



## **Dare County Planning Board Meeting**

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

**October 11, 2021**

### **Agenda**

- I. Call to order **6:00 PM**
- II. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines
- III. Approval of minutes for the September 13, 2021 meeting
- IV. Public Comment
- V. Old Business
  - a. None
- VI. New Business
  - a. Proposed Text Amendment, Hotel & Motel Definitions, Richard Fertig
  - b. Proposed Text Amendment, Section 22-25 C-2, Hatteras Island Plaza, O.T. Enterprises, LLC
  - c. Preliminary Plat Review, Campground X, Lower Skyco, LLC, Highway 345 Business District, Wanchese, NC
- VII. Other Business
  - a. None
- VIII. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 13, 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**                      6:01 pm

### ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to Planning Board members John Finelli, Beth Midgett, Terry Gore, Buddy Shelton and David Hines as required by Chapter 160D.

**MEMBERS PRESENT**      John Finelli, Chairman  
                                 Michael Barr                      Buddy Shelton  
                                 Beth Midgett                      David Hines  
                                 Terry Gore II

**MEMBERS ABSENT**              David Overton

### AMENDED AGENDA

Chairman Finelli amended the agenda to reflect a change in order to New Business. Special Use Permit Application to Add a Fish House was considered before the proposed Zoning Text Amendment for Food Truck Regulations. By consensus, the Board agreed to handle two agenda items out of sequential order.

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the August 9, 2021 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Michael Barr seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

***Preliminary Plat Review, Roger Hosfelt Subdivision, Parcel 016073001, Lighthouse Ct., Hatteras, NC***

Eric J. Harmon, PLS of Rankin Surveying was present on behalf of the applicant.

Planning Director, Donna Creef, addressed the Board. She said the division has been revised to address the surveying concerns of Planning Board member, Michael Barr,

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that were 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. Ms. Creef reiterated that a note should be added to the final plat and covenants indicating no parking shall occur in the common area/easement.

Terry Gore made a motion to recommend approval of the preliminary plat subject to the following conditions:

1. The final plat and covenants should include language indicating no parking spaces shall be located in the common area/easement nor shall parking by residents or guests occur in the common area.
2. The lot square footage amount in the table should be reconciled with the square footage listed on each lot.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

## **NEW BUSINESS**

### ***Special Use Permit Application to Add a Fish House, Fisherman's Heritage, LLC, 57162 Altona Lane, Hatteras, NC***

Frederick House, P.E. of House Engineering, P.C. and Jeffrey Aiken, Applicant, was present at the meeting.

Assistant Planning Director, Noah Gillam, addressed the Board. He said a request for a Special Use Permit (SUP) to add a fish house and docking facility has been submitted by Jeffrey Aiken on behalf of Jeffrey's Seafood. The lot is zoned R-2AH and fish houses and dockage are permitted as a special use.

Mr. Gillam explained that 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. Mr. Gillam further noted that 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 processing, packaging and distribution of seafood. The building will have 800 square feet dedicated to retail sale of seafood and related products.

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A site plan was provided to the Board for their review.

Mr. Gillam noted that some of the proposed improvements will be constructed inside the Coastal Area Management Act (CAMA) zone and will have to adhere to their regulations as well as the Dare County Zoning Ordinance. Mr. Gillam told the Board that conditions have been added to the draft SUP addressing these regulations.

Beth Midgett asked Mr. Aiken if the hours listed in the SUP work for his business. Mr. Aiken said he's not looking to open retail outside the hours listed in the conditions.

The Planning Board reviewed the draft SUP and deemed the conditions and site plan to be reasonable and appropriate.

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

***Zoning Text Amendment, Food Truck Regulations, Lands End Development, LLC, 41001 NC 12 Hwy, Avon, NC***

Joe Thompson, Founder, Koru Village and Applicant, was present at the meeting.

Donna Creef told the Board that 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.

A revised draft of proposed language for Section 22-58.5 Food Stands and Mobile Food Units was provided to the Board at their seats.

Mr. Thompson addressed the Board. His concerns included staffing issues and associated costs with operating brick and mortar restaurants on the Outer Banks. He also elaborated on a growing demand for food trucks across the nation.

The Board discussed the proposed zoning text amendment. Their discussion centered on the location of mobile food units, how many mobile food units were appropriate per site, hours of operation, parking, seating and public restroom requirements.

Michael Barr made a motion to recommend approval of the zoning text amendment subject to the following conditions:

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1. A maximum of five mobile food units shall be allowed on a site in conjunction with an existing commercial use.
2. Mobile food units shall be separated by a minimum of 10 feet from other mobile food units and other structures.
3. The maximum number of seats shall not exceed eight seats per mobile food unit.
4. Portable toilets shall not be used to meet the restroom requirement.
5. 10 Parking spaces shall be required for the first mobile food unit. For each additional mobile food unit located on the site, two parking spaces per mobile food unit shall be provided in addition to the initial 10 parking spaces. The parking requirement for additional mobile food units may be waived by the Planning Director based upon a review of the parking needs of the existing business.
6. Hours of operation for any mobile or non-mobile food stand may occur between the hours of 6:00 a.m. and 11:00 p.m. daily, seven days a week.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

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

Vote: Ayes – Unanimous

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

***Amendment to Travel Trailer Park and Campground Ordinance, Vegetative Buffer Requirement, Avon by the Sea RV Resort, 41001 NC 12 Hwy, Avon, NC***

Joe Thompson, Founder, Koru Village and Applicant, was present at the meeting.

