

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 13, 2000. This meeting was held in the art exhibit room at Roanoke Island Festival Park.

**CALL TO ORDER** 7:00 P.M.

**MEMBERS PRESENT** Elmer R. Midgett, Jr. – Chairman  
Jon Britt  
Mary Aldridge  
Joe Thompson

**MEMBERS ABSENT** Marcia Parrott  
John Myers  
Joe Kierzkowski

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the October 9, 2000 meeting of the Dare County Planning Board, a motion to dispense with reading them and to approve them as submitted was made by Joe Thompson, seconded by Jon Britt.

Vote: Ayes – Unanimous

### NEW BUSINESS

#### *Linda Putnam – Roanoke Island – Conditional Use Permit Application*

Zoning Officer Lorraine Tillett presented staff comments on this application. She told the Board that Ms. Linda Putnam proposes to establish a nail salon in her home, which is located off Burnside Road. The property is identified as lot 2 in the division of Robert W. Putnam Tract and is zoned RS-8. The lot contains 21,780 square feet with a 1,200 square foot home. Access to the property is by a driveway off of Burnside Road.

Ms. Tillett stated that home occupations are permitted in all residential districts and allow the property owner or a member of the family to carry on an occupation or recognized profession while residing on the premises, provided that no merchandise or commodity is sold other than what is produced on-site. Not over 25% of the total floor area of the structure may be used for the home occupation. Mrs. Putnam's home contains 1,200 square feet and she proposes to use 300 square feet for a nail salon. Parking will be provided for two customers, and a handicap ramp is proposed at the rear of the site with a separate entrance to the nail salon.

Staff visited the site and found that Ms. Putnam plans to convert one of the bedrooms and make an access for the handicap ramp adjacent to the parking areas.

Ms. Tillett stated that the property was posted and adjoining property owners were notified of this application. There have been no negative responses received by the staff. The application as presented meets all of the requirements of the Dare County Code.

Ms. Tillett presented a draft Conditional Use Permit for the Board's review and consideration and recommended approval of the request.

A motion to recommended approval of the Conditional Use Permit as presented by staff, subject to approval by the Dare County Health Department, was made by Jon Britt, seconded by Mary Aldridge.

Vote: Ayes - Unanimous

***Colony Tire Corporation - Roanoke Island – Conditional Use Permit***

Present for the review of this application in addition to the Dare County Planning Board were members of the Manteo Town Planning Board and a representative from the Roanoke Voyages Commission.

Present representing the Town of Manteo were Billy Parker, Shannon Twiddy, Fred Featherstone Jack Gregory and Rueben Payne.

Present representing the Roanoke Voyages Commissions was Angel Khoury.

Present to represent Colony Tire Corporation was Ray Meekins of Seaboard Surveying and Mr. Charlie Creighton, President of Colony Tire.

Planning Director Ray Sturza presented staff comments. The Board reviewed a sketch plan for the proposed project last month. Since the developer wishes to connect to the Manteo central wastewater treatment system, and will require approval from the Town of Manteo and the Roanoke Island Voyages Commission it was suggested that the Dare County Planning Board, The Roanoke Voyages Commission, and the Town of Manteo conduct a joint meeting.

Mr. Sturza noted that the revised site plan submitted for review depicts a reduction in the building size and lot coverage. The parking lot has been reconfigured and one entrance to the site has been deleted. The redesign has also deleted the borrow pit from the lot coverage calculations as recommended by the Board at their last meeting.

Mr. Sturza stated that the revised site plan presents a much better layout than the first one and alleviates many of the staffs prior concerns. He further stated that the staff is more comfortable with the revised site plan and the architectural renderings and are ready to suggest that the Planning Board move forward with a recommendation if it is their pleasure.

Ray Meekins addressed the Board. He stated that this proposal is a conditional use in both the County and the Town of Manteo. He pointed out the differences and similarities in the Town of Manteo's and the County of Dare's Ordinances, as follows:

1. Buffering – Dare County's ordinance call for a 5' buffer strip along the right-of-way, but if parking for 5 or more cars are required then a 10' off set planted and maintained in lawn or other appropriate planting is required.

Manteo – A 5' foot buffer strip along the right-of-way with a minimum 3' height after two years with 3" caliper trees planted every 15' feet.

2. Lighting – The Town of Manteo requires a lighting plan, whereas Dare County requires that lighting be directed away from streets and adjacent property without a plan. The lighting plan, as Manteo is requesting, will be such that you will be able to tell candlepower at all foot-candles and the foot-candle rate at every point on the property will be demonstrated on the lighting plan.
3. Architecture – the Town of Manteo has definite ideas regarding properties within the B-2 district. Dare County does not have any architectural standards.
4. Parking spaces – The Town of Manteo requires parking spaces to be 18' x 9' feet with curb bumpers and raised curbing around the parking lot. Dare County requires spaces to be 10' x 20' with curb bumpers and affixed curbing.
5. Lot coverage – Dare County lot coverage is 60% excluding any barrow pits. Plan has been down graded to a consumer store rather than the originally proposed
6. Parking requirements – Manteo requires one space per 500 square feet of floor area. Dare County is one space per 200 square feet of retail area plus one space per employee.

Mr. Parker stated, that depending on the tree species they can be spaced up to 30 feet apart. He stated that the developer might want to look at the new fence ordinance for storage of some materials.

Mr. Meekins stated that there would be no exterior tire storage at this facility.

Mr. Creighton stated that he understand that he would be required to apply the most stringent regulations whether they be the County of Dare's or the Town of Manteo's.

