

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

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 13, 2006. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC 27954

**CALL TO ORDER** 7:00 pm

### **MEMBERS PRESENT**

Elmer R. Midgett, Jr., Chairman  
John Finelli  
Joe Thompson  
Mary Beth Midgett

John Myers  
Cathy Morris

### **MEMBERS ABSENT**

Ricky Scarborough, Jr.

### **APPROVAL OF MINUTES**

There being no corrections, additions or deletions to be made to the minutes of the October 9, 2006 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by Joe Thompson; seconded by Cathy Morris.

Vote: Ayes – Unanimous

### **PUBLIC HEARING**

#### ***Outer Banks Community Development Corporation (CDC) – Roanoke Island – Zoning Amendment***

Senior Planner Donna Creef explained that the CDC owns a parcel on Roanoke Island that is accessed off of Burnside Road and Amelia Drive. She stated the site is currently zoned R-1 and the CDC is requesting that the Roanoke Island zoning map be amended to change the zoning designation to RS-8 which allows the development of single family homes, duplexes, multi-family homes at a dwelling density of six units per acre.

Mrs. Creef informed the Board that notice of the public hearing was sent to all adjoining property owners. She reminded them that this is an optional public hearing and reminded the Board to avoid site specific questions. She stated that the Board's recommendation should be based on the entire range of uses, and that any recommendation needs to be accompanied by a determination of consistency or inconsistency with the Dare County Land Use Plan.

Chuck Poe, Executive Director for the CDC told the Board that the zoning being requested is a contiguous zone and the CDC has plans to construct homes for sale. He stated that the project will not include any type of subsidized housing, but would include homes for sale in the common marketplace. He stated that the CDC feels this is the highest and best use of the property.

Mr. Poe stated that the access to the property will be from Burnside Road exclusively with a buffer on the back of the property.

The residents/property owners of the Amelia Drive and Salome Court area listed below rendered public comments. They all expressed opposition to the proposed rezoning and stated concerns regarding access to the site, the type of housing proposed for the property, the environmental impact the project will have on the neighborhood with regard to flooding of their property due to the possible placement of fill on the site, storm water run-off, property values, increase in housing density and traffic. Some residents also expressed a concern regarding the existing borrow pit on the property, increased foot traffic through the Amelia Drive/Salome Court area, and the quality of water in the neighborhood.

1. Hunter Dowdy, resident of Amelia Heights.
2. Sissy Campbell, spoke on behalf of the residents on Salome Court and specifically Ed & Linda Dunnigan who were unable to attend. Mrs. Campbell read a letter written by Linda & Ed Dunnigan
3. Mike Bland, resident of 103 Amelia Drive.
4. Linda Ott, resident of 152 Salome Ct.
5. Harriet Harrison
6. Della Owens
7. Jason Woodard 153 Salome Ct.
8. Laurie Williams, resident of 127 Amelia Drive
9. Holli Presgrave
10. Maryanne Bland, resident of 103 Amelia Drive
11. Robert Campbell, resident of 155 Salome Court

Chairman Midgett closed the public input session at approximately 7:22 PM

Chairman Midgett stated there is a need for the people who live and work here to be able to live and afford to purchase a home. He further stated the Board is not allowed to ask the CDC questions regarding their development plans. He explained that is called contract zoning and is illegal. He stated the Board should strictly discuss the request to rezone the property.

The Board discussed this request and suggested that Mr. Poe and the CDC meet with the neighborhood to address their concerns regarding the rezoning proposal, and come back to the Board at a later meeting to present a proposal on how he plans to overcome their objections.

Joe Thompson requested clarification from the County Attorney on the qualification process in terms of leases or sales.

Joe Thompson made motion to table this item until the December 11, 2006 meeting to allow staff time to consult with the County Attorney and the CDC to provide additional information to the neighboring residents regarding the CDC and their proposal. The motion was seconded by Cathy Morris.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Midgett Campground – Rodanthe – Sketch Plan***

Mr. Doug Langford, representing the Midgett family and the sketch plan for the proposed Midgett Campground was present. Also present was Mr. Joe Analau of Quible & Associates.

