Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

January 18, 2022

Memorandum

To: Planning Board

From: Ryan Lang, Senior Planner RL

Subject: **SITE PLAN REVIEW**—1836 N. Va Dare Trl: Jolly Roger Restaurant — Proposed 4,118 Square Foot Lounge Addition

Enclosed is a site plan review submittal by Albemarle & Associates Ltd for the proposed construction of a 4,118 square foot "Lounge" addition with a 256 square foot covered deck, 23 new parking spaces, and associated site improvements at the existing "Jolly Roger" restaurant located at 1836 N. Va Dare Trl. The proposed plan includes filling in a portion of the existing pond to increase the parking and drive aisle width on the north-western portion of the property, and adding a bulkhead and boardwalks along the existing pond. The proposed use is considered an addition of the existing use of (O) "Restaurant" and is a permitted use within the Commercial Zoning District. Attached you will find a cover letter, commercial site plan review application, stormwater narrative/calculations, KDHWWTP willingness to serve, parking agreement with Outer Banks Theaters, LLC, nonconformities worksheet, correspondence with NCDOT, proposed site/architectural plans, and applicant response to Staff Tech 1.

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

<u>Planning – Ryan Lang (252-449-5315)</u>

1. Sedimentation and Erosion Control Plan shall provide proposed stabilization methods, ground cover, and silt fence locations.
2. Provide existing stormwater improvement protections in areas of disturbance.
3. Financial Responsibility and Ownership Form required.
4. Notes:
   a. #3 Legal Agreement Reference Required.
5. Sheet C204 Handicap Signage required to reference General Statue "GS 20-37.6"
6. Sheet C202 Landscaping Plan: Fence on south property line is required to be inside of landscaping buffer per Chapter 153.073 "In all cases where a fence is constructed, the required landscaped

area shall be located between the fence and the property line". Extend fence west to end of landscaped area.

7. Sheet C203 Lighting Plan: Proposed Lighting Plan needs to provide average minimum and maximum average foot candles. Add note "All lighting shall be contained within the perimeter of the site by design, orientation or shielding of the light source Per Chapter 153.074(E)(3)."

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

Albemarle
& ASSOCIATES, LTD.

Town of Kill Devil Hills

OCT 19 2021

Planning & Inspections Department

October 19, 2021

Cameron Ray, CFM
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948

RE: Jolly Roger Restaurant – Lounge Addition

Dear Cameron:

Find attached five sets of plans and supporting data for the above. This is essentially the same plan that was approved by the Planning Board previously but was pulled form the BOC agenda. We made very slight modifications to this plan as the building footprint remained the same but we took some square footage out of the first floor in order to have a second floor covered porch are on the east side of the building. I included the covered second floor deck in the parking calculations. We made no changes to the lot layout or coverages nor did I modify any of the proposed stormwater management areas.

Included with this submittal is the review fee, letters from Eddie Goodrich (this is the original commitment letter and I have discussed this with Eddie and he stated that he will issue a new one. She already purchased the capacity from him in 2006), and the theatre. The theatre does have 14 additional spaces according to their approved site plan.

I have also included the stormwater narrative and stormwater calculations and a copy of the lighting plan photometrics for your use. I will send the drawings to you as PDF's for your use.

Sincerely,

John M. DeLucia, PE
Principal

cc: File

Planning – Surveying – Engineering – Environmental – Construction Management
P.O. Box 3989, 115 W. Saint Clair St., Kill Devil Hills, North Carolina 27948
North Carolina License No. C-1027
Phone: 252-441-2113 www.AlbemarleAssociates.com Fax: 252-441-0965

Town of Kill Devil Hills

OCT 19 2021

Planning & Inspections Department

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

Applicant

Name: Chello Inc

Address: P O Box 2517
Kill Devil Hills, NC 27948

Phone: 252 441-6530

Fax: Jolly Roger restaurant <jroger@embarqmail.com>

Cell:

Property Owner

Name: Same

Address:

Phone:

Fax:

Cell:

Property Location

Address: 1836 N Va Dare Trl

Lot, Block: Lot: 1,2,20,21 Blk: G Sec: 2

Subdivision: Croatan Shores Amended

Pin#: 988406389793

Zoning District: ☒ Commercial ☐ LI-1 ☐ LI-2 ☐ OIR

Total Lot Size: 121194 Sq. Ft.

