



County of Dare

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

June 4, 2019

MEMORANDUM

FROM: Donna Creef

RE: Proposed C-2H Zoning Text Amendment Application

On Monday, June 10, 2019 the Dare County Planning Board will discuss a zoning text amendment submitted by SAGA Construction to amend the C-2H zoning district to add "mixed use development" to the list of conditional uses and to also amend several dimensional standards of the Dare County Zoning Ordinance in conjunction with the mixed use development. A copy of the application submitted to the Planning Board is attached. The C-2H zoning district only applies in Hatteras village.

The first step in the process is review by the Planning Board. The Planning Board is required to make a recommendation to the Board of Commissioners on any zoning amendment application. The Planning Board has the option of conducting a public hearing on this application. If they choose to conduct a hearing, then the hearing will be held at a later date. I am recommending the Planning Board conduct a hearing on the matter. Once the Planning Board has made its recommendation, the item will then move to the Dare County Board of Commissioners for consideration. The entire zoning amendment process takes a few months to complete.

A public comment period is offered at the beginning of each Planning Board meeting and persons may choose to speak on any matter under consideration by the Planning Board. Any emails submitted to me will be provided to the Planning Board members at the June 10 meeting. My email address is donnac@darenc.com.

Zoning Amendment Petition Application



A. APPLICANT INFORMATION

NAME: SUMET GUPTA TELEPHONE: 252-207-8997
ADDRESS: 1314 S CROATAN HWY, Suite 301 COMMUNITY: _____
KILL DEVIL HILLS, NC 27948

B. PRESENT ZONING CLASSIFICATION: C2-H

C. REQUESTED ZONING CHANGE: ADD - MIXED USE DEVELOPMENT

D. EXPLANATION OF REQUEST: TEXT AMENDMENT TO ADD
MIXED USE DEVELOPMENT TO C2-H AS A
CONDITIONAL USE

E. ATTACHED IS THE FOLLOWING DATA AS REQUESTED:

- ❖ 12 COPIES OF THE PLAT OR SURVEY OF PROPERTY TO BE CONSIDERED.
- ❖ CHECK IN THE AMOUNT OF FOUR HUNDRED \$400.00 MADE PAYABLE TO THE DARE COUNTY PLANNING DEPARTMENT. WE UNDERSTAND THAT ADVERTISING COST MAY BE FORWARDED TO US AT A LATER DATE.
- ❖ A LIST OF NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS VERIFIED BY PIN# AS LISTED ON THE DARE COUNTY TAX RECORDS.

We, I, SUMET GUPTA understand that Section 22.83 and Section 22.84 require a fee of four hundred (\$400.00), plus the cost of the required legal advertisement, to be paid to the County with the application to cover the costs of advertising and other administrative expenses involved.

5/16/2019
Date of application


Name of applicant (signature in full)

SUMET GUPTA
Printed Name of applicant

**PROPOSED TEXT AMENDMENTS TO THE DARE COUNTY, NC CODE OF
ORDINANCES, TITLE XV: LAND USAGE, SPECIFICALLY TO CHAPTER 155: ZONING
CODE, ARTICLE III, SECTION 22-25.1, C-2H GENERAL COMMERCIAL DISTRICT**

§ SECTION 22-25.1 (c) – Conditional uses. The following conditional uses shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in [Article IX](#) of this chapter or [Chapter 152](#) of this code:

Add Conditional Use (6):

(6) **Mixed Use Development** shall be permitted subject to the other requirements of this chapter and provided that all of the following conditions are met. For purposes of this Conditional Use, a Mixed-Use Development shall be defined as a planned development consisting of mixed uses including those listed as permitted and/or conditional in the underlying district. The total combined conditioned area of all buildings shall be no less than 35% commercial.

