



DRAFT AGENDA

**Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, June 18, 2024; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes
May 21st, 2024 Planning Board Meeting.

Documents:

[MAY 21 2024 DRAFT MINUTES.PDF](#)

E. Action Items

1. Consideration Of A Site Plan Amendment
for the construction of an 87-unit Hotel (Inn at Whalebone), including a request to eliminate or modify the condition of the October 4, 2023, Board of Commissioners approval that the existing Lakeside Street roadway be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most **westward entrance of the hotel off Lakeside Street**. The property is zoned SPD-C Village Hoel and is located within the Hotel Overlay District, located at 6632 Pheasant Avenue/Lakeside Drive, Nags Head.
2. Consideration Of Various Amendments
to the Unified Development Ordinance (UDO) as it pertains to the use of multi-family dwelling developments.
3. Consideration Of A Sketch Plan Review Application
submitted by SRE Mustang, LLC (Outlets Nags Head) and the Timmons Group for the construction of a 2,279 square foot stand-alone restaurant at 7100 S. Croatan Highway (Outlets Nags Head).

Documents:

[OUTLETS RESTAURANT SKETCH PLAN REVIEW FOR PB.PDF](#)

4. Planning Staff Is Requesting That The Planning Board

consider initiating a text to amendment to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District.

Documents:

[SED-80 DORMITORY MEMO.PDF](#)

- F. Report On Board Of Commissioners Actions
June 5th, 2024

Documents:

[JUN 5 2024 BOC ACTIONS KW HIGHLIGHT FOR PB.PDF](#)

- G. Town Updates - As Requested

- H. Discussion Items

- 1. Planning & Development Directors Report
May 30th, 2024

Documents:

[PND DIRECTORS REPORT FOR BOC.PDF](#)

- I. Planning Board Members' Agenda
- J. Planning Board Chairman's Agenda
- K. Adjournment

**Town of Nags Head
Planning Board
May 21, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, May 21, 2024, in the Board Room at the Nags Head Municipal Complex.

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

Members Present

Megan Vaughan, Molly Harrison, David Elder, Gary Ferguson, Kristi Wright, David Thompson

Members Absent

Meade Gwinn

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented. David Thompson seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the April 16, 2024, meeting with some editing corrections. David Elder moved to approve the minutes as corrected; Molly Harrison seconded, and the motion passed unanimously.

Action Items

None

Report on Board of Commissioners Actions – April 3, 2024

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: There were two items on the Consent Agenda (which was approved): Request for Public Hearing to consider text amendment to prohibit driving or parking on residential septic systems and a request for Public Hearing to consider text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for Fueling Stations; Comr. Brinkley gave an update on the Septic Health Advisory Committee: six loans, 90 inspections, and 98 water credits have been issued to date with the program; Comr. Brinkley also gave an update on the Town Multi-Family Ordinance Working Group which will meet again May 24th prior to a report to the Board in June (Ms. Wyatt noted she would

give the Planning Board a brief update later on in the meeting); Town Manager Garman noted that the Board had approved the request for a Public Services Dept Sanitation Equipment Operator and for a part-time/seasonal Planning and Development position to assist with Dowdy Park; Mayor Pro Tem Siers acknowledged the good work being done by the Town's Multi-Family Ordinance Working Group and the Town's Planning Dept, as he has heard from the community.

Mr. Elder pointed out two recent fires in Nags Head and raised concerns about the increasing risk of fires due to buildings being constructed very close to each other. He questioned whether this issue should become part of future planning considerations, especially given the trend towards maximizing the use of space. He observed that the current approach of filling out spaces as much as possible, combined with additional structures like fences, swimming pools, and outdoor cooking areas, creates a crowded environment. This situation potentially impacts the safety of inhabitants. Ms. Wyatt acknowledged Mr. Elder's concern and stated that staff could provide a presentation on current setback requirements for principal and accessory structures, and allowable encroachments and to what extent. Chair Vaughan noted that any changes they recommend would only apply to new development as well as redevelopment.

Town Updates

None

Discussion Items

Update on Lighting associated with LED, digital displays for fueling stations.

Ms. Wyatt gave a PowerPoint presentation that she put together with regards to Digital Sign Lighting noting that her presentation references a document from the Outdoor Advertising Association of America (OAAA) which she had sent to the Board via email the day before. Ms. Wyatt noted that this would be an addendum to the text amendment which the Planning Board recommended approval of at their last meeting.

Ms. Wyatt explained that most jurisdictions measure the brightness of LED digital signs using either footcandles or nits. A footcandle measures the amount of light falling onto a surface from one foot away, equal to one lumen per square foot. A nit measures the brightness emitted from a surface, equivalent to one candle per square meter, and is used scientifically to measure light from internally illuminated signs.

An LED sign's luminance is measured in nits, but the human eye perceives illuminance at a distance, affected by ambient light, measured in footcandles. Footcandles account for varying ambient light conditions, while nits measure brightness without considering ambient light, only setting maximum and minimum levels for different times of day. The footcandle standard is generally more restrictive and preferred by regulatory agencies. The OAAA recommends digital signs not exceed 0.3 footcandles above ambient lighting as a standard.

Ms. Wyatt confirmed for Chair Vaughan that the Town currently does not own a Nit gun (for measuring nits) only a light meter that measures footcandles.

Many localities use specific language to regulate digital billboards and electronic messaging centers, with some also applying these standards to smaller digital signage. Ms. Wyatt noted that if the Planning Board is inclined to recommend this, Planning Staff would need to coordinate with fueling station staff to measure illuminance at set times during the day and night with the digital display off

to establish a baseline of ambient light. When the display is on, staff would have to conduct the same measurements under similar conditions to ensure illuminance levels do not exceed 0.3 footcandles above the baseline.

Ms. Wyatt noted that this may be a bit time consuming in that it depended on timing and weather conditions but it would certainly be doable.

Ms. Harrison inquired if the purpose of this would be to get the property owner to turn the lights down if they are too bright. Ms. Wyatt confirmed, noting that there are industry standards that are going to give minimums for safety and visibility. This would be above and beyond that.

Ms. Wyatt reminded the Board that the Town does regulate lighting for fueling stations and proceeded to review some additional lighting considerations noting that Section 10.37 of the UDO specifies parking lot lighting standards based on usage. Fueling stations, classified as "high level" activity areas, must maintain lighting between 0.7 and 10.0 footcandles.

In addition, Section 10.37.2 of the UDO sets standards for open canopies over gas pumps:

- Only the area under the canopy may be illuminated, with levels between 2 and 15 footcandles.
- Light fixtures are restricted to under the canopy, with no illumination on the canopy sides.
- Parking spaces outside the canopy must follow standard parking area lighting requirements. Fueling stations must comply with these lighting standards regardless of digital sign components.

Ms. Wyatt presented the proposed amended language for the Board's consideration. This new language would be added to 7.20.7 Signage for Fueling Stations.

Ms. Wyatt confirmed for Chair Vaughn that without going out there at different times of day they have no idea what .3 even looks like.

Mr. Thompson inquired if staff could go to another town that already has these lights in use and measure there. Ms. Wyatt noted that Staff had done a quick inventory of gas stations along US 158 and found that Kill Devil Hills had no digital LED signage but there a few in Kitty Hawk (most use scrollers). Ms. Wyatt noted that staff could however, it would require a business owner being willing to turn their signage off at various intervals for us to get a ambient light reading.

Mr. Ferguson reiterated that he did not support these types of signs period.

David Elder noted that he did not think adding a standard was a bad idea and moved to amend the recommendation to include the .3 limitation. David Thompson seconded, and the motion passed unanimously.

Presentation on Community Rating System (CRS) Program

Deputy Planning Director Joe Costello gave a PowerPoint presentation to provide a brief overview of the Town's efforts to participate in and administer the Community Rating System (CRS) program.

Mr. Costello explained that the National Flood Insurance Program (NFIP) is administered by FEMA, which collaborates with over 85 insurance companies to offer flood insurance to homeowners, renters, and business owners. For a community to join the NFIP, it must adopt a floodplain

management ordinance and utilize flood maps, such as Flood Hazard Boundary Maps. This adoption is crucial because without it, the community cannot receive FEMA grants or post-disaster assistance.

Key terms associated with floodplain management include NFIP (National Flood Insurance Program), SFHA (Special Flood Hazard Area), and BFE (Base Flood Elevation). On flood maps, AE and V Zones indicate areas with a 1% annual chance of flooding, commonly referred to as 100-year flood zones. The shaded X Zone represents 500-year flood zones, while the unshaded X Zone indicates areas with even lower flood risk.