Disturbed Area: 42,500 Sq. Ft.

Contractor

Company Name:

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: 4118 Sq. Ft. Covered Deck(s): 256 Sq. Ft. Storage: Sq. Ft.

Garage: Sq. Ft. # of Bedrooms: # of Open Deck(s):

Proposed Square Footage: 4624 + Existing Square Footage: 5431 = Total Sq. Ft.

% Impervious Coverage: + % Pervious Coverage: = 51.3 Total % Coverage

# of Parking Spaces: *Existing:* 70 *Proposed:* 23 *Total:* 107 (14 offsite)

Septic Tank Permit #: Construction Type:

Estimated Construction Cost (including labor and materials):

Flood Information

Flood Zone: ☐ VE ☐ AE ☒ X

Base Flood Elevation:

Proposed First Floor Elevation: 10.15

Sq. Ft Below Base Flood Elevation:

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

Project Description

The addition of a lounge to the existing building

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: _____ **(Date)** 10/19/21

STORMWATER NARRATIVE
for the
JOLLY ROGER RESTAURANT
located at
1836 NORTH VIRGINIA DARE TRAIL
KILL DEVIL HILLS, DARE COUNTY, NC

The Owner of the Jolly Roger Restaurant in Kill Devil Hills, North Carolina intends to make site improvements to the property. These improvements include a building addition, additional parking, a system of boardwalks for channeling pedestrians, landscaped islands throughout, stormwater improvements, and bulk heading of an adjacent pond to improve the visual appeal of the site. The current site consists a restaurant with lounge and parking.

The site is located on **2.8** acres which includes **1.3** acres of pond area. The site is level with small scrub bushes in the rear along the perimeter of the pond. The Soil Survey for Dare County has mapped the soils to consist of NeC (Newhan Fine Sand). Newhan fine sand is characterized by rapid permeability with rates in excess of 20 inches per hour. Elevations range from 4.5 MSL adjacent to the pond to approximately 10.5 MSL. The site currently has minimal stormwater retention and the majority of the runoff infiltrates into the adjacent grounds or into the pond. Proposed overall coverage for the site is 56.2%.

There is one drainage area for the entire site and five (5) infiltration basins. Basins 3, 4, and 5 collect the majority of the building runoff. Basin 2 collects runoff from the parking in the center of the site. The storage and infiltration for basin 1 is a combination of runoff from the west and southern parking lots and a portion of the building addition. Conveyance of the runoff to basin 1 is accomplished using open swales and "closed swales". The closed swale is a stone filled swale with a socked 10" diameter perforated pipe which allows conveyance as well as infiltration. With the exception of the front of the building, the entire site acts as one system. When the basins in the front overflow, the flow will be directed to a series of drop inlets within the NCDOT right-of-way for NC12. When the remainder of the site receives rainfall amounts in excess of 4.5", the runoff will flow through the open and closed swales to Basin 1 and then into the pond.

10/19/21

STORMWATER CALCULATIONS
for
JOLLY ROGER

Stormwater Drainage Area (Entire Site)

PRELIMINARY

Drainage Area **121,194 sf** = **2.78 ac**

SURFACE AREA INFORMATION			
Imprevious Surface	**C Value**	**Area**	**C*A**
Parking-Open Face Paving Concrete	*0.50*	0	0
Parking / Drive Aisles-Asphalt	*0.95*	32,370	30,752
Concrete	*0.95*	2,001	1,901
Building	*1.00*	10,244	10,244
Total Impervious Area		**44,615**	42,896
Stormwater Management Areas	**C Value**	**Area**	**C*A**
Infiltration Basin	*1.00*	*4,523*	4,523
Infiltration Swale	*1.00*	*1,920*	1,920
Total Stormwater Management Area		**6,443**	6,443
Total Contributing Area		**51,058**	49,339

