

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 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 Beth Midgett  
John Finelli David Overton

**MEMBERS ABSENT** Michael Barr Richard "Ricky" Scarborough, Jr.  
David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the November 9, 2015 meeting of the Dare County Planning Board, Charles Read made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

#### ***Proposed Amendment to S-1 Zoning for Multi-Family Developments and the Floor Area Ratio Concept, Rodanthe Sunset Resort, LLC***

John Harris, Applicant, and Brian Rubino of Quible and Associates were present at the meeting.

Donna Creef said Mr. Harris and his business partner purchased a site in Rodanthe that was previously approved as a group development. They plan to proceed with a multi-family development on the site. They are asking to transition away from the dwelling unit per acre density currently used in S-1 and move to a floor area ratio (FAR) of 0.4. This has been before the board for the past few months.

The parking standard needs to be addressed. The current standard is 2.5 spaces per acre and they are asking that we transition to using 1 space per bedroom, similar to what we now use for single family development. Included with this is the requirement

that 50% of the total number of parking spaces be paved. Current regulations require a dust-free surface for parking, not paving.

In the past, we were comfortable with 60% lot coverage because the ratio of commercial to residential area was either very comparable or there was more commercial area. Mr. Harris said his development would not have a 50-50 component. We are working toward what is appropriate and the draft language now says:

- Maximum lot coverage: 30% of total lot area for projects dedicated entirely to multi-family residential development.
- Maximum lot coverage: 45% of total lot area for mixed use projects featuring a combination of multi-family residential and commercial development if 49.99% or less of the gross square footage of all buildings is dedicated to commercial use. To qualify for an increase in lot coverage, at least 10% of the gross square footage of all proposed buildings shall be dedicated to commercial use.
- Maximum Lot Coverage: 60% of the total lot area for mixed use projects featuring a combination of multi-family residential and commercial development if 50% or more of the gross square footage of all buildings is dedicated to commercial use.

Mr. Harris was concerned that Waves Village, which has 60% lot coverage and was developed similar to this, not be penalized if there are changes made. The draft addresses non-conforming projects and paragraph one reads: "Any group development project authorized by Dare County prior to (date of adoption) which features a lot coverage percentage of 60% shall be considered a pre-existing group development. This 60% lot coverage shall be applied to the site regardless of any changes that may be authorized by Dare County for the group development project site after (date of adoption)."

John Finelli said he is in favor of either a bonus density based on the number of bedrooms or using the floor area ratio concept to better accommodate development of 1-3 bedroom units. It appears most of the Planning Board members prefer the FAR concept. He is concerned about lot coverage and how it relates to storm water drainage problems. Mr. Finelli said he would like the board to consider changing 10% to read 25% in the second paragraph under Maximum Lot Coverage.

Mr. Finelli said he would also like the first paragraph of non-conforming projects removed because he believes any major change to a development should conform to current requirements.

Charles Read asked if the language that says “project authorized by Dare County” provides a safeguard where approval would be denied if standards are not met. Mr. Finelli said an existing, previously approved project could reduce the amount of commercial development and still be granted 60% lot coverage.

Beth Midgett asked about stormwater. Mr. Rubino said they will need to get a state stormwater permit and will be required to collect, store, and treat runoff. No runoff will be allowed to be directed off the site.

Brian Rubino addressed raising the requirement from 10% to 25% (to gain 45% coverage on the lot). 30% lot coverage will not work for this project. The commercial developments in Rodanthe, Waves, and Salvo typically want only 1 floor of commercial space. If there is an additional floor it is usually office space. Having a second floor for retail hasn't worked in the tri-villages and there isn't a need for more office space there.

Regarding non-conforming projects, Mr. Rubino said the current ordinance is not black and white about how to meet the requirements for 60% lot coverage. There are projects that don't have 50% commercial sf that have 60% lot coverage. Mr. Finelli said if a project has been approved for 60% lot coverage, it has 50% commercial square footage. Ms. Creef said three sites come to mind: Waves Village (more than 50% commercial) REAL Kiteboarding (probably 50% also) and Sunset Resort (2 residential and 2 commercial buildings). Other buildings have been approved that may have residential on the second floor of the commercial building but it's the same ratio as the commercial square footage and is evenly split (is not a 90/10 split). Chairman Midgett said he is comfortable with 10% commercial use for this project but the Planning Board needs to consider how this will apply to the entire S-1 zoning district.

John Harris said if 50% commercial could be supported on the outer banks, Dare County would look totally different than it does today. The only development that can support 50% commercial coverage is a shopping center. He believes 10% is a reasonable number for the way Dare County defines commercial.

Beth Midgett said she understands Mr. Finelli's point but is comfortable with the draft as presented. Charles Read agreed.

Charles Read made a motion to recommend to the Board of Commissioners that they approve the proposed amendment to S-1 zoning for multi-family developments and the floor area ratio concept as drafted by staff and further finds this to be consistent with the

policies of the Dare County Land Use Plan in that it provides an opportunity for expanded residential development.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This item will be scheduled on the Board of Commissioners agenda for Monday, January 4, 2015.

## **OTHER BUSINESS**

Charles Read said he was not at the previous Planning Board meeting when Chairman Midgett announced he would not seek reappointment to the board. Mr. Read said he admires Chairman Midgett and appreciates what he has done for Dare County and North Carolina.

### ***Proposed Amendments to Section 22-29.2, Wireless Telecommunications Systems***

Noah Gillam, Planner, addressed the board. This request was made by the county manager because there is a new form of wireless telecommunication stealth system called the Distributive Antenna System (DAS). Stealth systems were previously included in the ordinance but the distributive antenna system is not. The cell phone companies use DAS to cover additional areas of service without having to build a new, free-standing wireless tower. This can be accomplished by attaching what looks like a rectangular box to an existing pole or tower.

Section 22-29.2 was adopted by the Dare County Board of Commissioners on June 21, 1999. The draft amendments are proposed to section 22-29.2, Definitions; 22-29.2 (b) 3, Administrative Review; and *the WRS development types permitted by zoning district table*.

Beth Midgett made a motion to recommend to the Board of Commissioners that they approve the proposed amendment to Section 22-29.2, Wireless Telecommunications Systems, as drafted by staff and further finds this to be consistent with the Dare County Land Use Plan in that it supports the existing Wireless Telecommunications Systems ordinance.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

This item will move forward for consideration by the Board of Commissioners.

**Local Government Employees Federal Credit Union Information**

Donna Creef provided written information to the Planning Board from the Local Government Employees Federal Credit Union (LGEFCU). Members of any volunteer board of Dare County are eligible to become members of the LGEFCU.

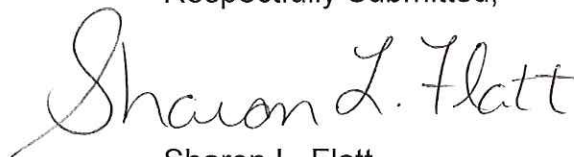
**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED:



John Finelli  
Chairman, Dare County Planning Board