

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 11, 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
Ricky Scarborough, Jr.

John Myers
Cathy Morris

MEMBERS ABSENT

Mary Beth Midgett

APPROVAL OF MINUTES

Board member John Finelli noted a correction to the minutes of the November 13, 2006 Planning Board meeting. In reference to the Skyco Village Subdivision; page 9, Mr. Finelli stated that he did not recommend that the Subdivision Ordinance be amended, but stated the following: *The request for a right-of-way which is narrower than that which is required by NCDOT does not meet the standards of the County Subdivision Ordinance which provides an exception based on the determination that the environmental or aesthetic values are best protected. This particular request was based on the fact that it is a private road with a gated entrance. He stated that he said if that is going to be the criterion for an exception, then the Subdivision Ordinance should be amended.*

There being no other corrections, additions or deletions to be made to the minutes of the November 13, 2006 Planning Board meeting, a motion was made by John Finelli, seconded by Joe Thompson to dispense with reading the minutes of the November 13, 2006 Planning Board meeting and to approve them with the change noted.

Vote: Ayes – Unanimous

PUBLIC HEARING

Skyco – Highway 345 Zoning

Public comment was rendered by the following:

1. John Robbins, Jr. representing his grandmother, Mrs. Aline Robbins was present. He told the Board that his grandmother submitted a questionnaire supporting the zoning.
2. Ms. Joann Baum-Clift submitted a statement for the file signed by residents/property owners in the R-1 district along Highway 345 and the unzoned area of Highway 345 supporting the Skyco Neighborhood Commercial District.

Senior Planner Donna Creef read a letter submitted by Dr. Adams, owner of Dare Storage in Skyco requesting permitted use rather than conditional use status for the Dare Storage site.

Mrs. Creef presented two alternative zoning districts for the Boards review and consideration as follows:

Alternative #1 – C-3 zoning for the properties with road frontage and NH (Natural Historic) for the other properties owned by the State of North Carolina.

Alternative #2 – SNC (Skyco Neighborhood Commercial) for the properties with road frontage and NH (Natural Historic) for the State owned property. She noted this alternative was presented by Joann Baum Clift, and the scope of uses is not as broad as the C-3 district.

No action taken.

OLD BUSINESS

Outer Banks Community Development Corporation – Roanoke Island – Zoning Amendment

Senior Planner Donna Creef told the Board that as requested by the Planning Board at the last meeting she spoke with County Attorney Bobby Outten regarding what items the Board could discuss with Mr. Poe during the review of the rezoning request. She stated that Mr. Outten confirmed that any site specific questions about the project proposed by the CDC should be avoided.

Mr. Chuck Poe, Executive Director for the Outer Banks CDC thanked the Board for allowing the CDC to carry through with the rezoning process, and told them that the CDC doesn't feel that it is in their best interest to proceed with the RS-8 zoning at this time and is withdrawing the rezoning. Mr. Poe further stated that the CDC is planning to move forward with a development in conformance with the R-1 zoning district.

Cap'n "B's" Campground (Bernice J. Ballance) – Buxton – Travel Trailer Park

Mike Harrell representing Mr. Ballance was present. Also present was Mr. Ballance.

Planner Ryan Simons told the Board that the proposed travel trailer park consists of 56 travel trailer sites. He stated that staff is waiting for verification from the NCDNER Division of Water Quality that the stormwater management plan meets their requirements. He reminded the developers and the Board that any changes to the plan will require that the site plan be resubmitted for approval by the Planning Board. Mr. Simons provided a draft Conditional Use Permit for the Board's review and consideration.

Mrs. Creef stated for the record that it is traditional that the Division of Water Quality, Stormwater Management Permit is the last permit that everyone seems to be having a problem with.

John Finelli, seconded by Joe Thompson made a motion to recommend approval of the draft CUP prepared by staff with the understanding that it not go forward to the Board of Commissioners until the Division of Water Quality Permit is secured, and if there are changes in what the recommendation has been on, then the site plan will come back to the Planning Board for review, and if any portion of the property is sold at anytime, the remaining portion of the campground will come back to the Planning Board for a new Conditional Use Permit.

Vote: Ayes – Unanimous

Salvo Marina – Salvo – Final Plat

Planner Ryan Simons told the Board that the existing structure on lot 2 will remain on site as a temporary construction office and temporary accommodations for construction workers. Mr. Simons noted that as a condition of the CUP no building permit will be issued for lot 2 until the existing structure is removed or a CUP is issued authorizing the existing structure to function as a temporary construction office according to the standards of Section 22-69 of the Zoning Ordinance or a CUP is authorized for a group development. He stated that language reflecting this use will be indicated on a revised plat.

