



# Agenda Item Summary Sheet

Item No. 9

Meeting Date: 5/15/06

Item Title: Public Hearing -- Skyco Development Company LLC -- Request for R-1 Zoning

### Item Summary:

Last month, the Board instructed the staff to schedule a Public Hearing on a request from Skyco Development Company LLC to classify an unzoned property as R-1, residential. The property located in the Skyco community adjoins property currently designated R-1. The parcel is approximately 200 acres with 20 acres of upland area and is located within the "Wanchese" tax district. The adjoining R-1 property is located in the "Manteo Outside" tax district. This zoning application was submitted to the Planning Board in December 2005 just prior to the Planning Board completing its review of the Wanchese zoning map. The Planning Board conducted a Public Hearing on this matter in January 2006 and made a recommendation on the matter

(Use additional Paper if necessary)

Number of Attachments: \_\_\_\_\_

Will your presentation require audiovisual equipment? Yes  No

Note: All audiovisual materials must be submitted in digital format to the Clerk of the Dare County Board of Commissioners with this sheet. Acceptable formats include: VHS, DVD, audio CD, Word document, Adobe Acrobat PDF files, PowerPoint files and jpeg files.

### Specific Action Requested:

Conduct Public Hearing on Skyco Development Company LLC zoning request

Submitted By: Donna Creef, Senior Planner Donna Creef Date: 5-3-06

Dept. Head

Comments:

Signature [Signature] Date: 5-3-06

Finance

Comments:

Signature [Signature] Date: 5/4/06

County Attorney

Comments:

Signature \_\_\_\_\_ Date: \_\_\_\_\_

County Manager

Approval:

Signature [Signature] Date: 5/4/06

Commission Action:

at their February meeting. The Planning Board review of this item was concurrent with the submission of the Wanchese zoning map to the Dare County Board of Commissioners and the scheduling of a Public Hearing on that matter in March 2006. The Planning Board was sensitive to the timing of the Skyco Development request in relation to the Wanchese map. However, the applicants paid the necessary review fees for the zoning application and were entitled to a timely review of their request. At the February 10, 2006 Planning Board meeting the Planning Board discussed the timing of the item and recommended to applicant that they attend the March 20 Wanchese zoning hearing and present their R-1 zoning request at that hearing. The Planning Board and Planning staff felt it was important that this information be conveyed at the Wanchese hearing in an effort to fully inform the public of this pending request since the subject property was also included as part of the Wanchese zoning map in the Highway 345 district.

The Land Use Plan is the recommended document for guidance on zoning issues. The 2003 Land Use Plan classifies the applicant's property as Community Neighborhood. The Community Neighborhood states "the purpose of this sub-classification is to identify an area where the predominant land use is low-density residential dwellings. Urban-style utility services such as central water, central wastewater collection and treatment and package wastewater treatment plants are not compatible with this classification." The language continues with a discussion of other land uses that are incompatible such as sand mining and multifamily dwellings. The R-1 district does not permit either of these land uses. Policy 55 of the LUP lists detached residential structures as the preferred land use in unincorporated Dare County.

The Planning Board recommended a modification of the applicant's request of R-1 for the entire tract with a recommendation of R-1 for the upland portions of the tract and Highway 345 for the wetland portions of the tract. The Planning Board felt the potential for a reduced lot size associated with a central water supply was balanced by the narrow scope of uses offered in the R-1 district. It was noted that the requested R-1 designation is consistent with the land classification of the property and the policies of the of the 2003 Land Use Plan. A finding of consistency was adopted by the Planning Board in conjunction with their recommendation on the matter. Any future plans of the property owners to pursue the extension of County water in conjunction with subdivision of the land will need to be evaluated independently of this R-1 zoning request. The developers could pursue the extension of County water without any zoning classification since the subdivision ordinance addresses lot sizes for unzoned property and offers the same reduction in lot size to 15,000 square feet as the R-1.

The legal notices for the hearing offered the Planning Board's recommendation for a split of R-1 for the upland portion of the tract and Highway 345 for the wetland portions of the tract and the applicant's original request for R-1 for the entire parcel. After the close of the May 15<sup>th</sup> hearing, the Board will have completed all legal requirements to act on the applicant's request for R-1 zoning. However, if it is the pleasure of the Board to adopt the Planning Board's modification, then the effective date of the Highway 345 language will need to be delayed until a hearing on the Highway 345 district has been conducted and the Highway 345 district regulations have been adopted by the Board.

Staff has identified the following alternatives for the Board's consideration:

To adopt all R-1 for property: *"I move that parcel 025881000 be zoned R-1, residential as originally requested by Skyco Development Company LLC."*

To adopt Planning Board recommendation for R-1 and Highway 345 and delay effective date of the Highway 345: *"I move that parcel 025881000 be zoned as recommended by the Planning Board with R-1 applied to the upland portions and Highway 345 applied to the wetland portions of this site. The effective date for the zoning shall be simultaneous with the effective date of any Highway 345 zoning standards that are adopted by this Board."*

To defer action pending adoption of the Highway 345 district: *"I move that no action be taken on this matter until a Public Hearing on zoning standards for the Highway 345 district is conducted by this Board."*

To deny request: *"I move that this zoning request be denied based on (insert specific reasons)."*

I remind the Board that a finding of consistency should accompany any motion for favorable action. Draft consistency findings for the first two motions are attached to this summary sheet.

