

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, October 11, 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 Mary Beth Midgett  
Richard “Ricky” Scarborough, Jr.

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the September 13, 2004 meeting of the Dare County Planning Board, a motion to approve them as submitted and dispense with reading the was made by Joe Thompson, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

### OLD BUSINESS

#### *Askins Creek – Avon – Final Plat*

Senior Planner Donna Creef told the Board that at the time this plat was submitted staff was unsure how to handle it. After consulting with Norma Mills, County Attorney, as to whether the plat submitted is an exempt subdivision, it was determined by Ms. Mills that proposed division is an exempt subdivision under NCGS §153A-335.

Mrs. Creef stated that the total number of lots has decreased to 25 from 34. This plat will be handled administratively by the Planning Director and recorded in the office of the register of deeds.

#### *Colington Pointe – Colington – Conditional Use Permit Application*

Mr. Jay Overton of Albemarle & Associates was present to represent this Conditional Use Permit application.

Senior Planner Donna Creef asked Mr. Overton to consider printing this site plan on smaller paper for submission to the Board of Commissioners. Mrs. Creef rendered staff comments on this application. She told the Board that the site plan has been revised to conform to the standards of Section 22-31 of the Dare County Zoning Ordinance.

Mrs. Creef briefly discussed the following issues:

Notification of mobile home park closure – Mrs. Creef stated she did receive notice of the park closure in early August.

Density – Mrs. Creef told the Board that the number of units has decreased from 84 units to 78 units (21 single family units and 57 three bedroom multifamily units). She noted that the note section has been revised to reflect this information. The density is now 4.2 units per acre which is below the 8 units per acre maximum density allowed in the R-3. Mrs. Creef noted that as discussed last month, the Zoning Ordinance does not include language that excludes the wetland areas from the dwelling density calculations. However, Mrs. Creef stated that if you took the amount of wetlands out of the total size of the tract, when you calculate the density is still very close to what they have now. The overall lot coverage for all principal uses and roadway improvements is 21.9%, which is under the maximum permitted lot coverage of 30%. The lot coverage will be verified with the as-built surveys which will be required.

Group Housing Regulations – The original site plan did not conform to the 20' building separation standard of Section 22-31 of the Zoning Ordinance. Mrs. Creef noted that some of the buildings have been relocated to comply with this separation standard. She stated that the single family units depicted on the site plan do not include a 20' measurement, but appear to have the 20' of separation when you apply a ruler to them. She stated that it may be helpful to have those measurements included on the plat submitted for review by the Dare County Board of Commissioners.

Wastewater – Mrs. Creef noted that the wastewater system will be designed to accommodate a maximum of 4 bedrooms in the single family units and all of the multifamily units will have 3 bedrooms. The permit process for the wastewater treatment system will be reviewed and approved by the State and is a 3-step process with an approval after each phase. Mrs. Creef told the Board that Mr. Overton has indicated that they have phase 1 of the approval process.

Stormwater Management – Mrs. Creef stated a storm water management plan must be filed with the State and a permit issued by the NC Division of Water Quality. As indicated last month, the maintenance of the storm water improvements should be included in the homeowner documents and additional details on the storm water improvements were submitted to the County Engineer for his review and comment. The project engineers have indicated that instead of the traditional depression areas, storm water bio-retention areas will be designed to offer a more aesthetically pleasing entrance to the development.

Building Design – As recommended last month, the buildings are numbered on the site plan, and will be elevated on piling foundations with individual storage areas/garages provided.

Road Improvements - The revised site plan depicts a right hand turn lane into the entrance of Colington Pointe. The roadbed widths will be 20' and the cul-de-sac designs have been revised to comply with the fire codes as recommended by Dare County Fire Marshal, Doug Remaley. Although the roads will be private, the paved improvements will be constructed to NCDOT pavements standards and independent testing will be completed. A street name map has been submitted and is on file.

Onsite parking - The Zoning Ordinance provides specific requirements for the number of parking space required for multifamily and group housing separately. Mrs. Creef stated that it has been agreed that the 2.5 spaces per unit for a group housing project will be applied to this project. Typical parking layouts have been included on the revised site plan.

