



Dare County Planning Board Meeting

Dare County Board of Commissioners Meeting Room
954 Marshall C. Collins Drive
Manteo, NC 27954

September 13, 2021

Agenda

- I. Call to order **6:00 PM**
- II. Administer Oath of Office
- III. Roll call
John Finelli, Chairman
Michael Barr
Terry Gore II
David Hines
Beth Midgett
David Overton
Buddy Shelton
- IV. Approval of minutes for the August 9, 2021 meeting
- V. Public Comment
- VI. Old Business
 - a. Preliminary Plat Review, Roger Hosfelt Subdivision, Parcel 016073001, Lighthouse Ct., Hatteras, NC
- VII. New Business
 - a. Zoning Text Amendment, Food Truck Regulations, Lands End Development, LLC, 41001 NC 12 Hwy, Avon, NC
 - b. Amendment to Travel Trailer Park and Campground Ordinance, Vegetative Buffer Requirement, Avon by the Sea RV Resort, 41001 NC 12 Hwy, Avon, NC
 - c. Special Use Permit Application to Add a Fish House, Fisherman's Heritage, LLC, 57162 Altona Ln, Hatteras, NC
- VIII. Other Business
 - a. None
- IX. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, August 9, 2021. 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 6:02 pm

MEMBERS PRESENT John Finelli, Chairman
Terry Gore II David Overton
David Hines Buddy Shelton

MEMBERS ABSENT Beth Midgett Michael Barr

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the July 12, 2021 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

-None-

NEW BUSINESS

Zoning Text Amendment, I-1 Lot Coverage Standard, United Parcel Service, 221 Etheridge Road, Manteo, NC

Jay McCleave, Jr., Business Manager for the Manteo and Edenton United Parcel Service Package Center was present.

Donna Creef, told the Board that Prime Engineering, Inc. on behalf of the United Parcel Service (UPS) had filed a request to amend the text of the I-1 (Industrial) district to increase the lot coverage limitation from 35% of impervious coverage to 60% of impervious coverage.

Ms. Creef said UPS owns a facility near the airport off Etheridge Road on Roanoke Island and plans to expand the facility. The 35% lot coverage limitation was identified as an issue. UPS guidelines require paved parking areas for their facilities.

Draft

Ms. Creef explained in an earlier conversation Chairman Finelli had suggested a text amendment to the C-3 to add package distribution and delivery services as a permitted use. This would allow a 60% lot coverage versus adjusting lot coverage for the entire I-1 District. Ms. Creef said the Chairman's suggestion is the better option. She contacted Prime Engineering and they acknowledged agreement of the text amendment change to C-3.

Chairman Finelli asked Mr. McClease if the option meets the needs of the UPS. Mr. McClease responded that it does.

Terry Gore made a motion to recommend approval of the Zoning Text Amendment to add Package Distribution and Delivery Services as a permitted use to the C-3 Zoning District. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

Terry Gore made a motion to recommend approval and a finding of consistency with the 2009 Land Use Plan update. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for their consideration.

OTHER BUSINESS

Discussion of Rules of Procedure for the Planning Board – Chapter 160D Requirements

Donna Creef addressed the Board. She stated as part of the 160D revisions it was written into Chapter 152.10 – Planning Board that the Board must adopt rules of procedure that follow the same rules as the Board of Commissioners. The Board of Commissioners Rules of Procedure were edited and are reflective to how the Planning Board operates. A copy of the Rules of Procedure draft was provided to the Board for their review. Ms. Creef noted this was more of a housekeeping item.

Buddy Shelton made a motion to adopt the Planning Board Rules of Procedure as required by Chapter 160D Requirements. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

Planning Director, Donna Creef, announced to the Board that she had submitted the date for her retirement. Her last day will be January 31, 2022.

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:18 p.m.

Respectfully Submitted,

Andrea DiLenge
Planning Board Clerk

APPROVED: September 13, 2021

John Finelli
Chairman, Dare County Planning Board

SUBDIVISION FACTSHEET

Planning Board – September 13, 2021 Preliminary Plat Review

NAME: Roger Hosfelt Subdivision
LOCATION: Hatteras, NC
SITE SPECIFICS: Total site area: 2.48 acres
Number of proposed lots: 3
Smallest lot area: 16,512 square feet
Site Zoning: R2-AH Residential

STREETS:

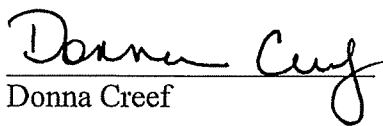
The division is proposed as an exception to minor subdivision standards, which allows for a 20-foot wide access easement.

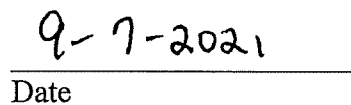
UTILITIES:

