

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 13, 2021. 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

### ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to new Planning Board member, John DeBoy, for District 2, Nags Head, Kill Devil Hills, Colington.

### INTRODUCTION OF NEW PLANNING BOARD MEMBER

Chairman Finelli introduced and welcomed John DeBoy to the Planning Board.

**MEMBERS PRESENT**            John Finelli, Chairman  
   Beth Midgett                      Buddy Shelton  
   Terry Gore                         David Hines  
   John DeBoy

**MEMBERS ABSENT**            David Overton

### APPROVAL OF MINUTES

There was a correction to the minutes of the November 8, 2021 meeting of the Dare County Planning Board. The word "a" was removed from the third sentence of the first paragraph on page two. Terry Gore made a motion to approve the minutes as corrected. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### AMENDED AGENDA

Chairman Finelli amended the agenda to reflect a change in order to New Business. The Julia Taft Zoning Map Amendment and the HB MOS, LLC, Preliminary Plat Review were considered before the Old North End Subdivision Preliminary Plat Review. By consensus, the Board agreed to handle the three agenda items out of sequential order.

### PUBLIC COMMENT

Adjoining property owner, Ralph and Karen Wilson, of Waynesburg, PA, provided email comments to the Planning Board regarding their opposition to the Zoning Map Amendment from R2-A to R-3 to convert an existing commercial building into residential apartments for 48651 NC HWY 12, Buxton, NC. A copy of the comments is available upon request from the Planning Board Clerk.

## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

### ***Zoning Map Amendment, R2-A to R-3, Application to Convert Existing Commercial Building into Residential Apartments, Julia Taft, 48651 NC Hwy 12, Buxton, NC***

Julia M. Taft, Applicant, was present at the meeting

Planning Director, Donna Creef, addressed the Board. She explained Ms. Julia Taft had submitted a zoning map amendment application to rezone 48651 NC 12 Hwy in Buxton. The parcel is currently classified as R-2A and Ms. Taft seeks to rezone the property to R-3. Ms. Creef clarified that the R-2A district does not permit multifamily structures but the R-3 zoning district allows multifamily structures at a density of ten units per acre.

Ms. Creef stated there is an existing building on the property that has been historically used as a child care facility. Ms. Taft owns several businesses on Hatteras Island and intends to remodel the existing structure on the site to provide year-round employee housing.

Ms. Creef added that the residential development policies of the 2009 Land Use Plan are applicable to this request. Policy LUC #4 specifically addresses the use of multifamily structures as an appropriate alternative for year-round housing.

Ms. Creef said notice was sent to adjoining property owners and email comments were received from Ralph and Karen Wilson. A copy of the comments was provided to the Board.

Ms. Taft addressed the Board. She said she has been a business owner on Hatteras Island for 20 years and discussed the challenges she faces with keeping full-time staff due to a lack of year-round employee housing. Ms. Taft additionally stated she owns other properties for summer-staff and they will not be housed at this property as she intends this property to be for families. Ms. Taft plans to house six full-time employees and their families at this property that are employed year-round by Ms. Taft.

Terry Gore made a motion to recommend approval of the Zoning Map Amendment to the R-3 zoning districts and a finding of consistency with the policies of the 2009 Dare County Land Use Plan.

David Hines seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their consideration.

***Preliminary Plat Review, 4 Lot Subdivision, HBMOS, LLC, Parcel No. 014690000, NC 12 HWY, Avon, NC***

Ray Meekins, P.L.S., of Seaboard Surveying & Planning, Inc. was present on behalf of the property owners.

Donna Creef explained this project is for a 4 lot subdivision on 2.58 acres of land. The smallest lot is 21,074 square feet. The property is split by a canal with the portion on the west zoned R-2A and the east side if the canal zoned C-2.

Ms. Creef noted that the Subdivision Ordinance allows parcels less than three acres in area to be developed with access easements subject to review by the Fire Marshal to ensure adequate emergency vehicle access. A copy of the plat was forwarded to Mr. Kovacs and a copy of the Fire Marshals comments was provided to the Board at their seats.

Ms. Creef said the property is being developed under the minor subdivision exception provisions and therefore the use of lots 1-3 will be restricted to residential use. Ms. Creef also recommended access to lot 1 be restricted to the easement and not from Old Main Road.

Ms. Creef stated the amount of land disturbance is less than one acre so a state stormwater permit is not required.

Mr. Meekins provided a hand-out to the Board at their seat that addressed the Fire Marshals comments regarding the turn-around.

The Board discussed the Fire Marshals concerns. Their discussion centered on the turn-around and fire hydrant requirement.

Buddy Shelton made a motion to recommend approval of the preliminary plat subject to the following conditions:



1. A fire hydrant shall be located within 400 feet of lot 3 and a revision of the turnaround to meet NC fire code.
2. The final plat and covenants shall include land clearing restrictions on the vegetative buffer located on lots 1-3.
3. A street name shall be indicated on the final plat and a street name sign installed by the developer before final plat submission.
4. Access to lot 1 shall be from the access easement and not Old Main Road.
5. Lots 1-3 shall be restricted to residential use only. This restriction shall be noted on the final plat and in the covenants.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their consideration.

