



Planning Board Agenda Packet

June 12, 2018

Work Session

6:30 PM

Call to Order

- A) Pledge of Allegiance & Moment of Silence
- B) Ask for Disqualifications
- C) Announce Quorum Being Met
- D) Approval of Agenda

Approval of Minutes for May 10, 2018**Old Business****New Business**

- A) **PB 18-15 Eagle Creek Golf Course and Grill:** Text amendment to the UDO to modify off-premise directional sign regulations.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

May 10, 2018
Minutes – Regular Meeting of the Planning Board

WORK SESSION

A work session was held in the conference room with staff and board members. Planning Director, Laurie LoCicero gave an overview of the three text amendment cases to be heard at the Planning Board Meeting.

CALL TO ORDER

The Currituck County Planning Board met at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Absent	
Carol Bell	Board Member	Present	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Absent	
Jeff O'Brien	Board Member	Present	
Jane Overstreet	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order.

A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

B. Ask for Disqualifications

Chairman Whiteman asked if any board member had a conflict of interest with the matter coming before the board. No conflicts were noted.

C. Announce Quorum Being Met

Chairman Whiteman announced a quorum being met with five board members present.

D. Approval of Agenda

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. O'Brien motioned to approve the agenda as presented. Ms. Overstreet seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Fred Whiteman, Chairman
SECONDER:	Jane Overstreet, Board Member
AYES:	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
ABSENT:	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member

APPROVAL OF MINUTES

Chairman Whiteman asked if any changes were needed for the meeting minutes for March 13, 2018. With no changes noted, Mr. Craddock motioned to approve the minutes as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Craddock, Board Member
SECONDER:	Jeff O'Brien, Board Member
AYES:	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
ABSENT:	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member

E. PB Minutes March 13, 2018

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 18-10 Clifford C. Byrum, Jr.:

The Planning Director, Laurie LoCicero presented the staff report. This text amendment, submitted by Clifford C. Byrum Jr. is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) to define Craft Distilleries based on volume produced in lieu of the current building square footage threshold. The UDO currently classifies breweries by volume produced and this text amendment would regulate distilleries similarly. The production limit according to the American Distilling Institute for a Craft Distillery is 52,600 (as stated in the staff report) cases per year.

Chairman Whiteman during the work session had questioned the case number limit of 52,600 and referenced the online site for the American Distilling Institute showing that the number is actually 52,000. Also, Larry Lombardi represented Mr. Byrum and a phone conference was held during the work session that included Mr. Byrum, staff and board

members. Mr. Byrum said he miscalculated the number of cases and agreed that the number should be changed to 52,000.

Chairman opened the public hearing. No one was signed up to speak, nor wished to speak and the public hearing was closed.

Mr. Craddock made a motion to approve with the change to the limited number of cases being 52,000 since it is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans; is not in conflict with any provision of this Ordinance or the County Code of Ordinances and is required by a change. Mr. O'Brien seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/4/2018 6:00 PM
MOVER:	Steven Craddock, Board Member	
SECONDER:	Jeff O'Brien, Board Member	
AYES:	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
ABSENT:	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

B. PB 18-11 Julie Christian:

The Planning Director, Laurie LoCicero presented the staff report. This text amendment submitted by Julie Christian is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) to allow Medical Aesthetics Tattooing in the General Business (GB) Zoning District. The current ordinance allows tattooing in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts and does not acknowledge different types of tattooing. Medical Aesthetics tattooing is a professional service conducted in an office setting similar to a doctor or dentist. Including Medical Aesthetics Tattooing in the definition of *Professional Services Office* will allow the use in the MXR, GB, LB, CC, and VC zoning districts.

Mr. Craddock asked if he was correct in saying a Tattoo Parlor does not require a Use Permit. Ms. LoCicero said yes, a simple zoning permit in HI and LI zoning districts is the only requirement.

Discussion was held on whether Medical Aesthetics Tattooing would be allowed as a Home Occupation in homes located in the GB zoning district. Ms. LoCicero read the standards of Home Occupation from the UDO for clarification.

Chairman Whiteman opened the public hearing and asked the applicant, Julie Christian, to come before the board. Ms. Overstreet asked Ms. Christian about certification requirements. Ms. Christian said she has had 210 hours of classes and she is one of twelve licensed to do this type of medical tattooing in Virginia. She has also been a licensed aesthetician in three different states.

