

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

The Dare County Planning Board met on Monday, October 9, 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	Mary Beth Midgett
	Richard “Ricky” Scarborough, Jr.	

### **APPROVAL OF MINUTES**

Cathy Morris noted that under old business, (Cap’n “B’s” Campground/Travel Trailer Park)”, the first sentence in paragraph three should read as follows: *Mr. Simons informed the Board that the applicant has submitted a document indicating that a permit from the Army Corps of Engineers on the project would not be required and that he is in process of securing approval from other regulatory agencies.*

A motion to dispense with reading the minutes of the September 11, 2006 meeting and to approve them with the modification noted by Cathy Morris was made by Joe Thompson, seconded by John Myers.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

***Cap’n “B’s” Campground (Bernice J. Ballance) – Buxton – Travel Trailer Park – Preliminary***

This item was removed from the agenda at the request of the applicant. This item will be placed on the November 13, 2006 Planning Board meeting.

### **NEW BUSINESS**

***Manteo Middle School – Roanoke Island – Conditional Use Permit***

Senior Planner Donna Creef presented staff comments. She told the Board that the Dare County Parks and Recreation Director Cliff Ogburn has submitted a request to amend the conditional use permit secured by the Dare County Board of Education for the construction of the Manteo Middle School. She stated that Mr. Ogburn is seeking authorization to install lighting improvements at the athletic fields on the Manteo Middle School campus.

Dare County Parks and Recreation Director Mr. Cliff Ogburn along with Mr. Stacy West with the lighting company were present for the review of this application.

Mrs. Creef told the Board that a Conditional Use Permit was authorized for the Manteo Middle School in October 2003. She noted that the original Conditional Use Permit authorized by the Dare County Board of Commissioners included a condition that there would be no outdoor lighting improvements installed at the athletic fields.

Mrs. Creef told the Board that a copy of the original site plan was included with the Board's packet. She noted that Mr. Ogburn has drawn squares on the site plan indicating where the proposed lighting fixtures are to be installed, and noted in his cover letter that the "future" concession facility depicted near the tennis courts is also proposed for construction at this time.

Mrs. Creef noted there is a 50' wide buffer along the northern property line, 25' buffer along the south and west sides of the property. She stated that the majority of these buffer areas are heavily vegetated. She stated that the road improvements depicted on the site as "future" are in place and serve as an alternate means of egress.

Mrs. Creef stated that the athletic fields will be used by the Manteo Middle School and the Parks and Recreation Department through contractual agreements. She also stated that all the other school fields and facilities managed by Dare County Parks and Recreation have lighting improvements with the exception of the fields located in Manns Harbor and Stumpy Point.

Mrs. Creef stated that notice of the Conditional Use Amendment request was sent to all adjoining property owners as a courtesy. She noted she was contacted by one property owner in the Creef's Ridge Subdivision, Mr. Gib Harrison.

Mrs. Creef noted that Chairman Midgett has agreed to receive public comments on this request, and reminded all wishing to speak that their comments should be specific to the lighting improvements requested and not be in reference to any other issues or concerns that may be associated with the school since the CUP amendment is specific to lights and concession stand.

Mrs. Cree provided the Board with a copy of a memorandum from the Manteo Middle School Improvement Team who met on September 28, 2006, adopting a motion regarding the installation of the lighting improvements and the sue of the athletic fields.

Mr. Cliff Ogburn told the Board that the Parks and Recreation Department requested the funds to be able to build these fields for community use. He stated after the school uses these fields the Parks and Recreation Department need the ability to have lights for community use. He told the Board that the fields at Manteo Middle School are designed for youth athletics, and are really too small for adult use. He stated that the Parks and Recreation Department currently uses the baseball fields as soccer fields which prohibits

year-round use of baseball fields. He explained that the Manteo Middle School site would allow the Parks and Recreation Department to have a softball, baseball, football and soccer field that can be used primarily for those purposes year round.

Chairman Midgett opened the floor for public comment.

Public comment was received from:

Gib Harrison addressed the Board and stated that he would like to see that the use of the fields for the youth only. He told the Board that he lives in the Creef's Ridge area and is speaking on behalf of the area on the other side (Washington Street) as well. He further stated that he was instrumental in fighting to prohibit the lighting on the athletic fields at Manteo Middle School. He stated his concern is that the neighborhood not be lit up at 10 or 11 PM, and the fields being used by the adult leagues and the late games associated with the adult leagues that go on sometimes until 11 PM, and then the after parties that go on after the games until midnight.

Mr. Harrison told the Board that Mr. Ogburn does a wonderful job for the Parks and Recreation Department and the County youth. He stated that he is confident that Mr. Ogburn and the lighting company will install neighborhood friendly lighting. Mr. Harrison stated that he does not represent the whole community, but feels like the community would be acceptable to the installation of the proposed lighting improvements as long as the use of the fields is reasonably limited (8:30 p.m./9:00 p.m.).

Mr. Sonny Briggs told the Board that he doesn't think the school has been a problem for anyone in the Creef's Ridge area as long as they keep the road closed. Mr. Briggs expressed concern regarding the lights being on all night, and stated that he feels that 9 p.m. is a reasonable cut off time since a lot of older people live in the neighborhood.

There being no other public comments, Chairman Midgett closed the public comment portion of the meeting.

