

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 12, 2006. 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
John Finelli
Cathy Morris
Joe Thompson
John Myers
Mary Beth Midgett
Ricky Scarborough, Jr.

APPROVAL OF MINUTES

Cathy Morris pointed out a typographical error on page 4, paragraph 5 of the minutes of the May 8, 2006 meeting. She noted that Mr. Dills should be Mr. Deel. A motion was made by Cathy Morris, seconded by Joe Thompson to dispense with the reading of the minutes for this meeting and to approve them with the correction as noted.

Vote: Ayes – Unanimous

OLD BUSINESS

The Storage Spot – Salvo – Final Plat

Ms. Mary Temple-Mullis, Owner, was present to represent the final plat for The Storage Spot Division.

Planner, Ryan Simons presented staff comments. He told the Board that this two lot division in Salvo was recommended for approval subject to separate revised Conditional Use Permits being applied to each parcel reflecting the existing group developments on site. He stated the preliminary plat for this division was approved by the Dare County Board of Commissioners on May 15, 2006. The Conditional Use Permit's will become effective upon approval by the Planning Board.

Mr. Simons told the Board that are no immediate plans for additional improvements in the division, and with the exception of providing for an additional dwelling unit to be placed on the site at a future date, the final plat does not deviate from the preliminary plat that was approved by the Board of Commissioners.

John Myers commented that he visited the site and it looks real good. He made a motion to grant final plat approval. This motion was seconded by Joe Thompson.

Vote: Ayes – Unanimous

Real Kiteboarding – Waves – Conditional Use Permit Revised site plan

Senior Planner Donna Creef presented staff comments. She stated in January 2005 the Planning Board reviewed and recommended approval of a site plan for a group development for Real Kiteboarding in Waves, NC subject to the submission of their phase two letter of approval from the State for the wastewater system being submitted to the staff prior to the preliminary being submitted to the Board of Commissioners for review. She stated the parking layout, and the wastewater systems and the scope of uses depicted on this revised site plan submitted by Massey Design of Virginia Beach, Virginia varies from the original plan prepared by Cahoon & Kasten which was approved by the Board. She stated that the changes coupled, with the lengthy delay in submission resulted in the staff decision to resubmit the site plan for Planning Board review.

Mrs. Creef stated that the Planning Board had extensive discussions regarding the proposed use of the site for kiteboarding lessons and the condominium units proposed for rentals to the kiteboarding clients, and the previous proposal did not include a restaurant and one of the proposed uses. She noted that the site plan prepared by Massey Design indicates a “deli restaurant” and incorrectly depicts the parking for the use as “one space for 100 square feet”. She pointed out that the correct parking allowance is one space for every 3 seats plus one space for each 3 employees.

Mrs. Creef told the Board that the applicants have submitted storm water management permits to the State as well applications for some of the other auxiliary permits necessary.

Mrs. Creef told the Board that she re-notified the adjoining property owners and some of them are present. She stated that some of the adjoining property owners sent her an e-mail (copies provided for the Board) expressing concern regarding the buffer along the property line and are requesting there be fencing instead of vegetation as it may be impacted by the clearing and construction on the site. Mrs. Creef stated that she explained to the adjoining property owners that the S-1 zoning district just states that a visual buffer is required where a commercial use abuts a residential use and doesn't provide any further guidance.

Mrs. Creef noted that the parking will need to be indicated correctly as previously stated and pointed out that the notes on the plat address the demolition of the existing improvements on the site. She stated that she discussed the demolition with the Chief Building Inspector and it will be very important that the demolition be coordinated very closely with the Building Inspectors on Hatteras Island and staff to coordinate the timing of the improvements and provide a construction/demolition schedule. She stated that a note has been included in the Conditional Use Permit that the applicants meet with the staff at the appropriate time before the building permits are issued to devise a demolition schedule that the staff can look at and approve.

Mrs. Creef told the Board that she is reluctant to move forward without some indication that the wastewater system is going to work in the proposed location and way the system has been designed. She stated that any above ground components of the wastewater system should be included as lot coverage. She pointed out that the site plan depicts one 8' x 8' dumpster pad which seems inadequate for both buildings and the scope of uses proposed for the site.

Clay Massey of Massey Design Associates was present to represent this site plan. He told the Board that part of the reason the site has been redesigned is that they met with the state representative, Dr. Uebler on site and he dictated where the wastewater treatment system needed to be, which constituted the flip of the parking and the waste water system from the previous layout. Regarding the wastewater concerns, Mr. Massey told the Board that the application has been submitted locally and approved by Elizabeth Morey. Dr. Uebler has approved it with one minor comment that is to shift the nitrification field about 3 feet to the east so that we can get the 200 ft. setback. It is currently at the State level for review because it is over 3,000 gallons.

Mr. Massey told the Board that they do have the highway permit, and the erosion/sedimentation control has been approved by NCDNR. He stated he met with NCDNR on stormwater this morning; he stated they have a couple of minor changes that won't affect the site layout.

Mr. Massey stated there is a small deli proposed on the site. He stated that there are no seats proposed for the deli only counter space for the users of the kiteboarding facility.

Chairman Midgett stated that he is going to want to visit the site.

