

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held its regularly scheduled meeting on Monday, May 8, 2006. This meeting was held at 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7:00 P.M.

MEMBERS PRESENT Elmer R. Midgett, Jr. – Chairman
John Myers, III
John Finelli
Cathy Morris
Beth Midgett

MEMBERS ABSENT Ricky Scarborough, Jr.
Joe Thompson

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the April 10, 2006 meeting of the Dare County Planning Board, 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

Vicki and Robert Harrison – Hatteras – Conditional Use Permit Application

Mrs. Harrison was present to represent this application.

Senior Planner Donna Creef told the Board reminded the Board that this item was tabled last month to allow the applicant time to consult with the inspections staff regarding the connection of the proposed addition to the existing structure and the impact, if any, by the building and flood code.

Mrs. Creef informed the Board of a site visit made by Chairman Midgett and herself. She stated she spoke with the building inspector and the flood plain administrator Mr. Jim Meads and it has been determined by a copy of an elevation certificate submitted by Ms. Harrison that her existing residence is at the base flood, therefore the 50% rule that is often a problem with additions to pre-firm structures is not going to be an issue.

Mrs. Creef included in the Board's packet a draft CUP for consideration and review. She noted that the one item the Board discussed briefly last month was the buffering of the site. Mrs. Creef informed the Board that the condition addressing buffers was intentionally left blank pending the Board's discussion.

Mrs. Creef recommended approval of the Conditional Use Permit application submitted by Mrs. Harrison.

Mrs. Harrison briefly discussed the previous issue raised regarding the disposal of fish scrapes. She informed the Board that they fish off-shore and the scrapes will be used for chum and those will all be taken off shore. She also presented the architectural plans of the proposed structure showing the connection to the existing building.

Chairman Midgett told the Board that there is a pretty good buffer existing, but it probably wouldn't hurt to plant a few trees on the rear of the site.

Mrs. Creef stated that existing vegetation is satisfactory. She further stated that the Planning staff will review the existing vegetation prior to the issuance of a certificate of occupancy to determine if additional vegetation is needed.

A motion to recommend approval of the Conditional Use Permit as requested with conditions as identified by was made by John Myers, seconded by Beth Midgett.

Vote: Ayes – Unanimous

Aaron Hill Harbour – Salvo – Amendment to CUP #8-2004

Mr. Charles Evans, Attorney, representing the Sapphire, LLC was present. Also present was Mr. Willis of Sapphire, LLC.

Senior Planner Donna Creef presented staff comments. She told the Board that the Board approved a conditional use permit for a group housing development at the Aaron Hill Harbour site with 11 units in 2004. The developers are now seeking approval of a twelfth residential unit. The discussion by the Board last month focused on the need to widen the road so that it has 20' of width throughout the entire development back to unit 12.

Mrs. Creef stated that the revised site plan does depict a 20' wide road for access to unit 12. She explained that the existing bulkhead on site will be moved to allow for this increase in road width. She pointed out that the revised site plan depicts wooden ramps and decking at the existing structure that will be used as the clubhouse. She stated that this is inaccurate and the decking improvements will not be added to the ramp.

Mrs. Creef told the Board that after she prepared her comments, and sent them to the developers, they contacted her with a concern regarding the language included in condition #5, which states there shall be no sleeping accommodations in the club house. She stated that they said that once the 12 units or 11 units as the case may be, are all built out that they foresee an opportunity to have an onsite property manager and wanted to reserve the right to modify the second floor of the club house to have living quarters for the property manager. Mrs. Creef told the Board that she is not necessarily uncomfortable with that, but would want to ensure that it could not function as the 13th unit and that it couldn't be conveyed. She stated that the developers have provided a copy of the floor plans that include a note identify the upstairs as "proposed future managers' quarters". Mrs. Creef suggested that a condition be included in the Conditional Use Permit as well that says that the Homeowner's Association for Aaron Hill shall retain ownership

of the clubhouse and the storage facility on site and an effort to ensure that quarters function as the intended purpose.

A motion to recommend approval of the CUP with the language suggested by Mrs. Creef and the revised site plan include a dumpster site was made by John Finelli, seconded by Cathy Morris.

Vote: Ayes – Unanimous

Harry M. Lange Subdivision – Buxton – Preliminary Plat

Planner, Ryan Simons presented staff comments. He told the Board that previous discussion of this three lot division centered on the length of the pole portion of lot 2, and access to the rear highland portion of lot 1.

Mr. Simons stated that the revised site plan depicts the access to lot two having been reduced to the recommended length of 200 feet.

Mr. Simons provided the Board with a revised site plan submitted by Mr. Lange addressing concerns as noted by staff.

Mr. Simons requested that dumpster site be depicted on the site plan and the submission of a wetland verification map prepared by the US Army Corps of Engineers.

Staff recommended approval.

Mr. Lange was present.

A motion was made John Myers, seconded by Beth Midgett to recommend approval subject to the following:

1. Wetlands verification
2. Depiction of a dumpster site the plat

Vote: Ayes – Unanimous

Palmetto Point – Colington – Sketch Plan

Senior Planner Donna Creef presented staff comments. She told the Board that this is the second time we have seen this as a sketch plan. She told the Board that previously when the Board reviewed this, the majority of the discussion focused on Beasley Lane, an existing 15 foot right-of-way that connects the property to Colington Road. At that time the Board said 15 feet is not adequate, and advised Mr. Deel to pursue additional right-of-way width. Mrs. Creef told the Board that Mr. Deel has been working on that, and has come to terms with the property owners along Beasley Lane to 25 feet.

