

## **MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING**

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 10, 2006. 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  
Cathy Morris

John Myers  
Ricky Scarborough, Jr.  
Joe Thompson

### **MEMBERS ABSENT**

Beth Midgett

### **APPROVAL OF THE MINUTES**

There being no additions or deletions to be made to the minutes of the March 13, 2006 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by John Myers, seconded by Cathy Morris.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Island Woods Subdivision – Roanoke Island – Final Plat***

Mr. Brownie Douglas, representative of the charitable trust developing the Island Woods Subdivision was present to represent this final plat.

Senior Planner, Donna Creef reminded the Board that this item was tabled last month to allow the developer to install the street signs, stop signs and to complete some work on the swales. She stated she visited the site on Friday and found these items complete. She further stated that the swales have been hydro-seeded and she received satisfactory test results on the paving improvements today.

Mrs. Creef recommended approval of the final plat.

A motion to grant final plat and that the recordation of the final plat be withheld pending verification by staff that the roadside swales have been installed according to the site plan was made by Joe Thompson, seconded by John Myers.

Vote: Ayes – Unanimous

***The Storage Spot – Salvo – Preliminary Plat***

Ms. Mary Temple-Mullis, owner, was present for the review of this preliminary plat.

Planner, Ryan Simons presented staff comments. Mr. Simon told the Board that Ms. Mullis is proposing a two lot division in Salvo, as well as requesting that the versions of original CUP issued in 1996 be revised. Mr. Simons stated in regard to the subdivision, the setback requirements for lot 1 do allow for a 15' front setback and the existing dumpster site needs to be indicated on the plat.

Mr. Simons told the Board that the access agreement, which appears to be adequate, was submitted this afternoon. He noted that the vegetative buffer needs to be re-established. He provided two separate draft Conditional Use Permits (one for the warehouses with office and the other a group housing development consisting of 5 single family dwellings) for the Board's review and consideration and recommended approval of the subdivision.

A motion was made by Cathy Morris, seconded by John Myers to recommend preliminary plat approval of the Storage Spot Subdivision, subject to the two Conditional Use Permits being tracked concurrently with the review of the subdivision.

Vote: Ayes – Unanimous

***Aaron Hill Harbor – Salvo – Amendment to CUP #8-2004***

Mr. Charles Evans, Attorney representing Sapphire, LLC in this Conditional Use Permit amendment was present.

Senior Planner Donna Creef presented staff comments. She told the Board that a Conditional Use Permit and site plan was approved in 2004 for an 11-unit group housing development on the Aaron Hill Harbor site. She stated that the Conditional User Permit also authorized the use of three existing structures as accessory structures.

Mrs. Creef stated that the road improvements have been installed, but construction on the 11 units has not begun. Mrs. Creef noted that the developers have submitted a revised site plan and are requesting an amendment to the original Conditional Use Permit to add an additional residential structure and repositioned unit 5 closer to the east property line. She commented that the current proposal is a better design than what was originally approved.

Mrs. Creef identified the major point of discussion for the Board is the addition of the 12<sup>th</sup> unit.

In her staff comments, Mrs. Creef noted that Section 22-31 speaks to the provision of access roads and how the roads have to have a paved driveway with a roadbed width of not less than 20'. She noted that the site plan depicts the road narrowing down adjacent to what is now being

Mrs. Creef provided a draft amendment to the Conditional Use Permit with all the comments from the previous approval and the footprint of the 12<sup>th</sup> unit is the same as the other 11 units for the Board's review and consideration.

Mr. Charles Evans told the Board that it is his understanding the group development has been approved under the Conditional Use Permit that was issued some time ago. At the time of that approval there was a club house to be used, which is where the site #12 that they have decided to use as a building site and move the clubhouse to another site on the proposed development.

