
**Town of Nags Head
Planning Board
November 16, 2021**

The Planning Board of the Town of Nags Head met on Tuesday November 16, 2021, in the Board Room at the Nags Head Municipal Complex.

Planning Board Chair Megan Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Kristi Wright, Meade Gwinn, David Elder, Gary Ferguson, Megan Lambert, Molly Harrison

Members Absent

None

Others Present

Kelly Wyatt, David Ryan, Lily Nieberding

Approval of Agenda

Chair Vaughan noted that due to unforeseen circumstance, Planner Holly White would not be attending the meeting and therefore asked that Discussion Item H2 – Update on Resilient Coastal Communities Program be removed from the agenda. Chair Vaughan then asked for a motion to amend the agenda as requested. David Elder moved to approve the amended agenda; Kristi Wright seconded, and the motion passed unanimously.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the October 19, 2021, meeting. Meade Gwinn moved to approve the minutes as presented; David Elder seconded, and the motion passed unanimously.

Action Items

Consideration of a Site Plan Review for Epstein Street Bathhouse Improvements

Deputy Planning Director Kelly Wyatt presented a Site Plan Review submitted by the Town for the purpose of constructing a two-story, 1,795 sq. ft. wood frame bathhouse on pilings with Turfstone™ parking stalls, stormwater management measures, above grade decking with shower stations, and a wooden walkway to the beach. Ms. Wyatt noted that like many of the Town's public beach accesses, these improvements are being partially funded through a grant from the North Carolina Division of Coastal Management.

The property is located at 5701 S. Virginia Dare Trail. The existing Land Use is the Epstein Street Beach Access and Bathhouse. The Zoning Classification of Property: SPD-C, Village at Nags Head – Recreation District.

This property is located within three flood zones: AO (1), AO (2), and VE (12). The lowest horizontal structural member of the lowest floor shall be no lower than 12 ft. msl. With a proposed first floor elevation of 13.8' this structure also meets the Town's free of obstruction requirements for V Zone development.

Ms. Wyatt noted that Staff finds this proposal to be consistent with the Recreation Land Use Classification.

Ms. Wyatt then proceeded to review the applicable Zoning Regulations:

- Pursuant to Section 9.36 of the Unified Development Ordinance, Table of Uses and Activities for the SPD-C District, "Beach Access and Bathhouse" is a permitted use within the SPD-C, Village at Nags Head – Recreation District.
- Redevelopment of the public beach access and bathhouse is compliant with lot coverage and open space requirements within the SPD-C, Village at Nags Head District.
- The maximum allowable building height within the Town is 35 feet and may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The proposed bathhouse is 23'-4" in height and is therefore compliant.
- The proposed bathhouse is compliant with the building design standards set forth in Division II including building size and dimensions, building height, architectural design/elements, building materials and building detailing. Ms. Wyatt noted that staff is working with the Architects to add some additional design elements.
- The Unified Development Ordinance does not set forth a minimum required number of parking spaces for municipally owned public access facilities; however, 44 parking spaces have been proposed, including 2 handicap accessible parking spaces. Additionally, Section 10.92.14.4 requires a minimum of 20% of the surface area of the parking area and drive aisles to be constructed using permeable surface materials. An excess of 20% has been provided and is therefore compliant.
- A compliant five-foot-wide Buffer Yard C will be required along the perimeter of the northern and southern property lines adjacent to residential and multifamily uses; they may need to install some vegetation.
- There is no change in parking lot lighting proposed with this request. Structure lighting will be provided in accordance with Article 10, Part IV. Outdoor Lighting. A light audit will be conducted to ensure compliance with illumination standards prior to issuance of final zoning and the certificate of occupancy.
- This access will be signed in compliance with Town and CAMA standards as with all other public beach access.

Ms. Wyatt stated that Town Engineer David Ryan has discussed the wastewater redesign with the Dare County Health Department and is designing the required engineered wastewater low pressure pipe system. Staff anticipates receiving approval of this design prior to review of this proposed project by the Board of Commissioners at their December 1, 2021, meeting.

Adequate Stormwater management measures and compliant traffic circulation have been designed by Mr. Ryan.

The Project was reviewed by the Fire Department, and they had no comments; it will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance. Public Works has also reviewed and approved the proposed site plan as presented.

Ms. Wyatt stated Planning Staff is in the process of seeking a CAMA Minor Permit which will be required prior to issuance of zoning and building permits.

Staff finds that the proposed Site Plan to be consistent with the applicable use and development standards, as well as relevant land use policies. Staff recommends approval of the Site Plan for the redevelopment of the Epstein Street Bathhouse as presented.

