

## **MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING**

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 13, 2012. This meeting was held in the meeting room of the Dare County Board of Commissioners, 954 Marshall C. Collins, Drive, Manteo, NC.

***CALL TO ORDER*** 7 PM

<b><i>MEMBERS PRESENT</i></b>	Elmer R. Midgett, Jr., - Chairman	David Overton
	John Finelli	Beth Midgett
	Dan Oden	

***MEMBERS ABSENT*** Henry Haywood  
Richard "Ricky" Scarborough, Jr.

### ***APPROVAL OF MINUTES***

There being no additions, deletions or corrections to be made to the minutes of the November 14, 2011 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by David Overton, seconded by Beth Midgett.

Vote: Ayes - Unanimous

### ***PUBLIC COMMENT***

There were no speakers to render public comments.

### ***OLD BUSINESS***

#### ***STORAGE SPOT SUBDIVISION – SALVO- REVISION TO TRAVEL TRAILER SITE PLAN***

Ms. Mary Temple-Mullis was present for the review of the revised site plan for the Storage Spot Travel Trailer site plan. Also present was project engineer Mr. Victor White with Landmark Engineering.

Planning Director Donna Creef told the Board that earlier last year Ms. Mullis appeared before the board with a site plan to modify the Storage Spot site in Salvo to include 16 travel trailer sites. At that time her plan was to modify one of the buildings to function as a bathhouse for the travel trailer park. Since that time Ms. Mullis has done some work at the site and she has decided to seek authorization to change that plan and to construct a bath house facility that encroaches into the wetland area at the back of the site. Ms. Mullis has discussed this proposal with Mr. Josh Pelletier of the US Army Corps of Engineers who has indicated that this plan is permissible under the Corps rules.

Mrs. Creef noted that the relocation of the bathhouse triggers two adjustments to the site plan. She stated that the first adjustment would be with the vegetative buffer around the bathhouse. She noted that

the Travel Trailer Park Ordinance has very specific standards for the buffer with regard to the type of species and the spacing. The seconded adjustment to the site plan would be that Ms. Mullis will now have to install paved handicapped parking per handicap code for the bathhouse.

Mrs. Creef provided the Board with a draft Conditional Use Permit reflecting the changes as depicted on the site plan.

A motion to approve the revised site plan for the Storage Spot Campground subject to the conditions listed in the staff memo of February 2, 2012 was made by John Finelli, seconded by Beth Midgett.

Vote: Ayes –Unanimous

### ***NEW BUSINESS***

#### ***Beach Klub (Joseph Thompson) – Avon – Conditional Use Permit***

Joe Thompson, Principle of the Beach Klub, LLC was present to represent this application for a Conditional Use Permit for a group development.

Planning Director Donna Creef told the Board that the site is an existing facility that has been in Avon for some time. She noted that the project was originally constructed to serve as the amenities site for the Kinnakeet Shores Subdivision and functioned in that capacity for a couple of years. Mrs. Creef told the board that the site is zoned C-2 and Mr. Thompson recently acquired the property and is hoping to modify the buildings on the site and construct a 3,600 square foot theater.

Mrs. Creef provided the Board with a site plan that depicts the landscaping proposed for the project. She pointed out that the C-2 ordinance requires a visual buffer for sites that adjoin a residential use. She stated that there is a residential condominium to the south of the property.

Mrs. Creef noted that Mr. Thompson submitted, along with his conditional use permit application, letters from the East Carolina School of Drama and the Hurrah Players Theater Company of Virginia briefly discussing their intended use of the buildings and proposed theater.

In regard to the parking, Mrs. Creef noted that the parking ratio is applied for fixed seating and the proposed theater does not have fixed seating. She stated that since there are no fixed seating, the parking requirements will be the same as for a 200 seat restaurant as approved by the Dare County Health Department.



A motion to recommend approval of the conditional use permit subject to the site plan being revised to depict the required 20 foot separation between the buildings was made by Dan Oden, seconded by David Overton.

Vote: Ayes - Unanimous

***Cottages at the Cape, LLC – Buxton – Zoning Amendments***

Co-managers Mr. Jim Pereira, Mr. Lee Pontes, and attorney Hood Ellis were present to represent the requested zoning amendment.

Planning Director Donna Creef handed out copies of photographs submitted by the applicant. She told the Board that site previously functioned as the housing for the Coast Guard Base in Buxton. She stated that this is a rather unusual request in that we never had to address a rezoning of a site that had the facilities there already. The site has been auctioned off by the federal government general services administration and the applicants are the bidders that have had their bid accepted.