Composite C 0.97
Contributing Area 1.17 ac

NORTH CAROLINA PROFESSIONAL SEAL 9999 JOHN M. DeLUCIA, JR.
10/19/12

Infiltration Basin Characteristics

Basin Storage	**Side Slope**	**Depth (ft)**	**Volume (cf)**
Stormwater Basin	1:4	Varies	**5,198**
Total			**5,198**

Swale Storage	**Side Slope**	**Depth (ft)**	**Volume (cf)**
Open Swales	1:3	0.83	**797**
Closed Swales	1:3	0.83	**228**
Total			**1,025**

Infiltration **	**Surface Area (sf)**	**Infiltration Rate (in./hr)**	**Infiltration Volume (cf)**
Infiltration Basin	4,523	10.00	**7,538**
Open Swales	1,920	10.00	**3,200**
Closed Swales	867	10.00	**1,445**
Total	7,310		**12,183**

Void Space	**Pond Center (sf)**	**Depth (ft)**	**Void Volume (cf)**
n/a		1.00	**0**
Main	20.00		**0**

Stormwater Management	1"	1.5"	4.3"	5.0"
Intensity (in./hr)	0.5	0.75	2.15	2.50
Runoff (cfs)	0.57	0.85	2.44	2.83
2-Hour Runoff Volume (cf)	**4,078**	**6,116**	**17,534**	**20,388**
Pond Storage Volume (cf)	6,223	6,223	6,223	6,223
Pond/Swale Infiltration Volume (cf)	12,183	12,183	12,183	12,183
Void Volume Under Pond (cf)	0	0	0	0
Total Stormwater Managed (cf)	**18,406**	**18,406**	**18,406**	**18,406**
Percent Retained	**451%**	**301%**	**105%**	**90%**

* - Stormwater falling upon the drainfield and perimeter areas with greater than two feet separation excluded from calculations due to the porosity of existing conditions.

** - based on two hour infiltration rate.

Prepared by Albemarle & Associates, Ltd.

KDHWWTP, LLC
P.O. Box 3629
Kill Devil Hills, NC 27948
NCUC W-1160

Willingness to Serve

December 9, 2021

Town of Kill Devil Hills
102 Town Hall Drive
Kill Devil Hills, NC 27948

Re: The Jolly Roger Restaurant Expansion

To whom it may concern:

The Jollu Roger Restaurant property currently has 8979 gpd of allocated sewer capacity which is adequate for its existing operation and the proposed expansion at this time.

My best regards,

Eddie Goodrich

Eddie Goodrich
Member Manager

Outer Banks Theaters, LLC
P. O. Box 357
Murfreesboro, NC 27855

Henry H. Revelle
Scott R. Cohen

Phone: 252-398-4116
Fax: 252-398-5119

January 18, 2005

Jolly Roger Restaurant
Kill Devil Hills
North Carolina

This letter is to confirm agreements allowing the Jolly Roger to utilize the excess 14 parking spaces located on the eastern portion of our property in conjunction with the restaurant's proposed expansion. If I may be of any further assistance, please call on me.

Cordially,

Henry H. Revelle

HHR/gw

4354G

APPENDIX F: NONCONFORMITIES WORKSHEET

Nonconformities Worksheet	
MINIMUM POINT REQUIREMENTS FOR INDIVIDUAL SECTIONS:	
Dimensional: 3	
Lighting: 1	
Stormwater: 10	
Landscaping & Architectural: 5	
Access & Parking: 11	
USE OF THIS CHECKLIST	
•	Ordinance Required (**"Required"**) points are all "C" and "C*" which apply to a specific site.
•	Total Possible Ordinance Required Points vary by zone and size of site.
•	**"C" - Compliant:** designates items which are ordinance regulations
•	**"C*" - Compliant additional:** designates items which are ordinance requirements for certain sites and zones
•	**"O" - Optional:** designates items whose point totals are optional items which may be used to offset non-compliant elements
•	Minimum Point Totals must be met in each category. New non-conformities shall not be created. Improvements shall be made in each category unless site is deemed "compliant" in that section with the exception of setbacks and height. Compliant status shall be when the site point totals equal or exceed the total of all ordinance required "C" and "C*" items.
DOCUMENTATION REQUIRED TO RECEIVE CREDIT FOR CHECKLIST ITEMS	NOTES
•	**Documentation** should be submitted to the Planning Department
•	Providing a **"Signature"** as documentation for a checklist item indicates that the party signing is accepting responsibility that the item has been completed in full and that all reasonable care has been taken to meet the stated intent of that checklist item.