Planner, Ryan Simons presented staff comments. He told the Board this is a sketch plan for a 24 site travel trailer park to be located in Rodanthe. Mr. Simons offered the following comments:

1. A typical travel trailer site size needs to be indicated on the site plan to demonstrate that it will meet the County regulatory standards.
2. A vegetative buffer needs to be installed around the perimeter of the proposed campground.
3. Turning signals depicted on the plat must be at least 80' in width to accommodate any emergency vehicle access.
4. Submission and review by any outside agencies for supplemental state/federal permits should be done prior to the submission of a preliminary site plan.
5. Abandoned/junk vehicles currently on site need to be removed.

The Planning Board discussed this sketch plan and concurred that the proposal is feasible with a more detailed depiction of the proposed campground.

## **OLD BUSINESS**

### **Phillips Subdivision – Frisco – Preliminary Plat**

Joe Analuaf of Quible & Associates representing this preliminary plat was present.

Planner Ryan Simons presented staff comments. He told the Board there are no street improvements proposed for this two lot division; however there appears to be a shared access easement to serve both lots 1 and 2A.

Mr. Simons told the Board that the stormwater management plan and permit had been approved by the NCDENR Division of Water Quality for a previous development plan on this site; however, due to changes in the plan, a new plan and permit may be required.

Mr. Simons suggested the Board discuss the status of the proposed shared driveway to lot 2A and whether it will be a shared access with the adjacent lots.

The Board discussed access from Highway 12 and the curb cuts required. Joe Thompson expressed concern regarding safety on the curve.

John Finelli made a motion to recommend approval of the preliminary plat subject to a dumpster site being located. This motion was seconded by Beth Midgett.

Vote: Ayes – Unanimous

### **The St. Clair Basnight Estate – East Lake - Final Plat**

Jamie Reynolds of W. M. Meekins, Jr. and Associates, Inc. was present to represent this final plat.

Senior Planner Donna Creef told the Board this division is located in East Lake and does not involve any road improvements. She stated that preliminary plat approval was granted by the Dare County Board of Commissioners on October 16, 2006.

Mrs. Creef noted that in the interest of decreasing the number of curb cuts on Highway 64/264, common driveways will be used. She noted that a condition of the preliminary plat approval was that the developers provide maneuvering areas on each lot to avoid backing out on to the highway. It has been suggested that language be included on the final plat that goes to record.

Mrs. Creef noted that there was some discussion about that language being included in the covenants, but since there are no road improvements there are no covenants.

Staff recommended final plat approval subject to language being included on the final plat stating that a vehicle maneuvering area shall be provided on each lot at the time of construction improvements on the lot. This note is to be verified by staff prior to the recordation of the final plat.

John Myers, seconded by Joe Thompson made a motion to grant final plat approval to the Saint Clair Basnight Estates Subdivision as recommended by staff.

Vote: Ayes – Unanimous

## **Salvo Marina – Salvo – Final Plat**

Stephanie Gadd of Coastal Engineering was present to represent this final plat.

Planner Ryan Simons told the Board this is the final plat for a three lot subdivision consisting of over 6.6 acres in Salvo. He pointed out photographs of a sign that was improperly erected included in the Board's packet. He stated he has been assured the sign has been removed and the proper sign permitting procedures will take place.

Mr. Simons stated the final plat is the same as the preliminary previously reviewed. He told the Board that on a site visit he found that some concrete remains on the property. He stated that the concrete area should be depicted on the site plan or removed.

Mr. Simons also suggested that a note be included on the final plat referencing the County regulations for residential construction based on lot size.

Ms. Gadd stated that all comments rendered by staff can easily be addressed. She stated she has been told by the client that the concrete is proposed to be used as a temporary construction entrance rather than removing it and replacing it with gravel.

Joe Thompson questioned what the status of the house remaining on lot 2?

The Board was informed that it is to be removed and right now it is being used for construction purposes.

Mr. Simons told the Board that a note on the plat indicates that the structure is to be removed.

Chairman asked if final approval should be granted or withheld until the removal of the structure has been completed.

