drain field systems will be used.

Mrs. Creef identified some items for discussion by the Board.

1. Existing drainage of the site and proposed drainage of the site.
2. Vegetation clearing restrictions and limitations.
3. Lot 2 does not appear to conform to the flag lot policy that requires the flag portion of the lot to include the minimum square footage.
4. Better alignment of the proposed extension of Sunnyside Road with the existing road improvements.
5. The plat for Sunnyside Subdivision indicates that Sunnyside Drive is dedicated to the public, but she checked the NCDOT secondary road listing and could not find Sunnyside Drive on that so it appears that at the time the plat was recorded the road was intended to be a public road they just haven't been accepted into the State program.
6. Irregular shaped lots especially lots 2, 10, 11, 17, 18 & 19. These lots are not based on a traditional rectangular grid design and often results in setback issues.
7. A dumpster site is not included on the plat.
8. The site of the proposed division is located through an existing developed residential neighborhood and we visited the site before doing staff comments and it is a pretty quite neighborhood back there and one of the things staff thought about was that it would be important for a construction plan or a work plan to be developed so that we know where the equipment will be staged and where they are going to park the heavy trucks and how they are going to go about clearing the property so that it is not as intrusive on the neighborhood as or less intrusive on the neighborhood as possible.

Ray Meekins addressed the Board. For clarification he stated that there are a couple of issues that he will point out.

1. On the general notes on the cover page, the current owner at the time of submission was Claudia and Genevieve Jones. Subsequent to that a parcel has been sold out and a map recorded and a deed drawn for what is showing what is parcel 1 and 2. Parcel one is lot 21-24 on the proposed subdivision plat owned by Jerry Tillett. He has the deed for the easement to the parcel shown as parcel 1. In reality the current owner is Genevieve and Claudia Jones and Jerry Tillett. And the contract purchaser for lots 1 – 20 is Linda McCown.
2. Dumpster site will be placed proposed on what is coming in what is shown as lot 1.

3. He is working on a drainage plan; it is not ready. It will require a sedimentation and erosion control plan and a storm water management plan which we will be submitting to the State for approval as a low density plan.

A motion to recommend preliminary plat approval to Duke Woods Subdivision was made by John Myers, seconded by Marcia Parrott subject to the following:

1. Review the storm water plan and sedimentation plan by the County Engineer before submission to the Dare County Board of Commissioners.
2. Lots 1 and 2 will be recombined due to inconsistency of lot 2 with the Board's policy on flat lot design.
3. Vegetative buffer of 20' will be maintained along the rear of the lots that adjoin Daphne Park Subdivision and Dogwood Trail Subdivision.
4. Dumpster site being depicted on revised plat near lot 1.
5. Sedimentation and erosion and drainage plan being submitted for review by County Engineer.

Vote: Ayes – Unanimous

John Head & Doug Hinson – Frisco – Preliminary Plat

Gary Price with Rankin Surveying was present to represent this division.

Chief Planner Donna Creef presented a revised plat indicating street name and subdivision name. She stated the wetland plat is on file. She noted that the suggested subdivision name of Wild Wood and the street name Live Oak Court conflict with existing names within the County and alternatives should be established.

Mrs. Creef stated that the plat fails to depict a typical cross-section of the proposed road improvements and assumes the developer plans to construct a 45' right-of-way with 20' of paved area. She stated the developers do plan a small cul-de-sac. She noted that there is a small area of wetland that they are going to have to pave. She pointed out that lot 2 of a strange configuration, and explained that its configuration is a result of the existing configuration of the adjoining property that is shown as the Melvin Whedbee Estate. All the proposed lots will be served by central water provided by Dare County.

A motion to recommend preliminary plat approval to the John Head and Doug Hinson division subject to the following items was made by Joe Thompson, seconded by John Myers.

1. The plat should be revised to depict utility easements on the front of all lots.
2. A typical cross-section of the proposed road improvements shall be depicted on the revised plat.
3. Utility and drainage easements should be established along all lot lines and noted on the plat.

4. Language should be included on the plat that clarifies the pedestrian easement on lot 2 for use of the Whedbee Estate and not the subdivision.

Vote: Ayes – Unanimous

Hatteras Island Resort, Phase 3 – Hatteras – Preliminary

Mr. Mike Pugh, the developer of the Hatteras Island Resort was present. Also present, representing the developer, was Eddie Valdivieso of Quible and Associates.

Chief Planner Donna Creef stated two phases of the Hatteras Island Resort Subdivision were approved by the County earlier this year. The site of the division is the Rodanthe Pier tract that runs from NC 12 ease to the Atlantic Ocean. In conjunction with the division of the vacant portions of the tract, the developer planned to renovate the existing rental cottages on the site. As a result of Hurricane Isabel, these cottages sustained extensive damage and the developer has decided to demolish the structures and develop the area as phase 3 of the Hatteras Island Resort Subdivision.

Mrs. Creef stated that the road was approved as part of Phase 1 and 2. The first section of phase 1 has been completed and a cul-de-sac bulb is going to be added.

Mrs. Creef stated that staff requested that the building envelopes for lots 19 & 25 be depicted on the revised plat, and noted that it would be helpful if typical layouts for the improvements for all of the lots be included on the version submitted for review by the Dare County Board of Commissioners since the CAMA small structure setback line is a considerable distance from the rear lot lines of lots 20 – 25. She noted that the plat does not contain the name and address of the property owner/developer.

Staff recommended a favorable report.

After brief discussion, a motion was made by Marcia Parrott, seconded by Jim Kinghorn to recommend preliminary plat approval to The Estates at Hatteras Island Resort, Phase 3 subject to the following:

1. The reconfiguration of the entrance to lots 23 & 24 at the cul-de-sac bulb.
2. Demolition of the structures that exist on all lots except lots 27 & 28 including the removal of the septic tanks.
3. Verification from NCDOT regarding the removal of the existing road.
4. Building envelope being depicted on lot 19
5. Note being added to the plat addressing or specifying the front of lots on lots 26, 27, 28

Vote: Ayes – Unanimous

OTHER BUSINESS

NONE

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist
Dare County Planning Department

APPROVED: November 10, 2003



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