

**Town of Nags Head
Planning Board
October 15th, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, October 15th, 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, Meade Gwinn, Molly Harrison, David Thompson, Gary Ferguson, Kristi Wright, David Elder

Members Absent

None

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented. Meade Gwinn 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 September 17th meeting and September 18th Public Input Session. Meade Gwinn moved to approve the minutes as presented; David Elder seconded, and the motion passed unanimously.

Action Items

Consideration of a Sketch Plan Review for construction of a 6,760 square foot Dare County EMS Station located at 105 W. Seachase Drive.

Planning Director Kelly Wyatt presented a Sketch Plan Review application submitted by Oakley Collier Architects on behalf of Dare County for the construction of a 6,760 square foot Emergency Management Services (EMS) Station. This property is zoned SPD-C, Village at Nags Head C-1.

Ms. Wyatt reminded the Board that the Nags Head Board of Commissioners will hold a Public Hearing at their November 6, 2024 meeting to review a text amendment which, if adopted, would allow the use of "County EMS Station" as a permitted use within the SPD-C, Village Commercial-1 zoning designation.

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. The applicant is encouraged to incorporate the recommendations of the UDO Administrator and/or the Planning Board) into the development plan before submittal of the formal site plan.

Ms. Wyatt noted that at this time the Planning Department, Town Engineer, Public Services, Fire Department and Police Department have provided comments on the sketch plan package. She then proceeded to review a list of the relevant comments received thus far:

Zoning

- Staff has proposed several text amendments to facilitate the construction of the EMS Station within the SPD-C, Village Commercial-1 Zoning Designation. These include:
 - Amend Section 9.36, Table of Uses and Activities to list "County EMS Station" as a permitted use within the Village Commercial-1 District.
 - Amend Section 9.21.8.2, Table of Development Standards, to reduce the front yard setback requirement from 75 feet to 45 feet.
 - Amend Section 10.16, Required Parking by Use, to establish a parking standard for the new use category of "County EMS Station".

The Public Hearing for these amendments will be held at the Board of Commissioners November 6, 2024 meeting.

- The SPD-C, Village Commercial-1 District allows wall signage only, there is no allowance for a freestanding sign.
- Section 9.21.7.14 requires a 5-foot wide planted landscape buffer along the west and south sides of the property, this vegetation shall reach a minimum height of 10 feet within 5 years.

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. It is likely that the existing grade exceeds 9 ft. msl.
- Overall lot coverage and built-upon area have not been provided at this time but will need to be shown on a complete survey prior to Technical Review.
- The proposed parking standard for EMS Facilities is one parking space per employee on duty and one parking space per 200 square feet of training facility and customer service areas. A floor plan depicting the area dedicated to training facility and customer service area, along with information on the number of employees on duty will need to be provided to determine that the proposed 21 parking spaces are adequate.
- 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:
 - o Compliance with Section 10.93.3.1, Parking Lot Buffers.
 - o Compliance with 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.
 - o Compliance with Section 10.93.3.7 as it relates to Interior Parking Lot Landscaping.
 - o Compliance with Section 10.93.3.8, Vegetation Preservation/Planting Requirements.
- Account for the location of mechanical equipment in the site plan.
- Provide authorization from Carolina Water with regard to the existing wastewater treatment facility capacity.

- 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.

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 initial design. Prior to the Technical Review Committee Meeting and formal Planning Board Site Plan Review submittal, compliance with Article 10, Part VI, Commercial Design Standards must be demonstrated. This project must also be reviewed and approved by the Village at Nags Head Architectural Review Committee (Village ACC).

Town Engineer

- The applicant may want to consider contacting NCDOT to get preliminary feedback on the deceleration lane configuration.
- The site lends itself to maintaining the existing drainage patterns via swales along the property frontage and the north and south property lines.
- The applicant should contact the Village Homeowners Association regarding the modification of the Seachase Drive landscape island which is currently maintained by the HOA. There may be consideration for removing the western end of the landscape island, if permitted by maintaining the minimum required open space.
- The use of permeable pavers for the parking stalls is recommended to meet the requirements of Section 10.92.14.3 of the Unified Development Ordinance.

Public Works/Water

- A location for front load sanitation truck will need to be proposed, 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.
- Additional information is needed on water service.

