

## **MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING**

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 9, 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	Henry Haywood
John Finelli	Beth Midgett
Ricky Scarborough, Jr.	Dan Oden

### **MEMBERS ABSENT**

David Overton

### **APPROVAL OF MINUTES**

There being no additions or deletions to be made to the minutes of the May 14, 2008 Planning Board meeting, a motion was made by Ricky Scarborough, Jr., seconded by Henry Haywood to dispense with reading them to approve them as submitted.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

#### ***Lake Burnside Subdivision – Roanoke Island – Preliminary Plat***

Eddie Goodrich was present to represent this preliminary plat. Also present was Mr. Jamie Reynolds from W. M. Meekins, Jr. and Associates, Inc., Land Surveying and Planning.

Senior Planner Donna Creef presented staff comments prepared by Dare County Planner, Ryan Simons.

Mrs. Creef told the Board that the proposed subdivision was previously reviewed in October 2007 as the Roderick Drouin Sprinkle Subdivision. Mrs. Creef stated that the property is located at the end of Cannon Trail off Burnside Road and consists of five lots. She noted that the plat depicts a section of roadway at the end of Cannon Trail that is currently under NCDOT maintenance and it was discussed at the previous review that one of the requirements of the subdivision approval would be that the developer pave the 20' section in addition to the new improvements proposed for subdivision.

Mrs. Creef pointed out that the plat submitted for preliminary review depicts the roadway as private. She informed the Board that on June 2, 2008 the Dare County Board of Commissioners adopted amendments to the Subdivision and Zoning Ordinances that prohibit the construction of private roads. She stated that the developer has been informed that the road will have to be dedicated to the public and is acceptable to that.

Mrs. Creef stated that the subdivision exceeds 1 acre of land disturbance therefore is will necessary to obtain a Stormwater Management Permit. She noted that the Ordinance requires that permit be in hand prior to review by the Dare County Board of Commissioners.

Mr. Goodrich told the Board that Quible and Associates is working on securing that permit.

The Planning Board discussed relocation of the dumpster site for easier access.

John Finelli, seconded by Ricky Scarborough, Jr. made a motion to recommend approval of the preliminary plat subject to the following:

1. The dumpster pad being relocated for easier access.
2. The Stormwater management permit being secured and submitted prior to submission to the Dare County Board of Commissioners for their review.

Vote: Ayes – Unanimous

### **NEW BUSINESS**

#### ***George Glenn Bonner, III & Bonny F. Bonner – Roanoke Island – Preliminary Plat***

Senior Planner Donna Creef presented staff comments prepared by Dare County Planner Ryan Simons.

Mrs. Creef told the Board this is a proposed three lot subdivision with frontage on Mother Vineyard Road. She stated that the tract is 3.61 acres which exceeds the cut off for exemption and could not be handled administratively. Mrs. Creef stated that there a no improvements proposed, and recommended preliminary plat approval.

A motion to recommend preliminary plat approval was made by Henry Haywood, seconded by Dan Oden.

Vote: Ayes – Unanimous

#### ***Jarvis Lee Williams & Donna Williams – Buxton – Conditional Use Permit***

Present for the review of this Conditional Use Permit was Mr. Jarvis Williams.

Senior Planner, Donna Creef provided the Board with a copy of a revised site plan submitted after her written comments were sent out. She told the Board that Mr. Williams proposes to construct a self-service fuel facility on his property at the corner of NC 12 and the Buxton Back Road. She stated that Mr. Williams has submitted this application as a sketch plan to solicit feedback from the Planning Board.

Mrs. Creef told the Board that the site is zoned C-3 and does permit automobile service stations as a conditional use. She stated that the current property is two lots and Mr. Williams plans to

combine the lots to facilitate the construction of the fuel facility. She further stated that currently the site is used as a miniature golf course with an ice cream shop; these improvements will be removed for the construction of the fuel facility.

Mrs. Creef pointed out that the sketch plan depicts the ingress to the facility from NC12 with egress from the site onto Buxton Back Road (SR 1232). She suggested that signage and parking lot markings be used to control the direction of traffic flow.

Mrs. Creef told the Board that there will be no employees on the site and no restrooms are proposed since the fuel pumps will take cash or credit card only.

Mrs. Creef noted that a visual buffer will need to be provided along the western property line, and pointed out the existing vegetation may be supplemented to achieve this buffer.

In reference to the 8' x 8' building shown on the sketch plan, Mrs. Creef told the Board that this building serves as the equipment building for the emergency shut off and the other equipment associated with the fuel pumps. She also stated that Mr. Williams proposes to have a self service vacuum on site as well.

Mrs. Creef noted that the C-3 district does not provide any standards for the fuel canopies, and sometimes those canopies have a tendency to be over lit. She told the Board that she discussed this with Mr. Williams and suggested that the minimum standard for fuel companies may be appropriate. She also noted that the canopy, as depicted encroaches into the 10' side yard setback; this will need to be decreased or adjustments to the adjacent property line will need to be made to accommodate the canopy.

The Board reviewed this application and noted the following:

1. Additional area at the west end of the canopy will be needed to provide an adequate drive aisle for the fuel pump.
2. A 10' side yard setback must be maintained from the end of the canopy and the side property line.
3. Compliance with a 50' setback from a residential use or district and a 25' setback from a right-of-way should be depicted on a revised site plan.

