



Dare County Planning Board Meeting

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

May 9, 2022

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
John DeBoy
- III. Approval of minutes for the April 11, 2022 meeting
- IV. Public Comment
- V. Old Business
 - a. None
- VI. New Business
 - a. Special Use Permit Application No. 4-2022, Request for Group Housing Development for Employee Housing, Red Shed, LLC, 27221 A Sand Street, Salvo
- 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, April 11, 2022. 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

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

MEMBERS ABSENT Beth Midgett David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the March 14, 2022 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Barbara Sibuhka, a Gareth Cir. resident, is concerned about the construction on Airport Rd. and the Evansville Tract. Ms. Sibuhka spoke about the density of the Old North End Subdivision, traffic flow in the area, noise, and home depreciation. She asked if additional services such as police, fire, water, sewage, schools, teachers and play areas would be provided. She asked how many construction companies are involved, who they are, and who would benefit from the subdivision. She stated she wants in-depth studies.

Kathy Mitchell, a Gareth Cir resident, is concerned about the high density of the area and says it has reached the acceptable load particularly Airport Road that has been stressed to the limit. Ms. Michell also spoke about the impact of the loss of a remnant native plant community and the stress on wildlife.

Kathryn Fagan, an Airport Rd. resident, is concerned about the lack of notice for the Old North End Subdivision. Ms. Fagan said one of the key responsibilities of the Planning Board is to facilitate and coordinate citizen engagement and participation in the planning process. Ms. Fagan additionally spoke about flooding, lack of improvements to Airport Road, traffic flow, plummeting property values, and lack of a DOT study. Ms. Fagan also gave a petition to the Board at their seats requesting a public hearing on the matter.

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LAND OF BEGINNINGS

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James Dortch, a resident of Manteo, has many of the same concerns as the other speakers. He is concerned about traffic and density. He understands the need for housing but these are not low income lots. He wants to know who we are trying to provide housing for and why 56 lots have been approved and not 25.

Ray Meekins, a Broughton St. resident, spoke about the beauty and wildlife found in the wooded areas along and near Airport Rd. Mr. Meekins said he would like to see the area stay in its current configuration. Mr. Meekins is also concerned about traffic and that notice was not given.

Mrs. Jessie Wheeler, a Sunnyside Dr. resident, emailed the Planning Board comments regarding the Old North End Subdivision and the impacts to residents living along Airport Road. A copy is on file with the Planning Board Clerk.

Public comment closed at 6:28 p.m.

OLD BUSINESS

-None-

NEW BUSINESS

Preliminary Plat Review, 2 Lot Subdivision, HBMOS, LLC, Parcel No. 014690000, NC 12 Hwy, Avon, NC

Ray Meekins, of Seaboard Surveying & Planning, Inc., was present on behalf of the property owner.

Planning Director, Noah Gillam, addressed the Board. He explained that the Board had previously approved this parcel last year as a four lot subdivision and it was never recorded. Mr. Gillam stated that a two lot subdivision better suits their needs.

The parcel is zoned R2-A Residential and C-2 Commercial. The total site area is 2.58 acres and the smallest lot is 43,369 square feet. Mr. Gillam further explained that no new road improvements are needed to access the proposed lots. Lot one will be accessed off Old Main Rd. (SR 1466) and lot two will be accessed from NC 12 Highway.

The Planning Board had no questions of the applicant or staff.

Terry Gore made a motion to approve the preliminary plat. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

OTHER BUSINESS

Review of Special Use Permit for Travel Trailer Park, Beachland Farms Campground, 256 S California Ln., Manteo, NC

Malcolm Fearing, Applicant, was present at the meeting.

Noah Gillam said the Dare County Board of Commissioners reviewed a Special Use Permit (SUP) and associated site plan in July 2020 for the construction of a campground on parcel 025697000. A condition of the SUP and the Dare County Travel Trailer Park and Campground Ordinance (TTPCO) required all improvements to be installed and a final plat be submitted to the Planning Board within a 12 month period. Mr. Gillam explained that the applicant began installing improvements but encountered problems due to COVID-19, and material and labor shortages. The improvements were unable to be finished before the 12 month time period expired.

Mr. Gillam added that the TTPCO requires the applicant to resubmit the proposal before the Planning Board and Board of Commissioners for approval of the SUP and associated site plan if time expires before the project is completed. Mr. Gillam stated that the applicant has submitted the prior approved plan and there have been no major change to the proposed project since it was granted approval in 2020.

In October of 2020 the TTPCO was updated and one of the amendments grants the Planning Director authority to approve the final plat. Condition 12 of the SUP has been modified to reflect this update.

A copy of the approved SUP No. 1-2020, draft SUP No. 2-2022, and a copy of the TTPCO were provided to the Board for their review.