Building Inspections

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

Fire

- Review is limited until receipt of site plan and full set of plans. Questions regarding water mains for the fire protection system and a discussion of where the fire department connection would be located.
- Will the RPZ be located interior or exterior in a hot box?

Police

- General concern with the proposed cut on W. Seachase Drive; could cause traffic issues and the existing vegetation is large and may create sight distance issues.

Ms. Wyatt noted that she as well as the applicants, Bobby Outten from Dare County, representatives from Oakley Collier and Engineer Mike Robinson, were available to answer any questions for the Board.

Engineer Mike Robinson addressed the Board. David Elder asked about the possibility of having interconnectivity between the parking areas. Mr. Elder expressed concern about the possibility of drivers getting confused trying to get to the EMS station and come in through the south side instead of the north side where the parking lot is. If someone goes into the wrong place, they will have to go back out onto the bypass to get to the other place. Mr. Elder also noted that currently if an EMS unit was returning to the station, they would have to get into the turning lane to either make a right or a left from that lane depending which direction they are coming from. Instead, Mr. Elder suggested adding connectivity on the west side as well as maybe the east side.

Mr. Robinson agreed with Mr. Elder's assessment noting that he had some concerns about the lack of interconnectivity between the two areas. The applicant was unsure about connectivity on the east side but liked the idea of connecting the two on the west side.

The Board also discussed the timing of the traffic lights with Ms. Harrison noting that the Seachase intersection is already a big mess.

Mr. Gwinn and Chair Vaughan were in favor of eliminating the rest of the island on Seachase Drive but acknowledged that this will need to be agreed to by the Village at Nags Head.

The applicants thanked the Board and Staff for their consideration.

Consideration Of Text Amendment related to the minimum parking standard for hotel use.

Ms. Wyatt explained that at their last meeting, the Planning Board continued deliberations on amending the town's minimum required parking standards for hotels. Noting that some hotel rooms/units include multiple beds, which may result in guests arriving in more than one vehicle, the Planning Board suggested that any revised parking standard should consider both the number of units and additional bedrooms.

The Planning Board members reached a consensus that the parking standard used by the Town in the late 1980s and through the 1990s was likely the most appropriate: 1.2 parking spaces per rentable unit, or one (1) parking space per bedroom—whichever is greater—plus one (1) parking space for every two (2) employees on the largest shift. This standard would accommodate the extra-parking needs for hotels offering multi-bedroom options, such as family suites, executive suites, and extended-stay rooms.

As an example, Ms. Wyatt stated that had this standard been applied to the recently approved 87-unit hotel, Inn at Whalebone, the required parking would have been 108 spaces.

Ms. Wyatt noted that based on the Planning Board's comments and consensus Staff had drafted up an ordinance amendment for their review and consideration.

Ms. Wyatt reviewed the policy considerations noting that LU-23, Requires sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.

Ms. Wyatt briefly reviewed the proposed ordinance for the Board and noted that based on their review, Planning staff finds the proposed text amendment to be consistent with the 2022 Comprehensive Land Use Plan and would recommend adoption of the amendment as presented.

After some discussion on staffing numbers, David Elder moved to recommend approval of the proposed amendment. Meade Gwinn seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: The Board approved the Consent Agenda which had two requests for Public Hearings: one for Special Use/Site Plan Review for construction of a 2-story, 8-BR dormitory and one for various amendments to the UDO within SPD-C, Village for new use EMS station. A Public Hearing was held to consider a zoning map amendment request submitted by Chris Greening of Coastal Bluewater Capital to rezone the property located at 0 W. Satterfield Landing Rd. Mayor Pro Tem Siers was recused from this item as he had a conflict of interest, and the Board adopted the ordinance as presented. Town Manager Garman explained that the Board conducted a public hearing on the draft multi-family ordinance at its Sep 4th meeting. Based on extensive public comments received at the public hearing, the Board of Commissioners scheduled a workshop which was held on Sep 18th after which the Board unanimously adopted the multi-family ordinance as presented. The Board passed motions to adopt the resolution authorizing Town Manager Garman to execute the contract with NC-DEQ for the Estuarine Shoreline Management Project grant as presented, authorize the Town Manager to enter into a contract with McAdams for ESMP areas 1 and 2 at the Nags Head Woods Preserve & Villa Dunes Drive and W. Soundside Road, as presented and approve the associated budget amendment for the \$40,000 local portion of the grant as presented. The Board passed motions to adopt the resolution authorizing application to NC-DEQ for the Septic Health Project grant as presented and approve the extension of the loan payment time to up to five (5) years as provided for in the updated Septic Health Loan Policy.

