

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 9, 2007. This meeting was held in the meeting room of the Dare County Administrative Annex building, 204 Ananias Dare Street, Manteo, North Carolina.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT

Elmer R. Midgett, Jr., Chairman
John Finelli
Cathy Morris
Beth Midgett

John Myers
Ricky Scarborough, Jr.

MEMBERS ABSENT

Joe Thompson

APPROVAL OF THE MINUTES

There being no additions or deletions to be made to the minutes of the March 12, 2007 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by Cathy Morris; seconded by John Finelli.

Vote: Ayes – Unanimous

OLD BUSINESS

Dough's Landing – Roanoke Island – Final Plat

Mr. Ray Meekins of Seaboard Surveying and Planning, Inc., representing this division was present.

Planner Ryan Simons stated that this nine lot division is located at the North End of Roanoke Island. Preliminary plat approval for this division was granted by the Dare County Board of Commissioners on October 16, 2006. Mr. Simons stated that all improvements have been installed according to recommendations by the Planning Board.

A motion to grant final plat approval was made by John Myers; seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

Real Kiteboarding – Waves – Revised site plan

Senior Planner Donna Creef presented staff comments. Mrs. Creef told the Board that almost immediately following the approval of the original site plan it was brought to the attention of staff that there was a cemetery on the property that had not been depicted on the site plan that was approved by the County. Mrs. Creef included with her written comments a copy of the section of the site plan where the cemetery should have been depicted in the rear of the retail shop near the loading area. Mrs. Creef stated that she informed the project engineer of the need to revise the site plan.

The revised site plan depicts the cemetery location and as a result of the cemetery being added to the plat, she noted that the design of the building has been adjusted and there has been a decrease in the square footage of the repair area.

Mrs. Creef stated that during the previous review, the Planning Board spent a great deal of time discussing the loading zone. She noted that the new design depicted on the revised plat represents a more awkward location for service and delivery vehicles than the originally approved design which did not involve an angled approach. Mrs. Creef stated that she assumes that the service and delivery vehicles will park in the 20' x 100' square foot loading zone on the east side of the building and hand truck merchandise to the loading dock/ramp located beside the cemetery. She suggested that signage be posted on the property to insure property use of the loading zone and to prohibit service vehicles from backing around the side of the building and potentially trespassing into the area of the cemetery. She also stated that wooden fencing around the cemetery should be installed and a perpetual easement for access to the cemetery should be recorded in the Register of Deeds if such an easement does not already exist.

Mrs. Creef told the Board that she has requested that the engineer provide written acknowledgment and approval from the Health Department that the repair area has been impacted by this change.

Mrs. Creef provided a draft amendment to the original conditional use permit addressing the wooden fencing, access easement and language that access to the cemetery should not be blocked by the developer or any of the tenants of the building for the Board's review and consideration.

Mr. Cahoon and Mr. Kasten were present to represent the developer.

Chairman Midgett stated that he did not see the cemetery on his original visit to the site. He stated that the Board is going to require a wooden fence and a perpetual easement granted to the cemetery. Along with that he thinks there should be some perpetual care of the cemetery.

Mr. Cahoon apologized on behalf of the developer for not clearly indicating the cemetery on the original site plan. He stated that the located of the cemetery was based on filed measurements from a monument rather than actually surveying the property. He stated that the error was unintentional. Mr. Cahoon concurred that an easement and perpetual care for the cemetery is in order.

John Finelli; seconded by Beth Midgett made a motion to recommend approval of the revised site plan and conditional use permit with the following conditions:

1. Installation of a wooden fence around the cemetery
2. A perpetual easement be provided and language be recorded prohibiting the easement from being blocked by the developer and/or tenants.
3. Language also be recorded that provides for perpetual care of the cemetery by the property owner.
4. Written documentation from the Health Department acknowledging the decrease in the square footage of the repair area.

Vote: Ayes – Unanimous

Ronald L. Midgett – Waves – Conditional Use Permit/Group Development

Mr. Ronald Midgett the owner/developer was present.

Planner Ryan Simons told the Board that Mr. Ronald Midgett is seeking approval for a seven structure 21 unit group housing development. Mr. Simons stated the proposed development is intended to comply with Section 22-58.3 (Family Housing Standards) of the Dare County Zoning Ordinance. Mr. Simons provided a draft CUP for the Board's review and consideration.

Mr. Simons stated that staff has yet to receive any supplementary permits associated with the proposed development. He stated staff has received some correspondence from the Outer Banks Community Development Corporation (CDC) outlining their role. He stated that it might be helpful to have further details from the CDC regarding any agreements or enforcement policies that they might have regarding ensuring the Family Housing Incentive Standards are applied appropriately.

