
**Town of Nags Head
Planning Board
January 20, 2026**

The Planning Board of the Town of Nags Head met on Tuesday, January 20, 2026, in the Board Room at the Nags Head Municipal Complex.

Planning Director Kelly Wyatt called the meeting to order at 9:07 a.m. as a quorum was present.

Members Present

Meade Gwinn, David Elder, Brad Carey, Valerie Netsch, Beverly Head

Members Absent

David Thompson, Basil Belsches

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Election of Chair and Vice Chair for Calendar Year 2026

Planning Director Kelly Wyatt opened the meeting and requested nominations for the position of Planning Board Chair for the calendar year 2026. Beverly Head moved to nominate Meade Gwinn to serve as Chairperson. David Elder seconded the motion. There being no other nominations, a vote was taken, and the motion passed unanimously.

Ms. Wyatt then turned the meeting over to newly elected Chair, Meade Gwinn.

Chair Gwinn then requested nominations for the position of Vice-Chair. Brad Carey moved to nominate David Elder for Vice Chair. Valerie Netsch seconded, and the motion passed unanimously.

Approval of Agenda

David Elder moved to approve the agenda as presented. Beverly Head seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

Hillary McCubbins, a Nags Head Pond resident, spoke to the Board about concerns over proposed accessory dwelling units tied to businesses through deed restrictions. She highlighted that linking housing to employment could impede workers from finding better jobs due to housing and employment being linked, exacerbating the already challenging housing market. Ms. McCubbins proposed that the language be expanded to permit any Dare County resident or employee to occupy these units, rather than limiting them to employees of particular businesses. She urged the Planning Board to consider these impacts on low-wage workers.

Approval of Minutes

Chair Gwinn asked for a motion to approve the minutes of the December 16th, 2025, meeting. David Elder moved to approve the minutes as presented; Beverly Head seconded, and the motion passed unanimously.

Action Items

Special Use Permit/Site Plan Review submitted by Albemarle & Associates, Ltd on behalf of Coastal Bluewater Capital, LLC and TW's Bait and Tackle for construction of two buildings to accommodate retail, art gallery, and associated accessory storage spaces. The property is zoned C-2, General Commercial and is located 2230 S. Croatan Highway, Nags Head.

Planning Director Kelly Wyatt presented the special use permit/site plan review for construction of two buildings to accommodate retail, art gallery, and associated accessory storage spaces at 2230 S. Croatan Highway. She noted the Board had previously seen this project during sketch plan review, and the site plan had changed minimally since then.

The proposal included:

- Converting a recently approved 4,774 square foot storage building connecting the principal retail building and existing storage building to retail, resulting in 14,024 square feet of retail space and 4,250 square feet of storage
- Constructing a new 6,750 square foot detached building divided into two units: Unit 1 with 2,500 square feet of retail and 1,000 square feet of accessory storage, and Unit 2 with 3,250 square feet of storage accessory to TW's Bait & Tackle
- Constructing a new 3,000 square foot detached building consisting of 2,000 square feet of art gallery and 1,000 square feet of accessory storage.

Ms. Wyatt reviewed the site plan in detail, explaining how the buildings would be connected and flow. She noted the property is zoned C-2 and the surrounding properties are predominantly C-2 with some C-3 to the west. The project is not located in a flood zone but meets the 9-foot regulatory flood protection elevation requirement, with new buildings having a first-floor elevation of 11 feet. Staff determined the project complies with most requirements including land use plan, lot coverage, maximum building height, parking, landscaping, buffers, lighting, and traffic circulation. However, staff found the architectural design does not fully comply with commercial design standards in the UDO, particularly regarding human scale, roof variations, and roof articulations.

Ms. Wyatt explained that the proposed buildings, while technically one-story, appear as large two-story structures with a metal building design and gambrel roofs that make them appear top-heavy rather than achieving the human scale required by the UDO. The architect attempted to address these requirements through projections and decorative elements, but staff determined these efforts did not meet the intent of the design standards.

John DeLucia of Albemarle & Associates and Mark Kasten of Cahoon and Kasten Architects addressed the Board on behalf of the applicant. Mr. DeLucia discussed site plan details, noting the project required creative solutions to accommodate the client's goals while meeting town requirements. Mr. DeLucia also noted that they are proposing a second sign by the second driveway.

Mr. Kasten acknowledged the architectural challenges and expressed willingness to work with staff on revisions if needed.

Kelly confirmed for Mr. Kasten that because it requires a public hearing it would go to Consent Agenda in February and Public Hearing in March. If the PB does not recommend approval the applicant could come back in February and still have Public Hearing in March.

Board members expressed several concerns:

Mr. Elder noted the project has continually expanded through multiple iterations and represents a "strip-like development" that seems contrary to UDO intentions. He also noted that the project seemed like it was still in flux and that the Board needed to pull back and ask what is a better design.

Mr. Carey questioned whether the storage allocation might be a "loophole" to avoid parking requirements and how future uses might be monitored noting that it seemed like a lot of storage for retail. Mr. Carey inquired how many other retailers in Nags Head have this much storage.

Ms. Wyatt confirmed that less parking is required for an art gallery than retail. She also noted that Staff shares concern about storage and parking and that the Board may want to revisit percentages for accessory uses in the future, but that the proposed parking was currently compliant with Town code.

