



AGENDA
Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, June 21st, 2016; 2:30 pm

A. **Call To Order**

B. **Approval of Agenda**

C. **Public Comment/Audience Response**

D. **Approval of Minutes** – May 17, 2016

E. **Action Items**

1. Consideration of a text amendment request submitted by Derrick Hatchell on behalf of IG Holdings, LLC to amend Town Code Section 48-407 (c)(9) to remove the requirement for an attendant at car wash facilities.
2. Consideration of a major subdivision request submitted by Ray Meekins of Seaboard Surveying on behalf of the property owner under contract, Bradford Alexander for creation of a two-lot subdivision with associated subdivision variance requests. The property is zoned Village at Nags Head SPD-C, Commercial-2 District and is the vacant lot located just east of Cotton Gin, Lot 25 Elliott Estates and Parcel Number 027839079.

F. **Report on Board of Commissioners Actions**

1. Public Hearing for Site Plan approval for Dowdy Park Phase I Improvements located at 3005 S. Croatan Highway – Approved as presented.
2. Public Hearing for the Vested Right/Conditional Use/Site Plan Amendment submitted by VHB Engineering on behalf of the Dare County Tourism Board for modifications to the previously approved site plan for the Outer Banks Event Site – Approved with modification to parking requirements and contingent upon compliance with conditions cited by the Town Engineer and Deputy Fire Chief.
3. Public Hearing to consider amendments to the Town's sign ordinance to ensure content neutral language and regulations pertaining to residential freestanding signage – Board tabled consideration until July 6, 2016 meeting for staff to address language for outdoor advertising and yard sale signs.

G. **Town Updates – as requested**

1. Update on Focus Nags Head
2. Update on Sea Level Rise



H. **Discussion Items**

1. Continued discussion of Cottage Courts as permissible uses within the Town.

I. **Planning Board Members' Agenda**

J. **Planning Board Chairman's Agenda**

K. **Adjournment**

**Town of Nags Head
Planning Board
May 17, 2016
-DRAFT -**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, May 17, 2016 in the Board Room at the Nags Head Municipal Complex.

Chairman Mark Cornwell called the meeting to order at 2:30 p.m. as a quorum was present.

Members Present

Mark Cornwell, Ben Reilly, Clyde Futrell, Kate Murray, Mike Siers, Jim Troutman, Pogie Worsley

Members Absent

None

Others Present

Andy Garman, Kelly Wyatt, David Ryan, Lily Nieberding

Approval of Agenda

There being no changes to the agenda, Ben Reilly moved that it be approved as submitted. Jim Troutman seconded the motion and it passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

There being no changes, Ben Reilly moved that the minutes be approved as presented. Jim Troutman seconded the motion and it passed by unanimous vote.

Action Items

Consideration of the Dowdy Park Phase I Site Development Plan (Town of Nags Head), located at 3005 S. Croatan Highway.

Deputy Planning Director Kelly Wyatt presented a site plan on behalf of the Town of Nags Head for the development of Phase I improvements for Dowdy Park, the property located at 3005 S. Croatan Highway. The property is zoned C-2, General Commercial District. Phase I includes initial site preparation, children's play areas, construction of event plaza and pavilion, community art and expression spaces, multi-purpose event green, walking trails, fitness stations, vehicular access and associated drainage and utility infrastructure.

Ms. Wyatt reviewed the Zoning Classification of the surrounding properties: the properties to the north of this site, directly across Bonnett Street, are zoned C-2, General Commercial (The French Door) and R-3, High Density Residential. The properties to the east of the site, directly across Wrightsville Avenue are also zoned R-3, High Density Residential. The property west of this site, directly across U.S. 158, is zoned C-2, General Commercial (YMCA) and directly to the south is Nags Head Elementary School.

The Flood Hazard Zone of the property is AE 10. The elevation of all new construction must meet the Regulatory Flood Protection Elevation of 11 ft. mean sea level. This phase of development only includes the Pavilion structure and it is compliant.

The Land Use Plan classification for this property is Park Open Space – private. This proposal is consistent with this land use classification; however it will be changed to “Public” during the next Land Use Revision.

Ms. Wyatt noted “Municipally-owned recreation facilities” is a Permitted Use within the C-2, General Commercial Zoning District. Allowable lot coverage for this site is 55%. Lot development coverage for Phase I construction will total 23.50% lot coverage.

The maximum allowable height within the Town is 35 ft. The proposed height of the pavilion is approximately 17.5 ft. therefore height is compliant. Compliance with the architectural design standards is unnecessary as the pavilion is considered an accessory structure.

Required parking for this project is being provided in compliance with two related standards. Based upon these combined standards a total of thirty-seven (37) parking spaces are required; forty (40) parking spaces have been provided therefore parking is compliant.

Ms. Wyatt reviewed the site’s compliance with the Town’s Buffering and Landscaping requirements as well as Lighting requirements. Ms. Wyatt noted that the submitted lighting plan is compliant with the ordinance however as costs begin to accumulate for Phase I of the park the lighting fixtures may be revised.

Proposed signage has not been submitted at this time however any freestanding and wall signage would be reviewed and approved prior to issuance of zoning and building permits.

No sanitary sewage facilities are planned with the Phase I development plan; temporary sewage needs will be addressed by the use of porta-johns.

Comments related to Stormwater Management and Public Works are addressed within the Project Narrative. The proposed parking lot design has been laid out in accordance with all Town Code requirements.

Ms. Wyatt also noted that the project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Staff would submit that the proposed scope of work for the Phase I development of Dowdy Park is consistent with all required use and development standards and based upon their review would recommend approval of the Site Plan request as presented.

Ms. Murray asked if the Board would be approving just the site layout and buffering or if it also included the landscape plan and other items. Ms. Wyatt confirmed that they were being asked to approve the site plan, the landscape plan and all Phase I improvements.

Ms. Wyatt confirmed for Ms. Murray that irrigation was being proposed for the site. John DeLucia with Albemarle & Associates stated that a plan was in the works.

Town Engineer David Ryan gave a brief summary of the proposed irrigation system which include sprinkler heads, infiltration areas and drip irrigation. Ms. Murray expressed concern about the viability of some of the plants on the list.

Mr. Ryan confirmed for Ms. Murray that there is a landscaping berm proposed along a length of the parking lot for stormwater containment.

Mr. Reilly asked about the plans for the path that currently connects the site to Nags Head Elementary School. Mr. Ryan confirmed that the plan is to keep the path but move it slightly so that it aligns better with the School property sidewalk. Chairman Cornwell asked Ms. Wyatt to add a crosswalk as a recommendation from the Planning Board.

Mr. Ryan confirmed for Mr. Cornwell that they had not seen any flooding issues at the site since the demo and preliminary site work was completed.

Ben Reilly moved to recommend approval of the proposed site plan. Jim Troutman seconded the motion and it passed by unanimous vote.

Consideration of a text amendment request submitted by Derek Hatchell on behalf of IG Holdings, LLC to amend Town Code Section 48-407 (c)(9) to remove the requirement for an attendant at car wash facilities.

Ms. Wyatt stated that Mr. Derek Hatchell on behalf of I.G. Holdings, LLC, had submitted a zoning ordinance text amendment application, which, if adopted, would eliminate the need for an attendant to be present on-site during all hours of operation of a car wash.

In the zoning text amendment application, the applicant has cited the desire to no longer require an attendant be present onsite as it is not necessary given that the car wash would be fully automated.

Ms. Wyatt noted that there is significant history with the allowance of an attended car wash as a use within the Town dating back to September 20, 1988 when the discussions first arose with the Planning Board through September 6, 1989 when parking standards for car washes was discussed and later adopted. Ms. Wyatt proceeded to review for the Board the current conditions that must be met for the operation of a car wash.

Based upon the history of discussion surrounding the previous Board's desires for any car wash to have an attendant on-site during all hours of operation, Planning Staff recommends denial of the proposed text amendment as presented.

John DeLucia, Albemarle & Associates, spoke on behalf of the applicant. Mr. DeLucia stated he was around for some of the initial discussions regarding car washes. In those days there were no Car Washes on the beach, just along the highway in Currituck and those were not appealing. Since that time car washes have come a long way. Mr. Hatchell owns and operates several car washes in the

area and is experienced in running them. There is an attendant that goes to the car wash every day, at least once a day to ensure that the site is clean and maintained in proper working condition. Mr. DeLucia noted that the car washes of today are pretty benign, quiet and clean so it is not necessary to have an attendant at the car wash all the time.

Mr. DeLucia noted that there is not another car wash facility in Nags Head. Someone coming from Oregon Inlet would need to either go to Manteo or to Kill Devil Hills to get the salt and sand off their vehicle. Mr. DeLucia also stated that the Division of Water Quality will not permit a discharging car wash anymore so the water must be recycled; Mr. DeLucia noted that the equipment has gotten much more efficient since 1988. Finally Mr. DeLucia stated that the building can be made to look attractive by requiring certain architectural elements.

Ms. Murray inquired if the existing car washes have video cameras and if there have been any problems. Mr. DeLucia was unsure but did not think they had cameras and stated he thought there may have been a break-in at the location in Columbia.

Mr. Worsley inquired if they operate 24 hours or if they have certain hours of operation. Mr. DeLucia was unsure but noted that they have the ability to close them with the use of garage doors. Mr. Worsley noted that the car wash in Kitty Hawk has undergone a total renovation – went fully automated.

Mr. DeLucia confirmed for Mr. Troutman that they have found that the new recycling systems work really well. They use very little water; the chemicals that are used are “green” and they are strictly reviewed by DWQ.

Mr. Futrell expressed concern about possible problems with security, vandalism, littering, etc. at an unattended facility. He noted the self-service ice machine in Manteo as an example of an unattended service that can be a benefit to have if it works, but (can stand out like) a sore thumb if it doesn't.

Mr. Reilly stated he had read about issues with homeless behind the unattended car was in Kill Devil Hills and that security was one of his concerns.

Chairman Cornwell stated that the technology has come a long way. New car washes will conserve water because of recycling activity at site. Mr. Cornwell acknowledged that it is a business that would generate revenue for the Town; revenue that is currently going elsewhere. Mr. Cornwell also did not think it needs a full-time attendant, unless the Town wants a full service facility. He noted that hours of operation can be controlled by timed shut offs and that they could require security cameras. Chairman Cornwell also noted that they could require design points to get the Nags Head look and they could restrict it to the C2 district on 158.

Ms. Wyatt noted that if the Board was inclined to recommend approval of the revised ordinance they should make note of the difference between an “open” and an “enclosed” facility and whether the 50 feet setback from residential is sufficient for an open type facility especially if there are vacuum stations.

Ms. Wyatt explained for Mr. Worsley that in her view an open facility was more like the one in Kill Devil Hills with several open bays, while a closed one is more like the one that is located in Kitty Hawk; a single bay where cars line up and proceed through in an orderly fashion.

Mr. DeLucia stated that the car wash in Kitty Hawk is open on two sides when it's operating and is near residential. If a 50 foot setback is adequate for gas and service stations then car washes should be similar.

Mr. DeLucia agreed that the vacuums should be setback further away from residences due to noise concerns.

Mr. Reilly noted that having an attendant ensures set hours of operation thereby reducing noise pollution and also limits water usage. A facility can be self-contained but with all the salt and sand, that water can only be recycled so much, eventually they have to add fresh water. With the water and the chemicals and the noise pollution without having an attendant there it doesn't make sense. Mr. Reilly noted that even on the bypass there are still residential areas all around.

Mr. Futrell disagreed noting that more noise pollution comes from people with turned up radios; noise from car washes and vacuums can be controlled.

Mr. Troutman agreed stating that buffering and a 50 foot setback would be more than adequate where noise is concerned.

Ms. Wyatt confirmed for Chairman Cornwell that if the Board was so inclined, they could recommend approval as presented or they could add conditions to the approval.

Mr. DeLucia reminded the Board that it would be a conditional use so at site plan submittal the Board could also add conditions.

Mr. Futrell suggested adding a condition that would require an attendant to come by at least twice a day and also put some hours of operation.

Mr. Worsley moved to recommend approval of the text amendment with some conditions: security cameras in spots of vulnerability, wordsmith the word enclosed to mean that the ends can be open but the building must have a roof and meet architectural standards; have an attendant come a minimum of twice a day maybe even more during peak times; consider adding controlled hours of operation; can only be located in the C2 zoning district, fronting US 158 and no freestanding vacuums within 50 feet of residences.

After some further discussion, Mr. Worsley withdrew his motion and instead moved to table the item until next meeting to give Staff a chance to research and incorporate the suggested conditions into a revised amendment. Mr. Futrell seconded the motion and the motion passed unanimously.

Mr. DeLucia thanked the Board and invited all to visit the Outer Banks National scenic byway which recently received new signs and which he stated is probably the last scenic byway to be designated in the country due to lack of funding for that program.

Consideration of an amendment to Town Code Section 48-90 – Exclusion from lot coverage calculation that would exempt municipal pedestrian ways (sidewalks, boardwalks) located on private property from lot coverage.

Deputy Town Manager Andy Garman explained that the Town has been looking at the feasibility of constructing a public boardwalk along the sound-front in the Commercial Outdoor Recreation Overlay district. Since the boardwalk would be constructed within easements on private property, the Town's Soundside Boardwalk Committee as well as the Town Board of Commissioners has requested that the

Planning Board consider ordinance amendments that would exempt the boardwalk from ordinance requirements that would impact private development rights. Since the boardwalk would count against individual minimum lot coverage limits and could not cross property lines due to prescribed setback requirements, a proposed ordinance has been drafted to exclude the boardwalk from these requirements.

Additionally, Mr. Garman noted that this ordinance has been applied to any other municipal sidewalks, walkways, or multi-use pathways. This would be particularly useful if the Town were to ever construct a sidewalk or multi-use path on private property for public use. Mr. Garman gave as an example the Shoppes @ 10.5 where there's been recent discussion about the Town trying to get an easement from the property owner in order to extend the sidewalk from the light at 158 down along the north side of that property towards Wrightsville Avenue. This proposed ordinance would exempt the sidewalk from lot coverage calculations and make it easier for the Town to work with property owners on Town projects.

Mr. Futrell stated he had no issue with the sound side boardwalk but was concerned about possible Stormwater issues at the Shoppes @ 10.5 if the sidewalk is exempt. For Mr. Futrell there is a difference between a boardwalk and a sidewalk when it comes to lot coverage.

Mr. Worsley stated he had been part of the Stormwater committee and did not see any issues with installing a sidewalk there; a sidewalk is a public safety thing and he did not see there being a Stormwater issue.

Mr. Garman concurred stating that there are several Stormwater basins along that north side of the Shoppes @ 10.5 so if the Town was granted an easement they would work with the property owner in revising their Stormwater plan prior to installing the sidewalk.

Mr. Reilly inquired about the status on getting easements for the sound side boardwalk. Mr. Garman stated that it is an ongoing thing; the Town's focus has been from Tanger Outlets to the north (Phase I) which will be easier to get than going south (Phase II). Most property owners seem willing but the Town does not have official easements as of yet. The wetland and the survey work were the first step. Mr. Garman noted that this project is on a minimum three to five year plan but the Board would like to preserve the work that has already been done.

Mr. Siers inquired about the plans to connect South Ridge to the Beach Road. Mr. Garman noted that there have been a lot of comments received from property owners in that neighborhood and that is one of the higher priority links for the Town. There are several of these high priority projects that are all competing for the same money.

Ben Reilly moved to recommend approval of the proposed amendment; Mike Siers seconded and the motion passed unanimously.

Report on Board of Commissioners Actions

Ms. Wyatt reported on recent Board Actions:

The Public Hearing for the proposed zoning ordinance text amendment to list "municipally-owned recreation facilities" as a permitted use within the C-2, General Commercial Zoning District, was approved.