John Myers commented that the number of seats needs to be determined to make sure there is adequate parking. He further commented that the dumpster site appears to be in a location that may be difficult for the trucks. Mr. Myers also commented on the height of the proposed building. He stated he would like to know how high the building is going to be and if it can be 52'.

The Board discussed the following:

1. Adequate number of dumpster sites for the development and the location.
2. Loading area for deliveries
3. Parking

No action taken; considered pre-application conference.

NEW BUSINESS

Division of Lot 2 – Fullmer Tract – Wanchese – Preliminary Plat

Ray Meekins of Seaboard Surveying & Planning, Inc. was present to represent this preliminary plat.

Planner Ryan Simons presented staff comments. He told the Board that this is a three lot division in Wanchese (the division of one lot into two and then the reconfiguration of a third). He noted that the dwelling currently located on lot 1R remains non-conforming but it is a significantly less non-conformity than the previous configuration.

The Board discussed the location of the dumpster site and the access for sanitation to pick-up the roll out containers.

Ray Meekins told the Board that the road way improvements proposed consists of 18' of rock with side swales to collect the stormwater.

Chairman Midgett stated he is going to want to have some covenants stating that lot 2B cannot be further divided.

Cathy Morris suggested language being included in the covenants for the easement for the dumpster on lot 1.

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

1. Dumpster site being relocated to lot 1R
2. Street name sign on private roadway
3. Covenants restricting further division of lot 2B.

Vote: Ayes – Unanimous

Collingwood – Colington – Group Housing Development – Conditional Use Permit

Senior Planner Donna Creef presented staff comments. She told the Board that lot 14 which is part of the Collingwood Subdivision is zoned RS-1 and does not permit group developments. She noted that the large portion of the site is zoned VC-2 and does allow group developments under Section 22-31. She stated that the variation in the zoning classification was discovered after the submission of the site plan. She stated when she conveyed this information to the developer he indicated at that time they would like to seek a reclassification of lot 14. She stated she informed the developer that this could be discussed at a later date, but could not be discussed at the same time the site plan is being considered because the two topics cannot be co-mingled because it is illegal.

Mrs. Creef noted that access to the site is from Collingwood Lane. A total of 10 detached single family units are proposed for the VC-2 tract.

Mrs. Creef pointed out that the site plan indicates an area of wetlands near units 7 and 8 and it indicates that these wetlands have not been confirmed by the Corps of Engineers and that a fill permit is underway. Mrs. Creef stated that she is reluctant for the Board to proceed forward with a recommendation on a site plan since that is iffy and we don't know if in fact that wetland delineation is going to be verified. She stated that the site plan needs to indicate, and any homeowner's documents need to include engineering certification on the two sites since they are going to be placed over fill material.

Mrs. Creef told the Board that each of the sites are proposed as a 20' x 48' footprint, and all structural improvements, including pools or hot tubs, except for the driveway will be located within this footprint. 20' separation must be maintained between the buildings.

Mrs. Creef noted that the roads will be private and subject to maintenance by homeowners association. She stated that documents for the homeowners association will need to be submitted to staff and should address the maintenance of the stormwater improvements. She pointed out that the site plans includes an incorrect maintenance certificate that references the Town of Kitty Hawk. She stated this needs to be corrected.

Mrs. Creef briefly discussed emergency access for the project and stated that more detailed information needs to be submitted so that the Board and staff knows how they are going to limit the access.

Mitchell Halloran, Project Manager with Coastal Engineering the engineering firm responsible for the plans for the proposed project was present.

John Finelli expressed concern regarding the location of the dumpster area by the gated access and the possible creation of some turn around problems for the sanitation truck.

Mr. Miller told the Board that his anticipation here was affordable housing, and incorporating the two parcels. He stated that five minutes ago he found out that he can't use the other parcel which upsets him greatly.

Mrs. Creef informed Mr. Miller that his engineers were advised of that weeks ago. She explained that RS-1 is one of the most restrictive residential district. She further explained that when Colington zoning map was created in 2003, Mr. Crow specifically stated that he wanted the front portions left VC. She stated that the Board can't make a zoning decision based on a proposal; that is what is known as contract zoning and that is illegal. So I she has to advise them to keep it separate so that the law isn't broken.

No action.

For the record Mrs. Creef stated that when the developers come back they will be coming back with a site plan for the property located in the VC – 2 district and then if they decide to submit their zoning application then they are going to be submitting the zoning application separately. She stated that the two items will track separately.

OTHER BUSINESS

Discussion – Flag lot standards

Senior Planner Donna Creef provided draft language for design standards for flag lots for the Board's review.

She told the Board that Planner, Ryan Simons did some research and found out how some of the other local governments in the area address flag lots.

Mrs. Creef strongly encouraged the Board to conduct a public hearing on the language if they decide to proceed with adopting the policy. She also stated that she will make the extra effort to get feedback on the draft language from the engineers and surveyors so that we can make the best informed decision on this.

This item will be placed on the July agenda for further discussion.

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

Respectfully Submitted,

Jacqueline J. Tillet
Senior Administrative Support Specialist

APPROVED: July 10, 2006

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