



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: August 26, 2021

Subject: Planning and Development Director's Report (G-1)

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This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on September 1, 2021.

#### **Monthly Activity Report**

Attached for the Board's review is the *Planning and Development Monthly Report for July 2021*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Thursday, July 1 - Farmer's Market
- Wednesday, July 7 - Board of Commissioners Meeting
- Thursday, July 8 - Farmer's Market
- Wednesday, July 14 - Committee for Arts & Culture Meeting
- Thursday, July 15 - Farmer's Market
- Thursday, July 15 - Board of Adjustment Meeting
- Tuesday, July 20 - Planning Board Meeting
- Thursday, July 22 - Farmer's Market
- Thursday, July 29 - Farmer's Market

#### **Whalebone Park; Phase 1 - Planning**

The FY21/22 Adopted Budget & 22/23 Financial Plan included a CIP project for "renovation and improvement of amenities at Whalebone Park...budgeted at \$250,000," with full grant funding to be sought. In support of this, the Budget also noted that the Planning & Development Department would "initiate Phase 1 of a study to determine opportunities for the improvement of Whalebone Park." The attached is a draft Project Scope for a Phase 1 project to plan for eventual renovations and/or improvements to Whalebone Park. In developing the scope, Staff conducted site visits with members of the Committee for Arts & Culture and members of the Planning Board to discuss the needs and focus of any renovations or improvement of the Park.

## **Planning Board - Pending Applications and Discussions**

The Planning Board's most recent meeting was held on August 17, 2021 and included consideration of a sketch plan for a cottage court development at 3006 S. Virginia Dare Trail, preliminary discussions concerning a potential text amendment to the Soundside Residential Overlay District requirements, an interview of the Board as stakeholders for the update of the Town's Decentralized Wastewater Management Plan, and review of the draft scope for the Whalebone Park - Phase 1 project.

The Board's next meeting is scheduled for September 21, 2021. At this time, the agenda is expected to include continued discussion regarding the amendments to allow temporary accommodations for outdoor dining, and may include consideration of the site plan and special use permit for the cottage court development at 3006 S. Virginia Dare Trail, a text amendment to the Soundside Residential Overlay District regulations, and discussion with the Home Builders regarding the LID Manual and residential stormwater regulations.

## **Additional Updates**

- **Decentralized Wastewater Management Plan** - To this point, five meetings have been held with the project Advisory Committee. Much of the work has involved the collection of relevant data and information, the identification and interview of stakeholders, the development of draft mission/goal/objective statements for the Plan, and the development of an engagement plan. During the week of August 16, ten separate meetings were held with individual and group stakeholders.

The most recent meeting held on August 19, 2021 included a discussion concerning the focus of data collection and analysis, and the goals of data collection and analysis activities, as well as a discussion of the takeaways from stakeholder interviews held thus far.

The next meeting of the Committee is scheduled for September 16, 2021, with the focus expected to be on the results of data collection and analysis, and presentation of conclusions. In the interim, additional interviews with identified stakeholder groups are expected to have been completed.

- **Estuarine Shoreline Management Plan** - Nine (9) responses were received to the Town's RFQ seeking a consultant for development of an Estuarine Shoreline Management Plan. A Staff evaluation committee, with input from CSI partners, selected 6 of the respondents for interviews. Interviews were conducted the week of August 9, 2021, and Staff is working to make a final selection to begin contract negotiations.

**CAMA Land Use Plan Update** - An item is included on the Board of Commissioners September 1, 2021 agenda to hold a public hearing and consider adoption of the draft CAMA Land Use Plan. Adoption will result in the Plan being sent to the Division of Coastal Management for certification.

