

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 16, 2021

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: **Special Use Application** — 2003 S. Croatan Hwy in the Commercial Zone - Add Outdoor Dining Activity Area

Enclosed is a Special Use Application submitted by Noosa Beach Grille for an Outdoor Dining Activity Area at 2003 N. Croatan Hwy in the Commercial Zone. The proposed plan calls for an Outdoor Dining Activity Area at the existing Restaurant use, "Noosa Beach Grille", located at 2003 N. Croatan Hwy. The proposed location has been shown on the attached site plan. As you recall, Outdoor Dining Area(s) are listed as a Special Use under 153.177(H) as an accessory to a restaurant use and includes several conditions. These conditions are attached for your convenience. Additionally, attached you will find a commercial site plan application, proposed site plan, applicants response to staff technical review 1, and Dare County Health Department Approval.

The applicant has addressed most of the staffs initial technical review comments; however, the following condition remains to be addressed:

Planning – Cameron Ray (252-449-5311)

1. Fence bordering Outdoor Dining Activity Area shall be four feet in height 153.177(H). Existing fence is only 36".

Staff recommends that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation after the above listed condition has been addressed.

(H) *Outdoor dining activity area(s).*

(1) Outdoor dining activity area(s) shall be accessory to restaurant use only, not including drive-in restaurants.

(2) Outdoor dining activity area(s) shall have no scheduled events or activities before 7:00 a.m. nor after 11:00 p.m. on any day. There will be no music or games between 11:00 p.m. and 7:00 a.m.

(3) No cooking or serving utilities including grilles, bars or drink dispensers shall be permitted. All such cooking and serving utilities shall be contained within the principal building.

(4) Lighting and sound (including music or noise) must comply with the Town Code. Signage shall comply with the Town Code, including signs on umbrellas.

(5) The area must be kept clean of litter and maintained in a safe and sanitary condition.

(6) Appropriate waste receptacles with affixed lids shall be provided.

(7) On sides not adjoining the principal building the area designated as outdoor waiting activity area(s) shall be bordered by a minimum four foot high fence, with the exception of elevated, covered decks for which fencing requirements are already in place, and shall be buffered with landscaping as set forth in § [153.073\(F\)\(2\)\(b\)](#).

(8) Outdoor dining activity area(s) may not be roofed or shaded in any way other than standard table umbrellas. Erection of a tent subject to a special use or event permit from the town is not prohibited.

(9) Outdoor dining activity area(s) shall comply with minimum parking requirements for the primary structure as set forth in § [153.076](#).

(10) Outdoor dining activity area(s) must have Health Department approval and meet all aspects of the NC Building Code.

(11) Application for a conditional use permit shall include a standard commercial site plan and a written description of the function of the area including hours of operation, types of games or activities provided and what food and beverages if any may be consumed in the area. Means of compliance with outdoor alcoholic beverage consumption shall be included.

(12) The Planning Board may recommend to the Board of Commissioners, and the Board of Commissioners may impose, any additional conditions that they determine are appropriate to ensure that the off-site effects and any adverse effects to adjoining properties are kept to a minimum.

November 9, 2021

Town of Kill Devil Hills

Cameron Ray
Assistant Planning Director
102 Town Hall Drive
Kill Devil Hills, NC 27948

NOV 09 2021

Planning & Inspections Department

Re: Site Plan Technical Review1 – Noosa Beach Grille, 2003 S. Croatan Hwy

The following are responses in **bold** to the Planning Staff comments dated November 2, 2021.

Planning-Cameron Ray (252-449-5311)

- Provide directional arrows for drive aisles that access US158. Both are one way due to drive aisle width
These are currently existing at the site and have been added to the Site Plan.
- Provide parking space widths
All parking spaces are 10' wide and a typical note has been add to the Site Plan.
- Provide distance of proposed "Outdoor Dining Activity Area" from western property line. Shall be a minimum of 10' from property line to meet buffer requirements
A 10' setback line has been added to the Site Plan and the Proposed Outdoor Dining Activity Area is outside of this setback.
- Landscaping requirements: Front property line shall meet landscaping requirements. All required plantings shall be on the property, not located within the ROW. Minimum plantings shall be (5) trees and (15) shrubs (150' property line: 1 tree per every 30', 1 shrub per every 10'). Landscaping may be dispersed anywhere along the front property line within the 10' buffer (North and south side of drive aisles currently show no landscaping)
The site currently has 5 Hollywood Juniper trees meeting size requirements and 6 Pampas Grass shrubs. 9 additional Pampas Grass shrubs are proposed in the landscape buffer and shown on the Site Plan.
- Palm tree and Sago Palm shrub are not recommended as they are not native plantings. Recommended to plant native salt/drought tolerant species as shown in Appendix A. (See Appendix A in KDH Town Code)
Noted.
- Revise Note: "2,899 SF enclosure building area". Add existing permitted use "(O) Restaurants".
This has been added to the Site Plan.
- Add note: "Proposed special use for Outdoor Dining Activity Area as an

