



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

February 7, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager 

REF: New Business

1. Site Plan Review – 1836 N. Virginia Dare Trail: Jolly Roger Restaurant – Proposed 4,118 Square Foot Lounge Addition (Attached NB-1)

The site plan review is for the proposed construction of an addition at 1836 N. Virginia Dare Trail and is permitted use within the Commercial Zoning District. Senior Planner Ryan Lang's accompanying memorandum highlights the request for the proposed addition.

At its January 18, 2022, meeting, the Planning Board voted to forward this site plan for the Board of Commissioners' review pending minor conditions, which have since been addressed. Staff recommends approval of the site plan as presented, and a motion is in order.

Director of
Planning and Inspections
MEREDITH GUNS



Assistant Director of
Planning and Inspections
CAMERON RAY

Building Inspector
MARTY SHAW
CHARLES THUMAN

Senior Planner
RYAN LANG

Code Enforcement Officer
JORDAN BLYTHE

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

February 7, 2022

Memorandum

To: Debbie Diaz, Town Manager

From: Ryan Lang, Senior Planner 

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, KDHWTP willingness to serve, parking agreement with Outer Banks Theaters, LLC, correspondence with NCDOT, and proposed site/architectural plans.

The Planning Board reviewed this proposal on January 18, 2022 and forwarded it to the Board recommending approval with several minor conditions. Since that time all conditions have been addressed.

Staff recommends approval of the site plan as presented.



Town of Kill Devil Hills

October 19, 2021

OCT 19 2021

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

Planning & Inspections Department

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 from 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 area 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

OCT 19 2021

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



Planning and Inspections Department

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 off site)
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.



STORMWATER CALCULATIONS
for
JOLLY ROGER

Stormwater Drainage Area (Entire Site)

PRELIMINARY

Drainage Area 121,194 sf = 2.78 ac

SURFACE AREA INFORMATION			
Impervious 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



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	20.00	1.00	0
Main			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.

**KDHWTP, 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 Jolly 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

ALDRIDGE AND SEAWELL, PLLC

ATTORNEYS AT LAW

805 North U.S. Highway 64

Post Office Box 339

Manteo, NC 27954

Christopher L. Seawell
cseawell@manteolaw.com

December 12, 2017

G. Irvin Aldridge
Retired

Jeff Malarney
jmalarney@manteolaw.com

Laura M. Twichell
ltwichell@manteolaw.com

ph: (252) 473-3484
fax: (252) 473-2046
www.manteolaw.com

Mr. Cameron Ray
Town of Kill Devil Hills
P. O. Box 1719
Kill Devil Hills, NC 27948

Re: 1836 N. Virginia Dare Trail - Jolly Roger

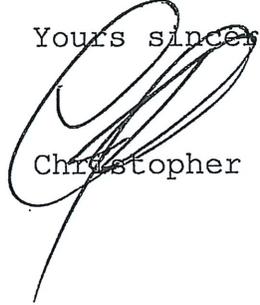
Dear Camerson:

Enclosed please find the original Declaration which has been signed by Carol Ann. I assume you will have it signed by the Town and return it to me for recordation, unless you want to have it recorded yourself.

Please advise how the recordation process will take place

If you have any questions, please let me know.

Yours sincerely,



Christopher L. Seawell

CLS/cah
Enclosure
Cc: Ms. Carol Ann Angelos

Prepared by: Christopher L. Seawell
& return to: P. O. Box 339
Manteo, NC 27954

NORTH CAROLINA
DARE COUNTY

DECLARATION, COVENANT AND AGREEMENT

THIS DECLARATION, COVENANT AND AGREEMENT made and entered into this the 31st day of December, 2017 by and between CAROL ANN ANGELOS and CHELLO, INC., a North Carolina corporation, (both hereinafter referred to as "Declarant"), and the TOWN OF KILL DEVIL HILLS, a municipal corporation, hereinafter referred to as "KDH".

W I T N E S S E T H :

WHEREAS, the Declarant Chello, Inc. is the owner of Lots 1, 2, 3, 4, 20, 21 and 22, Block G, Section 2, Croatan Shores Amended, as shown on plat recorded in Map Book 1, Page 161, Dare County Registry; and

WHEREAS, the Declarant Carol Ann Angelos is the owner of adjoining property known as Lot 23, Block G, Section 2, Croatan Shores Amended, as shown on plat recorded in Map Book 1, Page 161, Dare County Registry, and all that certain parcel of land entitled "James M. Habel, III, as shown on that certain map or plat recorded in Plat Cabinet F, Slide 35, Dare County Registry; and

WHEREAS, Declarant has or intends to make improvements upon the aforesaid lots and property and in connection therewith desires to enter this Declaration, Covenant and Agreement to prohibit future division of the said lots and property in a

manner which would create non-conformities on any of the aforesaid lots and property

NOW, THEREFORE, Declarant as the owner of the aforesaid property does hereby declare as follows:

1. The above referenced lots and property shall be considered one development and no lot or parcel individually shall be sold, transferred, assigned or conveyed without the consent of KDH.

