



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

September 14, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearings

At its August 10, 2020, meeting, the Board of Commissioners (BOC) scheduled the items below for public hearing.

1. Kill Devil Hills Land Use Plan Update (Attached PH-1)

With Kill Devil Hills' current Land Use Plan (LUP) being adopted in 1999, the Town began undertaking the process to create an updated Plan in 2017 to reflect the growth in our community, its values, and its vision for the future.

The BOC directed the Planning Board to take the lead on the project's development process, and following multiple meetings and a joint worksession, the process has culminated in a final draft that has been responsive to citizen, stakeholder, and State input. The Town has been assisted by consultant Dale Holland, of HCP, throughout the LUP development. At its July 21, 2020, meeting, the Planning Board unanimously approved the final LUP draft with a favorable recommendation. At the BOC's August 10, 2020, meeting, members were presented with the final draft of the LUP, and then scheduled a public hearing for this meeting.

In addition to the BOC receiving a paper copy of the LUP, it was also posted on the Town's website, <https://www.kdhnc.com/DocumentCenter/View/12503/Final-Draft-KDHLUP9142020-web> If BOC members would like an additional paper copy of the LUP, please contact Deputy Town Clerk Michael O'Dell.

Staff recommends approval of the Kill Devil Hills LUP, and a motion would be in order to approve the *Resolution of the Board of Commissioners of the Town of Kill Devil Hills, North Carolina, Adopting the Town's CAMA Land Use Update.*

2. Swell Brewery - 1802 S. Virginia Dare Trail – Commercial Zone – Proposed brewery with tasting room, outdoor dining activity area, 30 parking spaces, and associated site improvements (Attached PH-2)

Swell Brewing, LLC, has submitted plans for the proposed construction of a brewery to

Swell Brewing, LLC, has submitted plans for the proposed construction of a brewery to be located at 1802 South Virginia Dare Trail, which includes an outdoor dining activity area, 30 parking spaces, tasting room, and associated site improvements. Because an outdoor dining activity area is included, the development is a conditional use application. At its July 21, 2020, meeting, the Planning Board voted unanimously to forward the plan to the BOC for consideration, with a favorable recommendation.

A motion would be in order.

3. Amendment to Chapter 153, Zoning – 153.077 – modifications to allow LED String Accent Lights in the Commercial Zone (Attached PH-3)

At the July 13, 2020, meeting, the BOC directed Staff to develop an ordinance with options to allow LED string access lights and submit it to the Planning Board for consideration. At its July 21, 2020, meeting, the Planning Board reviewed this recommended amendment to the Zoning Ordinance and voted to forward it for consideration by the BOC. The Town Attorney has reviewed the amendment and has found it to be in compliance with applicable North Carolina law.

Only the text of those portions of Section 153.077 actually amended are included in the packet materials. The entire text of Section 153.077, including the amendment language, appears on the website with the other packet items for this meeting. If approved, this ordinance amendment will permit a structure in the Commercial Zone up to two lines of LED string accent lights no greater than two inches in diameter that are continuous, and parallel to the ground, which can be located no higher than 15 feet from the finished grade and no more than four feet apart. The lights must be permanently mounted to the structure and are limited to one color and one structure per commercial site.

At the conclusion of the public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by the board with respect to the change; therefore, in the motion to approve or disapprove the amendment, the following language should be included:

“The Board of Commissioners finds that the amendment to Chapter 153, Zoning, 153.077 – modifications to allow LED String Accent Lights in the Commercial Zone – is (consistent) (inconsistent) with all comprehensive plans or other official adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”

4. Amended Conditional Use Site Plan – 808A Eighth Avenue in the Light Industrial Two Zone – Modify Site Plan to Remove Workforce Housing Designation from Unit 808A (Attached PH-4)

Amber Harrison Jennings, owner of Unit 808A Eighth Avenue, in the Nature’s Walk complex, has requested a change in the designation of the unit from workforce housing to a market rate unit.

At the conclusion of this public hearing, a motion will be in order to approve, disapprove, or table the amended conditional use site plan for 808A Eighth Avenue in the Light Industrial Two Zone, to convert the property from workforce house to market rate housing.