

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 8, 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	Henry Haywood
John Finelli	Dan Oden
Ricky Scarborough, Jr.	

MEMBERS ABSENT

David Overton
May Beth Midgett

APPROVAL OF MINUTES

John Finelli noted that Ricky Scarborough, Jr. was not listed as absent at the August 11, 2008 meeting. Mr. Finelli made a motion to dispense with the reading of the minutes of the August 11, 2008 meeting subject to the correction noted. This motion was seconded by Henry Haywood.

Vote: Ayes – Unanimous

OLD BUSINESS

Waves Village, LLC – Waves – CUP/Group Development

Mr. Victor White of Landmark Engineering and the property owner/developer Mr. John Harris were present to represent this conditional use permit application/group development project.

Senior Planner Donna Creef stated that the planning board reviewed and tabled the site plan for the proposed Waves Village group development project in December 2007 to allow the applicant additional time to secure the wastewater permit for buildings A, C, and D from the State Environmental Health Department. She further stated that the applicant is still waiting on that permit.

Mr. Victor White with Landmark told the Board that they have received all of the other permits for the Phase 2. He provided the board with a brief update on the wastewater permit process and stated that he has been in contact with the state reviewing engineer. Mr. White further stated that he expects to have the actual construction authorization permit prior to the meeting of the Dare County Board of Commissioners.

A motion was made by Ricky Scarborough, seconded by Henry Haywood to recommend approval of the site plan and draft Conditional Use Permit as submitted by staff.

Vote: Ayes – Unanimous

It was noted that if the wastewater improvement permit is not secured prior to the submission deadline for the Board of Commissioners agenda, the item will be placed on the October 13, 2008 Planning Board meeting agenda.

NEW BUSINESS

Ocean Builders for Stanford Holdings – Waves – Text Amendment to Chapter 158 – Signs

Mr. Peter Kaufman who submitted the text amendment on behalf of Real Kiteboarding/ Stanford Holdings, LLC was present. Mr. Tripp Foreman, Owner of Real Kiteboarding was also present.

Senior Planner Donna Creef provided staff comments. She told the Board that earlier this summer a new commercial building was completed as part of a group development for Real Kiteboarding. She told the Board that the building is a gray metal structure with architectural features of attached and unattached red steel framing (pictures provided).

Mrs. Creef told the Board that signage for the proposed commercial facility is reviewed by the Planning Department for compliance with the Dare County Code of Ordinances. She stated that the Sign Ordinance includes standards for free-standing signs and wall signage. She told the Board that the owners of Real Kiteboarding are requesting an amendment to Chapter 158 of the Dare County Code of Ordinances which would allow them to install a sign in a section of red steel framing located at the front of the building. Mrs. Creef told the Board that this request was denied by the Planning Department since the definition of wall sign included in the Ordinance does not address the installation of the proposed sign on a portion of a building that is not a wall.

Mrs. Creef told the Board that the current definition is as follows: “A sign affixed to the wall of any building that projects not more than 12 inches from the building.”

The proposed amendment is as follows: “A sign affixed to the wall of any building or affixed to a structural appurtenance that is attached to any building that projects not more than 12 inches from the building or the structural appurtenance.”

Mrs. Creef reminded the Board that the procedures to amend the Sign Ordinance are similar to the procedures for amending the Zoning Ordinance. She noted that the Planning Board is required to make a recommendation on the issue prior to action by the Board of Commissioners. She also noted that the Planning Board may choose to conduct a public hearing on the matter prior to making any recommendation.

Mr. Kaufmann told the Board that the architecture of the building is unique and reflects the spirit of watersports. He stated that Stanford Holdings had the idea to do this building, the red structure out front was the key element to the design, and the whole building was built around this element. He further stated that the text amendment is being requested because of the unique piece of architecture that is not addressed in the County Ordinance.

Mr. Kaufmann told the Board that if they were to strictly follow the ordinance and put this logo on the wall of the building it would not be usable and would be hidden.

Planning Board member John Finelli expressed his personal opinion that the ordinance should not be changed to accommodate one building. He stated that he understands what you are trying to do, but the requested text amendment would affect everything in Dare County. He commented that he would be very reluctant to make a change to accommodate one building especially when there is already a sign out by the road. He also stated that he does not see a need for the Planning Board to conduct a public hearing. Mr. Finelli also expressed concern regarding the wording of the proposed amendment as to where they can be located.

