

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board met on Monday, August 13, 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 6:00 PM

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

MEMBERS ABSENT Ricky Scarborough, Jr.

APPROVAL OF MINUTES

There being no additions or deletions to the minutes of the July 9, 2012 meeting of the Dare County Planning Board a motion to dispense with reading them and to approve them as submitted was made by John Finelli; seconded by Beth Midgett.

Vote: Ayes – Unanimous

PUBLIC COMMENTS

The following rendered public comments in opposition to the proposed revisions to the Dare County Noise Ordinance:

1. Bonnie Williams – Resident, business owner
2. Donna Peele – Property Manager Waterman's Retreat
3. Joe Thompson – Resident, owner of Spa Koru and Hatteras Island venue Beach Klub
4. Chad Miller – Ocean Atlantic Rentals
5. Tatem Clements – Manager Koru Village
6. Steve Nelson – Inn on Pamlico Sound
7. Tripp Foreman – Real Kiteboarding Presented a proposal for the revisions to the Noise Ordinance (on file).
8. Tracey Morris – Resident, Frisco Sandwich Company & Catering
9. Alyssa and Elijah Thompson – D.J. company
10. J.B. Petti – Cape Hatteras High School Student
11. Jack Quigley - Entertainer
12. Tami Thompson – Koru Village

13. Kevin Loerch – Catering Company

Comments rendered also expressed the concern that the proposed revisions would negatively impact the livelihood of the businesses on Hatteras Island. (weddings, family events, restaurants, and entertainment, etc.) Speakers asked that the board reconsider the proposed revisions and to involve the businesses in developing standards with possible “quite hours”. It was suggested that the decibel levels included in the proposed revisions be revised.

Comments regarding the zoning amendment petition submitted by Alex Risser were received from Mr. Bob Gaul. Mr. Gaul expressed his opinion that Mr. Risser’s proposal will be quiet, and uncongested. He stated he’d rather have something like what Mr. Risser is proposing than a seasonal rental as a neighbor.

Regarding the proposed revisions to the Dare County Noise Ordinance, Planning Director Donna Creef stated that the Dare County Noise Ordinance is a policing ordinance and referred to the Planning Board by the Board of Commissioners to solicit input. She stated that the Board of Commissioners will conduct a public hearing at 5:30 p.m. on August 20th. Mrs. Creef stated that she will submit a detailed report of the Planning Board’s discussion and the input received at this meeting. She noted that she will also provide copies of all items submitted tonight to the Board of Commissioners for their review.

Chairman Midgett suggested all concern parties attend the public hearing on August 20, 2012.

OLD BUSINESS

MURRAY O. CLARK – BUXTON – PRELIMINARY PLAT SUBDIVISION REVIEW

Mr. Murray Clark was present for the review of the preliminary plat for his proposed division.

Planning Director Donna Creef stated that the Board previously tabled Mr. Clark’s subdivision because of some unresolved issues with the Division of Coastal Management and the Corps of Engineers. She stated that she has received e-mails from the Division of Coastal Management that the issues have been resolved.

Mrs. Creef stated that Mr. Clark is proposing to divide his property located in Buxton into two large parcels; one being 2.59 acres and the other being just over 8 acres. She noted that both of the parcels have frontage on NC 12.

Mrs. Creef suggested that a note be added to the plat stating if parcel two is further subdivided, an additional access road or shared driveways are to be installed. Mrs. Creef also noted that she has discussed the need for some additional clean-up of the site with Mr. Clark. Mrs. Creef suggested that the Board include as a condition of approval this clean-up be verified prior to the recordation of the final plat.

Beth Midgett made a motion to grant preliminary plat approval subject to the items discussed with the planning staff be cleaned up and a note being added to the final plat regarding the installation of a shared driveway or access easement should the property be further divided. Dan Oden seconded the motion.

Vote: Ayes – Unanimous

ALEX RISSE – AVON – ZONING AMENDMENT PETITION (REQUEST TO REZONE LOT 20 WINDWARD ISLE – R2-A

Mr. Alex Risser was present to represent this zoning amendment petition.

Planning Director Donna Creef presented staff comments. She told the Board that earlier this year Mr. Risser submitted a rezoning request for the same site to rezone Lot 20 of Windward Isle from its current R-1 classification to C-2. Based on a public hearing conducted and a great deal of e-mail received from the property owners in the subdivision the Board voted to recommend denial of that request. Due to the unfavorable recommendation from the Planning Board, Mr. Risser decided not to proceed forward to the Board of Commissioners.

Mrs. Creef stated that Mr. Risser has resubmitted the rezoning request seeking the R2-A zoning classification which doesn't have the broad scope of uses that the C-2 allows, and would allow him to operate a real estate business in that office.

Mrs. Creef informed the Board that the planning department has received lots of e-mails opposing the Risser zoning request. She stated that Mr. Risser has garnered some favorable support from some of the residents there.

Mrs. Creef reminded the Board of their option to conduct a public hearing.

Mr. Risser briefly reviewed his original request and provided the Board with pictures of his property (inside the house and outside of the house) at night depicting the bright lights from the Deep Blue store. He stated in addition to the drop in the real estate market the bright lights from Deep Blue are the reason the house sat empty for six years.

Mr. Risser told the Board that at the time he requested the C-2 classification he had limited knowledge of alternative zoning options. He stated that the C-2 was met with resistance from the property owners within the Windward Isle division. He said that as he learned more about the C-2 classification he realized that C-2 was in fact not ideal.

