

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 13, 2009. The meeting was held in the meeting room of the Dare County Board of Commissioners meeting room located at 954 Marshall Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT	Elmer R. Midgett, Jr. – Chairman	Ricky Scarborough, Jr.
	David Overton	Beth Midgett
	John Finelli	Henry Haywood
	Dan Oden	

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the March 9, 2009 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 by David Overton.

Vote: Ayes – Unanimous

OLD BUSINESS

None

NEW BUSINESS

Ronnie L. Midgett – Waves – Zoning Amendment Petition – Section 22-58.3 (Family Housing Incentives Standards)

Mr. Ronnie Midgett was present for the review of the request he submitted for a text amendment to Section 22-58.3 of the Dare County Zoning Ordinance.

Senior Planner Donna Creef stated that the Board of Commissioners granted a conditional use permit for the construction of a group development located in Waves, NC for Mr. Midgett in 2008. She noted that the group development project was authorized under the standards of Section 22-58.3 Family Housing Incentive Standards (FHIS) of the Dare County Zoning Ordinance. Mrs. Creef told the Board that Mr. Midgett is the only private sector developer that has received an approval under the Family Housing Incentive Standards.

Mrs. Creef stated that the approved site plan authorized the construction of seven triplex structures for a total of twenty-one units. She noted that the sales prices of all of the units must comply with the definition of “eligible households” as required by the FHIS standards. Mrs.

Creef noted that Mr. Midgett agreed to the terms of the FHIS, but with the economic downturn and current market conditions, he is encountering a lack of interest in the units and is requesting approval to sell six of the twenty-one units at “market-rate” prices. Mrs. Creef noted that in order to accommodate this request, the County Attorney has advised that the FHIS section of the Dare County Zoning Ordinance would need to be amended.

Mrs. Creef told the Board that in reviewing Mr. Midgett’s request, she investigated other approaches used in other areas of the County. She noted that the Town of Manteo has an inclusionary zoning ordinance which requires 20% of all new developments with five or more units/lots to be affordable.

Mrs. Creef told the Board that the ordinance used by the Town of Kill Devil Hills has one zoning district that allows “workforce housing” and 25% of those units must be market rate housing.

Mrs. Creef provided the Board with a draft amendment for discussion and consideration. She pointed out that she included a minimum threshold for projects to be considered as a mixture of family housing units/market rate units at a 30% rate which would address Mr. Midgett’s request.

Mrs. Creef noted that her comments talk about how the FHIS address duplex, triplex and multi-family structures. She noted that if during the Board’s discussion it seems appropriate to discuss amending the FHIS for triplexes then the Board should also discuss whether or not to do the same thing for multi-family structures in case that question comes up at the Board of Commissioners review.

After a lengthy discussion a motion was made by John Finelli, seconded by Beth Midgett to forward to the Dare County Board of Commissioners a recommendation to adopt amendment # 5 suggested revisions as it applies to duplexes and triplexes solely as submitted by staff.

Vote: Ayes – 6 (David Overton, John Finelli, Dan Oden, Ricky
Scarborough, Jr., Beth Midgett & Henry Haywood)
No – 1 (Elmer Midgett)

***Bradford Marx & Wendy Webb – Avon – Zoning Map Amendment Petition – R-2 (residential)
to F-2 (commercial)***

Mr. Bradford Marx was present with Attorney Mary Anne Hill for the review of this zoning map amendment petition.

Senior Planner Donna Creef told the Board that the Bradford Marx and Wendy Webb are requesting that their property currently zoned R-2 in Avon be reclassified to C-2 so that the zoning classification is consistent with the current use of the site.

Mrs. Creef told the Board that the Mr. Marx operates a kayak rental business from the boathouse on the site. She stated that in researching the history of the property and the Avon zoning files in the Planning office, she found that the Marx-Webb property is identified as Parcel 1-A of the Pamlico Condominiums in the Dare County tax records and building permit records indicate that the boathouse was constructed in conjunction with the condominiums in 1988. She noted that Avon village was zoned S-1 in 1987 and these uses were consistent with the S-1 zoning. She stated that a more detailed map for Avon village was adopted in 1992 at which time the R-2 designation was applied to the Pamlico Condominiums site and the adjacent boathouse. Mrs. Creef told the Board that the Avon zoning initiative was very contentious and the discussion got sidetracked by building height issues. She stated that the minutes from the 1992 Board of Commissioners public hearing held on the Avon zoning map indicate that the owner of the boathouse spoke about the property and its zoning classification but are not specific as to what classification was requested. Property owners request for specific zoning classifications were generally granted by the County.

Mrs. Creef told the Board that from her research of the files, it appears that the map does incorrectly identify the boathouse property as R-2. She stated that the maps used in 1992 at the time of the adoption of the detailed Avon zoning map were not digitized and not as accurate in identification of property boundaries.

Mrs. Creef stated that based on her research of the records of the initiative to develop the Avon zoning map, she feels that it would be appropriate for the amendment to be adopted as requested.

A motion to recommend approval that Parcel 1-A of the Pamlico Condominiums be rezoned to C-2 (commercial) as requested by the applicants was made by Dan Oden, seconded by Henry Haywood.

Vote: Ayes- Unanimous

OTHER BUSINESS

Revised Nuisance Ordinance – Referral from March 16, 2009 Dare County Board of Commissioners meeting

Senior Planner Donna Creef told the Board that is an informational item. She stated that on March 16, 2009 the Dare County Board of Commissioners conducted a Public Hearing on the revised Nuisance Ordinance. At that hearing concerns were raised by Mr. Winkie Silver of Wanchese that some people may choose to collect recyclable items for commercial purposes or to re-use as spare parts and that that such operation should not be considered to be a nuisance. Based on those comments, the Board instructed staff to make some additional revisions to the draft ordinance to address these concerns.

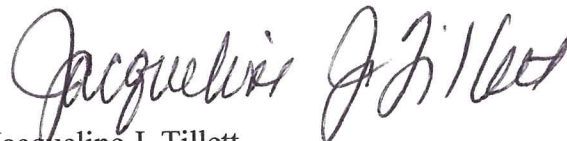
Mrs. Creef provided the Planning Board with a copy of the draft ordinance with the revisions. She told the Board that the deleted text is shown as strike-through and the new text is shown in red. She stated that since the Planning Board previously reviewed the draft ordinance, she wanted to present the additional changes prior to re-submission to the Board of Commissioners.

Adjournment

There being no further business before the Dare County Planning Board, a motion to adjourn was made by David Overton, seconded by Beth Midgett.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED:



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