

2003 Land Use Plan. Policy #58 on commercial development in the 2003 LUP also talks about locally owned businesses, which are consistent with the overall goal of the coastal village atmosphere. Mrs. Creef stated that Mr. Foster's request is not inconsistent with this policy since boat building is recognized as a traditional use in coastal villages.

2. Existing land use patterns – The Foster property is located across NC 12 from Teach's Lair Marina and parking for the marina is located immediately adjacent to the site. Mrs. Creef stated that the rear of the site is zoned R-2-AH and is currently undeveloped. A small tip of the southern portion of the Foster property adjoins a site that is zoned R2-AH and developed with a single-family structure owned by Mrs. Karen Sanford. Mrs. Creef informed the Board of an e-mail she received from Mrs. Sanford recognizing that boat building is a traditional land use in Hatteras Island, and expressed concern about the construction noise, fiberglass smells and chemicals that are traditionally associated with boat building.
3. Benefit to the community - The applicant proposes to provide a service (boat building and repair) that is compatible with the other marine related services offered at the marina. Boat owners and the need for convenient water access for boat building facilities often find such facilities in close proximity to marinas due to the need for constant repairs.
4. Impact on other C2-H zoned areas – In the past when the County has considered zoning text amendments, specific conditions were included in the draft language to narrow potential sites affected by the text amendment. Mrs. Creef noted that the majority of the NC 12 corridor in Hatteras village is zoned C-2H and the inclusion of specific conditions may be appropriate with this request. Mrs. Creef provided a draft list of some possible conditions to narrow the scope of the text amendment for the Board's consideration should the Board be inclined to support the Foster request for the text amendment.

In summary, Mrs. Creef stated that the potential effects of the requested text change on the surrounding properties and the community should be weighed and hopefully the Public Hearing process will provide the Board with some indication of public sentiment in Hatteras Village.

Mrs. Creef stated that if the Board were supportive of the text amendment then a motion for a favorable recommendation would be in order after the hearing and subsequent board discussion. If following the close of the hearing the Board feels a text amendment is not in the best interest of the community, then a motion to recommend denial of the application is in order. If denial is the recommendation of the Board, the request will be forwarded to the Board of Commissioners regardless of the recommendation.

The Planning Board discussed the possible conditions identified in the staff comments submitted by Mrs. Creef and concurred that 200 feet to an existing full service marina would be sufficient.

Joe Thompson made a motion to recommend approval of the requested text amendment including the conditions identified by staff. Marcia Parrott seconded this motion.

Vote: Ayes – Unanimous

Hatchell Concrete, Inc. – Roanoke Island – Zoning Map Amendment Request

Attorney Chris Seawell was present to represent the applicant. Also present were Derek and Jamie Hatchell.

Chairman Midgett asked for public comment.

Mr. Kelly L. Bowser, adjoining property owner addressed the Board. He told the Board that the survey included with the application depicts lot 1 being owned by someone else. Mr. Bowser told the Board that he actually owns lot 1, 2, 3, & 4 adjoining Mr. Hatchell's property. He made no comment objecting or support the request.

There were no other speakers present. The public input portion closed at approximately 7:31 PM.

Mrs. Creef presented staff comments and told the Board that this is a request to amend the Roanoke Island zoning map. She explained that the applicant seeks a rezoning of the current classification of R-2 to I-1. Notices were sent to the adjoining property owners notifying them of this request and hearing.