Donna Creef said Joe Thompson has submitted a request to amend the Travel Trailer Park and Campground Ordinance (TTPCO) buffer requirement. Ms. Creef explained that the county approved a special use permit for Mr. Thompson last year to add twenty camping spaces to the Avon pier site. A buffer is required around the perimeter of the camping sites.

Ms. Creef noted that Mr. Thompson is concerned the proposed location of the vegetative buffer will impact the large wastewater system that serves the pier and

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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.

Ms. Creef provided the Board with suggested draft language for changes to the buffer requirement. Staff recommended no change to the buffer requirement along the front boundary of the highway.

Joe Thompson addressed the Board. He outlined his concerns and said the proposed changes to the buffer requirement are for safety, practicality and privacy for the RV Park.

The Board discussed the proposed text amendment for the vegetative buffer requirement. Their discussion focused on the location and types of buffers required for Travel Trailer Parks and Campgrounds.

Terry Gore made a motion to recommend approval of the text amendment subject to the following conditions:

1. The location of buffers and the type of buffer (vegetative versus solid wood or composite 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. Buffers shall not be required along estuarine or ocean shorelines. The outside surface of any fence facing the street, water or adjacent property shall be the finished surface of fencing.

Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

## **OTHER BUSINESS**

Michael Barr announced to the Board that he had submitted his resignation letter and this would be his last meeting.

Donna Creef announced that copies of the Dare County Code of Ordinances update are available by request and can also be found online on the Dare County website.

## **ADJOURNMENT**

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

Vote: Ayes – Unanimous

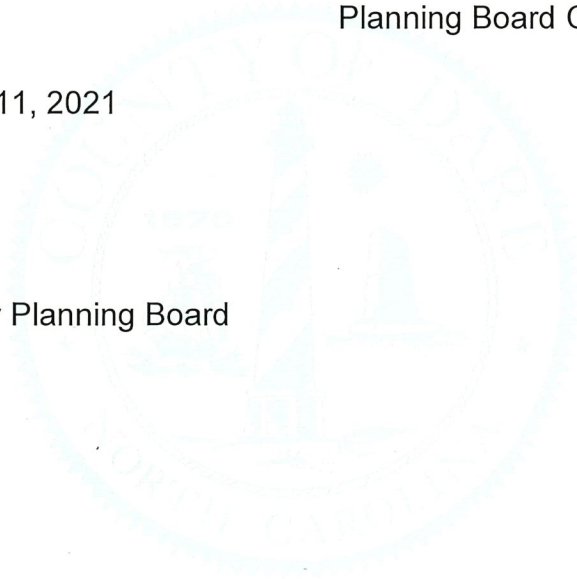
The meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Andrea DiLenge  
Planning Board Clerk

APPROVED: October 11, 2021

John Finelli  
Chairman, Dare County Planning Board



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## County of Dare


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

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October 1, 2021

### MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Richard Fertig Text Amendment – Definition of Hotel/Motel

Joe Anlauf has submitted a text amendment on behalf of Richard Fertig to amend the current definition of hotel/motel to reflect use of virtual services by the hotel and motel industry. The current definition was added to the Zoning Ordinance in 2002. The proposed revisions requested by Mr. Fertig are as follows in red text:

**Hotel-** An establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common **or virtual** facilities for reservations, on or **off-site** cleaning services, combined utilities and on-site **or virtual** management and reception. (This definition shall not preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of the definition shall apply to the nature of the structure and not its trade name.) (Adopted by the DCBC on 5-6-02)

**Motel-** An establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common or virtual facilities for reservations, on or **off-site** cleaning services, combined utilities and on-site **or virtual** management and reception. Motel guest rooms usually have direct access to a parking area. (This definition shall not preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of this definition shall apply to the nature of the structure and not its trade name.) (Adopted by the DCBC on 5-6-02).

I propose a couple of other amendments as noted below:

**Hotel-** An commercial establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common **or virtual** facilities for reservations, on or **off-site** cleaning services, combined utilities and on-site **or virtual** management and reception. Any structure constructed according to the North Carolina Residential Building code is not considered a hotel. (This definition shall not



preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of the definition shall apply to the nature of the structure and not its trade name.)

**Motel-** An commercial establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common or virtual facilities for reservations, on or **off- site** cleaning services, combined utilities and on-site **or virtual** management and reception. Any structure constructed according to the North Carolina Residential Building code is not considered a motel. Motel guest rooms usually have direct access to a parking area. (This definition shall not preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of this definition shall apply to the nature of the structure and not its trade name.) (Adopted by the DCBC on 5-6-02).

A review of the land use plan found no policies that were applicable to this request. In the absence of any clear policy direction, I think it is safe to find that the request is consistent with the land use plan. Certainly there is nothing about the request that is inconsistent with the land use plan.

