

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, March 12, 2012. This meeting was held in the 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	David Overton
	John Finelli	Ricky Scarborough, Jr.
	Dan Oden	

MEMBERS ABSENT Henry Haywood
Beth Midgett

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the February 13, 2012 meeting of the Dare County Planning Board, a motion to dispense with reading those minutes and to approve them as submitted was made by John Finelli. This motion was seconded by David Overton.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Public comments were rendered by the following about the proposed text amendment on the agenda that was submitted by Angel Khoury.

Duke Geraghty, Charles Evans, John Robbins, Jr. and Eddie Lee Simmons all spoke in opposition to the text amendment submitted by Angel Khoury. They stated that the ordinance has served all of Dare County and should be left as is. They asked that the Board to vote to leave the zoning as is.

Sybil Ross told the Board that she did not sign the petition submitted by Mrs. Khoury, but supports the proposed amendments.

Public comment portion closed at approximately 7:10 PM

OLD BUSINESS

Mrs. Mary Helen Goodloe-Murphy presented the graphic design for the Outer Banks Scenic By-way sign. She told the Board that the sign will be used to identify attractions at Hatteras, Ocracoke, and down east Carteret County. She stated that the scenic by-way is going to be installing pathways in Rodanthe, Waves, Salvo and Avon. She further stated that 10 letters of interest from 10 firms have been submitted, and three of those will be interviewed on Friday with anticipated surveying for that pathway to start in mid-April.

NEW BUSINESS

Terry Burns – Buxton – Conditional Use Permit

Mr. Terry Burns was present for the review of the application he submitted for a conditional use permit to operate a resident business at his home located at 48172 Caskey Road in Buxton, NC.

Planning Director Donna Creef told the Board that Mr. Burns has a retail shop in Buxton at 47661 NC 12 which he sells watersports equipment. Mr. Burns wishes to offer two daily off-site kite boarding lessons from his home located on the sound side.

Mrs. Creef told the Board that the site of the proposed resident business is zoned R-2A and resident businesses are permitted as conditional uses in this district subject to several conditions as follows:

- a. Family member(s) resides on premises plus one other non-resident employee.
- b. Merchandise produced on or off premises may be sold on the premises.
- c. Once accessory building not greater than 500 square feet in total floor area plus the residence is allowed on the same lot.
- d. No more than 40% of the total floor area of the home and/or accessory building may be used; not to exceed 1000 square feet for the business.
- e. One indirectly lighted sign; each side not to exceed four square feet.
- f. Parking requirements of Section 22-56 of the Dare County Zoning Ordinance shall be met.

Mrs. Creef noted that Mr. Burns does reside on the property and that there is a 380 square foot garage on the site that he proposes to use for equipment storage. She also noted that the parking requirements of the Zoning Ordinance do not include specific standards for watersports rentals. A survey submitted by Mr. Burns depicts six proposed parking spaces located on his property.

Mrs. Creef informed the Board that Mr. Burns submitted a letter from the pastor of Our Lady by the Seas Church next door regarding a parking arrangement. She noted that parking at the church parking lot cannot be authorized since Section 22-56 of the Zoning Ordinance does not permit off-site parking for commercial uses in a residential district. She stated that the church property is zoned R-2A also.

Mrs. Creef told the Board that the Burns property is accessed from Caskey Lane which is an old 12' wide road that was part of the Edward M. Subdivision recorded in 1964. Due to the age of the division, there are no dedication certificates on the plat since this was before the adoption of subdivision standards for the County. She stated that she visited the site on February 29, 2012 and provided photos attached to the written staff comments for the board's review. Mrs. Creef told the Board that the maintenance of the road is the responsibility of the adjoining property owners and it does not appear to have had any maintenance. She stated that some sections of the road appear to be in better shape than others, and noted that the sanitation trucks nor school buses use this road because there is no turn around.

