



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Kill Devil Hills Planning Board will hold its only meeting of the month on Tuesday, April 16, 2019 at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road. The items to be discussed are listed below:

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the March 19, 2019 meeting

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Old Business

New Business

1. Final Plat – SAGA Construction and Development – Subdivision Plat of Water Oak Residential Community Phase 1
2. Site Plan Review – *First Flight Hotel, LLC* – Proposed Oceanfront Amenity Area – 2029 South Virginia Dare Trail
3. Proposed Zoning Amendment – §153.075(C) – *General Regulations* – *Telecommunication Towers – Use Guidelines and Dimensional Requirements* – Modify Setbacks for Monopole Towers
4. Proposed Zoning Amendment – *General Regulations* – §153.080 – *Electrical and Communication Service* – Clarify Communication Services

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Response to Public Comment

Board Member Comment

Adjournment

All citizens are cordially invited to attend.

Posted this 11th day of April 2019.

Harriet Banner
Administrative Assistant

Copies to: Mayor and Board of Commissioners, Planning Board members in their packet materials; Town Manager; Town bulletin boards; Sunshine List, including all news media; Electronic Distribution List; Town website and social media; file

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

April 16, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: FINAL PLAT—SAGA Construction and Development—Subdivision Plat of Water Oak Residential Community Phase 1

Enclosed is the final subdivision plat submitted by SAGA Realty and Construction for Water Oak Residential Community Phase 1 of 3. The final subdivision plat for Water Oak Residential Community Phase 1 includes 34 residential lots and associated improvements. The final subdivision plat has been reviewed by all applicable Town Departments and meets all provision of §152 Subdivisions.

Staff recommends the Planning Board approve the submission of the final plat in accordance with §152.28 (D) FINAL PLAT provided below.

§ 152.28 FINAL PLAT.

(D) *Review by the Planning Board.* The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 15 days after it receives the final plat and shall approve the final plat if it is in compliance with this chapter or disapprove it if it is not within 75 days of receiving the plat.

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

April 16, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: **SITE PLAN REVIEW**—First Flight Hotel, LLC — Proposed Oceanfront Amenity Area —
2029 South Virginia Dare Trail

Enclosed is a proposed site plan submitted by First Flight Hotel, LLC to construct an oceanfront Amenity Area including a swimming pool with snack bar and covered deck, pool storage, restrooms, elevated dune decks, beach walkover, and associated site improvements at 2029 South Virginia Dare Trail in the Ocean Impact Residential Zone. Attached you will find a Commercial Site Plan Review application and architectural plans. As you recall, a site plan for this parcel was approved by the Board of Commissioners on November 14, 2016. This proposed site plan is a change to the previously approved plan and must be reviewed by the Planning Board and approved by the Board of Commissioners.

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

Planning—Cameron Ray

1. Lighting:

- a. Revise the lighting plan in accordance with the comments below and Ch. 153.074 Lighting.
 - i. Parking lot does not meet the requirement of a Commercial Parking Lot (4-7 average footcandles)
 - ii. All sides of buildings must have lighting for security.
 - iii. Proposed pool area shall be lit for safety and security.
 - iv. Proposed access to the beach shall be lit for safety and security.
 - v. If a dominion street light will be installed provide average footcandles from the fixture.

Public Services—Derek Dail

1. Solid Waste:
 - a. Applicant proposes that the Hotel's primary dumpster site will also serve the Hotel's Amenity Area and will be serviced by hotel staff. The applicant has advised that a letter of understanding will be provided stating this proposal. The proposal is acceptable to Public Services and will maintain a copy of the letter in our records once it is provided.
2. Streets: These comments remain from previous submittal and need to be addressed before the building permit is obtained. These items have been previously acknowledged by the applicant. No action required at this time.
 - a. Any necessary NCDOT driveway permits and/or encroachment agreements shall be required prior to permit approval.
 - b. NCDOT approval of the proposed crosswalk and signage is required.
3. Water System:
 - a. Town's water meter sizing form documenting all proposed fixtures will be required at building permit to verify required service size.

