

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 13, 2015. 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 7:00 pm

MEMBERS PRESENT Elmer R. Midgett, Jr., Chairman Michael Barr
John Finelli Beth Midgett
Richard "Ricky" Scarborough, Jr. Charles Read, Jr.

MEMBERS ABSENT David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the March 9, 2015 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

-None-

NEW BUSINESS

Preliminary Plat Review, Franklin Folb Sr. & Barry Crum Two Lot Division, Buxton Back Road, Buxton

Franklin Folb was present on behalf of the property owners.

Donna Creef spoke to the board. Mr. Folb owns a piece of property that shares access with the adjoining property owner, Barry Crum. Mr. Folb proposes subdividing lot 3 into lots 3A and 3B. The property would have a 15' easement that can be combined with a 15' easement on the Crum property, providing a 30' wide easement. Mr. Crum is not planning to subdivide his property at this time. There are exceptions to the minor subdivision standards, one of which allows a 20' perpetual easement for properties less than 3 acres. An easement of this type would require improvement to the sub-base standards of NCDOT as well as approval of the Fire Marshal. A turn-around will be required close to lot 3B. There will need to be a maintenance agreement between Mr.

Folb and Mr. Crum until such time as they decide to further sub-divide their property and, when that occurs, additional road improvements would be required.

Michael Barr asked for an acknowledgement on the plat stating that individual solid waste service and school bus pick-up service may not be available. Mr. Barr also asked for the easement improvements and recordation, the turn-around, and an agreement between the parties to provide road maintenance. Mr. Barr recommended the owner of Lot 2 be included on any road maintenance agreement. Ricky Scarborough asked where the Areas of Environmental Concern are and Mr. Folb replied they occur in the portion of the plat indicated as "unknown" and on the property line between lots A and B. Donna Creef said the proper CAMA certification would be required on the final plat.

John Finelli discussed access to lots 1 and 2 and recommended provision for such access be included in a legal agreement in the event the Crum property is subdivided. Mr. Finelli asked if the easement includes utilities. Mr. Folb said there is a power line and a water line on the property. Donna Creef said the final plat will be done after improvements are in place and the utilities will be located on the plat.

Michael Barr made a motion to recommend preliminary plat approval subject to the following:

- 1) There will be a 30' wide easement with 20' in width improved to the sub-base standards of NCDOT.
- 2) A turn-around area at lot 3B will be included and will also be improved to the sub-base standards of NCDOT.
- 3) A legal agreement addressing road maintenance, future improvements, and access to lots 1 and 2 will be provided and recorded with the final plat.
- 4) Mr. Crum will provide an acknowledgement stating that any future subdivision of the Crum property will require the easement to be improved to the minor subdivision standards of a publicly dedicated road.
- 5) Minor subdivision certificates will be included on the final plat.
- 6) The CAMA AEC certificate will be included on the final plat.
- 7) Utilities will be identified on the final plat and the utility easement shall be included as part of the 30' easement area.
- 8) Wetlands will be delineated on lots 3A and 3B in the event any future improvements are proposed on the lots.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

The preliminary plat approval is valid for 12 months.

Preliminary Plat Review, Frederick Tillet Three Lot Division, US 64/264, Roanoke Island

This item was removed from the agenda. This plat is the result of the settlement of an estate among the heirs and does not require Planning Board review.

Proposed Amendment to Conditional Use Permit, 1085 Colington Road, Wicked Parrott Tattoo

Jim and Brandi Caldwell, Owners, were present at the meeting.

Donna Creef spoke to the board. The Caldwells have been operating Wicked Parrott Tattoo on Colington Road for a year. The prior owners began operating the tattoo studio at this location in 2009. The Conditional Use Permit allows hours of operation from 10 a.m. until 9 p.m. on Monday through Saturday and after-hours by appointment. The Caldwells are asking to amend the Conditional Use Permit to add hours of operation on Sunday also, from noon until 9 p.m. The adjoining property owners have been notified of the request and no responses have been received. Planning has not received any comments or complaints about this business to date.

Charles Read made a motion to recommend approval of the requested amendment to the Conditional Use Permit for Wicked Parrott Tattoo to include hours of operation on Sundays from noon until 9 p.m. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This request will be forwarded to the Board of Commissioners for their review.

Proposed Zoning Text Amendment, Section 22-2 Definitions, Wicked Parrott Tattoo

Donna Creef told the board that when the VC-2 zoning regulations were amended to include Tattoo Studios as a conditional use, a definition of tattoo studio was also adopted. The prior owner of the tattoo studio in the VC-2 district asked the Planning Board to remove body piercing services from the tattoo studio definition. He later sold his business to Mr. and Mrs. Caldwell. They are asking to amend Section 22-2, Definitions, Tattoo Studio, to include body piercing.

VC-2 is the only commercial district that specifically lists tattoo studios as a conditional use. None of the other use-specific commercial zoning districts include tattoo studios in the list of permitted/conditional uses.

The Planning Board has the option of conducting a Public Hearing on the text amendment, recommending approval, or not recommending approval. The Board of Commissioners will be required to conduct a Public Hearing for this request.

John Finelli made a motion to recommend approval of the proposed text amendment to Section 22-2, Definitions, Tattoo Studio. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This matter will proceed to the Board of Commissioners as a request for public hearing.

OTHER BUSINESS

Rodanthe, Waves, Salvo March 5, 2015 Zoning Workshop Report from Staff

Donna Creef made a report on the responses received at the Rodanthe, Waves, Salvo zoning workshop held on March 5. Close to 70 people attended and 131 responses were received to the survey. Ms. Creef evaluated the responses using a spreadsheet and included all comments. Some of the long-time residents were not in support of changing the zoning. Some of the issues that did garner a favorable majority were topics such as lighting standards, separation from industrial uses, closed business standards, conditional use permit review, stormwater regulations, and fill standards.

Donna Creef recommends moving forward with a base zoning map for the area using the developed land use patterns and applying a zoning classification consistent with the existing uses on the property. It will be appropriate to leave some areas classified S-1, while some commercial districts may be more similar to 'village commercial'. The goal would be to have a use-specific zoning map. Ms. Creef also plans to research covenants that have been adopted to determine what uses were allowed or disallowed when the covenants were recorded.

After discussion, Chairman Midgett and the Planning Board directed Ms. Creef to proceed with the development of the base zoning map and zoning classifications. Ms. Creef plans to post the survey results on the county webpage and provide progress reports to the Planning Board at upcoming meetings.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Michael Barr and seconded by John Finelli.

Vote: Ayes – Unanimous

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: May 11, 2015



Elmer R. Midgett, Jr.
Chairman, Dare County Planning Board