Ms. Netsch and Ms. Head commented that the site appeared overloaded with development and the buildings seemed top-heavy.

The Board generally agreed with staff's architectural concerns and were in consensus that the architectural design should be revised to better meet UDO requirements, particularly to achieve more human scale and less top-heaviness.

Mr. DeLucia agreed that there was a lot of development on this property but that it was less than what the Applicants wanted to do initially. They wanted apartments but they did not have septic capacity. He reminded the Board that land is expensive and needs to be maximized to be affordable. Mr. DeLucia also reiterated that the proposal meets the ordinance of the town.

David Elder moved to recommend denial of the special use permit at this phase due to architectural design concerns, with the understanding that the applicant would work with staff on revisions to bring back to the Planning Board in February while keeping the project on track for public hearing. Beverly Head seconded and the motion passed unanimously.

Consideration of a text amendment submitted by Albemarle & Associates, Ltd. On behalf of Dare County to amend the lighting levels allowed for publicly owned and publicly accessible pickleball courts.

Ms. Wyatt presented a text amendment request to amend lighting levels allowed for publicly owned and publicly accessible pickleball courts. The amendment would increase the allowable illumination from 15 foot candles to 30 foot candles, with the possibility of temporary increases up to 50 foot candles for tournament play. The request relates to the 10 pickleball courts previously approved for development by the County at the old Pamlico Jack site.

Ms. Wyatt explained that while the town has historically maintained conservative lighting standards in line with Dark Sky Initiative, research showed that Dark Sky compliance depends more on fixture design, orientation, and shielding than specific foot candle measurements.

The proposed amendment includes numerous supplemental regulations:

- Compliance with all lighting regulations including shielding, pole height requirements, and light trespass limitations
- Full cut-off fixtures with additional shielding as necessary
- No light trespass at the estuarine shoreline or public trust waters
- Maximum pole height of 25 feet
- Dimmable or multi-level lighting systems
- On-demand activation using push buttons or motion sensors with automatic shutoff
- Noise mitigation requirements if substantiated noise complaints are received

Ms. Wyatt explained that tournaments would fall under the Town's Crowd Gathering permit requirements and would supersede standard requirements and noted that Staff would ensure that illumination would return to regular levels after a permitted tournament was over.

John DeLucia, Albemarle & Associates and Dustin Peele, Assistant County Manager for Dare County, provided additional information, explaining that competitive pickleball standards recommend 30-50 foot candles for recreational play and 50-70 foot candles for tournament play. They noted the county already uses push-button timers and automatic shutoffs at existing facilities, and the site is 300 feet from the sound with modern LED fixtures that would minimize light spillage.

The Board discussed several aspects of the amendment, including:

- Differences between pickleball court lighting and existing field lighting at Satterfield Landing Park.
- Potential extension of the curfew from 9 PM to 10 PM for pickleball courts while maintaining the 9 PM curfew for Satterfield Landing fields.
- Whether commercial pickleball facilities should receive the same lighting allowances.

Mr. DeLucia confirmed for Mr. Carey that there is a fence proposed and wind barriers so while it is not a noise barrier per se, but it may help mitigate any noise.

Manny Golasa, owner of the Outer Banks Sports Club, briefly addressed the Board and confirmed a 10 PM cut-off is a fair time noting that most people play later in the evening due to cooler temperatures. He also confirmed that his proposed pickleball courts would be closer to US158 than the residential neighborhood behind his property.

David Elder moved to approve the text amendment as presented with the modifications to increase the curfew to 10 PM for publicly owned, publicly accessible pickleball courts, include commercial pickleball facilities in the enhanced lighting allowances, and clarify that approved crowd gathering permits would supersede standard curfew times. Beverly Head seconded and the motion passed unanimously.

Report on Board of Commissioners Actions – January 7th, 2026

Ms. Wyatt noted there was not much to report from the January 7th Board of Commissioners meeting but mentioned that Deputy Planning Director Joe Costello had presented an update on the estuarine shoreline management plan. The Board agreed to defer a more detailed presentation on this topic to the February Planning Board meeting.

Town Updates

None

Discussion Items

Planning & Development Director's Report – January 7th, 2026

Ms. Wyatt reported that the Dare County EMS station site plan approval had lapsed but the project is now back on track for construction. She noted it would likely come before the Planning Board in February. Additional updates included:

- The Septic Health Advisory Committee is scheduled to meet on January 27th
- Informational signage was installed on all water quality loggers to prevent vandalism
- 103 sand relocation authorizations had been issued and 44 dune management cost share applications processed.
- The planning department maintained an average 3-day turnaround time for residential and commercial permits.
- The flashlight candy cane hunt at Doughty Park was a great success and well-attended.
- The first winter market of the year was held on January 10th with the February market scheduled for Valentine's Day.
- The Art and Culture Committee will soon be providing an update on 2025 activities and 2026 plans

Discussion and acceptance of 2025 Submittal Calendar

Ms. Wyatt presented the Draft 2026 Submittal Calendar. The Board approved it without any changes.

Planning Board Members' Agenda

Mr. Elder stated that he would love to see more art installations around Town. Ms. Netsch agreed and pointed out the sidewalk art and the art masts projects as things she would like to see more of. She also praised the recent Soundside boardwalk project which she believes will be a great asset to the Town.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 11:25 AM.

Respectfully submitted,
Lily Campos Nieberding