Solid Waste disposal - The development will utilize individual roll out trash receptacles and a dumpster will be provided at the pool amenity area for the disposal of solid waste.

Phasing – Mrs. Creef pointed out that Note 22 on the site plan details the proposed timetable for the construction of the infrastructure improvements and the total build-out of the site. All of the infrastructure, (the waterlines, storm water improvements, and roads) will be completed in the first year with a 10-year total completion period for all of the residential units. She stated that as-built surveys of the infrastructure improvements and road test results will be submitted to the staff upon the completion.

Approval sequence – Mrs. Creef stated that last month the Board discussed what the appropriate sequencing of approval from the County and the State permits would be. It was suggested that staff meet with Mr. Overton to come up with an appropriate sequencing schedule. Mrs. Creef suggested that the submission of the site plan to the Dare County Board of Commissioners be withheld pending the following:

The phase 2 approval of the wastewater improvements from the State in lieu of the storm water permit from the Division of Water Quality, comments from the County Engineer that he has reviewed the storm water permit from plans and feels they are adequate to serve the site. Once the phase 2 letter is received and Mr. Shriver is comfortable with the storm water plans, and the site plan the draft CUP will be forwarded to the Board of Commissioners for their review and approval.

Verification of improvements – Mrs. Creef stated that final surveys of the infrastructure and test results on the road improvements will be submitted to the Planning Staff once they are completed. In addition, individual as built surveys on each single family and multi-family structure will be submitted to the Planning staff before a certificate of occupancy is issued. .

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

County Engineer Steve Shriver told the Board that a storm water plan and calculations from Mr. Overton on Friday. He stated he is comfortable with the detail submitted. Mr. Shriver noted two minor clarifications as follows:

1. The two areas identified as "Stormwater Area 2" and "Stormwater Area 3" on the plan should be relabeled to show the two additional areas (15) total along with the calculations for each of these areas.
2. Additional detailing on the grading plan should be included to show the routing of storm water into the proposed retention ponds. Some locations may require underground piping or culverts to direct the flow into the retention ponds and/or swales.

Mr. Shriver stated that once the minor clarifications to the storm water plan are completed, the plan should be acceptable to the Division of Water Quality. He asked that a copy of the final storm water plan be submitted to his office at the same time it is forwarded to the State.

John Myers noted that the measurement of the separation between the buildings should be clarified.

After discussing the site plan for the Colington Pointe development in detail, John Myers, seconded by Joe Thompson, made a motion to recommend approval subject to the following.

1. The sequencing process outlined in the staff memorandum being followed.
2. Correction of condition 1 in the draft CUP to correct the number of units, and to expand the language in condition #2 to be specific that it is 20' in pavement width.
3. Make the other minor changes in the measurement of the separation between the buildings as noted by Mr. Myers.
4. A typical cross section of the road improvements being added to site plan.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Scotch Bonnet Conceptual Plan for redevelopment – Frisco – Sketch Plan***

George Wood, Environmental Professionals, Inc. was present to represent this sketch plan.

Senior Planner Donna Creef told the Board that the site for this proposed division is located in Frisco. She stated that it is a commercial parcel with a boat basin and several buildings currently on site. The plan is to fill part of the existing boat basin, extend the bulkhead, fill behind the proposed new bulkhead, and subdivide the property. A new

right-of-way is proposed as access to the lots. Mrs. Creef emphasized that this is a sketch plan and detailed information is not required. As noted on the sketch plan, the application of wastewater regulations may result in the elimination of some of the lots. Mrs. Creef suggested that the developer have the proposed subdivision evaluated by the

Dare County Health Department prior to submission of a preliminary plat to avoid any potential redesign as a result of conflicts with Environmental Health rules. She noted that on lot 7, the minimum building line is where the existing bulkhead is and all of the area of lot 7 is going to be filled. Based on the two previous subdivisions reviewed (Amelia Acres and Cutty Sark) the health department is not going to allow the location of septic systems in the filled area. Mrs. Creef pointed out that lot 3 is quirky and lots 1 and 2 have a total highland area of 15,000 square feet but it is not contiguous which has been an issue in the past with the Board of Commissioners.

