

**Town of Nags Head
Planning Board
June 15th, 2021**

The Planning Board of the Town of Nags Head met on Tuesday June 15th, 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, Meade Gwinn, David Elder, Megan Lambert, Molly Harrison

Members Absent

Kristi Wright, Gary Ferguson

Others Present

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

Chair Vaughan asked for a motion to approve the agenda. David Elder moved to approve, Meade Gwinn 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 May 18, 2021, meeting. Meade Gwinn moved to approve the minutes as presented, David Elder seconded, and the motion passed unanimously.

Action Items

Special Use Permit/Change of Use Application submitted by Outer Banks Community Church to operate a Religious Complex within Croatan Center Shopping Center, Unit 12 (former Radio Shack). The property is zoned C-2, General Commercial and is located at 4711 S. Croatan Highway, Nags Head NC.

Deputy Planning Director Kelly Wyatt presented a Special Use Permit/Change of Use Review on behalf of the Outer Banks Community Church for an interior remodel of a vacant commercial unit (Building C, Unit 12) of Croatan Center Shopping Center (formerly Radio Shack) for use as a Religious Complex. The property is located at 4711 S. Croatan Highway and is zoned C-2, General Commercial.

Ms. Wyatt reminded the Board that the Board of Commissioners had recently adopted a text amendment to list "Religious Complex" as a permissible use within Commercial Mixed Use developments via the Special Use Permit process. Croatan Center Shopping Center is considered a Mixed-Use Development thus a Special Use Permit approval was required.

The property is located in an X Flood Zone; per the Town's local ordinance, the property is subject to an RFPE/LES of 9'. There are no structures requiring elevation included within the proposed scope of work. All proposed work will be within the existing footprint.

Ms. Wyatt noted that the 2017 Comprehensive Plan Future Land Use Map classifies this property as Neighborhood Commercial and stated that Staff found the proposal to be consistent with that classification.

Ms. Wyatt then reviewed the applicable Zoning Regulations:

- There are no additional lot coverages being proposed as part of the Special Use Permit/ Change of Use request for the tenant upfit as proposed.
- There are no new structures associated with this request to be regulated by height or architectural design requirements. All proposed work will occur within the existing footprint of Unit 12.
- Existing onsite parking is compliant with the parking standard of one parking space for each 4 seats in the sanctuary for religious complexes. The proposed change of use would accommodate a 46-seat sanctuary resulting in the need for 12 parking spaces.
- This request does not necessitate additional or supplemental landscaping and buffering; existing onsite buffering has been determined to be in compliance.
- No additional lighting is proposed at this time. Should additional parking lot lighting be necessary, the required photometrics and fixture information will be required for review and approval, prior to permit issuance.
- Signage has not been shown or requested as part of this application however any signage will require review and approval prior to installation.

Ms. Wyatt noted that the applicant is in the process of obtaining approval from the Dare County Health Department, this will be required prior to review by the Board of Commissioners.

The scope of work proposed does not necessitate stormwater management and traffic circulation review.

The Project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

The Public Works Director has reviewed and approved the proposal as presented.

Staff finds that proposed Special Use Permit/Change of Use is consistent with the applicable use and development standards, as well as relevant land use policies.

Based upon Staff's review of the proposal and the aforementioned considerations, Staff recommends approval of the Special Use Permit/Change of Use application as presented. Ms. Wyatt noted that she as well as James Ashe, a member of the church was present and available to answer any questions for the Board.

Mr. Gwinn noted that one of the tenants of the Croatan Center is Creative Choices, counseling for pregnant women and expressed concern with having a church with members that may have issues with the work that the counseling center is doing.

Mr. Ashe noted that he did not have any concerns with Creative Choices and believes they are all trying to do God's work. Mr. Ashe confirmed that he was confident that he and the other members of the church would respect the privacy of the people that use the service as well as the decisions they make with regards to a pregnancy.

Ms. Harrison noted that it seems like small space without much room to grow. Mr. Ashe explained that they don't anticipate their membership growing much and they just need a place to gather and worship on Sundays. They have an existing building in Kill Devil Hills but it is too large for them so they have decided to sell it and use the money to help people and make an impact in the community instead.

David Elder moved to recommend approval as submitted, Megan Lambert seconded and the motion passed unanimously.

Report on Board of Commissioners Actions – June 2nd, 2021

Planning Director Michael Zehner gave a report on the Actions from the Board of Commissioner's June 2, 2021, Meeting. Of note: a public hearing was held with regards to the 160D amendments, and they were adopted as presented; a public hearing was held to consider a text amendment pertaining to lot coverage associated with dumpster conversions, the Board adopted the ordinance as presented and directed staff to look into allowances for recycling dumpsters. There was an update on the Estuarine Shoreline Management Plan; the Board decided to take no further action on Event Home Registrations, there was also an update on the CAMA Land Use Plan which will come to Planning Board at their next meeting before going to the Commissioners for adoption.

