

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 10, 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
Ricky Scarborough, Jr.

John Myers
Cathy Morris

MEMBERS ABSENT

Joe Thompson

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the August 13, 2007 Planning Board meeting, a motion was made by Cathy Morris, seconded by John Myers to dispense with reading them to approve them as submitted.

Vote: Ayes – Unanimous

OLD BUSINESS

Frederick S. Prescott/Elizabeth K. Prescott – Division of Parcel 2 – Avon - Preliminary plat

Chief Planner Donna Creef presented told the Board this proposed division was reviewed as a sketch plan on February 12, 2007, at which time there was a great deal of discussion about the access into the property. She stated that at the sketch plan review it was the consensus of the Board that the access was not adequate and that other arrangements to widen the easements leading into the property would be necessary before the Board could move forward on the subdivision.

Mrs. Creef noted that proposed division has been resubmitted to the Board as a preliminary without any changes having been made to the layout of the lots or to the proposed access as suggested at the sketch plan review by the Planning Board.

Mrs. Creef pointed out that Section 153.40 (E) (1) of the Subdivision Ordinance states that the subdivision may be approved upon conclusion by the Board of Commissioners that the inter-connecting road does not pose an unacceptable risk to the public safety and welfare. Mrs. Creef informed the Board that unless the proposed easements are upgraded to meet the standards for acceptance into the NCDOT road maintenance program, staff cannot recommend approval of the proposed division due to the narrowness of the easements used to access the site.

Mr. David Dixon, Attorney representing the Prescott's was present. He stated that he appreciates the Board's patience and knows that the Board has seen this sketch plan before and had objections and concerns about it. He stated that they have come back with the exact same sketch

plan and asked that the Board keep their mind open as he presents this one last time. He stated that they have been unsuccessful in securing any extra width or land for the easement.

Mr. Dixon briefly discussed fairness, and stated that this property proposed for division is the last piece of the neighborhood that could be subdivided under the current rules. He stated that it was originally part of the larger parcel which was subdivided not too long ago. Mr. Dixon stated that the proposed division will not increase the density because of the way the lots are configured and the amount of wetlands on the site. He told the Board that the owners want to subdivide to have two smaller buildings versus one large one. He noted that traffic will not really be increased on the streets. He noted that the site is at the very end of the road and every one along the easement in question has been able to subdivide and sell their property and he feels that his clients are entitled to their subdivision as well.

In reference to Section 153.4 (E) (2) of the Subdivision Ordinance, Mr. Dixon stated that the proposed division does not pose unacceptable risk of the public health and safety.

Mr. Dixon asked that the Board reconsider granting preliminary approval of this proposed division.

Chairman Midgett informed Mr. Dixon that the Board just doesn't feel like they can any further division of this site due to the fact that the easement cannot be improved to meet the requirements of NCDOT.

A motion was made by John Myers, seconded by John Finelli to deny this request due to safety concerns and Sec. 153.40 (e) (d) of the Dare County Subdivision Ordinance.

Vote: Ayes – Unanimous

Outer Banks Conservationist, Inc., /Farmstead Park on Roanoke Island – CUP/Group Development

Planner Ryan Simons presented staff comments. He told the Board that this is a CUP application to operate a public park and associated visitor's center on Roanoke Island. He stated this project was previously granted approval by the Dare County Board of Commissioners on March 21, 2005 and has since expired. Mr. Simons included a copy of the expired CUP with his written comments for the Board's review.

Mr. Simons noted the following issues for discussion:

1. The Dare County tax maps indicate that the property is a collection of several different parcels rather than just the single parcel. Mr. Simons stated that he would like to see all of the parcels referenced on the plat if they do indeed exist.
2. The CUP application indicates that a retail shop is proposed on the property. The site is located in an R-3 zoning district in which retail shops are not permitted.

3. An agreement to use Buzzy Lane (a private road) as the primary access to the public park and structures was secured by the previous owner of Buzzy Lane. Buzzy Lane has since been transferred to new owners (the State of North Carolina) and may still be considered a private road, and therefore a new authorization from the State allowing access off of Buzzy Lane to use this park will be necessary.

Mr. Ray Meekins, representing the developer was present. He told the Board that the requested Conditional Use Permit is the same proposal previously approved.

On a personal note, Mr. Meekins told the Board that he grew up and still lives on the North end of the island and feels that it is good for him in his profession to occasionally see public parks and represent them as opposed to housing developments and commercial activities. He told the Board that he finds this proposed park very interesting and thinks it is unique and will be an asset to the island.

Mr. Meekins told the Board that the proposed hours of operation would be in sync with those of the Aquarium and would be open mostly during the summer months. He noted that the site does consist of several adjacent parcels as titled on the map and the Parcel Identification Numbers for the various parcels are indicated in note 5 on the plat. Mr. Meekins told the Board that he would have no problem depicting the interior lot lines as requested.

In reference to the retail shop, Mr. Meekins stated that it was approved on the previous plan and even though it is not permitted in the zoning he is laying it out for discussion and hopes the Board will realize that the retail shop would just sell t-shirts and trinkets for the park.

Mr. Meekins told the Board that the owners do not feel that securing authorization for the State of North Carolina to use Buzzy Lane as access to the site will be a problem.