- **Electric Vehicles Action Plan** - There has been no update since the last Director's Report. As previously noted, Staff has received interest from Duke University in having students from the Nicholas School of the Environment's two-year professional Master of Environmental Management (MEM) work on this project. Staff held a preliminary discussion with the Planning Board on the potential scope for the project, and a subsequent discussion to present the outline of the project prepared by Timothy L. Johnson, Ph.D., Associate Dean for Professional Programs and Chair of the Master of Environmental Management Energy and Environment Program. Staff believes there is consensus on the project between the Town and Duke University, and anticipates that 3 Masters students will be assigned to the project in the Fall Semester.
- **Level 2 Charger** - There has been no update since the last Director's Report. Staff continues to consider opportunities and vendors to source a charger for location on Town property through a "host" arrangement. Additionally, Staff expects that resources or options may be identified through the EV Action Plan.
- **NC Resilient Coastal Communities Program** - Earlier in the year, the Town was notified that it was accepted into the North Carolina Resilient Coastal Communities Program, a technical assistance program under the Division of Coastal Management that endeavors to "allow communities to develop an in-depth understanding of their risk to coastal hazards. As a result, communities will be better prepared to take advantage of various future implementation funding opportunities." VHB has been assigned as the Town's consultant under this Program, and the Town's efforts under the development of the VCAPS plan have been recognized as satisfying the two initial phases of the Program. A kickoff meeting with VHB is to be held on August 26, 2021.
- **LID Manual; Review of Residential Stormwater Regulations** - As directed by the Board of Commissioners, Staff has contacted representatives of the Outer Banks Home Builders Association to request a meeting to discuss the LID Manual and the Town's residential stormwater regulations. Staff has suggested that this meeting be held prior to scheduling a further discussion with the Planning Board. A meeting is expected to be held in September, with discussion with the Planning Board anticipated for September 21, 2021.
- **ETIPP Project/Program** - A final project scope was approved on July 23, 2021. The technical assistance component will begin with a kickoff meeting schedule for September 9, 2021.
- **NC AIA Activate Technical Assistance** - A kickoff and project scoping meeting was held with project partners on June 18, 2021 and a follow up meeting was held on July 20, 2021. The focus to this point has been on stakeholder and public engagement plans. Staff and partners are currently identifying and collecting relevant data, identifying stakeholders, and preparing a questionnaire for the public.

- **Flood/Tide Gauges** - Three gauges have been installed in the Town, one in the Village, one at Jennette's Pier, and another at on Little Bridge. Staff is waiting for direction from the vendor before publicizing the gauges.
- **LID Stormwater Demonstration Project** - There has been no update since the last Director's Report. As previously noted, the Town was notified that it was successfully awarded \$2,500 in cost share assistance from the Dare Soil and Water Conservation District through the Community Conservation Assistance Program for the development of a rain garden at Town Hall to improve local water quality and serve as a Low Impact Development demonstration and education project. Staff is waiting on direction from the District regarding design before initiating installation.
- **LED Conversion of Streetlights; Amber Streetlight Demo** - Included on the Board of Commissioners' agenda for September 1, 2021 is consideration of an updated Town Street Lighting Policy; if adopted, Staff will share the standards with Dominion. Additionally, as noted in the memo for this item, Dominion will be moving forward with a demonstration/pilot of amber "turtle-friendly" lights, to be installed in 8 locations in close proximity to the beach.
- **Dowdy Park Events/Farmers Market** - Following the market on August 26, there will be two more markets held on September 2 and September 9. Yoga classes continue to be held on Tuesdays at 7pm, and are expected to continue to mid-October. One additional band is scheduled to perform on Wednesday, September 1, 2021. Staff is evaluating whether funds are available to hold two Friday-night movies in September and October. This year's Holiday Market dates are Saturday, November 27 (9a-12p), Saturday, November 27 (9am-12pm), Thursday, December 2 (3pm-6pm), and Saturday, December 11 (9am-12pm).
- **Grants and Assistance**
  - There has been no update since the last Director's Report. Staff had submitted a request under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. While staff originally learned that funding under that event was no longer being considered, and that the request may be considered under funding decisions related to Hurricane Dorian, we have now been informed that it is being considered for funding under a separate storm event, DR-4543-NC, associated with severe storms, tornadoes, and flooding that occurred in February 2020.
  - There has been no update since the last Director's Report. Staff submitted a Letter of Interest ("LOI") under the Hazard Mitigation Grant Program related to Hurricane Dorian for the acquisition of property, and assisted Fire Chief Wells in the submission of an LOI for replacement of a generator; we have been notified that the generator request has been selected for further consideration and is under review by FEMA. With respect to the acquisition of property, Staff has been informed that previous insurance claims would be subtracted from any potential

purchase price, which may make the potential offer price unacceptable to the property owner.

