

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, January 8, 2001. This meeting was held in the meeting room of the Dare County Board of Commissioners located at 204 Ananias Dare Street in Manteo, North Carolina.

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

**MEMBERS PRESENT** Elmer R. Midgett, Jr. – Chairman  
John Myers  
Jon Britt  
Marcia Parrott  
Joe Thompson

**MEMBERS ABSENT** Mary Aldridge  
Joe Kierzkowski

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the December 11, 2000 Planning Board meeting a motion to dispense reading those minutes and to approve them as submitted was made by John Myers, seconded by Jon Britt.

Vote: Ayes – Unanimous

### OLD BUSINESS

#### *Croatan Estates – Roanoke Island – Preliminary Plat*

Donna Creef presented staff comments. She told the Board that the latest version of this division features eight lots all to be served by on-site septic systems and private wells.

Mrs. Creef stated that the proposed road improvements will include a 30' wide right-of-way, and the developer has submitted an application for a road-crossing permit from the Army Corps of Engineers. Permits to fill the pond/barrow area and the wetlands on lots 3 and 4 depicted on the site plan need to be obtained. The fill work will need to be completed prior to final plat review.

Mrs. Creef pointed out that the square footage for lot 2 does not include the pond area, and lot 1 has been redesigned to exclude the easement area. A dumpster site has been included near lot 8.

Satisfactory comments from the Health Department have been submitted and are on file.

Mrs. Creef recommended preliminary plat approval subject to the wetland fill activity on lot 3 and 4 being completed prior to final plat review.

A motion to recommend preliminary plat approval subject to the wetland filling activities being permitted by the Corps of Engineers and completed prior to final plat review was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Walter E. Story – Duck – Conditional Use Permit***

Mr. & Mrs. Story were present for the review of this application.

Zoning Administrator Lorraine Tillett presented staff comments. She told the Board that Mr. Story is requesting authorization to establish a 6-customer seat deli in Suite #24, Building #2, Unit #4 of the Scarborough Faire Shopping Complex in Duck. She stated that the deli proposed consists of 594 square feet and was previously used as retail sales. The deli will provide carryout food service, and the seats will be used primarily for waiting. There is currently one bathroom in the unit and another handicap facility proposed as an addition to the site.

Ms. Tillett told the Board that parking does not appear to be a potential problem since there are currently 107 parking spaces provided. Ms. also presented a draft conditional use permit outlining conditions and hours of operation for the Board's review and consideration.

After discussing this application at length, a motion to recommend approval of this conditional use permit subject to the following was made by Jon Britt, seconded by John Myers:

1. The applicant submitting an engineered site plan approved by the Dare County Health Department for the proposed septic/drain field for the proposed deli.
2. Submission of an approved engineered site plan depicting the layout of the 107 parking spaces existing, open spaces and the current location of the 574 square foot unit to be occupied by the deli.
3. Restroom facilities be provided inside the Deli with handicap accessibility.
4. Verification of water availability for the deli from the water department.
5. Written comments from the Dare County Public Works Department verifying adequate solid waste disposal.
6. All supplementary state and local permits shall be secured prior to obtaining a Dare County Building Permit.
7. Outdoor advertising shall meet the requirements of the Dare County sign Ordinance.

Vote: Ayes - Unanimous

***Jeffrey Blinken – Duck – Conditional Use Permit - Hawaiian Island Ice Cream and Snowballs***

Zoning Administrator Lorraine Tillett presented staff comments. She stated that an application for a Conditional Use Permit has been submitted by Jeffery Blinken, d/b/a Hawaiian Island Ice Cream & Coffee, Inc. Mr. Blinken is requesting authorization to conduct a food service/refreshment facility at Osprey Landing in Duck. Ms. Tillett stated that the proposed use is regulated by Section 22-27 (2) of the Dare County Zoning Ordinance.

Ms. Tillett identified the following issues for discussion by the Board:

1. Restaurant seating is a requirement to establish food services in the VC district; the application makes no reference to any indoor seating.
2. The applicant proposes to submit an additional request for “Giant Slice Pizza” to operate in the old Webb’s Crab Shack site.
3. A detailed site plan prepared by a registered engineer depicting all retail space, parking, septic/drain field, and water be submitted to determine if this site will support a food service facility.
4. The location of the dumpster site should be addressed; as it is currently located in an awkward location.
5. Comprehensive report from the Health Department should be submitted and reviewed.
6. Restroom facilities for the proposed project needs to be finalized to accommodate both proposed food service establishments.

Mrs. Tillett suggested that the review of this application be considered a pre-application conference to insure and allow the applicant time to supply the Board with all the necessary information to approve this request.

Chairman Midgett suggested the applicant(s) meet with Mr. Fred Parker or a representative of the Environmental Health Department on site and outline what is proposed for all three of the establishments (Hawaiian Island Ice Cream & Coffee Shop, Giant Slice Pizza, and the proposed Kayak operation.

Mr. Neal Blinken told the Board that the buildings were always used for retail sales and he has not plans to increase the square footage of the structure. He informed the Board that the coffee shop is not considered a food service by the Health Department and is regulated by the Department of Agriculture. Mr. Blinken further stated that there is no food preparation involved.

Mr. Blinken also told the Board that the proposed ice cream/coffee shop is not a restaurant and will create no greater impact on the existing parking than the previous retail use. He further stated that the unit has a handicapped accessible bathroom facility currently. The proposed use is not going to impact the current septic or parking spaces.

Chairman Midgett informed Mr. Blinken that the Board would like to look at the whole picture before making a recommendation. He advised Mr. Blinken to submit the ice cream/coffee shop, kayak business, and pizza establishment as one project.

Mr. Blinken briefly discussed the proposed pier and kayak operation. He told the Board that he want to offer a shuttle service for both the employees and patrons of this facility. He stated he hasn't worked out the details of the shuttle service yet.

The Planning Board considered this review a pre-application conference, therefore no action was taken. This item will be rescheduled for the February 12, 2001 Planning Board meeting.

#### **OTHER BUSINESS**

Ray Sturza informed the Board that on Tuesday, January 2, 2001 the Dare County Board of Commissioners adopted a resolution establishing a moratorium on structures 20,000 square feet or greater in area. The moratorium is for a period of 60 days and was adopted to allow for the development of new zoning measures to deal with a growing concern in the community that these large structures are incompatible with village-like environment of Dare County.

Mr. Sturza presented the Board with a number of alternatives for consideration ranging from down-zoning existing C-3 districts to adopting new standards for existing districts. Mr. Sturza stated that he is very comfortable with alternative A.

After brief discussion, a motion for staff to move forward on this initiative was made by John Myers, seconded by Marcia Parrott.

Vote: Ayes – Unanimous

#### **ADJOURNMENT**

There being no further business before the Dare County Planning Board a motion to adjourn was made by John Myers, seconded by Jon Britt.

Vote: Ayes – Unanimous

This meeting closed at approximately 8:50 PM.

Respectfully Submitted,



Jacqueline J. Tillett  
Senior Support Administrative Specialist

APPROVED: 2/12/01



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