



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

October 16, 2019

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Forum

1. Beth O'Leary, Martha Vaughn, and Betsy Brothers – KDH Against Mini-Hotels (Attached PF-1)

1. Ms. O'Leary, Ms. Vaughn and Ms. Brothers represent KDH Against Mini-Hotels and will be presenting a PowerPoint slide show in opposition to large, event-style, houses. At the conclusion of their presentation, "a 30-day moratorium on current construction" is requested. Mayor Davies responded to recent e-mails from individuals also requesting a moratorium.

Attachments for this item include the PowerPoint show and copies of e-mails submitted to the Board of Commissioners supporting the moratorium concept, and Mayor Davies' responses explaining North Carolina law, which restricts local governments from establishing a moratorium for the purpose of developing and adopting new or amended plans or ordinances pertaining to residential use of property. The statute reads:

§160A-381(e)

- (e) As provided in this subsection, cities may adopt temporary moratoria on any city development approval required by law, except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses.

Quidley, Mary

Subject: FW: 30 day moratorium on SAGA properties in KDH

From: Beth O'Leary [mailto:johnsmom2900@aol.com]
Sent: Monday, October 07, 2019 2:38 PM
To: BOC <boc@kdhnc.com>
Cc: Ray, Cameron <Cameron@kdhnc.com>; Davies, Sheila F. <sdavies@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>
Subject: 30 day moratorium on SAGA properties in KDH

Dear Commissioners, Directors and Madam Mayor,

We are the organization promoting NO! Mini Hotels and to Develop Smarter in KDH. We have met with some of you and so appreciate the information provided. As you suggested, we contacted SAGA homes today to schedule a meeting in order to discuss the issues and concerns of our residents. One of our members spoke with Amit Gupta. He was very receptive to meeting with us and eager to find a solution that we could all live with. He felt his brother, Sumit, would be the best one to represent SAGA in these discussions. He did, however, say that Sumit would be out of the office for the next 25 days, but could meet with us upon his return. Our issues, which will be presented at the next Commissioners meeting on October 16th, are urgent and can not wait. The building permits have been issued for 1213 S. Virginia Dare Tr, and demo will begin any day on 1207 S. Virginia Dare Tr. Since SAGA has agreed to meet with us, we are asking you to grant a 30 moratorium to give us and SAGA time to work through our concerns. This will only benefit the town and it's residents as these large event homes are the subject of our presentation. There is a third home to be built on 1209 S. Virginia Dare Tr. (an empty lot) that should be included in the moratorium as well.

Since this is a matter that must be addressed expeditiously, we look forward to hearing from you at your earliest convenience.

Best Regards,

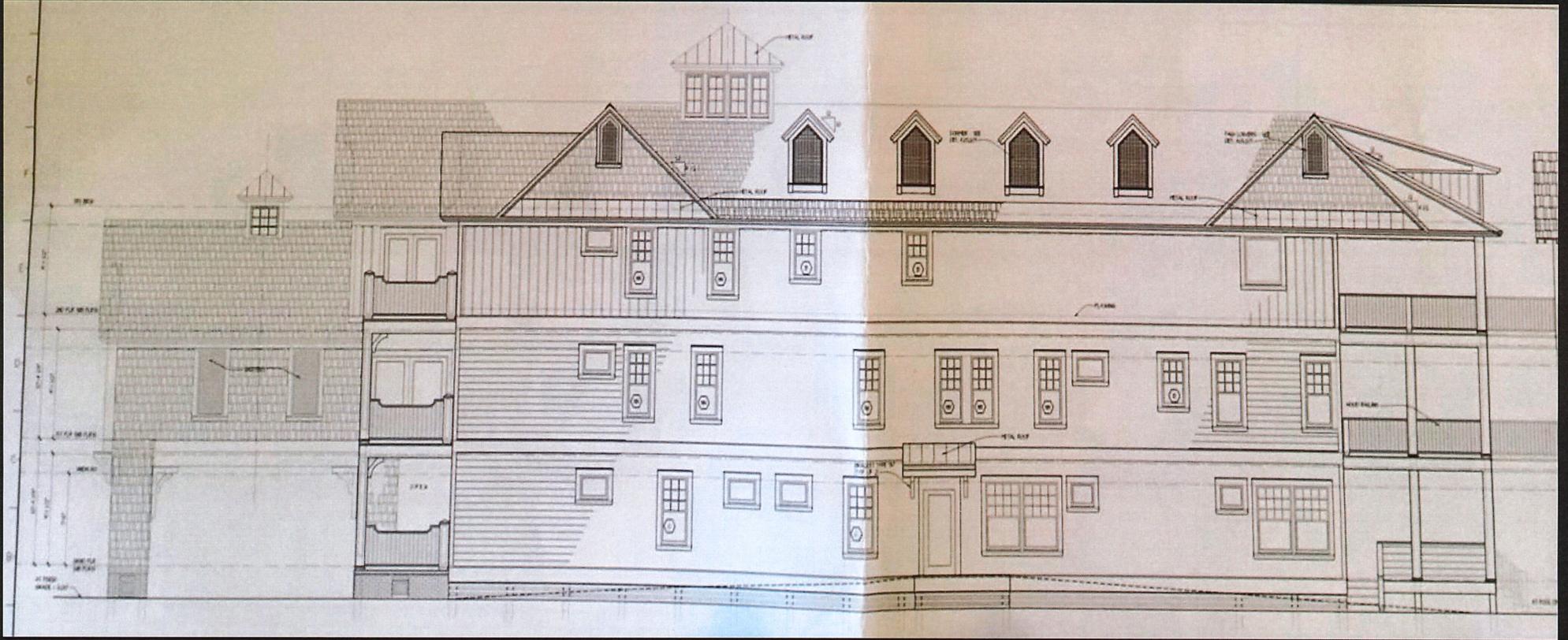
Beth O'Leary
Martha Vaughn
Betsy Brothers