Mrs. Creef suggested that the requested amendment be tabled to allow the applicant to revise proposed amendment text.

A motion to table was made by John Finelli, seconded by Ricky Scarborough, Jr. to allow the applicant to revise the proposed language to be more specific as to where a sign of this nature can be placed.

Vote: Ayes – Unanimous

Bowsertown Landing on Roanoke Island – County of Dare – Conditional Use Permit

Senior Planner Donna Creef told the Board that the Bowsertown Landing project is a workforce housing project on County owned property located in the vicinity of California Street and Bowsertown Road adjacent to the NC Fish and Wildlife boat ramp. The site is zoned R-2.

Mrs. Creef told the Board that the site plan submitted for review is the result of many discussions with the Affordable Housing Committee, Dare County Board of Commissioners and the Dare County Capital Improvement Committee who have all endorsed the idea and concept of Dare County constructing workforce housing on the county owned property. Mrs. Creef stated that the contracts with the Outer Banks Community Development Corporation (CDC) for the administration of the site, construction details, and rental/sale of the units have been approved by the Board of Commissioners.

The submission of the site plan for this proposed development has been designed and will be constructed and operated under Section 2-31, Group Developments, and Section 22-58.2, Family Housing Incentive Standards (FHIS).

Mrs. Creef submitted a draft Conditional Use Permit for the project for the Board's review and consideration. She told the board that Melissa McAllister is the project engineer and designer of the site plan submitted. She further stated that the project will be constructed in three phases.

After a brief discussion, Henry Haywood, seconded by Dan Oden made a motion to recommend approval of the site plan and the draft conditional use permit subject to revisions to the site plan indicating the dwelling density of the project and a reference to Section 22-58.3 of the Dare County Zoning Ordinance.

Vote: Ayes – Unanimous

Michael W. Carolan – Buxton – Conditional Use Permit – Sketch Plan

Mr. Michael W. Carolan representing this application for a conditional use permit was present.

Planner, Ryan Simons presented staff comments. He told the Board that this is a proposal to add a three bedroom residence to a lot with an existing mobile home located on it. He stated that it would constitute a group development and trigger CUP review.

Mr. Simons stated that access to both of the structures is proposed via separate driveways from Buxton Back Road. He noted that Section 22-31 (c)(1) requires that all buildings established as part of a group housing project be set back not less than 25' from any side or rear property line. He noted that as proposed, the three bedroom residence proposed would encroach into the side yard setback by approximately three feet. Also noted, the Ordinance also precludes one residence from facing the rear of another.

Chairman Midgett informed Mr. Carolan that the side line setback is a problem, and he will have to make the structure fit within the setback on each side. Chairman Midgett further stated that he does not see the Board of Commissioners granting approval of a CUP with an encroachment.

This item was reviewed as a sketch plan and no action was taken.

OTHER BUSINESS

2008 Dare County Land Use Plan Update – Discussion

Senior Planner Donna Creef provided the board with copies of that land use plan maps that she was not able to include with the narrative sections previously submitted.

At the meeting this month, Mrs. Creef provided the Board with the second and third sections of the draft 2008 Land Use Plan update. Section 2 includes the policy statements, associated implementation strategies and the future land use maps. She also included the narrative discussion to accompany the policy statements she drafted. She told the Board that all of this information is based on previous workshops and staff discussions.

Mrs. Creef informed the Board that Section 3, which is a new section of the update, outlines the other programs and ordinances that are used in conjunction with the Dare County Land Use Plan and is entitled “Tools for Managing Development.”

Mrs. Creef pointed out the following items for the Board’s attention as follows:

1. Policy statement added to address the Buxton Coast Guard base and insurance. (pages 131-132)
2. Floating homes and structures. (page 125)
3. Energy Facilities (page 107)

Mrs. Creef asked that the Board review the draft Sections 2 and 3, narratives and associated maps and provide feedback, corrections, etc. She stated she is working on scheduling two workshops to be conducted by Glen Harbeck in October.

Chairman Midgett thanked the staff for the hard work put forth into the update of the Land Use Plan.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: October 13, 2008

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