- a) Any proposed mixed-use development shall be located on a primary site no less than 5 acres with a minimum of 500 lineal feet of frontage on the Atlantic Ocean and a minimum of 500 lineal feet of frontage on NC Highway 12. Additional parcels or tracts under common ownership that are contiguous to the primary site as well as parcels under common ownership that are separated from the Primary site by a highway or secondary road, within 500 feet of the Primary site may be included in the Development. All included parcels shall be indicated on the development site plan.
- b) The maximum number of stories for hotel structures shall be six, except for a seventh story that may be added as a roof top amenity area subject to the following limitations:
 - a. The seventh story may not exceed 30% of the floor area of the floor immediately below.
 - b. The top plate of the seventh story may not exceed 10' above the surface of the roof of the story below
- c) The Maximum Building height of hotel structures shall be 78 feet measured from the Regulatory Flood Protection Elevation to the top plate of the sixth story, excepting the option of the seventh story in which case the Maximum Building Height shall be 88 feet measured to the top plate of the seventh story structure. The following conditions to Maximum Building Height shall apply:
 - a. Any railings located on main roof of the seventh story may not exceed 42" in height and must be inset a minimum of 6' from the outermost edge of the main roof.
 - b. Any roofs at or above the fifth story, except for those roofs over stair/elevator towers, may be flat (maximum slope of 1" in 4' for drainage) with a thickness of no more the 24".
 - c. The top plate of any stair/elevator towers may not exceed the top plate of the seventh story.
 - d. The minimum slope for pitched roofs is 4/12.
 - e. Section 22-27.4 – HOD-1 Height Overlay District does not apply

- d) The maximum number of stories for multi-family structures shall be four habitable floors over ground level parking located below the first elevated floor.
- e) The Maximum Building height of multi-family structures shall be 52 feet measured from the Regulatory Flood Protection Elevation to the Structures top plate.
 - a. Any roofs at or above the fourth story, except for those roofs over stair/elevator towers, may be flat (maximum slope of 1" in 4' for drainage) with a thickness of no more the 24".
 - b. The minimum slope for pitched roofs is 4/12
 - c. Section 22-27.4 – HOD-1 Height Overlay District does not apply
- f) A maximum floor area ratio as defined in Section 22-2 – Definitions, of .40 applied solely to the multi-family structures shall serve as the limitation of multi-family density.
- g) Maximum allowable lot coverage for all uses within the Development shall be 70% with the following conditions:
 - a. For purposes of this Conditional Use, Lot Coverage shall include roof tops, asphalt paving, concrete paving, covered porches and other surfaces impermeable to stormwater infiltration.
 - b. Permeable surfaces not included in Lot Coverage Calculations shall include permeable concrete, pre-cast interlocking pavers, grid pavers (turf-stone), and similar materials designed and installed using Best Management and Maintenance Practices as defined in the North Carolina Division of Environmental Quality Stormwater Design Manual. Obligations for maintenance by the developer and subsequent Property Owners Association shall be included in the recorded covenants governing the development.
- h) Parking for all uses shall be in accordance with Article VII, Off-Street Parking and Loading with the following exceptions:
 - a. A 20% overall parking reduction shall be allowed accounting for multiple simultaneous uses.
 - b. Hotel parking shall be calculated at 1 space per hotel room and 1 additional space per 3 hotel employees. Hotel amenities such as a restaurant, roof top lounge/bar and banquet facilities, located within the hotel structure shall require no additional parking.
 - c. Multi-family parking shall be calculated at 1 space per bedroom.
- i) The need for housing affordable to the people that work at the development will be considered in the scope of the development through the conditional use permit process



Dare County Planning Board Meeting

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

June 10, 2019

Agenda

- I. Call to order **6:00 PM**
- II. Roll call
John Finelli, Chairman
Michael Barr
Terry Gore II
David Hines
Beth Midgett
David Overton
Buddy Shelton
- III. Approval of minutes for the May 13, 2019 meeting
- IV. Public Comment
- V. Public Hearing
 - a. Consideration of Zoning Amendments to Better Facilitate Year-round Housing
- VI. Old Business
- VII. New Business
 - a. Request to Amend C-2H General Commercial Zoning District to Add Mixed Use Development as a Conditional Use, Sumit Gupta, Saga Construction
- VIII. Other Business
- IX. Adjournment