- As authorized, Staff submitted a final application for a CAMA Access Grant for improvements to the Epstein Beach Access on August 16, 2021.
- Staff is anticipating submitting an LOI for the FEMA Building Resilient Infrastructure and Communities (“BRIC”) grant program, which focuses funding on projects to make infrastructure more resilient. This LOI would be due October 1, 2021.

### **Upcoming Meetings and Other Dates**

- Thursday, August 26 - Farmer's Market
- Tuesday, August 31 - DWMP Stakeholder Interviews
- Wednesday, September 1 - Board of Commissioners Meeting
- Thursday, September 2 - Farmer's Market
- Monday, September 6 - Planning & Development Department Staff Meeting
- Wednesday, September 8 - Committee for Arts & Culture Meeting
- Thursday, September 9 - Farmer's Market
- Thursday, September 9 - Board of Adjustment Meeting
- Thursday, September 9 - ETIPP Technical Assistance Kickoff
- Thursday, September 16 - DWMP Advisory Committee Meeting
- Monday, September 20 - Planning & Development Department Staff Meeting
- Tuesday, September 21 - Planning Board Meeting

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
JULY 2021**

DATE SUBMITTED: August 7, 2021

	Jul-21	Jul-20	Jun-21	2021-2022 FISCAL YTD	2020-2021 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>BUILDING PERMITS ISSUED - RESIDENTIAL</b>						
New Single Family	0	2	1	0	2	(2)
New Single Family, 3000 sf or >	2	0	1	2	0	2
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	2	2	2	2	2	0
Miscellaneous (Total)	19	21	27	19	21	(2)
<i>Accessory Structure</i>	3	3	2	3	3	0
<i>Addition</i>	1	3	1	1	3	(2)
<i>Demolition</i>	0	0	1	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	9	5	13	9	5	4
<i>Repair</i>	6	10	10	6	10	(4)
<b>Total Residential</b>	<b>21</b>	<b>23</b>	<b>29</b>	<b>21</b>	<b>23</b>	<b>(2)</b>
<b>BUILDING PERMITS ISSUED - COMMERCIAL</b>						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	1	9	5	1	9	(8)
<i>Accessory Structure</i>	1	6	2	1	6	(5)
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	1	0	0	1	(1)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	0	0	3	0	0	0
<i>Repair</i>	0	2	0	0	2	(2)
<b>Total Commercial</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>9</b>	<b>(8)</b>
<b>Grand Total</b>	<b>22</b>	<b>32</b>	<b>34</b>	<b>22</b>	<b>32</b>	<b>(10)</b>
<b>SUB-CONTRACTOR PERMITS</b>						
Electrical	41	28	75	41	28	13
Gas	1	3	6	1	3	(2)
Mechanical	36	43	68	36	43	(7)
Plumbing	4	6	10	4	6	(2)
Fire Sprinkler	0	0	0	0	0	0
<b>VALUE</b>						
New Single Family	\$0	\$686,336	\$200,000	\$0	\$686,336	(\$686,336)
New Single Family, 3000 sf or >	\$1,550,000	\$0	\$1,080,000	\$1,550,000	\$0	\$1,550,000
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$734,650	\$617,281	\$546,568	\$734,650	\$617,281	\$117,369
<b>Sub Total Residential</b>	<b>\$2,284,650</b>	<b>\$1,303,617</b>	<b>\$1,826,568</b>	<b>\$2,284,650</b>	<b>\$1,303,617</b>	<b>\$981,033</b>
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Commercial)	\$340	\$111,700	\$1,439,654	\$340	\$111,700	(\$111,360)
<b>Sub Total Commercial</b>	<b>\$340</b>	<b>\$111,700</b>	<b>\$1,439,654</b>	<b>\$340</b>	<b>\$111,700</b>	<b>(\$111,360)</b>
<b>Grand Total</b>	<b>\$2,284,990</b>	<b>\$1,415,317</b>	<b>\$3,266,222</b>	<b>\$2,284,990</b>	<b>\$1,415,317</b>	<b>\$869,673</b>