The proposed amendment does not add any new uses to any zoning district. Hotels are allowed in C-2, C-2H, C-3, I-1, S-1, MHB, HML, MC-1 and H345 zoning districts and the definitions would apply to these districts. The proposed amendment does not broaden the scope of services offered by hotels/motels and in staff's opinion, a reasonable request to update our definitions to reflect changing market conditions.

A recommendation from the Planning Board is needed before the matter can be forwarded to the Board of Commissioners. Staff recommends favorable action by the Planning Board.

Draft motion for favorable action:

"I recommend the proposed zoning amendments to the definitions of hotel and motel be adopted and find the proposed amendments to be consistent with the policies of the 2009 Dare County Land Use Plan."

**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) RICHARD FERTIG

Address: 27201 FARROW CT., SALVO, NC 27972

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Description:**

Lot \_\_\_\_\_ Phase/Section \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Parcel: \_\_\_\_\_ PIN: \_\_\_\_\_

Text Amendment  Map Amendment

Present Zoning Classification: Section 22-16 NH

Requested Zoning Classification : Section 22-16 NH

Explanation of Request: REQUESTING A CHANGE TO THE DEFINITIONS FOR HOTEL & MOTEL TO ACCOUNT FOR CHANGES IN THE HOTEL/MOTEL INDUSTRY TO MORE VIRTUAL OPERATIONS & MAINTENANCE, PLEASE SEE ATTACHED 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: \_\_\_\_\_

Date: 9/13/2021

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August 27, 2021

Dare County Planning Board  
945 Marshall C. Collins Drive  
P.O. Box 1000  
Manteo, NC 27954

Re: **Text Amendment**  
**Dare County Zoning Ordinance**

Dear Members of the Planning Board;

John Finelli - Chairman, At Large  
Terry Gore, II - At Large  
David Overton - At Large  
Buddy Shelton - District 1 (Roanoke Island and Mainland Dare County)  
Michael Barr - District 2 (Nags Head, Kill Devil Hills, Colington)  
David Hines - District 3 (Kitty Hawk, Southern Shores, Martins Point, Duck)  
Beth Midgett - District 4 (Hatteras Island)

Please find below text amendments to the definitions for Hotel and Motel as they appear in Appendix A, Article 1, Section 22-2 of the Dare County Zoning Ordinance. The language in blue text is the proposed amendment language. No language has been deleted, only new language has been added to allow for remote or virtual hotel/motel management.

***Hotel*** - An establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common or virtual facilities for reservations, on or off site cleaning services, combined utilities and on-site or virtual management and reception. (This definition shall not preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of the definition shall apply to the nature of the structure and not its trade name.) (Adopted by the DCBC on 5-6-02)

***Motel*** - An establishment that contains multiple guest rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals and/or other services, and which has common or virtual facilities for reservations, on or off site cleaning services, combined utilities and on-site or virtual management and reception. Motel guest rooms usually have direct access to a parking area. (This definition shall not preclude the use of trade names such as "Holiday Inn," "Travelodge" or similar trade names. The application of this definition shall apply to the nature of the structure and not its trade name.) (Adopted by the DCBC on 5-6-02)

# ANLAUF ENGINEERING, PLLC

Joseph J. Anlauf, P.E.  
Firm License P-0929

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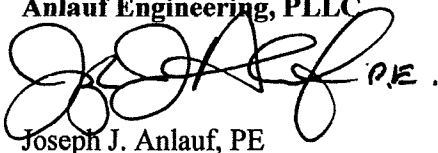
The text amendment language has been proposed for the following reasons:

- In the coming years hotels and motels are trending toward remote hotel management with full operations control with cloud technology and innovative solutions.
- Consumer preferences have shifted over time with many guests preferring self check in options (with customer service via text, phone, or email).
- In the era of COVID 19 businesses are looking to limit face to face interactions. They are also looking for ways to increase consumer confidence in clean "hands off" interactions from the reservations to check out.
- Virtual Reservations and Operations give occupants direct lines of communications regarding their experiences through comments and review channels. This allows the business owner to make near instantaneous improvements to the accommodations in direct response to reviews.
- Virtual operations allow for the pinpoint use of services as a function of real time feedback. For example: When an occupant checks out of a room the vacancy is reported to the cleaning crew virtually and immediately. Cleaning crews responsible for servicing multiple facilities are mobilized to the particular location requiring servicing. This makes the process very efficient and allows service providers to service multiple facilities.
- New communication systems and technologies. 5G cellular enhancing connectivity.

If you have any questions or need additional information please contact me

Sincerely,

**Anlauf Engineering, PLLC**



Joseph J. Anlauf, PE



## County of Dare

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

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October 1, 2021

### MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef 

RE: OT Enterprises Text Amendments Application

David Ryan on behalf of OT Enterprises has submitted a zoning text amendment request for the R-3 and C-2 zoning districts in support of their plans to redevelop a portion of the Hatteras Island Plaza in Avon, NC.