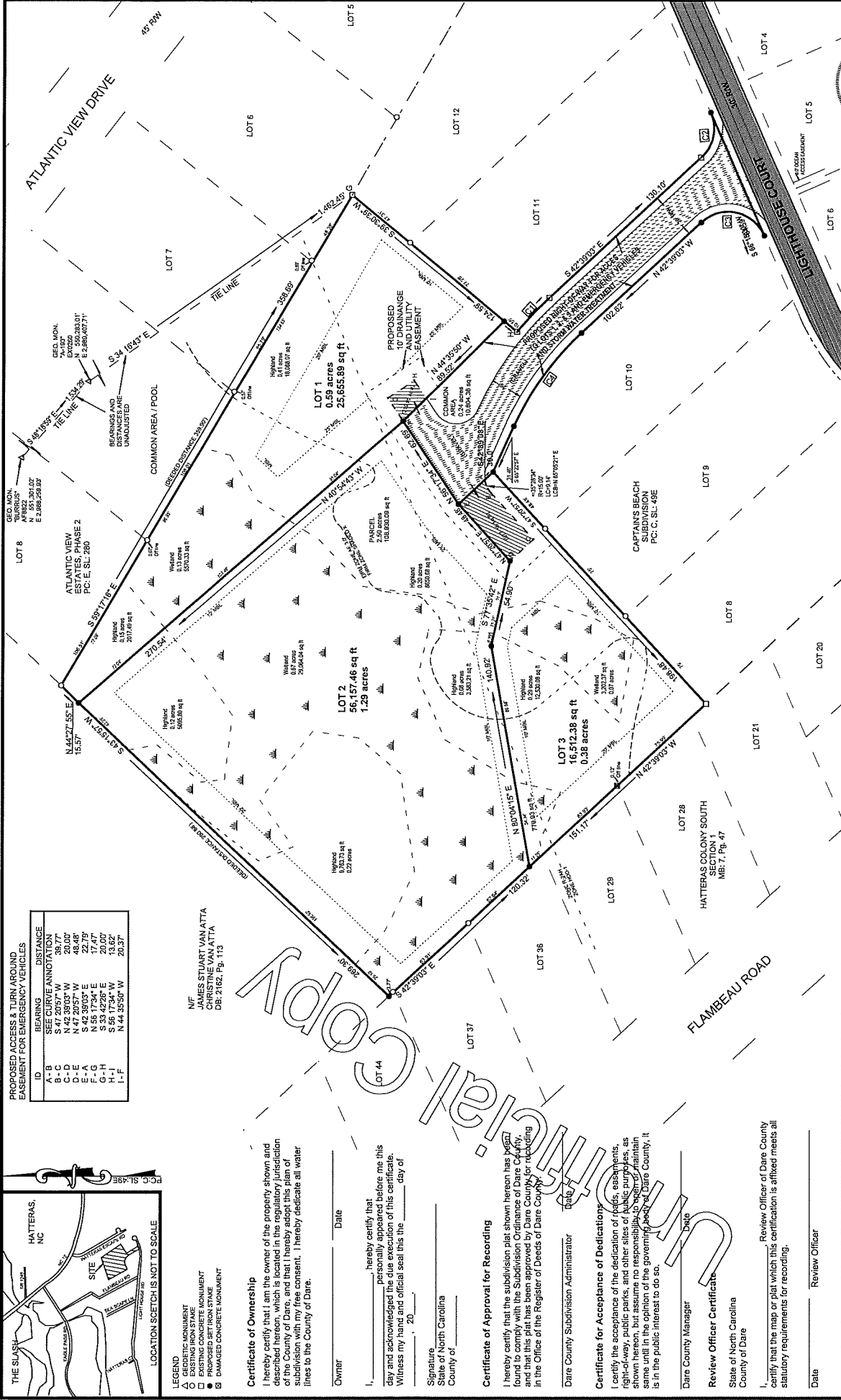
1. Water: Dare County central water system
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: State permit provided to Planning Department along with grading plan.

STAFF COMMENTS

The division has been revised to address the surveying concerns of Michael Barr that was discussed with the surveyor in July. A note has been added to the plat to indicate the easement will be improved to the sub-base standards of NCDOT. Lot 2 indicates a square footage of 1.29 acres but there is also a listing for Parcel 2.50 acres which is confusing. This 2.50 acres is the size of the total tract. A note should be added to the final plat and the covenants indicating that no parking shall occur in the common area/easement. This includes the use of the easement area for designated parking spaces required by the Zoning Ordinance.


Donna Creef


Date



I, Eric J. Harmon, P.L.S., certify that this survey was made in accordance with the laws of the State of North Carolina and that I am duly licensed to practice as a Professional Land Surveyor in the State of North Carolina. My commission expires on 12/31/2024.

Eric J. Harmon, P.L.S., L-5363



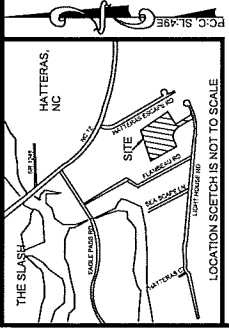
PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES.

- NOTES:
- This survey is subject to any facts that may be disclosed by a full and accurate title search.
 - The boundaries shown herein must be verified. The surveyor makes no certification as to zoning and/or restrictive covenants setbacks.
 - This parcel is located in the Wind-Borne Debris Region.
 - Some portions of these lots in this subdivision are located in Areas of Environmental Concern. Individual permits may be required before development may take place in these areas. Hazard areas as designated on Flood Insurance Rate Maps for Dare County, Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas.
 - The level of gravel improvements proposed for the easement will be the sub-base standard used by using existing monuments.
 - Distances in parentheses reflect the deduced dimensions where different from distances observed in the field.
 - Distances in parentheses reflect the deduced dimensions found as shown. Meridian for survey based upon recorded bearing S 39°30'39" W for line G-H per P.C. C. SL. 49E.

PROPOSED ACCESS & TURN AROUND EASEMENT FOR EMERGENCY VEHICLES

ID	BEARING	DISTANCE
A-B <td>SEE CURVE ANNOTATION</td> <td>38.77'</td>	SEE CURVE ANNOTATION	38.77'
B-C <td>S 47° 20'57" W</td> <td>20.00'</td>	S 47° 20'57" W	20.00'
C-D <td>N 42° 38'05" W</td> <td>20.00'</td>	N 42° 38'05" W	20.00'
D-E <td>S 47° 20'57" W</td> <td>20.00'</td>	S 47° 20'57" W	20.00'
E-F <td>N 56° 17'34" E</td> <td>17.47'</td>	N 56° 17'34" E	17.47'
F-G <td>S 33° 42'26" E</td> <td>20.00'</td>	S 33° 42'26" E	20.00'
G-H <td>S 55° 17'34" W</td> <td>13.62'</td>	S 55° 17'34" W	13.62'
H-I <td>N 44° 35'50" W</td> <td>20.37'</td>	N 44° 35'50" W	20.37'

BY: JAMES STUART VAN ATTA
CHRISTINE WALATTA
DB: 2162, Pg. 113



- LEGEND
- ▲ GEODETIC MONUMENT
 - EXISTING IRON STAKE
 - PROPOSED SET IRON STAKE
 - DAMAGED CONCRETE MONUMENT

Certificate of Ownership

I hereby certify that I am the owner of the property shown and described hereon, which is located in the regulatory jurisdiction of the County of Dare, and that I hereby adopt this plan of subdivision with my free consent. I hereby dedicate all water lines to the County of Dare.

Owner _____ Date _____

I, _____, hereby certify that I personally appeared before me this _____ day and acknowledged the due execution of this certificate. Witness my hand and official seal this the _____ day of _____, 20____.

Signature _____
State of North Carolina _____
County of _____

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Dare County, and that this plat has been approved by Dare County, for recording in the Office of the Register of Deeds of Dare County.

Dare County Subdivision Administrator _____

Certificate for Acceptance of Dedications

I certify the acceptance of the dedication of roads, easements, right-of-way, public parks, and other sites of public purposes, as shown hereon, but assume no responsibility to acquire or maintain same until in the opinion of the governing body of Dare County, it is in the public interest to do so.

