

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, January 10, 2011 in Dare County Board of Commissioners meeting room located at 954 Marshall C. Collins Drive, Manteo, NC.

Call to Order 7:00 PM

Members Present	Elmer R. Midgett, Jr., Chairman	John Finelli
	Richard "Ricky" Scarborough, Jr.	Henry Haywood
	Mary Beth Midgett	Dan Oden

Members Absent David Overton

Approval of Minutes

There being no additions or deletions to be made to the minutes of the December 13, 2010 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. This motion was seconded by Beth Midgett.

Vote: Ayes – Unanimous

Old Business

Malcolm and Susan Fearing – Roanoke Island – Zoning Amendment – Public Hearing

Mr. Malcolm Fearing was present to represent the rezoning amendment application submitted by him and his wife for property they own on Fannin Mill Road. Mr. Fearing requesting a rezoning of his property currently zoned R-2 to C-PR so that they may develop the site into a travel trailer park/campground.

The following property owners/residents of the adjacent Vista Lake Subdivision rendered public comment about the proposed zoning amendment and the possible development of a Travel Trailer park on the Fearing property:

1. Dr. Pam Kwiatkowski – 672 Vista Lake Drive
2. Frank Dinwiddie – 691 Vista Lake Drive
3. Sydney Jenkins -621 Vista Lake Drive
4. Jessie Davis – 639 Vista Lake Drive
5. Larry Philips
6. Nevin Wescott – 681 Vista Lake Drive
7. Lori Stafford Muse – 622 Vista Lake Drive

8. Debbie Vonella- 648 Vista Lake Drive
9. Donna Dawson Degroot – 647 Vista Lake Drive (owns deceased parents property in Vista Lake)
10. Amy Phillips – Vista Lake Drive
11. Katherine Pierce – 611 Vista Lake Drive
12. Cliff Spencer– 679 Vista Lake Drive

These property owners/residents expressed concerns regarding traffic, emergency services, negative impact on property values, compliance with the Dare County Land Use Plan policies #55 and #56, buffering/fencing, water/sewage impact, safe ingress and egress of long R.V's to the proposed site from Hwy. 64 via Bowsertown Road, trespassing, stormwater run-off, security for small children/elderly, quality of life, transient population, the impact on law enforcement, noise pollution, partying, and privacy. Speakers asked questions regarding the number of sites proposed and expressed concerns about the environmental impact on nature and wildlife, and the possible impact on their wells and septic fields by the development.

There being no other speakers, Chairman Midgett declared the public input portion closed after all speakers at approximately 7:29 PM.

Planning Director Donna Creef noted that a lot of the comments rendered and questions asked pertain to the site specific proposed campground. She explained that a site plan has not yet been submitted therefore answers to these questions are not available until such a site plan is submitted.

Mrs. Creef told the Board that in reviewing the application several factors should be evaluated and discussed prior to making a recommendation to the Board of Commissioners, as follows:

1. Is the proposal consistent with the comprehensive plan (Land Use Plan)?
2. Would the new classification be in harmony with the existing zoning classification and land uses?
3. What benefits or impacts for the applicant and the community would occur if the rezoning is approved?

Mrs. Creef briefly discussed the existing areas that surround the Fearing property, and stated that the existing areas that surround the Fearing property is a mix of residential uses and abuts the Vista Lake Subdivision. She pointed out that there is also a State owned boat ramp in the general proximity. She further noted that Dare County owns some property that is adjacent that is zoned R-2, and the Town of Manteo's wastewater treatment facility is also adjacent to the site proposed for rezoning. She pointed out that Mr. Fearing also owns a large tract of land to the west of the site that is zoned industrial.

Mrs. Creef stated that in evaluating the benefits and impacts to the neighborhood, there will be impacts on the neighborhood with any development. She noted that the introduction of a campground will increase traffic in the area.

Following the close of the hearing, Mrs. Creef stated that the Board will need to weigh any public comments rendered along with made by the applicant. She noted that the Zoning Ordinance grants 45 days in which to submit a recommendation to the Board of Commissioners. Mrs. Creef noted that this time clock has been ticking since last month when the application was originally submitted. She encouraged the Planning Board to make a recommendation tonight so that this request can be forwarded to the Board of Commissioners so that they may schedule their mandatory public hearing.

Mrs. Creef reminded the Board that any recommendation must include a finding of consistency or inconsistency with the Dare County Land Use Plan.

