



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: November 6, 2024

AGENDA ITEM F.1.

Public Hearing to Consider a Special Use/Site Plan Review for the Construction of a Two Story, Eight Bedroom Dormitory

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Carolyn Morris
Andy Garman

Staff Comments/Recommendation

STAFF RECOMMENDATION Planning staff finds that the proposal is consistent with applicable land use and development standards, as well as relevant land use policies. Additionally, staff finds that the requirements necessary to offer a reduction in parking pursuant to Section 10.15.2.2. of the UDO, Shared Parking Associated with a Special use Plan, has been met given that it will not result in increased traffic congestion or negatively impact existing traffic flow or pedestrian and vehicular safety, will not create parking impacts for adjacent properties or within Town rights-of-way, will not be contrary to the objectives specified in the Comprehensive Plan, is necessary to permit the reasonable use of the subject property, and will not adversely impact adjacent property or the surrounding area.

PLANNING BOARD RECOMMENDATION At their September 17, 2024, meeting, the Planning Board voted unanimously to recommend approval of the Special Use Permit/Site Plan Review as presented, to include shared parking arrangements based upon the Community Care Clinic and the Town's Ocean Rescue personnel having staggered parking demands.

Specific Action Requested

This item is provided for Board review and approval.

Summary

GENERAL INFORMATION

Applicant: Michael Strader, P.E. of Quible & Associates, PC & Chis Nason, AIA of Beacon Architecture and Design on behalf of the Town of Nags Head.

Application Type: Special Use Permit/Site Plan Review.

Purpose/Request: Construction of an approximately 3,460 square feet, two-story, eight-bedroom dormitory (duplex) and all associated site improvements. This dormitory is for use by the Town of Nags Head workforce or as approved by the Town Manager.

Property Location: 425 W. Health Center Drive, Nags Head.

Existing Land Use: Medical Offices, Community Care Clinic.

Zoning Classification of Property: SED-80, Special Environmental District.

Zoning Classification of Surrounding Properties: Properties to the north, west, south, and east are zoned SED-80, Special Environmental District (Peak Resources and vacant/Nature Conservancy).

Flood Hazard Zone of Property: Property is located in an X Flood Zone, per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor of habitable space will be elevated well above the 9-foot RFPE as existing topographic information shows an elevation greater than 20 ft. msl in the area of the proposed structure.

Land Use Plan Map/Policies: The 2022 Comprehensive Plan, Future Land Use Map classifies this property as Institutional/Community Services. This proposal is consistent with this land use classification and stated Land Use Policies.

SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: Pursuant to the text amendment adopted by the Board of Commissioners at their September 4, 2024, meeting, "Dormitory" is a Special Use within the SED-80, Special Environmental District, with supplemental regulations set forth Section 7.10 of the UDO. These supplemental regulations are as follows:

Dormitory is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, provided that the following additional requirements and conditions are met:

7.10.1. A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required. *Staff comment: This property is 123,600 in area with a lot width greater than 250 feet.*

7.10.2. Sleeping rooms shall have a minimum floor area of seventy (70) square feet for the first occupant and a minimum floor area of fifty (50) square feet for each additional occupant. *Staff comment: Each floor contains 4 bedrooms with an expected occupancy of 8, a total of 8 bedrooms with an expected occupancy of 16. The proposed sleeping rooms will accommodate two occupants. Each sleeping room is approximately 170 square feet in area. As proposed, this regulation has been met.*

7.10.3. At least one restroom in the facility shall have a minimum of two (2) water closets, two (2) sinks, and two (2) showers. In all cases, reference the North Carolina Plumbing Code for the required number of dormitory bathroom fixtures. *Staff comment: Each dwelling unit contains two full bathrooms for a total of 2 toilets, 2 sinks, and 2 showers. As proposed, this regulation has been met.*

7.10.4. A minimum floor area of twenty (20) square feet per occupant is required for adequate common living areas (including kitchen and dining) but not less than 220 square feet per unit or floor. Circulation spaces less than six (6) feet wide shall not be counted as common living areas. *Staff comment: An area greater than 500 square feet has been provided in each dwelling unit. As proposed, this regulation has been met.*

7.10.5. No dormitory facility shall house more than twenty-five (25) occupants. *Staff comment: As proposed, this two-story dormitory/duplex would house no more than 16 occupants at any time.*

- Lot Coverage: Pursuant to Section 8.4.3.3.6.1 of the UDO, Special Development Standards within the SED-

80 (Special Environmental District) the maximum allowable lot coverage for this property is 20% of the total lot area. While the exact lot area remains uncertain, using the most conservative estimate, the current site conditions result in approximately 28.6% lot coverage.

Upon researching the history of how this property was developed to such an extent, it was discovered that this area was previously zoned as SPD-40 (Special Planned Development), where the maximum allowable lot coverage was 30%. This zoning designation and the associated dimensional standards date back to the 1982 Official Zoning Map and the Town of Nags Head Zoning Ordinance from 1977, with amendments through February 1983 (attached). It is important to note that the structure on this property was built in 1975.

