



## **Dare County Planning Board Meeting**

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

**December 13, 2021**

### **Agenda**

- I. Call to order **6:00 PM**
- II. Introduction of New Planning Board Member
- III. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
John DeBoy
- IV. Approval of minutes for the November 8, 2021 meeting
- V. Public Comment
- VI. Old Business
  - a. None
- VII. New Business
  - a. Preliminary Plat Review, Old North End Subdivision, 56 Lot Subdivision, Old North End, LLC, Parcel No. 024225000, Airport Road, Manteo, NC
  - b. Zoning Map Amendment Application to Convert Existing Commercial Building into Residential Apartments, R2-A to R-3, Julia M. Taft, 48651 NC HWY 12, Buxton, NC
  - c. Preliminary Plat Review, 4 Lot Subdivision, HBMOS, LLC, Parcel No. 014690000, NC 12 Hwy, Avon, NC
  - d. Request for Extension of Special Use Permit 3-2020, Waves Retreat Cluster Home Development Project, HWY 12 Retreat, LLC, Waves, NC
- VIII. Other Business
- IX. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 8, 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

### ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to Planning Board member, David Overton, as required by Chapter 160D.

**MEMBERS PRESENT**            John Finelli, Chairman  
   David Overton            Beth Midgett (remotely)  
   Buddy Shelton            David Hines  
   Terry Gore

### MEMBERS ABSENT

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the October 11, 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

***Preliminary Plat Review, Hatteras Island Reserve, Phase 2, Hatteras Ventures, LLC, 56883 NC 12, Hatteras, NC***

Michael W. Strader, Jr., P.E. of Quible & Associates, P.C. was present on behalf of the property owners.

Planning Director, Donna Creef, addressed the Board. She explained this project is for a seven-lot subdivision on 3.36 acres of land. The property is zoned C-2H Commercial. The smallest lot is 17,671 square feet.

**DRAFT**

**LAND OF BEGINNINGS**

PRINTED ON RECYCLED PAPER

Ms. Creef noted that common driveways are proposed for use in Phase 2 following the same design used in Phase 1. Lots 5-8 will be accessed from a 40' easement with 24' of paved common drive area. Lots 9-11 will be accessed from a 24' easement with a 24' of paved common drive area. Ms. Creef added that the Subdivision Ordinance requires the common drive to be constructed according to the NCDOT pavement requirements. A note on the plat indicates none of the lots will have direct access from NC12. The covenants for the subdivision will need to include appropriate language about the use and maintenance of the common drives. Ms. Creef recommended "No Parking" signs be installed along the common drive areas. This was a requirement for Phase 1 as well.

Ms. Creef said a stormwater plan from the State is not needed. A copy of the plat has been provided to the Fire Marshal and Ms. Creef stated he did not indicate any negative comments.

The Board discussed number of bedrooms in Phase 2 and beach access with Mr. Strader.

Terry Gore made a motion to recommend approval of the preliminary plat based on the determination that the use of common drives for the proposed lots does not endanger or diminish public health, safety and welfare and are subject to the following conditions:

1. No parking signs shall be installed along the common drives before the plat is recorded.
2. The CAMA vegetation lines do not need to be depicted on the final plat.
3. The project engineer shall certify the common drives have been installed to NCDOT standards after they are completed.

Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

This item will be forwarded to the Board of Commissioners for review at the December 6, 2021 meeting.

***Special Use Permit Application, Proposed Operations Center Building, Cape Hatteras EMC, 47159 Light Plant Road, Buxton, NC***

Dylan L. Tillett, P.E. of Quible & Associates, P.C. was present at the meeting.



Assistant Planning Director, Noah Gillam, addressed the Board. He explained the proposed facility is located in Buxton and is zoned R-2A. Mr. Gillam stated that Private and Public Utility Facilities are permitted as a special use.

The applicant is proposing to build a 50' x 148' building that will serve as the operation facility and provide office space, conference rooms, a large kitchen, restrooms and multiple truck bays. Mr. Gillam noted that some portions of the proposed improvements will be constructed inside the Coastal Area Management Act (CAMA) jurisdiction and will have to adhere to their regulations as well as the Dare County Zoning Ordinance.