The Planning Board reviewed draft SUP No. 2-2022 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 and will be subject to quasi-judicial review at the Board of Commissioners level, which requires sworn testimony and other rules of procedures specific to quasi-judicial items.

Review of Special Use Permit to Add Additional Travel Trailer Sites, Avon By the Sea RV Resort, 41001 NC 12 Hwy, Avon, NC

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LAND OF BEGINNINGS

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A representative was not required for this item as this was a review of an expired permit.

Noah Gillam said the Dare County Board of Commissioners reviewed a Special Use Permit and associated site plan in December 2020 to allow for travel trailer sites on existing commercial property on parcel 014800000. A condition of the SUP and the Dare County Travel Trailer Park and Campground Ordinance (TTPCO) required all improvements to be installed and a final plat be submitted to the Planning Board within a 12 month period. Mr. Gillam explained that the applicant began installing improvements but encountered problems due to COVID-19, and material and labor shortages. The improvements were unable to be finished before the 12 month time period expired.

Mr. Gillam added that the TTPCO requires the applicant to resubmit the proposal before the Planning Board and Board of Commissioners for approval of the SUP and associated site plan if time expires before the project is completed. Mr. Gillam stated that the applicant has submitted the prior approved plan and there have been no major change to the proposed project since it was granted approval in 2020.

A copy of the approved SUP No. 5-2020, draft SUP No. 3-2022, and a copy of the TTPCO were provided to the Board for their review.

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 and will be subject to quasi-judicial review at the Board of Commissioners level, which requires sworn testimony and other rules of procedures specific to quasi-judicial items.

Discussion of Notice Requirements for Subdivisions

Buddy Shelton asked Mr. Gillam if the Old North End subdivision has been seen by the Board of Commissioners. Mr. Gillam explained that the Commissioners were notified of the subdivision and given the same fact sheet as was given to the Planning Board for their review. The Board of Commissioners did not request to review the item at the Commissioner level.

Mr. Gillam further explained that the subdivision met the regulatory requirements of the Subdivision Ordinance. The Subdivision Ordinance does not require notice. Mr. Gillam said Chapter 22-72 applies to Quasi-judicial hearings for items such as Special Use Permits, Text, Zoning and Map Amendments. It does not apply to subdivisions.

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 6:45 p.m.

Respectfully Submitted,

Andrea DiLenge
Planning Board Clerk

APPROVED: May 9, 2022

John Finelli
Chairman, Dare County Planning Board



County of Dare

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

May 2, 2022

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director *NHG*

RE: Proposed Group Development for Red Shed LLC

A Special Use Permit application has been submitted by Red Shed LLC for a proposed group housing project. The property is identified as parcel 013258001 on the Dare County Tax Records. The property is zoned S-1 and group developments are allowed in this district subject to review as conditional use, as referenced in 22-31 of the Dare County Zoning Ordinance. The parcel is 20,100 square feet and meets the minimum lot size required for a group development.

There are currently two existing dwellings on the parcel that the applicant is proposing to remove. The applicant is proposing to construct three duplex structures that will serve as employee housing. Two of the structures will contain two units each with 2-bedrooms and the third will contain two 3-bedroom units. The proposed site plan shows the dwellings being separated by 20.5 feet meeting the requirements of the group development ordinance.

Each structure in the group development will be accessed directly off of Sand St (S.R. 1532). Driveway permits or approvals will need to be obtained from NCDOT and provided to the Dare County Planning Department before construction activities can occur. The site plan has been reviewed by the fire marshal, and his comments are attached to this memo. Conditions have been added to the draft SUP to address these topics.

A final site plan of the group development depicting footprint areas shall be recorded in the Register of Deeds. Units in the group development may be transferred to individual owners with the remainder of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.

A draft SUP and site plan are attached to this memo for the Boards review.



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Noah Gilliam, Planner Director
From: Steven R. Kovacs, Fire Marshal
Date: April 25, 2022
Re: 27221 A Sand Street – Red Shed LLC

I have reviewed the submitted site plan for the cluster home project at the noted address and have the following comments.

- This office conducted a recent waterflow test of the only fire hydrant located on Sand Street just east of this project's location within the needed distance for the Fire Code. The results of the test indicated that they fire hydrant is capable of flowing 876 gallons per minute.
- The needed fire flow for the large structure was calculate at 1,000 gallons per minute. This was figured based on a 2-hour rated firewall between the two units (ground to roof) reducing the overall square footage to 1,872 per unit to include parking underneath the structure. A second calculation was made to provide credit for the installation if an automatic sprinkler system. With this credit, the needed fire flow was reduced to 750 gallons per minute which would meet the needed Fire Code requirements.
- The small units were calculated with the 2-hour rated firewall in between from ground to roof line. Per unit the overall square footage was figured to be 1,482 square feet. This resulted in the needed fire flow to be 750 gallons per minute which was within the Fire Code requirements.
- I have no issue with the small units at the present time as long as the fire walls are installed. The concern is the large units. The only way that I can approve with project as currently proposed is if the large units have a Fire Code compliant sprinkler system installed.

