Town of Nags Head
Planning Board
April 15, 2025

The Planning Board of the Town of Nags Head met on Tuesday, April 15, 2025, in the Board Room at the Nags Head Municipal Complex.

Planning Chair Megan 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, Basil Belsches, David Elder

Members Absent

Kristi Wright

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented, Molly Harrison 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 March 18, 2025, meeting. David Elder moved to approve the minutes as presented; David Thompson seconded, and the motion passed unanimously.

Action Items

Consideration of a map amendment to rezone the southernmost portion of the Nags Head Municipal Complex from R-3 (High-Density Residential) to SPD-C (Village at Nags Head) Institutional to resolve the existing split-zoning of the property.

Planning Director Kelly Wyatt presented a map of the area in question and explained that following the Planning Board's initiation of this text amendment at their March meeting, planning staff is requesting consideration of a zoning map amendment to rezone the southernmost portion of the Nags Head Municipal Complex from R-3 (High Density Residential) to SPD-C (Village at Nags Head) Institutional. This change would resolve the existing split-zoning of the property and align the zoning designation with the current and planned municipal uses.

Ms. Wyatt explained that Staff and the Board of Commissioners have been working on a Town Hall Campus Master Plan (Facility Assessment Study), which was approved by the Board of Commissioners in December 2024. The plan evaluates both current and future space needs for town facilities, including the Board of Commissioners meeting room, Police Station, Fire Station, Public Services Garage/Storage, Telecommunications tower and a new employee fitness facility.

While staff were aware of the split-zoning on the property, a recent survey conducted for the new fitness center and parking area revealed that improvements on the southern side of the property, located within the R-3, High Density Residential District, would exceed the maximum allowable lot coverage of 33% for that district. In contrast, the northern portion of the property is zoned SPD-C, Village Institutional, permits up to 70% lot coverage, which is more suitable for current and future development needs.

Given that the Municipal Complex serves the entire town, staff is recommending that the property be rezoned in its entirety to SPD-C, Village Institutional to ensure consistency with its current use and facilitate future site improvements envisioned in the master plan.

Ms. Wyatt confirmed for Mr. Gwinn that if approved, the allowable lot coverage would increase from 33% to 70%.

Ms. Wyatt explained that if this zoning map amendment is adopted, staff will also propose a corresponding text amendment to clarify that detached accessory structures, such as the employee fitness facility, boardroom, and telecommunication tower, are recognized as permissible uses associated with the municipal complex.

Ms. Wyatt confirmed for Mr. Belsches that this will go to the Commissioners first in the consent agenda then as a public hearing. Ms. Wyatt did reach out to Macey White with Seaside Realty to let her know about the request and discuss any architectural design requirements.

Ms. Wyatt confirmed for Mr. Gwinn that the Town Hall Complex as well as parcels such as the Epstein tract and Lakeside hotel parcel are not part of the original Village tract, they are not connected to the wastewater system, and they don't participate with the Village POA and ACC. The new EMS station is part of Village Commercial, and Dare County is in the process of getting ACC approval.

Following adoption of both the map and text amendments, staff will bring forward a Site Plan Amendment request for the new employee fitness facility with residential workforce housing above, for Planning Board review at an upcoming meeting.

There being no further discussion, Chair Vaughan moved to recommend approval of the proposed rezoning. David Thompson seconded, and the motion passed by unanimous vote.

Consideration of a text amendment to Section 9.36, Table of Uses and Activities for the SPD-C District, to clarify and expand the list of allowable accessory uses associated with the "Municipal Building" use within the Village Institutional zoning classification.

Ms. Wyatt explained that in conjunction with the proposed rezoning of the Nags Head Municipal Complex, Planning Staff are recommending a text amendment to Section 9.36, Table of Uses and Activities, of the Unified Development Ordinance (UDO) to clarify and expand the list of allowable accessory uses associated with the "Municipal Building" use within the SPD-C, Village Institutional zoning classification.

