

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, July 12, 2004. 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 Elmer R. Midgett, Jr., Chairman John Myers
John Finelli Richard Scarborough
Marcia Parrott Joe Thompson

MEMBERS ABSENT James Kinghorn

APPROVAL OF MINUTES

John Myers pointed out an error on page 4 under New Business. He stated that Mr. Sue Magapta should be Sumit Magupta. Finelli pointed out an error on page 4 in the second paragraph. Sentence regarding idle zone should read as follows: 300 feet is not enough and 300 yards was too much. A motion to dispense with reading them and to approve them with the corrections noted was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

OLD BUSINESS

The Estates at Hatteras Island Resort, Phases 2 & 3 – Final Plat Review

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

Senior Planner, Donna Creef, presented staff comments. Mrs. Creef told the Board that the Dare County Board of Commissioners granted preliminary plat for Phase 2 on March 17, 2003, and for Phase 3, on February 17, 2003. She stated that all of the road improvements are complete, but additional grading, shaping and clean up along the roadside swales is needed.

Mrs. Creef stated that the Water Department is in the process of doing the final testing on the water improvements. She also noted that a street name sign and a STOP sign need to be installed.

Joe Thompson, seconded by Marcia Parrott, made a motion to grant final plat approval to Phases 2 and 3 of The Estates at Hatteras Island subject to verification by staff on the completion of testing on the waterline improvements and the installation of a street name and STOP sign as needed in both phases.

Vote: Ayes – Unanimous

Alder Branch Subdivision – Roanoke Island – Sketch Plan

Mr. Mearl Meekins, of W.M. Meekins, Jr. and Associates was present to represent this sketch plan.

Senior Planner Donna Creef presented staff comments. She told the Board that this proposed division last October as a sketch plan to allow for the submission of comments from NCDOT on the road design and consultation with the County Engineer regarding the storm water plan. The Subdivision Ordinance has been amended since that time to require the submission of the State storm water permits at the time the preliminary plat is submitted for projects that involve more than one acre of land disturbance. Mrs. Creef stated that Mr. Meekins expressed concern about additional changes to the subdivision layout, and has resubmitted the division as a sketch plan to get feedback from the Planning Board prior to submitting the layout to the NC Division of Water Quality.

The layout has been revised depicting a decrease in the number of lots and the road design eliminates the previously depicted sharp curves in Madeline Drive. A “reserved area for drainage purposes” is depicted at the end of Walter Court. Mrs. Creef suggested that the restrictive covenants include language restricting the development of this area. She also pointed out that some of the lots (4, 8, 9, and 10) are irregularly shaped making it difficult to determine setbacks. Mrs. Creef suggested the building footprints with the appropriate setbacks be indicated on the irregular shaped lots.

All of the lots are the minimum of 20,000 square feet and are to be served by individual on-site septic systems and private wells. A new entrance off Highway 64 is proposed as access to the lots. Permits from NCDOT and the Roanoke Voyages Commission will be necessary for the entrance off US 64. Mrs. Creef suggested that a vegetative buffer or some sort of barrier be installed at Holly Ridge Road and the easement from Dogwood Trail to limit access from the new entrance off US 64. She stated this would be particularly important during construction of the road improvements and clearing of the site so that heavy equipment and trucks are limited to access from the new entrance off US 64. Access to all of the lots will be restricted to US 64.

Mrs. Creef suggested the Board discuss a vegetative buffer along the boundaries that abut the United States Fish and Wildlife and National Park Services property and the other platted subdivisions that surround the site.

Mr. Meekins informed the Board that the storm water, sedimentation and erosion control plan applications have been submitted, with approval anticipated within a week or so. He explained that the drainage area depicted is proposed be used as an enhancement area with a fountain. He further stated that this area would also be used for storm water/swale overflow.

The Board discussed the proposed division at length and indicated that the revised layout is more acceptable than the previous design, and expressed concern about the setback determinations on

several of the lots (4, 14, and 29) and concurred that setbacks for these lots should be indicated on the preliminary plat.

This being a sketch plan; no action was taken.

NEW BUSINESS

John J. Lettieri – Avon – Zoning Amendment Petition

Mr. John Lettieri was present to represent his application.

Senior Planner Donna Creef presented staff comments. She told the Board that Mr. Lettieri has submitted a request to amend the Avon Village zoning map to accommodate the relocation of his business, Island Cycles. Island Cycles is currently located in the Hatteras Island Plaza. The proposed site is zoned R-1 and is located on NC 12 . The rezoning petition seeks a designation of C-1. The subject property is part of an older subdivision and is adjacent to property zoned C-2 which is currently being developed as a retail building.

Mrs. Creef stated that in reviewing the Zoning Ordinance, the intent of the C-1 district states that “all C-1 districts shall be at least two acres in area, but not larger than four acres in area.” She noted that the subject property is less than an acre in size and does not meet the size requirements of the C-1. A designation of VC (Village Commercial) which does not include any minimum/maximum area requirements was suggested by Mrs. Creef as a more appropriate designation to avoid conflicts with the C-1 intent statement. In addition, the list of permitted uses in the VC district is more compatible with the stated goal of the Land Use Plan of maintaining “coastal villages” atmosphere. Mrs. Creef stated that when Avon zoning was initiated, all vacant land was assigned the most restrictive zoning district based on the same intent.

Mrs. Creef noted that in previous rezoning requests, the Planning Board has chosen to conduct a Public Hearing prior to making a recommendation to the Board of Commissioners. She recommended a Public Hearing be scheduled for the August 9, 2004 meeting on this rezoning request.

