

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 9, 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 P.M.

MEMBERS PRESENT	Elmer R. Midgett, Jr., Chairman	Beth Midgett
	John Finelli	Dan Oden

MEMBERS ABSENT	Ricky Scarborough, Jr.	David Overton
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APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the March 12, 2012 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by Beth Midgett; seconded by Dan Oden.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Caroline Hammel-Shaver, homeowner on Antillas Road in Avon, and Mrs. Merritt, also a resident on Antillas Road both rendered comments in opposition to the zoning amendment petition submitted by Alex Risser. Ms. Hammel-Shaver told the Board that she is opposed to the rezoning of the lot 20 in the Windward Isle Subdivision. She stated she has spoken to the majority of the neighbors on East and West Antillas and every single person with the exception of one is against the rezoning request. Mrs. Merritt concurred with Mrs. Hammel-Shaver, and added that she is across the street from the site of the proposed rezoning, and that the neighborhood is nice and doesn't need another business in the area. She stated that the lighting from the existing "Blue" store is enough.

There being no other speakers, the public input portion of this meeting closed at approximately 7:00 p.m.

OLD BUSINESS – None

NEW BUSINESS

Alex Risser – Avon- Zoning Amendment Petition (R-1 to C-2)

Mr. Alex Risser was present to represent a zoning amendment to the Avon zoning map.

Planning Director Donna Creef told the Board that Mr. Risser has submitted a zoning amendment request to amend the Avon zoning map to reclassify lot 20, Windward Isle Subdivision currently zoned R-1 to a new classification of C-2. Mrs. Creef stated that there is a residential structure on the property in question that was constructed several years ago by the owner of the Blues store (Mr. Perez) but has never been

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that was constructed several years ago by the owner of the Blues store (Mr. Perez) but has never been occupied. She noted that the property was zoned R-1 when the use specific zoning map was adopted for Avon village in 1992 and the property was vacant. She noted that the property is just over 10,000 square feet.

Mrs. Creef told the Board that she received several e-mails expressing opposition to the zoning amendment. She told the Board that she also received an e-mail from Mr. Robert Gaul and his wife, owners of the adjacent property, expressing no objections to a rezoning based on information provided to them by Mr. Risser on his intended use of the site as a "real-estate related activities with low customer impact". Mrs. Creef further informed the board of an e-mail received from Stephen Dwight who stated that he is ambivalent about the rezoning, but he is in favor of the rezoning if Mr. Gaul is in favor of it, but is opposed to it if Mr. Gaul is opposed to it.

Mrs. Creef told the Board that Mr. Gaul's e-mail indicated that Mr. Perez previously sought a rezoning for this. She told the Board that Mr. Perez never officially sought a rezoning of that site. She stated that there was a petition filed by a Mr. Letteri to operate a bicycle shop on the site prior to the construction of the house. She stated that the planning board scheduled a public hearing for the next month and Mr. Letteri withdrew his request prior to the public hearing.

Mrs. Creef stated if the property is rezoned despite Mr. Risser's intentions to use it as a real estate office, all of the uses that are available in the C-2 district would apply to the site.

Mrs. Creef told the Board the 2009 Land Use Plan future land use map classifies the area in question as Community Residential due to its current classification of residential zoning. She also referenced several policies of the Land Use Plan as follows:

1. Policy LUC #3 which states the County's preference for residential structures in unincorporated Dare County. This property in question is already developed as a residential use which is consistent with this policy.
2. Policy LUC #5 which encourages the continued existence of locally owned businesses. Mrs. Creef noted that the applicant does operate a locally owned business, and the site, if rezoned, would be used in the operation of his business.
3. Policy LUC #6 which addresses the size and scope of commercial development to meet the needs of the community and not as regional centers.
4. Policy LUC #7 which encourages commercial businesses to individualize their sites to reflect the coastal heritage of Dare County. There is also another policy that discusses that continued existence of locally owned businesses.

Mrs. Creef noted that there is no clear direction in the Dare County Land Use Plan that supports Mr. Risser's rezoning request. She reminded the Board that any recommendation will need to include a finding of consistency or inconsistency with the Dare County Land Use Plan and other ordinances.

Mr. Risser, owner of Outer Beaches Realty, addressed the board and stated he has been a resident of Avon for 25 years. He told the board that he employs approximately 200 people in during the summer months and has been listed as one of the top ten employers in Dare County. Mr. Risser agreed with the comments rendered by Ms. Merritt and Mrs. Hammel-Shaver that the lighting from the "Blue" store is intrusive.

Mr. Risser told the Board that the property in question was constructed as a spec house in 2006, but was never occupied or sold due to its location next to the glaring commercial establishment with really bright lights. He also stated that sale of the property was also hindered by the falling prices during the last few years.