Mr. Gillam stated that a site plan and draft SUP was provided to the Board for their review. The Dare County Fire Marshall reviewed the site plan and has indicated that he approves of the proposed site plan.

Mr. Tillett addressed the Board. He stated that he had no objections to the conditions listed in the draft SUP.

The Board discussed hours of operation and fencing.

Chairman Finelli amended condition seven to allow for a chain link fence with opaque plastic slat inserts.

Terry Gore said item eight listing hours of operation should be removed from the draft conditions.

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

1. Chain link fencing shall be installed and maintained along all property lines; those property lines directly adjacent to residential use shall have opaque chain link fence privacy slats installed.

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

## **OTHER BUSINESS**

### ***Approval of the 2022 Planning Board Meeting and Submission Dates Calendar***

Terry Gore made a motion to accept the 2022 Planning Board Meeting and Submission Dates Calendar as presented by Staff.



Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

***Planning Board Vacancy Update***

Donna Creef told the Board that two applications have been received for the District 2 vacancy. The applications will be forwarded to the Dare County Board of Commissioners for their consideration at the November 15, 2021 meeting.

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:30 p.m.

Respectfully Submitted,

Andrea DiLenge  
Planning Board Clerk

APPROVED: December 13, 2021

John Finelli  
Chairman, Dare County Planning Board



## County of Dare

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

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### SUBDIVISION FACTSHEET

Planning Board – December 13, 2021 Preliminary Plat Review

**NAME:** Old North End Subdivision

**LOCATION:** Roanoke Island

**SITE SPECIFICS:** Total site area: 25 acres  
Number of proposed lots: 56  
Smallest lot area: 15,000 square feet  
Site Zoning: R-1 Residential

The submission includes a preliminary plat and a construction set of plans for the proposed infrastructure. Both sets of plans will be referenced in my comments and will be approved as part of the preliminary approval.

#### **STREETS:**

The parcel will be accessed from Airport Road along Culpepper St, which will be improved with a 20' paved road. A new 50' right-of-way with a paved 20' wide road will be installed to access the lots after existing Culpepper Street. No individual lot will have direct access from Airport Road. Culpepper Street is a paper street that was recorded as part of the Evansville Subdivision in 1946. Several other paper streets were recorded with the Evansville plat. Two of these streets will be used for stormwater improvements. Three of the paper streets (Bonner, Daniel and Warren) will not be disturbed as part of the development of the site but reserved for stormwater improvements if needed. A copy of the Evansville plat is included with my staff report. The typical cross-sections for the division are included in the second set of plans labelled as construction plans. The section of roadway that will adjoin the rear of Evansville lots will include a 5' wide "undisturbed zone" according to the typical cross-section B-B of the construction plans. Silt fencing along this area will be installed.

#### **UTILITIES:**

1. Water: Dare County central water system
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: A stormwater application has been filed with the State. The elements of the plan are included on the residential subdivision construction plans. In 2018, a stormwater plan was prepared for NCDOT and Dare County for this area of Roanoke Island. The report, commonly referred to as the Moffitt Nichols report, proposed three phases of stormwater improvements along Airport Road and the adjoining subdivisions. Stormwater infrastructure will be installed as part of the division that is intended to serve for future connections by Dare County and NCDOT as outlined in the Moffitt Nichols report.

## **ZONING**

The property is zoned R-1 and will be developed with single family dwellings in a scale that is consistent with the adjoining subdivisions in the neighborhood. Development of the property as a subdivision does not require any type of posting of the property or notice to adjoining property owners under North Carolina law or the Dare County Subdivision Ordinance. The Subdivision Ordinance provides a two-year preliminary plat approval period. As noted above, there are a series of paper streets off Airport Road that will be used to access the proposed subdivision and serve as part of the stormwater system. These paper streets were intended for access to the site at the time the Evansville Subdivision was recorded in 1946.

## **STORMWATER MANAGEMENT**

A State stormwater management permit application has been filed. This application is for a low-density stormwater permit which will apply a 24% lot coverage limitation on each lot. The reduced lot coverage amount supersedes the R-1 zoning lot coverage limitation of 30%. The application indicates a total of 2,950 square feet of impervious coverage per lot is allowed. It will be important for this information be conveyed to purchasers of the lots by a note on the plat and in the covenants. The language needs to state Dare County cannot waive this requirement and that the County's higher lot coverage limit will not apply.