John Myers commented that he was on the Board when the Conditional Use Permit application for the Manteo Middle School was submitted and he recalls it being promised that there would be no lighting on the athletic fields. He stated that the neighbors have a legitimate concern and suggested that a public hearing be held on the requested amendment. Mr. Myers further commented that the use of the athletic fields shouldn't go beyond the scope of the Middle School use; and that he was disappointed to see this come up.

Senior Planner Donna Creef stated that staff has already scheduled the item to go to the Board of Commissioners next Monday asking them to schedule a Public Hearing on this sometime in November.

The Board discussed the athletic fields being used by youth age children enrolled in the Parks and Recreation programs, construction of the concession stand and the use of amplification devices on site.

Joe Thompson made a motion to approve the located of the proposed concession facility and recommended approval of the amendment to the Conditional Use Permit as requested for the installation of lighting improvements at the Manteo Middle School with the language adopted by the Manteo Middle School Improvement Team being incorporated in the Conditional Use Permit to specify that it is for School age and youth program use exclusively, and that staff convey clearly to the Board of Commissioners the Planning Board's concern regarding limiting the hours of operation. This motion was seconded by John Finelli.

Vote: Ayes – (Chairman Midgett, John Finelli, Ricky Scarborough, Jr.,  
Cathy Morris, Beth Midgett, and Joe Thompson)  
Noes – (John Myers)

***Outer Banks Community Development Corporation – Roanoke Island – Zoning Amendment***

Chuck Poe with the Outer Banks Community Development (CDC) was present to represent this request.

Senior Planner Donna Creef stated that the CDC is a non-profit organization set up to increase affordable housing opportunities. She stated this property was previously reviewed by the Board as a subdivision and is now owned by the CDC. She stated the property is currently zoned R-1 and the CDC is requesting a rezoning to RS-8.

Mrs. Creef told the Board that properties to the West and North of the site are zoned R-1; property to the south is zoned R-2; and the property to the East is zoned RS-8.

Mrs. Creef stated that the subject property is classified on the 2003 Land Use Classification Map as Community Residential which identifies the area where low density residential dwellings, small businesses, government service occur. She pointed out that the Land Use Plan contains two policies that are pertinent to the goal of the CDC. Policy 55 which indicates detached residential structures as the preferred land use. Policy 56 recognizes divers housing needs of the community and private sector developments are encouraged.

Mrs. Creef stated the Planning Board always elects to conduct Public Hearings on map amendments and suggested a Public Hearing be scheduled in November.

Mr. Chuck Poe told the Board the CDC obtained the property in January of last year, and began a series of considerations regarding the highest and best use possible for the property. He stated the CDC then looked at the nature of the neighborhood and decided

that RS-8 and R-2 being contiguous, rezoning the property to RS-8 would be in compliance with the general demeanor of the neighborhood and that would allow the highest and best use.

John Myers made a motion to schedule a public hearing on this rezoning request for November 13, 2006. This motion was seconded by Joe Thompson.

Vote: Ayes – Unanimous

***C.M. Christler, Jr./Anne C. Von Solthen – Hatteras – Sketch Plan***

Ryan Simons presented staff comments. He told the Board this is a proposed three lot division in Hatteras.

Regarding the site plan, Mr. Simons offered the following comments:

1. The Dare County Zoning Ordinance precludes the creation of non-conformities. The developer should provide verification from the Fire Marshal that the structure depicted on proposed lot 1 will be destroyed or removed prior to the submission of a preliminary plat or the recordation of the final plat.
2. All utilities should be indicated on the plat since lots 1 and 2 are less than the required minimum 20,000 square feet. Mr. Simons commented that it is assumed the properties will be serviced by central water from the Dare County water supply.
3. A dumpster site needs to be indicated.
4. The developer should indicate whether the access easement to proposed lot 3 will be shared with proposed lot 2.
5. Area of uplands of proposed lot 3 needs to be indicated on the plat.

Mr. Simons reminded the Board that this item is a sketch plan review, therefore no action is needed.

Mr. David Dixon, Attorney representing the property owners was present. Also present was Real Estate Agent Dottie Reid. Mr. Dixon told the Board that the property is located on Eagle Pass Road and consists of 2.6 acres.

Chairman Midgett expressed some concern regarding the access for proposed lot 3 and the total square footage for proposed lot 2.

Board discussed plat; no action taken on this sketch plan.

**OTHER BUSINESS**

***Staff Report on Manteo Outside currently unzoned portions of Highway 345***

Senior Planner Donna Creef presented staff comments. She told the Board that unzoned portions of Roanoke Island are located along Highway 345. She stated that last month Mrs. Baum-Clift submitted some information and since that time staff has gone through and made some notes, additions, and deletions of what Mrs. Baum-Clift submitted. Mrs. Creef stated she labeled all of the changes and offered an explanation of why those changes were made.

Mrs. Creef stated that letters were previously sent to the handful of property owners that area unzoned indicating that we were hoping to do a combination of NH for the wetland areas and C-3 for the road frontage because C-3 was across the road. In light of what has been submitted, and in an effort to move forward with this, Mrs. Creef suggested the Board schedule a Public Hearing on the zoning for the unzoned properties. Mrs. Creef suggested sending out the proposed C-3 language with the addition of text requested by Dr. Adams and the alternate Skyco Neighborhood Commercial language.

A motion was made by John Myers, seconded by Ricky Scarborough, Jr. to schedule a Public Hearing for December 11, 2006 and to notify the public of both options.

Vote: Ayes – Unanimous

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

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED:** November 13, 2006

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