



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board
From: Kelly Wyatt, Deputy Planning Director
Date: June 11, 2021
Subject: Outer Banks Community Church Special Use Permit/Change of Use Review

GENERAL INFORMATION

Applicant: Outer Banks Community Church.

Application Request: Special Use Permit/Change of Use Review; interior remodel of vacant commercial unit (Building C, Unit 12) of Croatan Center Shopping Center for use as a Religious Complex.

Purpose: Tenant upfit of vacant commercial unit (formerly Radio Shack) for a Religious Complex.

Property Location: 4711 S. Croatan Highway, Nags Head.

Existing Land Use: Vacant unit within existing retail shopping center.

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

Zoning Classification of Surrounding Properties: Properties north, south and east of the shopping center site are zoned C-2, General Commercial and developed both commercially and residentially. Properties to the west, directly across US 158 are zoned R-2, Medium Density Residential and developed entirely residentially (Old Nags Head Cove Subdivision).

Flood Hazard Zone of Property: X Flood Zone; per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9'. There are no structures requiring elevation included within the proposed scope of work. All proposed work will be within the existing footprint.

Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as Neighborhood Commercial, below is the description of this classification:

The intent of allowing neighborhood commercial uses within selected areas is to offer neighborhoods opportunities to have needed goods and services within walkable distances. Typical uses in this designation include restaurant (walk-up or sit down), commercial, office, retail, personal services establishments, gallery/museum, equipment rentals, cottage courts, hotel (boutique/small scale), and single family residential (5,000 square feet or less). Neighborhood commercial uses are intended to peacefully coexist with neighborhoods in order to ensure compatibility and harmony of scale and character. All neighborhood commercial uses

must be designed in use, scale, character, and intensity to be compatible with, and to protect, the abutting and surrounding residential areas as well as natural resources and scenic view sheds.

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

- Page 3-20, LU-9 reads, "Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community."

Staff finds this proposal to be consistent with the 2017 Comprehensive Plan Future Land Use Map classification of *Neighborhood Commercial*.

SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: At their April 7th, 2021, meeting the Nags Head Board of Commissioners adopted a text amendment to list "Religious Complex" as a permissible use within Commercial Mixed Use developments via the Special Use Permit process. Croatan Center Shopping Center is considered a Mixed-Use Development thus a Special Use Permit approval is required for the location of a Religious Complex within the shopping center.
- Lot Coverage: There are no additional lot coverages being proposed as part of the Special Use Permit/Change of Use request for the tenant upfit as proposed.
- Height & Architectural Design Standards: There are no new structures associated with this request to be regulated by height or architectural design requirements. All proposed work will occur within the existing footprint of Unit 12.
- Parking: Existing onsite parking is compliant with the parking standard of one parking space for each 4 seats in the sanctuary for religious complexes. The proposed change of use would accommodate a 46-seat sanctuary resulting in the need for 12 parking spaces.
- Buffering/Landscaping: This request does not necessitate additional or supplemental landscaping and buffering; existing onsite buffering has been determined to be in compliance.
- Lighting: No additional lighting is proposed at this time. Should additional parking lot lighting be necessary, the required photometrics and fixture information will be required for review and approval prior to permit issuance.
- Signage: Signage has not been shown or requested as part of this application however any signage will require review and approval prior to installation.

Water and Sewage Disposal: The applicant is in the process of obtaining approval from the Dare County Health Department, this will be required prior to review by the Board of Commissioners.

Stormwater Management & Traffic Circulation: The scope of work proposed does not necessitate stormwater management and traffic circulation review.

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 proposal as presented.

ANALYSIS

Staff finds that proposed Special Use Permit/Change of Use is consistent with the applicable use and development standards, as well as relevant land use policies.

While not specifically required of the Planning Board, pursuant to Section 3.8.4.6 of the Unified Development Ordinance the Board of Commissioners shall issue a Special Use Permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
2. The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
3. The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

STAFF RECOMMENDATION

Based upon Staff's review of the proposal and the aforementioned considerations, Staff recommends approval of the Special Use Permit/Change of Use application as presented.

Attachments: *Special Use Permit Application and Floor Plan.*



TOTAL PROPOSED SQUARE FOOTAGE 3,843 x .50 = \$ 1,921.50 +

CONDITIONAL USE (\$200.00)
(Optional) VESTED RIGHT (\$200.00)
(Optional) BOTH (\$300.00)
= TOTAL FEE DUE 2,121.50

TOWN OF NAGS HEAD

DATE RECEIVED _____

SITE PLAN REVIEW APPLICATION & CHECKLIST FOR CONDITIONAL USES

1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE OUTER BANKS COMMUNITY CHURCH
- B. STREET ADDRESS 4711 SOUTH CROATAN HWY, NAGS HEAD, NC
- C. SUBDIVISION CROATAN CENTRE
LOT(S) LOT 1A, UNIT 12 BLOCK _____ SECTION BLDG C
- D. PRESENT ZONING C-2
- E. PRESENT USE SHOPPING CENTER - RADIO SHACK
- F. EXISTING NONCONFORMITIES N/A
- G. ABUTTING PROPERTY ZONING C-2
- H. ABUTTING PROPERTY USE RETAIL

2. CERTIFICATION AND STANDING

A. As applicant of standing of the above named project, I certify that the information on this checklist and the site plan is complete and accurate.

