



# Agenda Item Summary Sheet

Item No: F-1  
Meeting Date: January 3, 2024

**Item Title:** Public Hearing to consider text amendments to the UDO as it pertains to "Restaurant, Drive-Through" use within Commercial Mixed-Use Developments.

**Item Summary:**

Attorney Crouse Gray submitted a text amendment request on behalf of SRE Mustang, LLC (Outlets Nags Head), which, if adopted, would amend the Unified Development Ordinance to include the use of "Restaurant, Drive-Through" as a permissible use within Commercial Mixed-Use Developments and would amend the supplemental regulations associated with drive-through restaurants within the Town.

**Staff and Planning Board Recommendation**

The Town of Nags Head generally has concerns with the development of drive-through restaurants to include their appropriateness within any of the character areas defined in the Comprehensive Land Use Plan. Drive-through restaurants are currently only permitted via the Special Use process in the C-2, General Commercial District as a standalone principal structure. The character areas, as described in the Comprehensive Land Use Plan, are the result of a multi-year community-wide effort to define what land uses are appropriate, where and what land uses contribute to the Town of Nags Head's overall character. Drive-through restaurants are explicitly excluded as appropriate in any of the character areas. Based on guidance found within the 2017 Comprehensive Land Use Plan, staff recommends denial of the proposed text amendment to allow drive-through restaurants as an acceptable use within commercial mixed-use developments, including shopping centers.

At the Board of Commissioners December 3, 2023, a motion was passed to table this item and send it back to the Planning Board to resolve the apparent conflict between the Unified Development Ordinance and the Comprehensive Land Use Plan. At their December 19, 2023 meeting the Planning Board heard this request and considered the conflict between the Unified Development Ordinance and the Comprehensive Land Use Plan. The Planning Board again voted unanimously to recommend denial of the text amendment as proposed. Additionally, it was their recommendation that the conflict between the UDO and the Comprehensive Land Use Plan be rectified by amending the UDO as necessary to remove the use "Restaurant, Drive-Through" from the C-2, General Commercial zoning district.

Number of Attachments: 2

**Specific Action Requested:**

Conduct the Public Hearing for the requested UDO text amendment.

Submitted By: Planning and Development

Date: December 28, 2023

**Finance Officer Comment:**

Signature:

Date:

**Town Attorney Comment:**

Attorney Leidy will participate in the discussion as necessary.

Signature:

Date:

**Town Manager Comment and/or Recommendation:**

I will participate in the discussion as necessary.

Signature:

Date: