

## 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,

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 approve 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.

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:

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

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**

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