Mr. Malcolm Fearing addressed the Board and briefly discussed issues identified as concerns by speakers and answered questions as follows:

1. Security in the neighborhood – Mr. Fearing stated they have that same concern and doesn't want people in their family facility that would create problems. He stated that he has procedures in his rental properties and the campground in Wanchese that addresses security. He stated he is office uses various means to do credit and background checks on people prior to allowing them to use his facilities.
2. What type of units?– No unit older than 10 years old.
3. Partying – Mr. Fearing stated he has rules and regulations in his lease agreements that strictly prohibit partying and has no tolerance for drugs and alcohol.
4. Property values – Mr. Fearing stated he respects the concern for property values. He noted that he has seven rentals on Fannin Mill Road next to a sewage treatment facility that has not been a problem for him due to proper buffering
5. Run-off – Mr. Fearing stated that stormwater run-off will be addressed in the development plan if he is permitted to move forward.
6. Owner occupied – Mr. Fearing stated that the sub-leasing of campers and year-round occupancy is prohibited.
7. Parking – Mr. Fearing stated that if he is able to move forward with the campground project, he anticipates having space for two vehicles and a boat on each site. He also stated that tent camping will be prohibited.
8. Buffering - Mr. Fearing stated that vegetative and/or fencing will be installed. He also invited the neighbors to have input on the types of vegetation planted
9. Nature – Mr. Fearing stated that he has installed a lot of elevated walkways at the Wanchese campground for the purpose of viewing nature and plans the same for the Fannin Mill site.

Mr. Fearing stated he wants to be transparent about his plans and offered his phone number to anyone that would like to speak with him. He thanked the speakers for their civility in their presentations and assured them that he respects their concerns.

In discussing the matter, board members expressed their understanding of the property owners/residents concerns and the potential impacts on the adjacent Vista Lake Subdivision. Several of the board members acknowledged the success with the campground developed by Mr. Fearing located in Wanchese, but noted that the campground was not adjacent to an existing residential area.

Board member Beth Midgett stated that she use to live across the street from a campground in Hatteras Village and that there are impacts from the use. She stated that she was aware of the campground and chose to live across the street from it, which isn't the case for the residents of Vista Lake.

The Board acknowledged and concurred that the vacant property in question can be developed into something, but the majority were hesitant to support the rezoning request as submitted by Mr. and Mrs. Fearing.

Chairman Midgett commented that personally if it were up to him he would be in favor of the rezoning for Mr. Fearing. He stated he feels that the surrounding properties would be better served with the Fearing proposal.

A motion was made by John Finelli, seconded by Beth Midgett to recommend denial of the rezoning request to the Dare County Board of Commissioners due to the concerns expressed by the Vista Lake property owners/residents and their opposition to the rezoning even though the request is consistent with the 2009 Dare County Land Use Plan update.

Vote: Ayes – (J. Finelli, B. Midgett, D. Oden, R. Scarborough, Jr.)

Noes – (Haywood & E. Midgett)

Absent: (D. Overton)

NEW BUSINESS

Nancy S. Sawyer – Frisco – Division of parcel into Parcel 1 & 1 – Preliminary Plat

Mrs. Nancy S. Sawyer was present for the review of this preliminary plat.

Planning Director Donna Creef presented staff comments. She told the Board that the property proposed for division is located on Piney Ridge Road, and exceeds the threshold for administrative approval. She

stated that both of the proposed lots have frontage on Piney Ridge Road. Mrs. Creef provided photos of Piney Ridge Road in the Board packet.

Mrs. Creef stated that there are two existing structures on the site and the division of the property will clean up a funny situation and will not create any non-conformity. She stated that the proposed subdivision meets the technical merits of the Subdivision Ordinance, and doesn't see the need to do any improvements to Piney Ridge Road.

A motion was made by Beth Midgett, seconded by Dan Oden, to recommend approval of the preliminary plat for the Nancy Sawyer Subdivision subject to a note being added to the plat stating that improvements to Piney Ridge Road may be necessary for future divisions of this property.

Vote: Ayes – Unanimous

Colington Pointe Developers, LLC – Colington – Zoning Amendment – VC-2 to R-3

Randy Saunders was present to represent the rezoning application he submitted on behalf of Colington Pointe Developers, LLC.

Planning Director Donna Creef told the Board that this request has been submitted to reclassify a parcel currently zoned VC-2 (village commercial) to R-3 (high density residential). She noted that the property is located west of the entrance to the Colington Pointe group development. She told the Board that the parcel was acquired by the developers of Colington Pointe after the approval of the site plan and rezoning for that site.

Mrs. Creef noted that site was formerly an unsightly mobile home park, which was one of the conditions that led to the approval of the R-3 zoning. She stated that the rezoning is being requested to accommodate the construction of additional townhomes on the adjoining property. She noted that it is a small parcel (22,500 square feet) and the R-3 zoning designation would be a step down from the village commercial in terms of planning. Mrs. Creef pointed out that the VC-2 district does not permit multi-family, therefore will not permit the plans for townhomes.

Mr. Saunders told the Board that he thought the piece of property was zoned the same as the Colington Pointe group development site. He confirmed that he would like to construct a couple of townhomes to match the Colington Pointe project.

Board member Ricky Scarborough, Jr. indicated hesitation to rezone the property in question due to the potential to be developed into something else. Mr. Scarborough made a motion to recommend denial of the rezoning request. This motion died due to the lack of a second.

A motion to schedule a public hearing for Monday, February 14, 2011 was made by John Finelli, seconded by Dan Oden.

Vote: Ayes – 5 (J. Finelli, D. Oden, B. Midgett, H. Haywood, & R. Scarborough, Jr.

