

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 14, 2015. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT Elmer R. Midgett, Jr., Chairman
Michael Barr David Overton
Beth Midgett Richard "Ricky" Scarborough, Jr.

MEMBERS ABSENT John Finelli Charles Read, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the August 10, 2015 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Frederick "Ronnie" O'Neal spoke against more zoning regulations in the villages of Rodanthe, Waves, and Salvo. He does not see the need for more zoning regulations and believes the residents born and raised on Hatteras Island agree with him.

The public comment portion of the meeting closed at 7:02 p.m.

OLD BUSINESS

***Public Hearing, Proposed Zoning Text Amendment, Section 22-22.2, R-2B
Alternative Medium Density Residential District, Steven Brook***

Jay Mankedick was present on behalf of the property owner.

No one in attendance wished to speak at the public hearing.

Donna Creef discussed the proposed text amendment with the Planning Board. Mr. Steve Brook owns property in Colington and would like to construct a wind turbine as a supplemental energy source for the house he wants to build. Wind turbines are currently not allowed in the R-2B zoning district so Mr. Brook is requesting a text amendment. He would like to construct the wind turbine to a height of 50'. The allowable building height is 35'. Last month, the Planning Board voted to schedule a Public Hearing tonight.

At the August Planning Board meeting, the draft conditions were discussed and include the following: The minimum lot size was 25 acres and that has been changed to 10 acres. The setbacks remain at 50'. The maximum height shall not exceed 50'. The turbine shall be used to provide electrical power for one residential dwelling and its associated accessory structures on the site.

Mr. Mankedick provided literature from the wind turbine manufacturer that show information on output and capacity. He said Mr. Brook owns 55 acres and there will be no problem with the setback or any other conditions. There will be a single home built on the property. The minimum lot size reduction will have no effect.

Ricky Scarborough asked how many parcels zoned R-2B are larger than 10 acres and Donna Creef said most parcels in R-2B zoning are considerably smaller than 10 acres. This would create a limited range of properties that could have a wind turbine.

Michael Barr made a motion to recommend approval of the proposed zoning text amendment to section 22-22.2, R-2B Alternative Medium Density Residential District, and further finds the proposed amendment to be consistent with Land Use Plan policy number 13 which supports development of alternative energy sources, such as wind powered structures and mechanisms.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting on October 5, 2015.

Preliminary Plat Review, Michael Oleksyn Two Lot Division, Murray Harbor, Buxton

Michael Oleksyn and Murray Clark were present at the meeting.

Donna Creef said this is a proposed division of a 5.84 acre tract into two large tracts. The smallest lot will be 2.86 acres. The property is zoned C-2. Murray Clark is the current property owner and previously subdivided adjoining parcels to the east of this tract. Mr. Oleksyn purchased property from Mr. Clark in the past and would now like to purchase more land. That is why they have requested this division.

The main issue is access to NC 12. Previously subdivided property made note that future subdivisions may require either common driveways or access roads. The common driveways may serve better than an access road. It's unlikely the property will

be subdivided again due to wetlands. Mr. Oleksyn said there are already three driveways at the site. Only one more driveway may be required.

Chairman Midgett asked about trash pickup. Mr. Oleksyn said the trash is picked up along NC 12.

Michael Barr made a motion to approve the plat with the condition that the driveways be depicted on the final plat.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

The final plat will be submitted to Donna Creef for approval.

Amendment to Conditional Use Permit No. 8-2004, Aaron Hill Harbor Group Housing Development, Salvo, Michael Filipczak

Michael Filipczak, property owner, and Mitch Halloran of Coastal Engineering were present at the meeting.

Donna Creef began the discussion. Last month, Aaron Hill Harbor asked to amend their conditional use permit. There was concern that the plat recorded at the Register of Deeds office showed parking layouts that were not included on the site plan presented in August. A new site plan has been submitted with the overlay of the plat of record and includes parking.

After the August Planning Board meeting, Mr. Filipczak and Mr. Halloran met with Donna Creef. They discussed the turnout by site 4. The Fire Marshall was concerned that the parking spaces would inhibit the flow of fire trucks if they needed to use the emergency turnout. There are four overflow parking spaces across the street and staff asked that two of those parking spaces be dedicated to site 4. The remaining two parking spaces will be used for the clubhouse/on-site manager.