The construction of Hatteras Island Plaza dates back to 1988 with the various phases being constructed over the course of several years. The complex existed before the use-specific zoning map was adopted for Avon village in October 1992. The theater building has been vacant for several years. In 2014, the property was subdivided to create a separate parcel for this structure although the structure is connected to other portions of the building. Language was added to the C-2 district in 2014 recognizing the issues associated with a development that existed prior to the zoning regulations and its potential development.

The developers have plans to demolish the theater building and redevelop the site with multifamily units. In order to accomplish their plans, they are seeking amendments to the C-2 and R-3 zoning regulations. The C-2 district permits multifamily structures according to the R-3 dimensional standards. They are requesting a density bonus of 10 units per acre and lot coverage adjustments. In 2014 when we amended the C-2 zoning, it was acknowledged that the lot coverage of the entire Hatteras Island Plaza exceeded the allowable 60% afforded to C-2 uses. The parking areas of the site are all connected and a reduction in parking areas was not possible.

The proposed language ties the density increase to group developments that are served by a central wastewater treatment facility in an effort to limit the scope of the density bonus. The proposed amendments submitted by the applicant are as follows:

**Amendment #1.** Section 22-23 R-3 (d) dimensional requirements  
(1) (c) Multi-Family Dwellings: Must be served by an approved public or community sewage disposal system. Ten (10) dwelling units per acre. **An additional 10 dwelling**

units per acre bonus is permitted if the application is located within an existing commercial group development which is served by an approved public or community sewage disposal system.

**Amendment #2** Section 22-23. R-3 (d) dimensional requirements

(1) (c) Multi-Family Dwellings. (6): Maximum allowable lot coverage by principal use and all accessory structures 30%. For properties located within an existing group development and served by an approved public or community sewage disposal system, a state approved stormwater management system and served by access and utility easements shall be permitted a maximum of up to 63% percent lot coverage.

**Amendment #3** Section 22-25 C-2 (d)

10. Commercial group developments constructed prior to October 20, 1992 which are served by a centralized wastewater treatment system that could not be built under the terms of this chapter by reason of restrictions on lot coverage, height, yards, location and off-street parking shall be allowed to continue in operation subject to the following provisions:

b. A decrease of 10% of the existing lot coverage shall be required for that portion of the commercial group development site on which the structure to be altered or replaced is located. The 10% decrease can be reduced to 7% if a minimum of 30% open space is retained.

I propose the following amendments which accomplish the applicant's goals but reference the date of the Avon zoning map in the R-3 language and address building height in existing commercial developments. The height overlay district applies to the Hatteras Island Plaza not the R-3 district's limit of 35 feet.

Section 22-23 R-3

(d) Dimensional requirements (1) Minimum Lot Size

c- Multi-Family Dwellings: Must be served by an approved public or community sewage disposal system. Ten (10) dwelling units per acre except a dwelling density bonus of ten additional (10) units per acre may be applied in a commercial group development existing on October 20, 1992 that is served by an approved public or community sewage treatment and disposal system.

Section 22-25 C-2 (d) Dimensional Requirements

10. Commercial group developments constructed prior to October 20, 1992 which are served by a centralized wastewater treatment system that could not be built under the terms of this chapter by restrictions on lot coverage, height, yards, location and off-street parking shall be allowed to continue in operation and may be redeveloped subject to the following provisions:

a. No structure which is part of the commercial group development shall be enlarged, replaced or externally altered in a manner that increases any non-conforming aspect of the structure and/or the overall commercial group development site. However, any such structure may be externally altered or

replaced is such redevelopment activity results in a decrease of its nonconforming status. Structures that are replaced and redeveloped may be used for any permitted or special use authorized in Section 22-23 or Section 22-25 of the Zoning Ordinance. For the purposes of this section, externally altered shall not be interpreted to prevent painting of the exterior, replacement of exterior materials, or other cosmetic changes or maintenance of the structure or portions thereof. This shall not apply to interior alterations, remodeling, or other improvements made to internal portions of any structure located on the commercial group development site.

- b. A decrease of 10% of the existing lot coverage shall be required for that portion of the commercial group development site or parcel on which the structure to be altered or replaced is located. If the commercial group development is located on more than one parcel, then the lot coverage decrease shall apply to that parcel only and not the overall group development site.
- c. The off-street parking requirements of Section 22-56 shall only be applied to that portion of the commercial group development site or parcel where the structure proposed for alteration or replacement is located. No other changes in the parking ratio for the remaining structures or portions of the commercial group development shall be required as a part of the redevelopment activities. Existing parking areas in the commercial group development may be connected to the parking areas or access easements in the redeveloped portions of the site.
- d. Building heights for any redevelopment activities in any existing commercial group development shall be according to Section 22-27.4 Height Overlay district for properties located on Hatteras Island.
- e. Dwelling densities for multifamily structures located in the commercial group development shall be twenty units per acre applied to the overall area of the parcel to be developed.
- f. A subdivision of land occupied by the commercial group development may be authorized by Dare County if such subdivision of land meets the required minimum lot size in effect at the time of the proposed subdivision of the commercial group development site. Redevelopment activities on any lot created by such subdivision of land shall be subject to the provisions of a-e above.

