

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 10, 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 John Finelli
Charles Read, Jr.

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

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the July 13, 2015 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Charles Read seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Preliminary Plat Review, Kerry Lennon Dowd Subdivision, Mother Vineyard Road, Roanoke Island

Ray Meekins, surveyor, was present on behalf of the property owners.

Donna Creef began the discussion. This is one parcel with single ownership that is split by Mother Vineyard Road. The owner wants to divide the parcel into four lots, two on each side of the road. There is an existing structure on lot 4. The lots can be served by Dare County Water or private wells. No road improvements or storm water permits are indicated.

Chairman Midgett asked if there is access to the cemetery on the adjoining property to the northwest. Mr. Meekins said no plats have shown access to the cemetery through this property but he will research this.

Michael Barr said that since 2012, the sound has been bulkheaded. Mr. Meekins said that was taken care of with a CAMA major permit. Mr. Barr asked the applicant to provide a copy of the CAMA major permit.

Michael Barr suggested requiring a 30' right of way on this portion of road. Ms. Creef said the county may not have the authority to require this. Mother Vineyard is a state maintained road. Mr. Barr asked where the utilities would be located. Ms. Creef said the water line has already been installed. Mr. Finelli recommended utility easements be indicated on the lots.

Chairman Midgett asked if a dumpster site is required. Ms. Creef said it is not and the lots would have individual trash pickup at this location.

John Finelli made a motion to approve the Kerry Lennon Dowd Subdivision preliminary plat subject to the following conditions:

1. The location of and access to the cemetery will be confirmed and any existing access depicted on the plat.
2. A copy of the CAMA Major Permit for the existing bulkhead will be provided and the location of the bulkhead indicated on the plat.
3. Front, side, and rear property line utility easements shall be noted on the plat.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

The final plat will be submitted to Donna Creef for review and recordation.

NEW BUSINESS

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.

Donna Creef said this request for a text amendment came about because the property owner, Steven Brook, owns 55 acres on two adjacent parcels in Colington and there is no power at the site. Mr. Brook would like to install solar panels and a wind turbine when he builds on his property. The R-2B zoning district does not allow wind turbines. If installed, the wind turbine would only be used for this property. Ms. Creef provided a draft text amendment which includes a minimum lot size of 25 acres, maximum height of 50', and requires the turbine to be 50' from all property lines.

Jay Mankedick told the board there is a quarter-mile long driveway providing access to the 55 acre property. Mr. Mankedick worked with Dominion Power and they do not want to provide or maintain power to the property through the marshes. Options to provide power to

the property were expensive and environmentally destructive so Mr. Brooks investigated alternative energy. The solar panels should provide all of the power needed for a residence at the site but a wind turbine would provide assurance that there is adequate power. Mr. Mankedick said the neighbors are at a distance, they will not see or hear the turbine, the property is nestled in the trees, and the turbine can be lowered in the event of a storm.

The Planning Board discussed a number of topics with Ms. Creef and Mr. Mankedick, including minimum lot size, consistency with the Dare County Land Use Plan, location of the R-2B zoning district, distance of the turbine from property lines or from the water, existing vegetation, and the option of conducting a public hearing. Ms. Creef recommended a survey be provided to show the proposed location of the turbine on the property.

Charles Read made a motion to conduct a public hearing on the proposed zoning text amendment to the R-2B Alternative Medium Density Residential District at the September 14, 2015 Planning Board Meeting.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

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 said Aaron Hill Harbor originally obtained a conditional use permit for eleven structures in 2004. The permit was amended in 2006 to add a twelfth structure and to designate one of the older buildings to be used for storage and another building, identified as the clubhouse, to be used for storage on the first floor while the second floor would be living space for an on-site manager. There was another site plan submitted and approved that has not been developed. There is a new owner, Mr. Filipczak, and he is asking to use both floors of the clubhouse as living area. Steve Kovacs, Fire Marshall, has been consulted and his comments address roadways and improvements to turnarounds.

Ms. Creef said the issue with the clubhouse is the elevation of the first floor. The structure was built in 1991 and, as such, it is not "pre-FIRM" (built prior to the 1978 flood insurance rate maps). This means if it is converted to living area, it must be 1' above base flood elevation and an elevation certificate has not been provided. Mr. Halloran said he believes

an elevation certificate was prepared in 2008 and he believes the elevation of the structure was either 8.76' or 9'.

Donna Creef said there is an as-built survey that was recorded at the Register of Deeds office showing the parking spaces. This information needs to be included on the current site plan and be consistent with what has been previously recorded. Mr. Barr said the driveway and turn-around at unit 12 has not been built and is not on the site plan. He asked if there are plans to access unit 12. Mr. Phillipczak said they do not plan to build the driveway to unit 12 until such time as lot 12 is developed. Mr. Barr said that needs to be indicated on the site plan. Ms. Creef said condition 2 of the draft amendment references installing improvements at the site. She will speak with the Fire Marshal about the proposed turn-around at unit 12.