accessory to existing restaurant complying with all conditions outlined 153.177 (H)"

This has been added to the Site Plan.

- Add note: "Outdoor dining activity area(s) shall have no scheduled events or activities before 7:00 a.m. nor after 11:00 p.m. on any day. There will be no music or games between 11:00 p.m. and 7:00 a.m."

This has been added to the Site Plan.

- Revise note: "Fence" to include total height
The existing fence is 36" tall and is noted on the site plan.

Building Inspector-Marty Shaw/Charles Thuman (252-449-5312)

- Outdoor dining area entrance gates shall swing outward in the direction of egress
The occupant load served by these gates is less than 50 and by NCBC 1010,1.2.1 not required to swing in the direction of travel.
- Gates must not encroach on egress path from main restaurant.
This does not apply. See previous note.
- Gates shall be equipped with panic hardware
The occupant load served by these gates is less than 50 and by NCBC 1010,1.10 not required to have panic hardware.
- Center exterior foot leading to outside dining area shall be marked "Not an exit". It does not lead people inside existing restaurant to an allowable egress area
Noted.
- Appendix Band life safety plan required
An Appendix and life safety plan have been added to the submission.

Fire-John Risoldi (252-480-4060)

- Gates shall swing toward egress travel out of that space.
The occupant load served by these gates is less than 50 and by NCBC 1010,1.2.1 not required to swing in the direction of travel.
- Occupancy Load shall be calculated for that space and the main restaurant as well and posted
Occupancy calculations are included on the Appendix B drawing sheet A001.
- Appendix B required for this space
This space has been added to the Life Safety drawing on sheet A001.
- Drive lanes around the building were designated as fire lanes and it does not show it on the site plan
The notes "NO PARKING FIRE LANE" has been added to the Site Plan.

- If smoking is permitted a non-combustible container shall be installed and kept clean of discarded smoking materials

Noted.

Police-Dana Harris (252-449-5337)

- Due to the expected increase in customers they may want to place signage guiding customers leaving to use the back driveway onto Wrightsville Ave. to exit onto Eighth St. This would reduce the risk of collisions on US 158 at their entrances/exits.

Noted.

Please contact me with any comments or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Kasten", with a horizontal flourish extending to the right.

Mark Kasten, AIA, LEED AP

Town of Kill Devil Hills Planning and Inspections
Commercial Site Plan Review Application*



Applicant

Name: M. Susan Stunorsek
 Address: 8129 S. Old Oregon Inlet
Nags Head, NC 27959
 Phone: 252.506.6800
 Fax: 252.715.0393
 Cell: 252.506.6800

Property Owner

Name: Mildura Properties LLC
 Address: 2003 S Croatan Hwy
 Phone: _____
 Fax: _____
 Cell: _____

Property Location

Address: 2003 S. Croatan Hwy Lot, Block: 00515000
 Subdivision: _____ Pin#: ~~252-705-028~~ 9893131308
 Zoning District: Commercial LI-1 LI-2 OIR
 Total Lot Size: _____ Sq. Ft. Disturbed Area: _____ Sq. Ft.