Two Public Hearings were scheduled for the June 6, 2016 Board of Commissioners meeting: the ordinance amendments to modify the Town's signage regulations to ensure content neutral language and the Dowdy Park Phase I Site Development Plan.

Town Updates

Focus Nags Head

Mr. Garman stated that this project is still in process. They have finished with a lot of the initial advisory committee work. Staff has been working with the consultants doing additional key stakeholder interviews. They will soon be bringing the vision statement that is currently in draft form, to the BOC for their review and this will lay the groundwork for the rest of the plan. Once that is approved they will begin to bring sections of the plan back to the advisory committee and the Board for their comments.

Sea Level Rise

Mr. Garman stated that Staff received a Draft report back from Jess Whitehead of NC Sea Grant. Staff gave additional comments for Ms. Whitehead to revise the report, and is currently waiting on those revisions. Staff is looking to schedule a meeting on June 13th with the working group (formed by the BOC and which includes Planning Board member Mark Cornwell and Kate Murray) to give them a chance to go through the plan and make sure that it captures everything that was discussed. From there Staff will bring the report back to the Commissioners for approval and begin to see how they will build Sea Level Rise into planning activities such as Shoreline Management, Stormwater Management and Focus Nags Head.

Discussion Items

Discussion of Cottage Courts as permissible uses within the Town.

Mr. Garman continued the discussion on the possibility of adding Cottage Courts back as a permissible use within the Town.

For the past 30 years, cottage courts have been considered a nonconforming use by the Town's ordinance, therefore, no expansions to these properties have been allowed except for general maintenance and repairs.

Last year the Planning Board and Board of Commissioners reviewed regulations pertaining to cottage courts which resulted in modifications to the ordinance and which now allow Staff and the Board of Commissioners to approve repairs, additions and expansions to existing cottage court properties. However, cottage courts were not removed as a nonconforming use. Consequently, it is still not possible to develop a new cottage court within the town except as allowed in the residential group development ordinance which was approved in late 2014. In these cases, only existing nonconforming lots of record may be recombined to create a cluster housing development and this is allowed under very specific circumstances.

During the course of working on revisions to the Town's land use plan and zoning ordinance (Focus Nags Head), there has been much discussion about diversity of accommodations. One main goal expressed is to improve the variety of accommodations within the Town, including transient uses such as hotels and cottage courts, to provide more opportunities for short-stay visitors. While the

Town has made a number of changes to the ordinance over the years to promote hotel development, it has been noted by the Focus Advisory Committee that cottage courts may represent a more viable alternative to hotels from a development and from a land use compatibility standpoint. As the Town continues to experience the loss of older hotels and motels, there is a renewed sense of urgency to consider the expansion of the cottage court as a viable use of property.

Mr. Garman explained that last month the Planning Board agreed to initiate a text amendment to add cottage courts as a use within the Town's zoning ordinance and to develop appropriate standards for regulating these uses. Staff has now begun collecting information to assist the Planning Board through the ordinance drafting process.

Staff previously developed a list of cottage courts within the Town along with information on the number of units and photographs of buildings in each cottage court. Staff has now developed a map depicting the location of these cottage courts for the Planning Board's reference. The map also shows the number of units and the acreage of each property. Mr. Garman noted that a primary consideration for these regulations will be to determine where the cottage court uses are most appropriately located.

Based on this map information, most existing cottage courts are located on parcels fronting NC 12 or SR 1243 (South Old Oregon Inlet Road) or on parcels east of these roadways where there is easy access to the ocean. These properties are in the R-2, C-2, and CR zoning districts. Generally no cottage courts are located in the R-1 (historic district) or SPD-C (Village at Nags Head) zoning districts. Areas of town further west along Memorial or Wrightsville Avenues, in private or public streets west of SR 1243, and areas west of US 158 consist of primarily single family homes with fewer transient uses such as cottage courts or hotels.

Some of the standards the Planning Board will want to consider will include the number of units on each site, the density of units per acre, the square footage of each unit, building height, separation between buildings, property line setbacks, lot coverage by zoning district, whether cottage courts will be restricted to transient users similar to hotels, and building design requirements.

The Planning Board may want to visit existing cottage courts and determine which properties provide a model for the Board to examine moving forward. These would be properties that provide the look and feel that the Town may want to emulate with these new regulations.

Enclosed in the agenda packet were some reference materials that may be helpful in exploring the types of requirements that will need to be considered moving forward. Mr. Garman referenced a cottage housing ordinance developed by a community in Washington State. While not all the information in this document will translate well to the Town, it does provide relevant background information that may help the Planning Board frame its discussion on cottage courts.

Mr. Garman also referenced the Town's existing ordinance on residential group developments which was adopted in 2014. Although this was written to specifically apply to properties where multiple non-conforming lots of record are being combined, it could be redrafted and expanded to a larger area of town with the addition of other appropriate standards.

One option to consider would be to allow cottage courts in the R-2, C-2, and CR zoning districts as a conditional use with criteria that requires frontage on NC 12 or 1243 or east of these roadways. Mr. Garman stated that a good starting point would be for the Planning Board to review the map and discuss where these uses would be most appropriate.

Mr. Garman confirmed for Mr. Reilly that the ordinance adopted in 2014 was proposed by developer Eddie Goodrich and allows one unit with up to five bedrooms per 7500 SF of land area. Mr. Garman stated they may want to look at size – large units appeal to longer rental periods while smaller units appeal to more transient, shorter stays.

Chairman Cornwell agreed stating that a big issue will be whether they will be allowed to be turned into condos or should they be kept under one owner.

Ms. Murray stated she liked the idea of keeping cottage courts on the beach road; she would also like to encourage the idea of them having a common area and pedestrian connectivity throughout the buildings.

Mr. Garman will bring a draft framework of a possible ordinance to the next meeting and give more detail on five sample existing cottage courts and at that point the Board can review the map and discuss where the cottage court use may be most appropriate. One other thing to consider might be to allow parking underneath the units as some may now need to be elevated due to FEMA regulations.

The possibility of forming a cottage court sub-committee was discussed and Mr. Garman suggested bringing in the owners of some of the existing cottage courts to assist in the development of the standards. This will be discussed further at the next meeting.

Planning Board Members' Agenda

Mr. Worsley commended Ms. Murray on a recent Outer Banks Voice article in which she was featured. Ms. Murray gave a brief summary on the article which is about an app that the Nature Conservancy is working on which would map open space within the Towns and County. This app would inventory open space in floodplain areas and might help with getting points in the CRS rating system and ultimately help reduce flood-insurance rates.

Planning Board Chairman's Agenda

Chairman Cornwell suggested limiting the information included in historical minutes in the interest of reducing the size of the agenda packets.

Adjournment

There being no further business to discuss, the meeting was adjourned at 4:40 PM.

Respectfully submitted,

Lily Campos Nieberding



Town of Nags Head

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Department

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MEMORANDUM

- TO:** Planning Board
- FROM:** Kelly Wyatt, Deputy Planning Director
Andy Garman, Deputy Town Manager
- DATE:** June 21, 2016
- SUBJECT:** Review of Preliminary Plat for Elliott Estates, Phase III, Lot 25.
- PROJECT LOCATION:** 0.47 acres located immediately east of Cotton Gin and north of Vitamin Sea Mixed Use development, vacant lot. (Parcel No. 027839079).
- PROJECT ZONING:** SPD-C, Village Commercial-2; Designated SF-2.
- PROJECT DESCRIPTION:** Review of Preliminary Plat to subdivide existing lot into 2-lots with request for variances regarding access.

Applicants Ray Meekins, Surveyor, and Mike Robinson, Engineer, are submitting the attached Preliminary Subdivision Plat on behalf of the current property owner, Forrest Bartlett, and the contract purchaser, Bradford and Sharon Alexander, for the creation of two (2) single family residential lots. The lots would be created from a 20,823 square foot lot located on the east side of US Highway 158, the west side of NC 12 and directly east of Cotton Gin retail store. In conjunction with the subdivision approval, the applicant is requesting consideration of two subdivision variances.

Though only two (2) lots, the proposal is being considered a "Major Subdivision" by definition since it does not have a compliant street access.

DIMENSIONAL REQUIREMENTS

The applicant is proposing two single family residential lots. The lot widths and setbacks shown for each lot comply with the dimensional standards set forth in the Village SF-2, Detached Single Family Residential District. Proposed Lot 25-A is 11,968 square feet in area, proposed Lot 25-B is 8,855 square feet in area. Each proposed lot substantially exceeds the minimum lot requirements for single family in this district, which is 3,000 square feet. Additionally, the

subdivision request meets the density per acre requirement of Town Code Section 48-865(f)(1).

ACCESS

The subdivision ordinance requires that any subdivision must have access to a public street or highway improved to the standards of the Town or the State Department of Transportation, whichever is applicable, and in which the right-of-way width is in accordance with Town Code Section 38-151, Streets. The development area is located on an un-named access road which serves multiple properties facing US 158 along the block south of Mall Drive including The Cotton Gin and Vitamin Sea Commercial-Residential mixed use development. With this and with previous requests, staff, with guidance from the Town Attorney, has completed research on this easement and finds the following items:

- The easement was first platted in 1989.
- "Division of Lot 2, Village Commercial Subdivision", was approved, signed and recorded in December 1992 showing the access easement with footnote preserving use of easement.
- A "Composite" Map of the Village Commercial Subdivision, dated December 19, 1995 which shows the 24' easement and labels it as an access easement.
- A subdivision recorded "3/1/00 (PC E, Pg 245)" done for Sunnyside Elevator (abutting Weeks to the South), also showing the access easement with a footnote that the developer reserves rights-of-ways and easements for water...for the benefit of..."and others, on over, and across each lot..."
- It has always been considered an "access easement", not a street for the purposes of the subdivision ordinance.
- While there is some indication that it has been dedicated to the Town for public use, it has never been accepted by the Town for public maintenance purposes.

Without a specified limitation for use of the easement, the property adjacent to that platted right-of-way has access to it. However, to meet the residential subdivision requirements, the applicant must bring the roadway up to public road standards. The applicant is requesting a variance/waiver from this requirement as well as others. Staff will note that the applicant has provided the attached narrative which provides further detail on how these lots and the easement were created including the original plan for maintenance.

VARIANCE/WAIVER REQUESTS

Town Code Section 38-153(c) Lots.

(c) Minimum amount of frontage. All lots shall be designed so that they shall front on a public street for a distance of not less than 50 feet which shall be measured along the right-of-way of such street; provided, further, that in the case of lots fronting on a cul-de-sac or street curve, the frontage may be reduced to not less than 30 feet upon approval of the planning board.

Proposed Lots 25-A and 25-B do not front on a public street, rather they front on an "access

easement"; therefore, a waiver from this requirement is being requested.

Town Code Section Sec. 38-7. Access to public street or highway required.

There shall be no subdivision of any tract of land which does not have access to a public street or highway which is improved to the standards of the town or the state department of transportation, whichever is applicable, which access is of a right-of-way width and is improved in accordance with [section 38-151](#). This section is attached for your review.

Proposed Lots 25-A and 25-B do not have access to a public street which meets the standards of the town or the state department of transportation, in accordance with Town Code Section 18-151; therefore, a waiver from this requirement is being requested.

Town Code Section 48-77. Lot access requirements.

No building permit shall be granted for any lot which does not abut either an improved public right-of-way as shown on the most recent Powell Bill Map or a street or access approved by the Board of Commissioners.

By virtue of granting the requested variances to Town Code Section 38-7 and 38-153(c), this requirement would be met.

Town Code Section 38-8, Subdivision Waivers and Variances, is included in your packet and specifies what findings are necessary in order to consider granting a subdivision variance/waiver.

STORMWATER, DRAINAGE AND UTILITIES

Please see comments from the Town Engineer and Project Manager, David Ryan in the attached correspondence dated June 16, 2016. This reflects updated information from the previous review provided to the Planning Board in November, 2015.

These lots would be served by the Village wastewater system and will require Carolina Water approval for connection prior to issuance of building permits.

OTHER

The Fire Department has reviewed and approved the proposed Preliminary Plat.

There are restrictive covenants which run with the property as recorded in Dare County DB 987, Pg. 143. All construction plans will have to be reviewed by the Village Architectural Committee prior to permitting.

Approval of this plan will convert commercially zoned property to residential use. According to the 2010 Land Use Plan, once a property is residential, it cannot be rezoned to a commercial use. The property in question is a transitional area between the commercial lots along US 158 and the residential properties in existence along NC 12 as part of Elliot Estates. As such, the proposed development area could lend itself to either a commercial or residential use, but has remained empty for many years. In accordance with the Town Code, Section 48-862, Lots intended for SF #1, SF #2, or SF #3 use shall be designated on the plat when recorded.

Staff Recommendation

Staff suggests the following findings can be made in accordance with the review process:

1. The area proposed for subdivision/redevelopment is currently zoned SPD-C which allows SF-2 development as a permitted use in accordance with Section 48-862. The lot width, lot area, and setbacks shown for both lots comply with the standards set forth in the zoning ordinance for lots in the Village SF-2 Detached Single-Family Residential District.
2. Approval of the Preliminary Plat would re-designate this area on the Village Master Plan from a Commercial Use to the SF-2 use. This re-designation is a concern in that it will result in a net loss of potential Commercial property to the Town. However, because this property has remained vacant for a number of years and lacks visibility and US 158 or NC 12 road frontage, this re-designation to a residential use is likely appropriate.
3. Further, use of these proposed lots for residential purposes does not cause harm to either the businesses adjacent to the existing access road or to the existing residential properties abutting the proposed lots to the east.
4. The Fire Department has reviewed and approved the proposed subdivision as proposed.
5. The Town Engineer has reviewed the proposal and provided numerous comments in a correspondence attached and dated June 16, 2016.
6. The Town Engineer has reviewed onsite Stormwater Management. Since his original review in November, 2015, the Town Engineer has provided the following comments which are included in note #8 in his memo: *"Initial review of the stormwater management facilities proposed for this application appeared to have been designed in accordance with Sec 34-7 General Standards for Subdivisions. This design has also accounted for tributary runoff from portions of the adjoining roadway. Since the initial submission Public Works has monitored this parcel along with the surrounding area following significant rainfall events. Photographic documentation is attached that depicts post-rainfall conditions on the subject property, taken February 10, 2016 (Exhibit A) and from June 2, 2016 (Exhibit B). The photographs appear to indicate the presence of surfacing groundwater. It is recommended that the design engineer refine the grading and drainage design to account for these observed conditions and provide a minimum of 18" of separation from the documented high water surface elevations to the established finished floor elevation. Approval for stormwater management facilities shall not be issued until this has been adequately addressed."*
7. The Preliminary Plat meets all Town requirements at the time of submittal.

Staff has reviewed the attached preliminary subdivision plat and recommends that it be approved **only** if compliance with the recommendations of the Town Engineer is demonstrated.

Attachments: Subdivision Application, Request for Variance/Waiver considerations, Preliminary Plat, Engineering Sheets, Easement Narrative, Ordinance Excerpt, Town Engineer Memo.