Mrs. Creef stated that letters notifying the adjacent property owners of the proposed CUP were sent and she has not received any comments to date regarding the application. However, she told the Board that she was previously contacted by Mrs. Martha Oberdorf, one of the adjoining property owners prior to Mr. Burns submitting his application. She stated that Mrs. Oberdorf expressed concerns regarding the potential for increased traffic on Caskey Lane and people possibly parking on her property.

Mrs. Creef provided a draft conditional use permit outlining conditions for the Board's review and consideration. She noted that the Board will need to discuss the hours of operation.

Mr. Burns told the Board that his proposal is to offer two kite boarding lessons per day, Monday-Saturday at his residence during the hours of 9:00 a.m. to 6:00 p.m. He stated that total number of instructors and student on-site during any lesson will not exceed four during the hours of operation.

A motion to recommend approval of the CUP requested by Mr. Burns subject to the conditions as outlined by staff and with the hours of operation as stated was made by Dan Oden, seconded by John Finelli.

Vote: Ayes – Unanimous

Assembly of God Church of Wanchese – Wanchese – Subdivision Review

Mearl Meekins present to represent the preliminary plat for the subdivision for Assembly of God Church of Wanchese.

Planning Director Donna Creef told the Board that the Assembly of God Church of Wanchese has a 7.5 acre tract and are hoping to cut out one 20,000 square foot lot for the construction of a single family home to be used as the parsonage. Both the new lot and the existing property are accessed from existing state maintained roads. No new road improvements are proposed. Mrs. Creef noted that the plat has the wrong certificate for recording and needs to be corrected prior to submission of final plat.

A motion to grant preliminary plat approval was made by Ricky Scarborough, Jr.; seconded by David Overton.

Vote: Ayes – Unanimous

Angel Khoury ET AL – Roanoke Island – Zoning Amendment (NH, C-PR, RS-8, R-1, R-2 and R-3

Angel Khoury addressed the Board and discussed her proposed amendments to the minimum lot size requirement with the lot size set at 20,000 square feet regardless of the water supply type. She stated that when the Dare County Board of Commissioners announced that County water would be available on Roanoke Island people expressed a concern about the impact of central water on density.

Planning Director Donna Creef presented staff comments. She told the Board that the zoning districts proposed for amendment apply elsewhere in Dare County, but Mrs. Khoury's request is intended for only the Manteo Outside tax district on Roanoke Island.

Mrs. Creef told the Board that the minimum lot size for Roanoke Island was established in 1975 when the Zoning Map for Roanoke Island was adopted. At that time, even though it was called the Roanoke Island zoning map, it was only applicable for a portion of the Manteo Outside Tax District. Mrs. Creef further informed the Board that in 1982 the Dare County Board of Health decided they needed to adopt their own regulations and established minimum lot sizes. In 1994 the Dare County Zoning Ordinance was amended to reflect the minimum lot sizes standards established by the Board of Health.

Mrs. Creef noted that the Dare County Land Use Plan includes several policies that are consistent with the Dare County Zoning Ordinance regarding the reduction in the minimum lot size due to the availability of central water and central wastewater, the scale of development and the size of residential structures. She also noted the Future Land Use Map section of the Dare Land Use Plan, and stated that two classifications apply to the Manteo Outside Tax District. One is Community Residential which is the majority of the North End of Roanoke Island, and the other is the Transition Corridor. She noted that both of those sections discuss central water and indicate consistency with the land classification system in place.

Mrs. Creef reminded the Board that a finding of consistency or inconsistency with the Land Use Plan must be included in any recommendation by the Planning Board. She noted that there is no clear indication in the Land Use Plan about the proposed text amendments.

Board member John Finelli commented that he has lived on the Outer Banks for over 30 years and much of that time was in a subdivision that had 15,000 square foot lots. Mr. Finelli stated that he never perceived 15,000 square foot lots as a high density area. He commented that he understands the concerns of those individuals making the text amendment request proposal, but is very reluctant to support something that takes away a significant property right that people have had for a long time. Mr. Finelli stated that he is not in favor of the proposal.