Dana Harris—Police

1. Request the applicant replace the "Pedestrian crosswalk with LED" detailed on page 7 of 8 of the plan and replace that with a standard Pedestrian crosswalk sign and the SOLAR LIGHTING ASSEMBLY AS PER DESIGN / INCLUDES LUMINAIRE, BATTERY AND SOLAR PANEL INTEGRAL TO CAST ALUMINUM HOUSING /CONTROLLED BY PIR SENSOR lights (motion lights like Southern Shores and Duck). The Town is currently looking into this system for other crosswalks in Town and would like consistency in safety signage throughout Town.

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.



TOWN OF KILL DEVIL HILLS PUBLIC SERVICES

Post Office Box 1719, 107 Town Hall Drive
Kill Devil Hills, NC 27948
Administration (252) 480-4080 Fax (252) 441-6136
Office Hours: 8:00 a.m. – 5:00 p.m. Mon. – Fri.
Water Plant (252) 480-4090
www.kdhnc.com

April 10, 2019

STEPHEN F. ALBRIGHT
Director

DEREK A. DAIL
Assistant Director

MARCIA OLLIS
Administrative Services

ALFRED W. BURTON
Water Plant

WILLIAM H. WATERFIELD
Water Systems

L. RANDOLPH TURNER
Streets

LYNN E. LINDSEY
Solid Waste

To: Cameron Ray
Kill Devil Hills Planning

From: Derek A. Dail 
Kill Devil Hills Public Services

Re: Site Plan Tech II
First Flight Hotel Amenity Area
2029 S. Virginia Dare Trail

The Town of Kill Devil Hills Public Services has performed a review of the Tech I Response Package for the proposed improvements to the commercial property located at 2029 S. Virginia Dare Trail. Comments from Public Services are provided in the following sections and are based on the Tech I Response Package Dated 04/05/2019.

Solid Waste

1. Applicant proposes that the Hotel's primary dumpster site will also serve the Hotel's Amenity Area and will be serviced by hotel staff. The applicant has advised that a letter of understanding will be provided stating this proposal. The proposal is acceptable to Public Services and will maintain a copy of the letter in our records once it is provided.

Streets – These comments remain from previous submittal and need to be addressed before the building permit is obtained. These items have been previously acknowledged by the applicant. No action required at this time.

1. Any necessary NCDOT driveway permits and/or encroachment agreements shall be required prior to permit approval.
2. NCDOT approval of the proposed crosswalk and signage is required.

Water System – No action required at this time.

1. Town's water meter sizing form documenting all proposed fixtures will be required at building permit to verify required service size.

Guns, Meredith

From: Harris, Dana
Sent: Monday, March 25, 2019 3:28 PM
To: Guns, Meredith
Subject: RE: SITE PLAN TECHNICAL REVIEW 1 — First Flight Hotel, LLC — Proposed Oceanfront Amenity Area — 2029 South Virginia Dare Trail
Attachments: Town of Southern Shores Quote714.pdf

Cameron,

I would Request the applicant replace the "Pedestrian crosswalk with LED" detailed on page 7 of 8 of the plan and replace that with a standard Pedestrian crosswalk sign and the SOLAR LIGHTING ASSEMBLY AS PER DESIGN / INCLUDES LUMINAIRE , BATTERY AND SOLAR PANEL INTEGRAL TO CAST ALUMINUM HOUSING /CONTROLLED BY PIR SENSOR lights (motion lights like Southern Shores and Duck). The Town is currently looking into this system for other crosswalks in Town and would like consistency in safety signage throughout Town.

I have attached Southern Shores quote at the time they purchased them.

Question:

If they allow animals at the hotel, or allow public access, I have One possible request, a sign along the boardwalk to the beach or at the end on the beach with the dog ordinance highlights on same.

Just a few Questions, how will a wheel chair access the beach? Can a rubber mat be placed at end of walkway on the beach for mobility impaired?

