



Mrs. Creef provided the Board with a draft Conditional Use Permit for consideration and suggested that the Board discuss a time limit for the completion of the proposed fuel facility project.

The Planning Board discussed a timeframe for completion of the project and concurred two years is agreeable with the possibility for an extension if necessary.

Ricky Scarborough, Jr., seconded by Henry Haywood, made a motion to recommend approval of the Conditional Use Permit requested by Mr. Jarvis Williams subject to a time limit of two years with the possibility of an extension if needed to the Dare County Board of Commissioners.

Vote: Ayes – Unanimous

***Cape Hatteras landing – Buxton – Group Housing Development/Conditional Use Permit***

Present for this review was the owner/developer Mr. Frank Jakob, Soil Scientist Mr. Williams and Mr. Jeff Thompson with Hobbs, Upchurch.

Senior Planner Donna Creef stated the Planning Board voted to table the Cape Hatteras Landing project last month to allow the developer to make revisions to the site plan regarding the road improvements and parking detail to demonstrate compliance with the Zoning Ordinance.

Mrs. Creef stated that the majority of the Board's discussion last month focused on the operation and maintenance of the proposed drip irrigation wastewater treatment system. During that discussion it was noted that legal documents would be prepared to establish an escrow account for the maintenance of the facility. Mrs. Creef told the Board that County Attorney Bobby Outten is working on that document.

Mrs. Creef told the Board that a representative of the Division of Water Quality has indicated to Mr. Thompson that review and approval of the modified wastewater permit application will require approximately 150 days. She stated that the developer has requested that the time-clock on the County's approval not begin until the modified permit from the Division of Water Quality is secured. Mrs. Creef pointed out that a 12-month approval period is what is usually granted for the installation of infrastructure improvements. She suggested a 12-month approval for the construction of the wastewater improvements, road improvements and other infrastructure with the possibility of an extension if a certain amount of progress on the construction of the improvements can be demonstrated.

Mrs. Creef provided a draft CUP for the Board's consideration. She pointed out that the Draft CUP includes several items for additional discussion by the Board as follows:

1. Number of bedrooms for each housing unit;
2. Gallons per day allotted for the wastewater treatment facility;
3. Legal documents pending for the operation and maintenance of the wastewater facility;

Mrs. Creef stated that the Planning Board and staff has spent a lot of time reviewing and discussing this project and the proposed wastewater treatment system. She pointed out that although there is no other drip irrigation system operational in unincorporated Dare County and the Planning Board has expressed reservations about this type of wastewater treatment system and its appropriateness for use on Hatteras Island, it is a system that the Division of Water Quality approves.

Mrs. Creef identified three options for the Planning Board's consideration, as follows:

Option 1 – A motion to recommend approval taking a strict interpretation of the regulatory compliance with the codes and the standards.

Option 2 - A motion to recommend approval that includes a statement that the Planning Board feels the proposed method of wastewater disposal is unwise in this location despite the fact that it is acceptable by the Division of Water Quality.

Option 3 – A motion to recommend that the proposed development not be approved by the Board of Commissioners. She stated should it be the pleasure of the Board to select this option, she reminded the Board that it is more symbolic than anything because the Board of Commissioners does not have to accept the Planning Board's recommendation.

The Board discussed the following:

1. Anticipated cost for the infrastructure for the proposed project and was informed by Mr. Jakob that there is a 4 million dollar budget to do the entire infrastructure (demolition of the Pilot House Restaurant, build the boat basin, construct the sewer plan, road, water and electric improvements).
2. Number of bedrooms per unit - The Board was informed by Mr. Jakob that the wastewater permit is good for 250 bedrooms and he is looking at 6 bedrooms per unit. He further stated that the permit right now is good for 286 bedrooms, but the number of sites has been reduced.
3. Functioning of the wastewater treatment facility with limited use - Mr. Thompson told the Board that if the system is not operating the State is going to make it be monitored and if it is not operating in accordance to their regulations they would end up in a pump and haul situation and have to haul the waste to a plant that can treat it.