Mrs. Creef offered the following issues for the Board's consideration:

1. Land Use Plan Consistency – The land classification map for this section of Roanoke Island identifies the area as “community residential”. The purpose of this classification is to identify an area where low-density residential dwellings, small businesses, governmental services, educational services, and passive recreation activities occur. This classification applies to the entire north end of Roanoke Island. The specific policies on industrial development do not provide any guidance on this request.
2. Historical and existing land uses – The applicant submitted information last month that references the historical use of the subject property as industrial. This information was included in the Board's packet for review. The existing land use patterns include year-round residential development and the County Public Works garage. Also in the vicinity are some warehousing facilities, City Beverage, the airport and several airplane hangers.
3. Impacts on the community – As is the case with every zoning map amendment, the potential impacts on the surrounding neighborhood should be evaluated. The applicant seeks to rezone the property to relocate his office and storage yard from its current location on US 64 to this site. The residential land uses surrounding the Hatchell property will be impacted from the site; however, these impacts are not new to the neighborhood since the County public works garage, the school bus garage and other County facilities and other warehouse facilities are already on the road there.

In summary, Mrs. Creef stated that a rezoning from R-2 to I-1 represents a substantial change in the range of uses permitted in the R-2 to the intensity of the land uses permitted in the I-1 district. Such a rezoning should be considered carefully before any recommendation is made. However, there are mitigating factors associated with past use of this site and the proximity of the site to other industrial zoned areas on Driftwood Drive. It will be the Board's responsibility to weight these mitigating factors against the potential increase of land use intensity that will result from a map amendment to an industrial zoning classification.

Mr. Seawell told the Board that the purpose of the map amendment is so that Hatchell Concrete, Inc. can construct a building for the relocation of the offices for their concrete finishing business, and storage of equipment.

Mr. Seawell stated that the adjoining property owners, with the exception of one property owner have consented to this request. He stated that the property was previously as an asphalt plant. Although the site is zoned residential, the actual use of this property historically has been industrial. Mr. Seawell pointed out that the site in question adjoins a current industrial use (Dare County Public Works). He asked that the Board recommend approval of the extension of the I-1 to the Hatchell property given the historical use of the property and the fact that the adjoining property owners have not objected.

The Planning Board discussed possible alternative districts such as a C-3 designation that would allow Mr. Hatchell accomplish his goal.

Mr. Seawell stated that given the nature of the area, he feels that it would be easier for the Planning Board to consider the adjoining district of I-1 since there is no C-3 in the area. He further stated that if the Board feels that it is more appropriate to go with C-3 then he does not have a problem with it.

Marcia Parrott commented that C-3 would be a better alternative because it would allow for a level up in control.

After discussing the possible alternatives and the differences in the C-3 and I-1 zoning districts, the Board concurred that C-3 would be a better alternative.

John Myers, seconded by Joe Thompson made a motion to recommend a rezoning classification of C-3 for the Hatchell site on Driftwood Drive. It was noted that the Planning Board members are supportive of the request as submitted, but felt that a C-3 classification would be a better alternative the site.

Vote: Ayes – Unanimous

OLD BUSINESS

Alder Branch Estates – Roanoke Island – Preliminary Plat

W. M. Meekins, Jr. of W.M. Meekins, Jr. and Associates, Inc. was present to represent this preliminary plat.

Senior Planner Donna Creef presented staff comments. She stated that last time the Board reviewed this proposed division concerns about the setbacks on lot 4, 14, and 29 were expressed. The revised preliminary plat included in the Board's packet depicts this setback. Mrs. Creef stated that she suggested that a note be added to the plat precluding the installation of a second driveway on lot 29. A copy of the covenants have been submitted and in reviewing the covenants Mrs. Creef stated she did not see language addressing the maintenance of the road nor any language prohibiting a second driveway on lot 29. She pointed out that a table of the lot coverage for each lot needs to be included in the covenants as well on a revised plat.

Mrs. Creef pointed out that a copy of the stormwater plan should be submitted. She explained that the Ordinance requires the submission of the plan and not just the permit.

Mr. Meekins told the Board that he met with Mr. Shriver last week with the stormwater plan showing all the grades and slopes of all of the ditches. He stated he delivered a copy of the plan this morning but Mr. Shriver was out of his office. He stated what was approved did not have the ditch grades on it; but Mr. Shriver did give him favorable report.

Mrs. Creef stated the wetlands verification plat is on file.