Dare County Manager _____

Review Officer Certificate

State of North Carolina _____
County of Dare _____

I, _____, Review Officer of Dare County certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

SUBDIVISION PLAT FOR:	
ROGER HOSFELT	
HOSFELT SUBDIVISION	
LOTS 1, 2 & 3	
0 LIGHTHOUSE CT., HATTERAS, NC 27943	
Township	NORTH CAROLINA
County	DARE
File Number	08 9584 08 99 0084
Parcel Number	AE & X
Base Flood Elevation	
Zone	3 (AE) & SHADED(X)
Community/Provision/Use	Zoning R-20RH & HDB-1
Recorded Reference	3720 9584 00 K
Recorded Date	7/7/2021
State	NC
Lot	1, 2, 3
Area	16,512.38 sq ft
Permit	25,655.89 sq ft
Other	56,157.46 sq ft
Total	108,930.09 sq ft
Notes	2.48 acres

Lot	Area	Permit	Other	Total
LOT 1	16,512.38 sq ft	25,655.89 sq ft	56,157.46 sq ft	98,325.73 sq ft
LOT 2 (LARGEST LOT)	16,512.38 sq ft	25,655.89 sq ft	56,157.46 sq ft	98,325.73 sq ft
LOT 3 (SMALLEST LOT)	10,804.36 sq ft	16,512.38 sq ft	25,655.89 sq ft	52,972.63 sq ft
TOTAL AREA	43,829.12 sq ft	67,824.16 sq ft	138,070.67 sq ft	249,723.95 sq ft



County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

September 1, 2021

MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Amendment to Section 22-58.5 Food Stands and Mobile Food Units

Joe Thompson has filed an application to amend Section 22-58.5 of the Zoning Ordinance to allow more than one mobile food unit (food truck) on a site. Currently 22-58.5 allows one mobile food unit per commercial site. He has provided a detailed cover letter with his application.

Dare County amended the Zoning Ordinance in 2018 to allow mobile food units. The regulations permit the location of one mobile food unit on a site with an existing commercial business in zoning districts that allow restaurants. Mobile food units cannot be located on vacant lots. Since the adoption of the regulations in 2018, we have processed eight mobile food unit applications. Two of these are no longer in operation. Mr. Thompson envisions the operation of multiple food trucks that would function similar to food courts in shopping malls whereby a variety of food is offered in one central location. His cover letter suggests a maximum of five food trucks on one site.

If there is consensus among the Planning Board members for amending Section 22-58.5 to allow more than one food truck per site, then the discussion should focus on parking for the additional trucks, separation of the trucks, and the use of vacant property. I have attached a copy of Section 22-58.5 with some revised language to serve as a starting point for the Board's discussion. The sections highlighted in yellow are those sections that will need adjustments to accommodate multiple food trucks. I have also made some revisions for clarification and administration of the regulations.

Section 22-58.5 Food Stands and Mobile Food Units

Intent and Effect: The section shall apply to the review, approval and operation of any food stand and/or mobile food unit as permitted in the individual zoning districts of unincorporated Dare County. ~~These regulations shall be effective March 19, 2018 and apply to any food stand authorized by Dare County after this adoption date.~~ These regulations shall be effective March 19, 2018 and apply to any food stand authorized by Dare County after March 19, 2018.

Mobile food units: Mobile food units as defined in Section 22-2 of the Dare County Zoning Ordinance may be authorized as a food stand subject to the conditions and procedures set forth in this section.

Approval procedures: A food stand listed as a “permitted” use in the applicable zoning district shall be subject to administrative approval by the Dare County Planning Department. A food stand listed as a “conditional” use in the applicable zoning district shall be subject to Planning Board review and Board of Commissioners approval according to the provisions of Section 22-68 of the Dare County Zoning Ordinance. ~~An up-to-date~~ A site plan depicting the location of the proposed food stand shall be provided to the Dare County Planning Department as part of the review process. Approval from the Dare County Health Department shall be obtained and proof of the Health Department approval submitted to the Planning Department.

Location of mobile food units: A Mobile food units shall be located on a parcel of land in conjunction with an existing commercial structure or use. ~~Only one mobile food unit shall be located on a parcel of land in conjunction with an existing commercial structure or use.~~ A maximum of five mobile food units may be located on a site in conjunction with an existing commercial use. Written approval from the owner of the commercial use shall be submitted as part of the site plan review process. Mobile food units shall be separated by a minimum of ten feet from other mobile food units.

Non-mobile food units: ~~A food stand proposed for use as a principal, stand-alone use~~ A permanent structure may be used as a non-mobile food stand and may be permitted subject to the review procedures set forth in this section and the applicable zoning district.

Seating: Any food stand, both mobile and non-mobile structures shall be limited to the seating restrictions of this section. An unenclosed, outdoor seating area may be provided for customers of the food stand. The maximum number of seats shall not exceed eight seats. The location of the seating shall be identified on the site plan submitted for the food stand and seating shall not be located in any setback area, parking area, or stormwater management area. A food stand shall not feature indoor seating.

Public Restrooms: Any food stand, both permanent and mobile food units, that provides outdoor seating shall provide public restrooms on the same site for use by their customers and employees. Public restrooms of the affiliated business or restaurant may be used to meet this requirement if the restrooms meet the requirements of the North Carolina Plumbing Code. Portable toilets shall not be used to meet this public restroom requirement.

Setbacks: Any food stand, both mobile food units and non-mobile food units, shall meet the zoning setbacks for a principal use structure applicable to the site. ~~where such the food stand is to be located.~~

Parking: ~~Ten parking spaces, as required by Section 22-56 for food stands, shall be identified on the site plan for the property where the food stand will be located.~~

Parking spaces for the existing business affiliated with the food stand may be approved for use by the food stand if the hours of operation for the food stand and the existing business do not overlap or if the existing business has excess parking spaces that can be assigned to the food stand. If the parking for the existing business cannot be used, ten parking spaces shall be provided for use by a food stand. For mobile food units, two additional parking spaces per mobile food unit shall be provided in addition to the initial ten parking spaces.

Signage: A separate freestanding business sign for the food stand shall not be displayed. Temporary signage or sandwich board signs shall not be used. Advertising for the food stand may be incorporated into the freestanding sign for the existing business if such sign does not exceed the allowable square footage as established by the Dare County Sign Ordinance. Signage on the outside of the food stand attached to the unit may be authorized by the Planning Department during the approval process. One flag as defined in the Dare County Sign Ordinance may be displayed at the food stand location according to the provisions of the Dare County Sign Ordinance. Any flag displayed at the food stand shall not interfere with line of sight clearances in parking areas.

Solid Waste: Trash receptacles for customer and employee use shall be provided onsite by the food stand operator. Approval to use the solid waste containers of the affiliated business shall be submitted as part of the approval process. Solid waste containers provided at public beach accesses or other public sites shall not be used.

Hours of Operation: Hours of operation for any food stand shall be established during the approval process and noted in the approval certificate issued by the Planning Department.

