

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 11, 2005. This meeting was held in the meeting room of the Dare County Administrative Annex building, 204 Ananias Dare Street, Manteo, North Carolina.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT

Elmer R. Midgett, Jr., Chairman
John Finelli
Robert Lewis
Beth Midgett

John Myers
Ricky Scarborough, Jr.
Joe Thompson

APPROVAL OF THE MINUTES

There being no additions or deletions to be made to the minutes of the March 14, 2005 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by John Myers, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

OLD BUSINESS

Croatan Woods Subdivision – Roanoke Island – Final Plat

Ray Meekins of Seaboard Surveying and Planning, presenting the final plat of the Croatan Woods Subdivision was present.

Senior Planner, Donna Creef told the Board preliminary plat approval for this proposed 43 lot subdivision located at the north end of Roanoke Island was granted by the Dare County Board of Commissioners in April 2003 subject the following conditions:

1. No land disturbing activity shall take place on the site until all State and local permits are secured by the developer.
2. No access to lot 1 and lots 38-43 shall be provided from US Highway 64.
3. No improvements shall be located on the elongated portion of lot 1.

Mrs. Creef stated that a 12-month extension was granted in 2004.

Mrs. Creef told the Board that staff visited the site last week and found all of the improvements complete, and the test results on the road are on file. She noted that there were no street name signs or traffic control signs in place.

Staff recommended final plat approval subject to the installation of the street name signs and traffic control signs in the division prior to it being recorded in the office of the register of deeds office.

Mrs. Creef informed the Board that she was notified today by Mr. Meekins that the developer Mr. Wallace Harvey would like to use a different street name than what is indicated on the site plan. She stated that Mr. Harvey wishes to use Croatan Woods Drive. She further stated that she checked with the Dare County Street Address Administrator and there are no conflicts with using this street name.

A motion to grant final plat subject to the installation of the street name and traffic control signs prior to recordation and verification that condition number 3 concerning lot one is included in the covenants and on the final plat was made by Joe Thompson, seconded by Robert Lewis.

Vote: Ayes – Unanimous

***John Harris – Waves Village, LLC (formerly U Can Fly, LLC) – Rodanthe – CUP
Amendment for restaurant***

Senior Planner Donna Creef presented staff comments. She stated last year, the Board of Commissioners approved a Conditional Use Permit (CUP) for a commercial group development in Rodanthe for John Harris. The CUP authorized a 74 seat restaurant and a building dedicated to water sports rental and retail sales. Recently, Mr. Harris submitted a floor plan for the proposed restaurant to the Health Department for approval. This floor plan depicted a two-story structure with seating on both floors. As noted in the original CUP, any increase in the seating would require additional review by the Dare County Planning Board as an amendment to the CUP. The applicant is requesting 32 additional seats.

Mrs. Creef included a draft amendment to the CUP in the Board's packet that discussed the 32 additional seats. She stated that the site plan includes a total of 151 parking spaces which will accommodate the requested increase in seating.

Mrs. Creef stated that conversations with the Fire Marshal and Building Inspector indicated that the floor plan depicts stairs from the second and third floor, and a complete copy of the building plans depicting the storage area on the third floor is needed to determine if an elevator is needed in the building. She stated that if it is determined that an elevator is needed, she doesn't think the change in the floor plan will be so substantial that it will necessitate it coming back before the Planning Board for review..

Mrs. Creef provided a draft amendment to the original CUP for the Board's review and recommended approval of the draft CUP.

A motion to recommend approval of the amendment to the CUP authorizing restaurant seating not to exceed 106 seats was made by Robert Lewis, seconded by Joe Thompson.

Vote: Ayes – Unanimous

NEW BUSINESS

Asa H. Gray, III (Cedar Hammock Resort Travel Trailer Park) – Waves – Preliminary

Mr. Gray and Mr. Mike Harrell were present.

Ryan Simons presented staff comments. He told the Board that Mike Harrell, on behalf of Asa Gray, submitted a site plan for a proposed travel trailer park in Waves. The total site area is 2.74 acres and the developer is proposing 23 individual travel trailer sites.