Mr. Simons pointed out that the revised site plan depicts the 80' turn circle rather than the previously proposed T-turnaround. He noted that one of the buildings has been shifted towards the rear of the property as a result of the turn circle.

The Board discussed the following:

1. Installation of fire hydrants
2. Submission of all supplementary permits from the state.
3. Language being submitted from the CDC on how they plan to enforce the Family Housing Incentive Standards.

A motion was made by Cathy Morris, seconded by Beth Midgett to recommend approval of the CUP subject to the submission of language from the CDC regarding the enforcement of the Family Housing Incentive Standards and the submission of any required State supplementary permits for verification by staff.

Vote: Ayes – Unanimous

Waves Village LLC – Conditional Use Permit/revised site plan & Text amendment for employee housing

The owner/developer Mr. John Harris was present along with Mr. Victor White, project engineer.

Senior Planner Donna Creef told the Board that Mr. John Harris/Wave Village, LLC has submitted a revised sketch plan for the proposed Waves Village group development in Rodanthe. She stated that the original site plan was approved in 2004 for the construction of two commercial structures for retail and water sports rental and a third building for a restaurant. Mrs. Creef told the Board that Mr. Harris actually obtained the necessary permits to begin construction on the bulkheads and had done so and ran into a snag with the Division of Coastal Management which resulted in the change in the bulkhead line. As a result of this delay, Mr. Harris has changed his plans and how he wants the layout to function. The revised plan removes the 106 seat restaurant that was on the northern side of the property and is proposing to replace it with two additional buildings that will include 18 condominium units and a 34-seat restaurant as part of the two original buildings that were approved for retail and water sports rental uses.

Mrs. Creef told the Board that in a related item of business, Mr. Harris has also submitted an application for a text amendment to the S-1 zoning district to exempt employee housing from the dwelling density calculations. She stated that the previous site plan included two employee apartments and the two retail structures. She explained that Mr. Harris is planning to keep the two employee apartments, but has not included them in his dwelling density.

Mrs. Creef stated that all of the conditions of the original 2004 CUP approval and a subsequent amendment approved in 2005 addressing the connection of two commercial structures remain in effect and are referenced in the draft Conditional Use Permit.

Mrs. Creef identified the following items for the Board's discussion:

1. Parking - Mrs. Creef noted the site plan references a typical space as 10' x 20' and also 10' x 18'; all spaces should be 20' in length. In reference to the parking for the condominium units depicted underneath the buildings, she told the Board that once constructed the design may prove to be difficult with the location of the pilings and with maneuvering of vehicles. She also expressed concern regarding the low number of calculated parking for the restaurant.
2. Building design – She noted the public restrooms are required in the commercial buildings and was addressed in the CUP. She stated that the buildings will be restricted to the 52' building height as defined in the S-1 district. She pointed out that the handicap ramps on building A appear to encroach in the building setback area and should be corrected.
3. Wastewater treatment system – Any above ground components must be included in the lot coverage.
4. Storage of kayaks and other gear – The original approval included language addressing storage of kayaks and other gear; this note does not appear on the revised sketch plan.
5. Note 15 indicate that no lighting improvements will be provided in the parking areas; Mrs. Creef state that some sort of security lighting is needed in the parking lot.

6. Wastewater permit for the condominiums will need to be updated.

Chairman Midgett told the Board that Mr. Harris received his permits and was building his bulkhead. He stated that the State rescinded the permit issued for the construction of the bulkhead and Mr. Harris had to tear out the bulkhead he had put in with permits. In reference to the proposed employee housing, Chairman Midgett suggested doing away with some of the condominium units to accommodate employee housing. He stated that he does not agree with changing the Ordinance with a text amendment to allow for more employee housing. He stated that there is plenty of room to put employee housing in there, and he stated he could not vote for a change to the text based on this site plan.

Mr. Victor White addressed the Board and explained that the thought with the density was to have to 18 unit condominium separate and for sale at the market. He stated that the employee housing would be located on the second floor above the commercial building units.

Mr. Harris told the Board that placing the employee housing units above the commercial building would be the best location because they would be much less marketable.

Chairman Midgett stated that he agrees there is a need for employee housing, but feels that some condominiums can be eliminated to accommodate for the location of employee housing. He further stated that he sees no benefit to the County and allowing it would add an administrative burden on the County in trying to police this.

Board members concurred that the text amendment requested would not fly. They expressed the feeling that there is no need to do a text amendment because the developer has enough area for employee housing.

Beth Midgett expressed concern with policing the matter of employee housing.

Board members concurred that the enforcement aspects of it and the benefits of the employee housing does not outweigh the increased dwelling density.

Mr. Harris withdrew his request for the text amendment.

No action was taken on this revised sketch plan.

NEW BUSINESS

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

Vote: Ayes – Unanimous

This meeting closed at approximately 8:50 PM.

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: May 9, 2006

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