

Minutes of the Tuesday, November 17, 2020, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Chair Howard Buchanan, T. Dillon Heikens, Mike Lowack, Mark Evans

Members Absent: James Almoney, Ron Seidman, II, Mary Simpson

Others Present: Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; Michael O'Dell, Deputy Town Clerk; and Jennifer Stecher, Clerk to the Planning Board

Call to Order

At 5:32 p.m., Chair Howard Buchanan called this meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Mark Evans moved to approve the agenda for this meeting, as presented. Dillon Heikens seconded that motion, and the motion carried by 4-0 vote.

Approval of the Minutes of the October 13, 2020 meeting

Mr. Evans moved to approve the minutes of the October 13, 2020, meeting, as presented. Mike Lowack seconded that motion, and the motion carried by 4-0 vote.

Public Comment

Richard Hess, of 241 Broadbay Drive, Kill Devil Hills (Colington), is the Chairman of the Board for the Outer Banks Chamber of Commerce. The number one issue that he hears from his membership is the need for housing. Mr. Hess is in support of the Bermuda Bay P.U.D. apartment complex and feels it is needed right away.

Matt Melvin, representing Publix, 1530 North Croatan Highway, Kill Devil Hills, is in favor of reasonably priced housing. The Kill Devil Hills Publix finds housing the number one reason their open positions cannot be filled.

Beth Wadle, owner of Miss Lizzie's, 3720 North Croatan Highway, Kitty Hawk, is in support of the proposed Bermuda Bay P.U.D. apartment complex. Ms. Wadle has had employees move away because of lack of housing near her business. She makes recommendations to her customers for places to shop and eat in KDH and feels as though her business is beneficial to KDH so an opportunity for her employees to have housing would benefit KDH.

Response to Public Comment

Mr. Lowack, Chair Buchanan, Mr. Evans and Mr. Heikens all agreed that reasonably priced housing is a need in the community but the parameters of the Planning Board do not include setting housing prices. The Board can only make sure applicants are in compliance with the Town Code. Mr. Ray verified that the Board's purpose is to verify applicants are compliant with the Town Code and the Board does not have authority to set prices for housing.

Old Business

1. Bermuda Bay P.U.D. - Section Conditional Site Plan Review - 200A - Amend Site Plan for (2) Four Story Multi-Family Structures and Associated Site Improvements

The Conditional Use Site Plan Review submitted by BB Southampton Mews, LLC, for Bermuda Bay P.U.D., Section 200A, amending the previously approved conditional use site plan. The plan includes a proposed amendment to the conditional use site plan including (2) four story multi-family structures (apartment style, mostly 1 or 2 bedroom units) including 112 units with 192 overall bedrooms and associated site improvements with the development name "Somerset". The packet contains the commercial site plan review application, willingness to serve from KDHWTP, site development plans, building elevations, the applicant's response to Town Staff technical review (3) comments, and Staff's most recent technical review comments. The previously reviewed Bermuda Bay P.U.D., section 200A site plan includes (7) multi-family buildings (townhome style mostly 3-bedroom units) including 70 units and 196 bedrooms with associated site improvements with the development name "Southampton Mews". The Planning Board tabled this Conditional Use Site Plan Review at the October 13, 2020, meeting so the applicant could address Staff conditions. The following conditions remain to be addressed for the Town Planning Department:

1. Offer timeline that the proposed Bermuda Bay P.U.D. site can be expected to be completed and built in compliance with the overall site plan. A construction timeline for section 200A provided in submittal dated November 4, 2020 does not address the required overall phasing plan for the entire Bermuda Bay P.U.D. The applicant is required to submit an overall phasing plan for the entire Bermuda Bay P.U.D., otherwise, the site will be nonconforming until built out to completion. Mr. Ray noted

that Staff would be willing to work with the applicant on a reasonable time frame for the phase plan.

2. Provide Owner Authorization from Bermuda Bay P.U.D. Homeowners Association (HOA). The proposed s are items change to the overall site plan for all of Bermuda Bay P.U.D. and the changes use common areas and utility infrastructure. The changes require authorization from the homeowner's association as they all share the same site amenities. The Town Attorney has confirmed that the applicant must provide Owner Authorization from the Bermuda Bay P.U.D. HOA. Mr. Ray recommended the Planning Board table the revised Conditional Use Site Plan for 200A Bermuda Bay P.U.D. until the applicant can provide Owner Authorization from the Bermuda Bay P.U.D. HOA

The applicant, Mr. Gupta of 1713 Bay Drive, is the owner of SAGA construction, and he addressed the Board's questions regarding intent of project start and HOA approval. Mr. Gupta said intent is to provide long-term rental, multi-family units but does not want to label it "Affordable Housing". Mr. Gupta notices the area's need for long-term rentals of all different prices. This particular development was created because he wanted to try to offer a price-point aimed at \$1,200 to \$1,300 per unit. The new units will be smaller than the Run Hill development and there will be no pool in order to keep the price down. In order to comply with number one of the Conditional Site Plan Review, Mr. Gupta will try to give his best estimate with creating a building time line. Gupta would like to ask for approval based on the condition that the site plan will be compliant in a couple weeks. He felt that he can also get the HOA to sign off on the use of the roads and water. Mr. Ray noted that the Conditional Use Site Plan must meet requirements of the condition and that Staff would be happy to work with applicant. Chair Buchanan noted that in order for the Board to approve the Site Plan, it must be compliant. The applicant appreciated Chair Buchanan's candidness and will take his advice and agreed to table the plan for the next Planning Board meeting.