Town Updates

None

Discussion Items

Discussion Of Hotel Overlay District

Deputy Planning Director Joe Costello explained that in November 2023, during their retreat, the Board of Commissioners directed planning staff to identify and correct areas of land use incompatibility within the town and correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. One item noted for consideration at that time was revisiting the appropriateness of the Hotel Overlay District. This is Action Item 2.2 under the Development Goals of the adopted 2024 Town of Nags Head Strategic Plan.

At this time, staff would like to initiate a discussion with the Planning Board on whether the Hotel Overlay District remains in line with the Town's vision and development goals.

Mr. Costello did some research and found a staff memo to the Planning Board dated October 10, 2001 where staff stated that the Board of Commissioners had been discussing the issues surrounding the demolition of hotels and the replacement of these hotels with large single-family houses. The Board was concerned with the loss of diversity of seasonal housing accommodations of visitors. Staff were asked to present ideas concerning incentives for the development of new hotels/motels. Over the next few years staff considered a variety of factors that would help incentive new hotels,

including reductions in lot coverage and setback requirements and an increase in height allowance as well as potentially creating a hotel overlay district. The Hotel Overlay District was later established at the Board of Commissioners' Meeting on March 3, 2004, to encourage new and larger hotel developments.

The stated intent of the hotel overlay district found within the final adopted ordinance was to allow for the location of larger-scale hotels in commercial areas where the increase in height does not significantly affect the viewshed from Jockey's Ridge and does not diminish the low-density character of the historic district and the neighborhoods within the R-2 Medium Density Residential zoning district.

Twenty years have passed since the Hotel Overlay District was established and the ordinance was adopted. Recently, the Inn at Whalebone received Site Plan Approval and development permits have been issued. This would be the only hotel to (potentially) be developed within the Hotel Overlay district since the creation of the Hotel Overlay District.

Mr. Costello then presented a table depicting a comparison of hotel requirements in the current ordinance with the development differences between C2, General Commercial and the Hotel Overlay highlighted in yellow (this table was included in the Meeting packet).

Mr. Costello explained that the largest differences in hotel development within the C2 General Commercial District, and the Hotel Overlay District are the requirement of proximity to ocean and sound access, the overall allowable height, maximum lot coverage and reduced side yard setbacks.

Mr. Costello noted that almost all the area within the Hotel Overlay District is zoned C2, General Commercial except at the very northern portion of the overlay district where there is some R3, High Density Residential and one parcel that is zoned SPD-C, Village Hotel District, which is the site of the proposed Inn at Whalebone.

Mr. Costello then reviewed the policy considerations:

LU-2, Develop separate zoning districts and regulations that recognize the appropriate scale and pattern of development for the US 158 and NC 12 corridors.

LU-5, Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area

LU-9, 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.

NR-4, Preserve important estuarine waterfront viewsheds along the Causeway and in the Whalebone area that contribute to the overall quality of life and sense of place.

Mr. Costello asked the Board if they believe the justifications for creating that hotel overlay district still remain? Why or Why Not? And do they think the C2 allowance for hotels would be appropriate and the hotel overlay district is unnecessary at this time?

Mr. Costello confirmed for Ms. Harrison that direct water access is a requirement of the C2 District but not the Hotel Overlay.

Chair Vaughan pointed out that in 20 years they only had one application so clearly the intent/goal did not work. Chair Vaughan also noted that the availability of accommodations had changed with the introduction of Airbnb's. People have figured out a way to come down for shorter stays without building more hotels in town.

Mr. Gwinn asked what the harm would be in leaving it, so that if at some point in the future someone wanted to build a hotel, they would know where it's allowed to be built.

Mr. Thompson stated that from his point of view there is no harm in keeping the Overlay District but the fact that there is no water access could be the reason they've only had one application in 20 years.

