

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 9, 2004. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC.

**CALL TO ORDER**            7:00 pm

**MEMBERS PRESENT**      Elmer R. Midgett, Jr., Chairman      Marcia Parrott  
   John Myers, III                            Joe Thompson  
   John Finelli                                 Beth Midgett

**MEMBERS ABSENT**      Ricky Scarborough, Jr.

Mary Beth Midgett was appointed by the Dare County Board of Commissioners on August 2, 2004 to fill the unexpired term of Mr. James Kinghorn who recently resigned from the Planning Board. Mrs. Midgett was administered the oath of office by Jackie Tillett, Clerk to the Board.

### APPROVAL OF MINUTES

A motion to dispense with reading the minutes of the July 12, 2004 Planning Board meeting and to approve them as submitted was made by Joe Thompson, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

### PUBLIC HEARING

#### *John Lettieri – Avon – Rezoning Request (from R-1 to VC)*

Chairman Midgett stated that Mr. Lettieri has withdrawn his request. He explained that by doing such he does not prejudice himself should he decide to come back at another date.

### OLD BUSINESS

#### *The Storage Spot – Salvo – Conditional Use Permit Application*

Present to represent this application were the applicant Ms. Mary Temple Mullis, and Mr. Eddie Valdivieso of Quible and Associates.

The Board reviewed a proposal for the location of residential structures on the site of The Storage Spot mini-storage units in Salvo, NC last month. No action was taken at that time to allow revisions to the site plan eliminating a proposed second entrance off NC 12.

Senior Planner Donna Creef presented staff comments. She told the Board that the site plan submitted this month depicts a revised layout using the existing gravel driveway as access to the

proposed residential structures. She pointed out that landscaping berms are also depicted on the site plan to create an area of separation from the storage units located on the rear of the site.

Mrs. Creef stated that the residential structures will be separated by a minimum of 20 feet as required by section 22-31 of the Dare County Zoning Ordinance, and the lot coverage of the total site is 18%, which is well below the minimum of the S-1 standards. She noted that there is an existing dumpster on the site servicing the mini-warehouses, and stated that she assumes that the houses will have individual roll out trash receptacles similar to what you would find in a subdivision.

A draft Conditional Use Permit was included in the Board's packet for their review and consideration.

The Board discussed solid waste disposal for the proposed residential group development and concurred that the relocation of the existing dumpster pad closer to the residential section of the site plan will be sufficient.

Ms. Mullis asked if the Board would be opposed to the use of single trashcans by the entrance. She stated she would like to keep the existing dumpster site where it is and use residential roll-out trashcans for the four units.

John Myers, seconded by Joe Thompson, made a motion to recommend approval of the site plan and the draft Conditional Use Permit subject to the following:

1. Approve the draft as submitted by Mrs. Creef with a modification of the language about the dumpsters
2. Allow 5 years for the construction of the new dwelling unit.

Vote: Ayes – Unanimous

***Jesse Austin – Hatteras - Conditional Use Permit***

This item was removed from the agenda at the request of the applicant.

***Cutty Sark Subdivision – Avon – Final Plat Review***

Senior Planner Donna Creef presented staff comments. She told the Board that this proposed 18 lot subdivision is a somewhat unusual subdivision in that as part of the improvements in the division an existing canal was widened and an existing borrow pit on lots 3 – 10 was filled. She stated that an engineered report of the borrow pit work was required as part of the work and a copy of a final report prepared by Mr. Victor White of Landmark Engineering was submitted with the final plat. Mrs. Creef pointed out that Mr. White recommended three alternatives specific to the construction of single-family homes on lots 3-10 in his report.

Mrs. Creef stated that in consultation with Steve Shriver, staff agrees that it would be best if the Planning Board recommended the use of options 1 and/or 2. These options should be included on the plat and in the restrictive covenants to ensure that, potential buyers are aware of the extra measures needed for construction on lots 3 - 10.

Mrs. Creef informed the Board that since the submission of the plat, one of the property owners in the adjoining subdivision has contacted Mr. Shriver, informing him that the storm water from the new road improvements are contributing to the flooding problem on their property. The property owner also stated that the widening of the canal that was permitted by CAMA was contributing to increased erosion along the canal that fronted on their property. She stated correspondence was sent to Mr. Dennis Hawthorne making him aware of these concerns and asking him for a written response. Mrs. Creef stated she has not received any response from Mr. Hawthorne.

Mrs. Creef noted that a "STOP" sign and street name sign need to be installed in the subdivision.

County Engineer Steve Shriver told the Board that Victor White and Landmark have done a great job in filling the borrow pit. He stated that he is comfortable with what they have done and with Mr. White's recommendations.

In reference to the storm water issue, Mr. Shriver stated that he does not believe that the Cutty Sark development is causing the problems alleged by the property owner in the adjacent subdivision.

Joe Thompson, seconded by Marcia Parrott made a motion to grant final plat approval subject to the following items:

1. Completion of the bulkhead installation along the canal.
2. Verification from the Dare County Water Department that the waterline improvements have been satisfactorily installed and tested.
3. Installation of a street name sign and "STOP" sign on the site.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Buddy Foster – Hatteras – Rezoning Request (from C-2 to I-1)***

Present to represent this rezoning request was Mr. Buddy Foster.

