

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, January 14, 2019. 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 Beth Midgett
Terry Gore II Charles Read, Jr.

MEMBERS ABSENT David Overton

ADDITION TO AGENDA

Chairman Finelli said one item will be added to the agenda under Other Business: A request by Colington Creek LLC for an extension of time for approval of Watersedge Extended subdivision.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the November 13, 2019 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

-None-

NEW BUSINESS

Conditional Use Permit Application, Group Development, Parcel A, Hatteras Island Plaza, NC 12 Highway, Avon, Brantley Tillman and RV Owens

Brantley Tillman, property owner, and Brian Rubino of Quible Engineering were present.

Donna Creef said this is a site plan and a conditional permit application for a three-unit cluster home development on Parcel A at Hatteras Island Plaza. Cluster homes are

limited to 1200 square feet with 15' of separation with the condition that leases are for at least 30 days or more. The property is zoned C-2 and located at the rear of Hatteras Island Plaza shopping center. The homes can be accessed through the shopping center. The proposed houses would be three bedrooms with three parking spaces for each structure. There is gravel access which is proposed at 10'. There are wetlands on the site. The time allowed to secure building permits will need to be included in the conditional use permit.

Brian Rubino said the goal is to provide housing for local employees on Hatteras Island. These are three bedroom units with each unit approximately 1000 square feet. They are located at least 20' apart from each other. The majority of driveways and half of the parking will be gravel with the remainder of parking concrete. We are well under 30% lot coverage. The wetlands have been delineated. The plan is not to impact any of the jurisdictional wetland features. There is also a large pond which is a former borrow pit. There is a letter of commitment from the Kinnakeet Wastewater Treatment Plant to serve these units. Access will be through the shopping center and they are the same owners as this development.

Steve Kovacs, Fire Marshal, said access is a big concern for emergency equipment in a residential group development. The furthest house is the southern unit and fire equipment must be able to locate within 150' of all parts of the structure. This requires a 20' access onto the property. This plan does not have that. If residential sprinklers are installed in the three houses, the access limit is pushed back to 200' instead of 150'.

Mr. Kovacs said another suggestion would be to establish a permanent easement on the gravel road. Mr. Rubino said property owners in the Kinnakeet development informed him it would be difficult to get an easement.

Donna Creef asked Mr. Rubino if he could get a permit to fill some of the wetlands to widen the access to 20'. Mr. Rubino said it is likely a permit was previously issued for the parent tract so that would be a problem. There has been sand mining, land disturbance, and there are 404 wetlands at the site.

After discussion, property owner Brantley Tillman said residential sprinklers will be installed in the buildings. Donna Creef asked that the site plan be updated to reflect that.

Chairman Finelli asked how trash pick-up will be done. Mr. Rubino said individual cans could be rolled out to the street. Donna Creef asked if there will be individual waste cans or will they use dumpsters at Hatteras Island Plaza. Mr. Tillman said there are plenty of dumpsters so residents will probably use those. Chairman Finelli asked if there will be parking beneath the buildings. Mr. Rubino said no. Donna Creef asked what timeframe will be needed to secure permits. Mr. Rubino said 24 months.

Terry Gore made a motion to recommend approval of the conditional use permit application for a three-structure cluster home development subject to the following:

- (1) The site plan shall be revised to reflect the changes to the site access for compliance with the NC Fire Codes and this will require the three structures to install residential sprinkler systems.
- (2) A 24-month timeframe for the securing of all construction permits will be included in the conditional use permit.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This will be considered by the Board of Commissioners at their meeting on February 4, 2019.

Conditional Use Permit Application, Group Development, 23791 NC 12 Highway, Rodanthe, Jeffrey Gutmann

Jeffrey Gutmann was present at the meeting.

Donna Creef said Mr. Gutmann has property from NC 12 Highway to the oceanfront on multiple lots at Wanda Court. There are currently two structures on the properties. Mr. Gutmann plans to demolish an existing house and that will be a condition on the permit. He also plans to add more land from an adjacent property and build six structures as a cluster home development. A few things need to be added to the site plan such as lot coverage and adjacent property owners' information. The proposed structures are below the maximum allowed square footage. They will have two bedrooms per structure and the rental period will be for a minimum of 30 days.