OWNER AGENT CONTRACT
PURCHASER

- B. APPLICANT/DEVELOPER: NAME OUTER BANKS COMMUNITY CHURCH
ADDRESS 902 SOUTH VIRGINIA DUNE TRAIL
KDH, NC, 27948
TELEPHONE 252 202 1157
- C. CONTACT PERSON: NAME JAMES ASHC
ADDRESS 322 TERRACE
KDH, NC
TELEPHONE 252 202 1157

3. ADJACENT OWNERSHIP INFORMATION (TO BE SHOWN ON SITE PLAN)

- NAME/ADDRESS (N) O.B. HOTLINE INC. P.O. Box 1490 ; Manteo NC 27951
- NAME/ADDRESS (S) S. CROATAN LLC; 4108 LUYK.; KH NC 27949
- NAME/ADDRESS (E) ANGELA MARIE PACURCI BROWN ; 34 WILBUR ST.; STATEN IS.; NY 10309
- NAME/ADDRESS (W) N/A NC 12

(If additional space is needed, please attach separate sheets.)

4. SITE PLAN AND SITE PLAN ATTACHMENT DATA

A. Site plan preparer N/A SEE EXISTING Phone # _____
 NC Registered Engineer Architect Surveyor. License # _____

- B. The design for the attached Stormwater Management Plan includes:
- 1.5", 2-hour rainfall: retained on-site.
 - 4.3", 2-hour rainfall: no important access or health-related impacts.
 - 5.0", 2-hour rainfall: no unapproved impacts.
- Drainage calculations have been prepared YES NO ATTACHED YES NO

Note: Stormwater Management Plan MUST be approved by the Town Engineer prior to Planning Board review for all listed permitted uses in the zoning ordinance.

C. Sewage disposal approval is being submitted in the form of:

- Attached tentative approval letter dated N/A
- Attached final permit dated _____
- State County

D. Project involves condominium ownership.
 NO YES, Three copies of condominium documents attached.

E. Amount of land-disturbing activity proposed N/A square feet.
 A Soil Erosion and Sedimentation Control Plan has been prepared.
 NO YES; (1) Copy attached,
 (2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

F. Coastal Area Management Act (CAMA) permit. YES NO

5. INFORMATION TO BE SHOWN ON SITE PLAN

Twelve (12) copies for Planning Board review

A. Property and ownership	YES	COMMENTS
1. Present recorded owner and map book/cabinet reference of the site property.	✓	G & G PARTNERSHIP 08010915030613
2. Current PIN Number.	✓	
3. Site Address.	✓	
4. Owners' names, lot numbers or map book and page reference of all adjacent property owners.		
5. Boundary of the entire parcel by course and distance.		
6. Widths of the existing rights-of-way that abut the site.		
7. Nature or purpose, location and size of existing easements.		
8. At all lot corners, points of tangents and any angle point along a given course of the site, iron pins minimum 3/8-inch diameter or 4x4-inch concrete monuments.	N/A	
9. Plan to at least 1"=50' scale, showing north arrow and whether true or magnetic.		
10. Signature and seal of preparer.		
B. Existing features		
1. Streets, curbs, and sidewalks with type and width of pavement.		
2. Topographic features of site and existing grades for any streets, storm drainage system including existing grades at four corners of all structures.	N/A	

	YES	COMMENT
<ol style="list-style-type: none"> 3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA." 4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields). 5. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction. 6. The location of any marsh areas or estuarine waters or US Army Corps of Engineers 404 wetlands within or abutting the lot. 7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system. 8. Percentage of site to be included in calculation for undisturbed vegetation preservation compliance in Section 48-371. 	N/A	
<p>C. Site improvements in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head</p>		
<ol style="list-style-type: none"> 1. Proposed building type (e.g., concrete or frame), number of floors and dimensions. 2. Proposed building elevations of all sides of building labeled in accordance with proposed architectural design criteria of Section 48-370. 3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Section 48-7 of the Town Code of Ordinances. 4. Existing and proposed ground elevations at the corners of proposed structure(s). 5. Sanitary sewer facilities with connection to sewer system or septic tank. 6. Approximate locations of proposed underground utilities and any necessary easements. 7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances. 8. Proposed fire hydrants and extensions of water distribution lines in accordance with size and density requirements found in Section 48-363 of the Town Code of Ordinances. 9. Location and height of proposed free-standing signs. See requirements of Chapter 48-Article VIII of the Town Code of Ordinances. 10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations. 11. Handicapped parking spaces, walks, ramps, and entrances in accordance with the NC State Building Code. Handicapped parking spaces to be 13 feet wide, marked with a free-standing handicapped sign. 12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified (i.e. Buffer Yard A, B,C,D,E as outlined in Chapter 48 Article XIII of the Town Code of Ordinances. 13. Layout of numbered stalls/loading zones in accordance with Chapter 48 Article V of the Town Code of Ordinances. 	N/A	

