

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 11, 2008. 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
Dan Oden
Mary Beth Midgett

MEMBERS ABSENT

Ricky Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to be made to the minutes of the January 14, 2008 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by Mary Beth Midgett, seconded by Dan Oden.

Vote: Ayes – Unanimous

PUBLIC HEARING

Mary Kathryn Cameron – Colington – Zoning Amendment Petition

Senior Planner Donna Creef stated that last month the Board instructed staff to schedule and advertise a Public Hearing on the proposal submitted by Mrs. Cameron to amend the text of the R-2B zoning district to add residential child care centers as a “Special Exception Permit” which is reviewed and approved by the Zoning Board of Adjustment. The R-2B currently permits small child care homes.

Mrs. Creef told the Board that residential child care centers are defined as a residential setting in which child care is provided for 6 or more preschool age children not to exceed a maximum of 12 preschool aged children.

Mrs. Creef pointed out that the Colington area is the only district which features R-2B district as part of its zoning map. She stated that the R-2B zoning district is a hybrid district that permits residential structures mobile home parks, resident businesses, real estate offices, family child care homes, campgrounds and fish houses. The 2003 Land Use Plan classifies the site as

Limited Transition which is representative of the changing nature of land uses along Colington Road. Mrs. Creef stated that it is staff's opinion that the requested text amendment is consistent with the land classification, and any motion to recommend approval of the text should include a finding of consistency.

Mrs. Creef reminded the Board that any recommendation for approval will not represent an approval for the actual operation of the child care facility. She told the Board that Mrs. Cameron has been informed and understands that if the proposed text amendment is approved, she will then have to follow the procedures for a site specific review and obtaining a Permit for Special Exception.

Mrs. Creef further reminded the Board that any motion for denial of the text amendment should include specific reasons for the denial.

Public comments were rendered by Marjorie White, the Children and Youth Partnership Child Care Resource and Referral Program. Ms. White told the Board that Mrs. Cameron has been operating as a licensed family child care home for over a year. She stated that Mrs. Cameron currently serves five children ages 2 – 5 and has offered a high quality program for her families following the rules for the NC Division of Child Development.

Mrs. White further stated that Mrs. Cameron offers a high quality program and is planning to continue with a slightly larger program in her home offering care for up to 12 children. Mrs. White told the Board that Mrs. Cameron plans to hire someone to assist with the program.

In closing comments, Mrs. White told the Board that the Children and Youth Partnership will continue to work with Mrs. Cameron so that she is able to meet licensing standards and offer high quality care for Dare County's children.

Mrs. Creef stated for the record that we have proceeded with this a Permit for Special Exception that is consistent with the way that most of the child care facilities are addressed in the Dare County Zoning Ordinance. She told the Board that at the Zoning Board of Adjustment meeting last month there was some indication from the membership of that Board that the Ordinance be amended to allow administrative approval of Permits for Special Exception. She stated that staff told the Board that they would pass that information on to the Planning Board.

Mrs. Creef told the Planning Board that it is her opinion that there is a level of protection associated with the Permit for Special Exceptions for the child care facility and the residential setting and is not something that should be approved at the administrative level.

A motion was made by John Finelli to recommend approval and a consistency with the staff memorandum, seconded by Beth Midgett.

Vote: Ayes – Unanimous

OLD BUSINESS

Ashbee Harbor – Skyco – Preliminary Plat

Andy Deel from Quible and Associates was present to represent this preliminary plat along with the developers Mr. Lee Tugwell, Johnnie Robbins and John Robbins, Jr.

Senior Planner Donna Creef offered the following staff comments as follows:

She told the Board that the plat for the Ashbee Harbor subdivision was previously reviewed as a sketch plan in November 2006 as Skyco Village Subdivision. The property is located in two zoning districts, R-1 and Highway 345. The site consists of 175.77 acres and is proposed to be divided into 46 lots. She stated that the upland portions of the property are located in the R-1 zone and the non-upland portions are located in the Highway 345 zoning district. Lots 1-46 are located in the R-1 zoning district and include the minimum of 15,000 square feet of uplands. The open space #2 is located in the Hwy 345 zoning district and includes in excess of 22,000 square feet of non-upland area consistent with the Hwy. 345 zoning. She stated that the lot lines follow the wetland lines.

Mrs. Creef stated that the developers plan to connect to the Dare County central water supply. Access is proposed from a 30' wide paved road to be dedicated as private with a controlled entry. She noted that there are plan to work with NCDOT to install a deceleration lane and a right-turn lane into the property from Highway 345. Draft covenants addressing the road maintenance has been submitted in conjunction with the preliminary plat. She stated that the developers have been in contact with the Health Department and have received comments that the lots are provisionally suitable for onsite wastewater systems. She noted that a wetland verification plat has been submitted and is on file with the planning department.

Mrs. Creef noted that the developers have obtained the required State permits for sedimentation/erosion control and stormwater management, and have indicated that the CAMA permit will be issued tomorrow.

Mrs. Creef noted that the developers have indicated that the road will be constructed of permeable asphalt which is an approved surface material by NCDOT. She stated the road improvements will be subject to verification by an independent testing firm.

The Board discussed paving and road width and the swales and boat slips proposed.

Mr. Tugwell stated that the boat slips are common property and will be clearly assigned and marked.