Contractor

Company Name: None License Number: _____
 Name: _____ Phone: _____
 Address: _____ Cell: _____
 Fax: _____
 Town Privilege License Number: _____

Construction Information

Type of Construction: _____
 Assembly Business Educational Factory/Industrial High Hazard
 Institutional Mercantile Residential Storage Utility/Misc.
 New Construction Addition Repair/Replace Remodel Other: _____

Square Footage Proposed:

Interior Space: _____ Sq. Ft. Covered Deck(s): _____ Sq. Ft. Storage: _____ Sq. Ft.
 Garage: _____ Sq. Ft. # of Bedrooms: _____ # of Open Deck(s): 1
 Proposed Square Footage: _____ + Existing Square Footage: _____ = _____ Total Sq. Ft.
 % Impervious Coverage: _____ + % Pervious Coverage: _____ = _____ Total % Coverage
 # of Parking Spaces: Existing: _____ Proposed: _____ Total: _____
 Septic Tank Permit #: _____ Construction Type: _____

Estimated Construction Cost (including labor and materials): None

Flood Information

Flood Zone: VE AE X Base Flood Elevation: Town of Kill Devil Hills
 Proposed First Floor Elevation: _____ Sq. Ft Below Base Flood Elevation: _____

OCT 26 2021

*This form is designed as a guide for Commercial Site Plan Review.
 Additional plans and information will be required prior to building permits.
 Planning & Inspections Department

Project Description

Conditional use of public financing

Required Site Plan Information Checklist:

- Permit Application (Completed)
- Site Plan Including the following
 - Submittal Requirements:
 - Vicinity Map
 - 15 Copies of Site Plan & Building Plan Elevations – Front, Side, and Rear
 - Tentative Health Department Approval
 - Site Plan Development Review Fee Paid in Full
 - Existing Conditions:
 - Boundary of Entire Lot
 - Width and Location of Existing Right of Ways
 - Nature, Purpose, Locations, and Size of Existing Easements
 - Iron Pins and Concrete Monuments
 - Scale (1" = 50" Minimum)
 - North Arrow
 - Streets Including Width of Pavement
 - All Underground Utilities, Gas/Propane Below or Above Grade
 - Dare Co. Register of Deeds Map Book/Subdivision Ref.
 - Street Address
 - Present Recorded Owner, Developer, Engineer contacts
 - Adjacent Property Owners, Adj. Use & Zone
 - Corp. of Engineers Report / Wetland Study
 - NFIP Flood Zone (ref: Elevation Datum (NAVD 1988))
 - Minimum, Lot Size indicated
 - Proposed Improvements:
 - Zoning Use Compliance/Setbacks labeled
 - Landscaping Plan / Buffers / Screening (per section 153.073)
 - Lighting Plan - photometric showing point output (section 153.074)
 - Sedimentation & Erosion Control Plan including details
 - Disturbed Areas delineated & areas calculated
 - Location of Sidewalks on the Croatan Highway and Curbs
 - Location of Sewer Facilities and Drain field
 - Proposed Building Type, # of Floors and dimensions, floor area ratio, Height
 - Existing and Finished Grades of Entire Site
 - Storm Water Management Plan including calculations
 - Total Units and Density per Acre (Multi-Family) or floor area ratio (in OIR)
 - Lot Size and Lot Coverage Calculation
 - Utility Plan indicating location & sizes of proposed improvements
 - Water Service Sizing Checklist
 - Layout, Size and Number of Parking Spaces including handicap w/ setbacks (Each Space Numbered)
 - Fire Lane and Driveways
 - Loading Zone (Commercial Sites)
 - Mail Delivery Cluster Sites (Multi-Family)

- Proposed First Floor Elevation
- Dumpster Pad Location
- Proposed Sign Location
- Sight triangle shown
- Commercial Building Plans showing architectural compliance
- Plans to N.C.D.O.T. (if required)
- NC Engineer/Land Surveyor Seal on Site Plan

*** The items listed in the Site Plan portion of the above checklist represent information that must be indicated on any site plan submitted for review by the Kill Devil Hills Planning Department, Planning Board, and Board of Commissioners. All of the above required documents shall be submitted on or before the 3rd Tuesday of each month. Upon completion of review, the Planning Board shall transmit its recommendations to the Board of Commissioners. The Board of Commissioners shall review site plans on the second Monday of each month.