KDH Against Mini-Hotels

Develop Smarter in Kill Devil Hills

HOW WE GOT HERE

- **OBX has become a top wedding destination**
- **The number of large “EVENT HOMES” has been increasing**
- **Within the last 5 years, 12 “EVENT HOMES”, averaging 10,000 sq ft, have been built**
- **Three more, the largest at 17,000 sq ft, are currently under construction.**
- **The cottage culture and history of KDH is at risk**
- **Previous attempts to address this have failed**



1213 S. Virginia Dare Tr. 17,000 sq ft, 28 bed, sleeps 60

WHAT ARE OUR ISSUES

- **Too many “EVENT HOMES” are surrounding historic cottages**
- **Decline in long term, consistent renters**
- **The impact of noise, light pollution and traffic affecting the neighboring rental properties**
- **Overcrowding beach areas**
- **Loss of the traditional KDH cottage appeal**
- **Known for “wedding destination”, not “VACATION DESTINATION”**

EVENT HOME 9/14/19 4:00pm



WHAT ARE OUR CONCERNS

- **“EVENT HOMES” are defined as a single family dwelling, not requiring sprinkler systems**
- **Fires can spread quickly, destroying all nearby homes**
- **Lack of adequate access for emergency vehicles cause needless delay**
- **Additional burden on city services**
- **Increasing risk of flooding due to higher density and impervious lot coverage**
- **Stormwater draining into wastewater, discharging contaminated water in flooded areas**
- **Excess trash on beach**