**TOWN OF NAGS HEAD
SUBDIVISION PLAT REVIEW CHECKLIST**

DATE RECEIVED _____
Amount Due _____

1. NAME OF PROPOSED SUBDIVISION SUBDIVISION OF LOT 25, ELLIOT ESTATES, PH. 3 REVISED
PHASE SECTION NO: _____ MAJOR MINOR ZONING DISTRICT SPD-C____
LOCATION OF PARCEL E. SIDE OF 24' UNNAMED ACCESS ESMT. & N. SIDE OF UNNAMED 30' ACCESS ESMT.
MAP BOOK/CABINET H _____ PAGE.SLIDE NUMBER 377_____
DISTANCE TO NEAREST STREET 322.8' _____ NAME OF STREET MALL DR. _____
PLAT PREPARER'S NAME SEABOARD SURVEYING & PLANNING, INC. _____
ADDRESS PO BOX 58, NAGS HEAD, NC 27959 _____
PHONE # 252-480-9998 _____

2. NAME OF OWNER FORREST BARTLETT
ADDRESS 153 MILLTOWN RD., SHILOH, NC 27974
PHONE # N/A
CONTACT OWNER BRADFORD ALEXANDER (CONTRACT PURCHASER)
ADDRESS PO BOX 321, CRESWELL, NC 27928
PHONE # N/A

APPLICANT CERTIFICATION AND STANDING

As applicant of standing of the above-mentioned subdivision, I certify that the information on this checklist and the subdivision plat is complete and accurate.

[Signature] (AGENT)
SIGNATURE OF OWNER

THIS SUBDIVISION COVERS ONLY PART OF TRACT, THEREFORE, I ATTACH A MAP OF THE WHOLE TRACT SHOWING CONTEXT OF PRESENT SUBDIVISION SECTION. YES XX NO

3. CONTACT PERSON RAY MEEKINS, PLS; SEABOARD SURVEYING & PLANNING, INC.
ADDRESS PO BOX 58, NAGS HEAD, NC 27959
PHONE # 252-480-9998

4. INDICATE BY CHECK (✓) ATTACHMENTS SUBMITTED AS SUPPORTING DOCUMENTS.
- | | PREPARER | PHONE # |
|-----------------------------|--|---------|
| a. <input type="checkbox"/> | STORM MANAGEMENT PLAN _____ | _____ |
| b. <input type="checkbox"/> | SOIL EROSION AND SEDIMENTATION CONTROL _____ | _____ |
| c. <input type="checkbox"/> | WATER LINE PLAN _____ | _____ |
| d. <input type="checkbox"/> | STREET PLAN _____ | _____ |
| e. <input type="checkbox"/> | STREET LIGHTING PLAN _____ | _____ |
| f. <input type="checkbox"/> | COVENANTS/DEED RESTRICTIONS _____ | _____ |
| g. <input type="checkbox"/> | MAP OF WHOLE TRACT _____ (IF LARGER THAN SUBDIVISION SUBMITTED) | _____ |

FIVE (5) COPIES TO BE SUBMITTED FOR STAFF REVIEW; TWELVE (12) COPIES FOR FORMAL REVIEW.

YES

COMMENTS

| 5. MISCELLANEOUS REQUIREMENTS TO BE SHOWN ON PRELIMINARY PLAT. | | |
|--|-----|---------------------------|
| a. Required signature indicating approval by Dare County Environmental Health Department for water and sewer facility proposals. | | |
| b. Vicinity map showing reference to nearest street. | x | |
| c. Subdivision name and section, name of town, township and county, zoning district (including exact boundary lines if in more than one district). | x | |
| d. Names of adjacent landowners and lot, block, and subdivision designations. | x | |
| e. Preparation date and revision date(s), if any. | x | |
| 6. TECHNICAL REQUIREMENTS FOR PRELIMINARY PLAT, IF NOT SHOWN ON ATTACHMENT(S). | | |
| a. Plat prepared between 100' = 1" and 50' = 1". | x | |
| b. North arrow accurately positioned and showing whether index is true, magnetic or grid. | x | |
| c. The azimuth or courses and distances of every line, with dimensions expressed in feet and decimals. | x | |
| d. All map lines by level measurements and platted to scale shown. | x | |
| e. For all curved lines, actual survey data from the point of curvature to the point of tangent shown as standard curve data. | N/A | |
| f. All streets and lots carefully platted with dimension lines, indicating widths and all other pertinent information necessary to reestablish lines in the field. | x | |
| g. Minimum building setback line, lot area, lot numbers or letters and street addresses. | x | |
| h. As to control corners, the location and pertinent information required by state law. All other corners which are marked by monuments or natural objects identified, and all corners of adjacent owners in the boundary lines of the subject tract which are marked by monuments or natural objects shown with a distance from one or more of the subject tract corners. | x | |
| 7. EXISTING FEATURES TO BE SHOWN ON PLAT | | |
| a. Topographic data in spot elevations or contour lines drawn at sufficiently close intervals to show drainage flow patterns and existing and finished elevations. Elevations of existing streets that abut the subdivision and of any streets proposed as part of the subdivision. | | See plan by Mike Robinson |
| b. Location, width, and names of any streets, alleys, or public rights-of-way within the subdivision as shown on the official map or master plan, if such exists. | x | |
| c. Location of width of existing walkways, rights-of-way, easements for cable TV, and easements, including but not limited to those provided for waterlines, water mains, sewer lines, drainage facilities, telephone and surface and subsurface electric lines. | x | |
| d. Location of any natural or man-made features, such as drainageways, flood hazard areas, wetlands, and drainage ditches, along with notations indicating the date of determination and that the boundaries are subject to change. | x | |
| e. Each AEC with appropriate language giving notice of CAMA requirements. | N/A | |

YES

COMMENTS

8. PROPOSED IMPROVEMENTS TO BE SHOWN ON PLAT.

| | | |
|--|-----|---------------------------|
| a. Storm Management Plan, including location and size of proposed lines, pipes, culverts, and bridges. | | See plan by Mike Robinson |
| b. Water, fire hydrants, and sewer proposals and a copy of approval from appropriate authority. | | See plan by Mike Robinson |
| c. Width, location, grade, and name of each street or public right-of-way. | x | |
| d. All proposed streets and lots with dimension lines indicating widths and all other pertinent information necessary to reestablish lines in the field. | x | |
| e. Location and dimensions of all proposed improvements including those existing improvements which are to be incorporated into the subdivision. | n/a | |
| f. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. | n/a | |

FOR OFFICE USE ONLY:

Preliminary plat approved by Planning Board on _____.

Preliminary plat approved by Board of Commissioners on _____.

Final plat approved by Planning Board on _____.

Following improvements were completed on:

| | | | |
|---------------|-------|--------------|-------|
| Waterlines | _____ | Inspected by | _____ |
| Streets | _____ | Inspected by | _____ |
| Drainage | _____ | Inspected by | _____ |
| Street lights | _____ | Inspected by | _____ |

If improvements are not to be completed prior to final approval and are to be bonded attached engineering take-off of required improvements received on _____ by _____.

Total engineering take-off cost \$

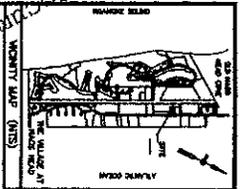
Required bond \$

CASH BOND IRREVOCABLE LETTER OF CREDIT IN AMOUNT OF \$ _____.

RECEIVED ON _____ BY PLANNING AND DEVELOPMENT DEPARTMENT.

SUBMITTED BY _____

Official Document

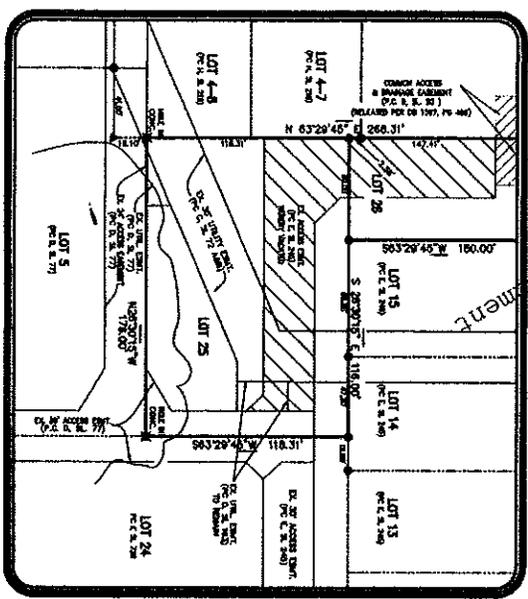
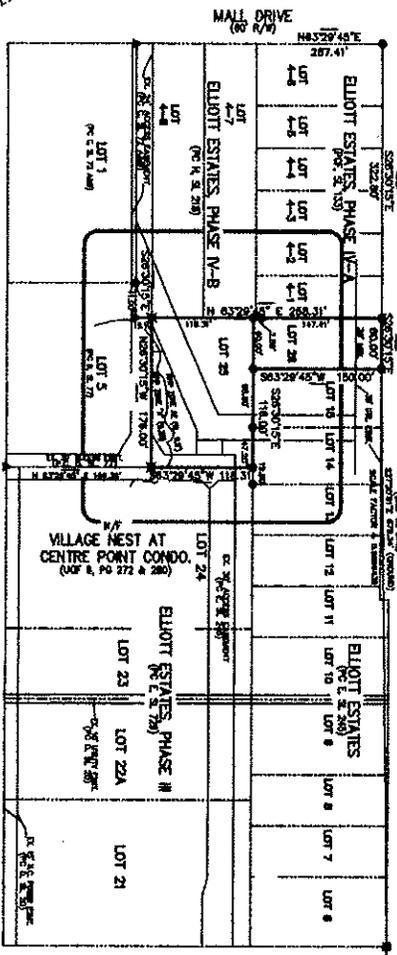


DUNE RIDGE ESTATES
N/F
PLANNED SUBD.

FILED
TODD B. MOORE, REGISTERED PROFESSIONAL SURVEYOR
REGISTERED IN NORTH CAROLINA
DARE COUNTY, NC



- LEGEND:
- 1" = 1' (SEE NOTE 1)
 - 2" = 2' (SEE NOTE 2)
 - 3" = 3' (SEE NOTE 3)
 - 4" = 4' (SEE NOTE 4)
 - 5" = 5' (SEE NOTE 5)
 - 6" = 6' (SEE NOTE 6)
 - 7" = 7' (SEE NOTE 7)
 - 8" = 8' (SEE NOTE 8)
 - 9" = 9' (SEE NOTE 9)
 - 10" = 10' (SEE NOTE 10)
 - 11" = 11' (SEE NOTE 11)
 - 12" = 12' (SEE NOTE 12)
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 - 46" = 46' (SEE NOTE 46)
 - 47" = 47' (SEE NOTE 47)
 - 48" = 48' (SEE NOTE 48)
 - 49" = 49' (SEE NOTE 49)
 - 50" = 50' (SEE NOTE 50)



ENLARGEMENT "A"
(SCALE 1" = 50')

SEACHASE DRIVE
(100 R/W)

EPSTEIN STREET
(50 R/W)

EASEMENT DETAILS FOR

ELLIOTT ESTATES - PHASE III - REVISED

REVISED PLY OF LOTS 23 & 24 - ELLIOTT ESTATES - PHASE III - SEE NOTE 611

TOWN OF NAUSEHEAD - NAUSEHEAD TWP - DARE COUNTY - NC

Seaboard Surveying & Planning, Inc. C-1536

107 S. WOOD HILL DRIVE, P.O. BOX 94, NAUSEHEAD, NC 28580-0094

NO. DATE REVISIONS

1. 11/11/11

2. 10/26/11

3. 10/26/11

4. 10/26/11

5. 10/26/11

6. 10/26/11

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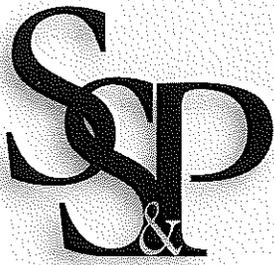
49. 10/26/11

50. 10/26/11



B.P.C.H. P. 378

DATE: 11/11/11 11:11 AM



Seaboard Surveying & Planning, Inc. C-1536

M. Ray Meekins, PLS
John R. Mayne, PLS

11/09/15

Mr. Mark Cornwell
Chairman, Town of Nags Head Planning Board
Town of Nags Head
PO Box 99
Nags Head, NC 27959

Dear Mr. Cornwell:

In conjunction with the submittal for the Division of Lot 25, Ph. III, Elliott Estates, and on behalf of Mr. Bradford Alexander, I respectfully request variances or waivers from the following sections of the Nags Head Town Code: Sec. 38-153(c), Lots, Sec. 38-7, Access to public street or highway required, and Sec. 48-77, Lot access requirements. Due to the nature of the existing asphalt road servicing the property along the south side, being centered within an existing 30' access easement which runs northerly from Epstein St., turning westerly along the south line of Lot 25, and running out to US 158, these variances or waivers are being requested by staff. Please note that the existing 24' access easement along the west side of this property is not the applicants' land, and no access along this section is required to create access to the two lots being proposed.

As to the construction standards in place at the time the asphalt road was built in 2002, the pavement section required by the Town was 2" compacted I-2 asphalt over 6" compacted abc base with 2' stone shoulders. I believe the paved road within this 30' easement, which was established to eliminate curb cuts within this block along the by-pass, was tested after construction for compliance with the Town code, as indicated by file documents. However, this can be verified by retesting if need be.

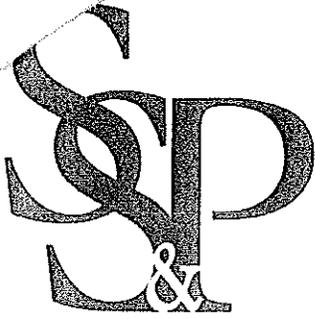
The maintenance of the roadways within this block has been a matter of concern. The attached document, being the original Declaration of Covenants, Conditions and Restrictions for this block, speak to that issue.

Of note as well is the fact that Lot 25 itself was created by the Towns' granting of these same variances and waivers in conjunction with the approval of the subdivision plat entitled "Subdivision Plat of Elliott Estates - Phase III", recorded in PC E, slide 729. Therefore, no precedent would be set by the granting of the variances or waivers at this time.

Thank you for your consideration of this request.

Sincerely,

Ray Meekins, PLS
Seaboard Surveying and Planning, Inc.
PO Box 58
Nags Head, NC 27959



Seaboard Planning & Consulting, Inc.

3200 N. Croatan Highway
P.O. Box 3569
Kill Devil Hills, NC 27948

Phone 252.480.9998
Fax 252.480.0571
e-mail: seaboard@pinn.net

M. Ray Meekins, PLS
W.C. "Bill" Owen, PLS

FILE
2/13/02

COPY

February 13, 2002

Mr. David Oaksmith, Chairman
Nags Head Planning Board
Town of Nags Head
Post Office Box 99
Nags Head, North Carolina 27959

RE: Elliott Estates, Phase III
Waiver Request

Dear Mr. Oaksmith:

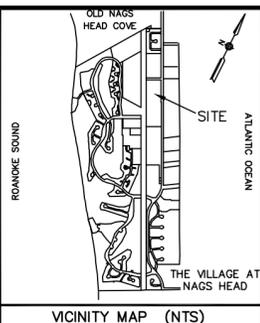
By this letter, I request a waiver of Section 18-9 of the Subdivision Section of The Nags Head Town Code, to allow Lot 25, of the above referenced project, to be created on an existing , improved access easement.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.C. Owen'.

