

**Town of Nags Head
Planning Board
September 15, 2020**

The Planning Board of the Town of Nags Head met in regular session on Tuesday September 15, 2020 in the Board Room at the Nags Head Municipal Complex. The meeting also used the Zoom platform to broadcast the meeting live and allow members of the public to view it remotely.

Planning Board Chair Megan Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Kristi Wright, Meade Gwinn, Gary Ferguson, David Elder, Molly Harrison, Megan Lambert

Members Absent

None

Others Present

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

Chair Vaughan asked for a motion to approve the agenda. David Elder moved to approve as presented, Meade Gwinn seconded, and the motion passed unanimously.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the August 18, 2020 meeting. Gary Ferguson asked that minutes be amended on Page 3 to better reflect his thoughts regarding legacy buildings as noted by Planning Director Michael Zehner. David Elder moved to approve the minutes as amended, Molly Harrison seconded, and the motion passed by unanimous vote.

Action Items

Consideration of Site Plan Review for Islington Street Beach Access Improvements

Deputy Planning Director Kelly Wyatt presented a Site Plan Review on behalf of the Town of Nags Head for the purpose of consideration of improvements to the Islington Street Beach Access to include an asphalt drive aisle with Turfstone™ parking stalls, Stormwater management measures, above grade decking with showers, and wooden walkway to connect to the existing walkway and stairs to the beach.

The property is currently vacant; unimproved pedestrian path with portion of wooden walkway. The property is zoned R-2, Medium Density Residential Zoning District and all properties surrounding this site are zoned R-2 and are developed residentially.

Ms. Wyatt reviewed the applicable Zoning Regulations:

- "Public Beach/Sound Access/Bathhouse" is a permitted use within the R-2, Medium Density Residential Zoning District.
- Total allowable lot coverage for this site is 33%. Proposed lot coverage is 32.9% therefore lot coverage is compliant.
- There is no minimum parking requirement for this use; however, 11 parking spaces have been proposed, including 2 handicap accessible parking spaces.
- A compliant five-foot-wide Buffer Yard C has been provided along the perimeter of the northern and southern property lines adjacent to residential uses. In addition to maintaining the existing and mature vegetation, numerous native ornamental grasses and flowering plants are to be installed and are fairly drought tolerant.
- One light fixture is proposed at the eastern extent of the parking area. A light audit will be conducted to ensure that light intensity does not exceed medium level activity illumination standards.
- No signage is being proposed at this time however this access would be signed in compliance with Town and CAMA standards as with all other public beach access.
- Adequate Stormwater management measures and compliant traffic circulation have been designed by the Town Engineer.
- The Project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance. The Fire Department has reviewed and approved the proposed site plan as presented.
- Public Works has reviewed and approved the proposed site plan as presented.
- A CAMA Minor Permit is required for this proposed use and must be issued prior to zoning or building permit issuance.

Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies. Staff recommends approval of the site plan as presented.

Ms. Wyatt confirmed for Mr. Ferguson that while the UDO does not require buffering, it is good practice, "the right thing to do".

Mr. Zehner discussed funding for the project noting that these improvements will be partially funded through a grant from the North Carolina Division of Coastal Management.

Mr. Zehner and Ms. Wyatt also discussed neighbor notifications and plantings and buffering.

Ms. Lambert asked how the Town decides which accesses to improve. Mr. Zehner noted that they are trying to be more deliberate about that; begin talking about it now as they are looking at the next budget year. They had applied for a grant to improve Huron Street but were not successful. The Town may still improve Huron Street, but it will not be handicap accessible, so it scored lower as far as the CAMA grant. The town will also be looking at other types of accesses including sound front.

Megan Lambert moved to approve the Site Plan as presented. Meade Gwinn seconded the motion and it passed by unanimous vote.

Report on Board of Commissioners Actions

Planning Director Michael Zehner gave a report on the Actions from the Board of Commissioner's September 2nd, 2020 Meeting. Of note, the Board did remove from the agenda the item related to nonconforming hotels; the Commissioners wanted more information and Mr. Zehner expects it to be back on the October agenda. During Public Comment, several people spoke in favor of extending the Dowdy Park Farmers Markets and in continuing to fund the PT Event Coordinator position. There was a presentation from Dominion Power regarding an upcoming feasibility study related to the installation of transmission lines. The Board adopted the following amendments: amending the UDO to allow properties west of the beach road to fill up to the height required by Dare County Septic Health; amendment clarifying and/or correcting errors in the UDO and the amendment allowing furniture stores as a part of Commercial Mixed Uses.

