

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 11, 2016. 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** 6:00 pm

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

**MEMBERS ABSENT** Richard "Ricky" Scarborough, Jr.

### APPROVAL OF MINUTES

David Overton asked that his name be corrected on page 5 of the March 14, 2016 Dare County Planning Board minutes. Charles Read made a motion to approve the minutes with this correction. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

***Conditional Use Permit Application to Operate Bed and Breakfast, Keith Moul, 47516 Rocky Rollison Road, Buxton***

Keith Moul was present.

Noah Gillam began the discussion. A conditional use permit has been requested at 47516 Rocky Rollison Road to operate a bed and breakfast home. R-2A zoning permits this as a conditional use. The site meets the parking requirements. Dare County Ordinance will allow three dwelling rooms to be rented on a daily or weekly basis. Breakfast is the only meal that may be provided. There may be one sign not to exceed four square feet. The owner must reside in the dwelling and may have the assistance of not more than the equivalent of one full-time employee. Staff is recommending a survey be provided and that is not ready at this time. A draft of the conditional use permit has been provided.

Ms. Creef asked if there are five bedrooms in the house. Mr. Moul said yes. Ms. Creef, Mr. Gore, and Mr. Moul discussed septic requirements, occupancy, and obtaining a permit from the Environmental Health Department. This would likely include a kitchen inspection if Mr. Moul intends to provide breakfast.

Mr. Moul asked about the possibility of using two bedrooms with a shared bathroom as a family suite to be designated as one of the three allowed "units" to be rented. Ms. Creef clarified that the ordinance definition says "A single family dwelling that consists of a single dwelling unit, together with the rental of not more than three dwelling rooms..." Three of the five bedrooms may be rented.

Mr. Moul said he is waiting for his survey to be prepared and has not been provided a date when that will be done. If this moves forward to the Board of Commissioners, he would prefer to schedule it for May 16, 2016.

Terry Gore made a motion to recommend approval of this conditional use permit to the Board of Commissioners pending submission of a survey.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This item will be considered at the Board of Commissioners meeting May 16, 2016.

***Proposed Three Lot Subdivision, Rodanthe Sunset Resort LLC, 24280 NC 12 Highway, Rodanthe***

John Harris of Rodanthe Sunset Resort, Brian Rubino of Quible and Associates, and Wyatt Booth, Attorney, were present at the meeting.

An updated survey was provided to the Planning Board Members. Wyatt Booth said the changes include showing the distance from the southern boundary line for the building on parcel one and shifting the boundary line for parcel two to provide a 6' setback from the property line.

Mr. Booth said the purpose of the subdivision is to maintain flexibility. It will allow the developer to phase-in future elements of the project without having to commit to a condominium form of ownership right away. Condominium ownership requires that each owner has an interest in the entire site. For any number of units sold, there is a corresponding undivided interest titled to each owner that includes all of the site that isn't part of a building. If the six units in the existing building were sold today, each of the condominium owners would have title to 1/6 interest in the remaining portion of the



site that is not part of the building pad. The developer would still have two years to move forward on the new condo building and new commercial building. If we subdivide the property, the plan is to develop parcel one into a condominium building right away. The condominium documents will reflect parcels 2 and 3 as future phases to this condominium. The developer will have the flexibility to add those phases over time.

Chairman Finelli asked if the condominium documents will tie parcels 2 and 3 to the entire project so those parcels cannot be sold individually. Mr. Booth said if the current building on parcel 1 for some reason doesn't work favorably as a condominium, the developer will have the flexibility to separate parcels 2 or 3 from the existing project and either sell them or develop them in a different way. The condominium documents for parcel 1 will show the development of parcels 2 and 3 as future phases.

Mr. Gore asked if this changes the parking and drainage from the original plan. Mr. Booth said parcel 1 will not need to change parking, drainage, stormwater permits or CAMA permits.