No other person was signed up to speak, nor wished to speak and the public hearing was closed.

Chairman Whiteman asked for a motion.

Ms. Overstreet motioned to approve with staff recommendations except to delete the last sentence on the recommended definition for Body Art (Body art is decorative in nature and does not include medical aesthetics tattooing). Ms. Bell seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/4/2018 6:00 PM
MOVER:	Jane Overstreet, Board Member	
SECONDER:	Carol Bell, Board Member	
AYES:	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
ABSENT:	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

C. PB 18-12 Sign Illumination:

The Planning Director, Laurie LoCicero presented the staff report. The current UDO does not allow internally-illuminated signs, either on the mainland (including Gibbs Woods and Knotts Island) or the Outer Banks. When the sign ordinance was updated in 2017 to comply with Supreme Court decision *Reed v. Town of Gilbert, Arizona*, there was a change in language that required all sign lighting to be full cut-off. This eliminated the internally illuminated signs since most internally illuminated signs cannot meet the definition of full cut-off. Until the revision in 2017, internally illuminated signs were allowed on the mainland. This text amendment is to allow internally illuminated signs on the mainland and to require all externally illuminated signs on the mainland and Outer Banks to meet the full cut-off requirements.

Chairman Whiteman opened the public hearing and Roger Ambrose from Camden, North Carolina, came before the board. He had two previous applications for signs turned down due to the unintended consequence of the previous change to the Unified Development Ordinance in 2017. Mr. Ambrose said he supports this text amendment for internally illuminated signs on the mainland.

There were no other speakers. Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve the text amendment as written by staff since it is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans; is not in conflict with any provision of this Ordinance or the County Code of Ordinances and is required by a change. Mr. O'Brien seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 5/21/2018 6:00 PM
MOVER:	Steven Craddock, Board Member	
SECONDER:	Jeff O'Brien, Board Member	
AYES:	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
ABSENT:	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Ms. Overstreet reminded everyone to get their beach parking permits.

ADJOURNMENT

Mr. O'Brien motioned to adjourn the meeting. Ms. Bell seconded the motion and the meeting adjourned at 7:44 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2187)

Agenda Item Title

PB 18-15 Eagle Creek Golf Course and Grill:

Brief Description of Agenda Item:

Text amendment to the UDO to modify off-premise directional sign regulations.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave



Currituck County

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055 FAX 252-232-3026

To: Planning Board

From: Planning Staff

Date: June 1, 2018

Subject: PB 18-15 Eagle Creek Golf Course and Grill Text Amendment

In the current UDO off-premise directional signs are allowed for businesses adjoining the Currituck Sound and Atlantic Intracoastal Waterway. The signs must be placed within two miles from those businesses on property under the same ownership and in a business or mixed-use zoning district. Eagle Creek Golf Course and Grill has submitted a text amendment to modify the off-premise directional sign regulations. The proposed amendment would address the following:

- Off-premise directional signs would be allowed to be erected for businesses located within **two miles of a major arterial street**, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway.
- Off-premise directional signs would be allowed to locate in the AG (Agricultural) zoning district, in addition to business and mixed use districts.
- Off-premise directional sign size and height would be reduced from 64 square feet and 15 feet high to a size and height similar to a street name sign.
- The off-premise directional sign could only list the business name and direction in which the business is located.
- The off-premise directional sign would no longer have to be located on property under the same ownership as the business to be identified on the sign.

Over the years, the UDO was amended to address off-premise advertising. Below is a list of UDO amendments that relate to off-premise directional signs:

- The 1992 UDO allowed off-premise directional signs for businesses in Corolla Village, businesses within 1,200 feet of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal). The sign could display the name of the business and the direction in which it was located.
- On April 4, 2011 the Board of Commissioners approved an amendment that removed off-premise directional signs from the UDO. The amendment was part of a comprehensive sign ordinance amendment that was prepared by a sign committee.
- On January 22, 2013, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs for existing businesses (established prior to January 1, 2013) located in a business or mixed use zoning district on the Currituck Sound or Atlantic Intracoastal Waterway. The amendment allowed off-

premise directional signs that did not exceed 64 square feet in area and 10 feet in height and applied to five businesses at that time.

- On May 4, 2015, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs to increase in height from 10' to 15' and clarified that electronic message boards were not allowed.