Mr. Elder noted that it's hard to predict the future and short-term rentals might decrease over time leaving a need for hotels.

Chair Vaughan questioned how many hotel rooms are available in the Town. Mr. Costello did not know but said he could research and bring back at the next meeting. At the time the Overlay District was created there were seven or eight hotels that had been eliminated.

Mr. Costello reminded the Board that all the areas depicted in green in the aerial map are C-2 and hotels would still be able to be developed, it would just be under a different standard.

Ms. Harrison believes that the Overlay District should be eliminated as the C-2 has stricter requirements.

Ms. Wyatt reminded the Board that a hotel in the C-2 District is a Special Use permit whereas in the Hotel Overlay it is permitted by right.

The Board was in agreement that the possible removal of the Overlay District needed more discussion and requested that Staff come back with some numbers and some more information on how many hotel units have actually been lost, before they vote to initiate an amendment.

Continued Discussion related to Accessory Dwelling Units (ADUs).

Ms. Wyatt led the Board through a continued discussion on ADUs reminded them that Staff presented the Board of Commissioners with an overview on July 3, 2024, highlighting the similarities and interconnections between ADUs, partial-home short-term rentals, and duplexes. This same presentation was also shared with the Planning Board on July 16, 2024.

Ms. Wyatt emphasized that there is quite a bit of overlap as many of the existing partial-home short-term rentals within the town share similar characteristics and functions with accessory dwelling units. Both provide additional living spaces that can be rented as separate, independent units, with comparable operational features. Additionally, many of these existing partial-home short-term rentals, along with attached ADUs if permitted, would resemble duplexes in terms of structure and use.

At their August 20, 2024 meeting, the Planning Board emphasized the importance of community awareness and engagement on this issue. As a result, two public input sessions were scheduled: Tuesday, September 17th, during their regularly scheduled morning meeting and a second session on Wednesday, September 18th, from 6:00 PM to 7:30 PM, to accommodate those unable to attend the morning meeting.

Staff began each session with a brief informational presentation, followed by a demonstration of a survey with live results, and lastly an open forum was held to hear feedback from attendees.

Ms. Wyatt and Mr. Costello then went over the results from the surveys and reviewed the discussion points that were garnered from that feedback.

Mr. Elder pointed out that it seemed people's opinions about ADUs shifted as the meeting progressed. Mr. Elder also noted that it seemed inequitable that ADUs are allowed for short-term rentals but not for long-term rentals especially as it relates to workforce housing.

Mr. Costello noted that the term ADU means different things to different people, so it seems like a language semantics is an issue.

The Board agreed that based on the feedback received more people were in favor of attached ADUs rather than detached ones. The Board noted that it was important to note that based on lot size there wouldn't be too many lots that would accommodate another "house" on the same property. Ms. Wyatt agreed noting that it's dependent on many factors such as lot coverage, septic capacity, stormwater management, etc.

The Board also discussed deed restrictions, the importance of tightening up the definitions and maybe getting some different options to review. Mr. Elder suggested maybe seeing what other areas are allowing and also getting some feedback from the Board of Commissioners. The Board agreed that it might be beneficial to separate the issue between attached and detached ADUs. The Board also agreed that it was important to keep the community engaged as they move forward through the discussion.

September 26th, 2024, Director's Report

Ms. Wyatt briefly discussed her Director's Report with the Board which included an update on the Septic Health Advisory Committee which is scheduled to meet on October 21st. The Planning Department is hosting an intern through the Outer Banks Field Site at CSI, over the next few weeks who will be working alongside Environmental Planner, Conner Twiddy and Deputy Planning Director, Joe Costello to geolocate existing conventional septic systems and drain fields and uploading data to create an interactive map of the towns septic infrastructure. Staff are preparing for the upcoming Sand Relocation season which will begin on November 15th, 2024. An educational presentation and Q&A session will be provided on Tuesday, October 15th for all equipment operators, property owners, and other interested parties. Staff is working diligently on the upcoming Holiday Markets at Dowdy Park.

Planning Board Members' Agenda

Mr. Elder discussed a possible issue at the Dare County Soccer fields on Satterfield Landing.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:45 AM.

Respectfully submitted,
Lily Campos Nieberding