

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, January 12, 2009. This meeting was held in the meeting room of the Dare County Administrative Annex located at 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT

Elmer R. Midgett, Jr. – Chairman	John Finelli
Richard “Ricky” Scarborough, Jr.	David Overton
Mary Beth Midgett	Henry Haywood
Dan Oden	

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the December 8, 2008 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by Henry Haywood, seconded David Overton.

Vote: Ayes – Unanimous

There being no additions or deletions to be made to the summary of the workshop held on December 15, 2008, a motion to dispense with reading the summary and to approve it as submitted was made by John Finelli, seconded by Richard “Ricky” Scarborough, Jr.

Vote: Ayes – Unanimous

OLD BUSINESS

Lighthouse Assembly of God Church of Buxton – Buxton – CUP Amendment

Mr. Bob Stewart from Performance Engineering was present.

Senior Planner Donna Creef told the Board that the Dare County Board of Commissioners approved a conditional use permit/group development and site plan for The Lighthouse Assembly of God Church in Buxton 2007. She stated that group development consisted of a 122-seat fellowship hall and 110-seat sanctuary to be constructed in two phases.

Mrs. Creef told the Board that since the approval in 2007, the church has acquired additional property adjacent to the site that they wish to incorporate in to the site. She noted that a revised site plan depicting the new layout of the improvements has been submitted for review and the additional property will allow for an increase in the number of seats in the sanctuary to 122. She noted that the parking improvements have also been reconfigured to accommodate the additional seating.

Mrs. Creef stated that the proposed revisions have been approved by the Dare County Environmental Health Department, and approval from the NC Division of Water Quality of the modified stormwater permit is pending.

Mrs. Creef told the board that the original conditional use permit included language for a five year approval period for the construction of both phases with the possibility of an extension of the approval being granted if requested. She provided the Board with a draft amendment of the conditional use permit with language allowing for a 4 year approval period.

Chairman Midgett stated that he expects the developer to retain stormwater on site.

Mr. Stewart informed Chairman Midgett and the Board that the water that runs off the roof of that building is collected in a storm drain and then routed back to the other side of the building into the infiltration basin, and that the parking lot is graded such that it flows from west to east into the infiltration basins.

Chairman Midgett suggested Mr. Stewart consider a location for a dumpster site for future need.

A motion to recommend approval of the modification of the conditional use permit for The Lighthouse Assembly of God was made by John Finelli, seconded by Henry Haywood.

Vote: Ayes – Unanimous

NEW BUSINESS

Village at Cape Creek – Buxton – Preliminary Plat Review

Mr. Andy Deel with Quible and Associates and the owner/developer Mr. Dawson were present for the preliminary plat review of the proposed Village at Cape Creek Subdivision.

Senior Planner Donna Creef told the Board that the proposed subdivision consists of five lots to be located in the C-2 zoning district in Buxton.

Mrs. Creef stated there are existing improvements on the site that will be reconfigured or relocated to accommodate the construction of the road improvements and the overlay of the lot lines. She stated that the road will be dedicated to public use. She further noted that the tennis courts and pool currently located at the end of the cul-de-sac will be removed to allow for the installation of the road improvements.

Mrs. Creef told the Board that there will be less than an acre of land disturbance; therefore, a State stormwater management plan is not required.

Regarding access to lots 1 and 5, Mrs. Creef told the Board that comments from NCDOT suggest that there be one access off NC 12 to access these lots. She stated a note should be added on the plat requiring lots 1 and 5 to be accessed off of Cape Creek Court.

Mrs. Creef pointed out that there is a creek along the rear of lots 2 and 4 with some water area depicted within the boundaries of these lots. She suggested told the Board that she has requested that the developer depict both the commercial and residential setbacks on the plat.

Mr. Deel told the Board that access to the existing improvements on lot 1 from Cape Creek Court is not an issue. He stated that the existing improvements on lot 5 is a retail building and that access from NC 12 is important to that building as a retail building. He stated that they do not want to bring traffic for the retail building off of Cape Creek Court and further stated that they would like to opportunity to work this out with NCDOT.