W. C. Owen, PLS

WCO/mlm
(c.md.elliott-waiver)



LEGEND

- - EX. HOLE IN CONCRETE
- - EX. 1/2" REBAR
- - EX. CONC. MON.
- - EX. CONC. MON. SET
- - EX. MAG NAIL
- - MAG NAIL SET IN HOLE
- - CALCULATED POINT
- - WATER METER
- - PHONE PEDESTAL
- - C.A.T.V.
- - UTILITY POLE
- - GUY WIRE
- - FIRE HYDRANT
- - ELECT. TRANS.
- AG - ABOVE GRADE
- BG - BELOW GRADE
- (MH) - EX. MANHOLE
- EX - EXISTING

LINE TABLE

| LINE | LENGTH | BEARING |
|------|--------|-------------|
| L1 | 176.00 | N26°30'15"W |
| L2 | 118.31 | N63°29'45"E |
| L3 | 2.59 | S63°29'45"W |
| L4 | 19.00 | N63°29'45"E |
| L5 | 41.00 | S26°30'15"E |
| L6 | 281.80 | S26°30'15"E |
| L7 | 15.00 | S63°29'45"W |
| L8 | 121.30 | N26°30'15"W |
| L9 | 91.85 | S63°29'45"W |
| L10 | 16.30 | N49°30'30"W |

- NOTES:**
- OWNER: BRADFORD D. & SHARON O. ALEXANDER
P.O. BOX 321
CRESWELL, N.C. 27928
 - PIN NUMBER: 14 080113 23 2117
 - RECORDED REFERENCE: PC E, SL. 729-730; PC H, SL. 377-378; DB 2090, PG. 755
 - THIS SURVEY IS COORDINATED WITH MONUMENTS OF THE NORTH CAROLINA GEODETIC SURVEY SYSTEM (N.C.G.S.). THE DISTANCES ON THIS MAP ARE UNADJUSTED HORIZONTAL. AREA IS BY COORDINATE COMPUTATION. ALL PROPERTY CORNERS ARE MARKED BY IRON PINS UNLESS OTHERWISE NOTED.
 - THE DEVELOPER RESERVES RIGHTS-OF-WAYS AND EASEMENTS FOR WATER, GAS, SEWER, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES, TOGETHER WITH ALL APPURTENANCES PERTAINING THERE TO FOR THE BENEFIT OF N.C.P.CO., NAGS HEAD VILLAGE SERVICE CO., INC., AND OTHERS, ON, OVER, AND ACROSS EACH LOT AT THE WIDTH SHOWN CONTIGUOUS WITH STREET R/W'S AND AT THE WIDTH SHOWN CONTIGUOUS WITH SIDE AND REAR LOT LINES AND SUCH OTHER EASEMENTS AS MAY BE SHOWN OR NOTED.
 - SITE DATA: A. AREA OF TOTAL TRACT - 20,823 SQ.FT.
B. TOTAL NUMBER OF LOTS - 2
 - ZONING: SPD-C
USE DESIGNATION: SF-2
 - ALL FUTURE DEVELOPMENT SHALL COMPLY WITH THE NAGS HEAD VILLAGE ZONING ORDINANCE, ZONE SPD-C.
 - FLOOD ZONE: AS SHOWN SUBJECT TO CHANGE BY FEMA.
 - SEE PC D, SL. 20, PC D, SL. 77, PC D, SL. 245, & PC E, SL. 556 FOR EASEMENTS PREVIOUSLY RECORDED ON THIS PROPERTY.
 - NO WETLANDS EXIST ON THIS SITE.
 - ALL PROPOSED UTILITIES SHALL BE PLACED UNDERGROUND.
 - EXISTING DRIVEWAY PAVEMENT WITH THE 24' ACCESS EASEMENT WILL REMAIN.
 - ALL BUILDING SETBACKS SHALL COMPLY WITH THE NAGS HEAD VILLAGE ZONING ORDINANCE, ZONE SPD-C.
 - STREET ADDRESS: NO STREET ADDRESS
 - OPERATION AND MAINTENANCE OF ALL PROPOSED DRAINAGE FACILITIES SHOWN HEREON SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NAGS HEAD AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

CERTIFICATE OF TOWN CLERK, TOWN OF NAGS HEAD

I, _____, THE TOWN CLERK OF NAGS HEAD, NORTH CAROLINA DO CERTIFY THAT ON THE _____ DAY OF _____, 20____, THE TOWN OF NAGS HEAD APPROVED THIS PLAN FOR RECORDING IN THE REGISTER OF DEEDS AND ACCEPTED THE DEDICATION OF IMPROVEMENTS LISTED BY RESOLUTION OF THE BOARD OF COMMISSIONERS BUT ASSUME NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE BOARD OF COMMISSIONERS OF NAGS HEAD, IT IS IN THE PUBLIC INTEREST TO DO SO.

DATE _____ TOWN CLERK _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

I, MANSON RAY MEEKINS, P.L.S., CERTIFY TO ONE OR MORE OF THE FOLLOWING AS CHECKED BELOW:

A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;

C. ANY ONE OF THE FOLLOWING:

- THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
- THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE SUCH AS A WATERCOURSE; OR
- THAT THE SURVEY IS A CONTROL SURVEY.

D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

E. THAT THE INFORMATION AVAILABLE TO ME IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

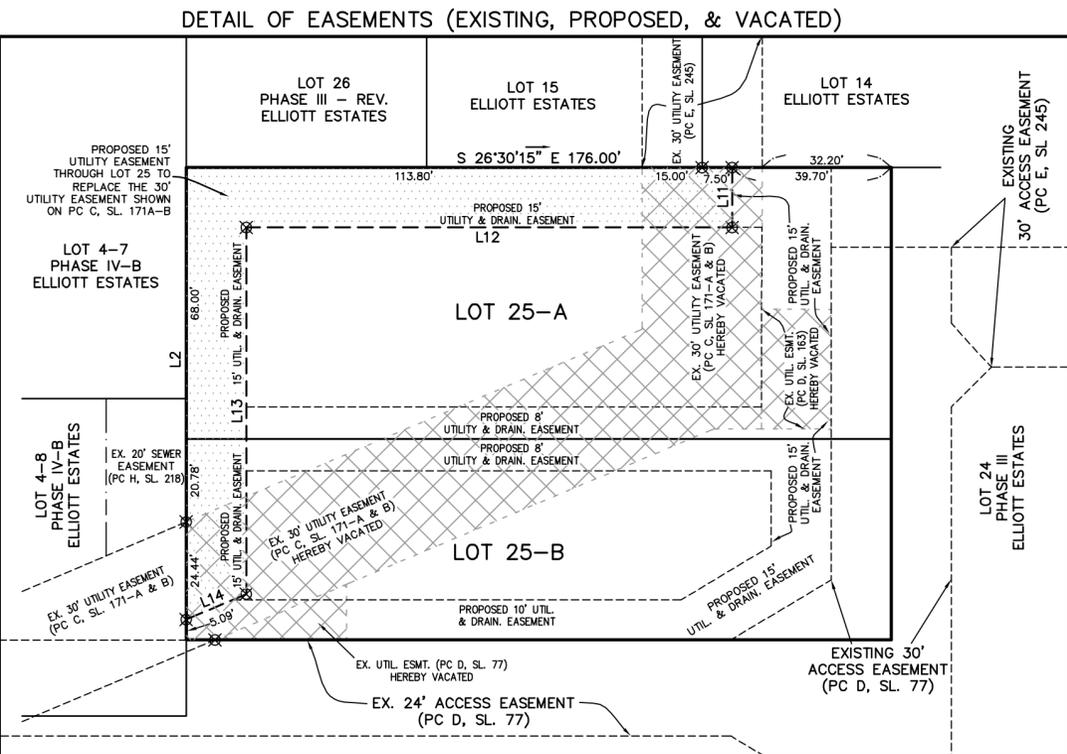
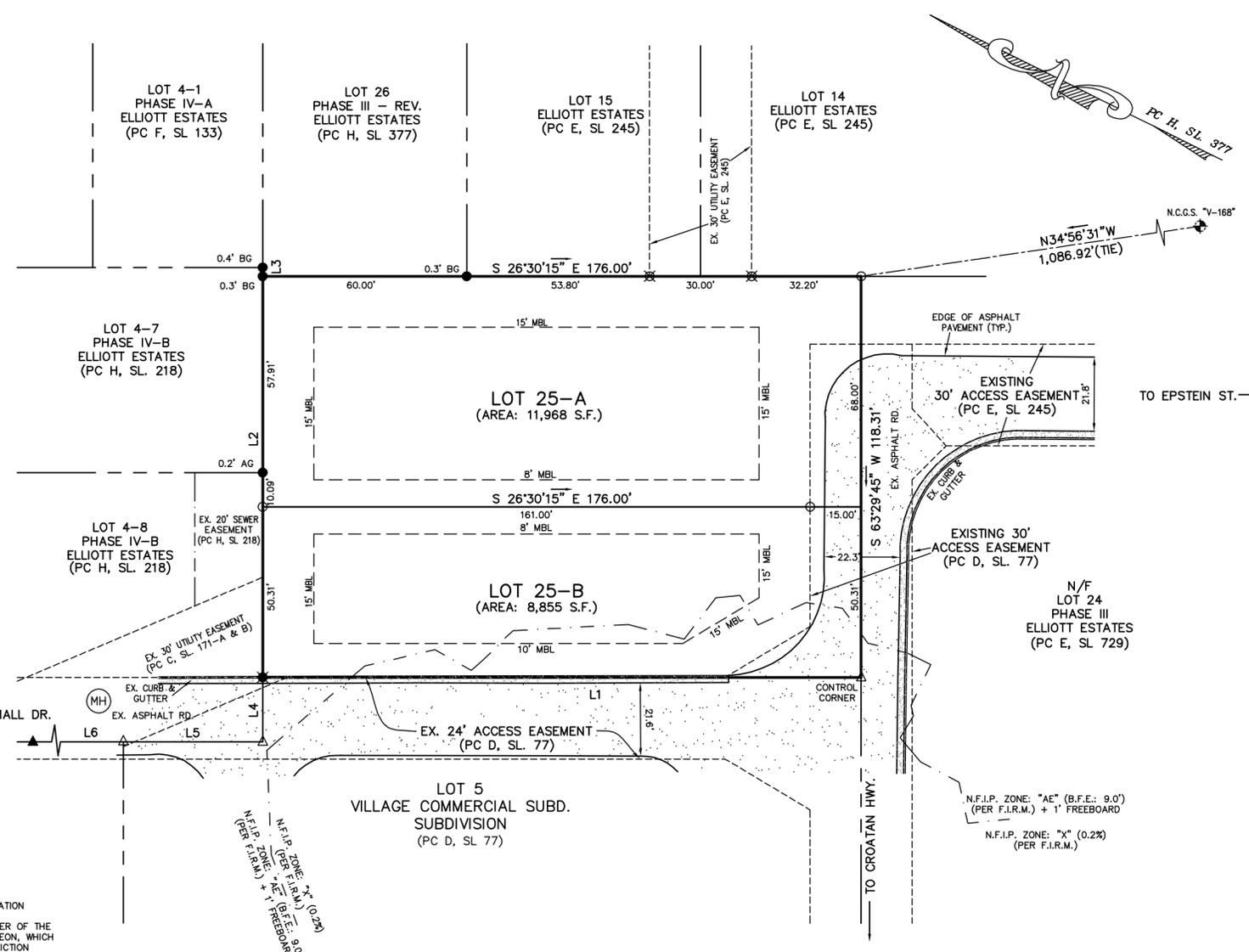
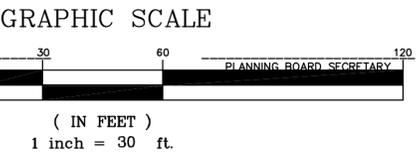


PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES, OR SALES

CERTIFICATE OF APPROVAL FOR RECORDING PLAT AND ACCEPTANCE OF DEDICATIONS

I, _____, SECRETARY OF THE PLANNING BOARD OF THE TOWN OF NAGS HEAD, NORTH CAROLINA, DO CERTIFY THAT ON THE _____ DAY OF _____, A.D. 20____, THE NAGS HEAD PLANNING BOARD APPROVED THIS PLAT FOR RECORDING.

PLANNING BOARD SECRETARY _____



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| NO. | DATE | REVISIONS | BY |
|-----|----------|-------------------------------|-----|
| 3 | 6-10-16 | NOTES AS TO OWNER & REC. REF. | MRM |
| 2 | 1-20-16 | PER ATTORNEY COMMENTS | MRM |
| 1 | 11-30-15 | PER TECH REVIEW COMMENTS | MRM |

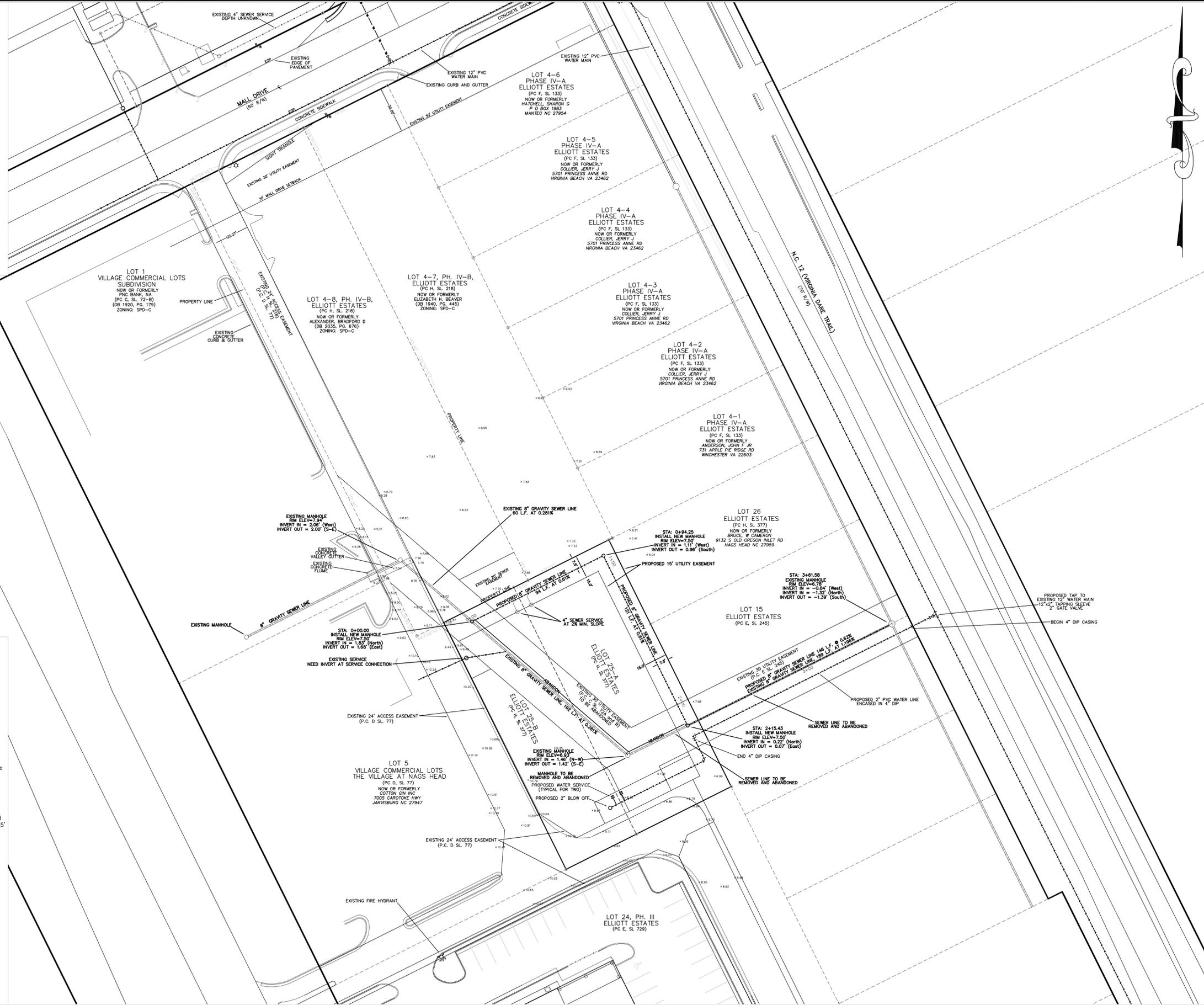
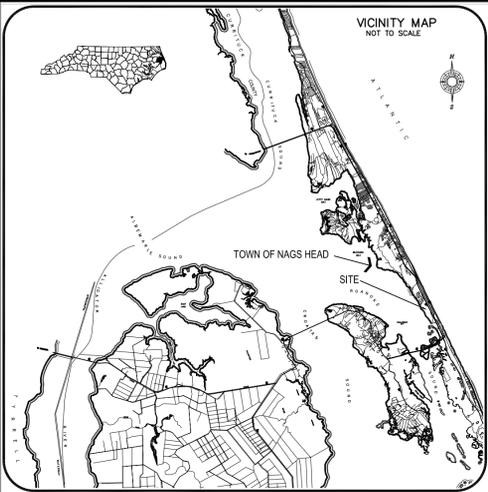
LOT 25 - ELLIOTT ESTATES - PHASE III - REVISED

PROPERTY OF BRADFORD D. & SHARON O. ALEXANDER
NAGS HEAD - NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA

Seaboard Surveying & Planning, Inc. C-1536
103 W. WOOD HILL DRIVE - UNIT F P.O. BOX 58 NAGS HEAD, N.C. 27959 252-460-9988

FILE NO.: 1506899
SURVEYED: 09/08/15 CE
DRAWN: 10/06/15 TC
CHECKED: 10/06/15 MRM
SCALE: 1" = 30'

SHEET NO. 1
OF 1 SHEETS



Notes:

Subject Property: Lots 25-A and 25-B, Elliott Estates, Phase III, Village at Nags Head Town of Nags Head, Dare County, North Carolina as recorded in Plat Cabinet H, Slide 377, Dare County Register of Deeds.