~~Annual Review: Annual review of any mobile food unit approved as a food stand is required and shall include the submission of documentation from the affiliated business and restaurant.~~

Other conditions:

Any mobile food unit authorized as a food stand shall be kept in a "ready to move" state and shall not have the wheels or tires removed from the unit. Pre-fabricated accessory structures intended for storage purposes and constructed off-site or factory-built shall not be used as food stands.

No drive-thru window service whereby patrons are served while seated in vehicle shall be permitted at a food stand.

Nothing in these regulations shall be interpreted to apply to catering services or special event food vendors as approved by the Dare County Health Department or to emergency response feeding services offered as part of emergency response operations.

**COUNTY OF DARE
ZONING AMENDMENT APPLICATION
OR AMENDMENT TO DEVELOPMENT REGULATION**

Any zoning map, zoning text amendment, or amendment to other development regulation is subject to legislative review and approval by the Dare County Board of Commissioners according to the procedures of Section 22-81 of the Dare County Zoning Ordinance. Applications for amendments shall be made in writing to the Dare County Planning Director and shall be signed by all property owners or their duly authorized agents.

Property Owner (s) LAND'S END DEVELOPMENT LLC
Address: PO Box 509, AVON NC 27915
Telephone: 252 9960565 Email: joe@KORUVILLAGE.COM

Property Description:

Lot	Phase/Section	Block	Subdivision
Parcel: <u>014800000</u>			<u>AVON THORTON L.P.</u>
			PIN: <u>054906296857</u>

Text Amendment Map Amendment

Present Zoning Classification: OTHER

Requested Zoning Classification : OTHER

Explanation of Request: amendment to food truck regulations Sec 22-58.5

amendment to allow more than one food truck on properties -- see additional details
in cover letter.

Amendment applications shall not be processed by the Planning Director until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Director shall schedule review of the application as established in the Zoning Ordinance Sections 22-82 to 22-86. Amendments are legislative decisions and involve review by the Planning Board and Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Director. Citizen comments shall be processed according to Section 22-82 and Section 22-85 of the Zoning Ordinance.

Applicant: Joseph Thompson

Date: 8/12/2021

To: Donna Creef
Dare County Planning Director

From: Joe Thompson
Founder, Koru Village

Re: Food Truck Ordinance

Date: August 12, 2021

Thank you for the opportunity to address the issue of Food Trucks in Dare County and look to the future possibilities of this growing Food and Beverage sector.

First, it is helpful to ask why the popularity of Food Trucks is growing so quickly across the nation. I do not think you can answer the question with just one reason why. There are many. It has to do with cultural changes in our population as millennials become a larger part of the economy. It has to do with greater cultural awareness in differing populations and how that is expressed in food. It has to do with the heavy burden of operating bricks and mortar and the food truck is simply a less "burdensome" business model. It has to do with the "scene" that Food Trucks create. And certainly, Covid has given food trucks and their natural outdoor space a big pat on the back.

I am thankful that Dare County took the step a couple of years ago to allow food trucks a place here on the beach. I know that initially the fear was that traditional bricks and mortar establishments would be opposed to Trucks due to the concept of competition. That does not seem to have happened. I am a restaurant owner with a large operation in Avon (Pangea Tavern) and I fully support food trucks. I do not see them as competition. I see food trucks as "complimentary". Food Trucks and sit-down restaurants are completely different experiences. As a business owner, and some would say a community leader, on Hatteras Island for nearly 40 years, my concern is first and foremost for what is best for the community in the long run. With that said, it is time for Dare County to take the next step in the area of Food Trucks. Food Truck Courts.

Just like Food Courts at the mall or at the airport, there is a reason why they are together, not spread apart. I am fortunate in that I spend a fair amount of my winters in Hawaii with our daughter, and one of my favorite aspects is the amazing Food Truck Courts. They operate near traditional restaurants and not only do they not "take from each other" they make each other better. They both contribute to the over all experience.

I will be the first to admit that NOT all potential sites will work as courts. I fully understand the Planning Board and Department must have a focus on making sure that any changes to the ordinance does not set off an undesirable effect. I do think that with some thought on the ordinance changes, in addition to the Health Department requirements, changes to the ordinance can occur that allow for the creation of the experience so many guests and residents are looking for. To be perfectly honest, the surest regulator on this concept is the market itself. I can tell you that if the site is not "right" for a food truck, the customers will not come, and the food trucks will drive away.

In considering regulations for allowing Food Truck Courts, there are several items I would suggest:

- 1) Proper zoning
- 2) Parking requirements
- 3) Restroom requirements (either permanent structure or port-a-john)
- 4) Maximum 5 trucks per site
- 5) Health Department requirements
- 6) Other site requirements per board recommendations

Now is as good as time as any to take that step forward. Dare County (OBX) is growing in so many ways. A flock of new people wanting to buy, move and live here. More visitors all the time. With the growth that our area is experiencing we need to understand what people are looking for. With Food Trucks becoming such a large part of the national Food and Beverage scene, now is the time to grow the concept and allow for the creation of Courts. And while creating an interesting and vibrant Food Truck industry with some special Food Truck Court scenes is not the answer to all things, it can be a special part of the OBX experience.

I look forward to working with your Department and Board to create an ordinance that is both forward thinking as well as protective of the resources we share.

Thank you

Best Regards,

Joe Thompson




County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

September 1, 2021

MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Proposed Amendment to TTPCO – Buffer Requirements

Joe Thompson has submitted a request to amend the Travel Trailer Park and Campground Ordinance buffer requirement. The County approved a special use permit for Mr. Thompson last year to add twenty camping spaces to the Avon pier site. The TTPCO applies the vegetative buffer requirements to the area where the camping sites will be located. The buffer is required around the perimeter of the camping sites. Mr. Thompson is concerned the proposed location of the vegetative buffer will impact the large wastewater system that serves the pier and restaurant located on the site. He is requesting the buffer language be amended to allow flexibility in the buffer standards with the option for fencing and/or no buffer depending on the location of the travel trailer sites relative to the other uses on the site.

Here is the buffer language from the ordinance:

The Travel Trailer Park shall have a buffer strip adjacent to the park boundary extending along the entire perimeter of the park. The planting strip shall not be a portion of any lot, road, or private drive. The buffer strip shall consist of a planted strip of land at least five (5) feet in width composed of indigenous deciduous and/or evergreen trees, spaced not more than ten (10) feet apart, and not less than one (1) row of indigenous dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

This language applies to all new travel trailer parks and campgrounds. The section of the TTPCO that allows the location of camp sites in conjunction with other commercial uses references the buffer standards. The location of camp sites in commercial properties are subject to special use permit approval.