Mr. Simons identified the following issues for discussion by the Board:

1. The closed end of the proposed access road is required to have an 80' turning circle.
2. A 5' vegetative buffer is to be installed along the perimeter of the proposed park.
3. The Travel Trailer Park Ordinance clearly indicates that the travel trailer park must contain at least two acres excluding roads and common areas (including the 80' turning circle) and not exceed .74 acres.
4. Staff recommends that opaque fencing be installed along the east property boundary to discourage trespassing to the private beach access of the Sea Isle Shore Subdivision.
5. All State and Federal regulatory issues should be resolved prior to the preliminary plat review. These issues include:
 - a. Violation of the Sedimentation Pollution Control Act issued by the North Carolina Division of Land Resources, which may require the submission of an Erosion and Sedimentation Control Plan and Stormwater Management Permit.
 - b. Fill activities being verified/authorized by the Army Corps of Engineers.

Additional comments and correspondence received by the staff from adjoining property owners objecting to the proposed development were included in the Board's.

Staff recommended this item be tabled or considered as a sketch plan.

The Board discussed the issues identified by staff and concurred to consider item a sketch plan to allow the developer to prepare a revised site plan addressing the concerns noted by staff and time to resolve any regulatory issues with the State and Federal agencies.

Mr. Mike Giampetro, adjoining property owner, told the Board that he and others in the area are not opposed to the development of the property, but do have opposition; to the development as it is currently proposed. He stated that Rodanthe, Waves, and Salvo is developed with primarily single family homes, and this proposed development creates high density. Mr. Giampetro stated that the tax base is not really being enhanced with this proposed development. He also stated

expressed some concern regarding the fill that has been placed on the property and the storm water runoff that would be created with the installation of roadways. He also expressed concern regarding potential trespassing of people wanting to access the ocean. He suggested a fence be erected along the front and sides to avoid this situation.

No action taken – sketch plan review.

The Village at Salt Creek – Frisco – Sketch Plan (concept I & II)

A motion to excuse Beth Midgett who is involved in the sale of the property, from the review of this item was made by John Myers, seconded by Robert Lewis.

Vote: Ayes – Unanimous

Ryan Simons told the Board that Quible and Associates has submitted a sketch plan for The Village at Salt Creek in Frisco. He stated that the plan consists of two concepts (concept I – traditional 8 lot residential subdivision) (concept II – 12 home group development) of which the developer seeks guidance from the board to determine which concept might be more feasible or readily approved.

Bobby Willis of Quible and Associates was present to represent this project. He told the Board the parcel is 16 acres owned by the Oden Brothers, LLC of Hatteras. He stated that he initially proposed to do a 40 unit complex, but after spending \$40,000 found out that every piece of property down there is marginal.

Mr. Willis told the Board that the wetlands have been verified by the Army Corps of Engineers as depicted on the plat. Wastewater will be via private onsite septic systems and water will be provided by the County water system.

Mr. Willis stated that he is leaning more towards concept I.

Chairman Midgett commented that the 8 lot subdivision is much cleaner. He suggested lots 2, 8 & 7 enter from Salt Creek Court.

Mr. Willis told the Board that there are other ways to run a roadway in there, but Eddie Valdivieso said it was best to line it with Run About Circle because NCDOT would much rather have it aligned adjacent to another roadway rather than off setting it so that you don't have multiple roadways coming out on each side. Mr. Willis explained the lot one would have to have direct access off of Highway 12 or they would have to run some sort of easement along or do a flag lot along the bottom portion of lot 2. He stated that the road could be curved a little bit and uplands added.

Board member Joe Thompson commented that Frisco is a relatively lightly developed area and access to lot one from NC 12 would not be a big issue. Mr. Thompson expressed his opinion that concept I is a better plan.

Board member Ricky Scarborough, Jr. expressed his opinion that concept 1 (8 lot subdivision) is better than the group development plan.

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

A motion to bring Beth Midgett back on Board was made by John Myers, seconded by Robert Lewis.

Vote: Ayes – Unanimous

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John Myers, second by Robert Lewis.

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: May 9, 2005

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