The Town (of Nags Head) saw significant changes with the adoption of the 2020 flood maps, which reduced the designated flood hazard areas. Approximately one-third of the Town's land and buildings were previously within flood zones.

The CRS is a voluntary incentive program that encourages communities to implement floodplain management practices exceeding the minimum NFIP requirements. Nationwide, over 1,500 communities participate in the CRS. Participating communities benefit from reduced flood insurance premiums, reflecting the reduced flood risk due to their proactive efforts.

The CRS program aims to achieve three primary goals: reduce flood damage to properties, strengthen and support the insurance aspects of the NFIP, and promote a comprehensive approach to floodplain management. The program's class structure determines the level of discount on flood insurance premiums. The Town is currently classified as Class 5, providing a 25% discount for properties in the Special Flood Hazard Area (SFHA).

CRS activities are broken down into specific tasks, each with a predetermined amount of credit associated with its implementation. These activities are further divided into elements, which are discrete parts of the overall floodplain management program.

Mr. Costello gave an example of the comprehensive elements that the Town gets credit for such as Outreach/Flooding Educational projects, floodplain management mapping aspect and open space preservation (ex. Nags Head woods and Jockey's Ridge). The Town's more restrictive freeboard standard also gives the Town points. Mr. Costello then discussed the Town's repetitive loss analysis and outreach mailer which is also part of the CRS program.

Mr. Costello stated that they had a verification visit scheduled, but it was recently cancelled, and Staff is awaiting a new date for the visit. Mr. Costello noted that as of 2018, only eighteen other communities with a smaller population than 5000 people were Class 5 or higher. For a small community, the Town is maxing out what it can do in the CRS program to get a discount.

Mr. Costello confirmed for Mr. Ferguson that while the Town does not get points for beach nourishment per se, the beach does count as open space preservation, which does give the Town points.

Mr. Costello discussed the CRS Cycle Visits and confirmed for Chair Vaughan that they used to be every five years, but they are now trying to do it every three years.

Mr. Costello and Mr. Ferguson discussed the Town's efforts with outreach and educating the public with regards to insurance premium savings (25% savings in the special flood hazard areas and 10% everywhere else) as well as other topics related to flooding.

Ms. Wyatt briefly discussed her Director's Report with the Board which included various activities involving staff. Notable meetings included TRC, BOC, and the Committee for Arts and Culture. The Board of Adjustment did not meet in April. Key events included the Winter Market at Dowdy Park and the submission of a CAMA Grant Pre-Application.

Additional updates include the Septic Health Advisory Committee discussing the revised proposed ordinance amendment and staff efforts to buy a GPS unit for septic system mapping. The Estuarine Shoreline Management Plan saw staff preparing grant proposals for the National Coastal Resilience Fund. The EV Action Plan is progressing with staff identifying feasible locations for Level 2 EV Chargers at Town Hall.

The Dune Management Cost Share Program has allocated \$361,000 to 124 applicants, and the sand relocation program is nearing completion with final inspections underway. A grant pre-application for was submitted for renovations to the June Street Beach Access. The Outer Banks Regional Hazard Mitigation Plan Update involves a collaborative effort with Dare County and community reps, focusing on the timeline for updating the HMP. Lastly, the Arts & Culture Committee has selected vendors for the 2024 Dowdy Park Farmers Market, scheduled summer concerts, fitness events, and storytelling sessions, while also receiving new art panels for the Art Mast Project, soon to be installed by Public Services.

Ms. Wyatt also gave the Board an update on the Multi-Family Housing Working Group which has met three times. Ms. Wyatt noted that a lot of the discussion has centered on some changes to how they calculate density in the large family category and establishing a Floor Area Ration (FAR) using a large residential dwelling as kind of the baseline.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:05 AM.

Respectfully submitted,
Lily Campos Nieberding



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: June 14, 2024

Subject: Sketch Plan Review, Starbucks Restaurant, 7100 S. Croatan Highway

Please find attached a Sketch Plan Review application submitted by SRE Mustang, LLC (Outlets Nags Head) and the Timmons Group for the construction of a 2,279 square foot restaurant located within the existing parking lot for Outlets Nags Head. This property is zoned C-2, General Commercial and is developed as a Shopping Center/Group Development. "Restaurant-Sit Down" is permitted by right in the C-2 District and subject to the supplemental regulations provided in Section 7.31 of the Unified Development Ordinance (below). Additionally, "Restaurant-Sit Down" is permitted within Commercial Mixed-Use Developments, such as a Group Development, pursuant to Section 7.32.3 of the Unified Development Ordinance.

Section 7.31 - Restaurant, Sit Down.

Restaurant, sit down, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

- 7.31.1. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, or takeout restaurant building.
- 7.31.2. Uses qualifying as a restaurant shall meet the following criteria:
 - 7.31.2.1. A food preparation area that is at least twenty (20) percent of the gross building square footage of the principal building. The square footage of food preparation area located in an on-site accessory restaurant use building or a second on-site drive-in, drive-through, or takeout restaurant may be applied when calculating this minimum 20% requirement. But when calculated together (principal and accessory or second principal buildings), in no event shall the food preparation area of the principal building be permitted to be less than ten (10) percent of the principal building gross square footage; and,
 - 7.31.2.2. At least seventy-five (75) percent of all customer seats designated for full-service, full-menu dining; and,
 - 7.31.2.3. No more than fifteen (15) percent of the total building square footage devoted to accessory entertainment uses including but not limited to dance floor, lounges, bars, stages, live performance, and disc

jockey areas. Accessory entertainment uses referenced in this section shall be permitted in a restaurant establishment provided these uses are clearly subordinated in area, extent, hours of operation, and purpose to areas designated for food and/or beverage preparation, service, and consumption.

While Section 4.3, Pre-Application Meeting and Sketch Plan makes sketch plan review mandatory for new development with a total habitable building area greater than 5,000 square feet, it is recommended that any new development take advantage the sketch plan process to obtain feedback as early on possible and as such, the applicant has chosen to do so.

As noted in Section 10.84.1 of the Unified Development Ordinance, "The purpose of the sketch plan is to review projects at a conceptual level for consistency with the requirements of the commercial design standards and the UDO in general. This review should be done at the early stages of project development in order to allow for meaningful input and substantive changes to the design, if necessary. Documentation is not required to be as complete as the formal review. However, it should include rough site plan sketches with the building and parking layout, building renderings, and a narrative describing the proposed project and how it is consistent with the Town development requirements. The site plan sketch shall depict adequate space allocations for the requisite wastewater and stormwater improvements as well as vegetation/buffering requirements and site access. Applicants are encouraged to provide more than one project alternative or variations of the proposed project for review." The applicant is encouraged to incorporate the recommendations of the UDO Administrator and/or the Planning Board (if applicable) into the development plan before submittal of the formal site plan.

At this time, the Planning Department, Town Engineer, Public Works, Fire Department and Police Department have provided comments on the sketch plan package.

Below is a list of the relevant comments received thus far for your consideration:

Zoning

- *Currently, there are 488 parking spaces at Outlets Nags Head. The proposed development would reduce this number by 28 spaces. According to the current parking requirements in the Unified Development Ordinance, a total of 395 parking spaces are needed. While the minimum parking standards for the Shopping Center/Group Development would still be met, there would still be an overall loss of 28 parking spaces.*
- *Although the proposed addition to Outlets Nags Head would meet the minimum parking requirements, it is important to consider that this development is extremely popular during the summer months and in inclement weather, often resulting in full parking facilities. Any reduction in parking at this site could have negative consequences. Until we have more detailed information about the proposed restaurant, a comprehensive analysis of potential parking impacts is difficult to provide.*

Site Design Standards

- *Development must comply with all provisions of the Flood Damage Prevention Ordinance including elevation in compliance with the Town of Nags Head's local*

ordinance with Regulatory Flood Protection Elevation (RFPE) of 9 ft. msl. Floodproofing may be considered for commercial structures.