Jack Gregory expressed concern regarding the storage of fuel on the site and whether or not hazardous waste material would be stored underground or in an above ground container.

Mr. Creighton informed Mr. Gregory that there would not be any storage of fuel on site and that all waste oil is stored in an above ground tank that is enclosed in the building. He stated that there is a dike system and is pumped out by an approved waste oil recycler.

Mr. Gregory informed Mr. Creighton that The Manteo Town Ordinance prohibits above ground storage of hazardous fuel or gasoline.

Angel Khoury, representing the Roanoke Voyages Commission commented that the site plan looks really nice and stated that the Voyages Commission doesn't have any concerns at this time. She stated the Commission always appreciates the plantings of live oaks or something that enhances the site.

Ray Sturza briefly discussed signage for the facility. He suggested a monument or pedestal mounted sign to compliment the building and the architecture much better than the traditional stand-alone pole.

Angel Khoury suggested that Mr. Creighton consider a sign that has some space within it to serve as a message board to avoid having any additional signs.

Shannon Twiddy, Planner for the Town of Manteo, informed Mr. Creighton that at the time of formal submission to the Town of Manteo he will be required to supply the front, side, and side exteriors visible from the right-of-way with materials being made of either brick, wood, or textured masonry. She stated that the actual calculations of what materials are on each side visible from the right-of-way to make sure that it meets the Town's design standards.

The Town of Manteo Board members concurred that this facility will be a welcomed addition once it becomes part of the Town of Manteo.

After lengthy discussion of this site plan, Planning Director Ray Sturza stated told the Board that if it is their pleasure to move forward on this Conditional Use Permit, staff will prepare a draft for the Chairman's review.

Dare County Planning Board members concurred that Mr. Creighton has done a good job in meeting all request.

A motion to recommend approval to the Dare County Board of Commissioners subject to a Conditional Use Permit outlining various conditions being prepared by staff was made by Joe Thompson, seconded by Jon Britt.

Vote: Ayes –Unanimous

***US 64/264 Rezoning Request – Collins Tract***

Present for the review of this rezoning request were members of the Collins family, represented by Norm Shearin, Attorney and Eddie Valdivieso of Quible and Associates.

Planning Director Ray Sturza presented staff comments. He told the Board that the Marshall C. Collins Family Limited Partnership has submitted a rezoning request. He stated that the strategy tonight is going to be to determine whether or not the Board wants to schedule or not schedule a public hearing concerning the request and adopt some kind of schedule for which we can follow in terms of moving through the procedures in order to reach a recommendation on a request.

Chairman Midgett stated that the Planning Board would definitely conduct a Public Hearing on this matter.

Eddie Valdivieso of Quible and Associates on behalf of the Marshall C. Collins Family Limited Partnership addressed the Board. He gave a brief history of the property and pointed out various characteristics of the land and what it is being used for now and what may happen in the future.

Mr. Valdivieso stated that the land has been in the Collins family for over 130 years and has a very interesting history behind it. There has been a substantial amount of data done on this site environmental impact wise for a number of reasons, as follows:

1. Primarily NCDOT did an environmental impact statement for the new right-of-way going into the property.
2. The Division of Water Resources currently has a dredging project underway in which they are pumping material onto the site.

Mr. Valdivieso stated that the underlying root of this rezoning request is to get back some of the fair value that the Collins family is losing as a result of the right-of-way going through their land. He noted that the uplands and wetlands have been verified and the map is good for another 5 years or so. He further stated that the bottom line for requesting that this property be zoned C-3 is that it gives the most, the higher, and best use of this property. The entire tract being zoned C-3 will also allow the Collins family to get the highest appraisal back on their land in their negotiating with NCDOT.

Norm Shearin, Attorney for the Collins Family, addressed the Board. He stated that it is important for the Board to recognize that what is driving this rezoning is not a specific development plan. He stated the request is being driven by considerations that the State has already. He stated that he is defending one condemnation action now for the Collins Family arising out of the right-of-way and the damages to the remainder of the tract, and is expecting a second condemnation action to be filed involving the land, which is on the south side of the new highway.

Mr. Shearin stated that he has had contacts from other state agencies, most significantly the Wildlife Resources Commission, expressing interest in acquiring this property. He stated that even though he is requesting C-3 zoning, the practical situation is that all of this land is going to end up in public ownership.

Mr. Shearin stated that this rezoning request is an effort to see that the Collins family gets paid fair compensation in these various takes. This whole effort is about fair compensation for the Collins family, and is not bad planning. There are good planning reasons to do what we are asking. He noted that every other corridor that comes into Roanoke Island is zoned C-3, and this request is not inconsistent with what the Dare County Planning Board and the Dare County Commissioners have done previously.

A motion directing staff to schedule a date for a public hearing was made by Joe Thompson, seconded by Mary Aldridge.

Mary Aldridge commented that with the holidays coming up, the public hearing should be scheduled so that more people will be able to attend.

Vote: Ayes – Unanimous

**OTHER BUSINESS**

None

**ADJOURNMENT**

There being no further business before the Board, a motion to adjourn was made by Joe Thompson, seconded by Jon Britt.

Vote: Ayes – Unanimous

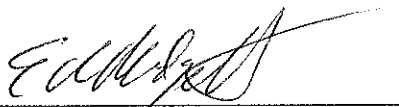
This meeting closed at approximately 8:40 PM.

Respectfully Submitted,



Jacqueline J. Tillett  
Senior Administrative Support Specialist

**APPROVED: 12-11-00**



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