

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 12, 2007. 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
Catherine Morris
Mary Beth Midgett

John Myers
Ricky Scarborough, Jr.

MEMBERS ABSENT

Joe Thompson

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the January 9, 2007 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by John Myer, seconded by Cathy Morris.

Vote: Ayes – Unanimous

PUBLIC HEARING

Manns Harbor Zoning Draft

Mr. Ryan Simons presented a proposed zoning map and draft language for the villages of Manns Harbor and Mashoes for the Board's review. He told the Board that the map and associated language is a result of several public forums conducted by community volunteers with the assistance from the Planning staff.

Mr. Simons told the Board that the proposed language was not drafted in complete consensus, but does reflect decisions made as a group, with thought being given to suggestions offered by citizens.

Public comments in appreciation for the work by the committee and staff in developing the draft zoning and support of the zoning without changes or modifications were rendered by several residents/property owners in Manns Harbor/Mashoes area as follows:

1. Timmy Midgett – Also noted opposition to group developments being permitted.

2. James Fletcher – Suggested zoning be able to be amended with 60% approval by neighbors.
3. Wanda Daniels
4. Barton Bauers
5. Linda Harris
6. Jim Harris
7. Cindy Holda
8. Ray White
9. Sonny (Jessie) Ambrose
10. Robin Mann
11. Jim Beasley
12. Becky Basnight - Also expressed opposition to multi-housing in Manns Harbor.
13. Johnnie Joyner – Suggested that the trash (junked cars, abandoned buildings, etc.) be cleaned up in the area.
14. Coy Ambrose

The following expressed concern regarding the draft zoning plan submitted.

1. Chris Seawell, attorney representing Outdoor Properties, owners of the former Manns Harbor Marina property stated that the Manns Harbor/Mashoes zoning plan is the only area in the County where group development projects are not permitted. He requested the Board consider changing the proposed ordinance to include group developments.
2. Mike Baldwin, representing Outdoor properties, owner of the site previously known as the Manns Harbor Marina also expressed concern regarding the exclusion of group housing and requested that this property be zoning MH-B.

Public comments concluded at approximately 8 PM.

Chairman Midgett stated the Planning Board will review the document presented, conduct some workshop and will meet with members of the committee on the document.

NEW BUSINESS

Holly Heights Subdivision – Roanoke Island – Preliminary plat

Mr. John Delucia of Albemarle Engineering was present to represent this plat.

Senior Planner Donna Creef told the Board Holly Heights was previously operated as a mobile home park. She stated the property owners have discontinued that use and are now proposing a single family residential subdivision as depicted on the preliminary plat.

Mrs. Creef stated there is a proposed 45' right-of-way to be dedicated as a public street. The typical street detail is included on the plat. She noted that all of the proposed lots

include the minimum of 20,000 square feet and will be served by individual septic systems and private wells.

Mrs. Creef informed the Board that a state stormwater management permit will not be necessary since the land disturbance will involve less than one acre. She informed the Board that the resurfacing of the existing portion of Warren Street has been discussed with the representative, Mr. John Delucia.

Mr. Delucia told the Board that he has not been able to talk to the owners about the resurfacing of the existing portion of Warren Street. He stated if the Board wishes to make it a condition of approval he will discuss this with them. Mr. Delucia stated he doesn't personally think it is a bad idea.

A motion to recommend approval subject to the existing section of Warren Street being paved to NCDOT standards in addition to the new section of Warren Street proposed for construction was made by John Myers, seconded by Ricky Scarborough, Jr.

Vote: Ayes - unanimous

OLD BUSINESS

Wind Over Waves Subdivision, Phase III – Salvo – Request for an extension

Eddie Valdivieso of Quible & Associates was present on behalf of Wind over Waves, LLC to represent this request. Also present was Mr. Johnnie Robbins, Sr.

Planner, Ryan Simons told the Board that the site is a 57 lot subdivision approved by the Dare County Board of Commissioners in February 2006. The subdivision ordinance provides for an additional 12 months to be granted if necessary so long as work has commenced on the site since its approval. Mr. Simons provided photographs as evidence that site work has commenced on the property.

Mr. Valdivieso told the Board a CAMA major permit was granted in November 2006. He stated that since the issuance of the CAMA permit an appeal has been filed against the CAMA permit and the State has put a Stop Work order on the site.

A motion to grant a 12 month extension as requested was made by Cathy Morris, seconded by John Finelli.