Marcia Parrott, seconded by Ricky Scarborough, Jr. made a motion to recommend approval of the Alder Branch Estates subject to the following:

1. Submission of all documents concerning the stormwater management improvements to the County Engineer for review.
2. The covenants and the plat being revised to include language addressing the road maintenance and a table listing the permitted lot coverage for each lot. This language should be included in the covenants for recordation that is submitted at the time the final plat review.
3. The covenants and the plat should include language that precludes the location of two driveways on lots 4, 13, 28, and 29.

Vote: Ayes – Unanimous

NEW BUSINESS

Amelia Acres Subdivision – Roanoke Island – Preliminary Plat

Senior Planner Donna Creef presented staff comments. She told the Board that this proposed 15 lot subdivision is located on Roanoke Island in an area zoned R-1. Mrs. Creef stated that since the developers have not prepared their stormwater management information which is required by ordinance, this review would be considered a sketch plan.

Mrs. Creef stated that the lots in this division have been based on the 15,000 square foot minimum lot size that is afforded to property that is served by central water. She stated that the Dare County Water Department informed her that central water does not extend down Amelia Drive. Staff in the Dare County Water department further stated that if the developer wishes to connect to the county water supply, then they would have to pay for the extension of the water line. Mrs. Creef noted that if the developer chooses not to bear this expense, then the lots would have to be redesigned to meet the 20,000 square foot minimum lot size.

Mrs. Creef stated that the proposed division would use individual on-site septic tanks. She noted that the plat does not indicate the amount of land disturbing activities, but comments from Mr. Shriver indicate that the road construction combined with the fill work and the pond is such that it will trigger State permits. Once the State permit is triggered, they cannot submit the preliminary plat until they have their state stormwater permits.

Mrs. Creef identified the following items for the Boards discussion:

1. The site contains a pond near lots 7–9. The plat indicates that a portion of this pond will be filled. Before the Board meeting, the surveyor Mr. Rogers came in and was chatting with the Chairman Midgett and Mrs. Creef about why they are only filling a portion of the pond. Mr. Rogers said they were not quite sure if the County would allow them to fill the whole pond. Mr. Shriver has indicated that filing only a portion of the pond was not as acceptable from a public health and safety standpoint as if the entire pond was filled. Mrs. Creef recommended that the entire pond be filled, and stated that engineered plans on the proposed fill work will be needed at the time of preliminary plat submittal. She stated that the extent of information that should be addressed in such a plan would be deferred to the County Engineer.
2. Conversations with other member of the Planning staff indicate that the site has been used previously as a dumpsite. If this is the case, then the suitability of the site to support structural and septic improvements will need to be evaluated and a full geotechnical survey of the property will need to be completed. The Subdivision Ordinance specifically stated that property that has been used as a solid waste disposal site could not be approved for subdivision until a soil scientist, the Health Department, and a Structural Engineer have done testing on the property.
3. Road design – Staff suggests that the developer get specific comments from NCDOT on the compliance of the street design to ensure that the proposed curves meet the NCDOT

roadway design standards to avoid future problems with acceptance into the secondary road maintenance system.

4. Lot design – The minimum lot width of lot 6 at the road frontage is 51.94 feet. The lot width is only 79.36 at the rear of the lot. The point at which the lot meets the minimum 75' lot width should be indicated on the plat. The setbacks on lots 1 and 15 should also be noted since they are irregularly shaped and it would be beneficial to establish those on the plat so that the improvements can be located in a fashion that complies with the zoning ordinance.

Mr. Buck Rogers of Boundaries Surveying was present to represent this plat. Also present was Mr. Mark Kasten of Cahoon & Kasten, Architects.

Mr. Rogers pointed out that the backside of the property (lots 9 & 10) more or less gets really close to Burnside Road where he believes is the intent of the developer to acquire a utility easement to access Burnside where they could also access the County water supply.

Mrs. Creef stated that written approval stating that would be satisfactory would need to be submitted.

Mark Kasten informed the Board that he and Ben Cahoon have a contract to purchase this property from Mr. Jack Burrus.