Dana

From: Ray, Cameron
Sent: Wednesday, March 20, 2019 12:29 PM
To: Guns, Meredith <MEREDITH@kdhnc.com>; Lang, Ryan <rlang@kdhnc.com>; Elliott, Donna <DONNA@kdhnc.com>; Shaw, Marty <marty@kdhnc.com>; Thuman, Charles <charles@kdhnc.com>; Albright, Steve <Steve@kdhnc.com>; Dail, Derek <derek@kdhnc.com>; Turner, Tote <TOTE@kdhnc.com>; Lindsey, Lynn Earl <LynnEarl@kdhnc.com>; Waterfield, William <Bill@kdhnc.com>; Pete Burkheimer <PBurkheimer@american-ea.com>; Risoldi, John <JOHNR@kdhnc.com>; Harris, Dana <dharris@kdhnc.com>; Blythe, Jordan <jordan@kdhnc.com>
Subject: SITE PLAN TECHNICAL REVIEW 1 — First Flight Hotel, LLC — Proposed Oceanfront Amenity Area — 2029 South Virginia Dare Trail
Importance: High

All,

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



2019

Planning and Inspections Department

Applicant

Name: First Fligh Hotel, LLC
Address: 1880 Richmond Road
Williamsburg, VA 23185
Phone: 757-218-3888
Fax: _____
Cell: _____

Property Owner

Name: Same as Applicant
Address: _____
Phone: _____
Fax: _____
Cell: _____

Property Location

Address: 2029 South Virginia Dare Trail Lot, Block: 6, Block 3, Sect. 4
Subdivision: Nags Head Shores Amended Pin#: 9893 13 24 1064

Zoning District: Commercial LI-1 LI-2 OIR
Total Lot Size: 20,861 (FLSHV) Sq. Ft. Disturbed Area: 9,500 +/- Sq. Ft.

Contractor

Company Name: Unknown at this time 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: 313 Sq. Ft. (1) Covered Deck(s): 1,618 Sq. Ft. Storage: 313 Sq. Ft. (2)
Garage: _____ Sq. Ft. # of Bedrooms: _____ # of Open Deck(s): 1,672 +/-
Proposed Square Footage: 0 + Existing Square Footage: 8,998 = 8,998 Total Sq. Ft.
% Impervious Coverage: _____ + % Pervious Coverage: _____ = 43.1 Total % Coverage
of Parking Spaces: Existing: 0 Proposed: 3 Total: 3
Septic Tank Permit #: KDHWWTWP Construction Type: Wood Frame

Estimated Construction Cost (including labor and materials): UNKNOWN AT THIS TIME

Flood Information

Flood Zone: VE AE X Base Flood Elevation: 10'
Proposed First Floor Elevation: 10.17' Sq. Ft Below Base Flood Elevation: n/a

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

- (1) RESTROOM BUILDING
- (2) POOL EQUIPMENT BUILDING

Project Description

Oceanfront Amenity area for First Flight hotel, LLC consisting of restroom building, pool equipment building swimming pool, oceanfront amenity area and decking

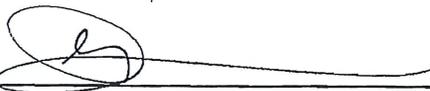
Required Site Plan Information Checklist:

- 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 *PENDING COMPLETION OF FLOOR PLANS*
 - Layout, Size and Number of Parking Spaces including handicap w/ setbacks (Each Space Numbered)
 - Fire Lane and Driveways
 - N/A Loading Zone (Commercial Sites)
 - N/A Mail Delivery Cluster Sites (Multi-Family)

- Proposed First Floor Elevation
- Dumpster Pad Location N/A USE PUMPSTAIRS AT HOTEL
- 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)

AGENT FOR APPLICANT: MICHAEL W. ROBINSON P.E., P.L.S.
252-295-8026

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

April 16, 2019

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director 

Subject: Proposed Zoning Amendment to **§153.075(C) Telecommunication Towers** –
Use Guidelines and Dimensional Requirements – Modify setbacks for Monopole
Towers

The Town is in the process of replacing the water tank located at 1634 North Croatan Highway (Fire Station). As part of the project, a telecommunication monopole will be erected to house the wireless antennas that are currently located on the existing water tower. In reviewing the tower regulation, we have discovered that technology and tower construction have changed since this ordinance was originally written in 1999.