Mr. Elder inquired if there had been any discussion or modifications to Beach Driving (Item #23). Mr. Elder noted that it is a growing concern, especially during Spring Break. Speed is an issue and there is no enforcement. Mr. Zehner noted that it was a request for more information for a future discussion. The Planning Board agreed that it is an issue, especially as there are more people on the beach; Mr. Zehner noted that if any Board Members have concerns, he would encourage them to reach out to the Commissioners.

Town Updates

None

Discussion Items

Discuss Scope of Electric Vehicle Action Plan

Principal Planner Holly White led a continued discussion of the Electric Vehicle Action Plan for the promotion and advancement of electric vehicles and infrastructure in the Town.

At their June 2019 meeting, the Planning Board initiated a discussion of electric vehicle charging stations and these initial discussions led to the inclusion of an Electric Vehicle Action Plan as part of the Planning & Development Department and Septic Health FY2020-2021 Strategic Work Plan, with the general goal being to support the increasing prevalence of electric vehicles.

Staff determined that modifications to the UDO regulations would be necessary to accommodate charging infrastructure. The Planning Board considered these text amendments at their March meeting and recommended approval, and the Board of Commissioners approved the text amendments at their May meeting. The amendments allow electric vehicle charging stations as an accessory use to residential and commercial uses in all zoning districts.

The Planning Board was presented with a problem statement and draft project scope for the Electric Vehicle Action Plan at their May meeting. There was no substantive discussion and staff recommended the Board continue their discussion at their June meeting.

While the discussion around electric vehicles and infrastructure has been ongoing, an Electric Vehicle Action Plan will allow the Town to undertake a proactive and holistic approach to electric vehicles and supporting infrastructure. In order to initiate the plan process, Staff developed an initial problem statement and project scope for the Board's consideration.

Staff was also recently contacted by representatives of Duke University Nicholas School of the Environment who are interested in developing this Plan for the Town, in collaboration with Planning Staff. Planning Director Michael Zehner has been in contact with Dr. Timothy Johnson, Chair of the Master of Environmental Management Energy and Environmental Program and discussed the potential project. Dr. Johnson followed up with a proposed framework and goals for completion of an Electric Vehicle Action Plan by the Nicholas School as a Master's Project (MP).

Ms. White stated that the scope of the MP was detailed in her staff memorandum. The deliverable for this project will be a written Electric Vehicle Action Plan for the Town documenting the following items related to the development and support of electric vehicle charging infrastructure:

1. Existing conditions
2. Town of Nags Head stakeholder needs and objectives
3. Best practices gleaned from similar cities
4. Stakeholder reactions the first three items listed here
5. Recommendations

Ms. White noted that this project would begin sometime in September and would run through March 2022 and that the students complete the MP work pro bono.

Ms. White requested the Board's feedback and direction on the scope and objectives of the Electric Vehicle Action Plan, as well as any related thoughts regarding stakeholder engagement and the timeline of the project.

Mr. Gwinn stated that he was delighted to see this moving forward.

Chair Vaughan and Mr. Gwinn agreed that the involvement of the Duke Master Students was a great step.

Mr. Zehner explained that this grew out of discussions related to the ETIPP program and thinks that it will be a good project once it starts.

Chair Vaughan and Mr. Zehner discussed stakeholder engagement. Mr. Zehner stated there will most likely be initial interviews with stakeholders – Planning Staff will help the students identify who the stakeholders are - and performing a needs assessment. Later there will be a larger public outreach effort once best practices are identified. Some of the stakeholders would include realtors, residential property owners and commercial property owners including hotel/motel operators.

Mr. Elder stated that the development of technology such as lithium-ion batteries is really going to change how they (electric vehicles) work. They need to keep in mind future technology and define a tipping point.

Mr. Gwinn agreed with Mr. Elder stating that it will be constantly evolving and will need to be monitored and they will need to adapt as appropriate.

Mr. Zehner stated that now is the time to start thinking about such things as charging stations replacing fueling stations or integrating them into existing uses and what that might mean to the infrastructure.

Mr. Elder agreed stating that they not only need to look at charging and what that might do to the electric grid but also how these types of vehicles will affect parking. Mr. Elder noted that there are already parking issues that have resulted from the increased use of golf carts and lack of enforcement.