I suggest two options for the Board to consider:

1. Amend the section of the TTPCO that addresses the location of camp sites in conjunction with commercial uses to indicate the buffer of the camp sites shall be as established as part of the special use permit process. The location of the buffer relative to the other uses on the commercial sites and the type of buffer to be installed can be identified as part of the special use permit review. This will allow flexibility to avoid damage to existing infrastructure improvements.

Suggested draft language : The location of buffers and the type of buffer (vegetative versus solid fencing) shall be established during the special use permit review. If fencing is used, such fencing shall be a minimum of six feet in height. Buffers shall be maintained by the property owner.

2. Amend the overall buffer language to allow the option of either vegetative buffers or solid fencing. The TTPCO has very specific language for the vegetative buffer and these regulations have been applied to all campgrounds approved by Dare County since the adoption of the TTPCO decades ago. The application of a buffer to campgrounds is two-fold – it buffers the camp sites from adjoining land uses and public viewing while provided privacy to the campers. In August, there was a discussion about the use of a buffer along NC 12 at the KOA site and some board members felt a buffer along NC 12 was unnecessary because KOA owns property across NC 12. I think it is important that campgrounds be buffered along street frontages despite ownership of parcels across the street.

Suggested revised language: The Travel Trailer Park shall have a buffer strip adjacent to the park boundary extending along the entire perimeter of the park. This buffer shall consist of vegetation or solid fencing of wood or composite materials. If vegetation is used, the planting strip shall not be a portion of any lot, road, or private drive. The buffer strip shall consist of a planted strip of land at least five (5) feet in width composed of indigenous deciduous and/or evergreen trees, spaced not more than ten (10) feet apart, and not less than one (1) row of indigenous dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner. If fencing is used, such fencing shall be a minimum of six feet in height. Buffers shall be maintained by the property owner. Buffers shall not be required along estuarine or ocean shorelines.

§ 160.27 GENERAL STANDARDS FOR ALL PARKS.

(A) The design and development of a park shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the maximum extent possible.

(B) All parks shall contain at least 2 acres of contiguous area. This 2 acre minimum shall not include any coastal or freshwater wetland areas.

(C) Parks may be comprised of all travel trailers or may feature a mix of travel trailers, camping cabins, alternative camping units and camping tent sites. The preliminary and the final site plan shall identify the proposed use of each space or camping area. If a park is proposed to feature other camping units than travel trailers, a minimum of 50% of all camping spaces shall be designated and used as travel trailer spaces or; the total number of camping cabins and alternative camping units shall be limited to a density of 14 units per acre, with the remaining sites, if utilized, devoted to travel trailer camping sites.

(D) All parks shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(E) All development, improvements, structures, and utilities shall comply with the applicable Areas of Environmental Concern (AEC) Standards and any other rules promulgated pursuant to the Coastal Area Management Act of 1974.

(F) Where deemed necessary by the Planning Board, a pedestrian walk may be required to provide convenient access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

(G) Parks shall be considered commercial land uses and the maximum overall lot coverage of impervious surfaces shall be 60% of the total parcel acreage excluding freshwater and coastal wetland areas unless a different lot coverage limitation for travel trailer parks/campgrounds is established by the applicable zoning district regulations for the site.

(H) Camping spaces shall be located a minimum of 10 feet from any property line of the overall park boundaries.

(I) Each camping space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.

(J) No camping space shall have direct vehicular access to a public road.

(K) The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.

(L) When the park has more than 1 direct access to a public road, each access shall not be less than 300 feet apart or closer than 300 feet to a public road intersection unless topographical conditions or unusual site conditions demand otherwise.

(M) The park shall have a buffer strip adjacent to the park boundary extending along the entire perimeter of the park. The planting strip shall not be a portion of any lot, road, or private drive. The buffer strip shall consist of a planted strip of land at least 5 feet in width composed of indigenous deciduous and/or evergreen trees, spaced not more than 10 feet apart, and not less than 1 row of indigenous dense shrubs, spaced not more than 5 feet apart and 5 feet or more in height after 1 growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

(N) The park shall provide all utilities required by this section.

(O) Each park shall have a central structure or structures that will provide separate toilet and shower facilities for both sexes. Concession areas with retail sales and laundry facilities may be provided in the park for park guests.

(P) Where electrical service is used, the installation and use of such facilities shall conform with all applicable codes.

(Q) *Mobile homes in travel trailer parks/ campgrounds.* It shall be unlawful for a person to occupy, park or store a mobile home in a park unless mobile homes are used for employee housing.

(R) Residential structures may be located within the park for use as employee housing for an on-site park manager and other employees. Employee housing units shall be located in a designated area in the park and identified on the preliminary and final site plan. The total number of employee housing units shall not exceed the overall number of employees. Travel trailers and alternative camping units shall not be used for employee housing.

(S) Sales of travel trailers and/or camping vehicles in a park on a commercial basis shall be unlawful.

(T) Sales of camping spaces shall be unlawful within a park.

(U) (1) Travel trailers/recreational vehicles placed on sites within a special flood hazard area shall either:

(a) Be on site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet all the requirements for new construction, including anchoring and elevation requirements of the Dare County Flood Damage Prevention Ordinance.

(2) A travel trailer/recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(3) Entrance landings as defined in this chapter shall be allowed.

(V) The length of occupancy of any travel trailer, camper cabin, alternative camping unit and/or camping tent shall be less than 90 consecutive days.

(W) Ownership of camping spaces shall be retained by the park owners. Camping cabins and alternative camping units shall not be individually conveyed or sold in fee simple title, as condominiums, fractional ownership or interval ownership. Camping units shall be used as temporary quarters or shelter during periods of recreation, vacation, leisure time or travel and shall not be used for permanent living quarters.

(Ord. passed 3-18-1985; Am. Ord. passed 7-20-1992; Am. Ord. passed 10-19-2020; Am. Ord. passed 2-16-2021)

To: Donna Creef
Dare County Planning Director

From: Joe Thompson
Founder, Koru Village

Re: Travel Trailer Park Buffer Requirement

Date: August 12, 2021

Thank you for the opportunity to address this issue with the Planning Board. I first want to go on record to say that I have no issue with creating a "buffer" around our RV Park "Avon By The Sea" which is under development. The issue comes down to execution of that requirement and the potential damage to our property.