A motion was made by John Myers, seconded by John Finelli to grant final plat approval subject to the conditions identified and recommended by staff.

Vote: Ayes – Unanimous

Midgett Campground – Rodanthe – Travel Trailer Park – Sketch Plan

Eddie Valdivieso of Quible and Associates representing Marilyn Midgett was present.

Planner Ryan Simons told the Board this proposed 24 site travel trailer park to be located in Rodanthe was reviewed last month a sketch plan. He noted that the design of the travel trailer park has changed significantly and back again as a sketch plan.

Mr. Simons noted that the site plan is required to meet the general standards of the Dare County Travel Trailer Park Ordinance.

Eddie Valdivieso told the Board that the entire tract is a little over 9 acres. He pointed out that an item to note the needs clarification from a surveying perspective is the existing access easement to the cemetery.

No action taken.

NEW BUSINESS

Welles Division, Parcel 3 – Frisco – Sketch Plan

Senior Planner Donna Creef informed of the request made by Joe Thompson to be excused from the discussion of this division because he is an adjoining property owner.

A motion to excuse Joe Thompson from the discussion of this division was made by John Myers, seconded by Cathy Morris.

Vote: Ayes – Unanimous

Senior Planner Donna Creef provided the Board with photographs taken of the site. She noted that Mr. Welles currently lives on the 8 acre site in Frisco off of Sunset Strip and is seeking authorization for a group development on Parcel 3 which would permit him to construct a second principal use structure on the site.

Mrs. Creef pointed out that Section 22-31 of the Zoning Ordinance states that any building in a group housing development, which cannot be properly served by emergency or service vehicles from an abutting street, shall be made accessible to such vehicles by a paved driveway of not less than 20 feet in width. She noted that the sketch plan submitted depicts a 16 foot easement which leads across a privately maintained bridge to an unimproved road of an unmarked width, and described by Mr. Welles as a driveway.

Mr. Welles told the Board that he visited with the Deputy Fire Chief who said he sees no issue with the second house. He stated the distance of one house from the other is not an issue, but the big trucks would not be able to come across the bridge. He further stated that access to the site could be obtained through the adjacent campground.

Chairman Midgett stated that in the absence of being able to bring a fire truck over he is not inclined to try to help him on this.

No action taken.

A motion to bring Joe Thompson back on the Board for the remainder of the meeting was made by Cathy Morris, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

OTHER BUSINESS

Manns Harbor Zoning

Planner Ryan Simons informed the Board that the people in Manns Harbor and Mashoes are prepared to submit draft zoning language and zoning map for the Board's review and consideration.

Mr. Simons stated that the draft language and map will be sent to the Board within the next couple of days and he would like to include the item on the January 8, 2007 Planning Board agenda, and possibly schedule a Public Hearing on the issue.

Senior Planner Donna Creef asked that the Board review the information when received and submit any questions/comments to Mr. Simons prior to the January meeting.

Non-conforming Structures – Maximum Gross Floor Area Limitation

Senior Planner Donna Creef told the Board that the Dare County Board of Commissioners amended the Zoning Ordinance in 2002 to include a 20,000 square foot maximum gross floor area regulation for the commercial zoning districts. At the time, no language to address existing structures greater than 20,000 square feet was included with the amendment language. Mrs. Creef stated that staff was recently contacted by the owners of the Hatteras Island Plaza in Avon, that should the structures be damaged or destroyed the 20,000 square foot maximum gross floor area limitation would preclude their repair or replacement. Mrs. Creef also stated that the owners of the Hatteras Island Plaza were contacted by their insurance company informing them of an increase in their insurance premium due to this restriction.

Chairman Midgett stated that it was never the intent to preclude the repair or reconstruction of any existing structure greater than 20,000 square feet damaged or destroyed.

Mrs. Creef stated that the intent was to preclude new businesses from coming in.

Mrs. Creef provided the Board with draft language for each individual district affected for the Board's consideration and requested a recommendation to forward the proposed amendment to the Board of Commissioners.

Joe Thompson, seconded by John Myers and Cathy Morris made a motion to recommend approval of the text amendment as proposed to the Board of Commissioners without a public hearing, and that the Dare County Planning Board finds no inconsistency with the current land use plan.

Vote: Ayes – Unanimous

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: January 8, 2007

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