PIN NUMBER: 14 0801132 30 0379

RECORDED REFERENCE: PC H, SL. 377

Current Owner: Lot 25-A and 25-B: Forrest L. Bartlett, 153 Milltown Road, Shiloh, NC 27974
References: D.B. 1867 Pg. 361

Proposed Development: Gravity sewer relocation

FEMA Data:
Community: Nags Head, Town of CID: 375356 Panel: 0801 Suffix: J
Map Number: 37300801001 Effective Date: Sept. 20, 2006
FIRM Zone: AE (E1 9') NAVD 1988
Flood Zones subject to change by FEMA
Regulatory Flood Elevation for Structures = 10.0'

All underground waters beneath the property in the Village at Nags Head are understood to be part of the available treatment area for the disposal of all sewage collected by the Village at Nags Head Wastewater Treatment System currently operated by Utilities, Inc. The buyer shall not commit any act which would interfere with this sewage system. It is understood and agreed that this authority shall in no way interfere with the buyers us of the improvements on the surface.

The Developer reserves Rights of Way and Easements for water, gas, sewer, Drainage pipes, electric, telephone and cable tv services together with appurtenances pertaining thereto for the benefit of Dominion Power, Town of Nags Head, and others, on, over, and across each lot 10' in width contiguous with street frontages and rear property line and 5' in width contiguous with side lines and other such easements as may be shown.

All horizontal distances noted in feet. Vertical elevations referenced to NAVD88 in feet.

THIS SURVEY IS COORDINATED WITH MONUMENTS OF THE NORTH CAROLINA GEODETIC SURVEY SYSTEM (N.C.G.S.). THE DISTANCES ON THIS MAP ARE UNADJUSTED HORIZONTAL GROUND. AREA IS BY COORDINATE COMPUTATION. ALL PROPERTY CORNERS ARE MARKED BY IRON PINS UNLESS OTHERWISE NOTED.

ALL SEWER INSTALLATIONS SHALL BE INSTALLED IN ACCORDANCE WITH STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS PROVIDED BY UTILITIES, INC.

OBTAIN A FULL SET OF SPECIFICATIONS AND DETAILS PRIOR TO ORDERING MATERIALS AND INSTALLING IMPROVEMENTS

GRAPHIC SCALE

MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
KILL DEVIL HILLS, NC 27948
PHONE: 252-255-8026
EMAIL: mrobinson@obengineering.com

UTILITY PLAN
PRELIMINARY



| NO. | DATE | REVISIONS DESCRIPTION | BY |
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PROJECT: **ELLIOTT ESTATES - PHASE III - REVISED**
THE VILLAGE AT NAGS HEAD
NORTH CAROLINA
DARE COUNTY

PROJECT: **LOTS 25-A and 25-B, SEWER LINE RELOCATION PLAN**

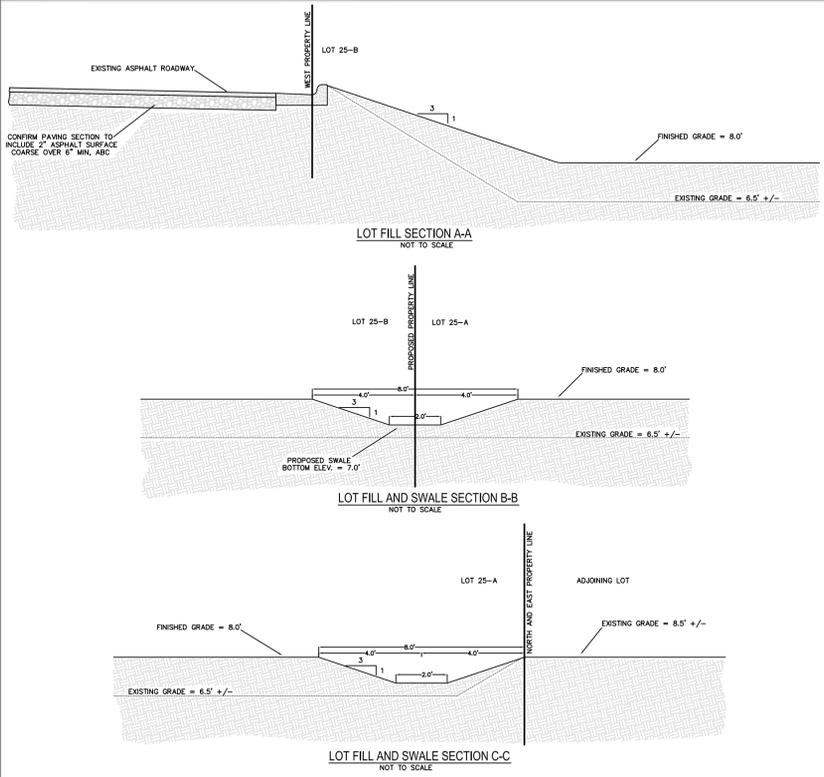
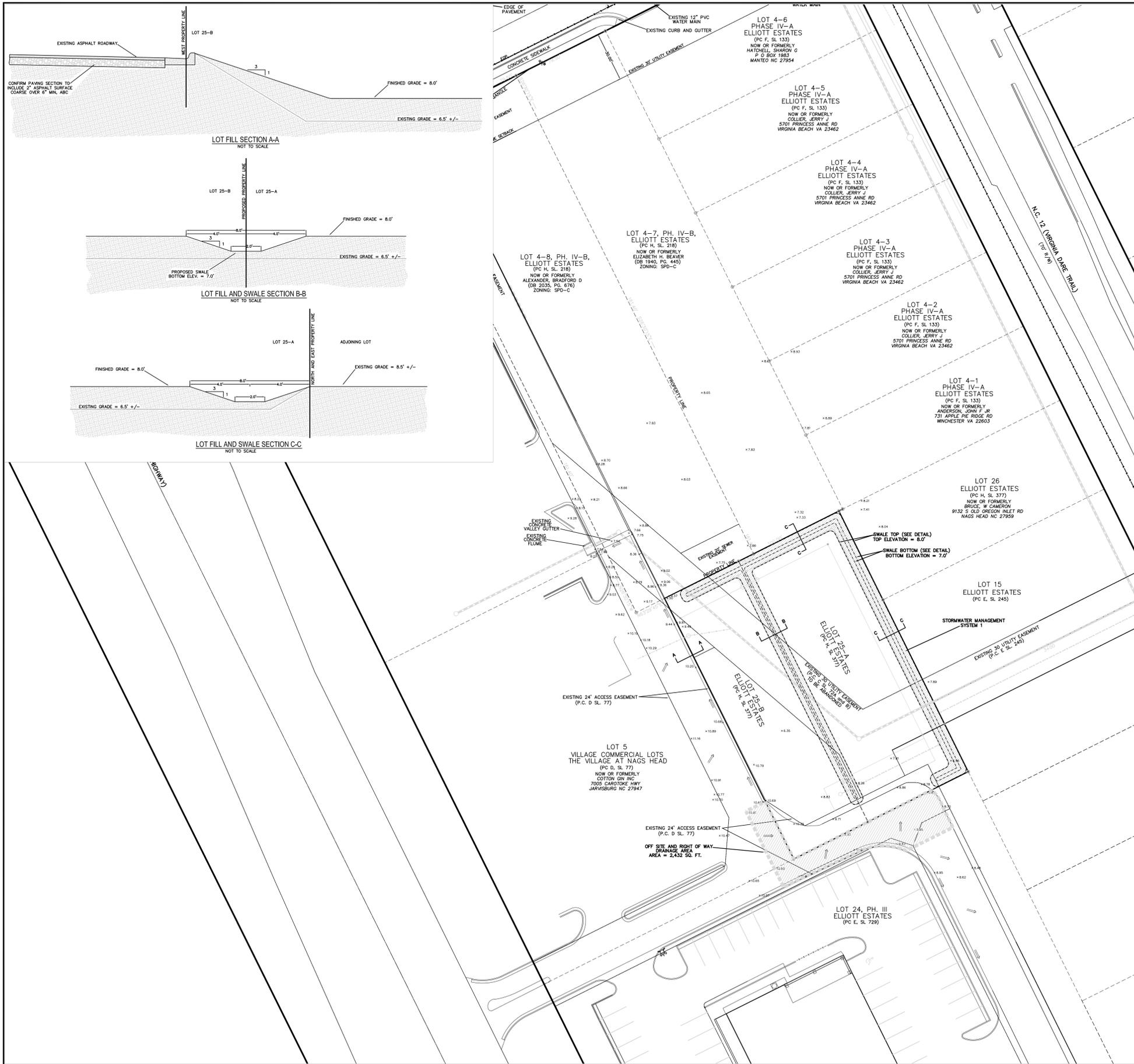
DATE: 11-09-15 SCALE: 1"=30'

DESIGNED: MWR DRAWN: MWR

SHEET: 1 OF 4

CAD FILE: davenport-base1

PROJECT NO: 102715



STORMWATER MANAGEMENT SYSTEM NO. 1

Stormwater Management Objectives:
 Stormwater Management for this site shall consist of shallow infiltration swales along the Property lines and Right of Way. The swales shall be sized to capture and infiltrate the runoff expected from the lot development, the roadway and off site development as it currently drains onto the property. The design storm shall be a 1.5 inch rainfall event over a two hour period as recommended by the Town Engineer.

TYPICAL INFILTRATION SWALE SECTION

DESIGN STORM: 1.5 INCH RAINFALL EVENT OVER A 2 HOUR PERIOD
 INTERSTITIAL SOIL VOID (POROSITY): 20%

| | | |
|-------------|-----------------------------|--------------------|
| DESIGN DATA | SWALE TOP AREA: | 3,560 SQ. FT. |
| | SWALE TOP ELEVATION: | 8.0' (MIN.) |
| | SWALE BOTTOM AREA: | 880 SQ. FT. |
| | SWALE BOTTOM ELEVATION: | 7.0' (MIN.) |
| | BASIN OPEN DEPTH: | 1.0' |
| | SHWT ELEVATION: | 5.5' |
| | SATURATED DEPTH: | 2.5' (8.0' - 5.5') |
| | SATURATED CONE BOTTOM AREA: | 6,430 SQ. FT. |

SWALE OPEN VOLUME: SWALE OPEN VOLUME = $\frac{\text{BASIN TOP AREA} + \text{SWALE BOTTOM AREA}}{2} \times \text{SWALE OPEN DEPTH}$
 SWALE OPEN VOLUME = $\frac{3,560 + 880}{2} \times 1.0' = 2,220 \text{ CU. FT.}$ SWALE OPEN VOLUME = 2,220 FT.³

INTERSTITIAL VOLUME: $\text{INTERSTITIAL VOLUME} = \left[\frac{\text{SWALE TOP AREA} + \text{SWALE BOTTOM AREA}}{2} \times \text{SATURATED DEPTH} \right] \times \text{INTERSTITIAL SOIL VOID (POROSITY)}$
 $\text{INTERSTITIAL VOLUME} = \left[\frac{3,560 + 880}{2} \times 2.5' \right] \times 0.20 = 2,058 \text{ CU. FT.}$ INTERSTITIAL VOLUME = 2,058 FT.³

RAINFALL DIRECTLY INTO SWALE: $\text{RAINFALL DIRECTLY INTO SWALE} = \text{BASIN TOP AREA} \times 1.5/12$
 $\text{RAINFALL DIRECTLY INTO SWALE} = 3,560 \times 1.5/12 = 445 \text{ CU. FT.}$ RAINFALL DIRECTLY INTO SWALE = 445 FT.³

TOTAL STORAGE IN SWALE: $\text{TOTAL STORAGE IN SWALE} = \text{SWALE OPEN VOLUME} + \text{INTERSTITIAL VOLUME} - \text{RAINFALL DIRECTLY INTO SWALE}$
 TOTAL STORAGE IN SWALE = 2,220 + 2,058 - 445 = 3,833 CU. FT. TOTAL STORAGE IN SWALE = 3,833 FT.³

On site retention from maximum potential residential development and identified off site runoff draining onto site.
 Maximum Lot Coverage: 65% parking and building with 35% landscaped area
 Lot Coverage Summary:

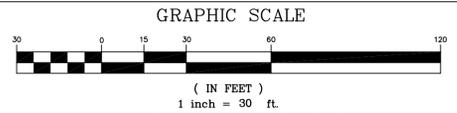
| Lot Number | Lot Area | Maximum Coverage |
|------------------------------|----------------|------------------|
| 25-A | 11,968 sq. ft. | 7,779 sq. ft. |
| 25-B | 8,855 sq. ft. | 5,756 sq. ft. |
| Total Potential Lot Coverage | | 13,535 sq. ft. |

Total Potential Lot Coverage = 13,535 sq. ft.
 Runoff Coefficient = 1.0
 Design Storm = 1.5"
 Stormwater to be managed = 13,535 sq. ft. x 1.5/12 = 1,692 cu. ft.

On site retention from existing off site development draining to site.
 REFER TO PLAN SHEET 2, BOLD LINE LABELED "OFF SITE AND RIGHT OF WAY DRAINAGE AREA".
 DRAINAGE AREA INCLUDES THAT PORTION OF ADJACENT PROPERTIES WHICH DRAIN DIRECTLY INTO STORMWATER SYSTEM 1, INCLUDING ROADWAY, PARKING AREAS, AND PROPOSED DRIVEWAYS.
 Total Off Site and Right of Way Drainage Area = 2,432 sq. ft.
 Runoff Coefficient = 1.0
 Design Storm = 1.5"
 Stormwater to be managed = 2,432 sq. ft. x 1.5/12 = 304 cu. ft.

