

NEW BUSINESS

Ocean Sound, LLC Division – Buxton – Preliminary Plat

Mr. Mearl Meekins, of W. M. Meekins, Jr. and Associates, Inc. was present for the review of this preliminary plat.

Planner Ryan Simons told the Board that this is a proposal to divide existing lot 1 into two lots. He noted the size of the tract precluded the division from handled as an exemption.

Mr. Simons provided the Board with a copy of a memo reflecting a conversation he had with the County Attorney regarding the proposed access easement. He pointed out that the Subdivision Ordinance requires subdivision lots to abut a public or private street. He stated the proposed access easement as depicted does not abut either, and is not dimensionally configured to accommodate a common driveway. Mr. Simons told the Board that the County Attorney has advised that this proposed access easement would need to be constructed as a private road in accordance to NCDOT requirements. Mr. Simons noted that the Board may want to require language be included on the plat acknowledging that the road will not be publicly maintained.

Chairman Midgett commented that his preference would be for the lot to come down and touch Highway 12. He noted that he knows that the flag would be longer than what is normally allowed.

Mrs. Creef noted that other development plans previously reviewed depict the 30' easement in the corner of the area that is the only high ground on the property that supports a wastewater treatment area. She stated that if a flag lot or a 30' easement is done, that area will not be available for use in the other development plans.

Mrs. Creef noted that the policy on flag lots is exactly that and exceptions have been made to this policy. She noted that there is nothing in the ordinance that says a flag lot has to be to any set dimensions. The Ordinance does say that if it is a private street it has to be improved (paved) to NCDOT standards. Mrs. Creef noted that NCDOT standards do not provide for gravel roads. Mrs. Creef stated that the Board may vary the policy but does not have the authority to vary the Ordinance.

Henry Haywood, seconded by David Overton made a motion to recommend approval subject to the following:

1. The 30' flag portion of the property coming all the way down to Highway 12.
2. A note be included on the plat referencing that the driveway improvements will be installed according to the Zoning Ordinance at the time of the issuance of the Certificate of Occupancy.

3. A dumpster site shall be placed on the site.

Vote: Ayes – Unanimous

Trail Ridge Re-division – Roanoke Island – Preliminary Plat

Planner Ryan Simons told the Board that this is a proposal to re-divide the existing 3 lot Trail Ridge division into four lots. Mr. Simon suggested that the developer consider renumbering the lots to avoid conflict with other lots. He recommended approval of the preliminary plat as submitted.

A motion to recommend preliminary plat approval was made by John Finelli, seconded by David Overton.

Vote: Ayes – Unanimous

Sunset Resort, LLC – Rodanthe, Group Development.

Eddie Valdivieso of Quible and Associates was present to represent this group development project to be constructed in Rodanthe.

Senior Planner Donna Creef presented revisions to the site plan made by the engineer based on comments rendered by the Public Works Director regarding the location of the dumpster site. Mrs. Creef stated the Public Works Director has indicated that these revisions are satisfactory.

Mrs. Creef told the Board that the proposed site is zoned S-1. She informed the Board that the first building is currently under construction.

Mrs. Creef explained to the new board members that group developments are something the Board reviews frequently. She told them that when there is one principle use structure on the property it triggers a review by the Planning Board and approval by the Board of Commissioners.

Mrs. Creef stated that she has requested that the numbering sequence for the buildings be revised.

Mrs. Creef pointed out that the site plan notes that the two commercial buildings will each feature 5400 square feet. She noted that Note 6 on the plat indicates commercial building 1 will include all retail space or a 60-seat restaurant. She noted that the parking calculations for either the retail or restaurant will be similar so there should not be any adjustments needed to the parking improvements once the occupancy has been determined.

Chairman Midgett asked if the developer has secured the necessary State permits.

Mrs. Creef informed Mr. Midgett that the developers have permits (stormwater, sedimentation and erosion control and CAMA permits) that were secured for the construction of building one, which will have to be modified. She stated that the wastewater permit is the big permit that they have sent to the appropriate State officials.

Chairman Midgett expressed concern about making any sort of blanket approval on the project until all the necessary permits are secured.

