

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, January 9, 2006. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC 27954

CALL TO ORDER 7:00 pm

ROLL CALL

Elmer R. Midgett, Jr., Chairman
John Finelli
Catherine Morris
Mary Beth Midgett

John Myers
Ricky Scarborough, Jr.
Joe Thompson

APPROVAL OF MINUTES

John Finelli pointed out a correction on page 8. He stated that the motion should reflect that both Elmer Midgett and Mary Beth Midgett voted in favor of the Elva Proffitt division. There being no other corrections or additions to be made to the minutes of the December 12, 2005 Planning Board meeting, a motion to dispense with reading them and to approve them as amended was made by John Myers; seconded by Catherine Morris.

Vote: Ayes – Unanimous

PUBLIC HEARING

Skyco Development Company, LLC – Skyco – Zoning Amendment

Senior Planner Donna Creef told the Board that last month the Board reviewed the zoning amendment request submitted by Skyco Development Company, LLC to assign a zoning designation of R-1 to property that is currently unzoned, and also reviewed a sketch plan for their proposed subdivision. At the end of the discussion, the Planning Board instructed the staff to schedule a Public Hearing on this matter to receive public comment prior to making a recommendation to the Dare County Board of Commissioners.

Mrs. Creef noted that the property is located in the Community Neighborhood land classification in the 2003 Land Use Plan. She stated that the narrative for this classification states that “the purpose of this sub-classification is to identify an area where the predominant land use is low-density residential dwellings.” She pointed out that Policy 55 of the Land Use Plan lists detached residential structures as a preferred land use in unincorporated Dare, and based on this information, a designation of R-1 is consistent with the Land Use Plan and the Land Classification.

Mrs. Creef pointed out that many other areas of Roanoke Island are already designated with R-1, including the neighborhood that adjoins the property owned by Skyco

Development, LLC. The unzoned parcel owned by Skyco Development, LLC is included in the draft zoning map for Wanchese. Under the Wanchese zoning proposal the property is included in the Highway 345 district. She explained that the Highway 345 district is broader in the scope of uses than the R-1 district being requested by the property owners.

Chairman Midgett opened the floor for public comment. He asked that comments be limited to 3-5 minutes; no more than 5 minutes.

Lorraine Tillett acting as the resource person for the Wanchese Zoning group. The tract is currently under consideration for a mixed use district in the Highway 345 zoning proposal. Ms. Tillett identified two requests for consideration as follows:

1. That the 171 acre parcel remain in the tax district 17.
2. The proposed highway zoning district for the parcel be changed to R-1 as long as it remains in tax district 17.

In closing Ms. Tillett stated that the Wanchese zoning group is in support of the requested R-1 zoning as long as the tax district line is not moved.

Chairman Midgett closed the public input portion of the public hearing due to there being no more speakers.

Lee Tugwell told the Board that John Robbins, Jr. has done all of the design. He stated that he is not sure that they can guarantee that their proposed subdivision configuration will keep the total separation between tax districts. He stated he wasn't aware of that and quite frankly he doesn't understand what the issue, but they will do their best to do that.

John Robbins, Jr. addressed the Board. He stated he is representing Skyco Development, LLC, of which his father and Lee Tugwell are two of the members. He told the Board that there is only about 20 acres of uplands. He stated they don't look at the tax district lines as many of us never refer to those lines, but rather look at the whole area as Skyco. He stated they want to see Skyco retain its character and charm, and continue to be Skyco; not the Hwy. 345 District or not any other zoning. He further stated that they want to see a holistic zoning classification.

Mr. Robbins told the Board that the developers feel that the area can best be protected with R-1 zoning, and that they can best achieve their development and goals with R-1 zoning.

Mr. Tugwell told the Board that the present use of their land is currently inconsistent with the R-1 zoning. He stated that they have contracted with the State to receive dredge spoil, and they do have a dredge spoil disposal site at this time which is probably also inconsistent with R-1 zoning.

John Robbins, Jr. stated that they have also started pursuing the water situation with Ken Flatt, and has been informed that there is water capacity to handle the rezoning request and proposed development.

Chairman Midgett stated that tax districts lines are not generally moved, but he would like to consult the County Attorney on this issue.

After discussing this proposal at length the Planning Board agreed to table this item.

A motion made by John Myers, seconded by Ricky Scarborough and Cathy Morris to table this until next month to allow staff to seek an opinion of the County Attorney on what effect the tax district line has on the zoning of the property and the development of the proposed subdivision.