- *As proposed at this phase, lot coverage would not be affected. Should this proposal result in any change in coverage, that must be shown.*
- *Compliance with Section 10.92.14.4 of the Unified Development Ordinance, requiring 20% of the surface area of parking area and drive aisles be constructed of permeable materials.*
- *Following items shall be addressed on Landscape Plan prior to TRC:*
 - *Compliance with Section 10.93.3.2, Commercial Transitional Protective Yards required for shopping center/group development site.*
 - *Section 10.93.3.5. Buildings Adjacent to Street Frontage. Building walls adjacent to a street frontage shall include foundation landscaping directly adjacent to the building to screen any crawl space, stem wall, lattice work, or open parking areas.*
 - *Compliance with Section 10.93.3.7 as it relates to Interior Parking Lot Landscaping.*
- *Account for the location of mechanical equipment in the site plan.*
- *If existing parking lot lighting is affected, a lighting plan consistent with Section 10.37.1 of the UDO will be required prior to issuance of building permits for the proposed use. Architectural lighting will need to be reviewed as well.*
- *Provide authorization from the Dare County Environmental Health Department with regard to the existing wastewater treatment facility capacity.*

Building Design Standards

Section 10.83 of the UDO, Design Standards, states that buildings and structures are subject to the Commercial Design Standard contained within Article 10, Part VI of the Unified Development Ordinance. Projects shall be reviewed according to the building design standards outlined in Division II of the Commercial Design Standards. Alternatively, projects adding a total habitable building area of less than 10,000 square feet may elect to comply with the building design requirements by achieving 150 points based on the criteria outlined in the Town of Nags Head Residential Design Guidelines.

The conceptual elevations provided in the packet are preliminary and represent the owner's/architect's initial design. Prior to the next Technical Review Committee Meeting and formal Planning Board Site Plan Review submittal, compliance with Article 10, Part VI, Commercial Design Standards must be demonstrated.

Town Engineer

Internal Traffic Circulation:

- *A vehicular pathing exhibit is requested to demonstrate adequacy for turning radius for sanitation vehicles and fire trucks.*
- *Additional information is requested on the restaurant to include type of restaurant (ie fast food, high turnover, etc.) and time of operation to review parking generation for this type of establishment. Currently, the shopping center parking during peak periods is at or near 100% occupancy. This data will be critical in determining impacts both internal and external to the shopping center.*
- *Cross-parking easements may need to be considered if not shopping owner operated.*

Stormwater Management:

- *Built upon area calculations shall be provided to determine if additional stormwater management requirements will apply. If the amount of built upon area is less than what currently exists, no additional stormwater management requirements shall apply. If the amount of proposed built upon area exceeds what currently exists, the runoff for the additional coverage from a 4.3" rainfall event shall be accommodated on-site.*
- *It is recommended the applicant consider the use of permeable pavement or pervious pavers.*

Public Works/Water

- *Ensure that the front load sanitation truck can easily turn into and back out of the entry for dumpster pick up. Pathing exhibit required to ensure turn radius can be met.*

Building Inspections

- *Review is limited until receipt of full of set of plans, including 2018 Appendix B with Plumbing, Mechanical and Electrical.*

Fire

- *Pavement markings and signage regarding the Fire Lane.*
- *Traffic generated by this proposed restaurant is unknown, therefore potential impacts cannot be identified.*

Police

- *Concerns regarding the potential increase in traffic generated by the proposed restaurant, if not operated or managed by the same company as the Outlets, may need cross easements to ensure shared use of facilities.*

The applicant and planning staff will be available at this meeting for further discussion of this project.

Attachments: Sketch Plan Request & Narrative, Preliminary Site and Architectural Renderings.



2901 S Lynnhaven Road
Suite 200
Virginia Beach, VA 23452

P 757.213.6679
F 757.340.1415
www.timmons.com

June 12, 2024

Ms. Kelly Wyatt, Planning Director
Town of Nags Head
5401 S. Croatan Highway
Nags Head, North Carolina 27959

Dear Ms. Wyatt:

Timmons Group, on behalf of SRE Mustang, LLC, is submitting to you under cover of this letter a site plan and supporting building elevations for its proposed free-standing 2,279 square foot Restaurant at the Outlets located at 7100 South Croatan Highway in Nags Head. We are requesting a Sketch Plan review during the June 18th Planning Board meeting.

The proposed plan meets the requirements of the C-2 General Commercial District zoning regulations and addresses the Town's previous concerns related to the site accessibility and public safety by removing the drive-thru from the plan. Additionally, the current proposal meets the parking counts required by ordinance, and incorporates the architectural requirements in Section 10, Article VI of the Nags Head Code of Ordinances. While leasing discussions are currently confidential, the proposed tenant plans to have roughly 20 tables inside and additional outdoor seating for customers and general use. They anticipate having approximately 5 employees during any given shift.

We welcome any feedback and look forward to any upcoming dialogue.

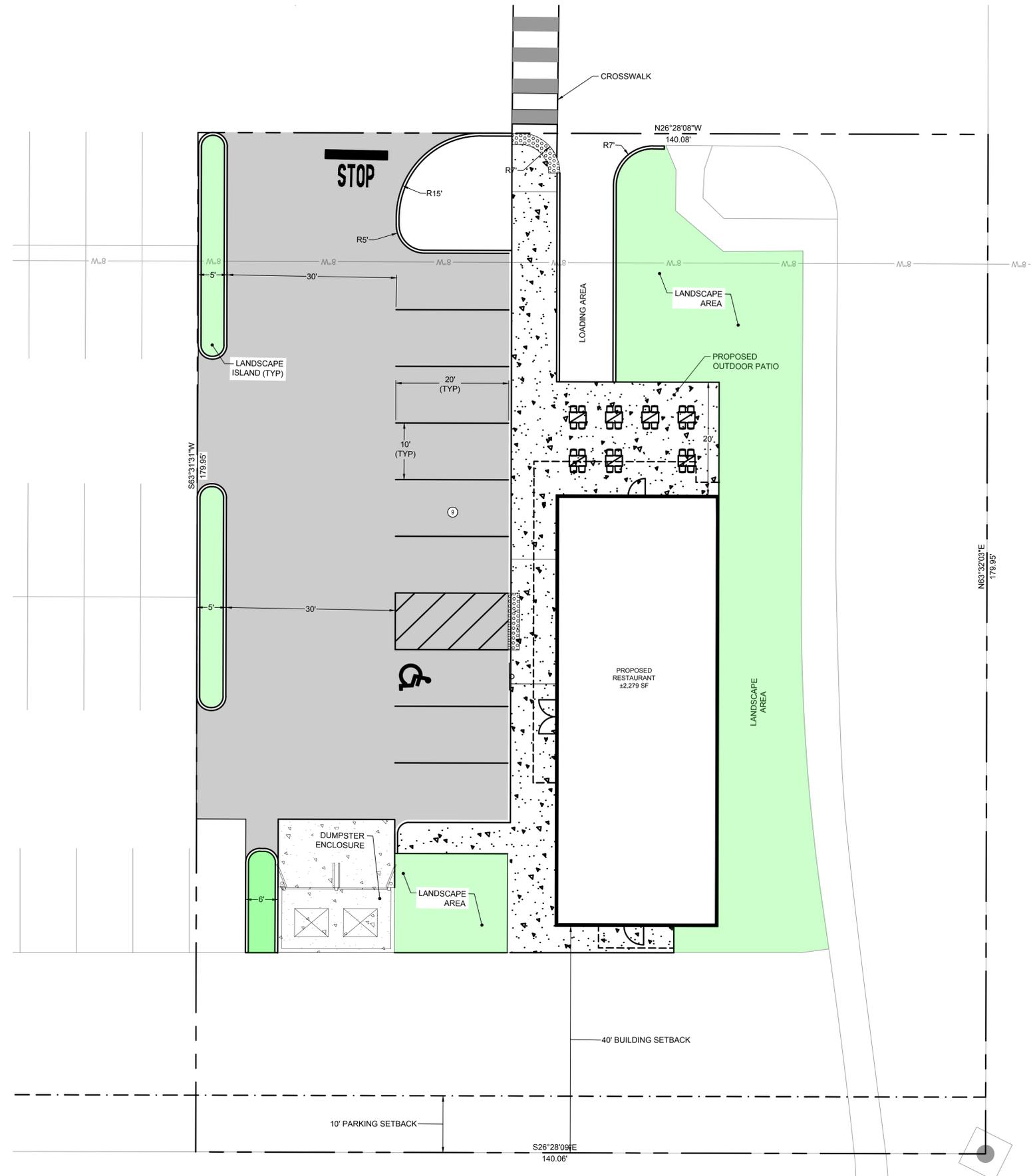
In support of the application, we enclose with this letter the following:

- Preliminary Site Plan
- Preliminary Building Elevations and Renderings

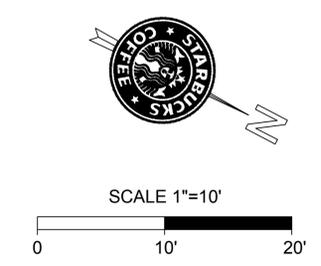
Sincerely,

Chris Aebel, P.E.
Senior Project Manager

PRELIMINARY ZONING INFORMATION		
LOT SIZE	±49,201 SF = ±1.13 AC	
BUILDING SIZE	2,279 SF TOTAL	
ZONING	C-2 GENERAL COMMERCIAL DISTRICT	
EXISTING USE	ASSOCIATED PARKING FIELD FOR OUTLET MALL	
PROPOSED USE	PROPOSED RESTAURANT	
ACCESS	ACCESS VIA SOUTH COATAN HIGHWAY (US-158) ONE (1) FULL ACCESS DRIVEWAY AT SIGNALIZED INTERSECTION TWO (2) RIGHT IN/RIGHT OUT DRIVEWAYS	
REQUIRED BUILDING SETBACKS	FRONT: 40 FT SIDE: 5 FT (ONE) / 15 FT (BOTH) REAR: 25 FT	
PARKING SUMMARY		
RETAIL: ONE PARKING SPACE FOR EACH 250 SF OF GROSS FLOOR AREA PLUS 1 PARKING SPACE FOR EACH EMPLOYEE, BUT NO LESS THAN TWO EMPLOYEE PARKING SPACES FOR EACH RETAIL UNIT OR ESTABLISHMENT		
RESTAURANT: ONE SPACE FOR EACH 55 SF OF CUSTOMER SERVICE AREA		
REQUIRED	SPACES	
EXISTING BUILDING (83,612 SF TOTAL):		
RETAIL:	(78,486 SF + 250)	314
BROS (3,061 SF TOTAL):	(440 SF CUSTOMER SERVICE + 55)	8
TROPICAL SMOOTHIE (2,065 SF TOTAL):	(440 SF CUSTOMER SERVICE + 55)	8
EMPLOYEE PARKING EXISTING:	@ 2 EMPLOYEES PER UNIT	44
PROPOSED RESTAURANT:	(825 SF CUSTOMER SERVICE + 55)	15
EMPLOYEE PARKING PROPOSED RESTAURANT:		6
TOTAL REQUIRED PARKING:		395
PROVIDED	SPACES	
EXISTING PARKING SPACES:		488
ELIMINATE FOR PROPOSED RESTAURANT:		-37
PROPOSED RESTAURANT ADDITION:		+9
TOTAL REVISED PARKING COUNT:		460
NET PARKING ABOVE CODE REQUIREMENT (460 SPACES - 395 SPACES):		65
NET REDUCTION IN PARKING SPACES:		28



REFERENCES:
 APPROXIMATE LOCATION OF PROPERTY LINE AND LEASE LINE FROM THE LEASE PLAN PREPARED BY LOD SYSTEMS, DATED APRIL 1, 2022.
 BACKGROUND INFORMATION FROM ALTA/NSPS LAND TITLE SURVEY PERFORMED BY AMERICAN NATIONAL, MICHAEL O. COOK, DATED 12/22/2018



PROGRESS PRINT
 JUN 12, 2024
 NOT FOR
 CONSTRUCTION

THIS DRAWING PREPARED AT THE
VIRGINIA BEACH OFFICE
 2901 S. Lynnhaven Road, Suite 200 | Virginia Beach, VA 23452
 TEL 757.213.6679 FAX 757.340.1415 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE

DATE: 06/12/2024
 DRAWN BY: R. BARNHILL
 DESIGNED BY: C. AEBEL
 CHECKED BY: C. AEBEL
 SCALE: 1" = 20'

TIMMONS GROUP

PROPOSED RESTAURANT
 OUTLETS NAGS HEAD, 7100 S. CROATAN HWY, NAGS HEAD, NORTH CAROLINA 27959

PROPOSED RESTAURANT SKETCH PLAN

JOB NO. 57492
 SHEET NO. C1.2

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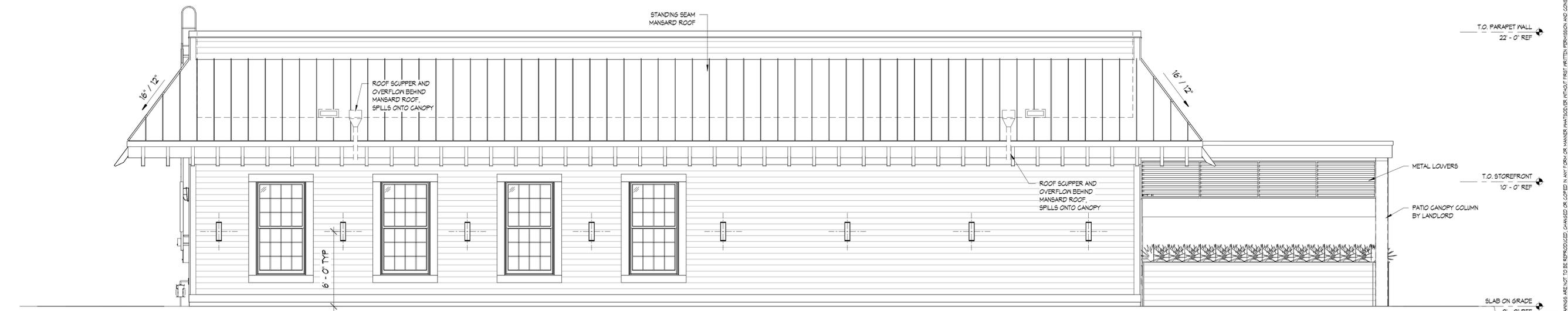
Comm # 220124
 Scale 1/4" = 1'-0"
 Designed by: DET
 Drawn by: AMP
 Checked by: DET
 Issue: 06/11/2024
 Schematic Design 06/11/2024
 Design Development
 Permit Set:

NAGS HEAD RESTAURANT
 1100 S Crossin Hill
 Nags Head, NC 27854
BUILDING ELEVATIONS

Sheet Number
6PK-3



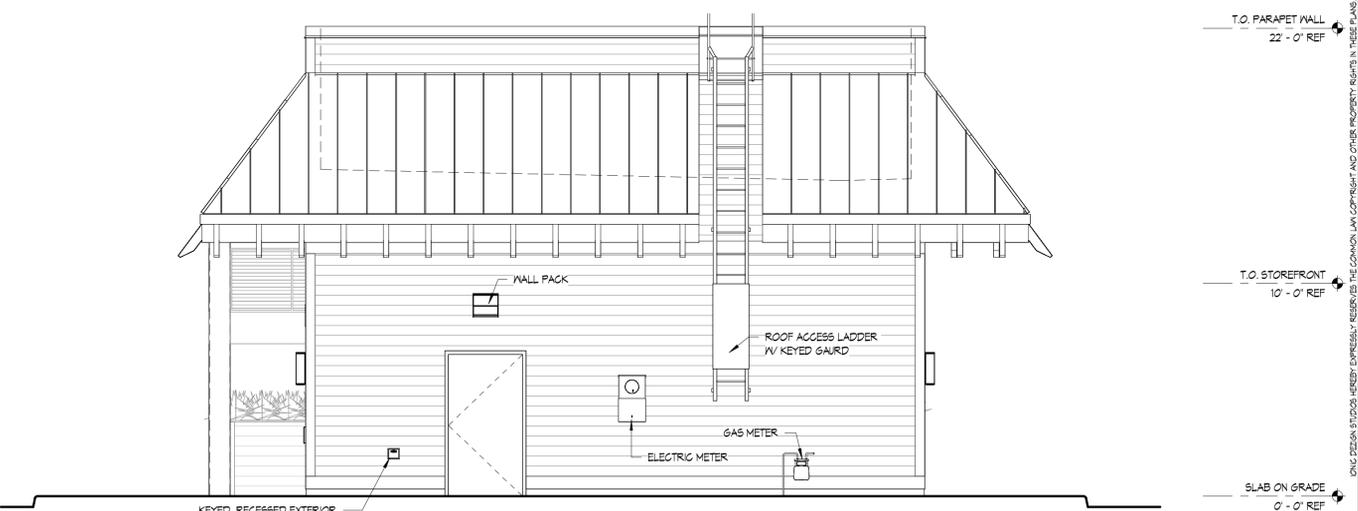
1 FRONT ELEVATION
 1/4" = 1'-0"



2 STREET ELEVATION
 1/4" = 1'-0"



3 PATIO ELEVATION
 1/4" = 1'-0"



4 STREET ELEVATION
 1/4" = 1'-0"

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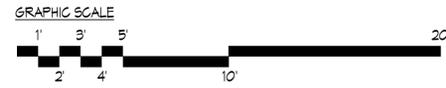


NOT FOR CONSTRUCTION

Comm # 220124
Scale 1/4" = 1'-0"
Designed by: DET
Drawn by: AMP
Checked by: DET
Issue: 06/11/2024
Schematic Design 06/11/2024
Design Development
Permit Set:

NAGS HEAD RESTAURANT
1100 S Crossin Hill
Nags Head, NC 27854
RENDERED ELEVATIONS

Sheet Number
6PK-9



EXTERIOR FINISHES



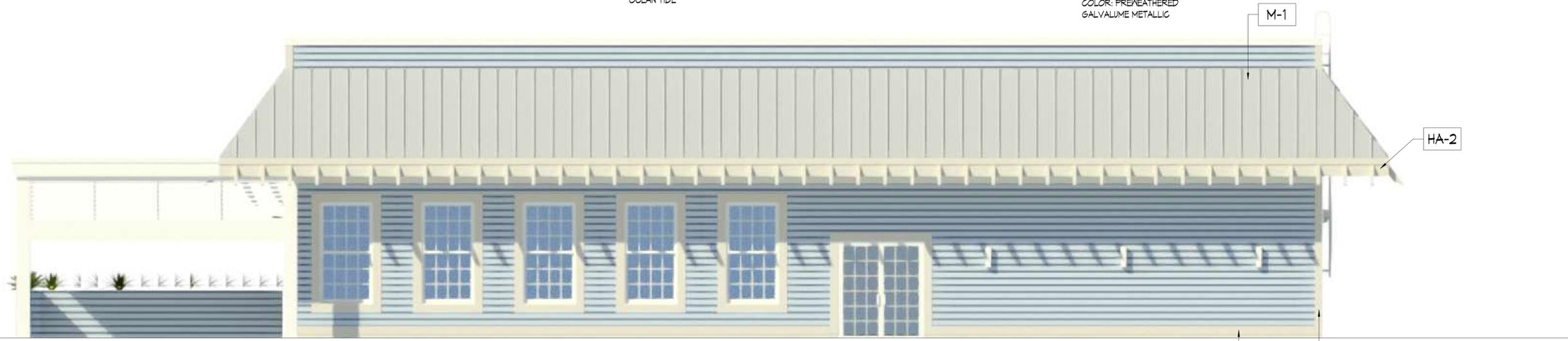
HA-1
HARDIEPLANK LAP SIDING
BEADED SMOOTH
OCEAN TIDE



HA-2
HARDIETRIM BOARD
COTTON WHITE



M-1
MCELROY METAL
STANDING SEAM METAL ROOF
MAXIMA
12" FLAT PANEL, 1.5" SEAM
COLOR: PREWEATHERED
GALVALUME METALLIC



1 FRONT ELEVATION
1/4" = 1'-0"



2 STREET ELEVATION
1/4" = 1'-0"



3 PATIO ELEVATION
1/4" = 1'-0"



4 STREET ELEVATION
1/4" = 1'-0"

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MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: June 14, 2024

Subject: Consideration of initiation of text amendment related to the dormitory use within the SED- 80, Special Environmental District zoning designation.

Overview

In response to ongoing discussions and concerns regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of at least two residential duplexes. These structures would primarily serve as housing for the town's lifeguards.

Town staff have been collaborating with Architect Chris Nason of Beacon Architecture and Design, PLLC to develop several potential layouts for these residential structures. The proposed site is the Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the area of where the old helipad is located as it is no longer functioning.



This property is located within SED-80 (Special Environmental District). Section 6.6 of the Unified Development Ordinance (UDO) states that Nursing Homes and Medical Offices are permitted via the Special Use Permit process in the SED-80 zoning designation, with supplemental regulations outlined in Section 7.41 (see attached).

Section 7.41.6 of the supplemental regulation states: *"A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 District."*

Appendix A of the UDO, Definitions, defines a dormitory as a *commercial facility used for monthly rental of housing for unrelated residents in a communal non-transient living arrangement, with separate sleeping, bathing, and common living areas.*

Section 7.10, Supplemental Regulations for Dormitory, provides the following requirements for dormitory use:

1. A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet.
2. Sleeping rooms with a minimum floor area of 70 square feet for the first occupant and 50 square feet for each additional occupant.
3. At least one restroom with a minimum of two water closets, two sinks, and two showers. Compliance with the North Carolina Plumbing Code is required for dormitory bathroom fixtures.
4. A minimum floor area of 20 square feet per occupant for common living areas (including kitchen and dining), but not less than 220 square feet per unit or floor. Circulation spaces less than six feet wide are excluded from this calculation.
5. No dormitory facility shall house more than 25 occupants.

As currently written, the UDO allows for dormitory structures meeting the criteria of Section 7.10 to be used on a temporary basis for staff employed by existing nursing home facilities within the SED-80 District.

Staff is requesting that the Planning Board consider initiating a text amendment to enable dormitories within the SED-80 District, thereby supporting the construction of town workforce housing at 425 W. Health Center Drive.

Staff anticipates suggesting amendments to Section 7.41.6 but acknowledges that additional amendments may be necessary. If the Planning Board recommends this course of action, staff will return to the July 16th Planning Board meeting with draft ordinance language for the Planning Board's consideration.



**BOC ACTIONS
WEDNESDAY, JUNE 5, 2024**

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m. He recognized former Comr. Anna Sadler, former Mayor Bob Muller, and Kill Devil Hills Comr. Terry Gray in the audience.
2. Agenda – The Board approved the June 5th agenda as presented.
3. Recognition

INTRODUCTION OF LIFEGUARDS - Ocean Rescue Director Chad Motz introduced the 2024 summer season lifeguards via a video which was well received.

NEW EMPLOYEES - Public Services Director Nancy Carawan introduced new Sanitation Equipment Operator Kevin Goudy and Planning Director Kelly Wyatt introduced new Planner Greg Daisey who were both welcomed by the Board to Town employment.

TWENTY YEARS – Planning Director Kelly Wyatt introduced Permitting Coordinator Lily Nieberding who was recognized for twenty years of service.

PRESENTATION – Finance Officer/Dep Town Manager Amy Miller introduced Tax Collector Linda Bittner who was recognized as Outstanding Tax Collector of 2024 from the NC Tax Collectors’ Association.

PRESENTATION - 2024 Town Lightkeeper - Mayor Cahoon summarized the history behind the Lightkeeper award – Bob Muller was awarded the Lightkeeper of the Town for 2024 and joined the list of Town Lightkeepers which began in 2000 with Carl Nunemaker.

PRESENTATION - 2024 Nags Header - Mayor Cahoon summarized the history behind the Nags Header award – Lillie Daniels “Doll” Gray was awarded the Nags Header of the Town for 2024 and joined the list of Town Nags Header recipients which began in 2005 with Nellie Myrtle Midgette Pridgen.

4. Public Comment

PUBLIC COMMENT – ANN CABELL-BAUM – She is one of Carolista Baum’s children who ran home to tell her mother that a bulldozer operator was behind the sand dunes – that began the movement to save Jockey’s Ridge from development; next summer Jockey’s Ridge State Park celebrates its 50th birthday with a four-day celebration (June 5-8); she asked the Board to please participate and to continue to support the efforts of the park.

PUBLIC COMMENT – BOB MULLER – He displayed an image on the screen of a silk screen done in the 1973-1974 timeframe which now hangs in the Mayor’s office – this was the first piece of art in the Town’s art collection and was given to the Town in appreciation of its support of Jockey’s Ridge State Park; he asked the Board to support the 50th celebration with an allocation and participation in the events.

PUBLIC COMMENT – ANNA SADLER - In 1968 it was an awesome sight to see the sand dunes from her oceanfront house; Carolista Baum should be thanked and celebrated for what she did to save the dunes. She also thanked

the Public Works Dept as they go above and beyond their jobs; from Oct to the end of Apr if you put your debris in the right-of-way, the Town will pick it up. Other areas do not do this and she is thankful that Nags Head does.

- 5.** Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:
 - Consideration of Budget Amendment #12 to FY 23/24 Budget
 - Consideration of Tax Adjustment Report
 - Approval of minutes (May 1st Regular Session; May 21st Recessed Session; May 21st Budget Workshop)
 - Annual write-off of uncollectible water accounts
 - Request approval Moffat & Nichol/McKim & Creed for annual beach monitoring survey and analysis
 - Consideration of Personnel Policy update
 - Consideration of change order for dune grass plantings part of Coastal Storm Damage Mitigation Grant
 - Request for Public Hearing - NC Public Beach and Coastal Waterfront Access grant application

- 6.** Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2024 – June 30, 2025, and additional documents – The Board passed motions to approve the following documents as presented:
 - Pay Plan (Salary Schedule/Grade List)
 - Organizational Chart
 - Capital Improvement Project Requests for FY 24/25 through FY 28/29
 - Consolidated Fee Schedule
 - FY 24/25 Budget Ordinance
 - Capital Investment Fund Policy

- 7.** Public Hearing – Text amendment to prohibit driving or parking on residential septic systems - The Board passed a motion to adopt the ordinance prohibiting driving or parking on residential septic areas as presented.