## **TOPOGRAPHY**

The construction plans include topographic information, sheet C1. You will note the topography is typically 10- to 12 feet except for a section of lower elevations dropping to 6 feet in the vicinity of lots 31-51. The borrow area was used the development of the Evansville Subdivision. The elevation of this area will be raised as part of the development of the ONE site. Ditches from the adjoining existing subdivisions have been constructed without any formal agreements or approval from the former property owner according to the cover letter submitted with the plans. Engineered foundation plans for lots 31-42 will be a requirement at the time construction on the individual lots occurs. For lots 48-51, engineered foundations may be needed depending on the layout of the proposed site improvements. A note on the final plat should be included to address this requirement and similar language included in any homeowners documents.

## **VEGETATIVE EASEMENT**

A 10' wide vegetative buffer has been designated along the rear of the lots that adjoin Daphne Park Subdivision, Brakewood Subdivision and the rear of lots 46-56 along Airport Road. There will also be a vegetative area between the paved road improvements and the rear of lots 56-80 of the Evansville Subdivision (typical cross-section B-B on the construction plans). The cover letter describes this as a vegetative easement. The plats describe it as a vegetative retention easement. There is no requirement in the Subdivision Ordinance for the provision of these areas and the developers have done so at my suggestion. The vegetative easement is intended to remain undisturbed in its nature state. How the developer intends for the vegetative buffer to be protected needs to be discussed at the Planning Board meeting. The intent of the buffer is to avoid the area from being clear-cut and remain in its natural state to the greatest extent practicable. Clearing of underbrush would be acceptable but the large majority of the mature vegetative should remain intact. The likelihood that the vegetative easement will be compromised will increase with each ownership transfer of the property. The final plat and the homeowners documents need to include appropriate language to ensure the longevity of this vegetative buffer. Staking of the area during when construction occurs on each lot will help for short-term



purposes. The long-term protection, once a homeowners association is involved, will be key to its perpetuity. If the vegetative buffer is disturbed, Dare County has no enforcement mechanism to require its restoration.

**CONSTRUCTION WORK**

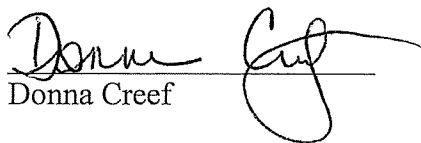
All staging of equipment materials and parking of equipment/vehicles during development of the site shall occur on the ONE LLC property and not along the Airport Road right-of-way. Construction activities should occur in a manner consistent with the Dare County Noise Ordinance – between the hours of 7:00 a.m. and 10:00 p.m. on weekdays.

**APPROVAL**

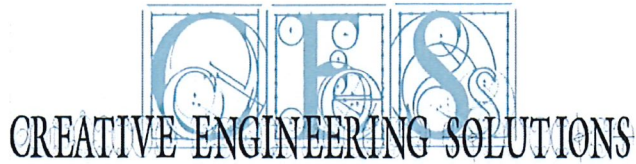
The proposed division does not include any features that trigger review by the Board of Commissioners. If the Planning Board determines the plans meet the technical standards of the Subdivision Ordinance then a motion to approve the plans will be in order. I have included a draft motion for the Planning Board’s consideration. It is staff’s opinion that the plans meet the technical standards of the Subdivision Ordinance.

Motion to approve: “I move the preliminary plat for the proposed Old North End Subdivision be approved subject the following conditions:

1. All supplementary State and federal permits (stormwater, erosion control, wetlands, NCDOT) shall be secured before construction activities can occur on the site. The two-year preliminary approval period shall commence once all of these permits are secured and copies transmitted to Dare County. A wetlands plat shall be verified by the US Army Corps of Engineers and any fill permits secured before land disturbing activities commence on the site.
2. The final plat and covenants should include language restricting lot coverage to the amounts set forth in the NC state stormwater permit and that Dare County cannot waive this requirement.
3. The final plat and covenants should include language establishing the vegetative retention easement along the rear of the lots as depicted on the plat. Vegetation in this area shall not be clear-cut and mature vegetation should remain intact. (other language as may be identified during Planning Board discussion)
4. Equipment and materials shall not be staged or stored along Airport Road or its right-of-way during construction activities on the site. Construction activities at the site shall occur consistently with the Dare County Noise Ordinance.
5. Other conditions as may be identified during the discussion.