Mr. Lettieri told the Board that he plans to construct a building that will maintain the charm and character of the island, and not look like a commercial building. He also stated that he would also like to put some housing on top of the bike shop.

Chairman Midgett told Mr. Lettieri that the Planning staff will advertise the VC (Village Commercial) district, and suggested he meet with staff to see if his plan will fit on the proposed site. He also recommended that Mr. Lettieri consult with an engineer to work on a site plan.

Chairman Midgett asked the Planning Board to recommend a public hearing on this zoning amendment petition.

The Planning Board suggested that Mr. Lettieri investigate whether the subdivision the property is located in has covenants prohibiting his proposal for a commercial use.

A motion to schedule a public hearing on this rezoning from R-1 to VC (Village Commercial) on August 9, 2004 at 7 PM was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

Jesse Austin – Hatteras – Conditional Use Permit

Mr. Jesse Austin was present.

Senior Planner Donna Creef presented staff comments and pictures of the property for the Board's review. She stated that the Mr. Austin has submitted a Conditional Use Permit Application for a group housing project. The Austin family owns property in Hatteras Village located on Altoona Lane. Mrs. Creef stated that there is an older residence existing on the property and a garage. The family is in the process of restoring the residence and would like to convert the garage to what they describe as an "in-law suite". The property is zoned R2-AH and would be permitted.

Mrs. Creef visited the site on June 29, 2004 to post notice of the application on the site. She noted that there is a large area of wetlands on the property immediately north of the garage. The survey included with the application depicts "pits" on the property. Mrs. Creef stated the "pits" were filled with water. She recommended that the owners obtain the necessary septic improvement permits for the proposed project prior to proceeding further with the proposed group development. She also noted that with wetlands on the site, it could be difficult to meet the necessary setbacks from the septic improvements.

Mrs. Creef stated that the adjoining property owners were notified, and staff did receive a letter from one of the adjoining property owners expressing concern about the possibility that the Austin's may want to fill some of the wetland areas and how the fill would affect storm water drainage on her property.

Mr. Austin told the Board that last fall he attempting to replace the toilet in the house and found extensive water damage. At that that time they decided it would probably be beneficial to put something in the garage and make it usable until the house is completely restored. He confirmed that there are wetlands on the back of the property and he does not have plans to fill them. Mr. Austin further stated that the does not know what his options are. He stated that he has not contacted the Environmental Health Department.

Chairman Midgett informed Mr. Austin that it is not the Planning Board's responsibility to give him options and that he needs to present a plan to the Board for review and consideration. He suggested that Mr. Austin consult an engineer or surveyor to help him identify his options.

The Board took no action on this application, but did advise Mr. Austin to contact the Dare County Environmental Health Department regarding the issuance of a septic permit for the proposed used prior to proceeding further.

BUDDY FOSTER – HATTERAS – ZONING AMENDMENT

Due to the lack of representation, this item was not reviewed and will be placed on the August 9, 2004 Planning Board meeting.

MARY TEMPLE W. MULLIS (DBA THE STORAGE SPOT) – SALVO – CONDITIONAL USE PERMIT

Ms. Mary Temple Mullis, owner/applicant, and Mr. Eddie Valdivieso of Quible & Associates, P.C. were present.

Senior Planner Donna Creef presented staff comments. She told the Board that a group development project consisting of three mini-warehouse facilities was approved for The Storage Spot in Salvo, NC several years ago. She stated that the owners of the property have an opportunity to relocate several residential structures from The Estates at Hatteras Island Resort subdivision in Rodanthe. These structures were in the process of being remodeled by the owners of the subdivision prior to Hurricane Isabel. Because of damage by Hurricane Isabel, the owners of the Estates at Hatteras Island Resort revised their original development plans for the pier property and offered the remodeled structures for relocation.

Mrs. Creef told the Board that Ms. Mullis is seeking an amendment to the original Storage Spot Conditional Use Permit to include these residential structures as an additional phase at the Storage Spot property. She stated that staff authorized Ms. Mullis to place the structures on the site while she went through the process of amending the conditional use permit.

Mrs. Creef told the Board that Section 22-31 establishes standards for group development projects which include a requirement of 20 feet of separation between the structures with paved driveways of not less than 20 feet in width. She noted that the site plan includes a notation for gravel, but also depicts an asphalt paving cross section. Mrs. Creef stated that the driveway must be paved, and the lot coverage calculations will need to be adjusted to reflect paved driveway and parking improvements.

Mrs. Creef commented on the following issues:

1. Access - Recommended that the existing entrance be used as access for this additional phase in an effort to avoid an additional driveway cut on NC 12.
2. Note 9 on the site plan references a lighting plan but staff has not received any information for such plan.

3. Permits for septic improvements will need to be obtained from the Dare County Health Department. The new structures will be required to connect to the Dare County water supply.
4. Freestanding sign depicted on site plan will not be permitted and will need to be removed from the site plan. Mrs. Creef suggested Ms. Mullis use the existing sign for The Storage Spot facility.

Mrs. Creef suggested this item be considered a sketch plan to allow for revisions to the site plan as noted in staff comments and other issues that may be identified by the Planning Board.

Board discussed the issues identified by Mrs. Creef and concurred to consider this review a sketch plan to allow for the submission of a revised site plan depicting the elimination of the second driveway entrance and access to the residential phase being provided via the existing entrance off NC 12. No action was taken.

OTHER BUSINESS

Donna Creef informed the Board that Mr. Kinghorn has resigned from the Planning Board, due to additional responsibilities with his employment.

ADJOURNMENT


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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: August 9, 2004


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