

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, July 10, 2017. 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.  
Jeff Landreth

**MEMBERS ABSENT** David Overton

### APPROVAL OF MINUTES

Terry Gore made a motion to approve the minutes of the June 12, 2017 meeting after correcting the bottom of page 3 to read 'Mike Robinson *said that* some have been...'. Charles Read seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### PUBLIC HEARING

#### ***Consideration of Zoning Regulations Regarding Mobile Food Vendors***

Danielle Zink of Avon is the owner/operator of Dizzy's Ice Cream Trucks. She said selling pre-packaged ice cream is different than operating a mobile food truck. She is concerned about her business and her rights because two men are complaining about ice cream trucks.

Robert Zink is also the owner/operator of Dizzy's Ice Cream Trucks. They have 51 five-star ratings online for their business and serve an average of 500 children per day during the summer season. They comply with all laws, have never received a citation and have good employees who love children.

Shirley Brown lives in Salvo half of each year. She loves the ice cream truck and doesn't know why anyone would complain about it.

Jack Tutzauer is 5 years old. He earns money doing chores so he can buy ice cream from the ice cream truck.

Mary Tutzauer is Jack's mother and a resident of Avon. She agrees an ice cream truck is different than a food truck. She wants both uses to be allowed and have the food trucks associated with a commissary.

Steven Bonney wants to operate his mobile food unit. He is trying to earn a living. Commissioner Danny Couch's family loves Mr. Bonney's donuts.

The Public Hearing closed at 6:20 p.m.

Donna Creef discussed zoning regulations regarding mobile food vendors with the Planning Board. She said there are two men complaining to the Board of Commissioners about ice cream trucks on Hatteras Island. Ice cream trucks are permitted in unincorporated Dare County. It is a coincidence this is happening at the same time there is a discussion about mobile food vendors. Ms. Creef does not recommend regulating the ice cream trucks.

The zoning ordinance does include a definition of food stand. Ms. Creef recommends changes to the zoning ordinance so that if a restaurant is allowed in a zoning district, a food stand could also be allowed. If a restaurant is a conditional use, a food stand could be a conditional use. There should be a standard which subjects mobile food vendors to some level of review. This could include requiring copy of the agreement between the business that is providing the commissary and the mobile food vendor.

Discussion of zoning regulations regarding mobile food vendors included the following:

- Health Department requirements of commissary agreements at each location where a mobile food vendor plans to park would regulate mobile food vendors operating at a stationary location versus moving from one location to another.
- Whether or not mobile food vendors are subject to fire inspections.
- Defining a mobile food vendor as a food truck or a food stand.
- Hours of operation: preventing overlap with the restaurant commissary's hours.
- Mobile food vendors as seasonal or year-long businesses.
- Owners of mobile food trucks removing their business to a safe location in the event of an approaching storm.
- Should the commissary business that is affiliated with the mobile food vendor be required to be a restaurant? The majority of the board said no for the parking

location of the mobile food truck but Health Department regulations require access to commercial refrigeration.

- Parking requirements for food stands.
- NC state food stand definition changes which allow up to 8 seats.
- No parking in the right-of-way and applying current parking standards.
- Compliance with setbacks but no buffering requirement. The commissary business would have the buffer.
- Limiting to 1 mobile food vendor per commercial lot.
- Emergency relief providers will be exempt from mobile food vendor regulations.

After discussion, Charles Read made a motion to recommend approval of amendments to the C-2, C-3, I-1, C-2H, and VC-2 zoning regulations to include food stands as discussed at tonight's meeting. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This will move forward for consideration by the Board of Commissioners.

## **OLD BUSINESS**

### ***Subdivision Review, John & Robert Booth Subdivision, Morrison Grove Road, Roanoke Island***

John Booth, property owner, and Ray Meekins, surveyor, were present.

Donna Creef said this was reviewed as a sketch plan last month. The proposed lot lines will not create any new non-conformities. There is a building incorrectly labeled on lot 4 and Mr. Meekins will correct that. Not all of the new lots have driveways. Some of the driveways are shared. A note can be included on the final plat which states *Additional driveway improvements may be installed upon the sale or transfer of the land.* There is a note that one of the buildings on lot 4 will be removed. We want to be sure that occurs before the final plat is recorded. A note should be added indicating that until Morrison Grove Road is taken over by NCDOT's Secondary Road Program, the abutting property owners are responsible for maintenance.

Mr. Booth said he believes the state has already taken over some portion of Morrison Grove Road and there is an existing agreement addressing access. Ms. Creef said she will check with NCDOT about maintenance. Mr. Booth also asked to have more time to remove the storage shed from lot 4. Michael Barr asked Ray Meekins to remove the note saying the building on lot 4 will be removed.

Michael Barr made a motion to approve the subdivision plat subject to the changes discussed.

Jeff Landreth seconded the motion.

Vote: Ayes – Unanimous

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

## **NEW BUSINESS**

### ***Conditional Use Permit Request, Home Occupation – Beauty Shop, 128 Mother Vineyard Road, Martha Worrell***

Martha Worrell was present at the meeting.

Ms. Worrell plans to purchase the property at 128 Mother Vineyard. She would like to renovate the office at the property and make it a beauty shop. Ms. Worrell's current residence is on Devon Street and she has a beauty shop at her home. She has been operating a beauty shop for 40 years. Ms. Worrell reviewed the proposed conditions with Donna Creef and is happy with them.

Chairman Finelli asked if the days of operation are Tuesday through Friday, 9 a.m. until 5 p.m. and on Saturday from 9 a.m. until noon. Ms. Worrell said yes and she only has one customer at a time.

Beth Midgett made a motion to recommend approval of the conditional use permit.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This will be considered by the Board of Commissioners at their meeting on August 7, 2017.

## **OTHER BUSINESS**

### ***Amendment to Subdivision Ordinance – Additional Exemption to Definition of Subdivision***

Donna Creef said the North Carolina General Assembly passed new statutes which add two more conditions for the exemption of what is considered a subdivision. One is regarding the probate of a will or settlement of an estate and the other is for land greater than 5 acres. If a plat is exempt from the definition of a subdivision, it is considered an

exempt plat in our zoning ordinance and can be approved administratively (without Planning Board review). There are currently six conditions that allow recording an exempt plat and this will add two more.

Terry Gore made a motion to recommend approval of the proposed amendments to the subdivision ordinance. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This will move forward for consideration by the Board of Commissioners.

### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:35 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: August 14, 2017



John Finelli  
Chairman, Dare County Planning Board