- 8.** Public Hearing - Text amendment submitted by Jernigan Oil Company, Inc. - The Board passed a motion to adopt the ordinance to allow LED, digital displays for fueling stations as presented.

- 9.** Planning Dept Report - Planning Director Kelly Wyatt summarized her monthly report. Board members thanked Ms. Wyatt for her and her staff's hard work.

- 10.** From March 6th Board meeting – Town Manager Garman presented and reviewed with Board members the amendments made to the Multi-Family Ordinance by the Multi-Family Ordinance Working Group. Working Group member Comr. Brinkley stated that the conversation during the meetings was enlightening, and everyone brought something to the table; Comr. Lambert agreed and thanked staff as well as the Planning Board for their work on this issue. It was Board consensus to move forward to the Planning Board with the proposed ordinance as presented.

- 11.** Committee reports –
Comr. Brinkley – Jennette's Pier Advisory Committee met last week; a few highlights: 7,500 students from 88 field trips have visited the park so far this spring; a full time Wildlife Stranding Director is now on staff; the Research Building at the end of the pier is getting a new roof to allow for additional research equipment.

Mayor Pro Tem Siers – The second meeting of the Dare County Workforce Housing Task Force is this Friday; in response to Mayor Cahoon, he said that the Event site soundside boardwalk is in a new design phase.

Comr. Lambert – There is nothing new from the Government Access Channel Committee; Mayor Cahoon mentioned that they continue to produce high quality work.

- 12.** Disaster Debris contracts - The Board approved the renewal agreements for Disaster Debris Removal and Monitoring as presented. This includes authorization for the Town Manager to execute the renewal agreements

with DRC Emergency Services and with DebrisTech, LLC.

13. Town Manager Garman - Town Engineer Ryan provided the latest update on the new Public Services Facility; Water Distribution building is next up for occupation and is expected the week of May 17th.

14. Town Manager Garman – Town Engineer Ryan presented an overview of a framework for traffic calming measures based on what other municipalities have done. He requested Board direction.

Comr. Brinkley feels that you can't go strictly off data and that community input is needed – if all town streets are included, how would you gauge community support; he appreciated all the information provided.

Mayor Cahoon said that he feels the measures should apply to all Town streets; speed signs do help slow people down and he likes the feedback provided from them; he would like to see more electronics being used than speed cushions; small median pavement lane is very effective in a neighborhood in Durham and is more decorative than speed cushions as long as trash trucks, emergency vehicles can get around them - he would like to see it tried in a neighborhood here to see the response. Engineer Ryan agreed and stated that while there are some limitations in the Town, he would like to explore the functionality of a small median pavement lane which would be more esthetically pleasing. He appreciated the Board's comments.

15. Town Manager Garman - Deputy Fire Chief Shane Hite summarized the 2024 Town Fireworks display; Zambelli is conducting the fireworks for July 4th at 9:25 pm at Nags Head Fishing Pier. The rain date is July 5th.

16. Comr. Bob Sanders – The Board passed a motion to authorize a \$15,000 contribution to the Jockey's Ridge State Park 50th Anniversary celebration next year and to approve the Budget Amendment as presented.

17. Comr. Kevin Brinkley – Comr. Brinkley said that he was contacted by a resident of Soundside Road – the new sign at the Soundside Road Jockey's Ridge State Park Access does not include the Town's information. He questioned the status of the Memorandum of Understanding. Nothing has been done at the Park local level. It was Board consensus to move this issue/MOU forward by contacting the Director of State Parks, Brian Strong.

18. Comr. Megan Lambert – She thanked the Town's Fire and Police Depts - as well as those assisting - who kept everything under control after the accident on US 158 this week. It generated a lot of concern on social media; by all accounts staff handled/coordinated the rescues/traffic in an exemplary manner.

19. Closed/Open Session - The Board entered Closed Session to consider a personnel issue and to discuss the possible acquisition of real property located at 4222 S Croatan Highway; the time was 11:20 a.m. The Board re-entered Open Session at 11:59 a.m.

20. Adjournment - The Board recessed to the ribbon cutting at the new Public Services Facility scheduled for 12:30 p.m. The time was 12:01 p.m.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: May 30, 2024

Subject: Planning and Development Director's Report (G-1)

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on June 5th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for March 2024*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Wednesday, May 1st - Board of Commissioners Meeting
- Tuesday, May 7th – Technical Review Committee Meeting
- Wednesday, May 8th – Committee for Art and Culture Meeting
- Thursday, May 9th – Board of Adjustment Meeting (no hearings)
- Saturday, May 11th – Artrageous Kids Art Festival 10am – 2pm @ Dowdy Park
- Wednesday, May 15th – Board of Commissioners mid-month meeting
- Tuesday, May 21st – Planning Board Meeting
- Friday, May 24th – Multi-Family Housing Working Group Meeting

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, May 21, 2024. There were no action items for consideration. As previously requested by the Planning Board, staff provided a brief presentation on the lighting associated with LED, digital displays, and mechanisms to measure the illuminance of digital characters while taking into consideration ambient light (lighting from other nearby sources). Additionally, staff provided information on the Community Rating System (CRS) Program and discussion of the upcoming verification visit.

The Planning Board's next meeting is scheduled for Tuesday, June 18th, 2024. Currently, the agenda is expected to include consideration of a Site Plan Amendment (3rd Submittal) for Inn at Whalebone, 87-unit Hotel on Lakeside Street for major deviations to the site plan as well as a request to consider amending or eliminating a condition imposed on the previous Site Plan Approval as it pertains to the expansion of W. Lakeside Street.

Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in May 2024.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The proposed amendments to the Unified Development Ordinance prohibiting parking on septic areas, which was generated by discussions held by the SHAC, will be on the Board of Commissioners agenda for Public Hearing at their June 5, 2024 meeting. Continuing the implementation of the recommendations of the Decentralized Wastewater Management Plan, staff are in the process of purchasing four (4) additional water quality monitoring loggers and a GPS unit to begin recording and mapping locations of existing septic systems within the town. The next meeting of the Septic Health Advisory Committee will be held in July 2024.
- **Estuarine Shoreline Management Plan** – Staff has prepared a pre-proposal for a grant from the National Fish and Wildlife Foundations National Coastal Resilience Fund. This grant is for the design of the Villa Dunes and Soundside Road pilot sites. We are waiting to find out if we will be invited to submit a full proposal. Additionally, staff recently submitted a grant request for NC Resilient Coastal Communities Program (RCCP) 2024-25 application, Phase 3 for a living shoreline project.
- **Electric Vehicle Action Plan** – Public Services staff were able to locate and mark the outer periphery of the geothermal lines and wells along the southern portion of the parking area at Town Hall. Staff met with Daniel Parsons of LoWire Technologies and will move forward with verifying the depth of the geothermal lines before continuing with the installation of the two-level II EV Chargers.
- **Sand Relocation and Dune Management Cost Share Program** – Following the close of the Sand Relocation program on April 30, 2024, we issued a total of 131 relocation authorization letters. As of May 29, 2024, \$385,000 of the \$400,000 allocated to the Dune Management Cost Share Program has been used. Environmental Planner Conner Twiddy and Code Enforcement Officer Ed Snyder have conducted final inspections of all sand relocation projects this season, identifying only a few sites that require further attention. We are currently awaiting the necessary paperwork from 55 citizens, who were approved for the Dune Management Cost Share funds, to process their reimbursements before the end of June.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff has been informed that the pre-application to the NC Public Beach and Coastal Waterfront Access Program has been selected to submit a Final Application for improvements to the June Street Beach Access. The deadline for final application submission is August 2nd, 2024. Item E-8 on Board of Commissioners June 5th meeting Consent Agenda is a Request for Public Hearing to consider the Final Grant Application.
- **Outer Banks Regional Hazard Mitigation Plan Update** – The Hazard Mitigation Planning Committee, comprised of representatives from Dare County EM, Dare County staff, staff from each town and members of the public from each community are in the process of updating the Outer Banks Regional Hazard Mitigation Plan.

As part of the Town's continued participation in the Community Rating System ("CRS") Program, the Town is required to provide updates on the actions contained in the Hazard Mitigation Plan. Staff has provided a memo and spreadsheet outlining updates to the action plan for the Board of Commissioners review. Staff is providing this to the Board of Commissioners and the community for informational purposes.