**Areas circled in yellow show
location of future SAGA
homes**

**Area circled in red shows
The Brothers Cottage**

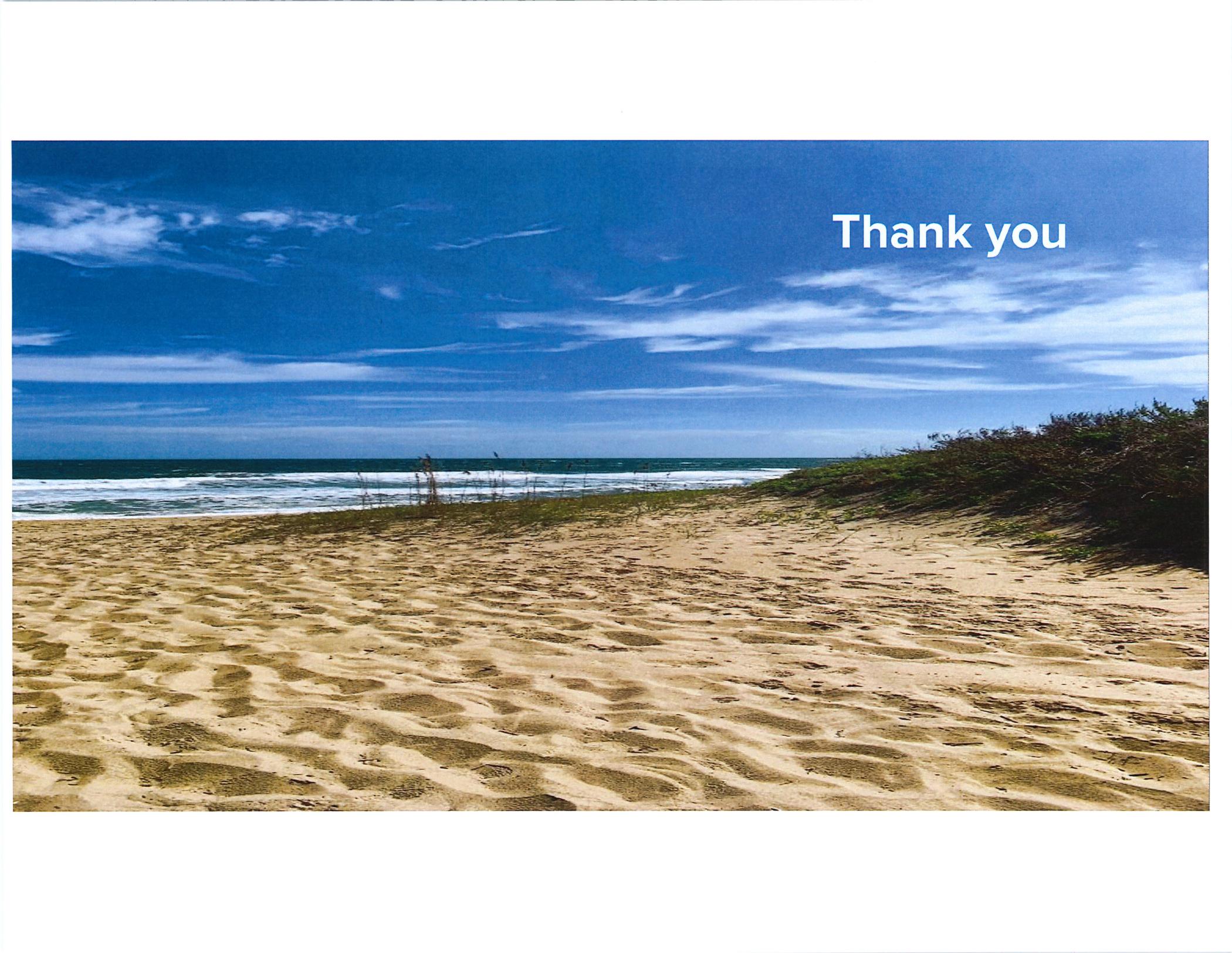


WHAT ARE THE SOLUTIONS

- **Implement 6000 sq ft for a single family dwelling**
- **Encourage development of cottage courts**
- **Adopt a definition of an “EVENT HOME”**
- **Require permits for events to address impact on neighboring properties**
- **Establish a task force of town staff and residents**
- **Bring balance of growth and protection of natural resources to KDH**

WHERE DO WE GO FROM HERE

- **30 day moratorium on current construction (1213, 1207, 1209)**
- **Are more Event Homes necessary**
- **With the economy ever changing, is this the most practical use of our fragile landscape**
- **Our neighboring municipalities have adopted regulations to address community concerns**
- **Now is the time to DEVELOP SMARTER in KDH**

A wide-angle photograph of a beach. The foreground is filled with golden sand, showing some tracks and small patches of green grass. In the middle ground, the ocean waves are breaking onto the shore, creating white foam. The sky is a deep, vibrant blue, filled with wispy white clouds. The overall mood is serene and peaceful.

Thank you

Quidley, Mary

From: Davies, Sheila F.
Sent: Tuesday, October 08, 2019 4:25 PM
To: Beth O'Leary; BOC
Cc: Ray, Cameron; Guns, Meredith
Subject: Re: 30 day moratorium on SAGA properties in KDH

Dear Ms. O'Leary,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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I understand your request to allow more time for discussion with the developer but the Town cannot legally enact the moratorium you request.

Additionally, you indicated that a permit had been issued for 1213 South Virginia Dare Trail. I have checked with the Planning Department and as of this writing no building permits have been issued for a new structure at that location. Building plans have been submitted for review for 1213 and 1209 South Virginia Dare Trail. Once the site plan is approved, rights granted in accordance with the provisions of this chapter shall be vested for a period of two years, thereby protecting the development from any future changes in the ordinance.

Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: Beth O'Leary <johnsmom2900@aol.com>
Sent: Monday, October 7, 2019 2:37 PM
To: BOC <boc@kdhnc.com>
Cc: Ray, Cameron <Cameron@kdhnc.com>; Davies, Sheila F. <sdavies@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>
Subject: 30 day moratorium on SAGA properties in KDH

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receptive to meeting with us and eager to find a solution that we could all live with. He felt his brother, Sumit, would be the best one to represent SAGA in these discussions. He did, however, say that Sumit would be out of the office for the next 25 days, but could meet with us upon his return. Our issues, which will be presented at the next Commissioners meeting on October 16th, are urgent and can not wait. The building permits have been issued for 1213 S. Virginia Dare Tr, and demo will begin any day on 1207 S. Virginia Dare Tr. Since SAGA has agreed to meet with us, we are asking you to grant a 30 moratorium to give us and SAGA time to work through our concerns. This will only benefit the town and it's residents as these large event homes are the subject of our presentation. There is a third home to be built on 1209 S. Virginia Dare Tr. (an empty lot) that should be included in the moratorium as well.

Since this is a matter that must be addressed expeditiously, we look forward to hearing from you at your earliest convenience.

Best Regards,

Beth O'Leary
Martha Vaughn
Betsy Brothers

Quidley, Mary

From: Davies, Sheila F.
Sent: Tuesday, October 08, 2019 4:18 PM
To: Martin, Paul; meridith@kdhnc.com; Ray, Cameron; BOC
Subject: Re: 30 day moratorium on construction start a 1213 S. Virginia Dare Trail, KDH

Dear Mr. Martin,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: Martin, Paul <pmartin@fbvirginia.com>
Sent: Tuesday, October 8, 2019 3:20 PM
To: Davies, Sheila F. <sdavies@kdhnc.com>; meridith@kdhnc.com <meridith@kdhnc.com>; Ray, Cameron <Cameron@kdhnc.com>; BOC <boc@kdhnc.com>
Subject: 30 day moratorium on construction start a 1213 S. Virginia Dare Trail, KDH

Madam Mayor, Commissioners and Planning Staff,

My in-laws own 1217 D, S. Virginia Dare Trail which is an oceanfront home beside what used to be the Birdsong cottage. We have known the owners of the surrounding properties for over 30 years and have watched each generation come and go. I can't imagine that any of the owners of historic or vintage homes in KDH approves of the proposed 28 room "single family home" which has been approved for 1213 S. Virginia Dare Trail or at any other of their proposed locations. While I can guess the motivation of the developer, I simply can't understand allowing this type of growth/development of the beachfront by the Town of Kill Devil Hills. Part of the appeal, and history, of Kill Devil Hills (and other towns) are the very homes being removed and replaced with event properties, such as the one proposed. This proposed home will have five more rooms than the Sea Sea

Motel located 100 yards South of this location. How does this qualify as a single family home? The Sea Sea doesn't have near the added amenities of a chapel and two-level bar that this modern motel/event space will have. But, the Sea Sea is just a vintage motel. A name that is appropriate for its use.

I'm not certain I understand all the planned projects that Saga is working on, but it seems that both density and traffic, along with other services, will be greatly impacted by the addition of three similar projects within a relative short distance of one another. Their impact will have both tangible, and intangible, long-term impacts on the community.

I recognize that planning appropriate growth is difficult and that everything changes with time, but over-developing the beachfront with motel-like event spaces and calling them single family residences seems like a loophole that needs to be closed by revising zoning regulations.

I would ask that you grant a 30-day moratorium on this specific project to allow the developer and surrounding property owners a chance to meet and discuss any solution that might be more appealing than the proposed project.

I appreciate your time and consideration.

Paul K. Martin

Dear Commissioners, Directors and Madam Mayor,

We are the organization promoting NO! Mini Hotels and to Develop Smarter in KDH. We have met with some of you and so appreciate the information provided. As you suggested, we contacted SAGA homes today to schedule a meeting in order to discuss the issues and concerns of our residents. One of our members spoke with Amit Gupta. He was very receptive to meeting with us and eager to find a solution that we could all live with. He felt his brother, Sumit, would be the best one to represent SAGA in these discussions. He did, however, say that Sumit would be out of the office for the next 25 days, but could meet with us upon his return. Our issues, which will be presented at the next Commissioners meeting on October 16th, are urgent and can not wait. The building permits have been issued for 1213 S. Virginia Dare Tr, and demo will begin any day on 1207 S. Virginia Dare Tr. Since SAGA has agreed to meet with us, we are asking you to grant a 30 moratorium to give us and SAGA time to work through our concerns. This will only benefit the town and it's residents as these large event homes are the subject of our presentation. There is a third home to be built on 1209 S. Virginia Dare Tr. (an empty lot) that should be included in the moratorium as well.