Mr. Creef suggested a caveat be included on the plat addressing the boat slips.

Mr. Deel briefly discussed the common space and told the Board that the covenants will address the use of the common space and the rights of that space.

A motion was made by John Finelli, seconded by Dan Oden to recommend approval of the proposed Ashbee Harbor Subdivision to the Dare County Board of Commissioners subject to the following:

1. Language being included on the plat and in the homeowner's documents addressing the road maintenance by the property owners and any debris removal or storm clean-up costs that may occur will be the responsibility of the property owners/homeowners association.
2. A revised plat depicting a typical street cross-section and notes being added to the plat addressing the right-of-way and pavement widths. Directional arrows/signs indicating the traffic flow pattern around the amenity area should also be included on the plat.
3. Submission of the CAMA major permit for the project prior to submission to the Dare County Board of Commissioners for review.
4. A note being added to the plat addressing the ownership of the open space areas by the homeowners association and their use as common property.
5. Note number 3 needs to be revised to state R-1 and Hwy. 345 as the zoning districts, and that the lots proposed for single family construction are located in the R-1 zoning district. Note 8 should be revised to clarify that the rear setback determination shall be from the same location at the establishment of the 30' CAMA buffer and not from the opposite side of the canal.
6. A note should be added to the plat which indicates that access to the subdivision shall be limited and controlled by an electronic gate or manned facility.

Vote: Ayes – Unanimous

NEW BUSINESS

Proposed text amendment to Section 22-58.3 (Family Housing Incentive Standards to add minimum residency qualification standards

Mrs. Creef told the Board that the proposed text amendment to the Family Housing Incentive Housing standards which is Section 22-58.3 of the Dare County Zoning Ordinance was amended two or three years ago to have incentives for affordable workforce housing.

During a recent meeting of the Affordable Housing Committee it was noted that one inadequacy of the Family Housing Incentives Standards was that it did not include a minimum length of residency to be eligible for residency at a workforce housing site developed under the Family Housing Incentive guidelines. As a result of this meeting, staff was instructed to proceed with an amendment to that section of the zoning ordinance.

Mrs. Creef provided the Board with a draft text amendment that will require that at least one member of the eligible household age eighteen or older to reside in Dare County for a minimum

of two consecutive years immediately prior to submitting an application and provide documentation as needed to verify this two-year minimum residency qualification.

A motion was made by John Finelli, seconded by Dan Oden to recommend approval of the proposed text amendment. The Board concurred that this proposed text amendment is consistent with the Dare County Land Use Plan.

Vote: Ayes – Unanimous

OTHER BUSINESS

2008 Dare County Land Use Plan Update – Discussion and Analysis of natural features and conditions in Dare County and development of environmental conditions composite map.

Senior Planner Donna Creef told the Board that the CAMA land use planning guidelines require the development of numerous maps in conjunction with the update of a Land Use Plan. She stated that the first set of maps must be developed are maps of the natural features and conditions found in Dare County as follows:

1. CAMA Areas of Environmental Concerns (AECs)
2. Soil Characteristics, including limitations for wastewater systems and erodibility.
3. Water quality classifications established by the Division of Water Quality and the NC Shellfish Sanitation Section.
4. Flood hazard areas (Federal Flood Maps) - these maps are already mapped and the County can just incorporate as a supplement in an electronic or digital format.
5. Storm surge areas
6. Non-coastal wetland areas
7. Water supply watershed or wellhead protection areas
8. Primary nursery areas as designated by the Division of Marine Fisheries
9. Environmentally fragile areas, such as but not limited to maritime forests, natural heritage areas, and prime wildlife habitats.

Mrs. Creef told the Board that she has been working with the staff in the County Information Technology Department on the development of these maps. She stated that the LUP guidelines do not require the maps to be included as part of the LUP, but made available to the public.

Mrs. Creef informed the Board that the LUP guidelines provide that local governments must analyze the natural features and discuss the capabilities and limitations of the natural features and the natural conditions. The guidelines indicate that the local government must assess these features and terms of compatibility, and based on this assessment, the natural features are then categorized into three classes as follows:

Class – 1 defined as land containing only minimal hazards and limitations that may be addressed by commonly accepted land planning and development practices;

Class – 2 – Land containing development hazards and limitations that may be addressed by methods such as restrictions on types of land uses, special site planning, or the provision of public services

Class 3 – Land containing serious hazards for development or lands where the impact of development may cause serious damage to the functions of natural systems.

Mrs. Creef stated that the CAMA guidelines do not specify which natural features are to be included in each of these classes, but leave this assignment solely to the discretion of the local government. She noted that the LUP must include a table or other documentation that illustrates what class ranking was assigned.

Mrs. Creef told the Board that the LUP must also address the environmental conditions of the County which they list as (water quality, natural hazards, and natural resources), existing land use patterns, and an analysis of community infrastructure and facilities and the community infrastructures and facilities are water supply and wastewater systems, transportation systems, stormwater systems and other facilities such as schools and solid waste facilities. Existing use maps for each village depicting different categories of land uses (residential, commercial, industrial, etc.) must be produced as part of the existing land use analysis.

Mrs. Creef provided a table listing natural features categorized in classes for the Board's review. After presentation by Mrs. Creef the Board concurred to include the item on the March agenda for discussion.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: March 10, 2008

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