

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 13, 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 Myers
John Finelli	Ricky Scarborough, Jr.
Cathy Morris	Joe Thompson

MEMBERS ABSENT

Beth Midgett

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the July 9, 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

Cap'n B's Travel Trailer Park – Buxton - Final

Mr. Bernice Ballance, owner/developer was present for the review of the final plat for the Cap'n B's Travel Trailer Park. Also present was Mr. Mike Harrell.

Planner Ryan Simons told the Board that preliminary plat approval for this travel trailer park was granted by the Dare County Board of Commissioners on May 7, 2007.

Mr. Simons stated that he visited the site on July 27, 2007 and found the improvements installed as indicated on the final plat. He also provided photographs of the installed improvements for the Boards review. He noted that an operation permit has been issued by the Environmental Health and a certificate of occupancy for the bathhouse will be issued upon final plat approval.

Mr. Simons pointed out that there is a note on the plat indicating that there will be concrete patios and parking pads not to exceed 100 square feet. He told the Board that the developer has indicated that is an error and will be deleted from the final plat.

Mr. Simons recommended final plat approval.

A motion to grant final plat approval to Cap'n B's Travel Trailer Park subject to the language regarding the patios and parking pads being deleted and a note being added to the final plat indicating where the dumpster pads are located was made by Cathy Morris, seconded by John Myers.

Vote: Ayes – Unanimous

Flora Colony Subdivision – Roanoke Island – Preliminary Plat

Melissa McAllister, of MM Design and Engineer representing the project was present. Also present Chuck Poe, representing the Outer Banks CDC.

Senior Planner Donna Creef told the Board a sketch plan for this proposed division was reviewed in March. At that meeting the Board indicated four items of concern to be addressed all of which she included in her written staff comments.

Mrs. Creef offered the following comments regarding this preliminary plat.

1. Difference in the preliminary plat and the sketch plan - The design of the proposed subdivision has decreased from 14 lots to 10 lots. She noted that the original plat proposed filling of the existing borrow pit, and due to the cost associated with the fill work, the developers have decided not to fill the pond. She noted that the pond area is depicted as open space on the preliminary plat.
2. Road Improvements – Mrs. Creef stated that some fill work will be necessary to accommodate the installation of the road improvements. She stated that this work will need to be certified by an engineer once the road improvements complete. She told the Board that the developers are proposing a 45' wide right-of-way with 18' of paving, and dedication as a private road.
3. Design of lot 10 - Mrs. Creef noted that the existing borrow pit encroaches into lot 10. She suggested that the Board discuss the design of this lot and restrictions to be placed on the property owner of lot 10 to prohibit filling of the borrow pit, and any possible further division. She suggested language be included on the plat and in any homeowners documents.
4. 40' drainage easement depicted along the rear of lots 6 – 9 - Mrs. Creef suggested that the use of this access easement should be included in any of the homeowner's documents. She stated that the property owners of these lots should be precluded from filling or altering the drainage canal. This language should also be included on the final plat.
5. The elongated area depicted on lot 1 is a proposed berm as detailed on sheet 3 of the plat. She stated that the same language or something similar precluding the removal or alteration of this berm should be considered by the developer.
6. Road maintenance – Mrs. Creef noted that the Homeowner's documents submitted for review do not contain any language addressing road maintenance.

She pointed out that there are numerous references to multi-family units. She stated that this reference is incorrect and needs to be deleted.

7. Mrs. Creef told the Board that any recommendation for approval should reference comments from the Environmental Health Department regarding wastewater disposal.
8. In reference to the 10' vegetative buffer depicted on lots 1-5 and referenced in Note 4 - Mrs. Creef noted that this buffer is strictly voluntary, and the Planning Department will not have any enforcement authority for any land clearing activities in this buffer area. She stated this information should be included in Note 4 and in the Homeowners documents so that the property owners in the adjoining subdivisions do not have any enforcement expectations by the County.