Since this is a matter that must be addressed expeditiously, we look forward to hearing from you at your earliest convenience.

Paul K. Martin

Market Executive/SVP

pmartin@fbvirginia.com

NMLS/MLO #414850



1 W. Frederick St.
Staunton, VA 24401

540-688-1011 direct
540.332-3100 ext. 4321
540.490.0685 cell
540.885.4633 fax

Quidley, Mary

From: Jill Martin <jmartin@augusta.k12.va.us>
Sent: Tuesday, October 08, 2019 9:34 AM
To: Guns, Meredith; Ray, Cameron; Davies, Sheila F.; BOC
Subject: Moratorium

Dear Commissioners, Directors and Madam Mayor,

My family has owned an oceanfront home located at 1217 S. Virginia Dare Trail in KDH since 1976- SAGA has begun construction on a 28 room "single family home" right next door. We are sick about this development and the effects it will have on our historic homes (one of which is on your Historic Home tour) and our oceanfront. Please grant a moratorium to give us time for input and discussion with SAGA representatives. We need your help!

We are the organization promoting NO! Mini Hotels and to Develop Smarter in KDH. We have met with some of you and so appreciate the information provided. As you suggested, we contacted SAGA homes today to schedule a meeting in order to discuss the issues and concerns of our residents. One of our members spoke with Amit Gupta. He was very receptive to meeting with us and eager to find a solution that we could all live with. He felt his brother, Sumit, would be the best one to represent SAGA in these discussions. He did, however, say that Sumit would be out of the office for the next 25 days, but could meet with us upon his return. Our issues, which will be presented at the next Commissioners meeting on October 16th, are urgent and can not wait. The building permits have been issued for 1213 S. Virginia Dare Tr, and demo will begin any day on 1207 S. Virginia Dare Tr. Since SAGA has agreed to meet with us, we are asking you to grant a 30 moratorium to give us and SAGA time to work through our concerns. This will only benefit the town and it's residents as these large event homes are the subject of our presentation. There is a third home to be built on 1209 S. Virginia Dare Tr. (an empty lot) that should be included in the moratorium as well.

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Jill Martin

Executive Director of Personnel

Augusta County Schools

jmartin@augusta.k12.va.us

540.245.5107



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Quidley, Mary

From: Davies, Sheila F.
Sent: Tuesday, October 08, 2019 4:21 PM
To: Sara Nicholas; BOC
Cc: Guns, Meredith; Ray, Cameron
Subject: Re: Support of Moratorium to Halt Development of Three SAGA Homes in KDH

Dear Ms. Nicholas,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: Sara Nicholas <snicholas@alumni.virginia.edu>
Sent: Tuesday, October 8, 2019 9:14 AM
To: BOC <boc@kdhnc.com>
Cc: Davies, Sheila F. <sdavies@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>; Ray, Cameron <Cameron@kdhnc.com>
Subject: Support of Moratorium to Halt Development of Three SAGA Homes in KDH

Dear Commissioners, Directors and Madam Mayor,

We are the organization promoting NO! Mini Hotels and to Develop Smarter in KDH. We have met with some of you and so appreciate the information provided. As you suggested, we contacted SAGA homes to schedule a meeting in order to discuss the issues and concerns of our residents. One of our members spoke with Amit Gupta. He was very receptive to meeting with us

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Since this is a matter that must be addressed expeditiously, we look forward to hearing from you at your earliest convenience.

Thank you,
Sara Nicholas

Quidley, Mary

From: Davies, Sheila F.
Sent: Tuesday, October 08, 2019 4:22 PM
To: Frank; BOC; Anne Colbourne Lunsford; Anne Lunsford
Subject: Re: Building Moratorium

Dear Mr. Owens,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: Frank <frankhowens@msn.com>
Sent: Monday, October 7, 2019 6:59 PM
To: BOC <boc@kdhnc.com>; Frank <frankhowens@msn.com>; Anne Colbourne Lunsford <lunsfordpa@gmail.com>; Anne Lunsford <baclunsford@gmail.com>
Subject: Building Moratorium

PLEASE PLEASE do something to stop or delay the SAGA houses that are causing all the turmoil.

The charm of this beach is disappearing in a hurry. No one in their right mind could consider what they're doing a Single Family Dwelling.

Wherever you live, PLEASE consider how you would feel if SAGA built one of these houses to replace your existing next door neighbor's house. I assure you if you were a part of the Oceanfront Community that settled here you would feel the same as we do.