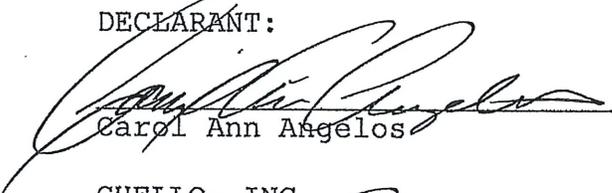
2. Notwithstanding the foregoing, all of the lots and property described herein, as a whole, may be sold, transferred or conveyed as one parcel to any entity or person desired by Declarant without prior approval or notice to KDH.

3. In the event either Declarant desires to transfer or convey some but not less than all of the aforesaid property owned by said Declarant, the KDH agrees that it will authorize such conveyance if, after such conveyance or transfer, the resultant lots and the structures and improvements thereon comply with the terms and conditions of the Kill Devil Hills Town Code and do not create non-conformities upon any of said properties.

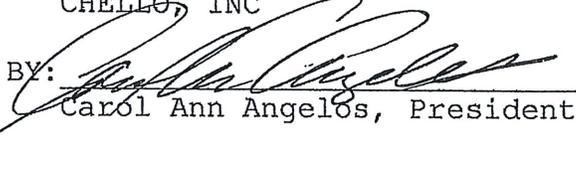
4. This declaration shall run with the properties described above and shall be binding upon the heirs, successors and assigns of Declarant and may not be modified or dissolved without the express written consent of KDH.

IN WITNESS WHEREOF, Declarant has set their hand and seal the day and year first above written.

DECLARANT:

 (SEAL)
Carol Ann Angelos

CHELLO, INC

BY:  (SEAL)
Carol Ann Angelos, President

THE TOWN OF KILL DEVIL HILLS

BY: [Signature] (SEAL)
Name: Victoria P. Rizzo
Title: Town Manager

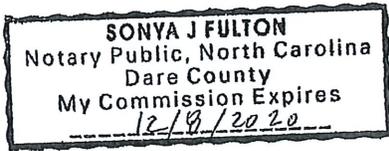
NORTH CAROLINA
DARE COUNTY

I, Sonya J Fulton, a Notary Public of the aforesaid County and State, do certify that Carol Ann Angelos personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 11th day of ~~November~~, 2017.
December

Sonya J Fulton
Notary Public

My Commission expires:
12/8/2020



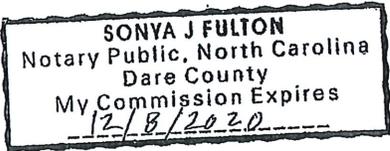
NORTH CAROLINA
DARE COUNTY

I, a Notary public of the County and State aforesaid, certify that Carol Ann Angelos personally came before me this Day and acknowledged that she is President of Chello, Inc. a North Carolina corporation, and that she as President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official stamp or seal this the 11th day of ~~November~~, 2017.
December

Sonya J Fulton
Notary Public

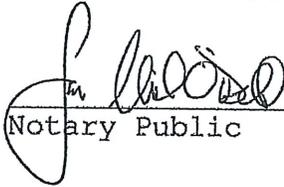
My commission expires:
12/8/2020



NORTH CAROLINA
DARE COUNTY

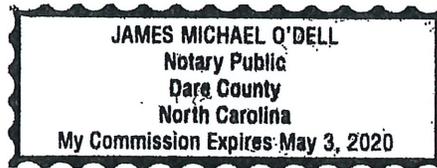
I, James Michael, a Notary Public of the aforesaid County and State, do certify that Deborah P. Diaz, of The Town of Kill Devil Hills; a municipality, personally appeared before me this day and acknowledged that he/she is the Town Manager of The Town of Kill Devil Hills, and that he/she, as Town Manager, being authorized to do so, executed the foregoing on behalf of The Town of Kill Devil Hills.

Witness my hand and official seal or stamp, this the 3rd day of January, 2018.