***Preliminary Plat Review, Old North End Subdivision, 56 Lot Subdivision, Old North End, LLC, Parcel No. 024225000, Airport Road, Manteo, NC***

David Ryan, P.E. of Creative Engineering Solutions, PLLC and Jeff Malarney of Malarney & McCown, PLLC and Derek Hatchell, Applicant, were present at the meeting.

Planning Director, Donna Creef, addressed the Board. She explained this project is for a 56 lot subdivision on 25 acres of land. The property is zoned R-1 Residential and will be developed with single family dwellings in a scale that is consistent with the adjoining subdivisions in the neighborhood. The smallest lot is 15,000 square feet.

Ms. Creef said the parcel will be accessed from Airport Road along Culpepper Street which will be improved with a 20' paved road. A new 50' right-of-way with a paved 20' wide road will be installed to access the lots off of Culpepper Street. Ms. Creef noted that this street will need to be named on the final plat. No individual lot will have direct access from Airport Road. There are a series of paper streets off Airport Road that will be used to access the proposed subdivision and serve as part of the stormwater system. Ms. Creef clarified these streets were intended for access to the site at the time the Evansville Subdivision was recorded in 1946.

A copy of the Evansville plat was provided to the Board.

Ms. Creef said a stormwater application has been filed with the State. The application is for a low-density stormwater permit which will apply a 24% lot coverage limitation on

each lot. The reduced coverage amount supersedes the R-1 zoning lot coverage limitation of 30%. The application indicates a total of 2,950 square feet of impervious coverage per lot is allowed. Ms. Creef noted that language needs to state Dare County cannot waive this requirement and that the County's higher lot coverage limit will not apply.

Ms. Creef said engineered foundation plans for lots 31-42 will be required at the time of construction. Lots 48-51 may need engineered foundations depending on the layout of the proposed site improvements. Ms. Creef stated a note on the final plat should be included to address this requirement and similar language included in any homeowner documents.

Ms. Creef also briefed the Board about a vegetative easement. She explained that a 10' wide vegetative buffer has been designated along the rear of the lots that adjoin Daphne Park and Brakewood Subdivisions and also the rear of lots 46-56 along Airport Road. There will also be a vegetative area between the paved road improvements and the rear of lots 56-80 of the Evansville Subdivision. Ms. Creef explained the intent of the buffer is to avoid the area from being clear-cut and remain in its natural state to the greatest extent practicable. Clearing of the underbrush would be acceptable but the large majority of the mature vegetation should remain intact. The final plat and homeowners' documents need to include appropriate language to ensure longevity of this vegetative buffer. Ms. Creef clarified there is no requirement in the Subdivision Ordinance for the provision of these areas and the developers have done so at her request.

Ms. Creef additionally noted that all staging of equipment and materials will occur on the Old North End, LLC property and not along the Airport Road right-of-way. Construction activities should occur in a manner consistent with the Dare County Noise Ordinance.

Draft conditions were provided to the Board.

The Board discussed the preliminary plat. Their discussion centered on the Fire Marshal's comments regarding secondary access and ownership of the paper streets.

A copy of the Fire Marshals comments was placed at their seats.

The Board also discussed the lot coverage 24% versus 30% requirement.



Chairman, John Finelli made a motion to approve the preliminary plat and construction plans subject to the following conditions:

1. All supplementary State and Federal permits shall be secured before construction activities can begin at the site. This includes stormwater, erosion control and wetland fill permits. The wetland delineation plat shall be approved by the Army Corps of Engineers.
2. The final plat and covenants shall include language indicating the lot coverage restrictions of the NC stormwater permit. The information shall note that Dare County cannot waive this state requirement.
3. The final plat and covenants shall include language establishing the vegetative retention easement along the rear of the lots as depicted on the approved preliminary plat. The language should indicate the vegetation shall not be clear-cut and that mature vegetation shall remain intact and undisturbed. The removal of underbrush is satisfactory.
4. Equipment and materials shall not be staged or stored along Airport Road or its right-of-way during construction activities.
5. A street name for the new road shall be indicated on the final plat and street signs installed. Road maintenance of the new road and Culpepper Street shall be the responsibility of the property owners until such time that the roads are accepted into the NC secondary road maintenance program.
6. A second access along the existing paper streets for fire apparatus shall be constructed as discussed in the comments from the Fire Marshal dated December 6, 2021. This fire apparatus road does not need to be paved.
7. Fire hydrants shall be installed consistent with the NC fire code as discussed in the comments from the Fire Marshal dated December 6, 2021.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

***Request for Extension of Special Use Permit No. 3-2020, Waves Retreat Cluster Home Development Project, HWY 12 Retreat, LLC, Waves, NC***

Donna Creef explained that the developer has had health issues and requests an extension be granted for an additional 24 months to Special Use Permit No. 3-2020.

David Hines made a motion to approve the request for extension of Special Use Permit No. 3-2020. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

-None-

**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by John DeBoy and seconded by David Hines.

Vote: Ayes – Unanimous

The meeting adjourned at 7:08 p.m.

Respectfully Submitted,



Andrea DiLenge  
Planning Board Clerk

APPROVED: January 10, 2022



John Finelli  
Chairman, Dare County Planning Board