Mrs. Creef pointed out that a CAMA major permit will be necessary for the modification of the existing boat basin and construction of the new bulkhead. She stated that the CAMA major permit process is lengthy. She suggested the Board indicate whether the CAMA permit should be secured before the submission of the preliminary plat or if the subdivision process can occur simultaneously. Since the proposed division is dependent on the issuance of the CAMA permit, it seems logical that the State permit should be issued before the County subdivision approval is granted.

Mrs. Creef noted that lot 12 is off to the side and Mr. Wood has indicated that the existing commercial structures on the site in the vicinity of lots 9, 10, & 11 would eventually be removed.

In reference to access to the site, Mrs. Creef stated that there are no designated entrances. Lot 10 depicts access to NC 12 and lot 9 and 11 from the adjoining roads. The road proposed for access to lot 11 is an existing 30' right-of-way. Mrs. Creef stated the entrance off NC 12 is not needed.

Mrs. Creef stated that the sequencing of the permits is going to be an issue with the preliminary plat. She stated that it is going to be important that the CAMA major permit for the proposed division be in hand prior to the submission of the preliminary plat.

Mr. Wood told the Board that one reason that he is going through this process is that in the permitting process they have to justify the location of bulkheads and fill in open water. He stated that the Division of Coastal Management and other State agencies are going to be asking about the subdivision layout and he felt it inappropriate to discuss the proposed project with the state and federal agencies without the Planning Board being aware of what they were proposing. He stated that he recognizes that there are a lot of challenges in what they are proposing both in the planning aspects and the state permitting process.

In reference to the sewage improvements on lot 7, Mr. Wood stated that there will probably be some redesign to allow for naturally occurring high ground on lot 7 so the sewage disposal system can be placed or they may look at some joint systems. He stated he has been discussing this with the health department.

Mr. Wood stated that right-of-way will be built to DOT standards in the event the developers wish to turn it over to the State. The right-of-way is proposed to be private, and will be 20' in width with a 50' turning radius in the cul-de-sac.

Mrs. Creef informed Mr. Wood that the County prefers public roads versus private roads and it is more than likely the Planning Board is going to tell you that it needs to be a public road. She explained that the County struggles with the maintenance on private roads. She also stated as demonstrated during Hurricane Isabel, FEMA does not reimburse the County for debris removal from private right-of-ways. She recommended that the right-of-way be designated as a public road.

Mr. Wood told the Board that the access in to lot 12 is going to be a commercial lot. In reference to the construction sequence he stated that they will begin the construction of the lots, demolish the existing trailer park on lot 12, and then move the commercial operations (gift shop and marina) which currently reside on lots 9, 10 & 11 over to lot 12.

Chairman Midgett asked if the proposed boat ramp is going to be used by the marina as well as the people in the subdivision.

Mr. Wood stated the boat ramp is going to be used for the development; for the interest in this development. He stated it is not necessarily a public marina.

Mr. Wood stated they are trying to maintain the access into lot 12 off NC 12 because it will be a commercial operation. He stated that the whole property is a wide open concrete area with curb cuts. He further stated that access off NC 12 would prevent the commercial traffic from having to turn down into the proposed right-of-way to access the commercial lot.

Mrs. Creef asked Mr. Wood to speak a little about how involved the CAMA permit process is going to be so that everybody understands how detailed that process is going to be and what is involved with filling of the boat basin. She also asked him to give a history of the boat basin.

Mr. Wood stated that the developer owns the bottom of the boat basin and does have the right to request permits to fill it. He stated it that his experience has been that the division of Coastal Management looks favorably on reducing the size boat basins. He stated this boat basin is way too large in comparison to its use and wasn't designed properly. He further stated that filling this area will allow for better use of the property in general and a boat basin and a canal that is more commensurate with this use. Mr. Wood stated that the developer currently hold a permit for dredging out in the Pamlico Sound

and that will be the source of some of their materials for filling in behind the proposed bulkhead. With regard to sequencing, Mr. Wood asked if the Planning Board would allow the commencement of coordination process with the staff before the CAMA permit is issued. He stated this will allow him to gain several weeks in the process when the permit is ready to be issued for coming back with the preliminary plat.