		Requirements	Points	Documentation
	1	Must comply with all federal, state and local government requirements in place at the time of construction of the building and/or site including but not limited to: NC Building Code, local development regulations and other local regulations.	Required	Plans (site and floor)
	2	Site survey of as-built conditions including but not limited to all site features, lot coverage, and flood zone	Required	Survey prepared and sealed by a North Carolina licensed PLS
	3	Points are not awarded for correcting violations; only for improvements to zoning nonconformities (see definitions 153.002)		

		Dimensional (minimum 3 points)	Pts	Score			Documentation
				Required	Exist	Proposed	
Setbacks							
C	1	Front Yard Setback in compliance, *or*	2		0	2	Survey
	2	Front Yard Setback encroachment less than 20, *or*	1				
	3	Front Yard Setback encroachment greater than 20%	0				
C	4	Side/Corner Yard Setback in compliance	2		0	2	Survey
C	5	Rear Yard Setback in compliance	2		2	2	Survey
C*	6	Accessory structures in compliance with setbacks	1				
Height							
C	7	Building Height in compliance w/Zoning District	2		2	2	Height Certification
Lot Coverage							
C	8	Lot coverage in compliance with Zoning District, *or*	10		10	10	Survey
	9	Lot coverage exceeded by less than 10 percentage points, *or*	5				
	10	Lot coverage exceeded by 10-20 percentage points, *or*	2				

	11	Lot coverage exceeded by more than 20 percentage points	0				
Subtotal for Dimensional section (min 3 pts)							

Lighting (minimum 1 point)			Pts	Score			Documentation
				Required	Exist	Proposed	
C	1	Lighting in compliance with 153.074	2		1	2	Light survey
	2	Lighting less than allowable levels	1				
	3	Lighting exceeds allowable levels	0				
Subtotal for Lighting section (min 1 pts)							

Storm Water (minimum 10 points)			Pts	Score			Documentation
				Required	Exist	Proposed	
C	1	Ten-year, 2-hr storm (4.3") contained on site	15		5	15	PE Certification
	2	Greater than 75% of ten-year, 2-hr storm contained on site, *or*	10				
	3	51-75% of ten-year, 2-hr storm contained on site, *or*	5				
	4	25-50% of ten-year, 2-hr storm contained on site, *or*	2				
	5	less than 25% of ten-year, 2-hr storm contained on site	0				
O	6	Rainwater harvested and directed toward landscaping needs.	2				PE Certification
O	7	Install rain gardens, pocket wetlands, or other storm water quality measures to treat the first 1/2" of runoff	3				PE Certification
O	8	Install rain gardens, pocket wetlands, or other storm water quality measures to treat the first 1" of runoff	5				PE Certification
Subtotal for Storm Water section (min 10 pts)							

Landscaping & Architectural (minimum 5 points)			Pts	Score			Documentation
				Required	Exist	Proposed	
C*	1	Required buffers are in place and meet opacity standards (if applicable)	5				Survey
C	2	Perimeter landscaping per 153.073	5				Survey
C*	3	Interior landscape islands provided if parking count exceeds 40 spaces (if applicable)	5			5	Survey
O	4	Interior landscape islands provided where parking count does not exceed 40 spaces	2				
O	5	Landscape includes diversity (8-10 species min.) of native drought- tolerant vegetation	2				Landscape Plan
C*	6	Commercial building exterior standards are met in the commercial zone (if applicable)	3		3	3	Architectural Plans
O	7	Commercial building exterior standards are met in any other zone	5				Architectural Plans
Subtotal for Landscaping & Arch (min 5 pts)					3	8	