Mrs. Creef attached to her written comments a memo from former County Attorney Norma Mills that speaks to the discretion that the County has with private roads and their adequacy and how the County can address those. She stated that the bottom line is yes the Board can authorize narrower widths of right-of-way less than the standard NCDOT right-of-way of 45', but if that determination is made then what is adequate needs to be determined.

Mr. Deel, property owner and engineer was present. He told the Board that Palmetto Point consist of 37 acres, situated in three contiguous parcels. He stated that his proposal is to divide two of the three parcels into a total of five large single family residential lots averaging 4.35 acres each in accordance with the concept of low-impact development.

Mr. Deel told the Board that Beasley Lane crosses four properties which also use this road as access. He told the Board that Mr. Tabb has granted a 45' wide easement for the portion of Beasley Lane which is located on his property and has expressed support of his proposed project.

He further stated that he has met with the property owners along Beasley Lane and have presented a design which mitigates their concerns of reduction in their yard widths, traffic issues, and he expansion of Palmetto Point in the future.

Mr. Dills discussed the following issues as outlined in his written narrative on file:

1. Traffic/speed control/safety issues on Beasley Lane
2. Roadway width
3. Zoning
4. Low Impact Development

The Board discussed Mr. Deel's proposal and offered the following comments:

1. The increase of the right-of-way along Beasley Lane to 25 feet with 18 feet of paving improvements is acceptable.
2. The other road improvements will need to consist of 45 feet of right-of-way width with 20 feet of paved improvements, and any bridges will also need to be 20 feet in width.

Sketch Plan; no action taken.

NEW BUSINESS

Hermond L. & Kathryn J. Midgette/Robert W. & Judy D. Midgette – Buxton – Division of Lot 2B into lots 4 & 5 William E. Midgett Tract – Sketch Plan

Mr. Hermond Midgett was present.

Ryan Simons presented staff comments. He told the Board that Lots 2B and 2C on this sketch plan are intended to be accessed by an 8' access easement over 240' long. He stated that the shared access routes should have corresponding agreements submitted for staff review.

Mr. Simons included in the Board's packet photos of the existing 12' wide bridge which should comply with NCDOT standards or those made in consultation with the Dare County Fire Marshal regarding whatever load bearing that might be required. Mr. Simons also noted that a dumpster site needs to be depicted.

Sketch plan; no action required.

The Planning Board discussed the following issues:

1. Proper access to the proposed lots, and maintenance of the existing bridge.
2. A dumpster site being depicted on the revised plat.
- 3.

Chairman Midgett suggested that the developer meet with his surveyor to explore other possibilities as to how the access can be obtained.

No Action taken.

Hatteras Island Estates (Estates of Hatteras Island) – Recombination – Preliminary Plat

Donna presented staff comments. She told the Board that the recombination of lots 18-27 has been submitted due to a change in the first line of stable natural vegetation established for CAMA. The change in the first line of stable natural vegetation was adjusted westward impacting the area available for the construction of improvements. To offset this reduction, the developer has proposed a reconfiguration of the existing lots and the road improvements.

She identified other changes in the layout as a result of the revised road layout.

1. The square footage of lots 22 and 23 increases. Lot 22 gains 467 square feet and lot 23 gains almost 2,000 square feet in area.
2. The other lots decrease in area, but still meet the minimum square footage requirements of the S-1 zoning district.
3. Access to lot 24 previously was off of Caribbean Way and is now proposed from Atlantic Drive with a 20' portion of the lot fronting on Atlantic Drive. An emergency access easement is proposed from Caribbean Way to Atlantic Drive.

All of the notes and references to the Zoning Ordinance and other information included on the original plat for the Subdivision as recorded should be included on this revised preliminary. The original covenants for the division will apply to lots 18-27.

A motion to recommend preliminary plat approval subject to the following was made by John Myers, seconded by Cathy Morris.

1. The notes on the original plat being depicted on the revised preliminary.
2. The same covenants shall apply
3. A dumpster site shall be located on the revised plat prior to submission to the Dare County Board of Commissioners for preliminary plat review.

Vote: Ayes – Unanimous

OTHER BUSINESS

Hwy. 345 Subcommittee Report

Senior Planner Donna Creef presented the Hwy. 34 Sub-committee report. She told the Board that a recommendation on each of the issues is needed from the Planning Board prior to presentation to the Dare County Board of Commissioners.

Mrs. Creef reviewed the following issues with the Planning Board:

- #1 – Warehousing/storage and warehousing storage centers
- #2 – Radio and television broadcast towers
- #3 – Group housing density standards
- #4 – Minimum lot size
- #5 - Gross Floor area limitation
- # 6 – Performance standards and other information

Chairman Midgett asked if anyone wished to speak. No public comments were rendered.

Motion to recommend approval of the recommendations of the sub-committee on the 345 zoning district was made by John Myers, seconded by John Finelli.

Vote: Ayes – Unanimous

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. Tillett
Clerk to the Dare County Planning Board

APPROVED:

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