Chairman Midgett suggested that Mr. Wood come back with another sketch plan after the issuance of the permit to allow additional feedback from the Planning Board.

Mr. Wood requested a conceptual approval from the Planning Board.

Mr. Creef informed Mr. Wood that approvals are not give on sketch plans. She stated that staff can write a letter to CAMA explaining the review process, and that the Planning Board reviewed the sketch conceptual plan on October 11, 2004 and is aware of the proposed development. She said that no approval can be given based on the sketch plan review.

No action taken.

***Dare County Board of Education – Cape Hatteras Secondary School – Placement of temporary classrooms – Conditional Use Permit***

Senior Planner Donna Creef told the Board that the Dare County Board of Education has submitted a Conditional Use Permit application for the location of five modular classrooms for temporary use at Cape Hatteras Secondary School.

Mrs. Creef stated that Section 22-69 of the Dare County Zoning Ordinance specifically authorizes the use of modular units temporarily while construction of permanent buildings and commercial sites is on going provided the following conditions are met:

1. The modular units are anchored according to NC State building codes.
2. Required parking is provided.
3. The units are occupied for no more than one year. An additional year may be granted by the Dare County Board of Commissioners if economic and climatic conditions prevent completion within that one year.

Mrs. Creef made the following comments regarding the above conditions:

Condition 1- A site plan depicting the proposed location of the modular units has been prepared by Albemarle and Associates on behalf of the Dare County Board of Education. One of the five units is already on site and they are going to be bringing the other four units to the site. The units have been used at other locations operated by the Board of Education. A narrative prepared by Mr. Winebarger, Director of Maintenance for the Dare County Board of Education, indicates the modular units will be certified for compliance with the building code and will be properly anchored. Building permits for

the modular units will be issued by the Dare County Building Inspector and inspections completed as needed on the foundations and other applicable items. The units will be elevated to meet base flood requirements and elevation certificates prepared for verification of compliance with the federal flood regulations.

Condition 2- The location of the modular units will eliminate the use of some of the parking spaces. Mr. Winebarger's narrative includes a detailed parking analysis using the parking ratio from the Zoning Ordinance. Based on his analysis, he demonstrates more than enough parking on site even with the placement of the modular units. Mrs. Creef suggested the Board discuss internal traffic flow once the units are placed on site especially near unit T-5 with vehicular movement from the front parking lot to the lot on the west side of the modular units.

Condition #3 – The Dare County Board of Education has requested that the modular units be used on the site until September 30, 2006. Section 22-69 of the Dare County Zoning Ordinance authorizes the use of the modular units for up to 12 months with an extension of an additional 12 months available if it becomes apparent that the permanent facilities will not be ready within those 12 months. Mrs. Creef stated that based on a conversation with the County Attorney, the CUP cannot be granted for the entire two year period as requested and that the Dare County Board of Education must follow the extension procedures detailed in Section 22-69. Mrs. Creef submitted a draft CUP for the Boards review and consideration. She noted that the draft CUP contains language establishing a commencement date of the 12 month period as the day the certificates of occupancy for the modular units are issued by the Building Inspector.

Mr. Winebarger, thanked Chairman Midgett and Mrs. Creef for jumping through the hoops and making certain this item were placed on the agenda. He stated he knows there was a little bit of confusion earlier on.

Mrs. Creef told Mr. Winebarger that the next time he submits something to make sure he gives it to Jackie; she is the proper person to receive the submittals.

A motion to recommend approval of the Conditional Use Permit as requested by the Dare County Board of Education to the Dare County Board of Commissioners was made by Joe Thompson, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

There being no further business, a motion to adjourn was made by John Myers, Seconded by Marcia Parrott.

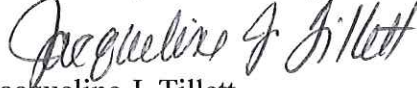
Vote: Ayes – Unanimous



There being no other 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 by,



Jacqueline J. Tillett

Senior Administrative Support Specialist

Approved: November 8, 2004



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board