Vote: Ayes – Unanimous

Ronald L. Midgett – Waves – Group Housing – Revised Sketch Plan

Planner Ryan Simons told the Board this is a revised sketch plan for 21 dwelling units contained in 7 triplex structures from a proposal reviewed last month. Mr. Simons stated

that the development has been submitted to comply with the Section 22-58.3 (Family Housing Incentive Standards).

Mr. Simons pointed out that the developer has revised the proposal to depict an 80' turning circle rather than the T-turn around as depicted previously. The lot coverage is still proposed at over 30%, and needs to be corrected to be at or below 30%.

Mr. Midgett Ronald, present to represent this proposal, told the Board that the project has been redrawn to reduce the lot coverage to 30%, and the cul-de-sac has been redesigned and moved back one building. He also noted that in an effort to get suitable drain field areas the drain fields have been relocated to the front of the site in between buildings 1 & 2 and 2 & 3.

Mr. Midgett stated that the road beyond the cul-de-sac is going to be a gravel road and some parking has been redone to get the lot coverage down to 30%.

Chairman Midgett informed Mr. Midgett that 20' of paving will be required to all 7 units.

No action taken; sketch plan.

NEW BUSINESS

Frederick S. Prescott/Elizabeth K. Prescott – Avon – Sketch Plan

David Dixon, Attorney representing the developers was present.

Senior Planner Donna Creef presented photographs of the easements proposed as access to the property proposed for division. She told the Board that the sketch plan depicts a proposed division of a large piece of property which is over the threshold for the exemption qualifications.

Mrs. Creef noted that the majority of the property is wetlands. She suggested the Board focus their discussion on the adequacy or inadequacy of the proposed access to the site via a series of 15' and 20' wide easements.

Mrs. Creef commented that she is not sure what the note referencing the square footage near the north arrow refers to. She also pointed that it appears that the developers are proposing a shared septic, therefore legal agreements for shared septic areas as depicted on the plat, are required by the Dare County Health Department and recorded in the office of the Dare County Register of Deeds prior to the issuance of any permits for construction.

Mr. Dixon addressed the staff comments rendered by Mrs. Creef as follows:

1. In reference to the note by the North arrow Mr. Dixon stated he was not sure what that is, and will have to come back with a better answer.
2. Wetlands – Mr. Dixon agreed that the majority of the property is wetlands and told the Board that the square footage does include the septic easement, but does not include the private 20' easement.
3. Easement access to the property – Mr. Dixon told the Board that traffic should not be a concern because this would be the final subdivision at the end of the road and they are not increasing the density.

Chairman Midgett stated that the Board has been reluctant in the past to approve anything with a right-of-way this small, and he is not in favor of dividing property on a 15' right-of-way.

The Board concurred that the access as proposed is inadequate.

Eliot Tod Gaskill/Ronald L. Midgett – Frisco – Group Housing - Sketch Plan

Mr. Ronald Midgett was present to represent this sketch plan for a group housing development in Frisco.

Planner, Ryan Simons told the Board that this is a rather complicated site plan, and explained that it is for a proposed subdivision, group housing development and application of the Dare County Family Housing Incentive Standards.

Mr. Simons stated that the developer proposes to subdivide what is currently a 4.33 acre parcel with an existing commercial use into two parcels. He explained that the commercial use will remain on 1.16 acre parcel and a group housing development is proposed for the remaining 3.17 acre parcel.

Mr. Simons noted that the property lies in two separate zoning districts; S-1 and SED-1. He explained that group housing developments are allowed and the Family Housing Incentive Standards can be applied in the S-1 zoning district. However they are not permitted in the SED-1 zoning district. Mr. Simons pointed out that Section 27.3 (g) of the Dare County Zoning Ordinance states that “no multi-family development, townhouses, or condominium projects may be located within ½ mile of any SED-1 zoning district shall exceed a dwelling density of three single family units per acre of usable land area.” He noted that this may require that the developer seek a variance from the Board of Adjustment or a text amendment from the Planning Board.

Mr. Simons pointed out that the Family Housing Incentive Standards do allow a density increase from 3 to 5 units per acre to 10 units per acre depending on the amount of wetland soils. He stated that the developers have calculated that increase based on the combined acreage of both properties.

Chairman Midgett stated that he doesn't think a text amendment would be possible and recommended consulting with the County Attorney as to whether or not the Zoning Board of Adjustment could in fact grant a variance.

Mrs. Creef stated that staff will consult with the County Attorney and see what advice he can give.

OTHER BUSINESS

Mrs. Creef informed the Board that the Dare County Board of Commissioners recently reappointed Chairman Midgett and Mr. Scarborough for another three year term.

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: March 12, 2007

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