The applicant plans to redevelop the old theater site with a multifamily structure in response to the significant housing shortage facing Dare County. A review of the 2009 Land Use Plan should include both residential and commercial policies in light of his intentions. I have identified the following policies as applicable to this request:

Policy LUC#4 -- To address the housing needs of the year-round population, multifamily dwellings and other types of residential structures such as accessory use dwellings are considered appropriate alternatives when located in areas zoned for multi-

family structures and constructed on lots or parcels greater than the minim lot size for single family lots established in the individual zoning districts of the Dare County Zoning Ordinance. This diversification of housing opportunities is important to address the needs of Dare County's workforce.

Policy LUC #5 – Dare County encourages the continued existence and development of locally-owned businesses in unincorporated Dare County.

The issue of housing has been an issue for decades as evidenced by the 2009 LUP policy about the need to diversify housing alternatives through the use of multifamily structures. The housing issue is a top priority of the Dare County Board of Commissioners. The use of dwelling density bonuses such as those requested by OT Enterprises is a commonly-used approach by other governments in North Carolina and the United States to address housing shortages. The draft language has been written to narrow the possibility of density bonuses. I did not include the language about open space in my drafts. This seemed awkward to me. Dare County acknowledged in 2014 the difficulties and unique issues associated with Hatteras Island Plaza. Flexibility of zoning regulations is often needed for developments existing prior to the establishment of use-specific zoning maps.

A recommendation from the Planning Board is needed before the matter can be forwarded to the Board of Commissioners. Staff is supportive of the proposed amendments and recommends favorable action by the Planning Board. A finding of consistency with the land use plan can be easily made with the policies I have identified.

Draft motion for favorable action:

"I recommend the proposed amendments to the R-3 and C-2 zoning districts be adopted and find the proposed amendments to be consistent with the policies of the 2009 Dare County Land Use Plan."

Cc: David Ryan



**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)** Brantley C. Tillman Jr., R.V. Owens III

**Address:** 1004 Wake Forest Rd

**Telephone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Property Description:**

2 Subdivision for O.T. Enterprises, LLC

Lot Phase/Section Block Subdivision

Parcel: 014822828 PIN: 054913142178

**Text Amendment**  **Map Amendment**

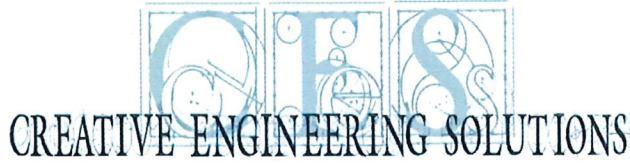
**Present Zoning Classification:** Section 22-25 C2

**Requested Zoning Classification :** Section 22-25 C-2

**Explanation of Request:** See attached 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:** *R.V. Owens III* **Date:** September 19, 2021



CREATIVE ENGINEERING SOLUTIONS, PLLC  
FIRM LICENSE P-0970  
262 MOTHER VINEYARD RD., MANTEO, NC 27954  
[WWW.CREATIVEENGINEERINGOBX.COM](http://WWW.CREATIVEENGINEERINGOBX.COM)

September 19, 2021

Ms. Donna Creef  
Planning Director  
Dare County Planning Department  
954 Marshall Collins Dr.  
Manteo, NC 27954

### Re: Zoning Code Text Amendment Application

Dear Ms. Creef:

On behalf of the applicants, Mr. Brantley C. Tillman Jr. and Mr. R.V. Owens III, we are requesting review and approval of a Zoning Code Text Amendment to the Dare County Code of Ordinances. The intent of the text amendment is to permit the redevelopment of an existing commercial structure within the Hatteras Island Plaza Group Development to a multi-family use. Zoning code amendments are necessary to facilitate the proposed redevelopment plan as it relates to density limits and permissible lot coverage. The proposed zoning code text amendments are contained within Section 22-23 C-2 General Commercial District and Section 22-23 R-3 High-Density Residential District.

The subject property is Lot 2, Subdivision for O.T. Enterprises, LLC, a 1.32 ac. parcel located within the Hatteras Island Plaza commercial group development. A movie theater building is sited on the property with associative roadway, parking, sidewalks drainage, and utility infrastructure improvements to serve the Hatteras Island Plaza commercial group development. The movie theater has sat vacant since 2012. The interior of the structure has been constructed specific for a movie theater application and is not easily adapted for alternative uses.

Supporting infrastructure for Hatteras Island Plaza is collocated on the Lot 2 parcel with existing waterlines, sanitary sewer lines and access easements traversing the site to serve the subject property in conjunction with the adjoining commercial uses. Vehicular access is provided along the building frontage via drive aisles and driveway access to NC 12 in addition to inter-parcel connectivity between the north portion of Hatteras Island Plaza and Ace Hardware retail store to the south. A rear access drive is located to the west side of the building to permit deliveries and loading and unloading operations. Removal of the above referenced site elements could result in utility service interruptions and restrictions to vehicular circulation.

This proposal is intended to address a community-wide issue of available housing via the redevelopment of Hatteras Island Plaza Movie Theater complex with a twenty-four-unit multi-family structure on the subject parcel. This proposal will require complete demolition of the existing movie theater structure.