Vote: Ayes – Unanimous

OLD BUSINESS

Island Woods Subdivision, Phase 2 – Roanoke Island – Resubmission of preliminary plat

Donna Creef presented staff comments. She told the Board Island Woods was granted preliminary plat approval by the Dare County Board of Commissioners in August 2003. The approval was valid for 12 months. No request for extension was ever submitted by the developer and this approval expired. A final plat was submitted for the division to the Planning staff at which time the developer was informed that the item could not be reviewed as a final due to the expiration of the preliminary plat approval.

Mrs. Creef stated that the item has been re-submitted for review as a preliminary plat. She noted that no changes in the layout of the design have been made.

Mrs. Creef stated she visited the site and found that all of the paving improvements are in, the roadside swales need to be re-constructed and stabilized, graded and shaped as part of the second preliminary plat approval. She noted that street signs need to be installed as well.

Eddie V. from Quible and Associates was present to represent this preliminary plat.

A motion was made by John Myers, seconded by John Finelli to recommend preliminary plat approval subject to the installation of street signs, the additional swales or the maintenance of swales, reconfiguration of swales and also the placement of the dumpster site on the plan and confirmation that there is access on Lib's Way, seconded by John Finelli.

Vote: Ayes – Unanimous

Cedar Hammock Resort Travel Trailer Park – Waves – Site Plan

Planner, Ryan Simons presented staff comments. He told the Board that the site consists of 2.74 acres and has previously been reviewed by the board.

Mr. Simons stated that due to the narrow nature of this tract, and in order to accommodate the 80' turn circle required by the Ordinance as well as the 10' of vegetative buffer required, the developers have decided to seek additional land from the adjacent property owner to supplement the width of the property.

Mr. Simons stated that the Ordinance states that the 80' turn circle delineated on the plat needs to be at the closed end of Dead End Drive, and each travel trailer site needs to be properly shaped and graded. He stated that this may pose some sort of conflict with the lots located at the rear which are in the area of jurisdiction of Army Corps of Engineers where some filling of wetlands have taken place.

Mr. Simons noted that during previous discussions the issue of what constitutes roads, common areas and the like was raised. He stated that he consulted with the County Attorney and was told that these common areas are any area in which all lease holders have a vested interest or right to use.

Mr. Simons pointed out that the Corps of Engineers has submitted comments regarding some unauthorized wetland filling on the property. They indicate that remediation will have to take place to repair those wetlands. Verification of any remediation will need to be submitted. Mr. Simons further noted that the Division of Water Quality has indicated that the state storm water permit is incomplete and will have to be completed prior to the installation of any improvements.

Mr. Rick House from House Engineering was present to represent this proposed travel trailer park.

Mr. House told the Board that the turning radius has been moved 5 foot from the north property line so that a 5 foot buffer could be established on the north property line. He stated that Mr. Midgett of Dare Building is present and is willing to grant an easement on the property if you would accept that and or sell us additional property.

Mrs. Creef suggested that prior to coming back before the Board the site plan be cleaned up and depict what they are considering common area and submit a written document to put in front of the Attorney for us to review and the attorney to review before it even gets back on the agenda.

Ryan Simons requested the submission of a document stating that acquisition of the additional land.

No action taken was taken; as this was a sketch plan.

Hatteras Hideaway Travel Trailer Park – Buxton – Sketch Plan

Ryan Simons presented staff comments. He identified the following items for the Board's discussion.

1. The property rests in two separate zoning districts; the division of which lies along the canal area on the northern portion of the parcel.
2. The small portion of the land to the north is zoned R2-A; the land to the south is zoned C-3. In R2-A campgrounds are listed as a conditional use. In C-3 it is not listed as a permitted or a conditional use, assumingly it is implied as allowed.
3. Despite that all of the proposed improvements are located in the C-3 portion of the property; staff is recommending that this particular development be subjected to a conditional use due to the following:
 - a. The north portion of the property remains R-2A which requires a CUP.
 - b. Many of the adjoining properties surrounding this proposed development are located in the R-2A zoning district.
4. The travel trailer park should be developed with the proper drain ditches; all banks should be sided and sloped.

Mr. Rick House was present to represent the applicant. He stated that Rankin Surveying prepared the original sketch plan. He stated that they have taken out approximately three lots from the original sketch plan. He stated that they the developers would like to know how the Board would like for them to proceed as far as a conditional use permit for this combined R-2A and C-3 property.

No action taken; sketch plan review.

Wind Over Waves, Phase 3 – Salvo – Preliminary Plat

Ryan Simons presented staff comments. He told the Board that previous review of this plat was identified a conflict with the street name. He stated that typical building footprints have been included on the plat. He suggested that the swales from the adjoining phases of this particular subdivision be reshaped and provide adequate drainage.