Contingent upon the Planning Board's recommendation and the Board of Commissioners' adoption of the proposed zoning map amendment/rezoning, which would resolve a split-zoning issue and rezone the entire Municipal Town Hall Campus at 5401 S. Croatan Highway to SPD-C, Village Institutional, this text amendment is intended to align permitted uses with the various municipal functions currently operating on the site.

Section 9.36 currently lists "Municipal building, including fire station, police station, administrative office, and County EMS Station" as a permitted use in the Village Institutional District. However, with the expansion of the Village Institutional zoning designation to include the southern portion of the Municipal Complex property, staff recommends updating the table to expressly include certain accessory uses already present on the site.

The proposed amendment would clarify that detached accessory structures, such as the employee fitness facility, telecommunication tower, and detached board/meeting room, are permitted when associated with municipal building use. This ensures these structures are recognized as compliant with the Village Institutional designation and supports the implementation of the Town Hall Campus Master Plan.

It is important to note that the existing telecommunication tower on the town hall property replaced the former water tower and functions as an accessory use to the municipal complex. Under the proposed text amendment, telecommunication towers would be allowed only when located on the same property as and in conjunction with municipal building use. This language is intentionally limited and does not authorize new standalone principal uses within the Village. The amendment reinforces the intent that such uses remain directly tied to and as an accessory to municipal operations.

There being no concerns, David Elder moved to recommend approval, Meade Gwinn seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions – April 2, 2025

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: Proclamation, Dark Sky Week, The Board adopted the Proclamation declaring April 21-28, 2025, Dark Sky Week as presented. Public Hearing to consider a Nags Head Unified Development Ordinance (UDO) text amendment request submitted by Attorney Crouse Gray, Jr. on behalf of Nags Head 87, LLC to increase the number of fueling dispensers allowed at fueling stations and to increase the allowable floor area of any convenience store associated with a fueling station within the C-2, General Commercial Zoning District; the Board voted unanimously to deny the UDO text amendment request as presented. The Board unanimously approved the site plan amendment submitted by The Keith Corporation and Timmons Group for the Construction of a Starbucks Restaurant at 7100 South Croatan Highway. The Board unanimously approved the Living Shoreline Project Design Scope of Services Approval for the Soundside Event Site and Harvey Site and Capital Project Ordinance Amendment. The Board unanimously approved the Design Services Agreement for the New Fitness Center and Housing Facility and associated Budget Amendment. Due to the uncertainty in the NC Legislature regarding zoning laws, it is Board consensus to wait to schedule an ADU Workshop with the Planning Board when we know more about what's happening.

Town Updates

None

Discussion Items

Continued discussion of Strategic Plan Action Item 2.2 as it relates to the examination of the allowable uses within the Commercial Outdoor Recreation Overlay District.

Deputy Planning Director Joe Costello provided a recap of the previous month's presentation on the Commercial Outdoor Recreation District (CORD), an overlay district originally established in 1995. The purpose of the CORD was to consolidate commercial outdoor recreational uses, such as go-kart tracks, and to reduce land use conflicts with adjacent residential areas. The review of the CORD was initiated as part of the Town's Strategic Plan, which includes efforts to identify and resolve existing land use incompatibility.

As part of this effort, staff prepared a report offering a holistic review of the district. The report outlines the district's background, current location, existing development patterns, and its original purpose. It also includes recommendations for zoning changes to address ongoing compatibility issues. These include suggestions to:

- Exclude certain uses from being allowed within the CORD in the future;
- Consider allowing some accessory uses to support existing commercial outdoor businesses more effectively; and
- Align permitted uses with those identified in the Town's Comprehensive Plan as acceptable or desirable.