Total Stormwater to be managed = 1,692 cu. ft. + 304 cu. ft. = 1,996 cu. ft. TOTAL RUNOFF TO SWALE = 1,996 FT.³

STORAGE CAPACITY REQUIREMENT MET (2.9" INCH RAINFALL EQUIVALENT)



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 PHONE: 252-255-8026
 EMAIL: mrobinson@obengineering.com

DRAINAGE PLAN PRELIMINARY

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
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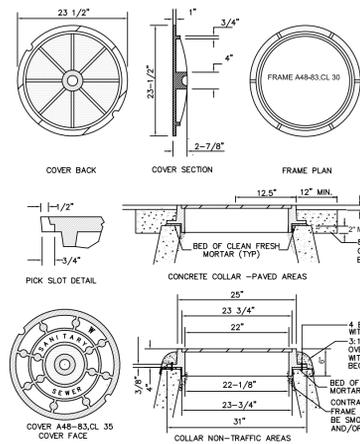
PROJECT: ELLIOTT ESTATES - PHASE III - REVISED
 THE VILLAGE AT NAGS HEAD
 DARE COUNTY NORTH CAROLINA

PROJECT NO: 102715

DATE: 11-09-15
SCALE: 1"=30'

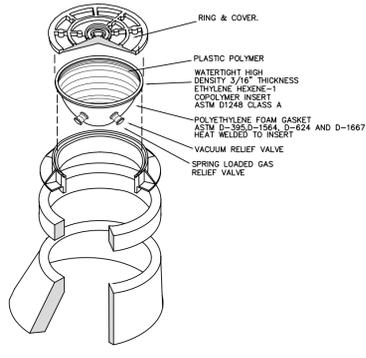
DESIGNED: MWR
DRAWN: MWR

SHEET: 2 OF 4
 CAD FILE: davenport-base1



TYPICAL MANHOLE FRAME & COVER
SCALE: NONE

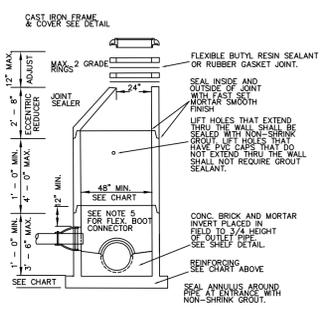
- NOTES:
1. MANHOLE FRAME AND COVER SHALL BE MADE OF GRAY CAST IRON CONFORMING TO ASTM SPEC. A48-83 CL. 30/35 RESPECTIVELY. MANUFACTURED BY SAME MANUFACTURER. ALL CASTINGS SHALL CONFORM TO THE SHAPE AND DIMENSIONS SHOWN. THEY SHALL BE CLEAN AND PERFECT, WITHOUT BLOW OR SAND HOLES OR DEFECTS OF ANY KIND, TENDING TO IMPAIR THEIR STRENGTH. NO PLUGGING OR STOPPING OF DEFECTIVE HOLES WILL BE PERMITTED.
 2. CASTINGS SHALL BE UNPAINTED AND SHALL HAVE THE LETTERS "TWO-FAT-ONE" AND "SANITARY SEWER" CAST INTO COVER. LETTERS SHALL BE RAISED AND CLEARLY VISIBLE.
 3. MANHOLE RING AND COVER SHALL WITHSTAND H-20 VEHICULAR TRAFFIC. RIGGING COVERS SHALL NOT BE ACCEPTABLE.
 4. MINIMUM AVERAGE WEIGHT: PLUS OR MINUS 5% RING 175 LBS., COVER 135 LBS., UNIT 310 LBS.
 5. PERFORATED COVERS WILL NOT BE ALLOWED.



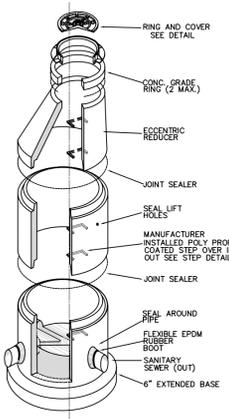
TYPICAL MANHOLE INSERT
SCALE: NONE

| PIPE SIZES | MANHOLE SIZE | MIN. WALL THICKNESS | MIN. REINF. STEEL | MIN. BASE THICKNESS |
|------------|--------------|---------------------|-------------------------|---------------------|
| 24" & LESS | 48" DIAMETER | 3" | ASTM A-182 0.15 SQ./IN. | 8" |
| 24" - 36" | 60" DIAMETER | 6" | ASTM A-182 0.15 SQ./IN. | 8" |
| 42" | 72" DIAMETER | 7" | ASTM A-182 0.15 SQ./IN. | 8" |

MANHOLE DIAMETER SIZES MAY BE ADJUSTED ON THE PLANS TO REFLECT SPECIAL CIRCUMSTANCES. REDUCING SLABS ARE NOT ACCEPTABLE ON MANHOLES LESS THAN OR EQUAL TO 4' DIAMETER.

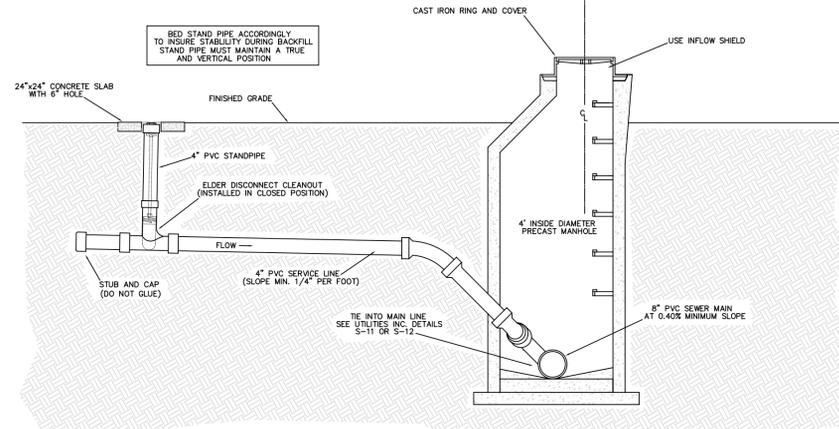


TYPICAL MANHOLE
SCALE: NONE



- NOTES:
1. PRECAST REINFORCED CONCRETE MANHOLES SHALL BE IN ACCORDANCE WITH ASTM C-476.
 2. MIN. CONCRETE COMPRESSIVE STRENGTH SHALL BE 4000 PSI.
 3. MANHOLES GREATER THAN 4' DEPTH SHALL HAVE MIN. 6" EXTENDED BASE.
 4. FLEXIBLE EPDM RUBBER BOOT SEALANT SHALL BE IN ACCORDANCE W/ ASTM C590. RUBBER GASKET JOINTS SHALL BE IN ACCORDANCE W/ASTM C-443.
 5. FLEXIBLE EPDM RUBBER BOOT CONNECTORS SHALL BE IN ACCORDANCE W/ ASTM C923. INSTALLED BY MANUFACTURER W/STAINLESS STEEL COMPRESSION RING AND TAKE-UP CLAMP. CONNECTION TO MAIN SHALL BE BY CONTRACTOR WITH STAINLESS STEEL PIPE CLAMP.
 6. CONNECTIONS TO EXISTING MANHOLES SHALL BE BY CORING MANHOLE AREA FIELD INSTALLING A FLEX BOOT CONNECTOR. DO NOT ALLOW DEBRIS TO ENTER SYSTEM.
 7. MORTAR SHALL BE QUICK SETTING, NON-SHRINK GROUT MIXED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 8. MANHOLE STEPS SHALL BE IN ACCORDANCE WITH ASTM C478 AND OSHA REGULATIONS ALONG W/INVERT OUT. SEE STEP DETAIL.
 9. PREFORMED MANHOLE INVERTS ARE NOT ACCEPTABLE UNLESS SPECIFICALLY APPROVED BY ENGINEER IN WRITING. STANDING WATER IN INVERT OF MANHOLE IS NOT ACCEPTABLE.
 10. INVERT ON PLANS IS TO MH CL.

ALL SEWER INSTALLATIONS SHALL BE INSTALLED IN ACCORDANCE WITH STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS PROVIDED BY UTILITIES, INC. OBTAIN A FULL SET OF SPECIFICATIONS AND DETAILS PRIOR TO ORDERING MATERIALS AND INSTALLING IMPROVEMENTS



TYPICAL SEWER SERVICE DETAIL WITH ELDER CLEANOUT ASSEMBLY
NOT TO SCALE

2.0 WASTEWATER COLLECTOR SYSTEM

2.1 Gravity Sewer Main Materials

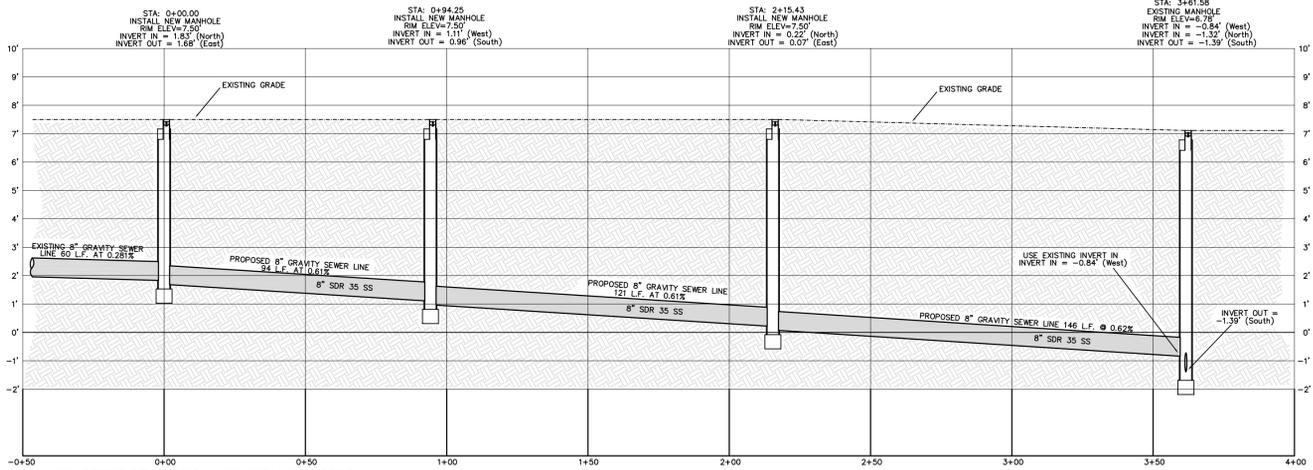
Ductile iron pipe shall be designed as per ANSI A21.50 and ANSI A21.51 for a working pressure of 150 psi, laying condition B. Pipe shall be manufactured as per AWWA C141 in 18 ft. minimum lengths. Pipe joints shall be of the push-on type as per AWWA C151. Pipe lining shall be cement mortar with a seal coat of bituminous material, all in accordance with AWWA C104. Polyvinyl Chloride (PVC) pipe shall be made of PVC plastic having a cell classification of 12454-B, 12454-C, or 13364-B (with minimum tensile modulus of 500,000 psi) as defined in Specifications D1784. PVC pipe shall have integral wall bell and spigot joints for the conveyance of domestic sewage. Fittings shall be made of PVC plastic having a cell classification of 12454-B, 12454-C, or 13364-B as defined in Specifications D1784. Fittings must be manufactured by pipe supplier or approved equal, and have bell and/or spigot configurations compatible with that of the pipe. Compounds with superior properties are also acceptable. Pipe shall have a maximum Standard Dimension Ratio (SDR) of 35. Where laying conditions so warrant, and in accordance with manufacturer's recommendations, lower SDR values (stronger pipe) may be required.

Installation shall consist of either Class I or Class II bedding material (as defined hereinafter), placed 6" below the pipe barrel and continuing to a minimum of 6" above the pipe, as per ASTM D2321. In addition, the installation of PVC pipe shall satisfy the flexible pipe requirements as outlined hereinafter. No Clay or VCP Pipe will be accepted.

- Additional Requirements for PVC Pipe**
- A. Installation of PVC pipe shall follow the recommendations of ASTM-D-2321 "Underground Installation of Flexible Thermoplastic Sewer Pipe". For flexible pipe bedding and embedment material shall be either Class I or Class II, in dry area where the pipe will be installed below existing or future ground water levels or where the trench could be subject to inundations, only Class I material shall be used for bedding and embedment.
 - B. The manufacturer's specifications or otherwise approved method shall be used in determining the stiffness class of the pipe to be installed so as to obtain the required deflection control. The class of the pipe must be approved by the Engineer prior to installation.
 - C. The maximum allowable deflection after installation shall be LESS THAN 5% of the pipe diameter. The mandrel (go/no-go) deflection test must be performed on each line prior to acceptance, and no less than 30 days after installation. The Contractor shall supply the mandrel used for this performance test. The mandrel device shall be cylindrical in shape and have 3 possible contact points with the pipe. The mandrel's length and diameter (10 of proving ring) shall equal the dimensions in the following table, and shall be subject to the Engineer's approval.

| | | |
|--|--------|---------------------------|
| For flexible PVC pipes, the following shall apply: | | |
| Nominal Diameter | Length | Proving Ring Dia./Mandrel |
| 8" | | 7.40" |
 - D. For flexible PVC pipe, the pipe shall be produced with bell and construction. Joining will be accomplished by rubber gasket in accordance manufacturer's recommendation, unless otherwise directed or approved Engineer. Flexible watertight elastomeric seals in accordance D3212-81, may also be used. Each pipe length shall be clearly marked information including pipe size, profile number, and class number.
 - E. A minimum trench width shall be one pipe diameter plus 9" on each side of the pipe.
 - F. The bedding (6" minimum) and embedment materials shall be per ASTM D2321. The embedment materials shall be installed from trench wall to trench wall and from the invert to a minimum of 6" above the crown of the pipe.
 - G. The bedding and embedment materials shall be compacted to a minimum of 90% Standard Proctor density for Class I and II materials. Bedding and embedment materials classifications shall be defined as follows:

| | |
|----------|---|
| Class I | Angular (1/4" to 1-1/2") graded stone, including a number of fill materials that have regional significance such as coral, slag, cinders, crushed stone, crushed gravel and crushed shells. |
| Class II | Coarse sands and gravels with maximum particle size of 1-1/2", including variously graded sands and gravels containing small percentages of fines, generally granular and non-cohesive, either wet or dry. Soil types DW, GP, SW & SP are included in this class. |
 - H. The minimum design slope for gravity sewer mains shall be 0.6% and no gravity lines will be accepted with less than 0.5% slope installed.



GRAVITY SEWER RELOCATION - CENTERLINE PROFILE
HORIZONTAL SCALE = 1"=30'
VERTICAL SCALE = 1"=3'

MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
KILL DEVIL HILLS, NC 27548
PHONE: 252-255-8026
EMAIL: mrobinson@bwengineering.com

SEWER DETAILS
PRELIMINARY



| NO. | DATE | DESCRIPTION | BY |
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PROJECT: ELLIOTT ESTATES - PHASE III - REVISED
THE VILLAGE AT NACS HEAD DARE COUNTY NORTH CAROLINA
REVISIONS: 3 OF 4
SHEET: 102715

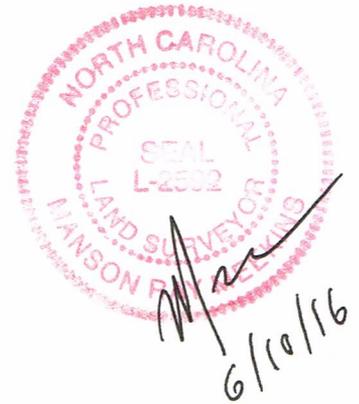
DATE: 11-09-15 SCALE: 1"=30'
DESIGNED: MWR DRAWN: MWR
PROJECT NO: 102715



M. Ray Meekins, PLS
John R. Mayne, PLS

MEMORANDUM

DATE: 6/10/16
TO: Kelly Wyatt, Town of Nags Head
FROM: Ray Meekins, PLS
RE: Division of Lot 25, Ph. 3, Elliott Est. (SSP File: 1506899)



In reference to your request for additional information concerning the easements affecting this property, I would like to offer this information:

Plat Cabinet C, Slide 72B (1989): "Village Commercial Subd.", created Lot 1, now Atlantic Realty parcel, at the corner of US 158 and Mall Dr., and Lot 2, 13.04 Ac. parcel, and indicates "19' wide access easement" along Lot 1's eastern boundary.