Examples:

It is important to note that a text amendment applies county wide. For example, Moyock Commons and Currituck Commercial Subdivision have approximately 2,400' of road frontage along Caratoke Highway. Approximately 13 off-premise directional signs could be erected if the proposed text amendment is adopted. The 750'+/- of Sampat Professional Center's Caratoke Highway road frontage would be allowed to erect approximately 14 off-premise directional signs. These are some of the more intense examples, but research based on tax listings and field work indicates that approximately 150 businesses on the mainland could take advantage of this text amendment.

Recommendation:

Staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan, its inconsistency with the purpose and intent of Section 5.12 of the UDO, and it is not reasonable and in the public interest because it does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic. The inconsistent LUP policies are:

LUP POLICY CA4: SIGN POLICIES AND STANDARDS should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.

LUP POLICY CA5: Currituck recognizes that attractive, less commercialized landscape particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional **BILLBOARDS AND OFF-SITE ADVERTISING SIGNS** shall not be permitted in Currituck County.

PB 18-18
Eagle Creek Golf Club and Grill

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to modify off-premise directional sign standards.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 5 is amended by adding the following bold underlined language and deleting the strike-through language in Section 5.12.6.D Off-Premise Directional Signs:

5.12.6.D Off-Premise Directional Signs

(1) Applicability

The standards in this section shall apply to businesses existing prior to June 1, 2018 located in an Agricultural, Business, and or Mixed-Use Zoning District adjoining the Currituck Sound, or Atlantic Intracoastal Waterway, or a major arterial street that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

(2) Prohibited

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street

(3) Exemptions (Sections to be renumbered accordingly)

Off-premise directional signs erected as a part of an NCDOT program located within the NCDOT right-of-way.

(4) General

- (a) Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.
- (b) Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.
- (c) Off-premise directional signs must be located in an Agricultural, Business, or and Mixed-Use Zoning District adjoining a major arterial street.
- (d) A maximum of one off-premise directional sign is permitted per business. A use lot shall have a maximum of one off-premise directional sign.
- (e) Off-premise directional signs shall not exceed 64 square feet in area and 15 feet in height.
- (f) An off-premise directional sign shall be allowed to display the name of the business only and the direction in which it is located.
- (g) The sign shall be similar in size and style to a street name sign and shall not be illuminated.
- (g) Off-premise directional signs shall not be located within the sight triangle or street right-of-way.
- (h) Off-premise directional signs shall not contain an electronic message board or be lighted in any manner.

Item 2: Statement of Consistency and Reasonableness:

The requested zoning text amendment is inconsistent with the 2006 Land Use Plan because:

- Sign regulations should be established and periodically updated to enhance community appearance and create a quality business image. (LUP POLICY CA4)
- Attractive, less commercialized landscape particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional off-premise signs shall not be permitted. (LUP POLICY CA5)

The request is not reasonable and in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO.
- It commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2018.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____

MOTION TO ADOPT BY COMMISSIONER: _____

SECONDED BY COMMISSIONER: _____

VOTE: ____ AYES ____ NAYS

.....

PLANNING BOARD DATE: June 12, 2008

PLANNING BOARD RECOMMENDATION: _____

VOTE: ____ AYES ____ NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: _____

BOARD OF COMMISSIONERS PUBLIC HEARING: _____

BOARD OF COMMISSIONERS ACTION: _____

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

SAMPLE MOTION WORKSHEET LEGISLATIVE HEARING

SUGGESTED MOTION FOR DENIAL

I move to **deny PB 18-15** because the request is not consistent with the Land Use Plan because:

- LUP POLICY CA4: SIGN POLICIES AND STANDARDS should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.
- LUP POLICY CA5: Currituck recognizes that attractive, less commercialized landscape particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional BILLBOARDS AND OFF-SITE ADVERTISING SIGNS shall not be permitted in Currituck County.

And the request is not reasonable and not in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO.
- It does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic.

SUGGESTED MOTION FOR APPROVAL

I move to **approve PB 18-15** because the request is consistent with the Land Use Plan because:

- Small business start-ups, expansions, and spin-offs shall be recognized. (LUP POLICY ED4)

And the request is reasonable and in the public interest because:

- It will direct traffic to business locations not fronting a major arterial street.

The Board must include conditions of approval, if any, in the motion.