  
Donna Creef

12-7-2021  
Date



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

November 19, 2021

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

**Re: Preliminary Subdivision Plan  
Old North End, LLC  
Airport Road  
Parcel #: 024225000**

Dear Ms. Creef:

We are pleased to submit the enclosed information on behalf of the applicant, Old North End, LLC, who is seeking Subdivision Plan Approval for the creation of (56) single-family residential lots on the 25-acre undeveloped subject property. This tract of land is located within the R-1 Low-Density Residential Zoning District. The residential lots have been designed in accordance with the technical standards set forth in of Chapter 153-Subdivision Regulations and Section 22-21 (d) Dimensional requirements, of the Dare County Zoning Ordinance and will be required to comply with both local state requirements for the proposed developmental activities. The proposed residential development includes supporting drainage infrastructure improvements, extension of the existing public water supply system, and a 20' wide asphalt roadway within a proposed 50' right-of-way with direct access to Airport Rd. (NC S.R. 1116).

The 25-acre tract of land is located off Airport Rd. (NC S.R. 1116) and bounded by the Daphne Park Subdivision to the south, the Brakewood Subdivision to the west and the Evansville Subdivision to the east. The property is heavily vegetated with stands of tall pine trees and a moderate understory. Site topography is generally level with existing elevations generally in the range of 10'-14' msl. The south side of the site contains a disturbed area that has been used for a soil borrow source area to support adjoining development. Man-made ditches have been constructed from adjoining properties and routed onto the subject property without any formal agreements in place in addition to varying amounts of household trash, tires and scrap metal which have been littered about the subject property without consent.

Planning elements of the design consider existing adjoining neighborhood conditions as it relates to size and scale, vegetated buffers, and flood related issues. A 10' wide continuous vegetative easement is proposed along the western property boundary line to maintain a vegetative barrier between the existing and proposed residential development. Roadway construction along portions of the eastern boundary line has been planned to minimize impacts, to the maximum extent practicable, between the proposed roadway and adjoining properties. The proposed subdivision layout has been designed to be consistent with existing patterns and scale of residential development in the surrounding neighborhoods.

The development design is based upon the NC Department of Environmental Quality low-density development standards of 24% built upon area limitations. Built upon limitations will be required to be recorded in the restrictive covenants and per the NCDEQ low-density stormwater management approval. Drainage infrastructure improvements include roadway vegetative conveyances in addition to (3) separate east/west storm pipe conveyance systems. The three (3) new drainage connections between the Brakewood Subdivision boundary and Airport Rd. have been sited in accordance with the findings of the Roanoke Island Flooding Analysis report prepared by Moffat & Nichol. The proposed conveyances are anticipated to aid in reducing upstream flood

frequency and flood depths during large rainfall events. It should be noted the upstream and downstream improvements by others, (i.e. NCDOT and Dare County), will be required to obtain the predicted performance as noted in the Moffat & Nichol report. The proposed drainage infrastructure improvements associated with this development will serve as the “backbone” towards achieving the desired performance.

Several state permits are required in support of this application to include NCDEQ- Sedimentation and Erosion Control Permit for land disturbing activities, NCDEQ Low-Density Stormwater Management Permit, NCDEQ Public Water Supply permit for the water distribution system extension and NCDOT for street access and right-of-way encroachment. Copies of the permit applications are contained within.