A motion to recommend approval of the Conditional Use Permit for Cape Hatteras Landing subject to the conditions listed below was made by John Finelli, seconded by Dan Oden.

1. Completion of legal documents to address the maintenance of the wastewater system being submitted to the County Attorney for review and approval.
2. The homeowners documents being submitted to staff for review and approval.

Vote: Ayes – 5 (E. Midgett, Oden, Finelli, Scarborough, and Haywood)  
Nays – 1 (B. Midgett)

**NEW BUSINESS**

***NCDOT Ferry Division – Hatteras – Amendment to Conditional Use Permit***

Present for the review of this amendment were Mr. Jack Cahoon from the NCDOT Ferry Division, and Engineer Joe Anlauf from Quible & Associates.

Joe Anlauf from Quible and Associates on behalf of NCDOT submitted a proposal to add a second dormitory to house NCDOT Ferry Division personnel.

Mr. Jack Cahoon addressed the Board and told them that the State has granted the Ferry Division additional funds for more personnel and the construction of an additional dormitory. He stated that it takes 58 people to operate a shift and they need the additional housing in order to accommodate the additional personnel. Mr. Cahoon told the Board that the proposed building is the exact same as the current dormitory and neither building is in the line of the site to the ocean. He further stated that they have met the lighting requirements of Homeland Security and will continue to do so. Mr. Cahoon stated that no additional parking is required because they plan to shuttle the personnel to and from the ferry dock. He stated that they have a limited time to build a building or the money goes to another budget cycle.

Planner Ryan Simons presented staff comments. He told the Board that the conditions existing in the current CUP will also be included in the new CUP. He also noted that there are a number of letters from NCDOT submitted with the application indicating that they have applied for and are in the process of receiving a number of supplementary permits. Mr. Simons suggested that those permits be in hand prior to going to the Board of Commissioners.

Mr. Cahoon told the Board that if they wait to get the permits prior to going to the Board of Commissioners then they will be beyond the time limit that they can place the bids for the building. She stated that they are looking at August for putting out the bids.

Mr. Anlauf told the Board that the improvement permits through the Dare County Health Department have been secured and Lance Winslow from the Ferry Division is making application for the fill permit and a modification to their low-density stormwater permit.

A motion to recommend approval was made by Ricky Scarborough, Jr. seconded by Henry Haywood subject to conditions as submitted by Mr. Simons in the draft Conditional Use Permit.

Vote: Ayes – Unanimous

***Dave Dawson – Buxton Zoning Map Amendment – C-2 Text Amendment***

Mr. Dave Dawson and Eddie Valdivieso of Quible and Associates were both present.

Mr. Valdivieso on behalf of Dave Dawson and Cape Hatteras Motel addressed the Board.

Mr. Valdivieso told the Board that Mr. Dawson has an existing motel that has been active for a number of years. Across the street or to the west side of the property under the same ownership is some open property and the owners would like to expand their hotel operation. He stated that Mr. Dawson's current hotel is not very traditional in that most of the units are two bedrooms and has an efficiency or kitchen. Mr. Valdivieso told the Board that Mr. Dawson would like to expand his business with a new structure or structures with the only difference being the form of ownership, which would be under private ownership.

Mr. Valdivieso stated that the owner is proposing to allow multi-family as a permitted or conditional use with no density limits within the C-2 zone, which would allow Mr. Dawson the ability to sell a two bedroom condo versus keeping all of the units under one owner and operated as a hotel.

Mr. Dawson told the Board that right now if his pockets were deep enough he could build what he wants to build as long as it doesn't exceed 60% lot coverage and he has to meet all the stormwater, parking and so forth. He stated he has no problem with that, but if he goes to sell some of these units to help finance the project then it throws it into the 6 units per acre.