Cc: Skyco Development Company LLC

summer employees because there is a shortage of seasonal housing accommodations. Some private sector employers purchase or construct residential structures for the sole purpose of providing housing for their summer employees. The location of employee housing in year-round neighborhoods generates some complaints from neighbors whose lifestyles are incompatible with those of the mostly college-aged seasonal employees.

There are no simple solutions but most people agree that a regional approach from both the private sector and public sector is needed to address the matter. Intergovernmental cooperation will be imperative to identify possible solutions to providing a housing inventory that meets the diverse housing needs of the community. Partnerships between local governments and the private sector may be necessary to address the year-round housing needs for median income residents of Dare County. Opportunities to expand the housing inventory for year-round residents should be considered by the private sector and supported by the public sector.

Residential development in designated Areas of Environmental Concern require permit review by the Division of Coastal Management. Depending on the extent of the proposed development, CAMA permits or exemptions letters may be needed.

#### **Policy #55**

Detached residential structures shall be the preferred land use in unincorporated Dare County. Although the expanding market for seasonal accommodations as structures that resemble traditional domiciles has resulted in a shortage of year-round housing, it is agreed that the policy advocating residential structures as the preferred land use shall continue.

#### **Policy #56**

Dare County recognizes the diverse housing needs of the community. Private sector development projects intended to expand housing opportunities for year-round residents are encouraged. Partnerships between the private sector and the public sector will be reviewed on a case-by-case basis when appropriate. Regional efforts to address the housing needs of the Outer Banks will also be reviewed on a case-by-case basis.

#### **Implementation Strategies**

1. Amend the Dare County Zoning Ordinance to delete the term "single family" residential houses and replace with "detached individual residential housing units" in recognition of the possibility that neighborhoods may contain seasonal rentals or that structures in the neighborhood may be occupied by unrelated individuals. (2003)
2. Adopt standards that address unsightly structures and conditions that are more flexible than the current Nuisance Ordinance, which is designed to address public safety and welfare issues rather than eyesores. (2004)
3. Amend Zoning Ordinance to better define an acceptable level of home occupations (2004)
4. Consider revisions to Zoning Ordinance to lower the number of permitted dwelling densities for multifamily structures. (2003)
5. Consideration of an intergovernmental task force on housing issues. (2003)

#### **COMMERCIAL DEVELOPMENT**

With residential detached housing acknowledged to be the preferred land use, the introduction of new commercial development is sometimes opposed, particularly when introduced on land bordered by

**Community Neighborhood** -- This is a sub-class of the Community classification. The community neighborhood class applies to the area generally known as "Skyco" on Roanoke Island and depicted in the color turquoise on the Land Classification Map. The purpose of this sub-classification is to identify an area where the predominant land use is low-density residential dwellings. Urban style utility services such as central water, central wastewater collection and treatment, and package wastewater treatment plants are not compatible with this classification and are not encouraged in areas designated "Community Neighborhood."

The goal of this classification is to preserve existing low density residential neighborhoods and to prevent the introduction of incompatible land uses such as sand mining, other land disturbing activities that alter natural vegetation or drainage patterns, and multi-family dwellings with a density greater than two units per acre.

**Community Village** -- This is a sub-class of the Community classification. The community village class applies to the area generally known as the village of Wanchese located on the south end of Roanoke Island and Hatteras village on Hatteras Island. It is depicted in the color orange on the Land Classification Map. The purpose of this sub-classification is to identify an area where a mixture of low-density residential dwellings combined with various commercial services and small retail businesses to create a village environment. Water related land uses and facilities are also characteristic of this class, such as boat building, fishing, and fish processing, and crabbing.