In addition to the report, Staff came up with some discussion items with the intent to get feedback from the Board, answer any questions and get a vision for the future of the district. Mr. Costello then reviewed the discussion items with the Board:

• Do you think the current uses in the CORD reflect the original intent of the district? Should we consider refining the allowable uses to encourage more of the desired development, less of those uses that are deemed undesirable?
• In what ways does the current mix of uses contribute to, or detract from, the character of the Soundside Activity Node and the goals in the Comprehensive Plan?
• Is the purpose of the overlay district still relevant today, or should it evolve to reflect broader goals?
• Are there any specific uses or development patterns that feel out of place or inconsistent with the vision/intent for this area?
• Would you support allowing more flexibility in development (like multiple principal uses or accessory residential units) to encourage reinvestment while preserving the outdoor recreation character?
• What walkability improvements (paths, connections, crosswalks, public art) would make this area more attractive or better connected to nearby destinations like Jennette's Pier or Whalebone Junction?

Ms. Harrison noted that there were some things on the list that would be undesirable for that district.

Mr. Costello confirmed for Chair Vaughan that every ten years or so the district has been reviewed but to the best of his knowledge there has never been an effort to reduce the size of it based on incompatibility.

Staff expressed general support for maintaining the commercial outdoor recreation uses currently present in the CORD, noting that developments like the outlets contribute positively to the area's character. The focus, they suggested, should be on supporting existing businesses and keeping them viable—potentially through increased pedestrian connectivity and improvements to walkability. Staff emphasized they do not want to see these businesses disappear, but rather see the area enhanced to encourage reinvestment and redevelopment in alignment with the district's original intent.

Chair Vaughan agreed on the importance of staying proactive and supportive of existing outdoor recreation businesses, with suggestions to attract similar new businesses to the area, noting that few have been added in recent years.

Mr. Gwinn emphasized the importance of making the district more attractive, walkable, and safe for pedestrians and cyclists. He was in support of enhancing the area in a way that encourages compatible recreational activities, particularly those focused on family-friendly fun. Mr. Gwinn also liked the idea of maintaining flexibility in the plan, allowing the Town to revisit and adjust uses if they are found to be inconsistent with the district's intent.

Chair Vaughan raised concern about preserving views and access to the sound, expressing a desire to avoid creating a "wall of development" that would block scenic views—something she felt should remain a priority.

Mr. Costello then clarified the color-coded zoning recommendations:

- *Red-highlighted uses* are those staff recommends removing because they are likely incompatible with the intent of the CORD (e.g., large residential dwellings).
- *Yellow-highlighted uses* are potential *accessory uses* that would support the commercial outdoor recreation focus.

Mr. Costello noted that while the CORD allows specific recreational uses not found elsewhere, the underlying C2 zoning still permits a wide range of uses, including things like gas stations or firearm sales as Ms. Harrison pointed out, which may not align with the district's character.

Staff aimed to limit only the most incompatible uses, balancing private property rights with the district's vision. Staff also suggested introducing *accessory residential uses*, like duplexes or small multifamily housing, to support business operations (ex. housing staff). Additionally, allowing *multiple principal uses* (such as combining a restaurant with an adjacent mini golf course) could encourage creative redevelopment while preserving the recreation-based identity of the area.

Ms. Harrison pointed out that if large single-family residences are counter to the district maybe large multi-family are incompatible as well.

The Board agreed that due to current legislation they can review and make recommendations, but they currently are unable to implement changes, agreeing that this discussion is more of a strategic 'wish list"*.*

Ms. Harrison asked how the Town can actively support existing businesses, even without changing zoning immediately. They stressed the importance of making the area more walkable, welcoming, and consistent with its current recreational character to attract people and maintain the area's identity.

Mr. Costello agreed that there are things that could be done and explained that their intent was to present a broader vision, not just to propose changes to allowable uses, but to encourage a more holistic approach to supporting the area as a place. This includes initiatives the Town can currently do, such as advocating crosswalks, street trees, benches, and other walkability and accessibility improvements.

Chair Vaughan agreed, highlighting the importance of focusing on proactive, positive steps the Town can take now.

Ms. Harrison discussed the event site, asking whether it would include public-use features like shaded areas, tables, or benches when no events are scheduled. Staff responded that pickleball courts are planned and the site is generally open to the public during the day. Ms. Wyatt noted that no new public amenities have been formally proposed yet, but that doesn't mean they won't be.

Ms. Harrison emphasized the value of welcoming features, comparing it to the underappreciated but attractive Harvey Access Pavilion and noted that the planned boardwalk at the event site would be a future draw.