Mr. Evans stated that the width of the existing pavement which has already been put in was the width that was approved by the Board earlier, and he would suggest that the use is probably going to be less. The house is going to be used less; it will be one family, but rather than a club house for 11 sites as it was. The width of that final curly-Q there going to the very end was 15' of pavement when it was originally approved, and he is hoping the Board will approve the amendment to the CUP to allow it to stay 12'. The only way that he understands it that it could be widened and I don't know if this had anything to do with the original approval, because I was not present at that meeting, but the bulkhead would have to be disengaged and filled in and extended.

Chairman Midgett stated that the regulations say the pavement needs to be 20' and there will be a lot of traffic going back and forth there; more so than to a club house during the rental season. He stated if the developers want to add the extra lot, then they are going to have to install 20' of pavement.

Cathy Morris suggested that the developer relocate or demolish the existing building to get the 20'.

Mrs. Creef informed the Board that the original Conditional Use Permit for the 11 units is still in effect. She explained that the requested amendment is for the 12<sup>th</sup> unit. She stated that the change to the layout of lot 5 is that she doesn't consider it to be a substantial change and doesn't have a problem with it.

A motion to table this requested amendment until the May 8, 2006 meeting to allow the developer time to resolve the paving issue was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Vicki and Robert Harrison – Conditional Use Permit – Hatteras***

Mrs. Vicki Harrison was present to represent this application.

Senior Planner Donna Creef presented staff comments. She provided for the Board's review a revised copy of the survey that Ms. Harrison submitted on Friday afternoon. Mrs. Creef pointed out that the revised survey depicts a revised parking layout as a result of staff comments indicating that the previous parking layout was not in compliance with the Dare County Zoning Ordinance.

Mrs. Creef told the Board that she informed Mrs. Harrison that the Board is often reluctant to accept revised site plans on the eve of the scheduled meeting. She stated that she has had an opportunity to review the revised site plan if the Board is inclined to move forward with it. She further stated that the revised site plan does depict a much better parking layout than the previous design and does comply with the Zoning Ordinance.

Mrs. Creef told the Board that property is zoned C-2H, which allows seafood markets as conditional uses. She noted that the property is not quite 20,000 square feet and under the standards of the Dare County Zoning Ordinance, to qualify as group development you must have a minimum of 20,000 square feet. Mrs. Creef stated that Mrs. Harrison was advised of this and she submitted plan B depicting the connection of the building. She told the Board that neither the Zoning Ordinance nor the Building Code addresses the connection of two buildings. She stated that Mrs. Harrison was informed that the structure would need to have a roof, walls and be heated space and not just have a connection by deck.

Mrs. Creef informed the Board that the main question is the acceptability of the connection, which is a discretionary call by the Planning Board. She noted that the revised site plan does not contain any information regarding a buffer along the southern property line which abuts a residential use. She pointed out that Mrs. Harrison has indicated that she wishes to use a roll-out trash can versus a dumpster, and was advised that this would need to be discussed with the Public Works Department for authorization.

Mrs. Harrison addressed the Board and told them that they are trying to preserve the commercial fishing heritage of Hatteras Island. She stated that there are only two fish houses left and the waterfront has become so valuable that there is a threat that another fish house could be lost. She stated she is proposing to establish a wholesale/fish packing/retail seafood market.

Chairman Midgett informed Mr. Harrison that her proposal for a wholesale/fish packing/seafood market is not going to work with what has been submitted.

Mrs. Harrison stated she would do away with that and will just do the seafood market. She stated that they have three vessels of their own and that they would be using their own fish. She commented that any scrapes would be taken off shore and not be disposed of in the dumpster. She stated there would only be paper products probably being disposed of in the dumpster. She provided another drawing of her proposal for the Board's review. She told the Board that the existing house is old and feels that a bad storm could possibly damage the existing building and if the new one was connected to it that would possibly affect the structure as well and that is why they wanted to do a connection.

Chairman Midgett advised Mrs. Harrison that there will be no place for the consumption of prepared food authorized on site.

Mrs. Harrison agreed and stated there is no room for a deck or tables.

