

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 12, 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
John Finelli Charles Read, Jr.
Beth Midgett

MEMBERS ABSENT Richard "Ricky" Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 14, 2015 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Public Hearing, Proposed Amendment to S-1 Zoning for Multi-Family Developments and the Floor Area Ratio Concept

Brian Rubino of Quible and Associates spoke on behalf of Sunset Resort, LLC. The applicants are asking that a floor area ratio concept be adopted for multi-family developments in lieu of the current zoning regulation that is based only on number of units per acre. The floor area ratio takes into account the gross floor area on a piece of property. Current S-1 zoning regulates the density of residential units but doesn't address the unit size or number of bedrooms. The floor area ratio allows flexibility for developers. There is a need for smaller units that have less than 3 bedrooms in this area.

While the parking regulations may need to be modified along with the floor area ratio, many other requirements will stay the same. The state and local requirements governing septic, stormwater, setbacks, building height, site coverage (residential 30%,

commercial 60%), CAMA, etc. will all remain the same. Kill Devil Hills and also one of Currituck County's zones use the floor area ratio at a 0.4.

Mr. Finelli asked if 0.4 is based on total acreage or uplands only. Brian Rubino said uplands only.

John Harris, owner of Rodanthe Sunset Resort and Waves Village, spoke next. In Waves Village, 18 units were permitted. It made no sense to build less than 3 bedrooms per unit to get more value from each unit. Since that time, we have found there is a demand for 1 and 2 bedroom units. The floor area ratio would provide flexibility to allow 1 and 2 bedroom units, in addition larger units, without increasing density.

The Public Hearing closed at 7:10 p.m.

Donna Creef clarified that while the applicant asked for a floor area ratio of 0.4, the request also includes an amendment to the parking regulations for multi-family development. Currently, 2.5 parking spaces are required per unit and the applicant is asking that we change that to 1 parking space per bedroom in the unit. This would be consistent with the way we apply the parking standard for single family dwellings. A motion made by the board will also need to include a recommendation regarding the requested parking change as well as a finding of consistency or non-consistency with the Dare County Land Use Plan.

This is a mixed-use development. The applicant is asking for an amendment to S-1 zoning but, for the applicant, it is site specific to their development project and their conditional use permit. It has residential and commercial components. An alternative has been mentioned which is to apply the floor area ratio to developments in S-1 that are mixed-use, having both residential and commercial components. We need to look at this as it applies to the entire zoning district.

Michael Barr said having requirements based on the number of bedrooms is consistent with other building requirements, such as with the Environmental Health Department, rather than basing requirements on an entire unit. It seems reasonable to regulate parking by number of bedrooms.

John Finelli said he agrees it makes more sense to have 1 parking space per bedroom rather than 2.5 spaces per unit and said we could amend section 22-56 of the zoning code so this can be applied to all of the districts. Ms. Creef said she does not see a problem with that.

Beth Midgett said she liked the alternative option for mixed-use development projects. It allows lodging options that are not currently in the area.

Donna Creef said the mixed-use option has the complication of determining what residential (multi-family dwellings) and commercial components are located on the property, and at what percentages, to define the site as a mixed-use. There should be a minimum amount of commercial improvements required to obtain the benefit of using the floor area ratio.

What the applicant has asked for is a floor area ratio of 0.4 based on *net* area and an amendment to parking to establish 1 parking space per bedroom. There has been some consensus that the board is amenable to the 0.4 ratio based on the *gross* area of the lot and the board is also agreeable to the parking change. At this point, there is 30% lot coverage imposed on residential uses and 60% lot coverage imposed on commercial uses. The applicant's conditional use permit was based on a commercial use with 60% lot coverage. Ms. Creef recommends there be an appropriate combination of residential and commercial use of a property, possibly determined by percentages, to define what qualifies as a mixed-use.

Mr. Finelli asked what combination of commercial and residential uses Ms. Creef has defined in her draft S-2 zoning regulations. She replied the secondary or lesser of the two uses must equal at least 50% of the primary or larger use, residential or commercial. Mr. Barr agreed that makes sense. Brian Rubino said the 50% requirement will not work at the Rodanthe Sunset Resort site. He said the floor area ratio is the more important issue.

Ms. Creef said the mixed-use requirement would need to be met before lot coverage could be determined and before the floor area ratio could be applied. Brian Rubino, Donna Creef, and the Planning Board discussed the definition of mixed-use development, percentages of commercial and residential components, and the floor area ratio. Michael Barr said we could require no more than 45% lot coverage for a mixed-use site rather than trying to apply the residential or commercial lot coverage percentage. Brian Rubino agreed that would work for this development.

Michael Barr made a motion to table the proposed amendment to S-1 zoning for multi-family developments and the floor area ratio concept to allow alternative draft amendment(s) to be presented.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This item will be on the agenda for the Planning Board meeting on November 9, 2015.

