

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, November 13, 2018. 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 David Overton

**MEMBERS ABSENT** Charles Read, Jr.

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the October 8, 2018 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

#### ***Subdivision Review, Windward Shores 9-Lot Subdivision, NC 12 Highway, Waves, Wind Over Waves LLC***

John Robbins of Wind Over Waves LLC and Ray Meekins, Surveyor, were present on behalf of the property owners.

Donna Creef said Windward Shores is a proposed 9-lot subdivision located in Waves. All of the lots have frontage on NC 12 Highway. This is adjacent to the Wind Over Waves subdivision and lot 9 will be accessed from the existing road at Wind Over Waves Phase 3. The developer plans to make lot 9 part of phase 3 eventually. Central water will be supplied from Dare County. There will be on-site individual septic tank systems. No state stormwater permits are required. All lots have wetland areas and an updated wetlands verification is pending from the Army Corps of Engineers. All lots

contain a minimum of 15,000 square feet of non-wetland soils. A copy of the preliminary plat has been sent to NCDOT with no response yet.

Most lots share driveways and a survey has been provided to the Planning Board showing more detail of those driveways. The Subdivision Ordinance allows for the installation of an access road if more than four lots front along an existing street. Given the length of the road frontage for the eight lots on NC 12, the common drive scenario represents a better alternative in terms of less impervious surface in the area. The improvements that make up the common drives will be installed as part of the preliminary plat improvements and will be complete before the final plat is recorded. When individual construction permits are requested, then the portions of the driveway to serve the individual structures on the lots will be installed consistent with the parking standards of the Dare County Zoning Ordinance. The maintenance of the common drives will be addressed in homeowners documents and those documents have been provided to the Planning Department.

The homeowners documents preclude further subdivision of the lots and a similar note can be included on the plat. There should not be a problem with compliance with S-1 residential zoning standards. One condition should be that no equipment is to be staged on the NC 12 right-of-way or the NC 12 pathway. It should be noted that if the pathway is damaged during construction, repairs to the pathway will be made by the developer before the final plat is recorded.

John Robbins told the board the driveways will be installed per NCDOT regulations. They will need to saw-cut the pathway and pave through with 6" of concrete for the driveways. No bridge walkways will be affected. The driveways and culverts will be critical to protect the pathway and for stormwater. Driveway maintenance will be the responsibility of the homeowners and this is included in the covenants. Ms. Creef asked that any cuts in the pathway be clearly marked during construction. Beth Midgett asked if a stormwater plan is required. Ms. Creef said there is no state stormwater management plan because of the amount of land disturbance. Mr. Robbins said, with the exception of lot 9, all lots have over an acre of uplands and are two to three acres in size. This is a 15 acre tract.

Mr. Robbins said the covenants do indicate that the properties cannot be subdivided but properties can be combined to create a larger parcel. It is fine to include language to preclude more lots but not to prevent reconfiguration of lots. Ms. Creef suggested adding a note on the plat saying any future subdivision of these lots may require additional road and/or driveway improvements as authorized by Dare County. This

would be consistent with current county practices. A note on the plat preventing further subdivision of lots may not be picked up in a chain of title and the Planning Department does not enforce covenants. Mr. Robbins said the covenants will be recorded at the Register of Deeds office and a copy of the covenants should be provided as part of the title search for any future real estate transactions.

Chairman Finelli asked who controls the Wind Over Waves subdivision to allow access to lot 9. Mr. Robbins said once the environmental setbacks are applied to lot 9, there may not be a good footprint for development and more than likely it will be left as open space. Lot 9 is under contract to be purchased by Wind Over Waves Phase 3 and should close Friday.

Terry Gore made a motion to approve the plat subject to the following conditions:

1. A note will be included on the final plat stating any future subdivision of the lots may require additional driveway or road improvements to be determined by Dare County.
2. There shall be no staging of equipment on NC 12 or its right-of-way during construction of the common drives. Any repairs to the NC 12 pathway shall be made by the developer in a manner that is consistent with the existing pathway improvements. Such repairs shall be made before final plat submission.
3. Culverts, consistent with NCDOT standards and the Dare County Subdivision Ordinance, shall be installed with the common drives. The maintenance of the culverts and the common drives shall be the responsibility of the property owners as established in restrictive covenants. The covenants shall be recorded with the final plat.
4. An up-to-date wetland verification shall be submitted to the Planning Department before final plat recordation at the Register of Deeds.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

The preliminary plat approval is valid for 12 months from this date.

## **OTHER BUSINESS**

### ***Review List of Uses in Commercial Services (CS) Zoning Districts***

Chairman Finelli said the Board of Commissioners recently reviewed a text amendment request to add boat maintenance as a permitted use in the CS district. This generated a discussion about noise. They asked the Planning Board to review the range of uses

in the Commercial Services zoning districts. Ms. Creef said this district was drafted as part of the Colington zoning back in 1997. There were boat building and storage places operating at that time. The Board of Commissioners recently voted to *not* allow boat motor repair in the CS district because of the noise and issues with this use in the VC district. The Planning Board discussed the current uses.

The uses to be deleted are: parking lots; farm machinery supplies, sales and repairs; and mobile home or recreational vehicle displays and sales. Churches will be changed from a conditional use to a permitted use. The uses to be changed to a conditional use are: marinas; boat building and storage; and automobile sales and service. Funeral homes will stay as a permitted use but will add *not to include crematoriums*. Boat display and sales will stay as a permitted use but will add *not to include boat repair or boat motor repair*. Radio, television and other types of transmission towers will remain as a conditional use and add *subject to the provisions of section 22-29.2*. Automobile service stations will remain as a conditional use and add language from the C3 district: *provided that no principal or accessory building shall be located within fifty-feet of a residential use or district, that there shall be no storage of wrecked or abandoned cars and that no portion of a service station building, equipment or gas pumps shall be within twenty-five feet of any right-of-way*. Other uses stay as currently listed.

Michael Barr made a motion to recommend approval of the proposed changes to the Commercial Services zoning district as discussed.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This will move forward to the Board of Commissioners.

### ***Discussion Regarding the Land Use Plan Update***

As part of their agenda packet, the Planning Board members received a revised narrative of the first management topic, Public Access, of the Dare County Land Use Plan. The narrative was updated as appropriate. The 2009 LUP included eight policies along with implementation strategies under the public access topic. There were suggested revisions noted to reflect current conditions. Ms. Creef recommended that some policies remain the same.

After discussion, it was decided that Public Access Policy numbers 2 and 3 will be kept with no changes. Public Access policy numbers 1, 4, and 8 would be changed as

recommended by staff. Public Access policy numbers 5, 6, and 7 were edited to incorporate additional changes along with the staff recommendations.

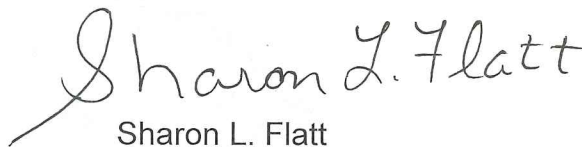
**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:15 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: January 14, 2019



John Finelli  
Chairman, Dare County Planning Board