After discussing this plat in detail, the Planning Board indicated that the following information should be addressed at the time of preliminary plat submission:

1. A geotechnical engineering report as recommended by Steve Shriver, County Engineer would be necessary to document that the site is suitable for development. Individual lot evaluations conducted by the Dare County Health Department will also be required.
2. An engineering report on the filling of the pond will also be necessary as detailed in Mr. Shriver's comments.
3. Revisions to the design of the road to comply with NCDOT standards.
4. A stormwater management plan as required by the Dare County Subdivision Ordinance.
5. A determination from the Dare County Water Department that central water can be provided to the site from the southern portion of the site.

This item was considered a sketch plan; no action taken by the Planning Board.

Colington Pointe, LLC – Colington – Group Development – Conditional Use Permit

Jay Overton of Albemarle Engineering was present to represent this Conditional Use Permit.

Senior Planner Donna Creef presented staff comments. She told the Board that the Dare County Board of Commissioners rezoned this site earlier this summer to allow multi-family structures.

The site plan is subject to conditional use review as a group housing project since there is more than one principal use structure proposed for construction on the site.

Mrs. Creef stated the site is currently the Colington Park Campground. The Dare County Mobile Home Park Ordinance requires written notification to the County six months prior to the closing of a mobile home park. The submission of the site plan does not constitute written notification. A letter stating the date the park will close needs to be submitted 6 months prior closing.

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

- ❖ Density and lot coverage – The R-3 zoning permits multi-family structures at a dwelling density of eight units per acre. The total site is 18.35 acres. This density of the eight units per acre is based on the total area of the site and there is nothing in the ordinance that says the density is based on the non-wetland soils on the site. Note two on the site plan list the proposed breakdown of the number of single-family units and the multi-family units. The note specifies that the number of 1 bedroom, 2 bedroom, and 3 bedroom units and states that the single family homes will be either 3 or 4 bedroom structures. Mrs. Creef stated that the developers will probably need to be a little bit more specific in the wastewater treatment permit that is issued by the State and I think that if they are providing that level of specificity to the State for their wastewater, then the County needs to tie that down on the site plan so there is a record of what they are going to have on the site. All of the site improvements (road improvements, buildings, driveways and parking areas) will be limited to a maximum 30% lot coverage. This percentage will exclude the wet area of the pool, the amenity area and the wooden walkways.
- ❖ Group Housing Regulations – Mrs. Creef noted Section 22-31 of the Dare County Zoning Ordinance requires that all structures in a group development be separated by not less than 20'. The site plan does not include measurements to ensure compliance with the standard. She also noted it appears that some of the multi-family units may not be separated by 20'. However, the single-family structures do appear to meet the required minimum 20' setback. In addition to the 20' setback, all structures in a group housing development have to be setback no less than 25' from any rear or side property line. These measurements should be noted on a revised site plan.
- ❖ Wastewater - Mrs. Creef noted that the R-4 district requires multi-family dwellings to be served by a public or community sewage system. The system designed for this project is defined in the State guidelines as a "community system". The maintenance of the wastewater system will be addressed with extensive permit conditions. The State requires quarterly monitoring reports on the system prepared and submitted by a certified wastewater operator or consultant firm.
- ❖ Stormwater – State permits for the stormwater and sedimentation and erosion control will be necessary. Language addressing the maintenance of the stormwater improvements should be included in any homeowners documents. The site plan does not contain any detail on the stormwater areas other than the location. Alternative designs for the stormwater basins other than the traditional grassed retention basins should be discussed. Mrs. Creef suggested the developer consider using features with landscaped basins (rain