Noes: 1 (E. R. Midgett)

Marshy Ridge Retreat Travel Trailer Park – Colington – Sketch Plan

Rick House, representing Beasley Land Company, was present for the review of this sketch plan.

Planning Director Donna Creef told the Board that the site for the proposed travel trailer park consists of 16 acres, is zoned R-2B and campgrounds are conditional uses in this district subject to review by the Planning Board and approval by the Board of Commissioners. She noted that the travel trailer park must also be developed in accordance with the requirements of the Travel Trailer Park Ordinance.

Mrs. Creef stated that sketch plan has been submitted to solicit comments from the Planning Board on the overall layout of the proposed travel trailer park and to identify items to be addressed on a detailed site plan. She noted that a stormwater management plan will be required because of the amount of land disturbance planned.

Mrs. Creef stated that she visited the site and provided the board with photos of the site. She pointed out that access to the proposed travel trailer park is from Colington Road along a private existing 30' wide right-of-way (Marshy Ridge Road). She stated that Marshy Ridge Road currently serves as access to an existing mobile home park adjacent to the proposed travel trailer park site. The applicant is proposing internal roadways to be 20 feet wide with gravel improvements. Mrs. Creef told the Board that she suggests that the NCDOT sub-base standards be used for the gravel road to ensure a good solid gravel roadbed. She noted that maintenance of the roads will be the responsibility of the developers.

Mrs. Creef noted that wastewater will be addressed with the use of on-site septic tank/drain field systems subject to approval by the Dare County Health Department, with water being provided by the Dare County central water system.

Mrs. Creef pointed out that the Travel Trailer Park Ordinance states that no other mobile homes will be permitted within the confines of the travel trailer park, therefore, the developer will need to define the boundaries of the mobile home park relative to the proposed travel trailer park. She stated that the specific standards for vegetative buffers detailed in the Travel Trailer Park Ordinance will need to be met.

Mrs. Creef noted that although travel trailers may be permitted to remain on site on a year-round basis, the units are not designed for year-round habitation. She stated that it will be the responsibility of the developer to make sure year-round habitation does not take place. She noted that there is language in the draft lease agreement submitted that specifically states that any travel trailer permanently located on the site cannot be used for year-round occupancy. She noted that the draft lease agreement also addresses the prohibition of storage sheds on the individual sites. Mrs. Creef stated that this language should be expanded to prohibit the construction of appurtenances, decks, additions, etc in excess of the 100 square foot entrance landing permitted by the Travel Trailer Park Ordinance.

Mrs. Creef pointed out that the sketch plan depicts an existing cemetery on the property. She stated that access to this cemetery will be provided as depicted.

Mr. House told the Board that he has had a soil scientist come out and find suitable land for the locations of septic/drain field systems on the property. Mr. House told the Board that approximately 35,000 square foot of suitable area was found. He further stated that Rob Crawford, and Jack Flythe with the Dare County Health Department have indicated that there is enough suitable land to do four separate systems at 1,500 gallons a piece. He stated this will serve 12 campsites on each 1,500 gallon system for a total of 48 campsites.

No formal recommendation required by Planning Board; sketch plat review. The Board concurred that the concept for the proposed travel trailer park is good.

OTHER BUSINESS

Draft Wind Energy Ordinance and Proposed Amendment to Section 22-29 of the Zoning Ordinance.

Mrs. Creef provided the board with draft language to amend section 22-29 of the Zoning Ordinance that addresses variances to the height limits. She told the Board that language is designed to address temporary wind energy devices. She stated she left the height limit blank in the draft language and added a condition that prohibits temporary wind energy devices in residential zoning districts. She stated that last month the Board had a public input session to solicit public comments on a wind energy ordinance and several speakers spoke and agreed that the wind energy is a great thing but do not necessarily want them next door to their house.

Based on the comments rendered last month Mrs. Creef submitted a revised the draft ordinance for the Board's review and consideration.

The Planning Board discussed the revisions to the draft Wind Energy Ordinance submitted by Mrs. Creef.

A motion to recommend the draft amendment to Section 22-29 to include 100 foot height limit and not allow temporary wind energy devices in residential zoning districts was made by John Finelli, seconded by Henry Haywood.

Vote: Ayes – Unanimous

A motion to recommend that we forward the draft Ordinance to the Dare County Board of Commissioners for their consideration with a recommendation that they adopt the Wind Energy Ordinance as submitted by Mrs. Creef was made by John Finelli, seconded by Beth Midgett.

Vote: Ayes – Unanimous

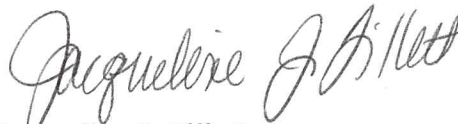
Mrs. Creef told the Board that she has been instructed to go back through the Dare County Subdivision Ordinance in an effort to try to make the process a little bit less cumbersome for subdivisions without road improvements.

Adjourn

A motion to adjourn was made by Beth Midgett, seconded by Dan Oden.

Vote: Ayes – Unanimous


Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: February 14, 2011



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