

**Town of Nags Head
Planning Board
March 19, 2019**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, March 19, 2019 in the Police Training Room at the Nags Head Municipal Complex.

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

Members Present

Megan Vaughan, Kristi Wright, Mark Ballog, Meade Gwinn, Megan Lambert, David Elder

Members Absent

Mike Reilly

Others Present

Michael Zehner, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

David Elder moved that the agenda be approved as presented. Meade Gwinn seconded the motion and it passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

There being no changes, Meade Gwinn moved that the minutes from the February meeting be approved as presented. David Elder seconded the motion and it passed by unanimous vote.

Planning Board Training Workshop

The Planning Board hosted a training session with Town Attorneys John Leidy and Ben Gallop to review Planning Board roles and procedures. Among the items discussed were Board Duties and Responsibilities: Zoning Text/Map Amendments, Commercial Site Plans, Conditional Use and Vested Rights Permits; Subdivisions and the difference between Administrative and Quasi-judicial approvals; How the Board Operates (Public Meeting, Open Records, Rules of Procedure) and handling Conflicts of Interest.

Action Items

None

Report of Board of Commissioners Actions

Planning Director Michael Zehner reviewed recent Board Actions:

Mr. Zehner indicated that the Board of Commissioners had scheduled a public hearing for consideration of Town Code revisions pertaining to the regulation of short-term rentals within the Town via a registration process for the April 3, 2019 regularly scheduled meeting. Mr. Zehner indicated that there would be more discussion regarding short-term rentals, specifically the registration process, later in the meeting.

Mr. Zehner relayed recent discussions by the Board of Commissioners pertaining to Accessory Dwelling Units ("ADUs"). Mr. Zehner indicated that the Board of Commissioners had requested to review the draft provisions of the UDO addressing ADUs and be provided with a memorandum addressing the various dimensional regulations being considered, as well as use regulations, such as a prohibition on units being used as short-term rentals. The Board and Mr. Zehner discussed policy considerations associated with ADUs, especially related to housing affordability. Ms. White provided the Board with references from the Comprehensive Plan related to ADUs.

Town Updates

Principal Planner Holly White updated the Board on the Hazard Mitigation Plan.

Ms. White explained that the Town of Nags Head has joined efforts with Dare County and Currituck County on updating the Hazard Mitigation Plan. The Towns of Manteo, Nags Head, Kitty Hawk, Kill Devil Hills, Southern Shores and Duck will also be part of the 2020 Hazard Mitigation Plan Update.

Ms. White discussed the importance of the plan, stating that local governments are required to prepare and update hazard mitigation plans in order to be eligible for FEMA disaster relief assistance and mitigation grants. In addition to FEMA disaster assistance, the Hazard Mitigation Plan is also an important component of the Town's participation in the Community Rating System ("CRS") program. The CRS program recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards to enhance public safety, reduce damages to property and public infrastructure, avoid economic disruption and losses, reduce human suffering, and protect the environment. Through participation in the CRS program, all Town property owners receive a 20% discount on flood insurance.

While Dare County will act as the lead on this Hazard Mitigation Plan Update process, Planning Staff will be responsible for reviewing and providing feedback on the draft Plan, as well as vetting any information that is needed specifically for the Town. Public Involvement is an important part of this planning process. A planning team has been developed to assist in gaining community feedback and participation as well as meet the criteria of the CRS program for Hazard Mitigation Plans. The Dare County Team includes representatives from the County, each of the towns, and representatives of the public from each community. Nags Head's team members include staff members Shane Hite, Interim Fire Chief; Michael Zehner, Director of Planning & Development, and Holly White, Principal Planner, as well as two citizen representatives, Meade Gwinn and Megan Lambert. In addition to the planning team, Nags Head has offered the Board Meeting Room as a location for a community meeting. As the planning team makes progress, updates will be provided to the Planning Board.

On March 5th the Dare County planning team met to review the planning process, discuss specific hazard vulnerabilities for Dare County, and next steps. Staff will be meeting with the citizen

representatives to discuss and complete the Capability Assessment. In addition, staff will be reviewing current actions contained in the Albemarle RHMP in preparation for the next Dare County planning team meeting sometime in late April.

A citizen survey is now available on hazard risk and mitigation options that will assist in forming action steps for the plan. Citizen input is a critical part of the plan update process. Staff encourages everyone to visit the website to complete the Public Survey.