Regarding the property line adjoining the residential development, Mrs. Creef asked if a fence is proposed.

Mrs. Harrison told Mrs. Creef that her plan is to install a vegetative buffer. She explained that she has a lot of hibiscus plants that are salt resistant and have taken the tide and are about 6 feet tall. She stated she has been cultivating them for years. She stated she would be willing to install a fence if the Board requires her to do so.

Chairman Midgett stated that he would like to have the opportunity to visit the site and be able to report back to the Board. He stated the proposal is doable.

Mrs. Creef informed the Board that she will consult with the Fire Marshal regarding the connection.

A motion to table this item was made by John Myers, seconded by John Finelli.

Vote: Ayes – Unanimous

***Harry M. Lange – Preliminary Plat – Buxton***

Planner, Ryan Simons told the Board that Mr. Harry M. Lange is proposing a four lot division in Buxton; the smallest of the lots is just over 24,000 square feet.

Mr. Simons indicated that the primary concern is regarding the “pole” portion of the flag lot exceeding the requirement of 200’ in length. As submitted, the pole portion of lot 2 is 240’.

Mr. Simons also requested the submission of a wetland verification map and demonstration of how the highland portion of lot 1 will be accessed if access is proposed.

Mr. Harry M. Lange was present and told the Board that he is proposing to divide a piece of property that has been in his family since the 30’s for the construction of a residence for his own use. He stated that the existing houses are all rented. He further stated that he was not aware there was a maximum length on the pole portion of lot, and will adjust the south property line to make the lot comply with the regulations.

Chairman Midgett informed Mr. Lange that the Board cannot give him any sort of approval without seeing a revised site plan depicting the layout of the lots with the correct length for the pole portion of the flag lot.

Mr. Lange told the Board that the wetland verification map is in the process. He stated that he has been advised by Mr. Rankin that it has been done. In reference to access to the highland portion of lot 1, Mr. Lange stated that he will address that issue with a note on the plat.

Board considered this item a sketch plan; no action taken.

***Bernice J. Ballance – Travel Trailer Park – Buxton – Sketch Plan***

Mr. Mike Harrell along with the developer was present.

Planner Ryan Simons told the Board this is a sketch plan for a 39 site travel trailer park in Buxton. He stated this proposal is subject to a conditional use permit because the majority of the improvements for this proposal are located in the R-2A zoning district. He stated that the northern part of the property is zoned C-3, which does not list campgrounds as a permitted or conditional use, and is considered an allowable use.

Regarding the design component of the proposed travel trailer park, Mr. Simons stated that a turning circle with a diameter of at least 80' needs to be provided for the closed ends of the dead end drives of the internal roads. Mr. Simons noted that a vegetative buffer will need to be installed around the entire perimeter of the proposed park.

Mr. Simons told the Board that there are existing mobile homes located at the front of the property. He stated that one mobile home is permitted within a travel trailer park for the use as dwelling quarters for the park operator or manager. He stated that the other mobile homes should be removed and that the residents of these mobile homes should be given the appropriate 60 days notice to vacate as well information on where and how these mobile homes will be disposed of must be submitted the planning staff.

Mr. Simons noted that the developer will need to assign a new name to this proposed travel trailer due to a conflict with an existing park located within the county with the same name.

County Engineer Steve Shriver offered comments regarding land disturbance on the site. He told the Board that the developers will need to obtain the following:

1. Erosion and Sedimentation Control Permit
2. State storm water permit
3. Verification from CAMA regarding any jurisdictional authority over the canal located along the southern boundary

Mr. Harrell told the Board that they are planning to configure the lots differently so that they don't have the 80' cul-de-sacs so that they don't take away from those circles. He stated that loop roads will work as long as they have the width of 24' with a 32' entrance. He further stated that the proposed amount of sites (65), but everything is governed by what they are going to meet with Dr. Ueubler from the state and see what they can get as far as septic goes. He stated that is

going to create the whole thing. He stated that they can't say how many sites they want until they meet with him tomorrow.