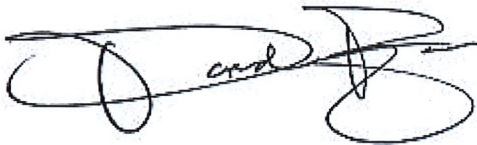
The following documentation is being submitted in support of this application:

1. One (1) copy of the NCDEQ- Erosion and Sediment & Erosion Control Permit application w/supporting documentation
2. One (1) copy of the NCDEQ- Low-Density Stormwater Management application w/supporting documentation
3. One (1) copy of the NCDEQ- Division of Water Resources- Public Water Supply Section- Application for Approval for Water Supply Systems for the watermain extension with supporting documentation.
4. One (1) copy of the NCDOT Right-of Way Encroachment Agreement and driveway permit application.
5. Ten (10) copies of the subdivision preliminary plats
6. Ten (10) copies of the subdivision Roadway, Drainage & Utility Infrastructure Improvement drawings
7. \$2800 application fee (56 lots a \$50 per lot)

We respectfully request placement of the application on the Planning Board’s December 13, 2021 meeting agenda. The applicant looks forward to working with staff to respond to any items or issues that might arise as a result of the review.

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

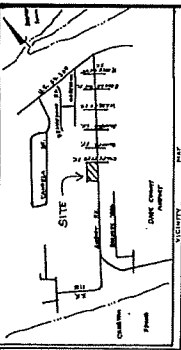
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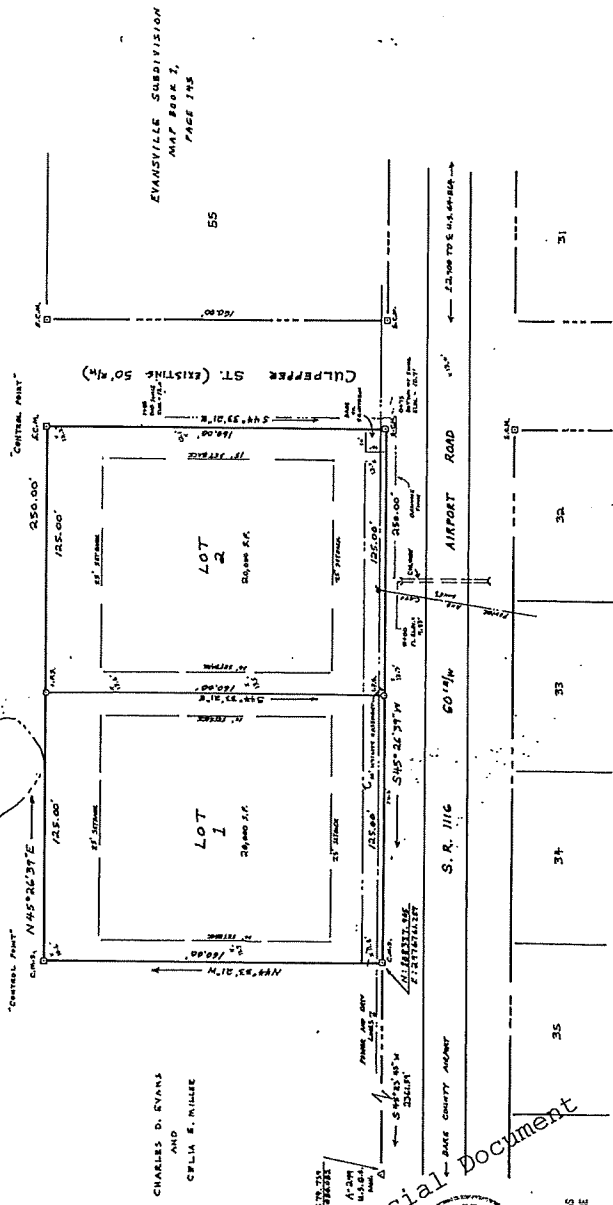


- NOTES:
- 1) TOTAL ACRES: 0.918 ACRES.
  - 2) TOTAL NUMBER OF LOTS: 3.
  - 3) SQUARE FOOTAGE OF SMALLEST LOT: 24,000 S.F.
  - 4) THE DEVELOPER HEREBY AGREES TO MINOR CONSTRUCTION, WITHIN 30 DAYS AFTER FINAL APPROVAL ON THIS DATE, THE ADDRESS SHALL BE: Evansville, NC.