This led to a general discussion on parking and enforcement and some options the Town may want to consider such as a parking enforcement patrol (separate from police), paid beach parking and a shuttle service (to the beach).

Preliminary Discussion on Amendments to Allow Temporary Accommodations for Outdoor Dining

Mr. Zehner explained that at their May meeting, the Board of Commissioners discussed temporary outdoor dining, indicating their support to allow for the continued issuance of Temporary Use Permits until November 28, 2021, should the declared state of emergency be lifted. The Board additionally asked Staff to work on a text amendment to allow temporary allowances for outdoor dining regardless of a declared state of emergency; amending the UDO to allow outdoor dining on a temporary or seasonal basis in a more flexible and simplified manner.

Mr. Zehner explained that currently, the issuance of a Temporary Use Permit for a temporary use or the temporary modification of a use is only eligible during a declared State of Emergency (or due to the impacts associated with a declared State of Emergency) such as the current pandemic or a hurricane.

Based on their review of the UDO, Staff is of the opinion that the provisions could be easily modified to allow for Temporary Use Permits to be issued at all times, for limited durations, for limited use types (at least initially, outdoor dining), and subject to certain limitations (i.e., no reduction of parking, no occupancy in excess of wastewater capacity, etc.). Alternatively, they could make Temporary Outdoor Dining a use and add the specific requirements for that use category in the supplemental standards.

Mr. Zehner stated that any feedback from the Planning Board would be helpful noting that the Board of Commissioners wanted to make sure that there be no reduction in required parking; that seating not increase in excess of available and required parking, or in excess of wastewater capacity.

Ms. Lambert believes that there is a need for it; there are people that do not want to come inside, people want to be outside. Ms. Lambert has seen it with her own business and fields call daily from people asking about outdoor service. Ms. Lambert stated that other businesses would be losing customers if they weren't able to offer outdoor service.

Chair Vaughan noted that even absent the current circumstances, this is morphing into something seasonal, something that people do for a few months every season.

The Board agreed that outdoor dining is part of what the beach experience used to be.

M. Gwinn agreed that they should focus on making it easier.

Mr. Elder thought it might be nice to start incorporating some architectural features such as a shade area built as part of it; this led to a discussion on lighting and how it's used.

Chair Vaughan stated that in general the Board is supportive: make the process simpler, maybe change the ordinance to allow it during a certain time period to make it easier both for Staff and the applicants. The Board agreed that they need to recognize that (outdoor dining) is here to stay and for some it's actually preferable.

May 26th, 2021 - Director's Report

Mr. Zehner presented his Director's Report to the Board. This report was shared with the Commissioners at their June 2nd Meeting. The report included updates on: Outdoor Lighting: event lights vs. string lights – no structure highlighting; LED street lights that Dominion Power is converting and potential sites for the use of Amber fixtures; LID Manual: Review of Stormwater Regulations – Staff will be meeting with the Mayor, Chair Vaughan and some builders to review the recommendations and see how the regulations are working and discuss process improvements; Decentralized Wastewater Management Plan; Dowdy Park Farmer's market – going well, very well attended.

Two other items of note: CAMA Land Use Plan – Mr. Zehner explained that the Town's Comprehensive Plan serves as the CAMA Land Use Plan, the Comprehensive Plan was adopted in 2017 but has not yet been adopted as the CAMA Land Use Plan. DCM required some changes so it will come to the Planning Board and the Commissioners as a draft before being adopted by the State. Whalebone Park – Phase I and II in Work Plan. The Park is under-utilized, how can it be improved upon? Staff met with the Arts & Culture Committee to discuss; because there is potential for Land Use changes Mr. Zehner stated that it was important to engage the Planning Board and would like to schedule a site visit with the members.

Planning Board Members' Agenda

As part of Board Member's Agenda, the Board discussed several topics related to the increase of residents/visitors to the beach: Trash Collection Schedule and how often it's picked up – the look and smell of the beach road on the weekends, more people means more trash and more parking issues, influx of people means services are stretched thin; New Recycling Program – how is that going? It seems people are using recycling carts for trash. Members also expressed a desire to get demographic data – would like information on how many more people are here.

Mr. Zehner discussed arranging a meeting with some members and the new Public Works Director, Eric Claussen.

There was also further discussion on the parking issue, a shuttle to the beach would eliminate a lot of the parking issues; maybe consider a shuttle service like the one that the Village at Nags Head provides – beach goers can take bikes, surfboards, chairs, etc.

Finally, there was a question about the status of completing the multi-use path. Mr. Zehner was unsure of the timeframe but will find out and circle back.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:43 AM.

Respectfully submitted,
Lily Campos Nieberding

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