The Town has placed information about the plan and process, both the larger plan and Nags Head specific information, on the website. In addition, a project specific website has been set up for the joint Dare-Currituck County Project that will provide in-depth details on the plan process. Any upcoming and past Hazard Mitigation Planning Committee meetings and public meetings, draft documents, and summaries of the hazards that affect the Outer Banks will be available.

Ms. White explained for Ms. Vaughan that this new plan replaces previous versions, one of which was a Town of Nags Head standalone plan and the most recent one in which the Town was grouped into a much larger regional plan.

Ms. White confirmed for Mr. Gwinn that all Nags Head Property Owners are encouraged to complete the survey, regardless of whether they are Nags Head residents or not.

Discussion Items

Discussion and presentation of site plan review process based on the FOCUS Nags Head Draft Unified Development Ordinance.

While in many respects the Unified Development Ordinance focuses on pulling land use codes together in a comprehensive and intuitive format, there are a handful of departures from current processes, one of which involves the Site Plan Review process.

At the Planning Board's February 2019 meeting, Staff was requested to provide a presentation of the current site plan review process compared to the proposed process, with an emphasis on the role that the Planning Board would now play, specifically during the pre-application and sketch plan phase.

Deputy Planning Director Kelly Wyatt first reviewed for the Board the existing process which currently includes submittal of site plan and application, review by the Technical Review Committee members, followed by a meeting with the TRC and the applicants where any questions, issues or concerns are discussed. The applicant then has about a week to address any concerns which Planning staff then resends to the TRC for final comments before the site plan and application are presented to the Planning Board with a Staff recommendation of Approval, Approval with Conditions or Denial.

The new process would require a mandatory pre-application meeting and sketch plan review with the Planning Board prior to the submission of a formal site plan. Sections 4.3 and 10.84.1 of the UDO indicate that a sketch plan is mandatory for all new development (other than one and two-family dwellings) in cases where new construction and/or additions have a total habitable building area that is five thousand (5,000) square feet or greater.

Ms. White then presented the Board a PowerPoint Slide Show which reviewed the five major changes in the site plan review process and explained the proposed new process in more detail. Following

initial contact by the applicant, Staff would determine if a pre-application meeting and sketch plan is needed. The applicant would then submit a sketch plan and a pre-application meeting would be scheduled. Staff would review the sketch plan, conduct the pre-application meeting with the applicant, create a staff report and present the sketch plan to the Planning Board. The applicant would then have an opportunity to make any changes suggested by the Board and complete a formal application which would then be reviewed by the TRC. The application would then come to the Planning Board for a second time for final recommendation to the Board of Commissioners.

Ms. White explained that these changes allow Staff to sit down with the applicant (early in the process before a lot of money has been invested in site design) and discuss consistency with the Town's Comprehensive Plan as well as the desire for both the site and the building to meet the Town's standards and guidelines. As part of her presentation Ms. White explained the difference between Standards and guidelines as they pertain to such things as architectural design/elements and building footprint/orientation, including the definition of human-scaled.

Mr. Zehner explained for the Board that the sketch plan would probably not have detailed information when it came to such things as stormwater but noted that the benefit of this process is that it gives the applicant more flexibility to get an initial reaction from the Planning Board before they've spent tens of thousands in the design.

Mr. Zehner further stated that Planning staff have discussed forwarding the sketch plan to the TRC for their initial comments so that the Planning Board would have them to share with the applicant at that first meeting.

Continued discussion of the short-term rental registration process.

Mr. Zehner provided the Board with a review of the registration services for short-term rentals that the Staff was considering. Mr. Zehner and the Board discussed the registration requirement and the regulations to be imposed on an owner/operator if the ordinance amendments were adopted. Mr. Zehner and the Board discussed the overall cost of services, as well as the various services offered by at least one known vendor. Mr. Zehner mentioned that Staff has submitted a budget request of approximately \$30,000 for the services, but that the costs could be offset by a registration fee and an associated increase in sales and occupancy tax revenues.

Planning Board Members' Agenda

None

Planning Board Chair's Agenda

None

Adjournment

There being no further business to discuss, a motion to adjourn was made by Meade Gwinn. The time was 11:11 AM.

Respectfully submitted,

Lily Campos Nieberding