Chairman Midgett told the developer that the Board cannot give him any indication as to what their feeling is until they see a rendering of the site plan layout.

No action taken.

***Sondra Dodson – CUP Application – Colington***

Ms. Sondra Dodson was present for the review of this application.

Senior Planner Donna Creef presented staff comments. She told the Board that Ms. Dodson is seeking authorization for a home occupation to operate a one chair beauty/barber shop on property she has leased a small residential structure at 1665 Colington Road.

Mrs. Creef told the Board that Ms. Dodson doesn't own the property, but explained that the ordinance doesn't limit it to property owners.

Mrs. Creef briefly discussed the following:

1. Area to be used for the home occupation not exceeding the 25% limitation. She stated that Ms. Dodson may utilize an area up to 161 square feet for the proposed home occupation.
2. Recommended additional parking and maneuvering area for clients to avoid having to back onto Colington Road. Mrs. Creef suggested that three parking spaces should be adequate.
3. Signage for the home occupation – Mrs. Creef stated that since the property is not in a subdivision with covenants that it might be appropriate for Ms. Dodson to be permitted to have a small wall sign on the residence denoting her beauty shop.

Ms. Dodson told the Board that she has always been a barber and has always worked out of her home. She stated she is single with two children (5 & 7 years old). She stated that it is hard to work for someone else when you have to run out to pick up children from school or be at home when they are sick.

Ms. Dodson pointed out the area proposed for parking area with turn around space. She stated her intended hours of operation are 9 AM – 7 PM, Monday through Sunday.

Mrs. Creef stated she did notify the adjoining property owners of this application and has not heard from anyone other than Mr. Dunstan who has indicated that he has no problem with Ms. Dodson's proposal. She further stated that if Ms. Dodson is given the option of being able to operate her business on Sunday and it becomes a problem, the Conditional Use Permit can be modified at that time.

John Myers, seconded by Cathy Morris made a motion recommend approval of the Conditional Use Permit application submitted by Ms. Dodson with the conditions identified in the Draft CUP prepared by staff in addition to the following:

1. Two 10' x 20' parking spaces being depicted on a revised site plan prior to the application being forwarded to the Dare County Board of Commissioners.
2. Wall sign not to exceed 6 square feet may be displayed at the residence.
3. Hours of operation being Monday – Saturday, 9 am – 9 pm and Sunday from 12 pm – 5 pm.

Vote: Ayes – Unanimous

***Payne Estates, Section II – Roanoke Island – Preliminary Plat Review***

Mr. Mearl Meekins of W. M. Meekins, Jr. & Associates, Inc. representing this sketch plan was present.

Planner Ryan Simons presented staff comments. Mr. Simons told the Board that this is a proposed four lot subdivision. He stated the smallest lot consists of 20,000 square feet. He stated that all of the lots front on Burnside Road, therefore no road improvements are proposed. He recommended preliminary plat approval.

John Myers commented that he read that the drainage basin area for the Manteo Faith Baptist Church is encroaching on the site and submitted photos of the site, and explained that the drainage problem that the Manteo Faith Baptist Church has had is adjacent to lot 4.

Mr. Simons stated that was correct and explained that there is some history with the adjoining property owner that shouldn't have any bearing on the subdivision itself. He stated that a resolution is currently being discussed.

County Engineer Steve Shriver explained that the primary problem with the Manteo Faith Baptist Church is that the certificate of occupancy was issued prior to the installation of the storm water management ponds as required by the Conditional Use Permit. He stated he is currently working with the church to get an as-built survey of the property done, and after that is done they are going to go back and install those ponds as required by the permit. Mr. Shriver stated this situation should not have any bearing on the proposed division.

John Myers, seconded by Cathy Morris made a motion to recommend preliminary plat approval subject to the following:

1. Swales being installed and maintained prior to the final plat submission.
2. A dumpster site is approved by staff and being depicted on the site plan.
3. Driveway cuts being installed according to NCDOT standards.