I HEREBY CERTIFY THAT THE LOTS AS SHOWN IN THIS MAP OF THE SUBDIVISION COMPLY WITH THE REQUIREMENTS OF THE ZONING AND AREA REQUIREMENTS AS PROVIDED BY ORDINANCE OF THE DAKE COUNTY BOARD OF HEALTH, STATE LAW REQUIRES THAT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ON ANY LOT THE LOCAL HEALTH DEPARTMENT, REGARDING SITE SUITABILITY, METHOD AND ADEQUACY OF SEWAGE TREATMENT, AND METHOD OF POTABLE WATER SUPPLY FOR EACH INDIVIDUAL LOT BEFORE ANY STRUCTURE IS CONSTRUCTED OR PLACED ON THE PROPERTY. LOTS MUST BE INDIVIDUALLY EVALUATED AS TO TOPOGRAPHY, DRAINAGE, SOIL CONSISTENCY, AND SOIL SUITABILITY TO SUPPORT A GROUND ABSORPTION SEWAGE DISPOSITION SYSTEM.

*Charles J. Evans*  
 Charles J. Evans  
 Notary Public  
 12/18/90  
 DATE

CHARLES J. EVANS  
 AND  
 CELIA E. MILLEE



CHARLES D. EVANS  
 AND  
 CELIA E. MILLEE

FILED  
 1990 NOV 13 PM 3 35  
 DAKE COUNTY REGISTER  
 1000 S. W. 11th St.  
 DANFORTH, N.C. 27513

Unofficial Document

Unofficial Document

CERTIFICATE OF APPROVAL FOR RECORDING PLAT AND ACCEPTANCE OF RESOLUTIONS

I, **Michael P. Davis**, the Clerk of this County, do hereby certify that on this 12th day of November, 1990, the Board of County Commissioners approved this plat for recording and that the same complies with all applicable laws, rules, regulations and public orders and other acts for public purposes as shown herein, but that the responsibility to open or maintain the same shall remain with the person or persons who are the owners of the land shown on this plat. It is the public interest to approve this plat for recording.

12-31-90  
 Michael P. Davis  
 COUNTY CLERK  
 DAKE COUNTY BOARD OF COMMISSIONERS



CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REQUIREMENTS OF DAKE COUNTY AND THAT THIS PLAT HAS BEEN APPROVED BY THE DAKE COUNTY PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF DAKE COUNTY.

12-23-90  
 Edna M. McCall  
 CHAIR OF THE DAKE COUNTY PLANNING BOARD

CERTIFICATE OF SURVEY AND ACCURACY

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME (SEE DESCRIPTION RECORDED IN BOOK 2, PAGE 271.8 OF THE DAKE COUNTY REGISTER), THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/10" AND THAT THE DIMENSIONS NOT SHOWN ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 2, PAGE 271.8 AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30. WITNESS MY HAND AND SEAL OF DAKE COUNTY, N.C., THIS 23rd DAY OF December, 1990.

12-23-90  
 Registered Land Surveyor  
 L-2892  
 REGISTRATION NUMBER



CERTIFICATE OF OWNERSHIP AND REDICATION

I HEREBY CERTIFY THAT I, IN THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE COUNTY OF DAKE AND THAT I HEREBY ADAPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH WITHOUT BINDING EFFECT LINES, BOUNDS, DISTANCES, ETC., FOR PRIVATE USE AS NOTED, ENCLOSED HEREIN, I HEREBY RESOLVE ALL SURVEYING SEWER, STORM SEWER AND WATER LINES TO THE COUNTY OF DAKE.

3/18/90  
 Charles D. Evans  
 Celia E. Millee

I, JAMES D. UNDERWOOD, DO HEREBY CERTIFY THAT CHARLES D. EVANS AND CELIA E. MILLEE PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THIS CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS DAY OF 3/18/90 AT THE CITY OF DANFORTH, N.C.



12-23-90  
 J. Underwood  
 Notary Public  
 My Commission Expires 12-31-90

EVANMILL SUBDIVISION

ROANOKE ISLAND  
 MAGS HEAD TOWNSHIP  
 DAKE COUNTY, NORTH CAROLINA  
 FLOOD ZONE: C  
 ZONING CLASSIFICATION: R-1  
 OWNERS: CHARLES D. EVANS AND CELIA E. MILLEE  
 SURVEYED: 1-19-90  
 PLATTED: 1-20-90





## County of Dare


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

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December 6, 2021

### MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Julia Taft Buxton Zoning Map Amendment Application

Ms. Julia Taft has submitted a zoning map amendment application to rezone 48651 NC 12 Hwy in Buxton. The parcel is currently classified as R-2A on the Buxton zoning map and she is seeking to rezone the property to R-3. There is an existing building on the property that has been used for historically as a child care facility. Ms. Taft has made an offer to purchase the property contingent on the approval of her rezoning application. A letter from the property owner acknowledging the request and a copy of her offer to purchase were filed with her zoning amendment application.