Senior Planner Donna Creef told the Board that staff has met with Mr. Valdivieso and Mr. Dawson a couple of times prior to his submission. She stated that they went round and round about the process and what was the right approach. She stated that the current submission is somewhat different than that discussed with staff.

Mrs. Creef told the Board that Mr. Dawson proposes that the C-2 district be amended to permit multi-family structures subject to the commercial dimensional standards applied to all other uses in the C-2 district—60% lot coverage with no dwelling density standard, and reduced building setbacks. She noted that the requested amendment is inconsistent with the Dare County Land Use Plan which has a stated preference for single family structures with lower density multi-family structures when they occur. She told the Board that the policy is being replicated in the 2008 update currently in process.

Chairman Midgett expressed his opinion that the requested change is substantive, and he is opposed to granting this text amendment.

Mr. Dawson told the Board that the County's lean toward single family homes has produced the mini motels that is just about to run the real motels out of business and is the reason that he needs to do this. He stated that they talked with staff about limiting it to existing motels and he didn't feel like that would be fair to someone that has a piece of undeveloped C-2 property and wanted to build a motel.

Mr. Valdivieso asked that the Board table the item rather than recommending a denial to the Board of Commissioners to allow Mr. Dawson an opportunity to develop an alternative proposal.

A motion to table as requested by the applicant was made by John Finelli, seconded by Beth Midgett.

Vote: Ayes - Unanimous

***Barry Stephen Crum – Buxton – Zoning Amendment Petition (C3 to I-1)***

Barry Crum, Jr. along with his father Stephen Crum was present for the review of this zoning amendment.

Planner Ryan Simons told the Board that Mr. Crum is seeking a zoning amendment for his property located at 47192 Burrus Lane in Buxton to add biodiesel production to the list of conditional uses in the I-1 district.

Mr. Crum told the Board that his father has been operating a construction business on the property at 47192 Burrus Lane for approximately 20 years. He stated that the activities of the construction business seem to fit an industrial zone.

Chairman Midgett told Mr. Crum that zoning a piece of property located 250' from a main highway down a 10' easement isn't something that this Board would recommend. He stated that he is opposed to making the property in question industrial.

Board members concurred that the concept is great but needs to be located to a different spot.

Motion to recommend denial of the rezoning as requested was made by Ricky Scarborough, Jr. seconded by John Finelli.

Vote: Ayes – Unanimous

Board directed staff to study the feasibility of allowing this operation in an I-1 district.

Mr. Finelli stated that he thinks Mr. Crum needs to provide staff with information that will provide an understanding of the laws and permitting process for such an operation.

**OTHER BUSINESS**

***Subdivision Road Standards Discussion***

Senior Planner Donna Creef told the Board that on June 2, 2008 the Board of Commissioners adopted revisions to the Dare County Subdivision Ordinance and Zoning Ordinance that established standards for new developments. She stated that these standards require the dedication of 45' wide right-of-ways with 20' wide paved improvements for all new divisions and group development projects. Mrs. Creef stated that several of the Board members expressed concern regarding the impacts of these standards on smaller divisions of family owned tracts.

Mrs. Creef submitted a draft proposal for minor subdivisions for the Planning Board's review and recommendation to the Dare County Board of Commissioners. She explained that a minor subdivision, as drafted would consist of 6 lots or less constructed on a 30' wide right-of-way with 18' paved improvements. Mrs. Creef further stated that an exception is also included in the minor subdivision if the property proposed for division is 3 acres or less access. She stated that access to such exception

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could be via a 20' easement with the level of surface improvements being adequate to support fire, emergency, and sanitation vehicles.

A motion to recommend approval of the draft submitted by Mrs. Creef to the Dare County Board of Commissioners was made by Beth Midgett, seconded by Henry Haywood.

Vote: Ayes - Unanimous

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

Respectfully Submitted,

Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED:** August 11, 2008

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