Mrs. Creef noted that the federal government is exempt from all local zoning. Once the Coast Guard Base was abandoned, the County applied a zoning designation of NH-Natural Historic in 2007. Mrs. Creef pointed out that this application of the zoning rendered the site non-conforming because the NH district does not allow duplexes or group housing developments. The applicants are seeking to rezone the property to a new district, Buxton Natural Historic, which permits a new use of family housing complexes and duplex structures.

Mrs. Creef stated that is the intent of the applicants to continue to have the property function as housing with a mix of year round and seasonal rentals. She further stated that they don't intend to change any of the structures. The site was previously served by the central wastewater treatment plant that was on the Coast Guard Base which has since been dismantled; therefore the applicants will have to provide wastewater for the development.

Mrs. Creef told the Board that the dimensional standards of the Buxton Natural Historic district vary from the standards of Section 22-31 that applies to group housing developments. She noted that the Buxton Natural Historic District has been drafted to reflect the layout and the density of the existing improvements. She provided the Board with a matrix comparing the proposed dimensional standards for a family housing complex and the dimensional standards for a group housing development in Section 22-31. She noted that the main differences being the type of structures and the differences in the dimensional standards between Section 22-31 which is what we usually reference when we have a group housing development. She noted that the draft language of the Buxton Natural Historic District has included duplexes as a conditional use.

Mrs. Creef reminded the board that a finding of consistency with the Land Use Plan will need to be made with any recommendation for approval.

Board member John Finelli questioned the lot coverage listed as 33% and if there are any proposed winding roads or anything else that might make the lot coverage exceed the current 33%?

Mr. Pereira stated that they do not. He further commented that he thinks once the two concrete parking areas and the basketball court removed and the construction of the wastewater facility is complete they will be very close to the required 30%. He further stated that nothing is going to be built that is impermeable.

Mr. Pereira further stated he does not anticipate any problems with regard to rehabilitating the site. He stated that their intention is to do a cosmetic facelift on the site, and maintain the current footprint. He stated that they are not going to impact environmental situations that currently exist down there. He told the Board that the site is actually engineered to handle stormwater; it is just that the pumps that pump the water off of the site to a fresh water pond have not been used in the last five years. He stated that when those pumps are operating and the gutters are replaced on the buildings the water will be directed to the cisterns that are under the buildings and then stormwater on the site should not be an issue.

Board member Beth Midgett commented that she is happy to see the property being used and asked if there is a deeded beach access.

Mr. Pereira stated that he doesn't believe there is a deeded beach access for this property. He stated that the property directed beach access down to the southeastern corner to a walkway in a beach access that is there. There will be a future public beach access constructed on the rest of the Coast Guard base. In regard to the road, Mr. Pereira stated that the roads are in good shape.

The Board discussed revisions to the draft language as follows:

1. Under permitted uses – add duplexes as the second use under detached single family dwellings and renumber the conditions accordingly for a total of nine permitted uses.
2. The dimensional standards for family housing complex are not going to be changed except for item q. that addresses the reconstruction of family housing complex and the last sentence to be revised to state, beyond 50% of its value to the extent that it existed on July 16, 2007 but may not be reconstructed or replaced to a greater footprint then what previously existed on July 17, 2007.

Mrs. Creef reminded the board that any recommendation to the Board of Commissioners must include a finding of consistency. She stated that she has reviewed the applicable Land Use Plan policies LUC #3



and LUC #4 of the 2009 Dare County Land Use Plan there is nothing about this that could be deemed to be inconsistent with those two policies.

A motion was made by John Finelli, seconded by David Overton to recommend the amendment to the zoning ordinance to create a new district Buxton Natural Historic District to accommodate the former US Coast Guard family housing complex now known as Cottages at the Cape. The standards for the proposed district will be those outlined by the Planning staff and this recommendation includes a finding of consistency with the County Land Use Plan and other documents.

Vote: Ayes - Unanimous

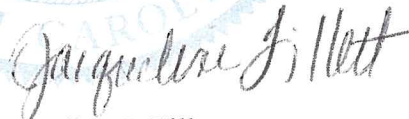
### ***ADJOURNMENT***

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

Vote: Ayes – Unanimous

This meeting adjourned at approximately 8:15 PM.

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: March 12, 2012



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