Mr. Risser stated that the R2-A classification appears to be a more suitable classification and more in line with the proposed use as a real estate/design center office. He further stated that the R-2A classification also limits the possible uses for his property and provides for a transition zone from heavy commercial.

He further told the Board that he has attempted to reach out to the opposing property owners in the Windward Isle division to answer questions and provide accurate information about his proposal, but they refused to communicate with him. He said that he held an open house to provide info regarding his proposed rezoning and some property owners that previously objected have changed their mind because they didn't understand the proposal or were misinformed.

Planning Board member Dan Oden noted that the majority of the property owners in the Windward Island division are opposed to the rezoning request and are not convinced the requested rezoning is the right thing to do.

Planning Board member John Finelli commented that he doesn't think it is a good policy to single out an individual parcel of land for a zoning designation that is completely different from all of the other properties that border it unless there is some public benefit. He further commented that he is of the opinion that it is not a good idea to make a zoning change when you have so much opposition. He stated that he would not be able to support the request, and neighborhoods rights have to be recognized.

Planning Board member Beth Midgett commended Mr. Risser for his efforts on trying to be a good neighbor by addressing the concerns expressed, and for trying to come up with a compromise. She commented that the unfortunate effect is that there are still a majority of people in opposition. She stated that she thinks the R-2A zoning classification is a closer fit than the previously requested C-2 classification, but doesn't see that the R-2A is going to work either.

John Finelli made a motion to recommend a denial of the rezoning request to the Dare County Board of Commissioners. David Overton seconded the motion.

Vote: Ayes – Unanimous

NEW BUSINESS

CC of the Outer Banks, LLC – Wanchese – Zoning Amendment Petition – Highway 345 District

John Finelli made a motion to schedule a public hearing for the September 10, 2012 planning board meeting. Beth Midgett and David Overton seconded the motion.

Vote: Ayes - Unanimous

Russell Properties, LLC – Wanchese – Zoning Amendment Petition – Neighborhood Commercial District 1

Beth Midgett made a motion to schedule a public hearing at the September 10, 2012 planning Board meeting. David Overton seconded the motion.

Vote: Ayes – Unanimous

Cottages at the Cape – Buxton – Conditional Use Permit Application

Mr. James Pereira, Co-manager for the Cottages at the Cape, LLC was present along with engineers Andy Deel (Deel Engineering), Mike Robinson (Michael W. Robinson Engineering and Surveying) and Joe Anlauf.

Planning Director Donna Creef told the Board that recently the Dare County Board of Commissioners approved the rezoning of the site that formerly served as the Coast Guard Housing from NH to B-NH.

Mrs. Creef told the Board that Mr. James Pereira has submitted an application for a Conditional Use Permit for the site to be used as a family housing complex consisting of the twenty three existing residential structures for a total of forty-five housing units, road improvements, and on-site parking improvements as depicted on the site plan identified as Appendix B.

Mrs. Creef noted that the installation of storm water management and wastewater improvements proposed for the houses. She noted that the applicants have secured some of the permits for the first phase and the permit for the wastewater has been submitted to the State.

Mrs. Creef provided a draft Conditional Use Permit for the Board's review and consideration.

Mr. Pereira told the Board that the site will have two separate wastewater systems like the systems at the Sugar Creek Condos in Nags Head.

Joe Anlauf told the Board that the wastewater system will be an advanced treatment wastewater system that will replace the abandoned and demolished system. He stated that the new system will be located more centrally located further away from the ocean then the current system making it less susceptible to ocean over wash.

Andy Deel told the Board that the storm water permit will be a high density permit. He stated that water shed greater than 24% of impervious coverage triggers a high density storm water permit with the State. He stated that this site in its existing condition has about 33% impervious coverage and is going to have about 31.5% when completed.

Mr. Deel told the Board that the developers plan to install a larger berm to address possible run off to any adjoining properties. He stated that the storm water plan will completely capture storm water in excess of the 10 year storm entirely on site.

Beth Midgett made a motion to recommend approval of the Conditional Use Permit for Cottages at the Cape. David Overton seconded the motion.

Vote: Ayes - Unanimous

OTHER BUSINESS

Electronic gaming operations/draft regulations

Planning Director Donna Creef told the Board that earlier this year the Board of Commissioners instructed staff to prepare a draft set of regulations for gaming operations. She provided a copy of the draft regulations for the Board's review and consideration.

Mrs. Creef told the Board that the draft language is proposed for addition to the Zoning Ordinance as Section 22-58.4 for the zoned areas of the County and as an addition to Chapter 152 of the Code of Ordinances for the remaining unzoned area (East Lake).

Mrs. Creef stated that the Board of Commissioners will conduct a public hearing on the proposed regulations on August 20, 2012.

John Finelli made a motion that the draft language for the Electronic Gaming Operations be approved subject to Condition #11 being revised to give 12 months as the timeframe, the draft ordinance is found to be consistent with the policy in the 2009 Land Use Plan, and that it puts

forth the coastal village atmosphere and that we have orderly arrangements for these types of uses. Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

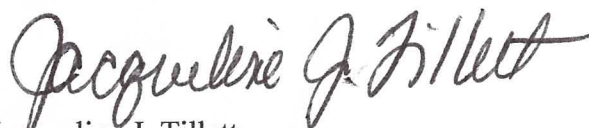
Mrs. Creef informed the Board that there will be an initial discussion of East Lake zoning at the September meeting. She stated that she will have some draft regulations for review and discussion.

ADJOURNMENT

There being no further business before the Dare County Planning Board, Beth Midgett made a motion to adjourn. John Finelli seconded this motion.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: September 10, 2012



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