Senior Planner Donna Creef presented staff comments. She told the Board that earlier this spring Mr. Buddy Foster submitted a site plan to for approval to construct a boat sales and display facility on his property in Hatteras Village. The property is zoned C-2H and is located next to

Teach's Lair Marina. The zoning amendment petition indicates the zoning as C-2, but all the zoning districts in Hatteras Village were changed last year to include the "H" designation.

Mrs. Creef stated that when Mr. Foster submitted the request, it was submitted as a zoning map amendment from its designation of R-1 to a zoning map amendment to I-1, which is industrial. Mrs. Creef noted that it is staff's opinion that the zoning text amendment of C2-H is more appropriate than the map amendment for I-1, but will defer to the Board on their wisdom on what they feel is the best way to pursue it. She state she has discussed this option with Mr. Foster and he is agreeable with the staff recommendation.

Mrs. Creef stated, regardless of whether the zoning amendment is pursued as a text amendment or a map amendment, is the Planning Board's practice to conduct their own Public Hearing before making a recommendation.

The Planning Board concurred to conduct a public hearing on a text amendment to the C2-H district. A motion to schedule a Public Hearing on the C2-H text amendment was made by John Myers, seconded by John Finelli. This hearing will be held on Monday, September 13, 2004 at 7:00 PM, 204 Ananias Dare Street, Manteo, NC.

Vote: Ayes – Unanimous

***Hatchell Concrete, Inc. – Roanoke Island – Zoning Amendment***

Mr. Derek Hatchell, owner of Hatchell Concrete, Inc. was present to represent this zoning amendment.

Senior Planner Donna Creef presented staff comments. She told the Board that Mr. Derek Hatchell with Hatchell Concrete has submitted a rezoning application for an amendment to the Roanoke Island zoning map. She stated he recently purchased a 1.79 acre tract that abuts the Dare County Public Works Garage located off Driftwood Drive currently zoned R-2. Mr. Hatchell is requesting the change to allow the use of the property for the relocation of his current business.

Mrs. Creef told the Board that the application filed by Mr. Hatchell references "historical" use as industrial (asphalt plant) although no information was included with the application to support this statement. This information is important for the Board's discussion and should be submitted for verification by the Planning staff. Mrs. Creef stated that the existing land use patterns include numerous residential structures. There is a large area of industrial (I1) on Driftwood Drive, as depicted on the Roanoke Island zoning map included in the Board's packet.

Mrs. Creef stated that any proposed rezoning from residential to industrial should be viewed with caution since most industrial uses are not compatible with residential uses. As is the case with any rezoning, the Board has the option of conducting a Public Hearing before making its recommendation. Give the different scope of land uses associated with a change from R-2 to I-1,

staff recommended the Planning Board conduct a Public Hearing prior to making a recommendation.

Mr. Derek Hatchell told the Board that when he purchased the property with the idea of moving his offices there he thought it was zoned I-1, but later discovered that it was zoned R-2. He stated he contacted Lorraine Tillett, Zoning Officer for Dare County to find out what he could do. Mr. Hatchell stated that after doing research Ms. Tillett informed him that Dickerson was granted a conditional use permit in 1983 to use the property as an asphalt plant. He stated he has been unable to find any documentation as to when the site was changed from I-1 to R-2.

Mr. Hatchell stated that Ms. Tillett was supposed to meet with the County Attorney to discuss this and let him know how to proceed. He stated he never heard from Ms. Tillett.

Mr. Hatchell informed the Board that he has signed statements from all of the adjoining property owners stating that they do not have a problem with him moving back there.

Chairman Midgett told Mr. Hatchell that the Board is going to have to conduct a Public Hearing.

A motion to schedule a public hearing for Monday, September 13, 2004 was made by Joe Thompson, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

***Steve and Laura Nelson – The Inn on Pamlico Sound – Buxton – Conditional Use Permit***

Present to represent this Conditional Use Permit application were owners Steve and Laura Nelson. Also present was Mr. Victor White, Engineer with Landmark Engineering & Environmental, P.C. representing the applicants.

Senior Planner Donna Creef presented staff comments. She told the Board that the applicants are seeking a Conditional Use Permit so that they may expand their existing bed and breakfast business. The proposal features more than one principal use structure on one lot making it a group development, therefore making it subject to review as a conditional use. Mrs. Creef stated the property is located off NC 12 on the Pamlico Sound and is zoned C-2, which permits hotels and motels. Mrs. Creef stated that following the submission of the site plan she met with the Nelsons and several of the building inspectors to discuss the construction of the structures. The expansion of the existing facility will require the new structures to be built in compliance with the commercial building code and the existing five-bedroom structure will be modified to meet the commercial building code. Based on this information, the site plan has been revised to incorporate the proposed 2-unit structure into the proposed “annex” on lot 1.

Mrs. Creef stated that discussions with the County Attorney indicate that staff is consistent in the application of the term hotel/motel to the proposed project.