Mr. Valdivieso told the Board that they have a permit for the scope of development less the two retail buildings, and the concurrence and acceptance by the State for the concept. He stated that do not have the modified permit in hand.

Mrs. Creef told the Board that the provision for public restrooms has been an issue with other site plans similar to this one. She stated that she has included a condition addressing public restrooms in the draft CUP. She further stated that the site plan does not depict any buffering and has discussed this with the engineer.

Mrs. Creef suggested the Board discuss a time period for the completion of the project and told the Board that in the past similar projects have been granted three years.

A motion to recommend approval subject to the following conditions was made by David Overton, seconded by John Finelli.

1. Revisions to the site plan on the location of the dumpster site and the addition of a second loading zone area as discussed.
2. Public restrooms shall be featured in one of the commercial buildings.
3. The item will not be forwarded to the Board of Commissioners for review until the modified stormwater permit, sedimentation and erosion control permit, and CAMA permit have been secured. The Planning Board indicated that the site plan could be submitted to the Board of Commissioners before the State wastewater permit is secured with the understanding that information on the approval from the soil scientist report and layout of the wastewater improvements is submitted to the Planning staff to demonstrate some level of commitment on the wastewater improvements.
4. Vegetative buffers and lighting improvements are to be depicted on a revised site plan.
5. Language addressing the phasing of improvements to be added to a revised site plan.
6. Language addressing the additional one year.

Vote: Ayes – Unanimous

Steven C. Evans – Frisco – Amendment to existing CUP for Group Housing Development

Mr. Steven C. Evans, owner/developer was present.

Senior Planner Donna Creef provided the Board with a revised site plan submitted by Mr. Evans addressing concerns identified in written comments submitted by staff.

Mrs. Creef told the Board this is an amendment for a CUP approved in 1998 for the location of a second single-family residence on the Evans property in Hatteras. She stated that Mr. Evans has not constructed the second single-family structure that was approved for his property and is now seeking approval to amend the original CUP to construct a duplex in lieu of the single-family residence previously approved. She told the Board that the CUP approved in 1998 did not have an approval period and suggested that an expiration date be added to the amended CUP. Mrs. Creef stated that a time period of two years seems to be appropriate for the completion of the duplex.

Mrs. Creef told the Board that the revised site plan submitted tonight does not depict the right-of-way of Eagle Pass Road. She stated that the first site plan included in the packet depicted Eagle Pass Road. She told the Board that Eagle Pass Road is a State maintained road and has been a state maintained road for a long time.

Mrs. Creef told the Board that the proposed parking for the duplex is located immediately adjacent to the right-of-way of Eagle Pass Road, which will require vehicles to back into the right-of-way. Although the parking proposed is consistent with the Zoning Ordinance, Mrs. Creef suggested that the parking be reconfigured to provide sufficient maneuvering outside the right-of-way of Eagle Pass Road to provide for a safer alternative for vehicles leaving the site.

Mrs. Creef noted that the original site plan depicted a 20' rear yard setback and has been corrected on the revised site plan to show a 25' rear yard setback. She also noted that a wetland verification plat should be submitted to the Planning Department.

Mr. Finelli expressed a concern regarding the width of the proposed 40' driveway.

Mrs. Creef stated that there isn't anything in the ordinance address a maximum for driveway widths.

Mr. Evans requested three years to complete the proposed duplex.

A motion to recommend approval of the CUP amendment to construct a duplex on the Evans property subject to the following conditions along with the conditions as stated in the draft CUP prepared by staff was made by Dan Oden, seconded by Henry Haywood.

1. Submission of an up-to-date wetland verification plat.
2. The developer will consult with the Planning Department staff on the parking layout to provide safe maneuvering area for the duplex parking outside of the right-of-way of Eagle Pass Road.
3. The amended CUP shall be valid for a period of three (3) years from the date of approval by the Dare County Board of Commissioners.

Vote: Ayes – Unanimous

OTHER BUSINESS

Mrs. Creef told the Board that there will not be another meeting this month for the update of the Dare County Land Use Plan because the Administration Building will be relocating.

ADJOURNMENT

There being no further business before the Dare County Planning Board, John Finelli made a motion to adjourn; seconded by David Overton

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED:

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