Essentially there are two areas of our development that are problematic in terms of creating a vegetative buffer. The first area is the buffer that will be between the RV Park and the remaining oceanfront parking area of the Avon Pier. This area is gravel parking on both sides of the buffer and the buffer will be very close to the septic tanks (highway rated tanks) for the project. We propose to build a privacy fence as that is crucial to the peace and enjoyment of the RV Park guests. The second area is the buffer between the RV Park and our drain field that is shared with our pier, restaurant, and other uses. This is a very large drain field, and we will have to plant shrubs and trees through our active drain field. This is not an advisable practice as the plants will invade the drain field with roots and eventually cause significant damage or even failure.

I would like to propose the following solution:

- 1) Buffer between RV Park and Avon Pier parking lot- we propose to build a 6' wooden privacy fence between the two uses.
- 2) Buffer between RV Park and drain field (septic)- to continue to manage that area as we have in the past (lawn). The next closest use is our restaurant, Pangea Tavern which is approximately 300' away

Again, I want to stress that I by no means object to buffers or the reason they are part of the ordinance. I do believe due to extenuating circumstances on our property, the buffers become difficult if not impossible to plant and maintain and the area of our drain field (septic) would likely lead to serious issues down the road.

Thank you for your consideration,

Best Regards

Joe Thompson




County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

August 30, 2021

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam 

RE: Special Use Permit #3-2021 for a Proposed Commercial Fish House and Docking Facility

A request for a Special Use Permit (SUP) for a commercial fish house and docking facility has been submitted by Jeffery Aiken on behalf of Jeffrey's Seafood. The proposed facility is located in Hatteras Village, and is identified as parcel 015528000 with Dare County Tax Mapping. The parcel is zoned R-2AH and fish houses and dockage are permitted as a special use. The applicant currently leases the adjoining property on which he operates his existing fish house and fish packing facility. The applicant is looking to expand his current business to meet the growing demand of North Carolina sustainably sourced seafood. A cover letter describing the business and growing demand have been provided by the applicant and is attached to this memo.

The parcel for the proposed fish house is currently vacant, but does have existing docks, and bulkheads located on Back Creek. The applicant is proposing to construct a 5,625 square foot building that will primarily be used for the processing, packaging, and distribution of the seafood. The building will have 800 square feet dedicated to retail floor space for the sale of seafood, and related products. As part of SUP application the applicant has submitted an appendix b (site plan) that shows the proposed improvements. Some of the proposed improvements will be constructed inside the Coastal Area Management Act jurisdiction or CAMA zone and will have to adhere to their regulations as well as the Dare County Zoning Ordinance. Conditions have been added to the draft SUP addressing these regulations.

A draft SUP is attached to this memo for the Planning Boards review. The draft SUP addresses conditions including, hours of operation, deliveries, lighting, fencing, and other requirements established in the Dare County Zoning Ordinance. The planning board may make recommendations on reasonable and appropriate conditions.

SPECIAL USE PERMIT APPLICATION

Date: 8/25/2021 Application No. _____

Property Owner/Petitioner: Fisherman's Heritage, LLC

Address: 57162 Altona Lane, Hatteras NC 27943

Telephone: 252-473-0304 Email: aikenj5@gmail.com

Review Fee Paid: _____

Project Description: Fish House and Dockage

Property Description:

None

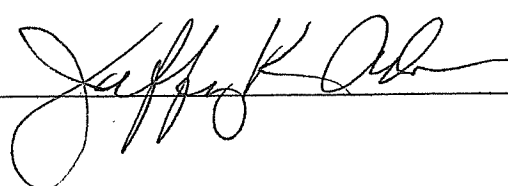
Lot	Phase/Section	Block	Subdivision
Parcel: <u>015 528 000</u>			PIN: <u>9595 1303 0331</u>

APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-22.4 Special Use: (9) Fish House and Dockage

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: 

Date: 8/25/2021



Special Use Permit No. #3-2021

Dare County Sections 22-22.4, 22-53, 22-65, & 22-70

Application of: Jeffery Aiken D/B/A Jeffrey's Seafood

On October xx, 2021 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Fish Houses and Dockage
3. The subject property is zoned R2-AH. This property is identified on the Dare County tax records as PARCEL 015528000 and located in the Hatteras Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

SPECIAL USE: A fish house and dockage facility. A site plan depicting the proposed improvements identified as Appendix B is included as part of this permit.

CONDITIONS:

1. There shall be one 5,625 square feet building constructed and used for the sale, processing, packing and distribution of seafood. The docks and bulkheads onsite shall be used by the commercial fishing vessels servicing the business
2. A Division of Coastal Management CAMA Minor Permit must be obtained from the Dare County Local Permitting Officer before any development can occur on the site.
3. Building Permits shall be obtained from the Dare County Planning and Building Department before any construction begins on the proposed structure
4. All building permits shall be obtained within 36 months from the date of approval of this permit
5. All gravel parking, driveways, and drive isles shall be placed on the parcel so that it meets NCDOT and emergency vehicle load requirements. All parking shall meet the requirements of Chapter 22-53 of the Dare County Zoning Ordinance.
6. All light fixtures shall be installed so that no light illuminates or reflects on any adjacent property or public right-of-way.
7. Fencing shall be installed and maintained along property lines abutting a residential use
8. Hours of operation shall be from 7:00 A.M. to 10:00 P.M., 7 Days a week, including deliveries and servicing of trucks
9. No parking or staging of trucks or equipment shall take place in the Right of Way along Altona Lane
10. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.

11. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.

12. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This _____ day of October 2021

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____
Cheryl Anby
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
Jeffrey Aiken
Jeffrey's Seafood

APPROVED AS TO LEGAL FORM

By: _____
Robert L Outten
County Attorney

Jeffrey's Seafood

Janet W. Whitbeck Inc
PO Box 515
Hatteras, NC 27943
252-986-2800
contact@jeffreys-seafood.com

Re: Jeffrey's Seafood site plan approval

To Members of The Dare County Planning Board,

Jeffrey's Seafood is a family owned and operated wholesale seafood packing and processing company located in the heart of Hatteras Village. Since 1981, Jeffrey's has been supplying fresh, locally caught seafood to buyers from North Carolina, across the U.S. and into Canada, primarily unprocessed whole finfish on ice. As in all fisheries, our production varies depending on weather, season and regulatory allowances. On busy weeks, we may process and ship upwards of 60,000 pounds of whole fish, while on slow weeks we may only ship around 2,000 pounds. On a yearly basis we process and ship 1 to 1.2 million pounds of fish to our local and out- of-state buyers. Annually, this equates to approximately 2 million dollars in sales for our company.

In years past, most of our products have been shipped to out-of- state wholesalers, as these were the only available markets with value-added processing capabilities. In many cases, the processed seafood was sold back to restaurants and other seafood outlets on the Outer Banks by these out-of-state businesses, which inflates local catch prices for local businesses, leaving the bulk of the profits outside our local and state economy.