The property was zoned R-2A when the zoning map was adopted for Buxton in the early 1990s. Ms. Taft has stated in her cover letter that she would like to remodel the existing building into apartments for employee housing. The R-2A district does not permit multifamily structures but the R-3 zoning district does allow multifamily structures at a dwelling density of ten units per acre.

Notice of the request has been sent to the adjoining property owners and a sign posted on the property. Under the recent updates to the Zoning Ordinance, the public comment period at Planning Board meetings is the appropriate time for interested parties to provide input to the Planning Board on any proposed rezoning application instead of a separate Planning Board public hearing. The Board of Commissioners must conduct a public hearing on the matter before taking any action.

As noted in the Taft cover letter, she intends to remodel the existing structure on the site for employee housing. She owns several businesses on Hatteras Island and hopes to provide year-round housing opportunities.

The residential development policies of the 2009 Land Use Plan are applicable to this request. Policy LUC #4 specifically addresses the use of multi-family structures as an appropriate alternative for year-round housing.

Land Use Compatibility Management Topic

*Policy LUC#4 -- To address the housing needs of the year-round population, multi-family 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 minimum 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.*

Based on this language, the application can be determined to be consistent with the Land Use Plan.

A recommendation on the application is the requested action of the Planning Board. I have included draft motions for the Planning Board's consideration as follows:

To recommend approval: "I move to recommend rezoning of 48651 NC 12 Hwy in Buxton from R-2A to R-3 as requested by Julia Taft. I find this rezoning to be consistent with the policies of the 2009 Land Use Plan and other ordinances of Dare County.

To recommend denial: "I move to recommend denial of the rezoning of 48651 NC 12 Hwy in Buxton due to the following concerns (insert reasons)".



**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)** Julia M. Taft (Buyer/Applicant)  
**Address:** PO Box 1426, Buxton, NC 27920 (Mailing Address)  
**Telephone:** \_\_\_\_\_ **Email:** julia@taxlighthouse.com

**Property Description:**

N/A	N/A	N/A	48651 NC Hwy 12 Buxton
Lot	Phase/Section	Block	Subdivision
Parcel: <u>016869000</u>		PIN: <u>052608981957</u>	

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

**Present Zoning Classification:** Section 22-22.1 R-2A

**Requested Zoning Classification :** Section 22-23 R-3

**Explanation of Request:** Julia M. Taft (applicant) seeks a zoning amendment  
the property located at 48651 NC Hwy. 12 in Buxton to allow for the existing  
building, previously used as a daycare center, to be converted into multiple  
residential apartments. See attached Agreement for Purchase.

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:** Julia M. Taft **Date:** 11/22/2021 | 12:25 PM EST

November 22, 2021

Re: 48561 NC Hwy 12 Zoning Amendment Application

To Whom It May Concern:

I have been a business owner on Hatteras Island for over 20 years. I own 6 business and employee roughly 50 people year-round, this number should be closer to 60. During the summer season that number increases to 80 - 90 people. Each year I find it harder and harder to hire the staff I need to run my businesses. While the past two years brought us the challenge of COVID, there is an underlying problem, work force housing.

I must rely heavily on the summer J-1 student program and college students. For them to work on Hatteras Island, during the busy summer months they must have housing. I'm very fortunate in that I have dormitory style housing available in Avon. I have solved my personal summer employee housing problem. I am now looking to solve my employee housing for year-round employees.

I desperately need more employees to operate my businesses. I am forced to close 1 to 2 days a week because I do not have enough employees. The employees I do have are working more hours than they want because we are so short staffed. But there are no local employees to hire, because so many people have been forced to relocate due to a shortage of housing. I know of families living in 1 bedroom travel trailers and campers that could benefit from having additional year-round housing available.