Plat Cabinet C, Slide 171A (1992): "Division of Lot 2, Village Commercial Subd.", creating Lot 3, and depicting a 30' Utility Easement" through Lot 2 shown thereon. The 19' Access Easement stays the same.

Plat Cabinet D, Slide 20 (March, 1995): "Second Div. of Lot 2, Village Commercial Subd.", created Lot 4, with the 19' Access Easement and 30' Util. Easement shown as before.

Deed Book 987, Page 143 (May, 1995): "Village At Nags Head Commercial Subd. Declaration of Covenants" (included in submittal). Article III, therein, "Easements", states, in Section 1, "There shall be an easement with width of 24' for the purposes of ingress and egress, throughout the Commercial Block's properties, over the existing and future interior roadways that are developed within the Commercial area".

It goes on to state in Section 2, Maintenance: "Each property owner within the Development shall be responsible for a portion of the required maintenance to the interior roadways in the Commercial area. Such Owner's share shall be calculated based on each owner's frontage abutting the interior roadways". Section 3, Committee, speaks about a committee deciding "what maintenance is necessary and proper for the continued quality of the interior roadways". Section 4 "Easement for Utilities, Sewerage, and Waste Treatment Facilities", states that an easement for this purpose is hereby established. This document goes on to state that the property subject to these covenants is shown on plat entitled "Division of Lot 2, Village Commercial Subd., Nags Head", which is recorded in PCC, Sl. 171A.

Plat Cabinet D, Slide 77 (August 1995): "Division of Lot 2 & Lot 3, Village Commercial Subdivision", which depicts Seachase Drive, and coming off that and running northerly a 30' access easement, which splits and runs out to NC 12 easterly and



M. Ray Meekins, PLS
John R. Mayne, PLS

out to US 158 westerly. The plat also depicts a 24' easement coming off the 19' easement previously shown along Lot 1 (Atlantic Realty parcel), and running southerly to meet with the 30' access easement.

Plat Cabinet D, Slide 163 (May, 1996): "Third Division of Lot 2, Village Commercial Subd.". Lot 2 divided into Lots 2 & 6-9. All previous easements shown as before.

Plat Cabinet E, Slide 245 (March, 2000): "Subd. Plat of Elliot Estates, Fourth Division of Lot 2, Village Commercial Subd.". This plat created Lots 6-15, and Seachase Drive is renamed to Epstein Street. The 30' easement as per PCD, Sl. 77 was relocated.

Plat Cabinet E, Slide 556 (Dec., 2001): "Subd. Plat of Lots 21 & 22-Elliott Estates, Formerly Lot 2, Elliott Estates". Lots 21 & 22 are created. All previous easements remain as previously shown.

Plat Cabinet E, Slide 729 (Dec., 2002): "Subd. Plat of Elliott Estates-Phase III, Formerly Lot 22-Subd. Plat of Lots 21 & 22-Elliott Estates". Lots 25 and 26 are created. All previously established easements remain the same.

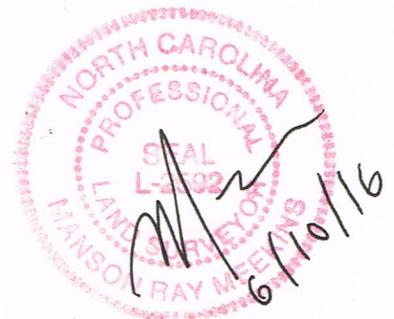
Plat Cabinet F, Slide 133 (Jan., 2004): "Subd. Plat of Elliott Estates-Phase IV-A, Formerly Lot 4-Second Div. of Lot 2-Village Commercial Subd.". Lots 4-1 through 4-6 are created. All of the previous easements are the same.

Plat Cabinet F, Slide 304 (August, 2004): "Recombination For Lots 8-R & 9-R, Elliott Estates, Formerly Lots 8 & 9, Elliott Estates".

Plat Cabinet H, Slide 218 (July, 2009): "Exempt Division Elliott Estates-Phase IV-B, Formerly Lot 4, Second Division of Lot 2, Village Commercial Subd.". Lots 4-7 & 4-8 are created, depicting the 24' Access Easement along the rear of the Atlantic Realty parcel.

Plat Cabinet H, Slide 377 (January, 2012): "Subdivision Plat of Elliott Estates-Phase III-Revised, Revised Plat of Lots 25 & 26-Elliott Estates-Ph. III". The "Ex. Access Esmt. (PC E, Sl. 245) Hereby Vacated" through Lots 25 & 26.

This brings us to the current point in time, where the 30' utility easement through Lot 25 is being reconfigured along the sidelines of the lot.



Sec. 38-8. - Variances and waivers.

- (a) *Variances generally.* Where the planning board finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations contained in this chapter so that substantial justice may be done and the public interest secured; provided, however, that such variations will not have the effect of nullifying the intent and purpose of the official map, the master plan, such regulations or the zoning chapter, and further provided that such variations are approved by the board of commissioners at the time of preliminary plat approval.
- (b) *Waivers generally.* Where the planning board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend and the board of commissioners may waive such requirements subject to appropriate conditions. Any decision of the planning board must be rendered by a simple majority of those members present and constituting three-fourths of the total membership of the planning board.
- (c) *Conditions.* In granting variances and modifications, the planning board may recommend and the board of commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Code 1990, § 18-10)



Department of Public Works

Administration
Maintenance Garage
Public Facilities Maintenance
Sanitation
Water Distribution
Water Operations

Town of Nags Head

Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-1122
Fax 252-441-3350
www.nagsheadnc.gov

Ralph Barile
Public Works Director

David Ryan, P.E.
Project Coordinator

MEMORANDUM

To: Kelly Wyatt, Deputy Planning Director

From: David M. Ryan, P.E., Project Coordinator

Date: June 16, 2016

Re: Elliot Estates Phase III Preliminary Plat

The following outlines updated commentary from Public Works related to the revised application submission and review of Elliot Estates Phase III Preliminary Plat based upon the submitted development plan set information dated January 12, 2016 as prepared by Michael Robinson, P.E. and Lot 25 – Elliot Estates- Phase III plat information dated June 10, 2016 (revised), as prepared by Seaboard Surveying;

1. Preliminary Plat: A The proposed drainage swales as indicated on sheet 2 of 5 have been located within a 15' utility and drainage easement and described appropriately on the subdivision plat.
2. Preliminary Plat: Operation and maintenance responsibilities for all proposed drainage facilities, with the exception of the right-of-way, have been defined in note 16 of the submitted Subdivision Plat.
3. The Utility and Drainage Plan and Detail Sheets submitted appear to substantially comply with the provisions Chapter 44- Utilities of the Town Code of Ordinances.
4. Currently, there is not a water distribution main that is adjacent to the existing subject property. Pursuant to Sec 44-72 "No water tap will be made except to a water line situated in that part of the street or right-of-way immediately abutting the lot to be served." Sec 44-182(a) states the following "All mains shall be a minimum of six inches in diameter and shall meet the size requirement of the town engineering report "Improvements of the Water Distribution System," dated August, 1978." The Town Waterline Extension Policy, dated October 8, 2004, requires that all water mains must be extended across the entire length or width of the lot. The submitted utility plan provided by the design engineer reflects compliance with these provisions.
5. A formal submittal of the proposed water main extension shall be made to the Town in accordance with Sec 44-183 and in advance of the construction of the proposed water

lines. An NCDEQ Division of Water Resources Public Water Supply permit application shall be submitted to the Town and State for approval.

6. Pavement testing of the adjoining private roadway has been conducted and appears to substantially comply with the provisions of Chapter 36- Streets, Sidewalk and Other Public Places.
7. A DEQ Division of Water Resources Wastewater Collection System Extension Permit has been applied for and approved. A copy of this permit has been provided to the Town.
8. Initial review of the stormwater management facilities proposed for this application appeared to have been designed in accordance with Sec 34-7 General Standards for Subdivisions. This design has also accounted for tributary runoff from portions of the adjoining roadway. Since the initial submission Public Works has monitored this parcel along with the surrounding area following significant rainfall events. Photographic documentation is attached that depicts post-rainfall conditions on the subject property, taken February 10, 2016 (Exhibit A) and from June 2, 2016 (Exhibit B). The photographs appear to indicate the presence of surfacing groundwater. It is recommended that the design engineer refine the grading and drainage design to account for these observed conditions and provide a minimum of 18" of separation from the documented high water surface elevations to the established finished floor elevation. Approval for stormwater management facilities shall not be issued until this has been adequately addressed.
9. The applicant has submitted supporting documentation describing operation and maintenance requirements of portions of the existing asphalt roadway. It is recommended the Town attorney review for sufficiency.
10. Please note that there is an existing dip in access road that is proximate to the subject property. The Board of Commissioners has expressed concerns regarding this existing pavement condition and the need for corrective action.

Exhibit A (February 10, 2016)



Exhibit B (June 2, 2016)



STAFF REPORT

TO: Planning Board
FROM: Kelly Wyatt, Deputy Planning Director/Zoning Administrator
Andy Garman, Deputy Town Manager/Planning Director
DATE: June 21, 2016
SUBJECT: A proposed zoning ordinance text amendment to Town Code Section 48-407(c)(9), Conditional Uses within the C-2, General Commercial Zoning District as it relates to an "Attended Car Wash" operation.

SUBJECT OR MOTION(S):

1. Motion to recommend adoption or denial of a text amendment to Town Code Sections 48-407(c)(9) to eliminate the requirement that a car wash have an attendant.

BACKGROUND:

Mr. Derek Hatchell on behalf of I.G. Holdings, LLC, has submitted the attached zoning ordinance text amendment application, which, if adopted, would eliminate the need for an attendant to be present on-site during all hours of operation of a car wash.

In the zoning text amendment application, the applicant has cited the desire to no longer require an attendant be present onsite as it is not necessary given that the car wash would be fully automated.

There is significant history with the allowance of an attended car wash as a use within the Town dating back to 1988 when the discussions first arose with the Planning Board. Below is a brief summary:

- September 20, 1988 – Request presented to the Planning Board to include "Car Wash" as a Permitted or Conditional Use within the C-2 Zoning District. At this meeting the Planning Board felt there was a need to regulate the operation via Conditional Use approval with such conditions as limiting the hours of operation and requiring an attendant on-site.
- October 18, 1988 – Presentation to the Planning Board on the use of a car wash as a Conditional Use with specified conditions including that the car wash be enclosed and fully automated under the direct operation of an attendant and that the hours of operation be limited to 9:00am to 9:00pm. The applicant at this time expressed concern that the requirement the car wash be enclosed would eliminate the open bay/wand operation. The Planning Board felt this type of operation would promote noise, trash and congestion and continued with the recommendation of an enclosed building. The Planning Board recommended adoption of the ordinance with development standards as presented.

- December 20, 1988 – Planning Board tabled discussion as the applicant was present to discuss the proposal.
- January 17, 1989 – Planning staff presented the request once more to the Planning Board following the applicant’s assertion that the original request, to allow a self-service type car wash operation as well as automated, was not decided upon by the Board of Commissioners. The Planning Director presented the proposed conditions including the request for self-service car washes. Planning staff recommended against this because of the increased potential that an unattended, self-regulating business may create problems related to noise and litter control. While the Planning Board felt that a car wash might likely be needed within the Town they did not feel that this was the type that was desired. The Planning Board forwarded the request to the Board of Commissioners for the final decision with their recommendation of denial.
- March 6, 1989 – The Board of Commissioners held the Public Hearing pertaining to “Car Wash” as a Conditional Use within the C-2, General Commercial Zoning District. Commissioners felt that the Planning Board’s concern of noise could be addressed by an on-site attendant however the concerns of litter and possible after hours activities could not be addressed. The Board of Commissioners voted to deny the request as presented and directed staff to return with a version of the amendment incorporating the requirement for an on-site attendant as well as additional storm water measures.
- July 3, 2016 - The Board of Commissioners began the Public Hearing, following staff’s presentation on the revised ordinance, public comment was taken. Significant revisions were proposed requiring re-advertisement of the proposed amendment. The Public Hearing was set for the Boards August meeting.
- August 7, 1989 – The Board of Commissioners adopted the text amendment which incorporated the requirement that the car wash have on on-site attendant.
- September 6, 1989 – Parking standards for car washes was discussed and later adopted.

Staff would encourage Planning Board members to refer to last month’s packet for to review any of these meeting minutes.

June 21, 2016 Updated Information: Following requests made by the Planning Board at its May 17, 2016 meeting, numerous revisions have been made to the proposed ordinance to include:

- A site attendant must visit the site a minimum of two times daily to ensure proper operation.
- Security cameras must be installed to record activity in vulnerable locations.
- Hours of operation have been established, this is what the Board of Commissioners recommended in the initial amendment from October, 1988.
- A minimum setback of 50 ft. has been applied to any freestanding vacuums and other service areas adjacent to a residential use or district.

- Clarification on what the word "enclosed" represents and the need to comply with Town Architectural Design criteria.
- Clarification that the required buffer must be continual and opaque. The buffer requirement on this site would not be subject to the clustering and grouping of plantings afforded in other scenarios.

Staff would note that the applicant was provided a copy of the draft ordinance prior to inclusion in the packet for review and comment. The applicant has indicated that he is in agreement with the language except for the hours of operation. The applicant would request consideration for no specific limitation on the hours of operation.

STAFF RECOMMENDATION:

Based upon the history of discussion surrounding the previous Board's desires for any car wash to have an attendant on-site during all hours of operation, Planning Staff recommends denial of the proposed text amendment as presented.

Updated Staff Recommendation: Staff continues to recommend denial of the proposed ordinance as amended. Staff does not believe that the 50 foot setback adjacent to residential zoning districts or uses is adequate to mitigate noise concerns based on the proposed use.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, A text amendment was initiated by an applicant to eliminate the requirement that a car wash operation have an on-site attendant during hours of operation.

WHEREAS, the 2010 Land Use Plan states that the Town shall continue to address the community appearance concerns through various Boards and shall work towards developing incentives designed to enhance, promote and protect the Town's architectural image and heritage;

WHEREAS, the Town further finds that in accordance with the findings above it is not in the interest of and contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That Section **48-407(c)(9), Conditional Uses within the C-2, General Commercial District**, be amended as follows:

(9) ~~An attended eCar washes (automated and self-service enclosed only)~~, subject to other requirements of this chapter and provided that the following conditions are met:

- a. ~~The attendant shall be present on site during all hours of operation;~~ An attendant shall visit and assess the site a minimum of two times daily during all hours of operation to ensure a clean, orderly operation. Security cameras shall be installed in areas of vulnerability.

- b. The hours of operation shall be between 9:00 a.m. and 9:00 p.m.
- c.~~b.~~ No principal or accessory building shall be located within 50 feet of an existing residential use or district. No freestanding vacuums, air compressors, or other vehicular servicing areas shall be located within 50 feet of an existing residential use or district.
- d.~~e.~~ A car wash shall be constructed so as to allow vehicles to pass through the structure in order to create an orderly traffic flow. Furthermore, stacking spaces shall be provided for vehicles entering and exiting the site to minimize traffic congestion on public roads.
- e. A car wash shall be enclosed on at least two sides with open bays and a roof structure. A car wash must comply with the architectural design standards of Town Code Section 48-371.
- f.~~d.~~ The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with subsection 48-482(1), buffer yard A. This buffer yard shall be continuous and opaque.
- g.~~e.~~ The site shall be designed to contain all stormwater from impervious surfaces ~~on-site from a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period~~ consistent with the applicable standards of Town Code Chapter 34 – Stormwater, Fill, and Runoff Management.
- h.~~f.~~ The car wash shall utilize a recyclable water type system.
- i. Car washes shall only be located on properties with frontage on US 158.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ___ day of ____ 2016.