COVID-19 affected our business in many ways during 2020, in great part due to the increased and extended visitor stays in communities along the Outer Banks. We were able to partner with Ocracoke Seafood in Ocracoke Island, N.C., purchasing their fresh catch and thus increasing our volume of product by more than 30%. Throughout COVID lockdown, the demand for fresh, local seafood in restaurants and retail markets increased significantly on Hatteras Island, the result of a massive disruption in the supply chain of quality processed seafood in our area.

In order to meet the demand for North Carolina sustainably sourced seafood, we have identified three critical needs for: 1) space to expand our processing services, 2) up-to-date infrastructure and 3) top-of-the-line equipment that will allow us to process a greater volume of products to fulfill our local and regional customers' growing demands for fresh seafood and to reach new markets for processed seafood.

By processing the seafood we have available and providing direct distribution to local seafood markets and restaurants, the seafood economy will be strengthened and diversified by bringing new products to meet market demands. The addition of this

infrastructure to Jeffery's will allow restaurants and markets to sell higher quantities of high-quality seafood products and ensure return customers, in turn boosting both the local and state economy. Having this facility will allow local restaurants and seafood retailers to source products that are directly from our local fishermen and fish houses keeping revenue in North Carolina; in comparison, to sourcing imported or out-of-state processed seafood that generates substantial profits for other states providing the value-added production.

With the approval of the Planning Board, Jeffrey's Seafood hopes to build an efficient seafood processing facility increasing our fresh seafood processing capacity and enhancing the availability of local caught seafood products along the Outer Banks and Eastern North Carolina. Adding value through processing will strengthen the local North Carolina seafood economy, increasing employment opportunities, supporting commercial fishing families, and meeting the demands of Outer Banks restaurants and other food-based businesses throughout the region.

We would like to begin construction soon and hope the Planning Board can consider this request at its earliest possible date.

Thank you for your consideration of our request,

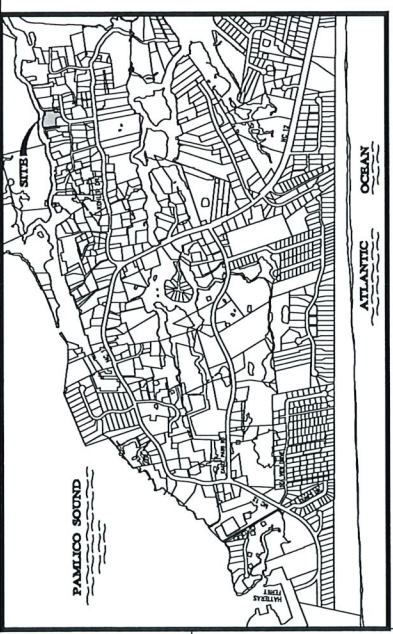
Jeff Aiken and Family



HOUSE ENGINEERING, PC

Site Plan
Fisherman's Heritage
Location: 57162 Altona Lane
Battam, Dare County, North Carolina
PROJECT NUMBER: 216490
DATE: 11/20/2018

NO.	REV.	DATE	DESCRIPTION
1	0	11/20/2018	ISSUE FOR PERMIT
2	1	11/20/2018	REVISED PER COMMENTS FROM DARE COUNTY
3	2	11/20/2018	REVISED PER COMMENTS FROM DARE COUNTY
4	3	11/20/2018	REVISED PER COMMENTS FROM DARE COUNTY



GENERAL NOTES:

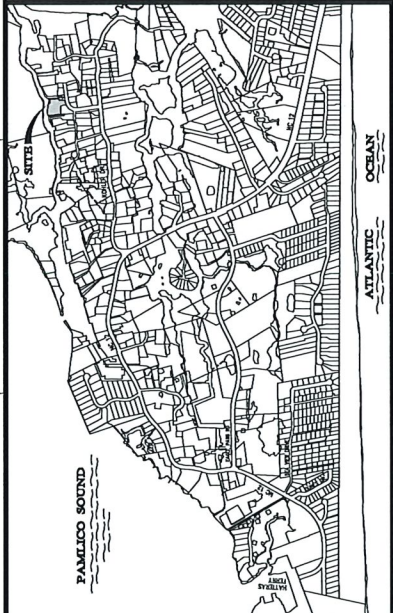
- SUBJECT PROPERTY: HATFIELD PARCEL, DARE COUNTY, NC
- STREET ADDRESS: 57162 ALTONA LANE, BATTAM, NC 27814
- PARCEL ID NUMBER: 05532000
- PERMITS: 8891030231
- DARE COUNTY ZONING: R-204 (MAY MEDIUM DENSITY)
- DARE COUNTY FLOOD ZONE: AC (1)
- RECORDED REFERENCES: D.B. 1898, Pp. 0030
- LOT AREA: 42,388 SQ. FT.
- PROPOSED DEVELOPMENT: 10' WIDE AND 20' DEEP CONCRETE FOUNDATION WITH 3.5' OF FILL BELOW MAIN 3.5' OF THE BOTTOM (SEE RETAIL T. UTILITIES)
- PROPOSED MOBILE CIRCULATION AREA: 3,500 SQ. FT.
- PROPOSED CONCRETE SURFACE AREA: 888 SQ. FT.
- PROPOSED PAVED AREA: 17,400 SQ. FT.
- TOTAL LOT COVERAGE: 12,400 SQ. FT. (29.4%)
- PROPOSED ASSESSMENT: TOTAL ASSESSMENT: 20,240 SF; BUILDING AND CONCRETE PAD: 3,240 SF; TOTAL LOT COVERAGE: 5,480 SF (12.4%)
- PROPOSED PARKING: RETAIL = 800 SF @ 1100 SQ. FT. SPACES = 4 SPACES; BUILDING = 1000 SQ. FT. SPACES = 4 SPACES; TOTAL SPACES = 8 SPACES

LEGEND:

- EXISTING GRAVEL
- PROPOSED METAL BUILDING
- VEHICLE CIRCULATION AREA
- PROPOSED CONCRETE
- 10' x 20' PARKING REQUIREMENTS
- PROPOSED FINISHED SPOT GRADE
- PROPOSED FINISHED GRADE CONTOUR
- PROPOSED STORMWATER DIRECTIONAL, UPDOW

NOTE: ALL DATA SHOWN ON THESE PLANS IS BELIEVED TO BE ACCURATE. HOWEVER, THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING UTILITIES, STRUCTURES, AND SURFACE GRADE. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES BEFORE PROCEEDING.





