

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, March 14, 2016. This meeting was held in the Dare County Administration Building meeting room 168, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
 Michael Barr David Overton
 Terry Gore II Charles Read, Jr.

MEMBERS ABSENT Beth Midgett Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

Terry Gore asked that his name be corrected to read II in lieu of Jr. in the minutes of the February 8, 2016 meeting of the Dare County Planning Board. Michael Barr made a motion to approve the minutes with this change. Charles Read seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Proposed Amendment to Conditional Use Permit No. 6-2004, Colington Pointe LLC Group Development

R.M. Saunders, Applicant, and Mike Robinson, Engineer were present.

Donna Creef said Mr. Saunders is asking to reconfigure the layout of the Colington Pointe Group Development. The development was approved as a combination of single family and multifamily structures. Colington Pointe, LLC has acquired an adjoining parcel and wants to make adjustments to the style of housing. All 21 single family homes that were approved have been constructed. Mr. Saunders is asking to make the following changes:

- Replace buildings 101 and 102, originally approved as 4-unit multifamily structures, with five single family structures.
- Change building 205, originally approved as a 4-unit multifamily structure, to a 3-unit multifamily structure.
- Replace building 206, originally approved as a 4-unit multifamily structure, to two duplexes.

- Incorporate the adjoining parcel into the development and construct two duplex structures on it.

A revised site plan has been provided. A subdivision exemption plat combining the adjoining parcel with the original parcel will be required as well as a revised group development site plan. Deeds will need to be recorded in conjunction with this. The reconfiguration of the site will not result in an increase in number of units and/or bedrooms as originally approved in 2004. The current requirement is one parking space per bedroom. A parking plan has been provided that meets that standard.

The Elizabeth City CAMA office will be contacted to determine whether the CAMA major permit will require an amendment or if this will be handled with a minor CAMA permit.

The timeframe designated for construction in 2004 was originally ten years but a state act extended this for two more years. The project time will expire at the end of 2016. A new construction timeframe will need to be established for the remainder of the construction.

Mike Robinson, Engineer, said the current wastewater permit is still in effect according to the Dare County Health Department. He will check the status of the state stormwater and sedimentation permit. The actual lot coverage is dropping from 21.9% to 21.6%.

Michael Barr made a motion to recommend approval of the proposed amendment to Conditional Use Permit No. 6-2004, subject to comments from the Planning Director, the addition of state permit requirements, and recordation of the exemption plat, the revised group development site plan, and deeds in conjunction with this amendment. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting April 4, 2016.

Proposed Amendment to Conditional Use Permit No. 4-2008, Waves Village, Rodanthe

John Harris, Applicant, and Brian Rubino, Quible and Associates, were present.

Noah Gillam said the applicant revised the site plan after it was reviewed by the Planning Board last month. The new amendment would allow the construction of commercial building A as originally proposed, a reduction in seating for the restaurant located in building B, and construction of an adventure climbing tower system in a revised location. The draft amendment remains essentially the same with a couple additions. Commercial building A has been again included in the site plan. The

climbing tower system, which was proposed to be in the commercial building A location, has been moved to the west side of the property.

Commercial building A is 8,962 square feet. The seating in the restaurant of building B will be reduced from 110 seats to 96 seats to accommodate parking for building A. Everything regarding the adventure climbing tower remains the same except for the location.

Chairman Finelli said Quible's letter has a different number for square footage of building A. Brian Rubino said 8,962 square feet includes the building coverage with decks. The retail space is actually 7,077 square feet and parking is based on this number.

Donna Creef said the timeframe to approve construction of building A has expired and will need to be designated. John Harris suggested three years.

Charles Read made a motion to recommend approval of the amendment as drafted by staff with the additional requirement that building A be completed within 36 months after date of approval. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting April 4, 2016.

NEW BUSINESS

Conditional Use Permit Request for Family Child Care Home, Ann Johnston, 2204 Colington Road

Ann Johnston, applicant, was present.

Noah Gillam said Ann Johnston is a tenant at 2204 Colington Road and proposes operating a family child care home. Two parking spaces will need to be added to meet the parking standard and turn-around requirement. The state mandates at least a 4' fence and that pickets be no more than 3.5" apart. Staff recommends a 6' fence.

Ann Johnston presented an estimate for work to add the parking spaces and required fencing. Children and Youth Partnership did a preliminary site visit and said the existing 4' fence is acceptable with additional fencing added to block access to the water. Ms. Johnston contacted Jill at the Colington Harbour Association and was told she has their approval.

Noah Gillam asked what the hours of operation will be. Ms. Johnston said 7:00 a.m. - 5:30 p.m., Monday through Friday, year round. Mr. Finelli asked if there will be any

signage and Ms. Johnston said no. Mr. Finelli asked if the property owner has approved this and Ms. Johnston said yes.

Michael Barr made a motion to recommend approval of the conditional use permit request for a family child care home with the following conditions:

- Hours of operation will be 7:00 a.m. – 5:30 p.m., Monday through Friday.
- Fencing will be added to prevent access to the water and will be in accordance with state regulations.
- There will be no signage.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting April 4, 2016.

OTHER BUSINESS

Proposed Revisions to Zoning Ordinance Section 22-58.2, Standards for Residential Construction Based on Lot Size

Donna Creef prepared draft zoning amendments to comply with state statutes based on last month's Planning Board discussions. The proposed draft relies on existing lot coverage, setbacks, building height, and flood elevation to regulate building rather than number of bedrooms. The Health Department may continue to address number of bedrooms in septic requirement calculations.

The draft includes a new section to be added, Section 22-58.5, Accessory Uses and Accessory Structures. This has been added to require accessory structures such as pools to adhere to principal use setbacks.

In section 22-2, Definitions, staff proposes adding a new definition for storage shed as an accessory building with dimensions not greater than 12' that is not subject to the provisions of the NC Residential Building Code. The current zoning in Martin's Point, MP-1, requires *all* accessory structures to comply with principal use setbacks so staff will add "unless otherwise stated in the applicable zoning district".

Section 22-56 has parking standards and the draft clarifies that "bedroom" is based on what the Dare County Health Department or wastewater permitting agency designates as a bedroom. This will be consistent with what we can and cannot do under state law.

If we proceed to Public Hearing, the section of the zoning ordinance pertaining to bedroom standards will be advertised as being deleted from the zoning ordinance.

Chairman Finelli asked if the Planning Board would like to schedule a public hearing on the proposed amendments. Ms. Creef mentioned that the Board of Commissioners will be required to schedule a public hearing before taking action on the amendments. After discussion, it was the consensus of the Planning Board that they not schedule a public hearing.

Terry Gore made a motion to recommend approval of the proposed zoning amendments to remove bedroom standards with the finding that the amendments are in response to state general statutes. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting April 4, 2016.

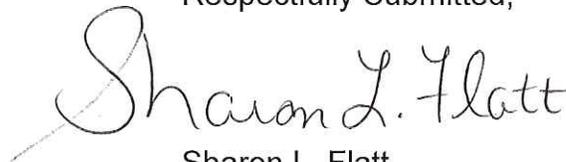
ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:45 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: April 11, 2016



John Finelli
Chairman, Dare County Planning Board