Mr. Risser told the Board that the property went into foreclosure and he purchased it in 2011. He stated that he is requesting the zoning change in an effort to provide real estate related activities with low customer impact. He stated that the residence would be used as an extension of his real estate offices or as a design center. He further informed the board of an alternative use of the property as a rental home for student housing for his employees during the summer months. He stated that he would rather not subject the neighbors or students to the clash of lifestyles that are associated seasonal rentals.

Mr. Risser pointed out that the property in question not conducive to most of the uses permitted in the C-2 district due to the smaller lot size of 10,000 square feet. He stated the property is conducive to a small office environment or a design center that is not for retail customers but by appointment only and would not require any extensive parking. He told the board that the only adjoining property with a year round residence supports the proposed use.

After lengthy discussion by the Planning Board, a motion to recommend denial of the rezoning request was made by John Finelli; seconded by Dan Oden. This motion also included a finding that the current R-1 zoning is consistent with the Dare County Land Plan and other ordinances.

Vote: Ayes – Unanimous

Hatteras Island Ocean Center, Inc. – Hatteras – Zoning Text Amendment Petition (C-2H)

Andy Deel was present on behalf of Hatteras Island Ocean Center, Inc.

Planning Director Donna Creef told the Board that a zoning text amendment to add "fishing piers" to the list of conditional uses to the C2-H district regulations specific to Hatteras Island has been submitted by Andy Deel on behalf of Hatteras Island Ocean Center, Inc.

Mrs. Creef told the board that the Hatteras Island Ocean Center, Inc. is working with the National Park Service to provide a fishing pier along the oceanfront in Hatteras Village. She stated the Frisco Pier has been closed for some time due to damage by one of the storms.

Mrs. Creef provided the Board with draft language based on the CAMA regulations that apply to ocean hazard areas and the development of fishing piers submitted by Mr. Deel as follows:

Fishing piers provided that the pier and the pier house structures conform to the definitions and requirements of the NC Division of Coastal Management and subject to the following standards:

- a. The fishing pier shall be open to the general public*
- b. In order to access the ocean, the fishing pier shall be exempt from the rear yard setback requirements of this district.*
- c. A pier house is defined as a structure attached to a fishing pier which shall provide complimentary commercial retail and restaurant uses.*
- d. For a pier house, ocean setback requirements of the NC Division of Coastal Management shall govern the rear yard (ocean side) requirements. The rear yard requirements of this district shall not apply.*
- e. A pier house footprint shall not exceed 5,000 square feet.*
- f. There shall be nor residential use of a fishing pier or the pier house.*
- g. Parking may be provided off-site as long as no required parking is located greater than 600 feet from the main entrance of the pier house.*

Board member John Finelli expressed a concern about the need to protect the adjoining property owners. He stated that the pier needs to be located so that people who are fishing on the pier are not casting their lines into adjoining waters. He noted that some of the Towns have ordinance that regulate setbacks for swimming/surfing within a certain distance of a pier.

Mrs. Creef referenced two policies included in the Dare County Land Use plan that address public access as follows:

1. Policy PA #1 - supports the preservation and protection of the public's right to access and use of the public trust areas and waters.
2. Policy PA #3 – recognizes the importance of shoreline access to our local residents and our tourist economy.

Mrs. Creef reminded the Board that any recommendation on the requested text amendment must include a finding of consistency or inconsistency with the Dare County Land Use Plan and other ordinances.

The Board discussed setbacks and the idea of having setbacks for swimming/surfing within a certain distance of a pier and concurred that this need to be researched further prior to making a recommendation. Planning Director Donna Creef suggested that the Board table item to allow for additional time to further research ordinances and come up with possible revisions to the proposed language to address concerns regarding the setback of the pier structure from the side property lines.

A motion to table was made by Dan Oden, seconded by John Finelli.

Vote: Ayes – Unanimous

Kampgrounds of America, Inc. – Waves – Conditional Use Permit

The following were present to represent the review of the Conditional Use Permit application submitted by Kampgrounds of America, Inc.:

1. Ben Cahoon, AIA – Cahoon & Kasten Architects, Inc.
2. Karl Phaz, Regional Vice President for Kampgrounds of America
3. Eric Kelch, Field Facilities Development Manager for Kampgrounds Of America
4. Leslie Kelch, Assistant Field Facilities Development Manager
5. Mike Morway, PE - Albemarle and Associates, Inc.