GENERAL NOTES:

- * SUBJECT PROPERTY: HAYNES PARCEL, DARE COUNTY, NC
- * STREET ADDRESS: 57162 ALTONS LANE, DARE COUNTY, NC 28520
- * PARCEL ID NUMBER: 03030009
- * PIN: 8991000031
- * DARE COUNTY ZONING: R-200 (MEDIUM DENSITY)
- * DARE COUNTY FLOOD ZONE: AE (1)
- * RECORDED REFERENCE: D.L. 1894, Pgs. 0300
- * LOT AREA: 42,308 Sq. Ft.
- * PROPOSED DEVELOPMENT: This House and Detached Garage (1.575' of the House in Concrete Foundation) (1.575' of the Garage in Concrete Foundation)
- * PROPOSED BUILDING AREA: 8,820 SF
- * PROPOSED VEHICLE CIRCULATION AREA: 5,595 SF
- * PROPOSED DRIVEWAY AREA: 1,000 SF
- * PROPOSED DRIVEWAY PAVEMENT AREA: 1,000 SF
- * TOTAL LOT COVERAGE: 12,405 SF (29.3%)
- * PROPOSED AGE DEVELOPMENT: AC AREA: 26,510 SF; DRIVEWAY: 3,345 SF; BUILDING and CONCRETE PAD: 3,345 SF; TOTAL LOT COVERAGE: 33,195 SF (78.4%)
- * PROPOSED PARKING: TOTAL = 805 SF, 0 (1) FOR 200 = 4 SPACES; 0 DRIVEWAYS & 0 FOR 3 DRIVEWAYS = 4 SPACES; REDUCED PARKING = 8 SPACES; PROVIDED SPACES = 8 SPACES

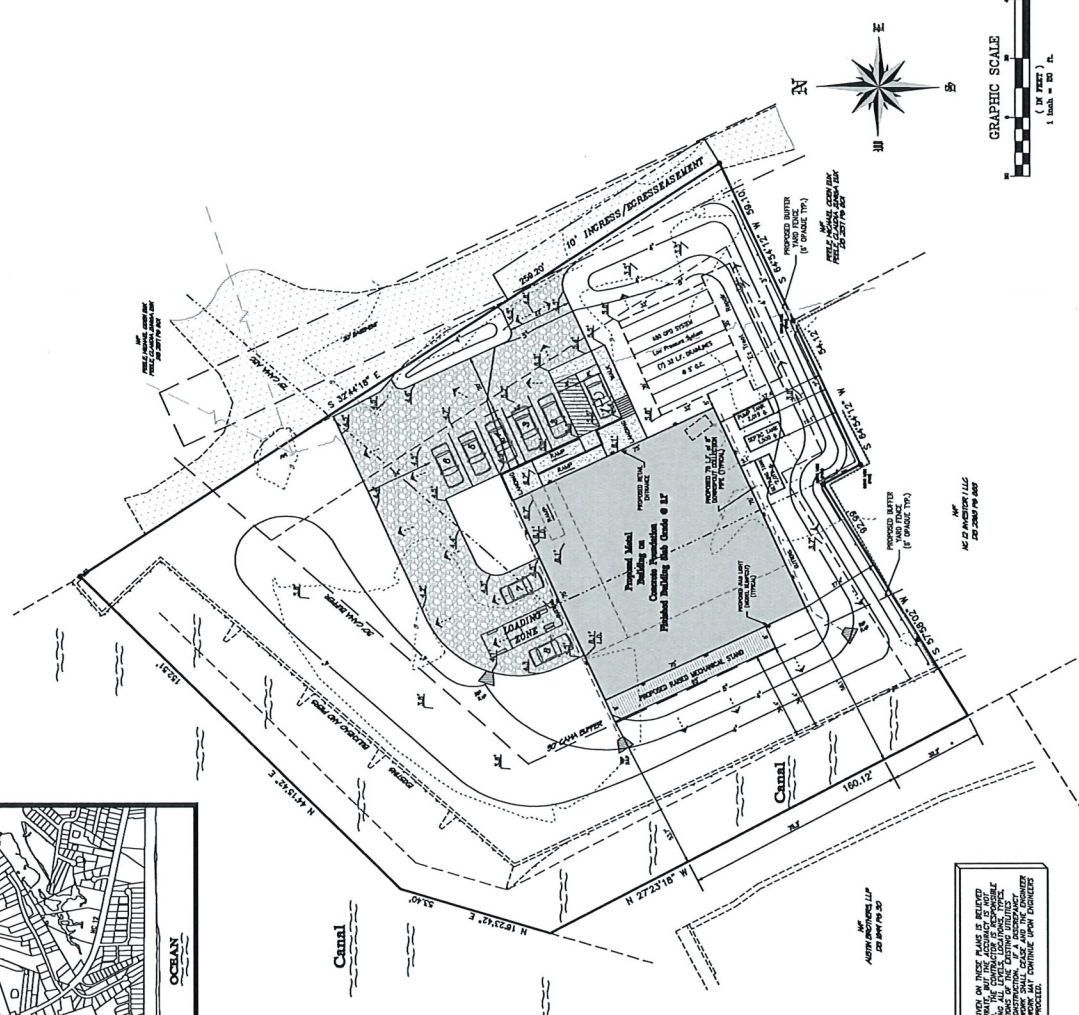
LEGEND:

- EXISTING GRAVEL
- PROPOSED METAL BUILDING
- VEHICLE CIRCULATION AREA
- PROPOSED CONCRETE
- 10' x 20' PARKING REQUIREMENTS
- PROPOSED FINISHED SPOT GRADE
- PROPOSED FINISHED GRADE CONTOUR
- PROPOSED STORMWATER DIRECTION, ARROW

BEFORE YOU DIG!



NOTE:
THE DATA ON THIS PLAN IS BELIEVED TO BE ACCURATE. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH AND PROVISIONS OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, UTILITIES NOT SHOWN ON THIS PLAN. CONTRACTOR SHALL CONTACT THE UTILITY SERVICE TO PROVIDE.



HOUSE ENGINEERING P.C.
Professional Engineer
4673 N. Conway Blvd., Suite 201
Durham, NC 27613
Phone: 919.486.1111
Fax: 919.486.1112
www.houseengineering.com

Site Plan
Fisherman's Heritage, LLC
Location:
57162 Altons Lane
Hatteras, Dare County, North Carolina

APPROVALS	DATE	
DESIGNED BY: NETP	09/29/21	
DRAWN BY: R. HOUSE	09/29/21	
CHECKED BY: R. HOUSE	09/29/21	
REVISIONS		
No.	Date	Description

PROJECT NUMBER	216490
REVISION	-
SIZE	D
SHEET NO.	C1
OF	1

CAD FILE NAME: 192841 SCALE: 1"=20'