- gardens) or a fountain. She stated such features would also serve as aesthetic improvements to the entrance.
- ❖ A wetlands verification map should be submitted for the file. Mrs. Creef noted that the very end of the roadway is close to one of the wetland areas, and she does not know if any fill work is planned.
 - ❖ Building design - No proposed building elevations or architectural drawings have been submitted. A numbering sequence for all of the buildings should be developed and each building labeled on the site plan.
 - ❖ Road improvements- The site plan depicts one main entrance in the location of the existing campground entrance. The numerous other driveways that are located along Colington Road will be eliminated. The installation of a right-hand turn lane may assist traffic flow into the site and should be discussed with the developer. A copy of the site plan was sent to NCDOT for comment. Mrs. Creef noted that Section 22-31 of the Zoning Ordinance requires a road bed width of not less than 20'. The road shown on the site plan is 18' in width. The Dare County Fire Marshal expressed some concerns about the radius of the cul-de-sac and compliance with the Fire Codes. Mrs. Creef suggested the developer meet with the Fire Marshal to discuss compliance with the Fire Codes. She also suggested the roads be constructed to NCDOT standards and verified by an independent testing company even though they are proposed to be private. Language addressing this is included in the Draft CUP. There are no street names on the plat.
 - ❖ Onsite parking- Onsite parking requirements for the single-family units will be the same as those applied to single-family structures on the individual lots. Parking for the multifamily will be 2.5 spaces for each unit. More detailed parking information is needed to ensure compliance with the zoning setbacks and the 30% lot coverage.
 - ❖ Solid Waste Disposal – The site plan does not indicate an area for the location of solid waste containers. A method of waste disposal needs to be identified.
 - ❖ Timetable for project - The site plan does not indicate any projected timetable for the completion of the improvements or any potential phased construction of improvements. Since this is, a very large project Mrs. Creef stated that it is important that a phased schedule be adopted and included as part of the conditional use permit.
 - ❖ Permit sequence – There are numerous State permits that must be secured. Mrs. Creef recommended that all of the State and or Federal permits, including the wastewater permit be secured prior to the submission of the site plan and CUP application to the Dare County Board of Commissioners.
 - ❖ Verification of improvements – Final plat review is not a feature of a conditional use permit review. Mrs. Creef stated she included language in the Draft CUP that “as-built” surveys following the completion of the infrastructure improvements, and following the completion of each structure will necessary. This will ensure that the structures are constructed in conformance with the Zoning Ordinances and are consistent with the approved site plan on file. The submission of “as-built” surveys will also be used to verify compliance with the parking standards and the dimensional standards of Section 22-31.

In summary, Mrs. Creef stated this is an ambitious project and one that will have a tremendous impact on the future of the Colington area. She urged the Board to discuss the site plan and the

conditions that should apply to the development. The current site plan does not address all of the information needed and it would appear that revisions to conform to Section 22-31 of the Zoning Ordinance as well as for the road improvements based on Mr. Remaley's comments would be needed. Therefore, Mrs. Creef suggested this submission be considered a sketch plan.

Mr. Overton addressed the Board. He addressed the following issues:

1. Notice of closure of the Colington Park Campground – Mr. Overton told the Board that a certified/return receipt requested letter was sent out in July to all of the occupants of the campground letting them know that their use of the campground will cease February 1.
2. Lot coverage – Mr. Overton stated that they have not taken advantage of the 18.35 acres at eight units per acre. He stated that they will probably be looking at about 57 – 3 bedroom townhouse units and then 21 single family units. With regard to single family, three and four bedroom units, Mr. Overton stated that the septic is designed for four bedrooms, and he will change that note to say 4-bedroom maximum. He stated that he thinks the lot coverage is okay, that they are about 20% based upon about 13% for all of the improvements except for the road, and the road was about 7%.
3. Setbacks – Mr. Overton stated that the 25' setback would be noted.
4. Wastewater – Mr. Overton stated he has already received the flow confirmation from the State. A Hydro geologist has done soil evaluations out on the site and Dr. Uebler, Soil Scientist has approved the site. Mr. Overton stated that the wastewater treatment system would be a sub-surface disposal system. He stated they are in the process of putting plans together for the wastewater for submission to the State for final approval.
5. Stormwater – Mr. Overton stated that he has been doing a lot of stormwater work over the past number of years for a number of the other municipalities and on projects like this one. He said that they have also worked on some sites in which bio-retention areas were used.
6. Wetlands plat – Mr. Overton stated that a wetlands plat has been done and he will deliver that to Mrs. Creef.
7. Building design and elevations – Mr. Overton stated that the actual building plans are in the process of being put together. He presented some pictures of what the buildings will look like. He told the Board that all the structures will be up on pilings, and the units are about 24' wide. He stated that one side of that structure will be open for parking underneath, and the other side will be a ground level entry and storage area behind it. He stated that some fill would be used on the site and will be worked in with the grading plan and finalization of the stormwater plan. He stated that a numbering sequence would be included on the revised site plan.
8. Road improvements – Mr. Overton stated he would schedule a meeting with the Fire Marshal to address his concerns. Mr. Overton stated that 18' is the narrowest you can have according to NCDOT standards. He stated that he has found that the wider a street is the faster people go. He noted that the ordinance talks about having a paved roadway on a road bed of not less than 20'.
9. Parking – Mr. Overton told the Board that his interpretation is that one or the other table listed in the ordinance would have to be used to determine the proper number of parking

- spaces for the site. Mrs. Creef suggested they meet to discuss a parking plan to be adopted as part of the site plan.
10. Solid waste – Mr. Overton asked for the Board’s preference on a suitable method for solid waste disposal. Mrs. Creef suggested Mr. Overton do some research on what would be better for the development project.
 11. Phasing and project timetable – Mr. Overton stated he would submit a phasing and project timetable.
 12. Permit sequencing – Mr. Overton stated that if it is okay with the Board, he will discuss the permit sequencing further with Mrs. Creef and come back to the Board with thoughts on this. The Board agreed to this.
 13. Verification of improvements – Mr. Overton told the Board that he does not have a problem with submitting “as-built” surveys. He stated that with this being a condominium project there would have to be “as-built” drawings done for everything.

Mrs. Creef stated that if there were a problem with the development of the project it would come back in front of the planning Board.

The Planning Board discussed this site plan and Conditional Use Permit Application in detail, no action taken considered a sketch plan.

Hatteras Seafood’s – Hatteras – Conditional Use Permit

The applicant Mr. Jeff Aiken and Mark Kasten of Cahoon and Kasten, Architects were present.

Senior Planner Donna Creef presented staff comments. She told the Board that based on her staff comments the site plan has been revised. Mrs. Creef provided the Board members with a copy of the revised site plan. Mrs. Creef stated that the revisions are of such a minor nature that she did not feel that it would be a problem for them to be reviewed.

Mrs. Creef stated that Mr. Aiken leases property at the Hatteras Harbor Marina in Hatteras Village. Mr. Aiken is would like to expand his existing seafood business to include retail seafood sales.

Mrs. Creef stated that the site plan depicts the portion of the Hatteras Harbor site that will be used by Hatteras Seafood’s. Some remodeling and demolition of the existing structure is proposed and a new area for retail sales. The site plan notes the total square footage of the structural improvements. Mrs. Creef pointed out that the lot coverage for the site has been decreased and is an improvement and will bring the site area into compliance with the 60% lot coverage of the C-2H. Some additional parking areas are proposed, and the layout of the parking area depicted on the revised plat meets the standards.

Mrs. Creef stated the site plan depicts a landscaped area along a portion of the western property line. She stated she is not sure why it does not extend the entire length. They have relocated the dumpster site to accommodate front loading for the County trash trucks.

Mrs. Creef provided a draft CUP for the Board's review and consideration.

After discussing the draft CUP and site plan, a motion to recommend approval of the draft Conditional Use Permit requested and the site plan to the Dare County Board of Commissioners was made by Joe Thompson, seconded by John Myers.

Vote: Ayes – Unanimous

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John Myers, seconded by Richard "Ricky" Scarborough.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: October 11, 2004



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