 Robert C. Edwards, Mayor
 Town of Nags Head

ATTEST:

 Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

 Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

ZONING AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant J. G. Holdings

Mailing address P.O. Box 120, Kitty Hawk, NC 27948

Explanation of request

Zoning Ordinance - Section(s) 48-407(c)
Attach amendment in ordinance form.

Zoning Map
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land abutting the parcel in question.

Nature of request

Because is automated car wash will not be
a person their 24 hours to attend it.
Being car wash is total automated it is not
necessary to have an attend on site but
will have a contact number available 24 hours.
Will have service techs working car wash
after during the day.

Reason for request

Because we do not feel it's necessary
to have an attend on site all the time
when it is fully automated.

Leszale Iblasa, owner

Applicant

4/19/2016

Date

STAFF REPORT

TO: Planning Board
FROM: Andy Garman, Deputy Town Manager
Kelly Wyatt, Deputy Planning Director
DATE: June 17, 2016
SUBJECT: Discussion of Cottage Courts as permissible uses within the Town.

Last month the Planning Board held its initial discussion regarding the expansion of cottage court uses within the Town. For the past 30 years, cottage courts have been considered a nonconforming use by the town's ordinance. Therefore, no expansions to these properties have been allowed except for general maintenance and repairs. The Planning Board is now reviewing ordinances that would reinstate cottage courts as an allowable use based on recent discussions regarding diversity of accommodations within the town. The main goal is to improve the variety of accommodations within the town, including transient uses such as hotels and cottage courts, to provide more opportunities for short-stay visitors. This is also in light of the continued loss of older hotels and short stay accommodations.

Last month staff provided the Planning Board with some background information on developing a cottage court ordinance. This included a map and photographs of existing cottage courts, sample ordinances from other communities, and the town's ordinance for residential group developments. After some discussion, staff suggested selecting five cottage court properties within the town and analyzing the existing development features and characteristics to develop standards for an ordinance. The five properties included for the analysis were: 2 Fish Cay, Sea Spray Cottages, Sandspur Cottages, Oceanside Court, and Cahoon's Cottages. Photos of these five properties are attached as well as a table showing the building square footages of the individual cottages at each property. Staff has included the map from last month since this depicts the location of each cottage court and the total acreage of each property.

A draft ordinance is provided for the Planning Board's review which includes regulations to address the following concerns:

- Location
- Size and arrangement
- Architectural design and orientation
- Density
- Building separation and setbacks
- Minimum lot size
- Lot coverage
- Driveway access
- Off-street parking and loading facilities

- Refuse and recycling
- Cottage court properties with existing nonconformities

In addition to examining the characteristics of the five cottage court sites, staff has also utilized some of the standards from the residential group development ordinance as well as other existing ordinances to develop the draft ordinance. Staff will provide a detailed overview of the draft ordinance at the upcoming meeting. Planning Board members are encouraged to review the sample ordinance and cottage housing ordinance guide from last month in preparation for the discussion.

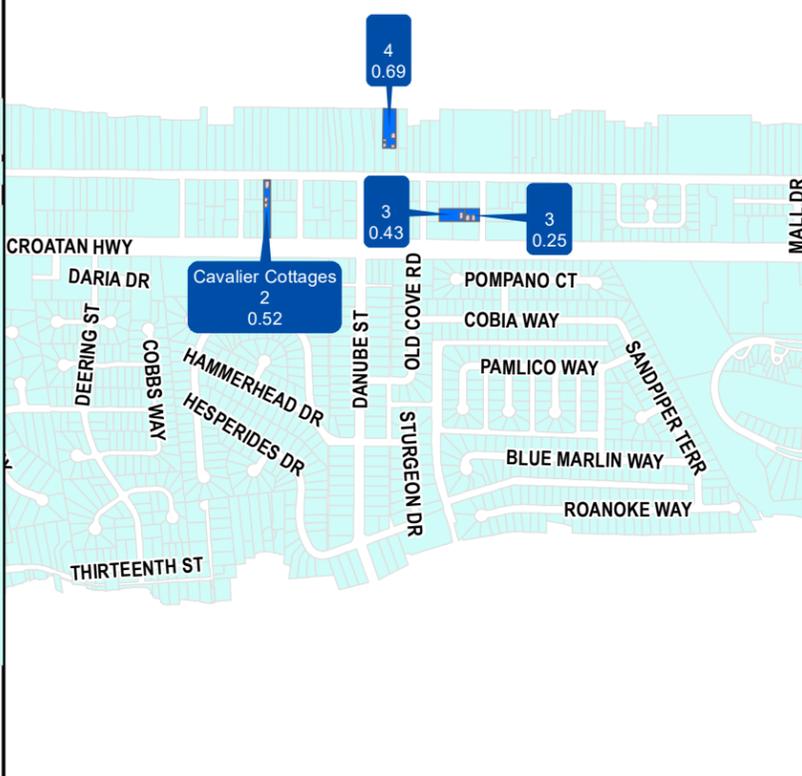
Attachments:

- Cottage Court Map
- Cottage Court Photos
- Table with Building Square Footages
- Draft Cottage Court Ordinance

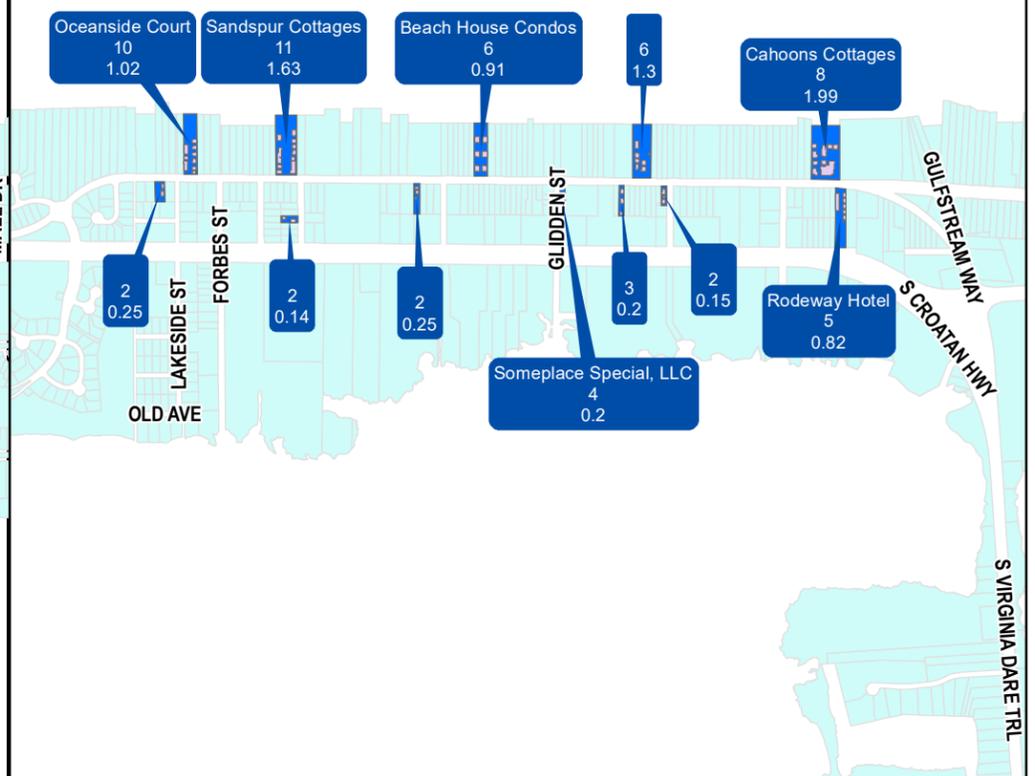
Bonnett Street Area



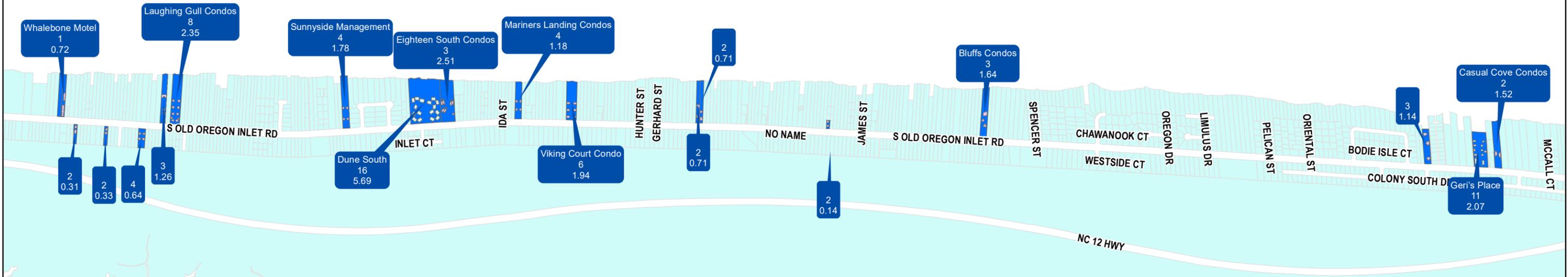
Danube Street Area



Whalebone Junction Area



South Nags Head



Town of Nags Head, NC
Cottage Courts

Name
Units
Acreage

Last Updated December 30, 2015

2 Fish Cay



Cahoon Cottages



Sea Spray Cottages



Oceanside Court



Sandspur



| YEAR_BUILT | Heated Sq Ft | Name |
|------------|--------------|-----------------|
| 1950 | 690.00 | 2FISH |
| 1950 | 703.00 | 2FISH |
| 1950 | 705.00 | 2FISH |
| 1950 | 713.00 | 2FISH |
| 1950 | 1,958.00 | 2FISH |
| 1960 | 812.00 | CAHOONS |
| 1960 | 848.00 | CAHOONS |
| 1960 | 888.00 | CAHOONS |
| 1960 | 910.00 | CAHOONS |
| 1960 | 1,004.00 | CAHOONS |
| 1960 | 1,177.00 | CAHOONS |
| 1960 | 1,320.00 | CAHOONS |
| 1960 | 2,528.00 | CAHOONS |
| 1955 | 486.00 | OCEANSIDE COURT |
| 1955 | 676.00 | OCEANSIDE COURT |
| 1955 | 706.00 | OCEANSIDE COURT |
| 1955 | 708.00 | OCEANSIDE COURT |
| 1955 | 712.00 | OCEANSIDE COURT |
| 1955 | 723.00 | OCEANSIDE COURT |
| 1955 | 877.00 | OCEANSIDE COURT |
| 1955 | 3,082.00 | OCEANSIDE COURT |
| 1955 | 647.00 | SANDSPUR |
| 1955 | 711.00 | SANDSPUR |
| 1955 | 714.00 | SANDSPUR |
| 1955 | 733.00 | SANDSPUR |
| 1955 | 761.00 | SANDSPUR |
| 1955 | 764.00 | SANDSPUR |
| 1955 | 1,996.00 | SANDSPUR |
| 1955 | 2,120.00 | SANDSPUR |
| 1955 | 2,753.00 | SANDSPUR |
| 1955 | 4,911.00 | SANDSPUR |
| 1950 | 519.00 | SEA SPRAY |
| 1950 | 525.00 | SEA SPRAY |
| 1950 | 774.00 | SEA SPRAY |
| 1950 | 1,907.00 | SEA SPRAY |
| 1950 | 1,954.00 | SEA SPRAY |

Sec. 48-7. – Definitions of specific words and terms.

Cottage court means multiple ~~residential buildings~~ detached single-family dwellings on one lot. ~~Since August 5, 1985, no such development has been allowed in this jurisdiction. Any such development legally existing on that date became a nonconforming use.~~ Cottage courts shall be designed and intended for transient guests on a rental basis, with the exception of living quarters for on-site management.

Sec. 48-378. – Cottage Courts.

Cottage Courts are permitted as a conditional use in the CR, C-2, and R-2 zoning districts, provided the following requirements and conditions are met:

- (a) *Location.* Cottage Courts shall only be located on properties with frontage on NC 12 or SR 1243.
- (b) *Size and arrangement.* Individual dwelling units must be designed and arranged for occupancy by one family operating as a housekeeping unit and shall contain at least eight hundred (800) and no more than two thousand (2,000) square feet of gross floor area. One structure may be larger than the maximum size if it is combined with on-site management or another complementary accessory or principal use.
- (c) *Architectural design.*
 - (1) Individual units must receive at least 75 architectural design points based on the criteria established in the Town of Nags Head Residential Design Guidelines (See Appendix A).
 - (2) Individual cottages shall not contain more than one and one-half (1 ½) stories.
 - (3) Dwelling units shall meet the minimum roof pitch requirements established in the Town of Nags Head Residential Design Guidelines.
 - (4) Dwelling units shall not contain enclosed attached or detached garages but may contain an open parking area underneath the structure.
 - (5) Cottages shall be oriented towards a common open space or shared drive aisle.
- (d) *Density.* Cottage courts shall not contain more than ten (10) individual dwelling units.
- (e) *Building separation and setbacks.* Dwelling units shall be separated from one another by a minimum of ten (10) feet, including projections. Dwelling units shall have a minimum fifteen (15) foot front yard setback, eight (8) foot side yard setback, and twenty-five (25) foot rear yard setback.
- (f) *Minimum lot size.* Cottage court lots must be at least 20,000 square feet in area. The area of an oceanfront lot east of the first line of stable natural vegetation or static vegetation line shall not be used in the calculation of lot area for the purpose of determining the minimum lot size for cottage court development.

(g) *Lot coverage.* The lot coverage shall not exceed 55 percent. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.

(1) Permeable pavement:

- a. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.
- b. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, and other proven technologies available as covered in the NC Best Management Practices Manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
- c. The town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address stormwater runoff issues. A minimum of 20 percent of the surface area of the parking area and drive aisles shall be constructed using permeable surface materials, unless it can be demonstrated that a topographic or hydrologic constraint exists that would limit its use and effectiveness.
- d. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC 12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

(2) In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation or static vegetation line (as defined by CAMA) shall be used for calculating lot coverage. Where an oceanfront lot has little or no stable natural vegetation, the line of such vegetation shall be a line extending between the nearest such vegetation existing north and south of the lot.

(h) *Driveway access.* Each dwelling unit shall have access to a shared accessway. The shared accessway must be a minimum of 20 feet in width and meet the reasonable requirements of the fire marshal for access by firefighting apparatus. An accessway width less than 20 feet may be reviewed and approved by the fire marshal in conjunction with an approved alternative life safety plan.

(i) *Off-street parking and loading facilities.* Individual units shall have a minimum of two (2) parking spaces. Parking spaces for each dwelling unit shall be provided so as not to interfere with the shared accessway or with the access of emergency or service vehicles to the entire property. Shared parking areas may be utilized to accommodate the total

parking requirements for the development. Parking spaces and drive aisles shall not be located closer than five (5) feet to side or rear property lines. Parking spaces shall not be located with direct access from the right-of-way.

- (j) *Refuse and recycling.* Cottage courts shall provide a suitable location for a dumpster as determined by the Director of Public Works. Dumpster areas shall be appropriately screened and shall not be located in the required front yard of the property.
- (k) On a site to be used for cottage court development, existing residential structures, which may become nonconforming with respect to the standards of this section, may be permitted to remain however the extent of the nonconformity shall not be increased.