NEW BUSINESS

Conditional Use Permit Application, Temporary Uses, Dare Pits, LLC, Temporary Construction Office, 1566 NC 345, Wanchese

Chris Seawell, Attorney; Ray Meekins, Surveyor; Jeff Moore, Senior Construction Manager, PCL Civil Constructors; and Sean Bush, Senior Project Manager (on-site), PCL Civil Constructors were present.

Chris Seawell submitted the conditional use permit application on behalf of Dare Pits, LLC. This same site on NC Highway 345 was previously considered as a site for a temporary concrete plant in 2012 and a zoning text amendment was requested at that time. The current request is for a temporary construction office, which is a permitted use in this area, and a conditional use permit will be required. Both projects were related to the Bonner Bridge replacement project. There are time issues with this project and this is a key part of the process.

John DeLucia is also involved in this application and emailed Donna Creef today. Mr. DeLucia is unable to attend the meeting tonight due to a scheduling conflict but has been working with NCDOT relative to the stormwater management permits and the sedimentation and erosion control permits. There is language in the draft conditional use permit that addresses obtaining those permits.

Beth Midgett asked about anticipated traffic at peak times and how that will relate to local traffic demands. With the prior proposed text amendment, deliveries between 7:00-8:30 and 2:00-3:30 on school days were limited. Jeff Moore said they anticipate personnel arriving and leaving the site beginning at 5:30 a.m. and continuing throughout the day. Ms. Midgett asked if this will include large trucks and deliveries of storage materials. Mr. Moore said it will but they are willing to add a condition that limits delivery hours. Ms. Creef asked what type of materials they anticipate storing on site. Mr. Moore said steel beams, rebar, steel pipe, wood forms, and everything necessary to build a bridge. Ms. Creef will include language in the conditional use permit stating that the large deliveries will be coordinated as needed to avoid delays on NC Highway 345.

Jeff Moore said there are two driveways on-site to help with the traffic flow. Ms. Creef asked if the line of site at the existing driveway is better than the additional proposed driveway. Mr. Moore said the driveway to the north is better for entering the property

and the south driveway for exiting. Mr. Barr asked that the driveway to be used as the primary entrance for deliveries be indicated on the site plan. Chairman Midgett asked if there will be any deliveries by water. Mr. Moore said deliveries by water will go to the bridge site. Ms. Creef will include more specific language in the conditional use permit to indicate the contractor will work with NCDOT on the use and permitting of the two driveways.

Mr. Read asked if a flag man would be available to assist with traffic safety when an over-sized delivery is made. Sean Bush said there would not be a full-time flag man on staff but a flag man could assist in those instances.

Donna Creef said we need to determine the amount of time the trailers can remain at the site and asked what the expected completion date is. Jeff Moore said their job also includes demolition of the existing Bonner Bridge. NCDOT will set the final date of the project which is currently October 2019. That date could change. After discussion, it was decided the contractor will have the site cleared within 30 days after NCDOT declares the project completed. Ms. Creef noted that the concrete plant conditional use permit required a bond to be used in the event the site was not cleared by the contractor however this will not be necessary for the construction trailers because they will be leaving the site to move onto the next job. If the site is not cleared the county will have the option to disconnect their power.

Donna Creef said the site plan does not include lighting. The ordinance prohibits lights from shining on adjacent properties but there is concern about NC Highway 345. Sean Bush said there will be security lights at the site and the lights exist primarily for walking from the office trailer to your car. Two lights are shown on the plat and there will be some light on the side of the trailer and some in the back corner. Ms. Creef will include this in the conditional use permit.

Beth Midgett made a motion to recommend approval of the conditional use permit for Dare Pits, LLC subject to the following conditions:

1. The contractor will have the site cleared within 30 days after NCDOT declares the project completed.
2. Site lighting will include two lights as shown on the plat with additional lighting on the side of the trailer and as needed for security with no spillover onto NC Highway 345.
3. The contractor will work with NCDOT to establish two driveways at the site with the north driveway used as the primary entrance for deliveries. This will be referenced on both the site plan and the conditional use permit.

Charles Read, Jr. seconded the motion.

Vote: Ayes – Unanimous

This will be considered at the Board of Commissioners meeting on November 2, 2015.

OTHER BUSINESS

Staff Update, Zoning in Rodanthe, Waves, Salvo

Donna Creef reminded the Planning Board that there will be a meeting regarding proposed zoning changes for Rodanthe, Waves, and Salvo at 6 p.m. on October 28, 2015. The meeting will be held at the Rodanthe Community Center. There have been some changes requested by property owners. The purpose of the meeting is to receive community input and the Planning Board is not expected to take any action at that time.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Charles Read and seconded by John Finelli.

Vote: Ayes – Unanimous

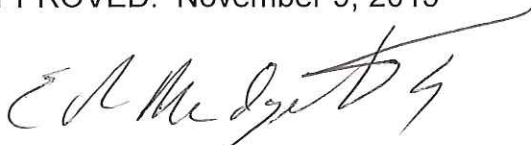
The meeting adjourned at 8:05 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: November 9, 2015



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