Eddie Valdivieso of Quible and Associates was present. He told the Board that the street name/address conflict is with Otter Way. He explained that phase one, phase two and phase three were originally configured with the location of two cul-de-sacs. He stated the configuration has changed and they are proposing to retain the name Otter Way and record Phase 3 noting this change after notifying the property owners.

Mrs. Creef strongly encouraged Mr. Valdivieso to do whatever he can to avoid having to change the street name. She informed him that people do not like changing the name of a street.

The Planning Board discussed the plat for Wind Over Waves, Phase II. A motion to recommend preliminary plat approval subject to the following was made by John Finelli, seconded by Cathy Morris:

1. Consultation with staff on a resolution of the street name/addressing conflict of Otter Way and North Sand Dollar Drive prior to the installation of improvements, as well as the relocation of the property line for lot 19.
2. A note being added to a revised plat referencing Section 22-58.2 of the Dare County Zoning Ordinance as the "Standard for Residential Construction based on lot size".
3. A revised plat depicts a typical building footprint on lots 54-57 to depict their relation to existing ground contour(s).
4. The drainage swales of previously approved phases of Wind Over Waves are reestablished to their permitted condition to alleviate the impact of stormwater on Phase III.

Vote: Ayes – Unanimous

NEW BUSINESS

Teach's Lair Marina – Hatteras – Conditional Use Permit Amendment

A motion to recuse Beth Midgett from the discussion of this application was made by Cathy Morris, seconded by Ricky Scarborough.

Vote: Ayes – Unanimous

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

Senior Planner Donna Cree presented staff comments. She told the Board that the Board of Commissioners originally authorized a conditional use permit for construction at the Teach's Lair Marina site in January 2002.

Mrs. Creef stated the proposed improvements included the construction of additional retail structures and the remodeling of the existing ships store and restaurant. Several of the new structures and the remodeling work are complete.

Mrs. Creef told the Board that building 200 is being purchased by a separate entity from Teach's Lair, LLC; therefore there will be a different signature on the CUP. She stated this will not create any problems because the approval runs with the land.

Mrs. Creef briefly discussed parking and noted that the parking is changing because of the change in use from retail to residential. She stated there will be more than the adequate number of parking spaces.

Mrs. Creef provided a draft CUP amendment for the Board's review and consideration outlining conditions of approval. She pointed out that condition #3 provides a two-year timeframe for securing the building permits for the remaining buildings proposed for construction.

A motion to recommend approval of the Conditional Use Permit Amendment for Teach's Lair Marina as drafted by staff was made by John Myers, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

A motion to bring Beth Midgett back on the Board for the remainder if the meeting was made by John Myers, seconded by Ricky Scarborough, Jr..

Vote: Ayes – Unanimous

Martin's Point Homeowner's Association (Roy Smith, President) – Martin's Point – Zoning Amendment Petition

Donna Creef told the Board the Martin's Point Homeowner's Association has submitted a text amendment request to make the zoning regulations of the MP-1 district consistent with the covenants of the subdivision.

Mrs. Creef identified three amendments for the Board's discussion as follows:

1. Pier length standards of the MP-1 allow the maximum pier length for the Currituck Sound to be 100 feet. The requested amendment is to increase this length to 125 feet.
2. Adding language to the "Other standards" section of the MP-1 district that would preclude the keeping and/or breeding of livestock, animals, fowl, or poultry. The covenants already address this.
3. The location of accessory dwelling buildings and structures on lots. The MPHQA is requesting that the addition of a specific requirement in the MP-1 district that would restrict the location of detached accessory structures within the principal use setback. The covenants already include language addressing this. Mrs. Cree suggested the language submitted by the MPHQA be revised to read as follows:

"All accessory use buildings or structures, including detached garages, pool house, storage shed, swimming pools, and swimming pole decking and/or pool apron areas shall be located on any lot in conformance with the principal building setbacks of this zoning district."

Mrs. Creef reminded the Board that they have the option of conducting a public hearing prior to making a recommendation to the Dare County Board of Commissioners. She stated that should the Board decide to conduct a public hearing; the notice procedures for

text amendments do not require notice to affected property owners. She stated that assistance from the MPHOA will be needed in posting notices and getting the word out.

Mrs. Creef recommended that the Planning Board conduct a public hearing since it represents a substantial change in location of the detached structures and pools.

The Planning Board concurred to conduct a public hearing on this proposed text amendment. A motion to conduct a public hearing on February 13, 2006 was made by John Finelli, seconded by John Myers.

Vote: Ayes – Unanimous

OTHER BUSINESS

None.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillet
Senior Administrative Support Specialist

APPROVED: 2/13/06

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