-
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture –**
Summertime events are starting up. For the month of June, the Town will be hosting the following:
 - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
 - Fitness Fridays, Friday mornings 7:30 – 8:15am, beginning June 21st.
 - Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
 - Black Pearl on June 19th – local band
 - Uphill on June 26th – local band
 - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: June 13th, 20th & 27th.
 - Movie at the Park, Friday June 7th at 8:00pm at Dowdy Park.
 Event Coordinator Paige Griffin will be releasing the vendor map for the upcoming Dowdy Park Farmers Markets soon, and notes that there has been a great response to Tuesday morning Yoga. Art & Culture Committee Member Molly Vaughan is coordinating with the Manteo High School Honors Art students for a crosswalk art project after the summer season. Below are two sketches of potential designs:



Upcoming Meetings and Other Dates

- Tuesday, June 4th – Technical Review Committee Meeting (Inn at Whalebone)
- Wednesday, June 5th - Board of Commissioners Meeting
- Thursday, June 6th – CRS Users Group Meeting, Elevation Certificate Training
- Wednesday, June 12th – Committee for Art and Culture Meeting
- Wednesday, June 12th – Eastern Carolina Council Resource Roundtable
- Thursday, June 13th – Board of Adjustment Meeting (no hearings)
- Tuesday, June 18th – Planning Board Meeting
- Wednesday, June 19th – Board of Commissioners mid-month meeting
- Dowdy Park Farmers Market – Thursday, June 13th, 20th, and 27th.
- Dowdy Park Summer Concert Series – Wednesday, June 19th and June 26th

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
APRIL 2024**

DATE SUBMITTED: May 7, 2024

	Apr-24	Apr-23	Mar-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	1	2	14	13	1
New Single Family, 3000 sf or >	0	0	0	4	7	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	1	1	2	19	20	(1)
Miscellaneous (Total)	48	46	49	420	459	(39)
<i>Accessory Structure</i>	7	8	3	37	42	(5)
<i>Addition</i>	1	2	3	26	23	3
<i>Demolition</i>	0	0	0	5	1	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	16	8	18	108	113	(5)
<i>Repair</i>	24	28	25	244	280	(36)
Total Residential	49	47	51	439	479	(40)
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	18	12	9	81	73	8
<i>Accessory Structure</i>	7	2	3	31	24	7
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	1	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	5	2	5	24	22	2
<i>Repair</i>	6	8	1	25	26	(1)
Total Commercial	18	12	9	81	75	6
Grand Total	67	59	60	520	554	(34)
SUB-CONTRACTOR PERMITS						
Electrical	80	77	62	504	482	22
Gas	3	5	2	32	30	2
Mechanical	54	39	40	318	333	(15)
Plumbing	16	25	14	116	96	20
Fire Sprinkler	1	0	0	4	3	1
VALUE						
New Single Family	\$560,000	\$575,000	\$1,915,500	\$8,152,995	\$7,034,026	\$1,118,969
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$2,642,945	\$7,233,733	(\$4,590,788)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,262,571	\$1,626,964	\$1,726,871	\$15,409,727	\$15,500,935	(\$91,208)
Sub Total Residential	\$1,822,571	\$2,201,964	\$3,642,371	\$26,916,667	\$29,768,694	(\$2,852,027)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$17,988,350	(\$17,988,350)
Misc (Total Commercial)	\$648,577	\$178,702	\$829,926	\$4,690,140	\$2,430,831	\$2,259,309
Sub Total Commercial	\$648,577	\$178,702	\$829,926	\$4,690,140	\$20,419,181	(\$15,729,041)
Grand Total	\$2,471,148	\$2,380,666	\$4,472,297	\$31,606,807	\$50,187,875	(\$18,581,068)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
APRIL 2024**

DATE SUBMITTED: May 7, 2024

	Apr-24	Apr-23	Mar-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	69	64	64	563	557	6
Soil & Erosion	0	N/A	1	16	N/A	N/A
Stormwater Plans	1	N/A	6	29	N/A	N/A
CAMA						
CAMA LPO Permits	3	8	5	33	31	2
CAMA LPO Exemptions	7	10	13	57	61	0
Sand Relocations	31	115	67	281	279	N/A
CODE COMPLIANCE						
Cases Investigated	19	116	25	267	659	(392)
Warnings	3	20	4	31	98	(67)
NOVs Issued	15	18	20	231	144	87
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	8	15	10	94	115	(21)
Tanks pumped	5	8	10	100	76	24
Water quality sites tested	2	36	2	71	202	(131)
Personnel Hours in Training/School	52	6	44	371	206	165


 Kelly Wyatt, Planning Director



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: June 5, 2024

Subject: Hazard Mitigation Plan Update

As part of our continued participation in the Community Rating System (“CRS”) program, the Town is required to provide updates on the actions contained in our Hazard Mitigation Plan. The requirement for preparation of a Hazard Mitigation Plan was developed in response to NC Senate Bill 300 and the Federal Government Mitigation Act of 2000. The plan not only addresses natural hazards like hurricanes and nor’easters but other hazards such as terrorism, pandemics, and public health events. A plan must be adopted by the local governing board every five (5) years. A FEMA-approved hazard mitigation plan is a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects. Ultimately, hazard mitigation planning enables action to reduce loss of life and property, lessening the impact of disasters.

Dare County and Currituck County, and the towns of Manteo, Nags Head, Kitty Hawk, Kill Devil Hills, Southern Shores, and Duck, joined efforts on updating their Hazard Mitigation Plans. This effort was referred to as the *Outer Banks Regional Hazard Mitigation Plan*. The most recent Outer Banks Regional Hazard Mitigation plan was adopted by the Town of Nags Head on July 1, 2020¹. Dare County Emergency Management is currently preparing for the update of the Outer Banks Regional Hazard Mitigation.

As part of the Town's annual recertification for the CRS program, staff must review the plan and actions on an annual basis. Continued participation in the CRS program ensures that the Town is able to maintain a Class 5 CRS Rating and residents are able to receive a twenty percent (25%) discount on flood insurance. Attached is a spreadsheet outlining updates to the action plan. No action by the board is necessary. Town staff is providing this to the Board and the community for informational purposes. The entire Plan is available on the Town’s website.

¹ The OBX Regional Hazard Mitigation Plan can be found here:
<https://www.nagsheadnc.gov/DocumentCenter/View/3164/Outer-Banks-Regional-Hazard-Mitigation-Plan-FEMA-Review-Draft>