Access & Parking (minimum 11 points)			Pts	Score			Documentation
				Required	Exist	Proposed	
C	1	Parking is in compliance with 153.076, *or*	15		15	15	Survey
	2	80% or greater of required parking is provided, *or*	10				
	3	61-80% of required parking is provided, *or*	5				

	4	40-60% of required parking is provided, *or*	2				
	5	Less than 40% of required parking is provided	0				
C*	6	Sidewalk provided along public right-of-way (if applicable)	5				Survey
C	7	Sight triangles provided per Town requirements	3	2	3	3	Survey
C*	8	No access is permitted on US 158 (if applicable)	10				Survey
O	9	Right in/ right out access only is permitted on US 158 (if applicable)	5				Survey
	10	Direct full service access to US 158 when side street is available	0				Survey
C*	11	Curbing is provided for drive radii	2		0	2	Survey
Subtotal of points for Access & Parking (min 11 pts)							

PROJECT SUMMARY	Required	Existing	Proposed
Total Overall Scores for Site			

(Ord. 07-18, passed 10-24-07)

John Delucia

From: Otts, David B <dbotts@ncdot.gov>
Sent: Monday, December 13, 2021 2:43 PM
To: John Delucia
Cc: Spear, Caitlin A
Subject: Re: [External] Jolly Roger Restaurant N Va Dare Trail KDH

Good afternoon Mr. Delucia. I don't see a need for a driveway permit to slightly re-align the existing drive. As can be seen on the following street-view, nearly the entire frontage of the existing lot was made available for use as a driveway before. The fact that you are channelizing traffic, as well as preventing parking on the right-of-way, is a vast improvement over the current configuration.

1833 N Virginia Dare Trail - Goog

google.com/maps/@36.0366033,-75.6708106,3a,75y,216.07h,83.5t/data=!3m7!1e1!3m5!1skF-D

If we can be of any additional assistance, please don't hesitate to contact us at any-time.

Sincerely,
David B. Otts, P.E.
District Engineer
Division One - District One
North Carolina Department of Transportation

From: John Delucia <johnd@albemarleassociates.com>
Sent: Monday, December 13, 2021 1:48 PM
To: Otts, David B <dbotts@ncdot.gov>; Spear, Caitlin A <caspear@ncdot.gov>
Subject: [External] Jolly Roger Restaurant N Va Dare Trail KDH

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Good Afternoon,

Attached are two drawings. The as-built is the current condition and the site plan is the proposed. We are eliminating the drive aisle along the south side of the exiting building in order to build the new bar addition. We will be relocating the southern most drive a bit to the south.

Real quick question, do I need a new driveway permit?

I have to resubmit the site plan tomorrow so a yes or no today or tomorrow would be much appreciated. It can just be a quick response to this email.

Sincerely:
John

John M. DeLucia, PE
Vice President
Albemarle & Associates, Ltd.
Johnd@AlbemarleAssociates.com
www.AlbemarleAssociates.com

PO Box 3989, Kill Devil Hills, NC 27948 (Mail)
115 West Saint Clair Street, Kill Devil Hills, NC 27948 (Street Address)
Ph 252-441-2113 Fax 252-441-0965
CONFIDENTIALITY NOTICE. This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please contact me at 252-441-2113 or by return e-mail.

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Albemarle
& ASSOCIATES, LTD.

Town of Kill Devil Hills

DEC 14 2021

Planning & Inspections Department

December 13, 2021

Mr. Ryan Lang
Kill Devil Hills Planning
Hand Delivered

RE: Jolly Roger Restaurant – Lounge Addition Resubmittal

Dear Mr. Lang,

We have made the requested changes and additions to the site plan submittal drawings. Provided below are responses to those various requests.

Planning—Ryan Lang (252-449-5315)

1. Zoning Nonconformity: Addition greater than 50% or 1,500 sq. ft. Using nonconformities worksheet required point total for this site equals 73 points for zoning compliance. As proposed the site has potential to have 69 points as presented.
   R

We have included over 8 species in the landscaping plan and included two rain gardens as we formerly discussed.