In support of this redevelopment, several zoning code text amendments will be necessary; 1) Section 22-23 C-2 General Commercial District, which the subject property is located within, and 2) Section 22-23 R-3 High-Density Residential which the C-2 General Commercial District references for dimensional requirements.

#### Zoning Text Amendment Request for Section 22-23- R-3 High Density Residential District

Based on our analysis, we would like to request the following Zoning Text Amendments to Sec 22-23 – R-3 High Density Residential District:

Section 22-23. (d) dimensional requirements (1) (c) Multi-Family Dwellings: Must be served by an approved public or community sewage disposal system. Ten (10) dwelling units per acre. **An additional 10 dwelling units per acre**

bonus is permitted if the application is located within an existing commercial group development which is served by an approved public or community sewage disposal system.

Section 22-23. (d) dimensional requirements (1) (c) Multi-Family Dwellings. (6): Maximum allowable lot coverage by principal use and all accessory structures 30%. **For properties located within an existing group development and served by an approved public or community sewage disposal system, a state approved stormwater management system and served by cross access and utility easements shall be permitted a maximum of up to 63% percent lot coverage.**

Zoning Text Amendment Request for Section 22-25- C-2 General Commercial District

Based on our analysis, we would like to request the following Zoning Text Amendments to Sec 22-25 – C-2 General Commercial District:

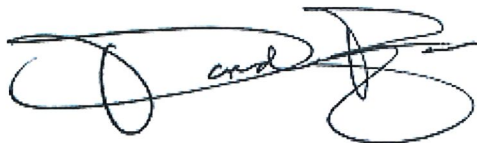
Section 22-25. (d) dimensional requirements (10) (b) A decrease of 10% of the existing lot coverage shall be required for that portion of the commercial group development site on which the structure to be altered or replaced is located. **The 10% decrease can be reduced to 7% if a minimum of 30% open space is retained.**

The applicant looks forward to working with Staff to respond to any items or issues that might arise as a result of the review.

An executed copy of the County of Dare Zoning Amendment Application or Amendment to Development Regulation is enclosed in addition to the \$400 application fee.

If you require any additional information or if we may be of assistance in any way, please do not hesitate to contact our office at 252-475-0038. We thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Ryan", written over a horizontal line.

**David M. Ryan, P.E.**

Creative Engineering Solutions, PLLC

262 Mother Vineyard Rd.

Manteo, NC 27954

Firm License: P-0970

M:252.475.0038

[www.creativeengineeringobx.com](http://www.creativeengineeringobx.com)



## County of Dare

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

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October 4, 2021

### MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Campground X Site Plan Review

Lower Skyco LLC has submitted a site plan for the development of a 120-unit campground on property located off Skyco Road. The property is zoned Highway 345 and contains 415 acres. Campgrounds are a permitted use under the Highway 345 zoning regulations subject to the standards of the Travel Trailer Park and Campground Ordinance. The vast majority of the site is coastal and freshwater waters. The upland areas will be developed with a mixture of travel trailer sites, camping cabins, and alternative camping units (called decked tent sites on site plan). This is the first site plan for a stand-alone campground that has been submitted for review since amendments to the Travel Trailer Park and Campground Ordinance were adopted last year. The Planning Board is the review and approval agency for the site plan since campgrounds are a permitted use in the Highway 345 district and not a special use.

The site plan has been submitted to NCDOT for review. Entrance to the site is a separate one-way access with the egress from the campground separately. The existing vegetation along Highway 345 will be retained for compliance with the buffer requirements of the TTPCO .

Five restroom facilities, two employee housing units, a clubhouse, a multi-purpose facility and pool amenities are proposed. Sixty travel trailer sites, fifty camping cabins and ten decked tent sites are scattered throughout the site with wooden walkways connecting many areas. A copy of the plan has been forwarded to the fire marshal for comments. According to the restroom formula in Section 160.35, a minimum of twelve showers, toilets and lavatories must be provided.

I could not find a total number of parking spaces although there is ample parking and I could not find any details on the proposed restroom buildings just that there are five proposed in the park.

A draft commercial approval sheet identified as Attachment A is included with my staff memorandum and should be included as part of the approved site plan. The developer has not submitted the applications for State permits pending review of the site plan by Dare County. I suggest the twelve-month approval period not be initiated until copies of all of the State permits are received by Dare County. This includes NCDOT approval of the ingress/egress improvements. The approval sheet details what is considered infrastructure improvements that must be completed before occupancy of the site is granted by Dare County and rental of the camping sites can occur.

The final site plan submitted to the Planning Department should include the name for the park unless the developers choose to stick with Campground X.

Motion to approve site plan: "I move that the proposed site plan for Lower Skyco LLC Campground be approved. Attachment A included with the staff memorandum shall be considered part of the approved site plan and any conditions in Attachment A shall be met." Attachment A shall be executed by the Planning Director upon receipt of all applicable State approval for stormwater management, erosion and sedimentation control, a CAMA major permit and NCDOT driveway access."