Signature of Applicant: MS Stumweil (Date) 10.25.21



Oct 26, 2021

Noosa Beach Grille LLC

requests conditional use of our enclosed Patio section
Patio Open for dining from 11 am- 10 pm 7 days a week.
Items from both dinner and lunch menus will be served.
No games or Activities will be permitted
The following conditions will be followed

(H) *Outdoor dining activity area(s).*

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Town of Kill Devil Hills

OCT 26 2021

Planning & Inspections Department

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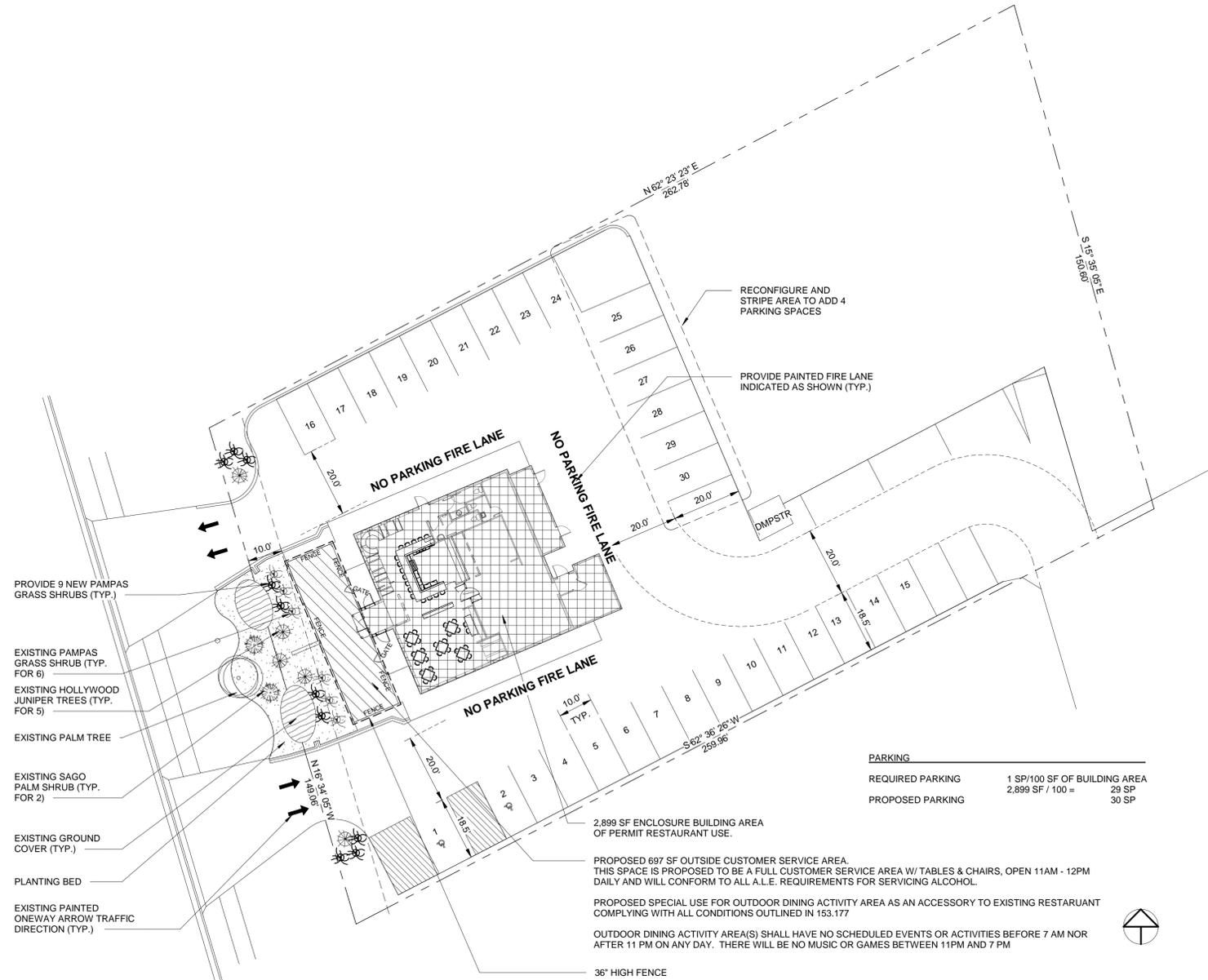
Noted.

Please contact me with any comments or questions.

Sincerely,



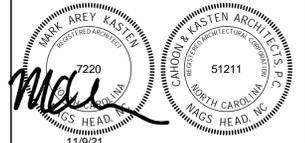
Mark Kasten, AIA, LEED AP



1 Site Parking Diagram
1" = 20'-0"

Project: **Noosa Beach Grille**
Project No: **20049**
Location: **2003 S Croatan Hwy Kill Devil Hills, NC**
Title: **Parking Plan**
Date: **November 9, 2021**
Scale: **1" = 20'-0"**

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.



Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK
Reviewed: MAK
Cad File:

A002