Mr. Costello asked whether the current mix of uses—such as water sports, mini-golf, and go-karts—functions well together as an activity node.

Ms. Harrison noted that the area could thrive as a local destination if bicycle access and infrastructure such as bike racks were improved. She envisioned the space as somewhere locals and visitors could bike to safely, enjoy a meal, sunset, and recreational activities, but noted that currently, it lacks that cohesive feel.

The Board agreed that while the future boardwalk may bring more people, the area still feels highway commercial and not truly connected. The Board likes ideas such as public art installations as potential enhancements.

Mr. Elder suggested the idea of a "run loop" so you would know how long it takes to run or bike or walk to certain locations, where the crosswalks are located, like a trail map of sorts that could begin to connect those sites. The Board seemed in favor of the district becoming a type of destination for locals and visitors.

Mr. Costello suggested that if the area was more cohesive, with better signage and information about how different amenities and businesses connect, it would help visitors plan their activities more effectively. This would ultimately support the businesses in the area and align with the goals of the comprehensive plan.

Chair Vaughan suggested involving the Arts & Culture Committee as a way to draw people in.

Mr. Thompson noted that a common complaint from 30% of the people that visit the area is the lack of activities available beyond going to the beach and then retreating back to their cottages. The sense of "there's nothing to do" is a significant concern that needs addressing and suggested that with the right infrastructure the Town could create a place where people want to spend time, rather than just a stopover.

The Board then discussed what walkability improvements (paths, connections, crosswalks, public art) could make the area more attractive or better connected to nearby destinations like Jennette's Pier or Whalebone Junction. Mr. Costello reviewed some proposed connections in the Pedestrian Plan.

Mr. Elder suggested maybe allowing EV charging stations as an accessory use. People could leave their car charging and walk around enjoying some of the available activities.

Mr. Belsches emphasized the importance of allowing people to cross the highway safely and that a crosswalk should be a top priority. The Board discussed other options such as a pedestrian bridge, vegetated median strips, flashing warning lights and maybe reducing the speed limit.

Other suggestions included information kiosks, and directional signs, maybe painted on the multi-use paths, with QR codes that people could scan with their phones.

Mr. Belsches noted and the Board agreed that this area is already fairly commercial already so adding theses more "urban features" would not make a big difference there. Chair Vaughan noted that if this were successfully developed it could help protect and keep the rest of Nags Head in the more traditional style.

Finally, the Board discussed different methods of transportation such jet skis, golf carts, e-bikes or on foot, and how these fit in with the vision of the area.

Mr. Costello thanked the Board for their comments and discussion.

Discussion of Legislative Bill Tracking Report

Ms. Wyatt explained that each week, Town Manager Andy Garman receives a legislative tracking report from the Town's newly retained lobbyists, Ward and Smith, P.A. In reviewing these reports, along with materials provided by the NC-APA Legislative Committee, staff have identified numerous proposed bills that present significant concerns for the Town, particularly for the Planning & Development Department, as they would substantially limit the Town's authority to regulate land use. Ms. Wyatt presented a list of identified bills, including the bill number, title, primary concerns, and a link to the UNC School of Government's Legislative Reporting Service summary for each.

Ms. Wyatt then briefed the Board on several pieces of proposed state legislation that could significantly impact the Town's ability to regulate land use. Of particular concern is House Bill 765, which contains numerous provisions that would substantially restrict local planning authority. Many of its elements also appear in other pending legislation, indicating a broader effort to reduce local government control. In response, the Town Manager, Mayor, and Ms. Wyatt met with the Town's lobbyists to discuss strategy. Letters outlining the Town's concerns are being drafted and will be reviewed by the lobbyists before being delivered to the bills' sponsors. Ms. Wyatt noted that an update will likely be discussed at the upcoming mid-month Board of Commissioners' meeting.