Board member David Overton concurred with Mr. Finelli's comments. Mr. Overton further stated that it just seems that the proposed amendments would put the low income people/middle class people in a very unfavorable light. He stated that it would limit people to say that I like my neighborhood the way it is and I don't want any more neighbors. In closing comments, Mr. Overton stated that he doesn't think amending the text as requested is fair to the citizens of Dare County.

A motion to recommend denial of the proposed text amendments submitted was made by John Finelli, seconded by David Overton. This motion included a finding that the present minimum lot sizes are consistent with the Dare County Land Use Plan and other land use ordinances.

Vote: Ayes – Unanimous

Wind Over Waves Subdivision, Phase 3 – Waves, NC – Preliminary Plat Review

John Robbins, Jr., representing Wind Over Waves Subdivision, Phase 3 was present.

Planning Director Donna Creef told the Board that this is the resubmittal of the preliminary plat for the Wind Over Waves Subdivision, Phase 3. She stated the first preliminary plat for this

division was originally submitted and approved February 2006. A twelve month extension was granted by the Planning Board in February 2007 due to a lawsuit that involved the State CAMA and storm water permits that precluded the completion of Phase 3. This action extended the approval until February 2008.

Mrs. Creef told the Board that in 2009 the North Carolina General Assembly enacted the Development Extension Act that suspended the permit approvals for any development that was valid during January 1, 2008 and December 31, 2011. Then in 2010 the General Assembly revised the Development Extension Act to extend the development approval suspension to the end of December 31, 2011. The effect of the two state laws on Wind Over Waves Subdivision, Phase 3 extended the approval period until the end of February 2012. Mrs. Creef noted that the developers were in the process of completing the road improvements during the summer of 2011 when Hurricane Irene hit. NC 12 was closed for approximately two months and further work on the road improvements was not possible. The development approval for phase 3 expired at the end of February of this year, thus requiring the developers to submit another preliminary plat for phase 3.

The developers were working on completion of the road improvements in the summer of 2011 when Hurricane Irene hit. The NC 12 was closed for approximately 2 months; some further work on the road improvements was not possible during this period. Despite their efforts, they were not able to complete the road improvements and their original approval that had been extended by the state extension act finally ran out last month which puts them back to having to submit another preliminary plat for phase 3.

Mrs. Creef provided pictures of the site included in the Board packet. She stated that the sub-bas for the road improvements has been installed but the pavement has yet to be installed. She noted that there are no changes to the original layout of the subdivision or the total number of lots, and all of the State permits are valid.

Mrs. Creef recommended preliminary plat approval subject to the conditions included with the original approval granted in 2006 as follows:

1. The conjoining of Otter Way and North Sand Dollar Drive has resulted in a street name conflict which should be resolved prior to final plat approval by the use of street name signs to identify the two streets.
2. A note should be included on the final plat referencing Section 22-58.2 of the Dare County Zoning Ordinance – “Standards for Residential Construction Based on Lot Size”.
3. A typical building footprint should be included on lots 54-57 to show their relation to existing ground contour(s).

4. The drainage swales of previous phases of Wind Over Waves Subdivision should be reestablished to their permitted condition to alleviate the impact of storm water on Phase

She noted that once the road improvements are complete and the test results for those improvements is submitted, the final plat will be submitted for review and recordation under the new Subdivision standards.

A motion to grant approval of the preliminary plat for the Wind Over Waves Subdivision, Phase subject to the four conditions identified by Mrs. Creef was made by Dan Oden, seconded by David Overton.

Vote: Ayes – Unanimous

OTHER BUSINESS - None

ADJOURNMENT

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

Vote: Ayes – Unanimous

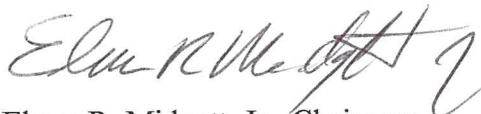
Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED:



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