I am proposing converting the property at 48651 NC Hwy 12 into multiple residential apartments. This property can be converted into 6 or 7 apartments. These apartments would be rented to individuals willing to work in one of my six businesses. By having this housing available I could look for qualified employees from out of the area and recruit them.

Work force housing is necessary for all business owners. While this zoning change will only create 6 or 7 work force housing units it is a step in the right direction.

Thank you for your consideration in this request.

DocuSigned by:

*Julia M. Taft*

1D469486ACC24DC...

Julia Taft  
PO Box 1426  
Buxton, NC 27920



November 16, 2021


John L. Williams, Jr.  
PO Box 741  
Buxton, NC 27920

Re: 48651 NC Highway 12 Zoning Amendment Application

To whom it may concern,

I am the owner of the property located at 48651 NC Highway 12 in Buxton, NC and have entered into an Agreement for Purchase and Sale for this property with Julia M. Taft (Buyer).

This letter serves to provide notice that I am aware of and do not oppose Julia M. Taft's application for a Zoning Amendment for the above reference property whereby she is seeking review and approval by the Dare County Board of Commissioners prior to settlement.



John L. Williams, Jr.





## County of Dare

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

### SUBDIVISION FACTSHEET

Planning Board – December 13, 2021 Preliminary Plat Review

**NAME:** HB MOS LLC Subdivision

**LOCATION:** Avon, NC

**SITE SPECIFICS:** Total site area: 2.58 acres  
Number of proposed lots: 4  
Smallest lot area: 21,074 square feet  
Site Zoning: R2-A Residential and C-2 Commercial

#### STREETS:

A portion of the division is proposed as an exception to minor subdivision standards, which allows for a 20-foot wide access easement. The remainder of the property fronts on NC 12 and will be accessed from NC 12. The easement will be improved with gravel to the sub-base standards of NCDOT. These improvements will be installed before the plat is recorded in the Register of Deeds.

#### UTILITIES:

1. Water: Dare County central water system
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: No state permit required for stormwater.

#### STAFF COMMENTS

The property is split by a canal with the portion on the west of the canal zoned R-2A and the east side of the canal zoned C-2. The Subdivision Ordinance allows parcels less than three acres in area to be developed with access easements subject to review by the Fire Marshal to ensure adequate emergency service vehicle access. A copy of the plat has been forwarded to Mr. Kovacs for comments. The amount of land disturbance is less than one acre so a state stormwater permit is not required. Swales will be installed along the easement edge. There is 10' wide vegetative buffer along the lot lines of lots 1-3. I suggest a note on the final plat restricting clearing of this buffer and similar language be included in restrictive covenants. The covenants should also address the maintenance of the access easement. I recommend access to lot 1 be restricted to the easement and not from NC12. The setbacks on lot 2 are based on NC 12 as the front yard with a 5-foot separation from the easement area. A name for the access easement should be indicated so the lots can be addressed off the easement and not NC 12. A street sign for the easement will need to be installed by the developer before the final plat is recorded. The property is being developed under the minor subdivision exception provisions and therefore the use of the lots 1-3 will be restricted to residential use. The R-2A district allows some commercial uses however these uses cannot be located on lots 1-3. A note on the final plat and in the covenants shall address this residential use limitation. Since Lot 4 is separated by the canal, it could be developed commercially under the C-2 zoning, the narrowness of the lot will be a challenge in its development. Any commercial development will need to provide a buffer adjacent to the residential uses that abut lot 4.

The requested action is a motion to approve: "I move that the preliminary plat for the HB MOS LLC subdivision be granted approval subject to the following conditions:

1. The final plat and covenants shall include land clearing restrictions on the vegetative buffer located on lots 1-3.
2. A street name shall be indicated on the final plat and a street name sign installed by the developer before final plat submission.
3. Access to lot 1 shall be from the access easement and not NC 12.
4. Lots 1-3 shall only be used for residential purposes and not for any commercial use that may be permitted in the R-2A zoning. Language on the final plat and in the covenants shall include this restriction.

Donna Creef  
Donna Creef

12-6-2021  
Date