Community: Nags Head									
Action Details									
Action #	Action Description	Hazard(s) Addressed	Goal Addressed	Priority	Lead Agency / Department	Potential Funding Source	Implementation Timeline	2024 Implementation Status (Completed, Deleted, Carried Forward, New)	2024 Implementation Status Comments
NGH1	Petition FEMA through the Town's state and regional NFIP representatives to consider adopting realistic regulations regarding the determination of destroyed structures. Specifically, this would apply to structures which are located on the public beach that are not eligible for flood insurance until they collapse.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	3.1	Low	Planning/Town Manager	General Fund	5+ years	Carry Forward	Revised. The Town Manager participated in the threatened structures working group. A report is being written which details a multi-prong approach with actionable items to solve this goal.
NGH2	Explore seeking authority and adopting regulations which would allow qualified Town staff to inspect sewer treatment facilities and on-site septic systems after a storm. These regulations should also allow staff to request the corrective actions necessary to ensure proper operation of these systems.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	2.2	Low	Planning, Septic Health	General Fund	5+ years	Carry Forward	Revised. Carry forward damage information to the health department so they can take action for any repairs that are required. Use Crisis Track to report damages after storm events. No need to seek independent authority.
NGH3	Lobby the State for a state policy and strategy on beach nourishment and beach re-nourishment through joint efforts with other local governments and organizations such as the North Carolina Beach and Inlet Waterways Association. This includes an annually funded state program to support local nourishment activities.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	4.1	High	Board of Commissioners	General Fund	3-5 years	Carry Forward	Revised. Beach and inlet management plan developed by the NC beach and waterways association we participate in. We collectively pursue with other localities.
NGH4	Develop a long-term plan for shoreline management which includes the oceanfront and estuarine shoreline. This may include financing, permitting, ongoing project implementation (in coordination with Dare County and other Dare County municipalities), and monitoring of changing shoreline conditions.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	4.1	High	Planning, Town Engineer	General Fund, Dare County Shoreline Fund	2-3 Years	Completed	Revised. The Town completed the Estuarine Shoreline Management Plan, and it was adopted by the Board of Commissioners in February 2023.
NGH5	Develop contingency plans for infrastructure or services that may be lost as a result of exposure to hazards. Potential infrastructure includes roads/streets, waterlines, wastewater, stormwater, and other key utilities.	All Hazards	2.2	Medium	Planning, Public Works	Grant Funding	2-3 years	Carry forward	Revised. The Town has developed a comprehensive Infrastructure Plan where stormwater, waterlines, streets, and paving work are reviewed at the same time during our CIP process. Upgrading drainage system with larger drainage pipes funded through Golden Leaf Grant.
NGH6	Evaluate the Nags Head Woods Fire Plan annually and coordinate information with Nature Conservancy	Wildfire	3.3	Medium	Town Manager/Fire/Police	General Fund, Grant Funds	1 Year	Carry Forward	Staff discusses and reviews the Nags Head Woods Fire Plan annually for update and to discuss areas for fuel reduction. Staff seeks grant opportunities as needed.
NGH7	Plan and participate with partners to evaluate the need and maintenance of wild land urban interface areas including removal of dead wood in critically fire prone areas and controlled burn activities.	Wildfire	1.2	Medium	Board of Commissioners/Public Works	General Fund	1 Year	Carry Forward	Revised. Continue to work with the NPS, Dominion and the Nature Conservancy to maintain reduction of fuel loads in wildland-urban interface areas and to seek opportunities for grant funding to reduce vegetation in wildland-urban interface areas of the Town.
NGH8	Explore the feasibility of becoming a Firewise Community.	Wildfire	3.3	Medium	Fire	General Fund	2-3 Years	Carry Forward	No action taken as of this date.
NGH9	Purchase and install weather stations to track rainfall and weather in the Town that will be helpful in identifying changing weather patterns and future stormwater planning and modeling needs. Explore partnerships with agencies where this weather information would be relevant (i.e. NC Climate Center).	Coastal Hazards, Drought, Flood, Hurricane and Tropical Storm, Severe Weather	3.3	High	Planning/Town Engineer	General Fund, Grant Funds	2-3 Years	Completed	Revised. The town partnered with NC State Parks to install a weather station, funded through NC State Climate Office, in Jockey's Ridge State Park. Town has 3 other weather stations at Station 21, Town Hall, Water Plant
NGH10	Work with Dare County to expand Town representation on the Local Emergency Planning Committee.	All Hazards	4.2	Low	Fire	General Fund	1 Year	Carry Forward	Town staff continue to participate on the committee.
NGH11	Acquire equipment and materials and retrofit critical facilities to ensure critical facilities and infrastructure remain operational during events.	All Hazards	2.1	High	Town Manager/Fire/Police/Public Works/Planning	Grant Funding	2-3 Years	Carry Forward	Revised. The public works and water distribution facilities were redesigned and are currently under construction for more efficiency in operations and with contingency plans for hazards. Expectation of Public Services master plan completion September 2024. Currently developing a master plan for Fire station and Town Hall facilities.
NGH12	Purchase property, utilizing grants, when possible, to acquire property for the purpose of mitigating damage and co-locating (dual use) Town facilities.	Coastal Hazards, Drought, Flood, Hurricane and Tropical Storm, Severe Weather	1.2	High	Planning/Town Engineer/Town Manager	General Fund/Stormwater	2-3 Years	Carry Forward	Staff seeks any viable opportunity, on a case by case as needed basis, for funds to acquire properties for the purpose of mitigating damage, improvement water quality, preserving open space, protecting natural resources, and collocating Town facilities.

NGH13	Identify and evaluate solutions to mitigate areas of repetitive flooding.	Coastal Hazards, Flood, Hurricane and Tropical Storm	1.2	High	Planning/Town Engineer/Town Manager	General Fund/Stormwater	2-3 years	Carry Forward	Revised. The Town received over 3 million dollars in grant funding to implement stormwater control projects in areas of repetitive loss. Two of these projects have been designed and will begin construction in 2024.
NGH14	Pursue the installation of flood gauges, through partnership with Dare County and the State, that will notify citizens and Town officials of changing water levels.	Coastal Hazards, Flood, Hurricane and Tropical Storm	1.1	High	Planning/Town Engineer/Town Manager	General Fund/Grants	1 Year	Completed	The town partnered with the Coastal Studies Institute to install two new Honohu flood gauges in the Town of Nags Head. 13 water level data loggers installed in town.
NGH15	Support public and private mitigation projects that reduce the potential damaging effects of hazards on the town. Homes that are pre-firm and repetitive loss structures should be prioritized.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	1.2	High	Planning/Town Engineer/Town Manager	General Fund/Grants	2-3 years	Carry Forward	No action taken as of this date.
NGH16	Seek methods to remove structures located on the public beach which degrade the recreational and natural quality of the environment, create public health and safety hazards, and impede the ability of life safety personnel to move along the shoreline.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	3.2	High	Planning/Town Engineer/Town Manager	General Fund	5+ years	Carry Forward	Revised. The Town successfully removed a structure from the public beach in April 2023. The former structure was located at 10211 Sea Gull Drive.
NGH17	The town will identify, acquire, and seek grant funding of property for the purposes of open space, improving water quality, protecting natural resources, and recreational purposes.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	1.2	High	Planning/Town Engineer/Town Manager	General Fund, Grant Funds	2-3 years	Carry Forward	Revised. The Town acquired five parcels of vacant land located at 8504, 8506, 8508, 8510 and 8512 SOOIR. These properties will be kept as open space in perpetuity.
NGH18	Consider incentives rewarding developers, property owners, and builders that set aside additional open space in perpetuity.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	3.3	Low	Planning	General Fund	3-5 years	Deleted	No action taken as of this date.
NGH19	Nourish the Town's beaches as a means to mitigate damage to oceanfront properties and infrastructure. This includes the pursuit of potential funding sources to supplement Town funds and programmatic permitting to assist with future nourishment projects.	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	3.2	High	Town Manager/Town Engineer	Dare County Shoreline Fund, Town Municipal Service Districts	3-5 years	Carry Forward	The Town's third beach nourishment project occurred in 2022. Beach Nourishment master plan will dictate timing of future nourishment projects.
NGH20	Investigate innovative solutions to unconventional drainage problems. This may include the implementation of groundwater management techniques and low impact development practices which address stormwater runoff at or near its source. Possible solutions will consider improvements to address both water quality and water quantity. Continue to evaluate and assess existing infrastructure for replacement and improvement to include drainage systems maintained by NCDOT that may be impacted by other Town initiatives (i.e. beach nourishment).	Coastal Hazards, Flood, Hurricane and Tropical Storm, Severe Weather	3.3	High	Town Engineer, Planning	Grant Funding/General Fund/Stormwater	3-5 years	Carry Forward	Revised. The Town of Nags Head received grant funding for the construction of stormwater projects areas #12 and #11. These projects will address roadway flooding through a french drain system and pump to a natural dune infiltration area.
NGH21	Improve fire protection and access in Nags Head Woods with the installation of 'dry hydrants' and maintenance and improvements to Nags Head Woods Road.	Wildfire	3.3	Medium	Fire, Public Works	General Fund/Water Fund	3-5 years	Completed	The Nags Head Woods Road is maintained by Nags Head Public Works and roadway material is added as needed to maintain an acceptable driving surface.
NGH22	Adhere to the Incident Command Structure to maintain and improve emergency operations and communications. This includes the annual update of the critical facilities list in the Emergency Operations Plan (EOP) and purchase of additional emergency operations communication equipment.	All Hazards	2.2	Medium	Fire/Police/Town Manager	General Fund	5+ years	Carry Forward	Staff recently completed a new EOP. Staff continues to adhere to the ICS, update the critical facilities list and participate in the EOP with Dare County.
NGH23	Continue to educate property owners to maintain fire safe landscaping and vegetation adjacent to structures.	Wildfire	1.1	Low	Fire	General Fund	5+ years	Carry Forward	This is accomplished on a case-by-case basis as needed. In addition, during fuel reduction burns staff meets with the community to explain the need for reduction of fuel loads.
NGH24	Develop outreach materials to educate the public and increase awareness on hazards, how to develop and retrofit their properties against hazards, and individual tasks that can help them better prepare and respond to hazards. Staff should explore alternative options to traditional on-site meetings. This may include increased use of social media, the public access channel and short videos and handouts.	All Hazards	1.1	High	Planning, Town Manager, Town Engineer, Fire/Ocean Rescue	General Fund	2-3 years	Carry Forward	The Town continues to utilize social media, videos, the website, and mailed information to inform residents about the new flood maps, flooding, stormwater, hurricane preparedness, and other coastal hazards.
NGH25	Educate and assist vulnerable populations in preparing for and recovering from impacts by hazards. This may include hazard awareness, evacuation planning, or disaster relief.	All Hazards	1.1	Low	Planning/Public Works/Town Engineer	Grant Funding	2-3 years	Carry Forward	Revised. Continue communicating with stakeholders regarding at-risk populations who may require special assistance during disasters.