Ms. Creef said this site plan does not show the road, the turn-around, or the parking spaces previously recorded at the Register of Deeds by Aaron Hill Harbor. Mr. Halloran said they will be shifting the turn-around at unit 4 so it is not encroaching per the Fire Marshall's request. He said there were physical surveys of the existing conditions with updates provided to the county in 2006, 2010, and now in 2015. Nothing has been physically changed since the original as-built. Ms. Creef said we need to be sure that what is approved in 2015 includes what was previously recorded.

Mr. Read asked if the CAMA major permit for the 500 square foot boat ramp has been approved. Mr. Halloran said the CAMA major permit was approved when the boat ramp was originally proposed and the applicant will need to have the permit modified.

Charles Read made a motion to table the requested amendment to conditional use permit number 8-2004 pending the submission of a new site plan.

John Finelli seconded the motion.

Vote: Ayes – Unanimous

This item will be reviewed at the Planning Board meeting on September 14, 2015.

OTHER BUSINESS

Staff Update, Zoning in Rodanthe, Waves, Salvo

Donna Creef said Brian Rubino of Quible and Associates submitted a letter regarding the floor area ratio (FAR) concept for multi-family development. Quible is working with John Harris, the owner of the Sunset Resorts property in Rodanthe. In our ordinance, the

definition of "unit" does not address the number of bedrooms so a one bedroom unit is treated the same as a four bedroom unit in terms of dwelling density. Mr. Harris sees this as a disadvantage. Quible is asking us to consider floor area ratios as we continue to develop zoning in the villages. This would be applied to multi-family structures, not commercial structures. To calculate floor area ratios the total gross floor area of a building (not just the footprint) is divided by the area of the lot. Lot coverage requirements would still apply to the overall site.

Brian Rubino told the board the floor area ratio concept came about based on what other local governments have in their ordinances. Mr. Harris believes there is a market for smaller rental units in the Hatteras area. He would like to provide more units that are smaller in size. The current ordinance limits a parcel of land to a maximum of five units per acre. A unit can be four or five bedrooms. To develop the property with smaller units, the floor area ratio is needed. It also works well with mixed-use developments. Sunset Resort has both commercial and residential components in their conditional use permit. This is a 3.54 acre parcel of land. Under the current ordinance, there can be five residential units per acre (there will be no wetlands) as well as putting in a commercial building. The total floor area is not taken into account as long as other requirements are met.

John Finelli asked if the ratio is 40%. Mr. Rubino replied that would be determined by Dare County but they have seen 0.4 used in other areas. Mr. Finelli asked if this increases the parking requirement. Ms. Creef said the current requirements are 2.5 spaces per unit and that would need to be adjusted as well. Mr. Barr said it could be adjusted based on number of bedrooms. Mr. Finelli asked what local area governments are using this and Mr. Rubino said Kill Devil Hills and Currituck.

Ms. Creef provided a copy of the map showing four zoning districts in the villages, two residential and two commercial. There have been changes to the lighting requirements and they will continue to be updated. Language has been added addressing school recreational sites using numbers provided by Tim White of the Parks and Recreation Department. The RWS-1 and RWS-2 are pretty straight-forward and haven't been changed.

Gross commercial area in the two commercial districts has been defined. There is language about group developments. Fencing and vegetation options have been provided. Language has been added which states: "If a residential use is constructed on a lot adjacent to an existing commercial use, then the buffer requirements shall not be applied to the commercial use since it existed prior to the construction of the residential use."

There is more specific language regarding restaurants and itinerant merchants, specifically: "Restaurants and food stands, not to include mobile food units or push carts. A food stand is a building placed on a lot in a permanent or stationary manner from which food and beverages, including ice cream and other frozen items, are prepared and sold to patrons for off premises consumption only." Also, "Public restrooms, not to include portable toilet units, shall be provided at any restaurant or food stand. Building in this context does not include mobile equipment or vehicles." Mr. Read asked if this will prevent existing restaurants from providing catering services and Ms. Creef said no. She will clarify that.

Michael Barr asked if the S-2 commercial district should include *all* commercial uses. Ms. Creef said the proposed commercial S-2 district was applied to areas where property owners said they don't want the zoning to change. We can try to prevent high-hazardous, industrial uses.

Donna Creef and the Planning Board tentatively scheduled a zoning workshop to take place Thursday, September 24, 2015.

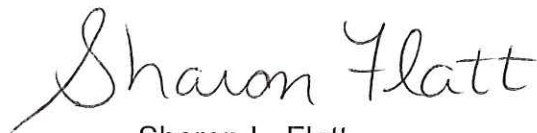
ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: September 14, 2015



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