The applicant is asking to amend the conditional use permit to allow both levels of the clubhouse to be used as living area. The clubhouse will be elevated. There is language in the draft CUP requiring site improvements either before the next building permit for a structure is issued, or before June 30, 2016. This assures that the emergency access improvements will be made before any building permit is issued. Mr. Filipczak would also like to change the development name and street name to Black Dog Harbor. This connects to Hooper Lane. A street sign can be placed to indicate the location of Black Dog Harbor Street and Hooper Lane. The development and street

names can be changed as part of the CUP amendment and would be placed on the plat of record.

Chairman Midgett asked how quickly Mr. Filipczak plans to proceed with development if the CUP amendment is granted. Mr. Filipczak said he intends to move forward with site improvements and improvements to the clubhouse immediately. Additional site development will follow.

Chairman Midgett asked if conditions on the current CUP will still apply. Ms. Creef said condition 6 of the amended CUP states "All other conditions included in the original CUP shall remain in force and part of this amendment."

Beth Midgett asked if the state permits have been revised. Mr. Halloran said the name change and the use change have been submitted. CAMA said the permit is forthcoming and they are awaiting the permits from state stormwater.

Ms. Creef asked if the number of boat slips is going to remain at ten. Mr. Halloran said that is correct.

Michael Barr made a motion to recommend approval of the conditional use permit amendment as drafted by staff.

Ricky Scarborough seconded the motion.

Vote: Ayes – Unanimous

This item will be scheduled for the Board of Commissioners meeting on October 5, 2015.

OTHER BUSINESS

Staff Update, Zoning in Rodanthe, Waves, Salvo

Donna Creef said the draft revision includes the following:

- The S-2 district language has been revised to be more specific and omits high hazard areas.
- Home occupations have been deleted from the S-2 district. Traditional village businesses are allowed and are more flexible than home occupations.
- Fishing piers and storage warehouses have been added to the list of conditional uses.

- The two commercial districts now include prohibitions on mining activities or excavation of sand.
- Major mobile home parks have been added to the RWS-2.

The RWS Zoning Workshop has been scheduled at the Rodanthe Community Center for September 24. After discussion, it was decided the meeting would be scheduled for 6 p.m. – 8 p.m. This will not be a public hearing but an opportunity to provide information to the community. The information will also be available on the Dare County website.

Brian Rubino of Quible and Associates was present at the meeting. On behalf of John Harris and Jeff Fabricant, developers of Sunset Resort in Waves, Mr. Rubino has asked the board to consider changing from dwelling density to floor area ratios. Traditionally, the floor area ratio is applied to commercial districts. Ms. Creef said the following options are available to the Planning Board:

- Offer a recommendation of support for the floor area ratio concept as submitted by Quible. Include this as part of the RWS zoning package or evaluate it as a text amendment independent of the RWS zoning.
- Recommend no changes to multifamily dwelling density calculations.
- Include language in the RWS commercial districts to have a different density range for multifamily structures featuring one and two bedroom units in recognition of the argument that there is inequitable treatment under the definition of “unit”.

Options available were discussed by the board. Beth Midgett said this could complicate the RWS zoning and it may be better to deal with it separately for now. Ms. Creef said it could proceed as a text amendment to the S-1 zoning and that Frisco also has S-1 zoning. Mr. Barr said he is inclined not to include Frisco in the process.

Mr. Rubino believes this is a good time to approach the topic of floor area ratios and combine it with the RWS zoning. He made the following points regarding Sunset Resort:

- They obtained a CAMA major permit which allows for bulkhead and fill.
- The site plan is being developed now.
- There is a demand for smaller units and smaller units would benefit by using the floor area ratio.
- The floor area ratio concept is a good approach to allow flexibility.
- The site already has six 3-bedroom units. Using the floor area ratio would allow a mix of larger and smaller units.

The Planning Board discussed the options of including the floor area ratio as part of the development of proposed zoning in Rodanthe, Waves, and Salvo versus evaluating this as a zoning text amendment. Ms. Creef mentioned that one advantage of separating the floor area ratio issue from the draft zoning is that it cannot be determined exactly when, or if, the Rodanthe, Waves, and Salvo zoning will be adopted. Mr. Barr said the towns of Nags Head and Kill Devil Hills both have separate approaches regarding the number of bedrooms. Ms. Creef said Currituck County uses a combination of dwelling densities and floor area ratios.

Michael Barr made a motion to schedule a public hearing on the proposed amendment to S-1 zoning for multi-family or mixed-use developments and the floor area ratio concept.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

The public hearing will be held at the Planning Board meeting on October 12, 2015.

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 8:05 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED:



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