2. Existing conditions plan including existing grades shall be provided.
   Provided on the Demolition and Erosion Control Plan included with the set

3. Notes:
   - **a.** #3: Reference legal agreement that ties all lots to one site that is recorded at the DC Register of Deeds
     I believe that this was formerly done with the driveway connection and the client is getting a copy to me
   - ***b.*** #5: NFIP Flood Zone: Update. Include KDH RFPE
     Corrected
   - c. #6: Add existing permitted use (O) Restaurant(s)
     Added
   - d. #10: Elevations shall be shown per NAVD 1988
     Converted to NAVD 88
   - **e.** #12: Add text underlined – "The management of in excess of <u>the ten-year, two-hour storm</u> 4.3 inches is the basis for the design."
     Included in note 12
   - f. #17 No plan provided
     Provided in plan set
   - g. #18 Is a State Stormwater permit required? This project would if it is 10,000 sq. ft. of new coverage
     This will likely be required and is noted in the Site Plan sheet notes

Planning – Surveying – Engineering – Environmental – Construction Management
P.O. Box 3989, 115 W. Saint Clair St., Kill Devil Hills, North Carolina 27948
North Carolina License No. C-1027
Phone: 252-441-2113 www.AlbemarleAssociates.com Fax: 252-441-0965

4. Add Landscaping Plan on separate sheet showing buffers and screening. Breakdown each property line including total length, type of buffer, proposed plantings including spacing, planting height, species.
   New Landscape Plan included in plan set

5. Front yard setback shall be identified clearly on plan.
   Done

6. All two-way drive aisles shall be 24' in width. Dimension clear width at all narrow locations.
   New dimensions shown throughout

7. Dimension all drive aisle and parking spaces from the property line to show compliance with all buffer requirements.
   Done

8. NCDOT approval for new driveway onto NC12 required.
   I requested a decision from NCDOT and they are not going to require a new DW permit for this project. See attached email from NCDOT

9. Provide stop sign for site exits onto Fourth Street and NC12.
   Added to Site Plan sheet

10. Handicap parking detail: Include required sign general statute reference "GS 20-37.6"
    Done

11. Lighting plan does not comply with KDH minimum standards for commercial parking lots to have 4FC.
    A new lighting plan has been developed and included in the plan set
12. Add Sedimentation and Erosion Control Plan on separate sheet include existing conditions with existing grades.
    This is now shown on the Demolition and Erosion Control sheet

13. KDHWWTP agreement/willingness to serve shall be updated.
    Included with submittal

14. Architecturals:
    a. Floor plan shall include layout identifying the use of the structure
       Updated Floor Plans are included in plan set

Zoning — Donna Elliot (252-449-5310)

1. They will need to get a sign permit for any proposed signs. The plans states that the existing free-standing sign will be removed. If they propose a new free-standing sign, the location of the sign needs to be shown on the site plan.
   There is a new sign proposed and it is shown on the Site Plan. We understand that a permit is required.

Building Inspector—Marty Shaw *(252-449-5312)*

1. The location of the ADA parking spaces seem to be some distance from the entrances of the structures and require maneuvering thru the various provided walkways to reach the actual entrances of the buildings. They don't seem to be "*located on the shortest accessible route of travel*" as required of 1106.6.
   The new entranced will be on the west side of the building between the old and new structure. The two remote spaces are intended to serve anyone needing to use the existing eastern entrance during construction of the new lounge. We may relocate these to be at the western end of that parking bay when all is completed. That will put all ADA compliant spaced near the new entrance.