Chair Vaughan asked about funding for the redevelopment. Town Engineer David Ryan confirmed that the Town had received two separate grants for this project, \$200,000 from the Division of Coastal Management and \$250,000 from the Outer Banks Tourism Bureau. Staff had prepared some preliminary cost estimates but due to the current market environment it will be more costly than they first anticipated compared to what they spent on the Bonnet Street Bathhouse redevelopment.

Mr. Ryan reviewed the site plan for the Board noting that they had followed the design of the Bonnet St bathhouse however it was a little more constrained due to having to meet CAMA setback requirements. Mr. Ryan also discussed further the proposed septic system as well the proposed parking areas. Mr. Ryan noted that they made provisions for Ocean Rescue needs on that second floor. Staff has met several times with Ocean Rescue, the Fire Department, Public Works as well as the Town Manager to review the needs of those departments. The bathhouse will be ADA accessible, and they are planning to install a Mobi Mat to make the access wheelchair accessible all the way to the beach.

Ms. Wyatt confirmed for Mr. Gwinn that she had been in contact with Emily Lewis at the Village at Nags Head, and she confirmed that the project will not be required to be reviewed by the Village Architectural Committee. Mr. Ryan confirmed for Mr. Gwinn that it will have a shake roof.

Mr. Ryan confirmed for Mr. Elder that the upstairs will be conditioned space. Mr. Ryan also confirmed that they did discuss the use of a cistern/gray water to wash ATVs. Mr. Elder suggested that they consider using both gray water and Town water for washing of equipment and flushing of the public restrooms.

After a brief discussion where there were several positive comments, David Elder moved to recommend approval of the Site Plan as presented. Kristi Wright seconded, and the motion passed unanimously.

Consideration of various Text Amendments to the Town's Stormwater Regulations

Ms. Wyatt requested that the Planning Board table consideration of the Residential Stormwater text amendments to their December meeting. This will provide staff time to finalize the language and meet with the Homebuilders one more time before the Board makes a recommendation. David Elder moved to table; Kristi Wright seconded, and the motion passed unanimously.

Conduct the Stakeholder Interview of the Planning Board for the Electric Vehicle Action Plan

Due to Ms. White's absence from the meeting due to unforeseen circumstance, Staff is requesting that this item also be tabled to the December meeting. Meade Gwinn moved to table; David Elder seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions – November 3, 2021

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: Senior Environmental Planner Kate Jones was recognized for becoming a Licensed Landscape Architect; Presentation of Employee of the Year nominees, Consent Agenda: Two Requests for Public Hearings – one to consider modifications to the Stormwater Ordinance and the other to consider text amendments regarding the Soundside Overlay District; A Public Hearing was held and the Board adopted the text amendment to add "Beach Recreation Equipment Rentals and Sales" as a permitted use within the C-4 District; a Presentation from the Decentralized Wastewater Management Plan Committee; a Public Hearing was held and the Board adopted a text amendment allowing accommodations for outdoor dining; Ms. Wyatt presented the Planning Director's Report; the Board approved the site plan submitted by Tom and Donna Haddon for their property on Old Nags Head Woods Road; finally, per a request from Commissioner Siers, Staff will be bringing an item related to sidewalks in commercial site plans back to the Planning Board for discussion in the new year.

Town Updates

None

Discussion Items

October 27th, 2021, Director's Report

Ms. Wyatt presented the Director's Report to the Board. Of note: A review and discussion of the Residential Stormwater Regulations; discussion of an issue/inconsistency related to fill that was discovered after the adoption of the Flood Maps and the Local Elevation Standard; discussion/update regarding the Soundside Overlay District and Planning Board action; an update on the Decentralized Wastewater Management Plan including an invite to participate in a survey as well as a virtual public forum; update on the Estuarine Shoreline Management Plan; update on NC AIA; LED Conversion of Streetlights – Ms. Wyatt stated that Dominion Energy will be here in town on Thursday, November 18th installing an amber "turtle friendly" LED fixture at the Gulfstream Beach Access and invited the Board members to observe; as well as an update on Dowdy Park events – Movie and Holiday Markets.

Planning Board Members' Agenda

Mr. Elder discussed the possibility of having a tree ordinance. Ms. Wyatt stated that this is something the Board could initiate. Mr. Elder would want there to be an educational piece, a process for tree removal and consequences of removing trees without approval. After a brief discussion there was consensus from the Board to initiate this process.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 9:54 AM.

Respectfully submitted,
Lily Campos Nieberding