The increase in lot coverage beyond the current allowable limit constitutes a site nonconformity. According to Section 5.4 of the UDO, nonconforming site conditions may continue but cannot be increased. Therefore, the site is considered legally nonconforming at 28.6% lot coverage. While lot coverage can be removed, replaced, or relocated, it cannot exceed the 28.6% threshold. The proposed redevelopment of the dormitory, including the removal of the non-functional helipad and various other improvements, results in 28.3% lot coverage 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 approximately 32 feet measured from grade, while also proposing an 8:12 roof pitch. Therefore, height is compliant.
- **Architecture Design Standards:** Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a special use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part VI of the UDO. As proposed, this project will comply with standards set forth in Division II – Building Design including a human scale design with a second-floor covered porch, residential style single or double hung windows, board and batten siding, gable brackets, etc. Additionally, we intend to incorporate a few other desirable elements such as workable shutters and column trim.
- **Parking:** Pursuant to Article 10, Table 10-2, *Required Parking by Use*, dormitory uses are required to provide one parking space for every four occupants. For this structure, which will have a maximum occupancy of 16, a total of four (4) parking spaces are required. However, considering that this structure is intended to house the Town of Nags Head workforce, including seasonal lifeguards, it is understood that actual parking needs will likely exceed the minimum requirement.

Currently, there are 37 existing parking spaces onsite. Based on a liberal application of the medical office parking standard to the Community Care Clinic, which is also located onsite, we estimate that approximately 25 parking spaces are necessary for the clinic. This leaves 12 parking spaces available for dormitory use, providing parking for three-quarters of the dormitory occupants. Ideally, 16 spaces—one per occupant—would be available for this use.

Section 10.15.2.2 provides a mechanism, through the Special Use Permit process, to consider shared parking arrangements when multiple uses on the site have staggered hours or differing peak parking demands (see below). Under this provision, no more than 50% of the required parking spaces for the proposed use can be shared with existing and conforming parking spaces for other uses.

Staff is requesting that the Board of Commissioners consider approving this shared parking provision to address the four (4) additional parking spaces needed to meet the desired total of 16 spaces for the dormitory. The Community Care Clinic operates between 9:00 AM and 4:00 PM, Monday through Friday, and is closed on weekends. In contrast, the Town's ocean rescue staff typically work from 9:00 AM to

6:00 PM, with some early morning training sessions. Given these staggered hours, there should be minimal overlap in parking demand between the clinic and the ocean rescue staff.

10.15.2.2. Shared Parking Associated with a Special Use Plan or Plan Amendment.

Proposed commercial uses in all commercial zoning districts may share a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts provided that the following conditions are met:

10.15.2.2.1. *The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend;*

10.15.2.2.2. *No more than fifty (50) percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use;*

10.15.2.2.3. *Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a Town street or private easement or alley within the same block;*

10.15.2.2.4. *When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the special use permits for both sites must be amended appropriately; and*

10.15.2.2.5 *For proposed commercial uses that redevelop existing commercial sites abutting the NC 12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a ten (10) percent reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the Board of Commissioners as part of a special use plan.*

- **Buffering/Landscaping:** Several sections of the Unified Development Ordinance speak to Buffering and Landscaping, however, due to the design and location of this proposed structure and the use of the existing parking lot, they would not be applicable.
- **Special Land Disturbance Considerations in the SED-80:** Within the SED-80 (Special Environmental District), the removal of any tree with a diameter at breast height (DBH) greater than four (4) inches is prohibited, except in specific areas. These exceptions include trees within the principal building site and a 20-foot perimeter around it, within required accessways, parking lots, driveways, utility installations and a 5-foot perimeter around those areas, and within septic tank drain fields and the surrounding area as determined by the Dare County Department of Health to ensure proper septic function. Other exemptions apply to trees that are at risk of falling, as evidenced by cracking, splitting, leaning, or physical damage, as well as trees that pose a threat to public facilities or services, or are in irreversible decline due to disease, or are no longer living, If an applicant wishes to remove a tree larger than four (4) inches DBH outside if these exempted areas, approval must be obtained from the Board of Commissioners.

At this time, no trees are proposed for removal that fall outside of the exempted areas. However, if a tree is later identified for removal that does not meet the exemption criteria, we will bring the request to the Planning Board and Board of Commissioners for approval.

- **Lighting:** At this time, no additional parking lot lighting is needed or proposed. The dormitory will feature standard residential lighting.

- Signage: No additional signage is proposed.

Water and Sewage Disposal: The Dare County Health Department is currently reviewing the proposed sewage design. This authorization will be required prior to review by the Board of Commissioners.

Traffic Circulation: No changes are proposed to the existing parking lot design or traffic circulation patterns.

Stormwater Management: Section 11.4.1 of the Unified Development Ordinance states, Redevelopment of property within existing commercial uses does not require submission of a stormwater plan under the following circumstances:

11.4.1.1. The development is consistent with the zoning regulations of this UDO relating to redevelopment and nonconformities;

11.4.1.2. The redevelopment does not result in a net gain of built upon area;

11.4.1.3. The redevelopment does not include the importation of any fill material.

Stormwater management is not required for this project, provided that lot coverage remains at 28.6%, with no net increase in built-upon area and no importation of fill material. However, if there is any increase in lot coverage or the addition of fill material, the Town Engineer will require stormwater management to accommodate a 4.3-inch rainfall event for the net increase in built-upon area.

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 as presented.

Attachments

1. 11 F1 PH Dormitory at CCC site plan
2. 11 F1 PH Dormitory at CCC pn