Commercial <input checked="" type="checkbox"/>	Parking Spaces Required	Parking Spaces Shown	Loading Spaces
Residential <input type="checkbox"/>			
<u>1</u> STORIES			
BUILDING SQUARE FOOTAGE:			
PRINCIPAL <u>BLOC - 10,342</u>			
ACCESSORY <u>UNIT 12 - 3843</u>			
TOTAL _____			
# EMPLOYEES <u>3</u>			
# DWELLING/LODGING UNITS _____			

D. EXPLANATORY NOTES

1. Vicinity map.
2. Total square feet of land area to undergo land-disturbing activity.
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered.
4. Cross-section details of all streets, roads, ditches, and parking lot improvements.
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building.
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form.
7. Total site coverage calculations. (Refer to Zoning Ordinance to calculate lot coverage for lots abutting ocean or sound).
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Chapter 48 Article IX of the Town Code of Ordinances.
9. A completed architectural points worksheet for commercial structures subject to residential design criteria.

6. PLAN AND ATTACHMENT PREPARER CERTIFICATION

A. I certify that all information for which I am responsible is complete and accurate.

DATE SIGNATURE OF ENGINEER ARCHITECT SURVEYOR

B. The following individuals have contributed information or attachments to the plan:

Name	Phone #	Information provided
<u>JAMES ASHTE</u>	<u>252 202 1157</u>	<u>ATTACHMENTS / INFO</u>
<u>CHRIS NABON / BEACON ARCH.</u>	<u>441-6767</u>	<u>UPFIT PLAN</u>

Site Specific Development Plan Option - Vested Right for Site Plans

Please be advised that as the owner, or agent for the owner, you have the opportunity to apply for and receive a Site Specific Development Plan that will establish a Vested Right for this project for a period of time not to exceed two (2) years from the date the Board of Commissioners approves the plan. You must secure a building permit for this project within two (2) years of the approval date or your Site Specific Development Plan will expire. If you elect not to apply for a Site Specific Development Plan, you must secure a building permit within six (6) months or else your site plan will expire.

If you choose the Site Specific Development Plan option, please keep in mind the following concerns:

1. Although your project may be classified as a permitted use, by requesting a Site Specific Development Plan your project will be processed as a Conditional Use for which a public hearing will be held, and an additional fee of \$200.00 will be charged to process your application.
2. Once your Site Specific Development Plan has been approved with vested rights status no modifications can be made to the plan.

If you wish to take advantage of the Vested Right process please check off the Vested Right box on page one. If you do not then leave the box blank.

Exhibit "C"
CROATAN CENTRE AT NAGS HEAD

Building & Unit	Size of Unit	Percent of Common Areas and Common Expenses	Votes In Association
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Building "A"

Unit #1	938 s.f.	3.54%	354
Unit #2	836 s.f.	3.16%	316
Unit #3	1,318 s.f.	4.98%	498
3,092 s.f. TOTAL BUILDING "A"			

Building "B"

Unit #4	2,023 s.f.	7.65%	765
Unit #5	1,537 s.f.	5.81%	581
Unit #6A	1,504 s.f.	5.68%	568
Unit #6B	1,569 s.f.	5.93%	593
Unit #7	1,473 s.f.	5.57%	557
Unit #8	3,083 s.f.	11.65%	1165
Unit #9	2,126 s.f.	8.03%	803
13,315 s.f. TOTAL BUILDING "B"			

Building "C"

Unit #10	3,846 s.f.	14.54%	1454
Unit #11	2,277 s.f.	8.61%	861
Unit #12	3,930 s.f.	14.85%	1485
10,053 s.f. TOTAL BUILDING "C"			

TOTAL ALL BUILDINGS	26,460 s.f.	100%	10,000
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(from interior side of exterior wall)

Exhibit "D"
CROATAN CENTRE AT NAGS HEAD

1. Ad valorem taxes for the year 1996, and all subsequent years not yet due and payable.
2. Easement of right-of-way to Virginia Electric Power Company (now North Carolina Power) recorded in Deed Book 19, Page 75, Dare County Public Registry.

PROJECT NAME:
**OUTER BANKS
 COMMUNITY
 CHURCH**
 4711 S. Croatan Hwy #12
 Nags Head
 North Carolina

REVISIONS:	DATE:
CLIENT REVIEW	12/ 17/ 20
CLIENT REVIEW	1 / 11 / 21
CLIENT REVIEW	1 / 15 / 21
CLIENT REVIEW	1 / 20 / 21

DRAWING NAME:
**TENANT
 UPFIT PLAN**

PRELIMINARY DRAWINGS
 NOT FOR CONSTRUCTION:

DRAWN BY: CN

DATE: 1 / 20 / 21

SCALE: -

STAMP:
 THIS COMPUTER FILE/DRAWING
 IS FOR INFORMATIONAL
 PURPOSES ONLY AND IS NOT
 INTENDED FOR CONSTRUCTION.
 DO NOT START CONSTRUCTION
 WITHOUT A SEALED SET OF
 CONSTRUCTION DOCUMENTS
 FROM THE ARCHITECT.

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SHEET:
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