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MONTHLY REPORT  
JULY 2021**

DATE SUBMITTED: August 7, 2021

	Jul-21	Jul-20	Jun-21	2021-2022 FISCAL YTD	2020-2021 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>ZONING</b>						
Zoning Permits	34	26	33	34	26	8
<b>CAMA</b>						
CAMA LPO Permits	5	2	2	5	2	3
CAMA LPO Exemptions	0	5	4	0	5	0
Sand Relocations	0	0	0	0	0	N/A
<b>CODE COMPLIANCE</b>						
CCO Inspections	118	82	157	118	82	36
Cases Investigated	70	51	80	70	51	19
Warnings	14	11	15	14	11	3
NOVs Issued	56	40	62	56	40	16
Civil Citations (#)	9	0	11	9	0	9
Civil Citations (\$)	\$42,000	\$0	\$54,700	\$42,000	\$0	\$42,000
<b>SEPTIC HEALTH</b>						
Tanks inspected	0	0	0	0	0	0
Tanks pumped	3	4	4	3	4	(1)
Water quality sites tested	69	0	69	69	0	69
Personnel Hours in Training/School	0	15	9	0	15	(15)




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Michael D. Zehner, Director of Planning & Development



# Town of Nags Head Project Scope Whalebone Park - Phase 1

## Introduction & Goals

The intent of the Whalebone Park - Phase 1 project is to evaluate the need for renovations and/or improvement of Whalebone Park. This project would serve as a continued implementation of the Town's *Comprehensive Plan*, *Town of Nags Head Parks and Recreation Plan*, and the *Nags Head Pedestrian Plan*.

The Park is located in the Whalebone Junction Character Area, a busy commercial, recreational, and seasonal lodging node that serves as both a welcome point and destination for visitors into the Town of Nags Head. The primary goals of this project are to:

1. Identify current issues and constraints that prevent the Park from being utilized as intended or limit the Park's opportunities as a resource.
2. Identify opportunities to improve the active/passive recreational and cultural use of the Park; and
3. Determine what connections to amenities outside of the Park should be prioritized and improved, and what amenities can be provided in the Park that would be resources to the Whalebone Junction Character Area.

Through achieving these goals, recommendations would be developed that would inform design and construction under a future implementation phase.

## Funding

Funds allocated in the FY21-22 budget: NA; the adopted budget indicates that Phase 1 involves a study to determine opportunities for the improvement of Whalebone Park, a precursor to the FY22-23 programmed project (Phase 2; \$250,000 in grant funding to be sought) for renovation and improvement of amenities at the Park.

## Resources

Michael Zehner, Director of Planning & Development, and Kate Jones, Senior Environmental Planner will serve as the primary Town Staff assigned to this project, and coordinate management of the project. Additionally, Staff expects to engage the members of the Town's Planning Board and Committee for Arts and Culture through the duration of the project.



## Scope

The scope for the project, including the primary tasks, are as follows:

### *Tasks*

- Inventory Whalebone Park existing conditions and assess existing use.
- Coordinate stakeholder input and public input from the broader community with regard to the use and redevelopment of the park.
- Identify constraints that impact the use of the park.
- Identify opportunities to improve the use and function of the Park for both tourists and year-round residents.
- Identify potential funding options for improvements.
- Develop and present findings and recommendations to Board of Commissioners for acceptance/agreement.

Tasks under future Phases are anticipated to include:

### *Park Program Recommendations and Feasibility*

#### *Tasks*

- Based on findings from Phase 1 and input/action by Board of Commissioners, develop a request for proposals for conceptual design development by a consultant.
- Identify and investigate opportunities for partnerships in the renovation of the Park.
- Present findings to Board of Commissioners for acceptance/agreement and/or prioritization before preceding to next phase.

### *Conceptual Design Development*

#### *Tasks*

- Select consultant to develop a conceptual plan(s) for the Park. This may include multiple plans that are developed with varying degrees of improvements and modifications.
- Gather public and stakeholder feedback for the conceptual designs.
- If applicable, identify budgetary needs for design and construction costs, work to formalize identified partnerships, and/or make initial preparations for procurement efforts.
- Present findings and final report to Board of Commissioners for acceptance/adoption.