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

1. Ingress/egress – There are two existing driveways off NC 12. Staff suggested that one of the driveways be eliminated. The Fire Marshal has indicated that the elimination of the second driveway will not cause a problem for fire fighting equipment as long as the entrance way is no less than 20 feet wide. The revised site plan included in the Board's packet features one entrance with a circular drive aisle with parking areas located along the drive aisle.
2. SED-1 buffer zone - The site is located within the SED-1 buffer zone and subject to the land clearing and lot coverage standards of the SED-1 zoning district, which is located in the Maritime Forest. Mrs. Creef stated that the Board and the staff would want to emphasize the need to restrict the land clearing activities to the minimum necessary for the construction of the improvements, the associated wastewater system and the parking improvements. The proposed design of the impervious drive aisles with pervious parking spaces is consistent with the SED-1, and meets the standards of Section 22-31 that regulates group developments in that it requires paved driveways. This will also limit the amount of storm water runoff and will be consistent with policies on water quality contained in the Dare County Land Use Plan. Mrs. Creef stated that it would be helpful if the site plan depicted existing vegetated areas on the site that will remain undisturbed. Efforts to limit the removal of the existing canopy should be made during land clearing for the proposed improvements.
3. Buffers – The C-2 district requires a “visual buffer” where a commercial use abuts a residential use. Although staff usually recommends wooden fencing for buffers, the use of the existing vegetation or the addition of landscaping improvements may be more consistent with the SED-1 buffer area. The Planning Board should discuss this with Mr. Nelson to see exactly what his plans are for the buffer there.
4. Combination of the two lots - The property is currently lot 1 and lot 2 of Reb-le' Ridge Subdivision. The site plan has been designed based on it being one big tract. Mrs. Creef stated that the property will need to be reconfigured which can be handled administratively as an exempt plat. This process should be taken care of before the occupancy of the structures. A condition addressing this has been included in the draft Conditional Use Permit.
5. Wastewater improvements – The wastewater improvements have been designed to address up to a maximum of 12 rental units. The parking improvements have been designed based on the maximum of 12 units. Mrs. Creef pointed out that the site plan indicates that the one building says five units and the annex says five units. They have requested that the Conditional Use Permit reflect that additional two units that may be added be it to the existing five bedrooms or the new annex, language addressing this is included in the Draft CUP, along with a 3-year time limit.

6. Lighting improvements – the site plan does not depict any lighting improvements. Mrs. Creef stated that some type of low-intensity security lighting will be necessary for the parking improvements and a note on the site plan and language included in the Conditional Use Permit.

In summary, Mrs. Creef stated that the proposed project would increase the number of overnight accommodations available on Hatteras Island. In recent months the lack of hotel rooms and overnight accommodations in Dare County, especially Hatteras Island has been an issue. The site plan and proposed improvements represent a decrease in the intensity of land use that could be constructed on the two lots if developed individually with residential structures.

Pending the resolution of the items identified, staff recommended a favorable report on the expansion of The Inn on the Pamlico site plan.

Chairman Midgett stated that he would like the condition that the second driveway be completely removed and that the dumpster site be screened.

The Board discussed possible locations for dumpster pad and concurred that it should be away from the line closer to Highway 12.

Mr. Nelson stated he would not have a problem with rolling a can to the road.

The Board briefly discussed buffering and lighting for the site.

Mr. Nelson informed the Board that they currently have carriage lights up and down the walkway. He stated they have purchased additional carriage lights and plan to use them for the proposed project. He stated that plans to install them about eight -12 feet in height with lot wattage, energy efficient bulbs.

Mr. Nelson told the Board that the existing vegetation consists of mostly bushes. He stated that they originally envisioned fruit trees and then realized that it gets a little bit too much wind there so the fruit trees are going in front of the house. We are mostly envisioning flowering trees going up and down that boarder. He stated they are amenable to putting up a fence, but flowering bushes are so much prettier.

Mrs. Creef stated that fencing is not appropriate for this setting, and some language can be added to the Conditional Use Permit stating that the existing vegetation will be used when necessary and will be supplemented by additional landscaping improvements.

A motion to recommend favorable approval of the draft Conditional Use Permit and site plan subject to language being added to address the buffer, the location of lighting improvements being located on the site plan, and a revised parking layout to reflect the garage parking at the Innkeeper's residence was made by Joe Thompson, seconded by Marcia Parrott.

Ray Sturza commented that he is really pleased with the way the Reb-le' Ridge Subdivision was developed. He stated that staff and the people in the private sector have done a good job in preserving the vegetative canopy of the SED area.

Mr. Nelson commented that he compliments the regulators. He stated they started out going to the regulators first and they have been a wonderful source of advice. He stated they have been the biggest part of their planning process. He invited the Board to come visit.

Vote: Ayes – Unanimous

#### **OTHER BUSINESS**

No other business

#### **ADJOURN**

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

Vote: Ayes Unanimous

This meeting adjourned at approximately 8:40 PM.

Respectfully Submitted,



Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED: September 13, 2004**



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