Chairman Midgett told Mr. Meekins that apparently the previous approval of the retail shop was an oversight. He explained that the R-3 clearing does not allow retail, and the Board doesn't have any leeway to permit it.

Mr. Meekins requested conditional approval upon getting the letter.

Mr. Midgett suggested tabling this item until written authorization to use Buzzy Lane as access can be obtained and submitted from the State.

A motion to table this application was made by John Myers, seconded by Ricky Scarborough.

Vote: Ayes – Unanimous

CEDAR HAMMOCK RESORT TRAVEL TRAILER PARK – WAVES – PRELIMINARY

Planner Ryan Simons presented staff comments. He told the Board this is a 22 lot travel trailer park in Waves. Mr. Simons stated previous reviews of this site plan by the Board centered on securing a number of supplementary permits. He stated that all the supplementary permits have been secured.

After briefly discussing this preliminary plat for Cedar Hammock Travel Trailer Park, a motion was made by John Myers, seconded by John Finelli to grant preliminary plat approval subject to the following conditions:

1. No parking shall be permitted with the 30' access road easement. A typical parking pattern on one or more travel trailer sites will be indicated on the plat.
2. A designated fish cleaning station shall be depicted on the plat.
3. A dumpster pad to be approved by the Dare County Public Works Department and indicated on the plat.
4. A deed to acquire the 10' strip of land adjacent to the turn circle shall be executed and a copy submitted to the planning staff.
5. Footprint of parking improvements associated with the office structure at the front portion of the property shall be indicated on the final plat.

Vote: Ayes – Unanimous

NEW BUSINESS

Lighthouse Assembly of God Church of Buxton – CUP/Group Development

Senior Planner Donna Creef informed this is a conditional use permit application and site plan for the Lighthouse Assembly of God Church of Buxton. She told the Board that the site plan depicts a 122 seat fellowship hall as phase 1 and a 110 ten seat sanctuary as phase 2. The property is zoned C-3. She stated that the church wishes to construct a fellowship hall and sanctuary with associated parking and storm water improvements.

Mrs. Creef told the Board that the construction of the fellowship hall has been authorized administratively and the construction of the sanctuary will constitute a group development necessitating the need for a Conditional Use Permit due to it being the second principal use structure on the same site.

Mrs. Creef stated that the adjoining property owners have been notified as a courtesy under the conditional use permit review process. She told the Board that the site plan is very detailed and all of the supplementary permits have been secured.

Mrs. Creef provided the Board with a draft Conditional Use Permit outlining conditions. She noted that buffering along the perimeter of the site along the western side adjacent to the Crum property needs to be addressed.

Joe Anlauf of Quible and Associates was present. He stated they have obtained all of the supplementary permits and the Dare County Public Works Department has approved the use rollout garbage cans. Mr. Anlauf stated that a dumpster site will be located at the end of the drive aisle to accommodate front end load trash trucks should it be necessary in the future.

Regarding the buffer, Mr. Anlauf stated that was an omission on his part. He told the Board that he did not show a buffer on the site plan between the commercial property and the church and Steve Crum's property because he looked at the commercial zone and not the use. Mr. Anlauf

suggested that vegetation similar to the vegetated buffer currently located on the east side of the property be used. He stated that he will add the buffer information to the site plan.

Cathy Morris made a motion to recommend approval of the Conditional Use Permit as drafted with the following conditions being added:

1. A condition being added requiring the removal/demolition of the existing residential structure on the property prior to the issuance of a building permit for the sanctuary.
2. The site plan shall be revised to depict a vegetated buffer along the western side of the property adjacent to the Crum property. This buffer is required by the C-3 zoning regulations.

This motion was seconded by John Finelli.

Vote: Ayes – Unanimous

OTHER BUSINESS

Proposed Subdivision Ordinance Amendment – Section 153.40 (Street and Driveway Standards)

Senior Planner Donna Creef provided written comments e-mailed to her by board member John Finelli adjusting some of the wording that she drafted. She stated that they are adjustments that will tighten up the language and she will incorporate them into the language.

Mrs. Creef reminded the Board that last month she presented a draft copy of proposed revisions to Section 153.40 of the Dare County Subdivision Ordinance for the Board's review and consideration. She stated that the proposed revisions will make it official that roads are to be public and have 45' of right-of-way with 20' of pavement. She asked that the Board notify her of any changes and provide her with any feedback on the draft language.

Mrs. Creef told the Board that no action is required tonight and a Public Hearing on these amendments will be held at the Planning Board meeting on October 8, 2007.

Mrs. Creef further informed the Board that the draft amendments will be advertised and staff will be sending a copy of the proposed amendments to all of the area engineering and surveying firms for their feedback since they are the ones that work with the standards on a day to day basis.

LAND USE PLAN UPDATE

Senior Planner Donna Creef told the Board that on September 4, 2007 the Dare County Board of Commissioners adopted the public participation plan for the Land Use Plan update, and provided a copy for the Board's review. She stated that there will be a series of three workshops (Roanoke Island, Buxton, and Kill Devil Hills) beginning the last week of September. She asked that Board members try to attend the workshop most convenient for them.

Resignation of Board member

Mrs. Creef informed the Board of Mr. Joe Thompson's resignation from the Planning Board.

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: October 8, 2007

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