Cc: Lower Skyco LLC

COMMERCIAL USE – Lower Skyco LLC Campground  
Parcels 025885000, 025885001, 016520000, 025885002 and 016522002

A site plan has been approved on (INSERT DATE) for the development of a 120-unit campground for Lower Skyco LLC. The campground shall be developed as depicted on the approved site plan. Minor changes, as defined in the Dare County Zoning Ordinance, to the approved site plan may be approved by the Dare County Planning Director. Any changes to the site plan determined to be major changes shall be subject to additional review by the Dare County Planning Board.

This site plan approval is valid for twelve months from the date of approval. An extension of an additional twelve months may be granted if requested by the developer in writing prior to the expiration of the original approval. Upon completion of the infrastructure improvements, a final site plan shall be submitted to the Planning Director for approval. Infrastructure improvements to be constructed during this twelve-month approve include roads, parking areas, five restroom structures, sixty travel trailer site pads, check-in facility, wastewater system, and waterline improvements. It is the developer's intent to construct the support facilities--employee housing, retail store, pool, the multi-purpose building and the clubhouse during construction of the infrastructure. However, final site plan approval may be granted if these support facilities are not completed if the Planning Director determines the absence of the support facilities does not negatively impact the rental of the camping sites. Rental of the camp sites shall not occur until final site plan approval is granted by Dare County. Construction of the camping cabins and decked tent sites is not required for final site plan approval.

Roads in the campground shall be constructed as depicted on the approved site plan and shall be maintained by the Park owner.

Restroom facilities – According to the formula of Section 160.35, a minimum of twelve bath facilities shall be provided in the park. A bath facility shall be a shower, toilet and lavatory as established in the TTPCO.

ATTACHMENT A

Camping cabins shall not exceed 600 square feet of enclosed area and 300 square feet of unenclosed area. Steps, stairs, and stairways are excluded from these square footage limitations.

Ownership of camping spaces and camping cabins shall be retained by the park owners. No travel trailer, camping cabin or alternative camping unit shall be occupied more than 90 consecutive days.

Sales of travel trailers, camping spaces, camping vehicles, and camping cabins shall be unlawful.

Travel trailers placed on camping shall be consistent with the requirements of the Dare County Flood Damage Prevention Ordinance.

The park owner shall develop a storm response plan for use during storm events. Guests should be notified if an evacuation order is issued by Dare County. The park owner shall be responsible for the removal and disposal of damaged travel trailers.

Signage at the site shall be subject to a separate review process. No temporary, portable A-frame signs are permitted at the site.

NCDOT approval is needed for the access improvements from Highway 345. Additional state permits for stormwater, erosion and sedimentation control and a CAMA major shall be secured before execution of this document. The twelve-month approval period shall be valid from the date this document is signed by Dare County. Upon execution of this document, Dare County building permits for the construction of the restrooms, travel trailer utility hook-ups, and other structural improvements may be secured.

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Planning Director

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Date

**MEMORANDUM**

**TO:** Ms. Donna Creef (Dare County Planning Director)  
Dare County Planning Board Members

**FROM:** Lower Skyco LLC

**DATE:** September 22, 2021

**SUBJECT:** Preliminary Review Submittal Campground X

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It is the pleasure of Lower Skyco LLC to present the attached plans for the development of a travel trailer park and campground (hereafter 'Campground X') in accordance with Dare County's Land Usage Zoning Requirements Chapter 160. The property is in the Section 22-27.16—Highway 345 Business District (HWY 345) where 'Travel trailer parks and campgrounds' according to the 'Travel Trailer Park Ordinance' are a permitted use.

'Campground X' is the working 'park name' for the purpose of securing copyright protection of the final name and logo of the park. We would propose to work with Planning Staff to ensure compliance with 'Section 160.33 Park Name'.

Respect for nature and the site is fundamental to this project. Set on over four hundred (400) acres bordering HWY 345 to the east and the picturesque Pamlico Sound to the west, 'Campground X' will offer a mix of cabins, camping platforms, full-amenity RV sites, walking trails, beach access (sound), clubhouse, pool, and other improvements.

There are 26.34 acres (AC) of uplands, 195.86 AC of coastal wetlands, 53.08 AC of 404 wetlands and two ponds (Pond A: 10.65 AC and Pond B: 13.66 AC). Pond A and Pond B are former sand mines which have naturalized. For the filling of roadways, RV sites and other areas within Campground X, we are planning to mine material from Pond A. This will reduce heavy construction traffic to the site during development.

The development consists of five (5) contiguous parcels. At this time, Dare County has not assigned addresses to the property.

Campground X is planned using the 'free form' configuration of camping spaces (Section 160.28). Twenty-Eight (28) camping spaces per one (1) acre of land are allowed. Based on the upland acreage of 26.34, a maximum of seven hundred thirty seven (737) camping spaces are permitted. We propose one-hundred twenty (120) camping spaces or sixteen percent (16%) or the total allowable units.

Campground X will feature a mix of travel trailers and camping cabins. 160.27 General Standards for all Parks, (c) includes the following language:

*'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'*



Sixty (60) travel trailer sites and sixty (60) cabins are proposed; fifty percent (50%) cabins to travel trailer ratio. Three hundred sixty-eight (368) cabins would be allowed if Campground X were developed to maximum density.