Planning Director Donna Creef told the Board that she met with Mr. Kelch on a couple of occasions to discuss the replacement of the R.V. sites and the campsites at the Kampground of America, Inc. property in Waves. She stated that the site plan before the board is for a portion of the site that addresses the amenities and the support facilities for the campground/RV park that suffered extensive damage from Hurricane Irene. She noted that the increased square footage of the buildings and the increase scope of uses triggers review as a group development/conditional use permit. She stated that the property is zoned S-1 and has functioned as a campground for a number of years.

Mrs. Creef pointed out that the site plan submitted for the proposed support facility includes the replacement of the pool improvements, multi-purpose room, laundry facilities, concessions, retail space, offices and 8 hotel suites. Mrs. Creef noted that the applicants are also proposing a new maintenance building which consists of a 1600 square foot workshop and storage building which would be used for the internal workings of the campground. She stated that of the proposed facilities will be limited to the exclusive use of the campground patrons.

Mrs. Creef told the board that the conditional use permit as a group development will allow control of the function of the buildings and how they interact with the rest of the site. She provided the board with a draft conditional use permit for review and consideration.

Mrs. Creef noted that changes to the site plan due to comments on file rendered by the Dare County Fire Marshal will need to be made prior to submission for review to the Dare County Board of Commissioners.

She further noted that permits for the wastewater improvements need to be secured prior to the issuance of building permits.

In reference to the lighting for the project, Mr. Cahoon told the Board that the intent is to have only exterior light in the porch ceiling of the buildings that spill out on the ground. He stated that there will be some low level lighting on the pool deck as required by the pool regulations. ‘

In reference to the buffering, Mr. Ben Cahoon stated that the proposed new development on the site is limited to the part of the site. He told the Board that the site is over 1000 feet deep with the remainder of the site being composed of camping spaces that have been there for a long time. He stated that it would be reasonable to say that the existing vegetative buffer would remain, the existing fencing would be repaired and would remain; and if it is reasonable in the board's view for there to be some additional buffering up in the front of the property for the depth of the portion of the amenities.

Board member John Finelli expressed concern regarding the traffic pattern depicted on the site plan and the comments regarding the island depicted rendered by the Fire Marshal. He stated that as depicted it seems to block traffic and there appears to be two exit lanes.

Mr. Cahoon told Mr. Finelli that the traffic pattern has not been formalized and was done as depicted to accommodate stacking space for the large RV's and to alleviate the possibility of having vehicles hanging out into the highway.

A motion to recommend approval of the conditional use permit subject to the lighting and buffering was made by Beth Midgett, seconded by John Finelli.

Vote: Ayes – Unanimous

OTHER BUSINESS

Proposed Revisions to County Ordinances pertaining to recreational vehicles

Planning Director Donna Creef told the Board in January she was visited by members of the NC Department of Emergency Management and their State Floodplain office. She stated that the purpose of the visit was to conduct a Community Assistance Visit which is supposed to be conducted every five years to assess the effectiveness of the County's flood management regulations and enforcement practices. Mrs. Creef noted that this was the first visit for unincorporated Dare County since 1994. Mrs. Creef told the Board as part of the County's participation in the NFIP, Dare County is required to administer and enforce floodplain management regulations that meet or exceed the minimum federal standards.

Mrs. Creef told the Board that the County had always had someone on staff that took care of the Flood Ordinance enforcement, but that is no longer the case. She stated that the Floodplain officer resigned to go back to work in the private sector the Friday before Hurricane Irene, which left enforcement of the Flood Ordinance her responsibility.

Mrs. Creef told the Board that one area that was identified in unincorporated Dare County for better enforcement of floodplain regulations was travel trailer parks and campgrounds. In response to the State, Mrs. Creef noted that there are several amendments to the Travel Trailer Park Ordinance and the Flood Ordinance that must occur. She provided for the Board's review the draft amendments which are on file.

Mrs. Creef explained that the proposed amendments involve the placement of RVs and travel trailers in parks and their "ready for highway" status, address permanent additions to RVs and travel trailers and make some minor additions to what constitutes an entrance landing. She stated that she and members of the staff met with many of the campground owners in March to discuss the enforcement of the ordinances. She stated that some of the language included in the proposed amendments is in response to comments rendered at that meeting. Mrs. Creef noted that the campground/travel trailer park owners have been provided with a copy of the draft amendments.

Mrs. Creef stated that a recommendation from the Planning Board on the proposed amendments is needed prior to them being forwarded to the Board Commissioners for their consideration.

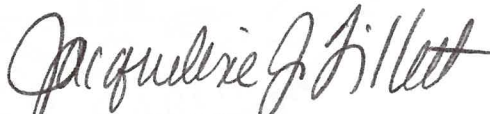
The Planning Board indicated support and changes as discussed for the revision to the County Ordinances as it pertains to recreational vehicles.

ADJOURNMENT

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

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: May 21, 2012



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