Senior Planner, Donna Creef, advised that the developers need to either remove the house or need to be forthcoming about what the propose use of the house is. She stated if the house is going to be construction office and it is going to remain on site during the development of the lots then it needs to be stated. Mrs. Creef stated she sees that as a problem in the future, and suggested that it be removed or indicated what it is going to be used for. She further stated that without knowing what the setbacks are, the plat cannot be approved due to regulations recently adopted in the Zoning Ordinance that prohibits the recordation of a subdivision if it creates a non-conformity with the Zoning Ordinance. Mrs. Creef suggested this final plat be tabled or a condition of approval be that the setbacks be verified.

A motion to table until December to allow the developer to decide what they wish to do with the structure existing on site or depict the setbacks of the structure on a revised plat was made by John Myers, seconded by Cathy Morris.

Vote: Ayes – Unanimous

### **Colingwood Group Housing Development – Colington – Conditional Use Permit**

Carlos Gomez of Coastal Engineering was present to represent this project. Also present was Mr. R.C. Miller.

Senior Planner Donna Creef told the Board they will recall earlier this year the Board reviewed a sketch plan for this site for a group housing and there was some question at that time as to whether they were going to pursue a rezoning of lot 14 which they are also the owner of which is zoned R-1. Since that time they have decided not to pursue a rezoning of that site.

Mrs. Creef told the Board that the developers have submitted a revised site plan which includes a portion of lot 14 as a stormwater infiltration basin and the remainder of lot 14 to be used as a single family lot. The infiltration basin will be buffered with vegetation adjacent to lots 10 and 11 of the Colingwood Subdivision. She noted that when the Board reviewed the sketch plan the developer was advised not to request any further review until the wetlands were confirmed and the stormwater management and sedimentation and erosion control permits had been secured. However, the developers were uncertain of the reception of the Planning Board to the use of a portion of lot 14 for the infiltration basin and are requesting some feedback from the Board prior to submission to the NC Division of Water Quality for stormwater review.

Mrs. Creef stated that the wetlands have been confirmed by the Corps but plat has not been signed due to some regulatory hold and direction from the chain of Corps chain of command where they are not issuing delineations on certain properties, this being one of them.

Mrs. Creef informed the Board of discussions with the Public Works Department in reference to inability of the front loading commercial dumpster trucks to access the dumpsters from their proposed location. She told the Board that the Public Works Director, Mr. Edward Mann has suggested a redesign of the dumpster site location to avoid situations where the drivers have to do a lot of reverse gear maneuvering. Mrs. Creef noted that the alternative is door to door pickup and commented that the proposed T-turns are not satisfactory for this alternative.

Upon conclusion of the Board's discussion it was indicated that the review would be considered a sketch plan to allow the developer additional time to obtain the necessary stormwater permits. The Board also noted the following noted:

1. The proposed use of the rear portion of lot 14 as a stormwater infiltration basin is acceptable. A stormwater management plan should be secured prior to the re-submission for the Board's review.

2. The wetland delineation plat will be necessary prior to resubmission of the site plan.
3. The location of the dumpster site shall be coordinated with the Dare County Public Works Department and approved by the Public Works Director.
4. The location of the proposed septic systems should be reviewed by the Dare County Environmental Health Department.

### **Skyco Village Subdivision – Skyco – Sketch Plan**

Donna Creef presented staff comments. She told the Board that last year, Skyco Development Company submitted a sketch plan and a zoning request simultaneously. The property is now zoned R-1 for the uplands and the wetland portions are zoned Highway 345. She told the Board that the owners have now submitted a sketch plan for a 50-lot subdivision with 15,000 square foot lot to be served by central water.