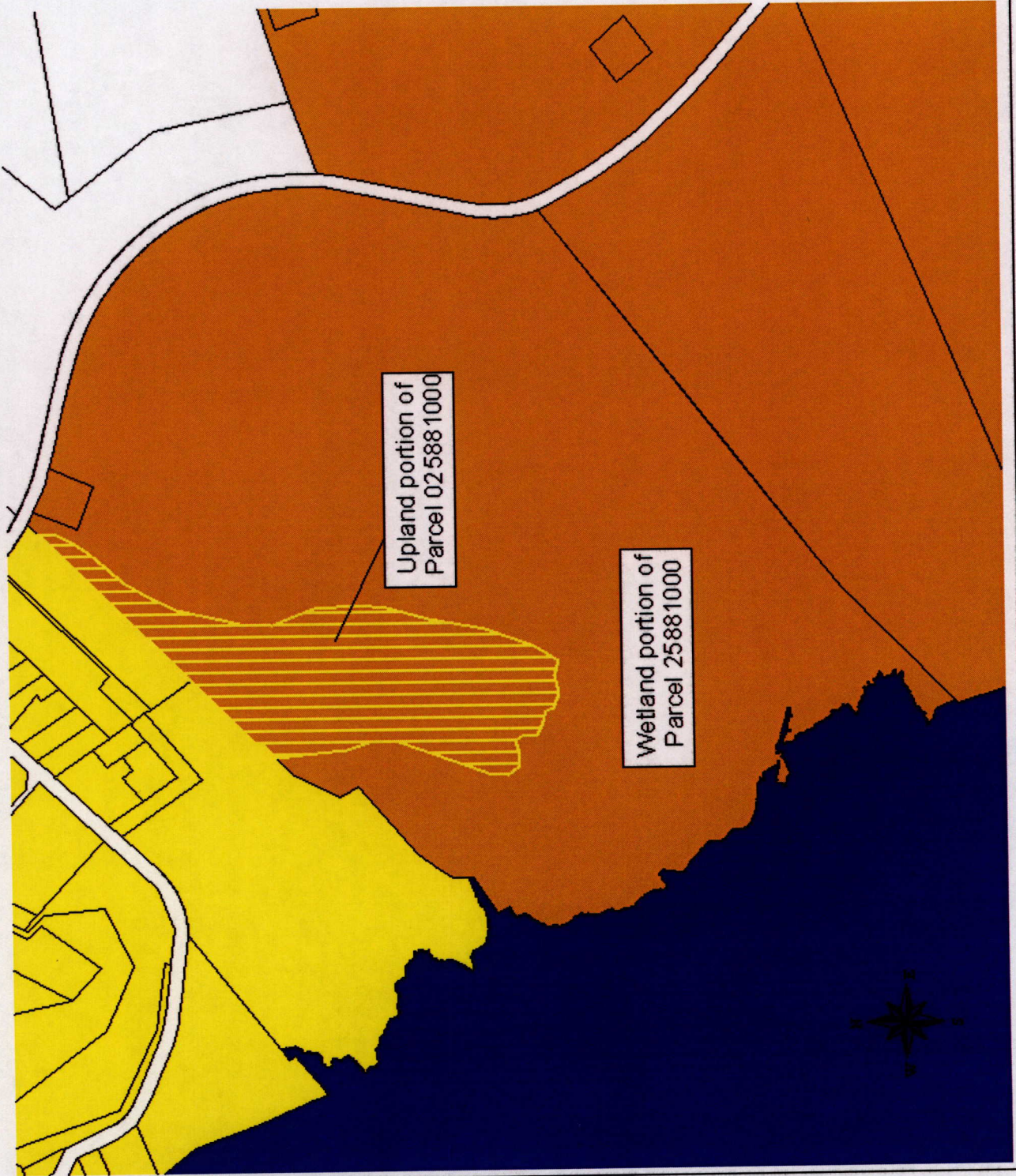
The goal of this classification is to preserve the unique mix of land uses that characterize a non-urbanized coastal village and to prevent the introduction of urban influences or development that changes or overwhelms the patterns of existing land use in a manner that destroys the "village" environment. In order to maintain the village setting, central wastewater collection and treatment is not deemed compatible with this land classification except if located within the confines of the Wanchese Seafood Industrial Park, for facilities and operations internal to the Seafood Industrial Park. Central water *is* considered compatible with this district as a means of insuring a water supply to the village that is not vulnerable to fluctuations in the shallow water table and the introduction of pollution from on-site septic systems. Land disturbing activities that alter or remove vast amounts of vegetation, alter natural drainage patterns, or which divert storm water to surface waters are considered incompatible with this land classification.

**Community Residential** -- This is a sub-class of the Community classification. The "community residential" classification applies to the area of Roanoke Island generally known as the "north end" or the unincorporated land north of the Town of Manteo and depicted in the color purple on the Land Classification Map. The purpose of this classification is identify an area where low density residential dwellings, small businesses, governmental services, educational services and passive recreational activities occur in the midst of a number of important natural, cultural, and historic resources.

The goal of this classification is to preserve the natural, cultural, and historic resources present on the north end of Roanoke Island and to weave into this setting a mix of compatible low density residential structures and service uses. Central water is considered consistent with this classification as a means of insuring a water supply for uses compatible with and not detrimental to existing natural, cultural, and historic resources. Central wastewater is not considered compatible or necessary for land uses found in this classification. Land disturbing activities that alter or destroy





# Planning Board Zoning Recommendation

Skyco Development Subdivision  
Skyco Development Co., LLC (Lee Tugwell)



Upland portion of  
Parcel 025881000

Wetland portion of  
Parcel 25881000

	To Be Zoned R-1
	Unzoned
	To Be Zoned Hwy. 345
	R-1

**NOT TO SCALE.  
NOT A WETLAND  
DELINEATION MAP.**