

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

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 14, 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

<b>MEMBERS PRESENT</b>	Elmer R. Midgett, Jr., Chairman	Cathy Morris
	John Myers, III	Joe Thompson
	John Finelli	Beth Midgett
	Ricky Scarborough, Jr.	

### **APPROVAL OF MINUTES**

A motion to dispense with reading the minutes of the July 10, 2006 Planning Board meeting and to approve them as submitted was made by John Myers, seconded by Cathy Morris.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Real Kiteboarding – Waves – Revised site plan review***

Present to represent this application were Ben Cahoon of Cahoon & Kasten, Clay Massey, Brian Billing and Trip Foreman.

Senior Planner Donna Creef told the Board that in June a revised site plan for the proposed Real Kiteboarding group development was reviewed. She stated that the discussion at that time focused on buffering concerns of the adjacent property owners, sufficient space for loading zones and dumpster sites; and the parking layout under condominium building #2. It was also noted that a State stormwater and wastewater permits are needed.

Mrs. Creef told the Board that comments rendered regarding the buffering concerns have been incorporated in the revised site plan. She stated that the revised site plan also has an additional dumpster pad located closer to the northern property line, the loading zone has been relocated, the parking layout has been revised and the developers have shown the proposed wooded style stockade fence along the southern property line. She stated that the Board will need to finalize the details regarding the buffering so that staff can include the appropriate language in the Conditional Use Permit.

Regarding the stormwater management permit and wastewater permit, Mrs. Creef stated that Mr. Massey has submitted the applications for the permits. She noted concern about moving forward to the Board of Commissioners review without some level of confidence that that wastewater permit isn't going to change or that it is going to be approved sooner than later. She stated that she would defer to the Board's wisdom on that.

Ben Cahoon discussed wastewater, stormwater, parking and buffering.

A motion was made by Joe Thompson, seconded by Cathy Morris to recommend approval of the CUP subject to the following:

1. Staff working out the details of the conditional use permit.
2. A buffering plan between the developer and the adjoining property owners being developed and installed that meets the requirements of the Dare County Zoning Ordinance.
3. Stormwater and wastewater permits in hand prior to submission to the Dare County Board of Commissioners for review.
4. The dumpster site depicted on the southern side of the building being relocated to increase accessibility of the containers. Also, the conflict with the dumpster site on the north side with parking space #24 being resolved.
5. Verification on the status of the CAMA permit.
6. The parallel parking spaces should be redesigned to the 10'x 20' measurements specified by the Dare County Zoning Ordinance.

Vote: Ayes – 5 (J. Thompson, C. Morris, J. Finelli, R. Scarborough  
& B. Midgett)

Noes – 2 (E. Midgett and J. Myers)

***Colington Glen formerly Sunset Investment Group, LLC, Parcel 2A, Wilton Gamiel  
Subdivision – Colington – Preliminary Plat Review***

John Delucia of Albemarle Engineering, representing the developer was present.

Senior Planner Donna Creef presented staff comments. She told the Board that the proposed division consists of 11 lots. She stated that site is accessed from Schoolhouse Road next to the Colington Fire Station.

Mrs. Creef presented the following comments:

1. All of the proposed lots contain a minimum of 15,000 square feet of non-wetland area. A wetland delineation plat verified by the Corps has been submitted and is on file. She noted that the developers do have a wetland fill permit from the Corps to install the road as depicted on the preliminary plat.
2. As depicted on the preliminary plat the existing cemetery on proposed lot 3 has been moved.
3. The plat depicts a large “open space” area. A note should be included on the plat and similar language included in the homeowners documents prohibiting any habitable structural improvements being located on that site.

4. An existing residential structure is located on lot 7. The overlay of the lot lines has been designed to conform to the R-1 setbacks.
5. A note should be included on the plat that references Section 22-58.1 of the Dare County Zoning Ordinance (Dune Alteration standards) and Section 22-58.2 (bedroom standards), that will apply to the property.
6. A dumpster site needs to be depicted on the plat.
7. As suggested, an appropriate name (Colington Glen) as been chosen for the proposed division.

Mrs. Creef stated that staff recommends approval subject to the items identified above being resolved.

Mr. Delucia told the Board that the developer(s) anticipate that they will use roll out garbage cans here. However, he identified a triangular area attached to the large open space, across from lots 2 & 3 that is large enough to put a dumpster pad. He further stated that all permits are in hand.

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

1. Dumpster site being depicted on a revised plat.
2. Notes being added to the revised plat and included in the homeowner's documents referencing the applicability of Section 22-58.1 and Section 22-58.2 of the Dare County Zoning Ordinance.
3. A note being added to the plat and in the homeowner's documents stating that no habitable structural improvements can be located in the open space area depicted on the plat.

Vote: Ayes – Unanimous

***The Refuge on Roanoke Island Travel Trailer Park – Wanchese – Preliminary Plat***

Planner Ryan Simons presented staff comments. He told the Board this is a 62 site travel trailer park in Wanchese. He stated that staff conducted a site visit with the developer on July 26, 2006. Since that time the developer submitted a legal copy of the adjacent easement, as well as a draft lease which he submitted today that includes some language restricting year around habitation.

Mr. Simon stated that the developer has also been in consultation with the Health Department to determine not only the prospect of obtaining possible water supply, but also the location of the septic systems. He noted that those decisions may ultimately decide the location of the road bed within that right of way indicated. A vegetative buffer installed as required will be installed.

Mr. Simon advised the Board of a statement by Steve Shriver, County engineer regarding the road bed material proposed. As the County is not familiar with the product proposed, the

developer is reminded that it is going to be his responsibility to maintain that product however it is going to require.

