



STAFF REPORT

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
From: Kelly Wyatt, Deputy Planning Director
Date: January 8, 2020
Subject: Christmas Mouse, Major Site Plan Review

GENERAL INFORMATION

Applicant: House Engineering, P.C. on behalf of Robeca Nags Head, LLC.

Application Type: Major Site Plan Review

Purpose/Request: Reconstruction, following a fire, of retail structure with a gross floor area of 8,682 square feet. Parking and site conditions, with minor changes, are intended to remain as currently exist.

Property Location: 2401 S. Croatan Highway, Nags Head.

Existing Land Use: Retail structure lost to fire and cell tower facility.

Zoning Classification of Property: C-2, General Commercial Zoning District.

Zoning Classification of Surrounding Properties: Properties to the north and south are zoned C-2, General Commercial (vacant and Outer Banks Dermatology). Property to the west, directly across U.S. Highway 158, is zoned C-2, General Commercial (former Kelly's Restaurant). Property to the east, directly across S. Wrightsville Avenue, is zoned C-4, Arts and Culture District and is developed commercially (vacant, former Nags Head Florist).

Flood Hazard Zone of Property: The western portion of the property is located within an AE 9 Flood Zone; the eastern portion of the property is located within an AE 10 Flood Zone. The four-corners of the proposed structure are shown at elevation 8.5 ft. msl and the applicant intends to flood-proof the commercial structure.

POLICY AND PLAN CONSIDERATIONS

Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial and it is additionally located within the General Commercial Activity Node. Descriptions of these classifications are below:

General Commercial: General Commercial designation is located throughout the town paralleling US 158 and US 64. The General Commercial designation is intended to foster a thriving commercial business community with a variety of uses, activities, and scales. Form is as important as use within this designation and there should be a high degree of design quality for the building facade. Planned, mixed use developments are encouraged. Best practices for all types of corridors include: driveway consolidation, bicycle/pedestrian accommodations, traffic calming, and buffering/landscaping.

General Commercial Activity Node: General Commercial Activity Nodes are focal points of activity and higher intensity development in the town. These are areas that are anticipated to have future concentrations of uses that serve as destinations or hubs of activity for the town and are appropriate for shopping centers or larger footprint retail stores. General Commercial Activity Nodes are envisioned to be planned commercial development with a range of uses including retail, office, restaurant, banking, personal service establishments, gymnasium, indoor entertainment, gallery/museum, hotel (boutique/small scale), institutional uses, and multi-family. Future development is characterized by compact development patterns, walkability, and a higher standard of architectural and site design. Multiple, smaller structures are preferred over large strip development. Future development should accommodate pedestrian access from existing pedestrian infrastructure to storefronts. Further, adequate pedestrian infrastructure should be provided to safely traverse and interconnect commercial sites.

When determining if the proposal is consistent with the Land Use designation, staff considered the following excerpts and policies as being relevant:

- Page 3-14, LU-5 reads, “Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area”.
- Page 3-25, LU-15 reads, “Promote architectural standards for commercial development in keeping with the Nags Head style architecture”.
- Page 3-32, LU-25 reads, “Support continued use and improvement of non-conforming properties”.
- Page 3-126, EC-10 reads, “Promote the growth of existing businesses and the recruitment of new business that are compatible with the town’s vision which add full-time, year-round jobs that work to stabilize the employment market”.

Staff finds the reconstruction of this commercial structure to be consistent with land use classification and stated Land Use Policies.

SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: Section 6.6, Table of Uses and Activities lists “General Retail” as a Permitted Use within the C-2, General Commercial District, no supplemental standards are provided.

- Lot Coverage: Total allowable lot coverage for this site is 55%. Proposed lot coverage is 54.53% and is therefore compliant.
- Height: The maximum allowable building height within the Town is 35 feet; however, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of 35.5 feet with the use of an 8:12 roof pitch therefore height is compliant.
- Architecture Design Standards: Section 10.82, Applicability, of the UDO, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Therefore, reconstruction of the fire damaged commercial structure must adhere to the Commercial Design Standards set forth within Part VI of the UDO. Section 10.83, Design Standards, of the UDO, states that projects adding a total habitable building area of 10,000 square feet or less 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. Projects that elect to comply in this manner shall, in addition to the 150 architectural design points, incorporate specific standards into the design (attached). The proposed architectural design satisfies the minimum standards required by Section 10.83 and additionally achieves 152 architectural design points with the use of a first-floor porch, dormers, 8:12 pitched roof, simulated wood shingles and other miscellaneous architectural details.
- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, General Retail shall provide parking at least one (1) parking space for each 250 square feet of gross floor area, plus one (1) parking space for each employee, but no less than two (2) employee parking spaces for each retail unit or establishment. The proposed structure contains 8,682 square feet of gross floor area, requiring 35 parking spaces. Four employees are proposed, necessitating four additional parking spaces. A total of 39 parking spaces are required; 47 spaces are provided and therefore parking is compliant. Please note, the parking lot layout and design is unchanged except for the conversion of 11 asphalt parking spaces into turfstone parking spaces. This conversion not only results in a decrease in impervious area but allows for stormwater infiltration.
- Buffering/Landscaping: Christmas Mouse was originally approved by the Board of Commissioners on March 5, 1987. The code that was in effect at that time did not require buffering or landscaping on this site. Part VI, Performance Standards, Section 10.82, Applicability, states that the design standards contained within this Section shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Section 10.93, Landscaping, Buffering and Vegetation Preservation, requires that the applicant provide buffering as part of the new construction. Section 10.93.3.1.1 Parking Lot Buffers, requires a buffer strip of at least ten (10) feet in width be provided between the parking lot and the street right-of-way line. In this instance, due to the orientation of the driveway and the need to preserve the sight triangle, the applicant will need to provide a minimal number of shrubs and ornamental grasses/herbaceous plants in those areas where the existing parking lot abuts

U.S. Highway 158 to the west and Wrightsville Avenue to the east. The applicant has made notation on the site plan of the required landscape buffer area and will work with planning staff to identify the proper plantings prior to the Board of Commissioners review.

Section 10.93.3.7 of the UDO outlines the requirements for providing interior parking lot landscaping. The parking lot, aside from the conversion of asphalt parking into turfstone parking, is to remain unchanged. Staff would note that this is an existing site nonconformity, the proposed scope of work would not increase the degree of nonconformity and therefore it can remain as is.

Section 10.93.3.8 of the UDO outlines the Vegetation Preservation/Planting Requirements. Again, staff would note that this is an existing site nonconformity that is not being increased and therefore can remain as is.

- Lighting: No additional lighting is proposed at this time; existing parking lot lighting remains unchanged. Should additional lighting be desired in the future the required photometrics and fixture information will be required for review and approval prior to permit issuance.
- Signage: No additional signage is being proposed at this time.

Water and Sewage Disposal: The Dare County Health Department has reviewed and approved the proposal as presented (DCHD Approval Attached).

Traffic Circulation: See memorandum from Town Engineer dated December 13, 2019 (Attached).

Stormwater Management: See memorandum from Town Engineer dated December 13, 2019 (Attached).

Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Public Works: The Public Works Director has reviewed and approved the proposed site plan.

ANALYSIS

Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies.

STAFF RECOMMENDATION

Staff recommends approval of the Major Site Plan request as presented.

PLANNING BOARD RECOMMENDATION

At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of the Major Site Plan Review as presented.

Attachments: *Major Site Plan Application, Site Plan and Architectural Elevations, DCHD Approval, Town Engineer memorandum dated December 13, 2019.*