Jeffrey Gutmann said he runs a business on Hatteras Island and he is hoping to build six houses for his neighbors. There was a prior subdivision at the property that required a hydrant. Mr. Gutmann believes this is a good use of the property.

Donna Creef asked if there is 15' of paved access. Mr. Gutmann said yes. Steve Kovacs asked that the 15' paved access be supplemented with gravel to provide a 20' wide access and that a turn-around be added. Michael Barr said a turn-around is indicated on the aerial photo but not on the plans. Steve Kovacs reviewed the aerial photo and said there is also a second hydrant on the property that is not on the plan and both hydrants need to be on the plan. Donna Creef asked if residential sprinklers will be required. Steve Kovacs said no. Mr. Kovacs also requested a flow test be performed and asked if a homeowners association will be required to maintain and repair the access road. Donna Creef said road maintenance will be added as a condition on the permit. Mr. Finelli asked about trash pick-up. Mr. Gutmann said individual cans will be rolled to NC Highway 12. Ms. Creef will verify this with Dare County Public Works. Ms. Creef recommended that the individual homes use street addresses from Wanda Court or maybe Wanda Court Extended and not NC 12 Highway. Donna Creef asked if 24 months would be adequate to secure permits and Mr. Gutmann said yes.

The Planning Board considered this a sketch plan review and no formal action was taken.

Request to Amend Zoning from R-2A to C-2, 40041 Brinkley Lane, Avon, Kenrick Albaugh

Kenrick Albaugh was present at the meeting.

Donna Creef said Kenrick Albaugh is asking to amend the zoning map for his property located at 40041 Brinkley Lane. The property is currently zoned R-2A, residential. There is a storage warehouse on the property that was constructed in 1985. This is a commercial use and was not identified during development of the 1992 zoning map. The zoning map was not meant to render any property as non-conforming. This cannot be corrected administratively. We also need to add storage warehouses as a conditional use in the C-2 district. Even though this is a mistake on the county's part, the Board of Commissioners will be required to conduct a public hearing. The Planning Board can choose to conduct a public hearing or not.

Kenrick Albaugh asked about other properties in the area and said owners have said they also want commercial zoning. Donna Creef said the property owners would need to make that request and they have not. Mr. Albaugh asked who owns the streets there. Ms. Creef said they are private roads so they are the responsibility of the adjoining property owners. The property owners can petition the state to take over the

roads but they would probably be required to bring the streets to NCDOT standards first.

Chairman Finelli said he does not see a need for the Planning Board to conduct a public hearing.

Terry Gore made a motion to recommend approval of the request to change zoning from R-1 to C-2 from NC 12 Highway through the Albaugh property located at 40041 Brinkley Lane in Avon and also to add storage warehouses as a conditional use in the C-2 district. This motion includes a finding of consistency with Land Use Plan Policy LUC-5 which supports consideration of zoning amendments to ensure the replacement or repair of older existing commercial businesses.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This will be considered by the Board of Commissioners at their meeting on February 4, 2019.

OTHER BUSINESS

Request an extension of time for approval, Watersedge Extended subdivision, Little Colington Island, Colington Creek LLC

Donna Creef said Colington Creek LLC requested an extension for development at Watersedge Extended subdivision in Colington. The approval expires this month and the ordinance allows an extension of 12 months. Effort has been made to begin development. They are obtaining bids for the waterlines and driveways, have prepared designs for the septic systems, have renewed wetland delineation, and began clearing and grubbing the easement area. Eddie Goodrich of Colington Creek LLC could not be here this evening because he is attending a public hearing at the Town of Kill Devil Hills.

Michael Barr made a motion to approve the 12-month extension for the Watersedge Extended subdivision requested by Colington Creek LLC.

Terry Gore seconded the motion.

Vote: Ayes - Unanimous

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: February 11, 2019



John Finelli
Chairman, Dare County Planning Board