Ms. Creef pointed out that the retention basins are located on parcel 2. Mr. Booth said there is no requirement to change existing stormwater permits as long as the retention basins serve the development on parcel 1. They will need to be either amended or have new stormwater permits issued when parcel 2 is developed. Ms. Creef asked what would happen if the decision was made to sell parcel 2. Mr. Booth said the repair area is designed to serve multiple buildings so there are options.

Michael Barr asked if the existing wastewater area is designed to serve just building 1 or the entire property. Mr. Booth said the repair area is designed to serve all 3 lots. The entire system is not required to be built to serve only one building but it has been engineered to serve four buildings at the site. Mr. Barr said easements need to be shown on the plat and addressed in the covenants for the following: wastewater system; drainage; access going to parcel 3; access to the roadway that connects parking lots; dumpster pad; and the walkway to the pool that dead-ends on parcel 2. Mr. Booth said while the parcels are all owned by Rodanthe Sunset Resort, they can't grant an easement to themselves. Mr. Barr said it can be shown on the plat and dedicated at the time a property is sold on parcel 1.

Donna Creef suggested a note be included saying should parcel 2 be sold, accommodations for stormwater management improvements need to be made on parcel 1. This can't be taken care of by an easement. Mr. Booth suggested a note with reference to the existing stormwater permit. Brian Rubino said the retention basin on

parcel 1 is designed to accommodate the building on parcel 1. Mr. Barr said a note on the plat could indicate this.

Mr. Finelli asked if parcel 3 will be accessed from the highway. Mr. Booth said the current plan is to have South Holiday Boulevard as the only access to parcel 3. Mr. Barr said this will need an easement.

Donna Creef said this project is premised on, and presented as, a group development concept so we don't expect stand-alone buildings to be submitted for parcels 2 and 3. Mr. Booth agreed the success of the development hinges on the unified plan as presented. He said the goal is to develop this in phases and recombine the parcels as construction is completed.

Terry Gore made a motion to approve the proposed subdivision with the provisions that should parcel 2 be sold, stormwater retention basins shall be provided on parcel 1, and that an easement for parking on parcel 3 be included.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

***Bradford Saunders Sketch Plan, proposed secondary dwelling, 24219 Beulah O'Neal Drive, Rodanthe***

Donna Creef presented the sketch plan to the Planning Board.

Michael Barr made a motion to amend the agenda to include this under New Business, item "c". Terry Gore seconded the motion.

Vote: Ayes – Unanimous

Donna Creef said Bradford Saunders spoke with her on a few occasions about adding another structure to his property at 24219 Beulah O'Neal Drive. The property has an existing house and pool that conform to the S-1 zoning requirements. His original idea was to subdivide the property but he does not have 30,000 square feet of land. S-1 zoning allows group housing developments on lots having 20,000 square feet, but when there is a group housing development there must be 25' setbacks from the front, side, and rear property lines. The new structure would be in compliance with that but the existing structure has a 20' rear-yard setback. Mr. Saunders provided the sketch plan so the Planning Board could advise him if he should proceed with the conditional use permit application process for a group housing development.



Michael Barr asked if a guest house or accessory dwelling unit is allowed in the S-1 zoning district. Donna Creef said there are no standards in the S-1 zoning district that allow it. Michael Barr said Mr. Saunders could request a zoning text amendment to allow accessory dwelling units in S-1 zoning. Donna Creef agreed and said that Mr. Saunders indicated he did not want to do that.

After discussion, Michael Barr made a motion that it is the consensus of the Planning Board to agree with staff that this property does not comply with the group housing development standards.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

Donna Creef will contact Bradford Saunders and inform him of tonight's discussion.

#### **OTHER BUSINESS**

None

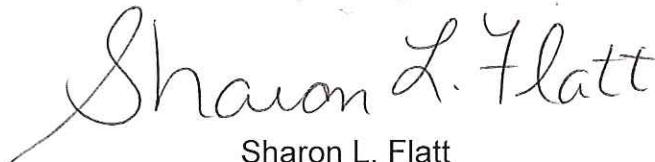
#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:55 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: May 9, 2016



John Finelli  
Chairman, Dare County Planning Board