No official recommendation was made on this proposal; as it was reviewed as a sketch plan.

#### ***Cape Hatteras Landing – Buxton – Conditional Use Permit***

Mrs. Creef presented staff comments. She noted that Hobbs, Upchurch & Associates submitted some additional information to her late Friday afternoon which she placed at the Board's seats along with a copy of a letter to Mr. Jim Meads about the flood zone issue.

Present for this review was owner/developer Mr. Frank Jakob, Soil Scientist with Land Management Group, John Williams and Attorney Mr. Herbert Mullen.

Mrs. Creef told the Board that this is a site plan for the proposed Cape Hatters Landing. She noted that the latest version depicts 34 housing units. The site plan submitted for review in 2007 depicted 35 housing units and was tabled due to inconsistencies between the wastewater system and the Flood Ordinance and to allow the developer to address some other site design issues.

Mrs. Creef told the Board that the project proposes to utilize a drip infiltration wastewater treatment and disposal system that must be approved by the Division of Water Quality. Some of the components of the proposed system were located in the VE flood zone and it was determined that such components were inconsistent with the Dare County Flood Ordinance. Mrs. Creef stated that she has been informed by the project engineer, Mr. James Bowen that the components of the wastewater system that were located in the VE flood zone have been removed from the proposal and that modifications to the Division of Water Quality permit will be necessary.

The Board questioned the owner/developer about the piece of property taken out for Mr. Bernice Ballance.

Mrs. Creef told the Board that Section 22-58 of the Dare County Zoning Ordinance states that each application for a conditional use permit shall be accompanied with plans of the proposed methods of water supply and sewage disposal. Subsection (d) of this section also discusses "a bond or trust instrument or other form of written assurance satisfactory to the Board of Commissioners assuring the continuous proper maintenance and operation of such sewage and water systems". Mrs. Creef stated that she and the Chairman Midgett discussed this language with the County Attorney and he has indicated that such documents would be used to address maintenance of the wastewater system.

Mrs. Creef discussed the following issues:

**Property configuration** – The planning board approved a final plat for Bernice Ballance last month which has not yet been recorded. She stated that the developers need to advise the Planning Board on how this impacts the site.

Mr. Jakobs told the Board that was on the original plan. That was never there the first place so it really doesn't affect anything that we were doing. If you look at the plan submitted last year, that plan was an out parcel and had nothing to do with the project.

**Site information** - The CUP application includes information on the total site, acreage, street areas, etc. Mrs. Creef stated that this information should be included on the site plan.

**Terminology** - The site plan uses the word lot which is incorrect, the project is a group housing development; only the footprint areas will be conveyed.

**Road Improvements** - The site plan includes more traditional cul-de-sac turnarounds from the '07 plan which is one item that was identified last time as a concern. The road improvements are depicted as 20' wide paved areas with the 45' wide publicly dedicated right-of-way that is consistent with the standards that the County adopted last week. Mr. Bowen will need to certify that the streets are consistent with NCDOT standards according to that new language that states

the project engineer has to certify that. The homeowners documents will also need to address the road maintenance until such time that the State can take the streets over. Copies of comments from NCDOT that references a turn lane into the property as well as the intersection alignment with the cross street were submitted.

**Parking** – It appears that the parking improvements for each home site are located within the right-of-way area. This layout will need to be revised so that the parking improvements are located outside of the dedicated right-of-way area. The Zoning Ordinance requires 2.5 parking spaces for each home site in a group development setting. It may be that the design of the homes will accommodate parking under the structure. A typical parking detail to demonstrate how parking will be addressed should be added to the revised site plan.

Mrs. Creef prepared a draft Conditional Use Permit for the Board's review and suggested the Board discuss a timeframe for the construction of the infrastructure and construction of the home sites.

Chairman Midgett asked Mr. Jakobs if he is absolutely positive that he piece of property that was conveyed to Bernice Ballance was not shown or is not shown in this piece of property.

Mr. Jakobs stated that the piece conveyed to Bernice Ballance has been there from day one as an out parcel.

Mr. Williams told the Board that they are prepared to submit a permit modification to the Division of Water Quality. He stated that the permit exists for 36,000 gallons per day of pretreated water being disposed of through a drip irrigation system on the high ground up near the highway and they just need to go before the Division of Water Quality with the modified plan for 30,000 gallons per day.

John Finelli, seconded by Ricky Scarborough, Jr. made a motion to table this item to allow additional time for the developer to address the following issues:

1. The site plan should be revised to accurately reflect the configuration of the proposed Cape Hatteras Landing property and the property that was subdivided for Mr. Bernice Ballance. All of the street improvements should be located entirely on the Cape Hatteras Landing property.
2. A typical parking detail shall be included on the revised site plan to demonstrate compliance with the parking standards of the Dare County Zoning Ordinance. The Board noted that the parking detail would be to demonstrate compliance and could be adjusted at the time of construction permits if desired by the property owner provided that the 2.5 parking space per unit minimum is maintained.
3. Review of legal documents to address the construction, operation and maintenance of the wastewater system for the site.
4. Contact with the Division of Water Quality to determine an estimated time period for the review and approval of the modification of the wastewater treatment permit.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

*Dare County Land Use Plan Update Discussion*

Mrs. Creef presented a Natural Features and Environmental Composite map prepared by Greg Ball depicting the three classifications and the overlaps discussed by the Board last month.

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED: July 14, 2008**

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