The cabins will provide small individual accommodations set in nature by creating an optimal setting for experiencing the natural beauty of the site. The layout of the cabins prioritizes proximity to nature while conserving the existing ecosystem of the woodlands and marsh. For this reason, the units are raised above the ground on round pilings that minimize disruption to the existing vegetation and landscape. Under the majority of the cabins there will be no disturbance to the landscape. All the individual campsites are linked by a variety of walking trails and raised wooden walkways.

While we continue to refine the architectural designs, the cabins are to be an "exercise in reduction" providing eco-sensitive accommodations. Rectangular in plan, the dwellings will have limited openings to enhance the cabin's sense of enclosure and privacy. However, the cabins are fronted with walls of glass and screen porches that immerse guests in nature. On average the cabins are spaced further than thirty (30) feet from one another. Section 160.29, (c) requires a 'minimum separation of fifteen (15) feet. The cabins are strategically placed to maximize privacy, minimize site impact and to maximize views providing front row seats to the natural beauty of the site.

Three sizes of cabins are proposed at this time. We are still working on the final design of the units. Presently, the largest unit contains three hundred ninety-two (392) heated square feet (SF), one hundred twelve (112) SF screened porch, and fifty-six (56) SF covered entry. The combined combustible area is five hundred sixty (560) SF. The cabins are all one-story, raised on shallow pile above the flood zone, and have multiple areas of egress.

All cabins greater than four hundred (400) SF of combustible area shall have automatic fire suppression systems in accordance with NC State Fire Code 903.2.8. In context, the huge commercial multi-story rental 'homes' disguised as residential structures built throughout Dare County are not required to have automatic fire suppression systems. Our small cabins will provide safety above and beyond what is required of the rental 'mega-mansions'.

In working to further pursue the safety of our campground and our campers, we are also working with the NC Department of Forestry on a controlled burn of the marshes and other long-term management strategies. For the management of the surrounding marshes, we plan to pursue placing or donating the land to a conservancy group or the State of North Carolina.

Light pollution outdoors will be kept to a minimum to encourage a true wilderness experience and star gazing. Design plans will include just enough lights for safety.

The Army Corps of Engineers and CAMA have both approved the wetlands delineations as shown on the plans. Both have visited the site on numerous occasions and are knowledgeable of the proposed development.

No state or federal permits have been applied for at this time. After feedback from planning staff and the Planning Board's review, we will then prepare the applications for submittal.

To calculate lot coverage for both the county and state stormwater requirements, we have calculated all improvements as one hundred percent (100%) impervious. We did not take any credit for elevated wooden walkways, gravel, or other materials which are deemed pervious by either local or state guidelines.

For the county, using the uplands only in the calculation, the impervious calculation for the site is thirty percent (30%) (half of the allowed sixty percent (60%)).

We will seek a Low-Density Stormwater Permit from the state that allows for maximum lot coverage of twelve (12%) percent. Again, using the conservative approach described above, the lot coverage is 3.64%. The state requires 404 wetlands and uplands to be used in this calculation. While not required, we have designed additional best management practices (BMP's) to further minimize impacts of stormwater runoff as shown on the plans. The planting or preservation of native vegetation is critical to our plan.

A CAMA Major permit is required because one or more other state permits are required. The CAMA permit will be applied for to enhance the existing canal for water access to the Pamlico Sound, for the elevated walkway over the coastal wetlands to connect the development to the sandy upland beach adjacent to the Pamlico Sound, and for other limited development within the Area of Environmental Concern (AEC).

We have sent the plan page highlighting the connection to NC 345 to the NCDOT District Engineer for initial review. Additionally, the plan allows for a large buffer of existing vegetation along NC 345. The entrance will be the only 'keyhole' into the proposed development. With the natural barrier along NC 345 preserved, the experience of this section of roadway will be preserved for motorist, and the tranquility for Campground X will be enhanced.

For the past year, working with a soil scientist, we have taken daily electronic measurements in five wells monitoring the ground water table. We have taken numerous soil samples and run studies to determine the suitability of the soils for the disposal of septic. We will use pre-treatment systems to treat all of the septic to a high degree prior to filtration into the soils. For these reasons we have located the septic in the area with the highest quality soils and greatest separation from the seasonal high water table. We have met numerous times with Dare County Environmental Health Staff to review our findings and proposed plan. Our plan is responsible and sustainable.

There are two units that are not calculated in our cabin density that are allocated for employee housing. Housing of eight (8) workers could be accommodated as needed.

In closing, 'Campground X' is a modern camping destination surrounded by the beauty of Roanoke Island and the Pamlico Sound. Whether seeking tranquility or a base for adventure, our curated amenities and accommodations are carefully chosen allowing our campers to hurry up and slow down at a one of a kind destination.

At the meeting representing Lower Skyco LLC will be the soil scientist, the wastewater engineer, and the registered landscape architect who finalized the plan. If anyone has any questions prior to the meeting, do not hesitate to contact me. I want to limit any undue delays that may arise at the meeting resulting from unknowns.

Sincerely,



John M. Robbins III

Member, Lower Skyco LLC