A motion to recommend approval of the preliminary plat for the Village at Cape Creek Subdivision subject to the continued discussion with NCDOT regarding access to lot 1 & 5 was made by Dan Oden, seconded by Beth Midgett.

Vote: Ayes – Unanimous

IV. OTHER BUSINESS

Text Amendment – Ancillary Uses in Residential Zoning Districts

Senior Planner Donna Creef stated that a public hearing on a proposed amendment to the Dare County Zoning Ordinance that would exempt certain activities in residential districts was conducted at the Planning Board meeting last month. Following that public hearing the Board tabled the item to allow time for the Board members to process the public comments rendered.

Mrs. Creef told the Board that as a result of comments received at the Public Hearing, she and Chairman Midgett has spoken several times and have made several revisions to the hours of operation, size limitation of the motor, modifications to exhaust systems, number of vehicles operated at one time, fencing requirements, modifications to the natural terrain and the deletion of the decibel levels table previously included in the proposed amendment.

Mrs. Creef provided the Board with the draft language and asked for the Board's guidance on providing ranges for the motor sizes that are included. The Board indicated that the engine size should be restricted to 100 cc.

Mrs. Creef informed the Board a letter received from the Martin's Point Homeowners Association requesting that the MP-1 zoning district be exempt from this amendment.

After discussing the amendments proposed by staff a motion was made by David Overton, seconded by Henry Haywood to recommend approval of this amendment as it applies to recreational motor vehicles with the items for restoration of vehicles and boats and horses not being included.

A motion to amend the original motion so that the language excludes the MP-1 zoning district was made by John Finelli, seconded by Ricky Scarborough, Jr. and Henry Haywood.

Vote: Ayes - Unanimous

A motion was made by David Overton, seconded by Henry Haywood to adopt the language revised by staff for recreational motor vehicles exempting the items previously included on the restoration of cars and boats and horses, that the amendment be further revised so that it specifically states that these requirements shall not apply to the MP-1 zoning district as requested by the Martin's Point Homeowners Association.

Vote: Ayes – David Overton, Elmer Midgett, Henry Haywood
Noes – Beth Midgett, John Finelli, Ricky Scarborough, Dan Oden

Motion failed.

There was some discussion by the Board to revise the language addressing the use of motorized vehicles to be a conditional use. After detailed discussion, this concept failed to gain a consensus among the board and the idea was dismissed.

A motion was made by Ricky Scarborough, Jr. seconded by Henry Haywood to recommend adoption of draft the amendments to Section 22-28.1 as prepared by staff with language added to exempt the MP-1 zoning district as requested by the Martin's Point Homeowner's Association.

Board member John Finelli comment that he thinks this motion should be defeated again because it is his opinion that the best course of action is not to do anything. He stated that if no action is taken and a neighbor's child is riding around on a motor bike, he doesn't think anybody is going to say anything.

Vote: Ayes – David Overton, Elmer Midgett, Ricky Scarborough, Jr.
and Henry Haywood
Noes – Beth Midgett, John Finelli, and Dan Oden

The motion carried.

Land Use Plan Draft

Mrs. Creef told the Board that she has the rough draft of the Dare County Land Use Plan ready to go to the State of North Carolina for their review. She stated that this review will take ten weeks to sixteen weeks.

Chairman Midgett told the Board that he would like to include some language in the Land Use Plan to address "turtle friendly lights". He stated that it is possible that the National Park Service and the Fish and Wildlife may accept this as a trade off and may help our position with the beach driving.

Mrs. Creef stated that when the Land Use Plan come back from the state changes will need to be made and can be done at that time. Mrs. Creef stated there is ample time to make modifications.

Meeting room

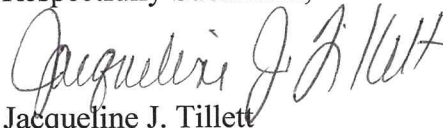
Mrs. Creef told the board that the new meeting room may be ready next month. She stated that this may be the last meeting of the Planning Board in this room. We will let you know.

VII. Adjourn

There being no further business before the Board, a motion to adjourn was made by David Overton, seconded by Ricky Scarborough, Jr.

This meeting adjourn at approximately 8:30 pm

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: February 9, 2009



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