Ms. Harrison noted that there was a lot of regulation related to parking. The Board discussed growing concerns regarding proposed legislation that would significantly limit the Town's ability to regulate parking requirements and residential density. Ms. Wyatt highlighted legislation that poses substantial challenges, including the potential elimination of minimum parking standards for both commercial and residential uses. While the bill is gaining traction among environmental advocates due to its potential to reduce impervious surfaces and stormwater runoff, Ms. Wyatt emphasized that such changes could have negative impacts on the town where parking is already a concern. Additionally, provisions that would allow duplexes, triplexes, and quadplexes on lots currently zoned for single-family homes, without corresponding parking requirements, were noted as a major shift in density, raising serious concerns.

Ms. Wyatt noted that H765 is likely to gain legislative traction due to its reputable sponsors and broad scope, making it difficult to prevent entirely. However, Mr. Garman proposed a potential strategy that could help safeguard Nags Head and similar communities. He suggested advocating for an exemption within the bill for municipalities that are not connected to a municipal wastewater treatment facility and instead rely on on-site septic systems. Board members responded positively, acknowledging that communities on septic face unique infrastructure and environmental challenges that could be exacerbated by the bill's provisions with Mr. Elder noting the recent policy changes regarding septic health standards.

Mr. Elder also raised concerns about the absence of specific stormwater policy in the legislation, despite the increasing problems associated with Stormwater in developed areas. He noted that current state stormwater standards are outdated and based on storm events that the region now frequently surpasses.

Ms. Wyatt noted the threat posed by House Bill 713, which would prohibit any local environmental regulations that go beyond state requirements. This restriction would significantly impact the Town's ability to manage its unique environmental conditions, particularly regarding Stormwater measures, the CRS program, and the Flood Ordinance. Mr. Gwinn voiced frustration, noting that the state seems to assume uniformity across all localities, while Nags Head faces distinct challenges. Mr. Elder agreed, adding that every location in the state is unique, reinforcing the concern that a one-size-fits-all approach is not effective for environmental policy.

Mr. Elder suggested increasing public transparency through media partnerships, so that they can do more to educate residents about the seriousness of the proposed legislation. As a board member and resident, Mr. Elder expressed concern over the possible impacts of the bills, emphasizing that many other residents likely share similar fears but may not fully grasp the scale of what's being proposed.

Mr. Belsches questioned whether Nags Head is acting independently or if other neighboring towns are also involved in opposing the proposed legislation. Ms. Wyatt noted that the Manager and Mayor would be discussing with this other towns.

Ms. Wyatt confirmed for Chair Vaughan that the concerning bills being tracked, covering issues like short-term rentals, accessory dwelling units (ADUs), and rebuilding in floodplains, were identified as priorities by Town staff. These are not ranked but are all significant issues for the Town.

Ms. Wyatt noted, and Chair Vaughan concurred that the part about re-building in historical flood zones seems to stem from recent issues in Western North Carolina, which doesn't necessarily translate well to coastal communities like Nags Head. The concern is that while state-level legislation might make sense for inland or mountainous areas, applying them broadly could undermine years of local progress in floodplain management and planning.

Ms. Wyatt confirmed for Ms. Harrison that Mayor Cahoon and Town Manager Garman will be discussing the legislative communication process with the Commissioners at the upcoming meeting to make sure they are aware. The final communication will be submitted to the appropriate legislators.

In general, the Board was glad that the Town is trying to get ahead of it and requested updates to know what the status is on the proposed legislation.

Planning & Development Director's Report – April 2nd, 2025

Ms. Wyatt gave a brief overview of her director's report noting that they have a Septic Health Advisory Committee meeting coming up on April 30th. Ms. Wyatt also stated that they will need to have a Planning Board member sit on the committee to replace the seat left vacant after the passing of Mr. Ferguson. The Board agreed to think about it and discuss it at next month's meeting. Ms.

Wyatt also noted that the Town had wells dug for the 4 new Water Quality monitors and are in the process of getting them installed. The Town is also gearing up for the upcoming summer markets at Dowdy Park and they have hired a seasonal employee to assist with the markets.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:36 AM.

Respectfully submitted,
Lily Campos Nieberding