Fire Marshal --- John Risoldi (252-449-5227)

1. Water test shall be completed to determine water for fire suppression
   Understood and will be conducted during building design

2. Appendix B shall be filled out to determine occupancy load for requirements for fire suppression
   Understood and will be addressed in the final building plans

3. Does the new structure meet the criteria for the definition of a nightclub as per the NC fire code?

Yes and a fire suppression system of some type will be included in the final building plans

Town Engineer --- Peter Burkhimer, PE (757-478-5970)

1. We offer no objection to the general concept of what is proposed.
   Great thank you Pete

2. Revise the depiction of "existing conditions"/"existing topography" to match conditions AFTER the recent Town project, and adjust curb and gutter, stormwater ponds, etc. accordingly:
   a. The drainage improvements along the west side of Virginia Dare Trail were done by the Town project; delete the callout "ROADWAY DRAINAGE PIPE BY NCDOT." Show this system per updated, field-run topo, or at least per Town's record drawing information. Also, this new system extends farther north, with structures flanking the connection of E Fourth St to Virginia Dare Trail.
   Town system added to plans per Town provided record drawings

   b. Show and label the existing 10' drainage easement along the southern boundary of the Chello, Inc. property.
   Label Added

   c. E Fourth St was widened, with the new south edge of pavement being just short of the RW line. Show accurately. Recommend new topo shots be taken on new EP to assure coordination with proposed curbing.
   We have adjusted our elevations and will be getting some new as-built information in these areas as soon as I can get a surveyor engaged. We will revise the grading plan accordingly and resubmit if changes warrant. Our adjusted grades were fairly close to those provided by the Town. We will field verify these areas before construction commences and adjust grades accordingly if necessary

   d. Southward widening of E Fourth St may affect viability or size of Stormwater Basins at northeast corner and north-center of site; please verify.
   It looks like we are OK with the roadway widening as far as our drainage is concerned. I may need to use that area for ADA parking during the construction period so that will likely be the last area demoed and regraded for the stormwater basin. We can adjust anything at that time.

Public Services —Derek Dail (252-480-4085)

General Comments

1. Update Plans to reflect current conditions:

a. Update survey as necessary to document existing conditions.
See Demo / E&S Plan

b. New drainage was installed in NC 12 and along the south property line with last year's Streets Project.
Shown on revised plans

c. 10' southern property drainage easement provided for new drainage work.
Easement shown on Site Plan

d. Modified Fourth Street layout including parking and connection to NC 12.
Shown on Site Plans

e. Improvements made for existing connection to theatre.
Existing and proposed are shown on various plan sheets

f. Modify demolition notes such as #3 if work is already complete.
Updated

Solid Waste

1. The dumpster pad is to be screened and meet the requirements of the Town's standard dumpster site diagram.

We have shown the entire Loading zone and Dumpsters included one of the stormwater basins surrounded by fencing to hide that area better. It also allows some flexibility for location of the grease containers and hides this entire area from the parking lots and new front entrance

2. The existing site maintains a grease container in the existing dumpster area. Provisions should be made for the grease container on site and out of the dumpster site area.
See previous response

Streets

1. Provide existing (current) and proposed grades for NC 12 entrance including adjacent grading features.
Done

2. Provide existing (current) and proposed grades for E. Fourth Street driveway connections.
Done

3. Confirm alignment/EOP of existing roadways.
Done

4. Provide NCDOT access permit for the driveway to NC 12 or documentation from NCDOT that no permit is required, emai will be sufficient if not required.
See previous response Planning item 8

Water System

1. Does the proposed building include any water fixtures?
Yes

2. Provide water meter sizing form with all existing and proposed fixtures.
Attached

3. Show existing and proposed water service line connections to the buildings.
The owners intend to connect the new lounge structure to the extra water meter questioned in the next item. This will allow no interruption to the existing water service. New service lines are shown on the plans from the currently unused meter to the new lounge

4. There is an active 5/8x3/4 meter on the property that is currently not used. Is there any intended use for this meter?
See previous response

Wastewater
1. Provide a current willingness to serve letter or copy of wastewater contract with KDHWWTP.
Provided

These revised plans should address all items identified in the TRC review comments. Attached are fifteen sets of the plans, a copy of the KDHWWTP Willingness to Serve and the response from NCDOT regarding a driveway permit for NC12. I look forward to discussing this with the Planning Board at their January 2022 meeting.
I hope that you have a Merry Christmas and a prosperous New Year.

Sincerely,

John M. DeLucia, PE
Principal Engineer