Ms. McAllister told the Board that they agree with most of what Donna has presented. In reference to lot 10, Mrs. McAllister told the Board that they would like to eliminate the open space and make it part of lot 10; eliminate the private road, make it a public street. She noted that under the current Dare County Ordinance this would make lot 10 eligible to be subdivided into 3 lots. She noted that the final word on any further division has to be approved by the County. She stated that the Health Department has absolutely, unequivocally denied any type of system to be placed in that pond area.

Mr. Poe stated that they would have no objection to placing a deed restriction on lot 10 to address prohibiting further division.

The Board discussed the pond on lot 10 and possible filling; the location of a dumpster site and proposed bus stop, the remnant portion being included as part of the right-of-way.

A motion was made by John Myers, seconded by John Finelli to recommend preliminary plat approval subject to the following:

1. The proposed road improvements being revised to consist of a 45' wide right-of-way with 20' in paved area.
2. The road shall be dedicated as a public road, and the small area located near the entrance to the site shall be included as part of the right-of-way.
3. Lot 10 shall include the borrow pit as part of the lots. The plat and homeowners documents shall include language to prohibit any further division of lot 10.
4. The culvert near the rear of lot 6 shall be removed as part of the installation of the preliminary plat improvements.
5. The homeowners' documents shall be revised to address the items detailed in the staff comments to the Planning Board dated August 3, 2007.
6. The language indicating that the buffer on lots 1-5 is voluntary and the County has no regulatory jurisdiction over any clearing. .
7. The conditions of the Dare County Health Department as detailed in a July 10, 2007 letter from Jack Flythe.

8. The remnant portion becomes part of the right of way.

Vote: Ayes – Unanimous

Northard Hills Subdivision – Avon – Preliminary Plat

Mearl Meekins of W. M. Meekins, Jr. and Associates was present to represent this preliminary plat.

Planner, Ryan Simons told the Board that this proposed division consists of 6 lots and is located in Avon, NC. He noted that there is a peculiar feature to the proposed right-of-way extending to the north of the turn-around. He stated that he has been informed that is to provide potential future access to the lot to the north of the subdivision which is at this time land locked to vehicular access.

Mr. Simons noted there is no minimum lot size for a cemetery, and suggested Mr. Meekins discuss access to the cemetery and how it will be maintained. He pointed out that a dumpster pad is indicated on the southwest corner of lot 3.

Mr. Meekins told the Board that access to the cemetery is via the road to the north.

The Planning Board discussed access to the adjoining land locked property and access to the cemetery.

A motion to recommend approval was made by Joe Thompson, seconded by Cathy Morris subject to a note being added to the plat and included in the restrictive covenants addressing the intention of the design of the right-of-way on the plat and in the covenants.

Vote: Ayes – Unanimous

OTHER BUSINESS

Proposed Subdivision Ordinance Amendments – Street and Driveway Standards

Senior Planner Donna Creef told the Board that at the Dare County Board of Commissioners meeting on August 6, 2007 there was extensive discussion about the use of common driveways for access to subdivision lots and the need for such improvements to be of an impervious material. It was agreed that the Planning Board and staff would draft language for inclusion in the Subdivision Ordinance addressing this issue.

As a result of that discussion, Mrs. Creef stated she has drafted some revisions to the Subdivision Ordinance. She asked that the Planning Board members review this

language, submit any comments or changes, and be prepared to discuss it at the September Planning Board meeting. She suggested that a public hearing be conducted in October on the proposed language to allow input from the engineering and development community prior to submission to the Board of Commissioners.

Land Use Plan Update - Announcement

Mrs. Creef informed the Board that the Planning Department will be beginning the process of updating the Dare County Land Use Plan in October. She stated that staff will be going to the Board of Commissioners to request that the Planning Board be the steering committee and a survey will be conducted. She further stated that a series of public forums will be held beginning in the latter part of September or the first part of October.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillet
Senior Administrative Support Specialist

APPROVED: September 10, 2007

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