Town Updates

None

Discussion Items

August 26, 2020 Director's Report

Mr. Zehner presented his Director's Report to the Board. This report was shared with the Commissioners at their September 2nd Meeting. The report included the July 2020 Planning & Development Monthly Report, things are picking up like they normally do this time of year. Last year there was a concern regarding fewer permits, lower valuation but it does not appear to be the case as there've been more permits applied for in 2020 than at the same time in 2019. Mr. Zehner's report also discussed the impact of the Coronavirus on permitting.

In addition to permitting, Mr. Zehner's report also included the activities and meeting that Staff was involved with during the month of July as well as updated the Board on different projects including amendments to the Town's camping provisions, an update on the Decentralized Wastewater Management Plan, Short-Term Rental Registrations and the NFIP Community Rating System Audit.

Other updates included the 2020 Census and status of several Grants that the Town has applied for as well as some collaboration with other organizations that Staff has been involved with.

Planning Board Members' Agenda

Ms. Lambert discussed the Admiral Street Beach Access and expressed concern with regards to beach driving. Ms. Lambert stated that it is already a safety issue because it is both a walk-over and drive-over; an accident waiting to happen and noted that there have been many "close calls" in years past. Ms. Lambert inquired if beach driving was still starting on October 1st. Ms. Lambert noted that the beaches are still packed, and she is worried about what may happen once beach driving begins. Mr. Elder agreed that it was a concern, especially because that access is so steep.

Mr. Zehner noted that this issue was discussed during one of (Town Manager's) Staff Meetings and that Police and Fire had raised similar concerns about the timing of beach driving with increased beach goers.

Ms. Lambert noted that regardless of the timing of beach driving, the Town should take a look at Admiral Street in particular. The Board discussed this issue further as well as some possible solutions.

Chair Vaughan inquired if there was a regular review of beach accesses, accessibility, safety issues, etc. Mr. Zehner stated that this past winter a review was done by a third-party, regarding the ADA accessibility of Town facilities as well as some accesses. Mr. Zehner noted that they have been discussing the possibility of doing a study of all of the accesses that were not included in the initial review. This study would include a facility assessment and Mr. Zehner stated that safety could be part of this assessment.

Mr. Elder discussed accessibility and how it can mean different things to different people depending on their needs. Mr. Elder also brought up the topic of ensuring that people with disabilities know what is and isn't available as far as access to the Beach. The Board discussed this topic further and agreed that the Town could maybe have clearer descriptions and more photos (via the Town's website, social media, etc.) of what is out there as far as beach accesses as it relates to accessibility as well as amenities.

Ms. Harrison inquired about the Red No Swimming Flags and the Board discussed the flags, the decision-making process and the timing for when the announcement goes out about the flags going up.

The Board discussed further the issue of legacy businesses. Mr. Zehner explained that staff shares with the Commissioners the same information that is shared with the Planning Board and anticipated sharing the information at the public hearing, but the Commissioners requested to receive that information prior to scheduling the public hearing. Mr. Zehner stated that some of the Commissioners had also noted (what Mr. Ferguson had suggested) that the amendment felt like grandfathering. Ms. Lambert suggested that Mr. Ferguson might consider speaking at the public hearing if he feels strongly about it.

Mr. Ferguson stated that he was not involved in the development of the UDO and discussions that took place during Focus Nags Head and while he understands what the Town is trying to avoid he feels they need to be careful about what they are doing (with this proposed amendment). Mr. Ferguson stated that it felt less like preservation and more like grandfathering nine hotels on the oceanfront. Mr. Zehner confirmed that the proposed ordinance is intended to protect existing non-conforming hotels and noted that as the amendment is written someone could not willingly demo a structure and then get a conditional use to build new. The Board also discussed what these businesses would be allowed to do if they were damaged by a hurricane and Mr. Zehner confirmed that it would depend if they could meet CAMA, FEMA and building requirements. Mr. Zehner stated that they could put a provision in the proposed amendment related to demolition.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:40 AM.

Respectfully submitted,
Lily Campos Nieberding