Notary Public

My Commission expires:
May 3, 2020



Outer Banks Theaters, LLC

P. O. Box 357
Murfreesboro, NC 27855

Henry H. Revelle
Scott R. Cohen

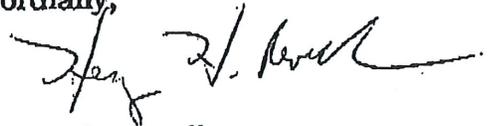
Phone: 252-398-4116
Fax: 252-398-5119

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

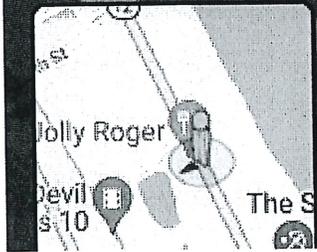
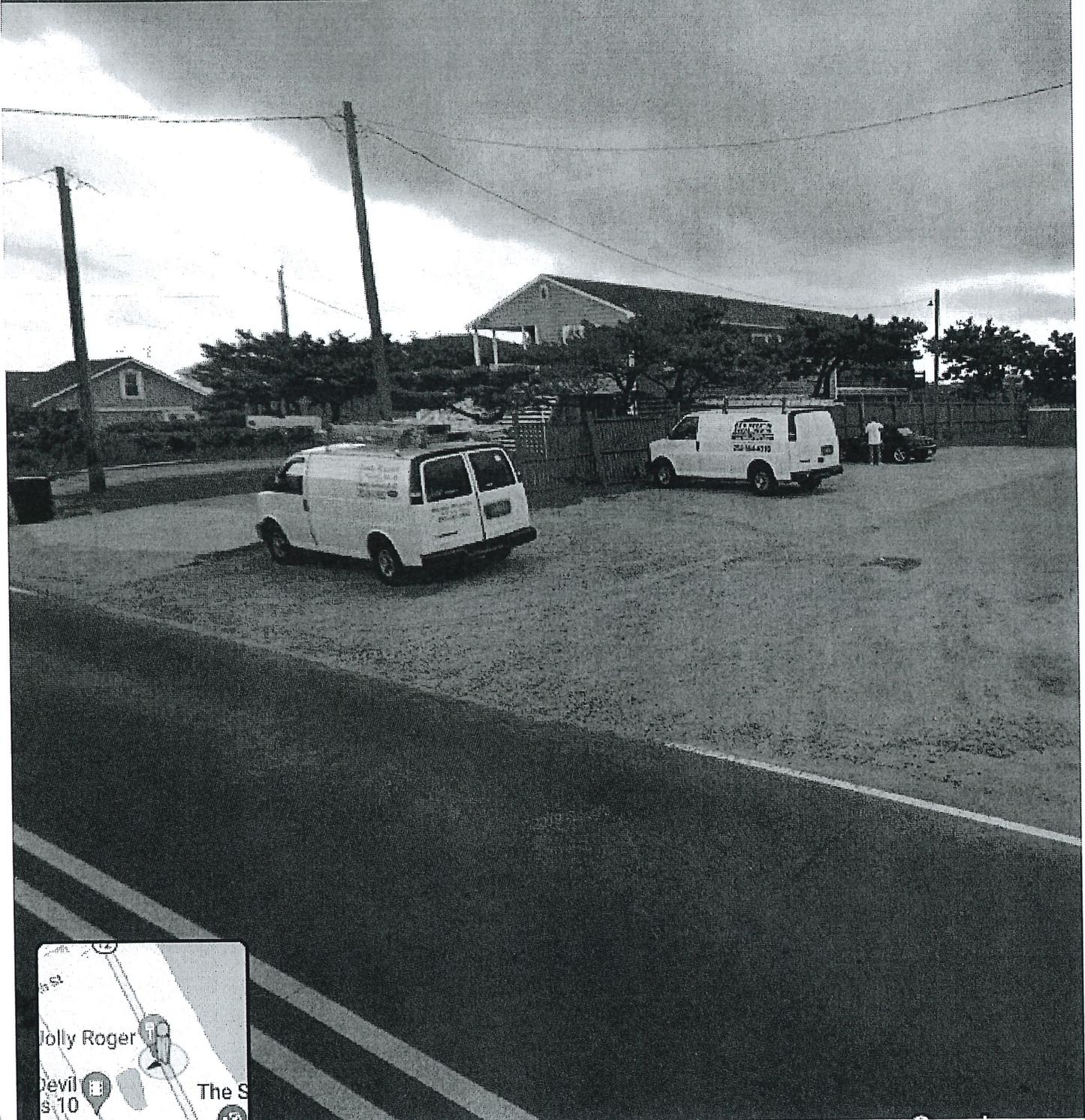
HHR/gw

4354G

1833 N Virginia Dare Trail 📍 ⋮
Kill Devil Hills, North Carolina

← Google

🕒 Street View - May 2019



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

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