Mr. Lowack moved to table the Bermuda Bay P.U.D. - Section Conditional Site Plan Review - 200A - Amend Site Plan for (2) Four Story Multi-Family Structures and Associated Site Improvements conditional use site plan. Mr. Evans seconded that motion, and the motion carried by a 4-0 vote.

New Business

1. **Site Plan Review – 709 North Virginia Dare Trail – Ocean Impact Residential Zone – Proposed Cluster Home Development including (14) Single-Family Dwellings and Associated Site Improvements**

The Site Plan was submitted by SAGA Realty and Construction for a proposed Cluster Home Development at 709 North Virginia Dare Trail. The proposed plan includes (14) detached single-family dwellings, shared driveway, dune walkover including an open and covered deck,

and associated site improvements. Each proposed single-family dwelling is not to exceed 2,500 square feet of gross floor area and is designed as either a (A) unit with (4) bedrooms or (B) unit with (5) bedrooms. Additionally, each dwelling includes a pool and required parking is contained beneath the structure. The proposed development is a permitted use in the Ocean Impact Residential Zone (GG) Cluster Homes. The packet contains a commercial site plan review application, site plan, KDHWTP, LLC willingness to serve, the applicant's response to the Town Staff's technical review comments, and the most recent Staff comments. The following conditions remain to be addressed:

1. Floor plans and elevations: need to be submitted and are required per §153.355 Site Plan Requirements; (2) Building plans minimum requirements: (a) Heated square footage; (b) Unheated square footage; (c) Building height; (d) Floor Plans; (e) Number of bedrooms; (f) Elevations; (g) Foundation plan.
2. Landscaping: Provide note at locations where a fence is not being used for a buffer showing that the landscaping will be buffer landscaping 30" O.C., minimum of 30" at time of planting, and proposed planting species.

Staff recommended the Planning Board table the Site Plan for the proposed Cluster Home Development for the following reason: The submittal does not meet §153.355 SITE PLAN REQUIREMENTS: (D) (2) Building Plan Minimum Requirements. Not submitting the Building Plan Minimum Requirements, Staff nor the Planning Board can review the proposed site plan submitted for compliance with Town Code requirements. The applicant, Mr. Gupta spoke to address the Staff comments and to clarify the Town Code requirements. Mr. Ray shared the specific Town Code that applies to the applicants Cluster Home Development. Mr. Gupta also expressed an interest in making all the homes different but wasn't sure if it was necessary to come up with fourteen different site plans. Mr. Ray said there can be changes made to the basic plan as long as it does not vary more than 500 square feet and is viewed by Planning Department at the time of permit. After the applicant had questions answered, he agreed to table the Site Plan Review.

Mr. Evans moved to table the Site Plan Review – 709 North Virginia Dare Trail – Ocean Impact Residential Zone – Proposed Cluster Home Development including (14) Single-Family Dwellings and Associated Site Improvements as presented. Mr. Heikens seconded that motion, and the motion carried by 4-0 vote.

2. Site Plan Review – Cook Out Restaurant – 2005 S Croatan Hwy in the Commercial Zone - Proposed 1,500 Square Foot Restaurant with 18 Parking Spaces and Associated Site Improvements

The Site Plan Review submittal by Commercial Site Design, PLLC for the proposed construction of a new 1,500 Sq. Ft. "Cook Out" restaurant at 2005 South Croatan Highway with 18 parking spaces, two drive-through lanes, and associated site improvements. The proposed restaurant is a permitted use in the Commercial Zoning District (O) *Restaurant*. The packet

contains a Commercial Site Plan Review Application, Site Development Plans, water meter sizing form, KDHWTP, LLC willingness to serve, the applicants response to Town Staff technical review comments, and most recent Staff comments which includes a minor calculation of shrubbery to correct and Police recommendation of a bike rack. Staff recommended that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation, after the trees and shrubs requirements are met and the request for a bike rack is addressed. The applicant, Chris Clayton with Commercial Site Design, PLLC was in Raleigh, but attending the meeting via Zoom. Mr. Clayton said he was looking forward to becoming a part of the KDH community.

Mr. Evans moved to approve Site Plan Review – Cook Out Restaurant – 2005 S Croatan Hwy in the Commercial Zone - Proposed 1,500 Square Foot Restaurant with 18 Parking Spaces and Associated Site Improvements to forward to BOC as long adjustments are made. Mr. Lowack seconded that motion, and the motion carried by 4-0 vote.

Public Comment

Mr. Ray read the comments and questions that came from Zoom chat. Questions were raised about the proposed Bermuda Bay apartment complex and its residents using the current Bermuda Bay amenities.

Response to Public Comment

Planning Director Meredith Guns noted that any questions regarding Bermuda Bay amenity usage would have to be directed to the HOA and it does not involve the Town.

Board Member Comment

Mr. Ray wanted to note the final step in the newly adopted CAMA Land Use Plan came to fruition with the final document in printed form for each Planning Board member.

Chair Buchanan read an email from member James Almoney, who could not be at the evening's meeting, notifying the Board of his resignation as the Planning Board's representative on the Community Appearance Commission. Chairman Buchanan thanked him for his service. The BOC will be eliminating the Planning Board representative position on the Community Appearance Commission in the future.

Adjournment

There being no further business before the Planning Board at this time, Mr. Evans moved to adjourn this meeting. Mr. Heikens seconded the motion, which passed with a unanimous, 4-0, vote.

It was 6:42 p.m.

Submitted by:
Jennifer Stecher, Planning Board Clerk