John Myers, seconded by Joe Thompson made a motion to grant preliminary plat approval subject to the following:

1. All applicable supplemental permits.
2. A vegetative buffer meeting the requirements of the Dare County Travel Trailer Park Ordinance.
3. Road improvements
4. Improvements that are subject to review by the Health Department.
5. No year round habitation permitted

Vote: Ayes – Unanimous

Mr. Fearing informed the Board that this park is a travel trailer park and not a mobile home park. He stated that this is not a place for people to take up permanent residence. He stated that in the language of the lease there will be language to protect both the County and the developer. One of the features of the lease will be a restriction on the age of the unit. He stated he will not permit any unit older than 10 years.

Mr. Fearing complimented the staff. He stated that they have made at least two visits to the property at his request and he does appreciate the involvement the staff has with the developer.

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

Ryan Simons presented staff comments. He told the Board this is a final plat submittal for a three lot division in Buxton. Since his preliminary review in May Mr. Lange has submitted a wetland verification map and has added a dumpster site to his site plan. The Board of Commissioners granted preliminary plat approval on June 19, 2006. Since there are no improvements proposed the final plat is essentially the same as the plat that was approved by the Board of Commissioners.

Staff is recommending final plat approval.

Mr. Lange was present.

A motion was made by Joe Thompson, seconded by Cathy Morris to grant final plat approval.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***The Inn on Pamlico Sound – Buxton – Amendment to Conditional Use Permit***

Senior Planner Donna Creef presented staff comments. She told the Board this is a request to amend the CUP for The Inn on the Pamlico to expand the services of the Inn to include a 15 seat, full-service restaurant for patrons other than guest at the Inn. Mrs. Creef told the Board that the site is zoned C-2 and restaurants are a permitted use in this district.

Mrs. Creef noted that the Zoning Ordinance addresses the parking based on the number of seats; one parking space for every three seats, plus one for every three employees. She stated if the Board is agreeable, she is comfortable with the parking that was designated for their residence which is on the property also functioning in a dual purpose there as the employee parking. She further stated that Mr. Nelson over design the kitchen, therefore the kitchen does meet the requirements of the Health Department.

A motion to recommend approval of the request subject to revisions to the site plan to address the parking standards of the Zoning Ordinance was made by Joe Thompson, seconded by Beth Midgett.

Vote: Ayes – Unanimous

### ***Phillips Subdivision – Frisco – Sketch Plan***

Ryan Simons presented staff comments. This is a proposed four lot division is Frisco. Even though no street improvements are proposed there are two shared access easements proposed to share two lots a piece. These gravel drives include the installation of three wooden bridges which we need to ensure meet DOT standards for emergency vehicle load

Mr. Simons stated that staff would also like to see a sign easement installed towards the front of the property to indicate the location of structures on lot 1A and 2B, as well as the inclusion of a dumpster site.

This is a sketch plan so no action is required.

Chairman expressed a concern regarding the proposed 20 foot easement to access two 6 bedroom houses. He stated that he thinks the easement needs to be bigger.

Joe Analauft with Quible and Associates was present to represent this division. He told the Board that this project was begun originally when Mr. Phillips came to Quible and Associates and spoke to the Environmental Department about building a house on lot 1A out on the point where the canals meet. The Environmental Department pursued CAMA permitting related to that and access became a major issue and the impacts related to access. Throughout that CAMA

permitting process the access was pushed to the location where it actually cross lot 1A and 1B in an effort to minimize impacts.

The Board discussed access and concurred that it does need to be wider.

Mr. Analau stated that he would like the Board's opinion on the subdivision itself because the lots are irregular in shape and are unique.

The Board generally approved of the concept for the proposed subdivision and concurred that the access needs to be wider.

## **OTHER BUSINESS**

### ***Zoning Ordinance Corrections***

Donna Creef told the Board that in reviewing the Zoning Ordinance she noticed that there was some language from several zoning districts that had been omitted. She told the Board that she counseled with the County Attorney and was advised to reread the Ordinance to see if there were other omissions and that a public hearing would need to be conducted to make these corrections. Mrs. Creef asked the Board for a recommendation to forward the corrections to the Board of Commissioners for their review.

A motion was made by Joe Thompson, seconded by Ricky Scarborough that the Planning Board not conduct a Public Hearing on the zoning corrections and to recommend approval of the corrections identified by staff to the Dare County Board of Commissioners.

Vote: Ayes – Unanimous

### ***Zoning Activities on Roanoke Island***

Mrs. Creef told the Board there are several properties on Roanoke Island along the east side of Highway 345 corridor that remain unzoned. She explained that the properties are located in tax district 11 (Manteo Outside) and therefore were not included in the Wanchese zoning map that was adopted on March 20, 2006. Mrs. Creef further explained that the highway frontage is zoned C-3 and R-1 applied to the Skyco Road area.

Mrs. Creef provided the Board with a draft letter for the Chairman's signature and a proposed zoning map for the unzoned properties to be mailed to the property owners for their review. She stated that a designation of C-3 is proposed for the number of privately owned properties with frontage on Highway 345. Properties owned by the State of North Carolina are proposed to be zoned NH.

Mrs. Creef requested instruction from the Planning Board to proceed with this initiative.

The Board expressed no problem with the proposal and a motion to direct staff to proceed with the zoning of the areas currently unzoned in the Manteo Outside tax district was made by Joe Thompson, seconded by Beth Midgett.

Vote: Ayes - Unanimous

**ADJOURN**

There being no further business before the Board a motion to adjourn was made by Cathy Morris, seconded by Joe Thompson.

Vote: Ayes Unanimous

This meeting adjourned at approximately 9:20 PM.

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED: September 11, 2006**

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