Vote: Ayes – Unanimous

***Dough's Landing – Roanoke Island – Sketch Plan***

Planner, Ryan Simons presented staff comments. He told the Board this is an 8-lot subdivision located on the North End of Roanoke Island. He stated that the developer has opted to propose access to the property via Leland Lane (an existing 20' easement). Mr. Simon explained that despite the odd design of the road, this would be a far less intrusive traffic pattern than what would be developed if access was via Elizabeth Drive. Mr. Simons stated that the developer should continue to work with NCDOT and the Dare County Planning staff to ensure that this is the most practical road design.

Mr. Ray Meekins of Seaboard Surveying and Planning, representing the developer(s), was present. Also present were the developer(s)/property owner(s).

Mr. Meekins told the Board that the proposed subdivision is on the old Fannie Dough property on Roanoke Sound with one lot being accessed off Elizabeth Drive and the remaining lots accessing off of Highway 64 of existing Leland Lane which will be upgraded to a 45' right-of-way.

Chairman Midgett informed Mr. Meekins that he prefers the layout depicting Leland Drive as access to the proposed division, but needs the right-of-way to be 30'. Board members indicated no problem with the 30' right-of-way.

Chairman Midgett advised Mr. Meekins that he would also need to consult with the Roanoke Island Voyages Commission, NCDOT and all other applicable agencies.

No action taken; item was reviewed as a sketch plan.

**OTHER BUSINESS**

***Wanchese Zoning – Update on Dare County Board of Commissioners action***

Senior Planner Donna Creef informed the Board that the Dare County Board of Commissioners conducted a public hearing on March 20, 2006 on the Draft Wanchese Zoning Map as recommended by the Planning Board. She told the Board that there were numerous speakers at the public hearing and some adjustments were made to the map as a result of comments rendered at the public hearing.

Mrs. Creef stated that the map was adopted by the Board of Commissioners with the exclusion of the area designated as Highway 345 due to a lot of the comments rendered at the hearing. She stated comments were rendered regarding text amendments to the district regulations of the Highway 345. These amendments were in regard to minimum lot size, permitted or conditional uses on the warehouse, and radio broadcast towers. There was also some discussion of the gross floor area limitations.

Mrs. Creef stated that in an effort to come out of the public hearing with something adopted, the Board elected to direct the Planning Board to make revisions to the Highway 345 based on comments rendered and then resubmit to the Board of Commissioners for additional consideration. She told the Board that the majority of Wanchese tax district 17 is zoned; effective on March 24, 2006.

Mrs. Creef stated that she and Chairman Midgett have discussed what would be the best way to move forward with the Highway 345 district and his suggestion was that there is a sub-committee rather than trying to coordinate seven board members and staff schedule and work with a smaller group. He suggested that we have a workshop and address the issues individually and the report back to the full Board with a report that can then be forwarded to the Board of Commissioners.

A motion was made by Cathy Morris, seconded by Joe Thompson to appoint John Myers, Ricky Scarborough, Jr. and Chairman Elmer Midgett to the sub-committee to revise address the text amendments to the Highway 345 zoning district.

Vote: Ayes – Unanimous

The sub-committee agreed to meet at 7 PM on Wednesday, April 19, 2006.

### ***Manns Harbor Zoning***

Chairman Midgett asked Ryan Simons if he had received a letter from Mr. Mann.

Mr. Simons stated he has not received any letter, but he has been working informally with Mr. Mann. He stated he has acted as a guest speaker to the group that has been assembled to initiate zoning in Manns Harbor.

### ***Flag Lots***

Mrs. Creef informed the Board that language establishing a policy on flag lot design will be included on the agenda for next month for discussion.

Chairman Midgett asked the Board to think about this issue for discussion.

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

Vote: Ayes – Unanimous

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This meeting closed at approximately 8:50 PM.

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

APPROVED

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