Mrs. Creef identified several non-technical issues for the Board's discussion, as follows:

1. Central water supply – R-1 allows a 15,000 square foot lot size provided the lots are served by central water. Central water is not provided in this area of the County. The owners/developers will need to seek approval from the County on expanding central water to this area.
2. Land Use Map Classification – The site is classified on the 2003 land classification map as Community Neighborhood which states that central water is incompatible with that classification. An amendment to the land classification map is needed to re-classify the site with a designation that supports the provision of central water. The LUP is scheduled to be updated in 2008; staff will initiate the update procedures in 2007.
3. Wastewater – This is also an issue with the Community Neighborhood classification on the 2003 Land Classification map as well as the Community Village. It is not required that the sketch plan provide those details so we don't know if they plan to use central wastewater. Mrs. Creef noted that the site has been used as a dredge spoil site which complicates the placement of traditional septic systems on the site.
4. Wetland impacts – The plat indicates three areas of wetland impacts. She explained that the idea is to install a canal along the rear of the lots in upland areas and then impact three areas of wetlands so that the canal and upland areas connect to the existing canal.

Mrs. Creef also identified the following technical issues for the Boards discussion:

1. Lot design – The lots are platted to include the road improvements contrary to the standards of the Subdivision Ordinance. The road improvements should not be included as part of the individual lots, but dedicated to either private or public use. The overall design should be revised so that the road improvements are separate from the lots.

- Mrs. Creef also noted that lots 8, 9, 10, and 46 are configured in a fashion that will make the application of setbacks difficult and suggested they be redesigned on the preliminary plat. The sketch plan depicts paved walkways along the front of some of the lots which will be included in the calculations for lot coverage.
2. Road improvements – A gatehouse is depicted on the sketch plan which leads to the assumption that access to the division will be limited. Mrs. Creef explained that the Board can approve a private if it is determined that the right-of-way width is for environmental or aesthetic values. Mrs. Creef noted that Fire Marshal, Public Works Department and NCDOT will need to review the design of the road improvements to ensure that they are satisfactory for emergency vehicles and other services vehicles.
  3. A stormwater management permit is required prior to the submission of the preliminary plat as required by the Dare County Subdivision Ordinance.

Eddie Valdivieso of Quible and Associates representing this sketch plan was present. Also present were Mr. Lee Tugwell, Glenn Futrell, Johnnie Robbins, Sr. and Johnnie Robbins, Jr.

Mr. Valdivieso told the Board that the proposed project entails a 50 lot subdivision with a private gated entrance. He stated one of the most attractive features of the proposed division is the canal and the potential for 50 boat slips. Mr. Valdivieso told the Board that Quible has been involved on the CAMA permitting side and has also helped the developers permit the dredge spoil site with erosion control purposes. He stated that they have worked with another firm on delineations of wetlands. He stated that the CAMA major permit has been filed with the State and is in Frank Jennings office in Elizabeth City who has indicated that he is close to calling the package complete.

The Planning Board offered the following comments in reference to the proposed division:

1. The platting of the lots to include the road improvements being inconsistent with the standards of the Dare County Subdivision Ordinance. The Board suggested the division be redesigned to correct this inconsistency.
2. Regarding the proposed 30' right-of-way width, the consensus of the Board felt this was acceptable based on the use of the proposed gated entrance to limit access to the division. The Board noted that any reduction in the right-of-way width will require approval by the Dare County Board of Commissioners. The maintenance of the road improvements and removal of debris after any storm event would be the responsibility of the property owners.
3. The developers will need to pursue authorization from the Dare County Board of Commissioners for connection of the proposed division to the Dare County central water supply. The Board noted that preliminary plat review cannot be done until the water issue is addressed since the proposed lot size for the division is 15,000 square feet.



4. An amendment to the land classification map to address the provision of central water to areas classified as Community Neighborhood will be necessary.
5. Prior to the submission of a preliminary plat, the State stormwater management permit must be secured.

John Finelli stated, that the request for a right-of-way which is narrower than that required by NCDOT does not meet the standards of the Dare County Subdivision, which provides an exception based on a determination that the environmental and/or aesthetic values are best protected. This request, however, is based on the fact that this will be a private road with a gated entrance. If that is going to be the criterion for an exception, then the Dare County Subdivision Ordinance should be amended.

Planning Director Ray Sturza stated that it is important that the developers understand that from the staff's perspective what they have presented tonight is not an acceptable sketch plan and does not meet the County standards.

#### **OTHER BUSINESS**

None

#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett

**APPROVED: December 11, 2006**

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