If you have any questions please let me know.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*

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Special Use Permit No. #4-2022

Dare County Sections 22-27.1, 22-31, 22-65, & 22-70

Application of: Red Shed, LLC

On June xx, 2022 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Group Developments
3. The subject property is zoned S-1. This property is identified on the Dare County tax records as PARCEL 013258001 and located in the Salvo Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

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SPECIAL USE: A Group Development consisting of 3 residential duplex structures. A site plan depicting the proposed improvements identified as Appendix B is included as part of this permit.

CONDITIONS:

1. The group development shall operate as prescribed in the definition set forth in Section 22-31 of the Dare County Zoning Ordinance. The structures shall be constructed as depicted on the Appendix B.
2. All structural improvements shall be located in the dwelling footprints as recorded on the final plat.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-27.1 and Section 22-31 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. A final site plan of the group development depicting the footprint areas shall be recorded in the Register of Deeds. The dwelling units may be transferred to individual owners with the remaining area of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.
5. Building permits for the structures shall be secured within 36 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
6. All structures shall be constructed in compliance with the requirements of the Dare County Fire Marshal and North Carolina Fire Code.
7. Driveway permits or approvals from NCDOT shall be provided to the Planning Department before building permits will be issued.
8. There shall be no staging of equipment or materials in or along the right-of-way of Sand St.
9. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
10. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any

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

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

This xxth day of June 2022

SEAL:

COUNTY OF DARE

By: _____

Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____

Cheryl Anby
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____

Red Shed, LLC

APPROVED AS TO LEGAL FORM

By: _____

Robert L Outten
County Attorney

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April 18, 2022

Dare County Planning Department
954 Marshall C. Collins Drive
Manteo, NC, 27954

ATTN: Noah Gillam, Planning Director

**RE: Red Shed LLC Group Housing Development for Employee Housing
27221 Sand Street, Salvo**

Dear Mr. Gillam:

Please find the attached submittal for a Group Housing Development at 27221 Sand Street in Salvo. The 0.46-acre site was purchased by Red Shed LLC and currently contains two small duplex structures. Red Shed LLC intends to redevelop the site to provide 3 new duplex structures. Two of these will contain two units each with 2-bedrooms and the third will contain two 3-bedroom units. These will serve as employee housing for Red Shed LLC as they work to provide living arrangements for their staff.

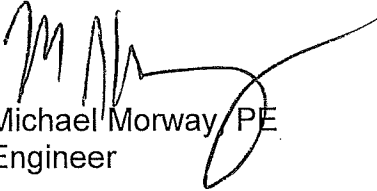
The Dare County Health Department has performed a site evaluation and reviewed plans. As you will note, a single septic system with LPP drainfield will treat and dispose of wastewater for all the units. We have also meet with Steve Kovacs to review fire safety concerns as well as available and required fire flow. We are currently evaluating options for metering water use.

The project is being submitted for a Special Use Permit as noted within S-1 zoning district. This submittal includes the following:

- Plans (10 copies)
 - C201: Site Plan and Demolition Plan (dated 2022-04-18)
 - C301: Grading Plan and Septic Plan (dated 2022-04-18)
 - C401: Wastewater Details (dated 2022-04-18)
- Special Use Permit Application
- Review Fee (3 structures x \$50/structure = \$150)
- Dare County Health Department Site Evaluation

This plan is being submitted for review by the Planning Board at their regularly scheduled meeting on May 9th, 2022, prior to the Board of Commissioners consideration as required in the county UDO. The project is anticipated to begin construction in the fall of this year. If you have any questions pertaining to this submittal or need any additional information, please do not hesitate to contact me.

Sincerely,



Michael Morway PE
Engineer

cc: File 08202A
Overton Contracting, LLC

SPECIAL USE PERMIT APPLICATION

Date: 4/18/2022 Application No. _____

Property Owner/Petitioner: Red Shed, LLC

Address: PO Box 472, Waves, NC, 27982

Telephone: 252-987-6019 Email: trip@realwatersports.com

Review Fee Paid: \$150.00

Project Description: _____
Construction of a group housing development with three duplex units. Work includes the demolition of 2 existing duplex units.

Property Description:

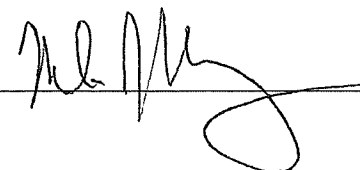
<u>2</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Lot	Phase/Section	Block	Subdivision
Parcel: <u>013258001</u>	PIN: <u>064720918070</u>		

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

Section: 22-31 Special Use: Group Development

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

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

Applicant:  Date: 4/15/2022