Thank you,

Frank Owens
1407-1409 South Virginia Dare Trail (Historic)
1402 South Virginia Dare Trail
1406 South Virginia Dare Trail
800 Holly Street
802 Holly Street

Quidley, Mary

From: Davies, Sheila F.
Sent: Tuesday, October 08, 2019 4:23 PM
To: Pete Kesecker; BOC
Subject: Re: No mini motel in KDH please

Dear Mr. Kesecker,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: Pete Kesecker <pkk4wv@gmail.com>
Sent: Tuesday, October 8, 2019 12:49 PM
To: BOC <boc@kdhnc.com>
Subject: No mini motel in KDH please

----- Forwarded message -----

From: **Jill Martin** <jmartin@augusta.k12.va.us>

Date: Tue, Oct 8, 2019, 8:58 AM

Subject: Send an email! We need the support and it can't hurt!

To: Martin, Paul <pmartin@fbvirginia.com>, Elsie Martin <emartin@bankersinsurance.net>, Judson Nicholas <judson.nicholas@carpenter.com>, Sara Nicholas <snicholas@alumni.virginia.edu>, Aaron Freeman <aaron_freeman45@yahoo.com>, <kkrob8@comcast.net>, Susan Kesecker <susan.kesecker@gmail.com>,

Pete Kesecker <pkk4wv@gmail.com>, Julie R. Rutan <jrutan@essex.k12.va.us>, John Rutan <rutan9999@gmail.com>, Nicole Rutan <rutan.ng@augusta.k12.va.us>

We have sent a letter to our KDH Board of Commissioners, Planning Board members and our Mayor asking for a 30 day moratorium to halt development of three SAGA homes in KDH. SAGA has agreed to meet with us to discuss our concerns, but will not be available until the end of the month. We can not waste any time as the lots are currently under construction. Please join us and send a personal email to the Board of Commissioners (boc@kdhnc.com) and tell them you support the moratorium. You can also contact Mayor Davies (sdavies@kdhnc.com), Planning Director Meredith Guns (meredith@kdhnc.com) and Cameron Ray (Cameron@kdhnc.com). Or, if you prefer, call any of the above at 252-449-5302. MAKE YOUR VOICE HEARD!!

Dear Commissioners, Directors and Madam Mayor,

We are the organization promoting NO! Mini Hotels and to Develop Smarter in KDH. We have met with some of you and so appreciate the information provided. As you suggested, we contacted SAGA homes today to schedule a meeting in order to discuss the issues and concerns of our residents. One of our members spoke with Amit Gupta. He was very receptive to meeting with us and eager to find a solution that we could all live with. He felt his brother, Sumit, would be the best one to represent SAGA in these discussions. He did, however, say that Sumit would be out of the office for the next 25 days, but could meet with us upon his return. Our issues, which will be presented at the next Commissioners meeting on October 16th, are urgent and can not wait. The building permits have been issued for 1213 S. Virginia Dare Tr, and demo will begin any day on 1207 S. Virginia Dare Tr. Since SAGA has agreed to meet with us, we are asking you to grant a 30 moratorium to give us and SAGA time to work through our concerns. This will only benefit the town and it's residents as these large event homes are the subject of our presentation. There is a third home to be built on 1209 S. Virginia Dare Tr. (an empty lot) that should be included in the moratorium as well.

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Jill Martin

Director of Personnel

Augusta County Schools

jmartin@augusta.k12.va.us

540.245.5107



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Quidley, Mary

Subject: FW: Mini Hotels Moratorium

Wednesday, October 9, 2019

Dear Mr. Ross,

I received your request for a 30-day moratorium on current construction at the following locations: 1207, 1209 and 1213 South Virginia Dare Trail. Town staff and the Town Attorney have reviewed your request. In 2011, the North Carolina General Statutes were amended to limit a municipality's authority to enact temporary building moratoriums. Specifically, the statutes prohibit moratoriums on single family dwellings for the purpose of developing and adopting new or amended plans or ordinances as to residential use. The statute reads:

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Sincerely,

Sheila F. Davies, PhD
Mayor
Town of Kill Devil Hills, NC

From: CJ Ross [<mailto:cjross67@yahoo.com>]

Sent: Monday, October 07, 2019 4:46 PM

To: sdavis@kdnc.com; BOC <boc@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>; Ray, Cameron <Cameron@kdhnc.com>

Subject: Mini Hotels Moratorium

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CJ Ross