The attached amendment provides greater incentives for co-location of services on a tower and the use of a monopole. Additionally, the proposal modifies the failure or collapse zone to include no building or structures and that it be certified by a NC licensed design professional. Finally, the setbacks are modified to agree with the fall zone requirements and certified by NC licensed design professional.

These modifications are consistent with current tower practices and will protect surrounding structures and properties in the event the tower were to fail. Staff recommends forwarding the proposed amendment to 153.075 Telecommunication Towers to the Board of Commissioners recommending approval.

(C) *Use guidelines and dimensional requirements.*

(8) The proposed tower shall be set back from all publicly owned roads or rights-of-way a distance equal to the tower height divided by three. If visible from any public road or right-of-way, a landscape plan is required indicating how the applicant proposes to screen any accessory structure or equipment from view.

(9) Setbacks of the base of the tower from all adjacent property lines shall be one foot for each foot of tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a ~~10%~~ 15% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a ~~20%~~ 25% reduction in the required setbacks. Monopole towers which will immediately operate with more than one user may have a 40% reduction in the required setbacks. To encourage location of towers in forested areas with a minimum depth of 65 feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. The setback reductions shall only be allowed upon a ~~professional engineering certification by a North Carolina licensed design professional~~ which states that the structure's design and construction are such that, in the event of structural loadings in excess of design and resulting failure or collapse, all portions of the tower will fall within an identified area (the Fall Zone), and that no buildings or structures on adjacent zoning lots lie within said Fall Zone. Such certification shall consider potential future structures which may be constructed on such adjacent lots, subject to the limitations of existing setbacks and permanent easements on such lots. will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

(10) Except where setback reductions are allowed under the previous paragraph, the proposed tower shall be set back from all property lines a distance equal to the proposed tower's radius or extent of the fall zone Fall Zone as certified by a registered North Carolina licensed design professional engineer plus 30 feet.

(11) The proposed tower shall be set back a distance equal to the tower's height plus 50 feet from any residential structure.

(12) Notice shall be provided to the Planning Department when the tower is placed out of service. Towers that are not used for a period of six months or more shall be removed by the owner within 120 days of owner's receipt of notification to that effect. Any tower, antenna, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered abandoned and shall be removed by the owner within 60 days of owner's receipt of notification. The Building Inspector may establish a shorter period of time for removal of a tower that is structurally unsound.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment to §153.075(C)
Telecommunication Towers – Use Guidelines and Dimensional Requirements – Modify setbacks for Monopole Towers

Approval: Planning Board finds that the proposed zoning amendment to §153.075(C) Telecommunication Towers – Use Guidelines and Dimensional Requirements to modify setbacks for monopole towers is consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent** with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of ___ to ___, this the fifteenth day of April 2019.

Attest:

Planning Board Chairman

Secretary of Planning Board

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

April 16, 2019

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director *MBG*

Subject: Proposed Zoning Amendment - **§153.080 Electrical and Communication Services** – Clarify Communication Services

It has come to staff attention that the language in §153.080 is outdated. This regulation requires all new electrical and communication service lines to be placed underground and transformers or other enclosures be mounted on the ground. The regulation specifies “telephone” which was the common form of communication in 1999 when the ordinance was originally adopted. The proposed amendment replaces *telephone* with *communication services* to include all types of communication (telephone, cell phone or other devices) as follows:

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, ~~telephone~~ *communication services* and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

Staff recommends forwarding the proposed amendment to the Board of Commissioners with a favorable recommendation.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment - §153.080 Electrical and Communication Services – Clarify Communication Services

Approval: Planning Board finds that the proposed zoning amendment - §153.080 Electrical and Communication Services – Clarify Communication Services ***is*** consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent** with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of ___ to ___, this the sixteenth day of April, 2019.

Attest:

Planning Board Chairman

Secretary of Planning Board