



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that on Tuesday, May 18, 2021, at 5:30 p.m. the Kill Devil Hills Planning Board will hold its regular meeting of the month. Limited seating will be available. Social distancing and wearing masks will be required of all who attend this meeting.

A printed packet is available for public inspection in the Planning Department, 102 Town Hall Drive, off Colington Road. Please contact the Department at 252-449-5318 to schedule an inspection time. Packet materials can also be viewed on the Town's website at <https://www.kdhnc.com/738/Planning-Board>.

Written comments for Public Comment can be emailed to: info@kdhnc.com. Comments must include your name and address and are limited to three minutes for individuals, and five minutes when speaking for a group.

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the April 20, 2021 meeting

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

Response to Public Comment

Old Business

New Business

1. Zoning Amendment Request — Michael Smith — Amend §153.176 Commercial Zone Permitted Uses to Add "Tattoo Studio"

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

Response to Public Comment

Board Member Comment

Adjournment

Posted this 12th day of May 2021.

Jennifer Stecher
Planning Board Clerk

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

Minutes of the April 20, 2021 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, James Almonee, Mark Evans, T. Dillon Heikens, Mike Lowack, Ron Seidman, II, and Mary Simpson.

Members Absent: none

Others Present: Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and Jennifer Stecher, Clerk to the Planning Board

Call to Order

At 5:30 p.m., Chair Howard Buchanan called the April 20, 2021, 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. James Almonee seconded that motion, and the motion carried by a unanimous, 7-0, vote.

Approval of the Minutes of the February 16, 2021 meeting

Mary Simpson moved to approve the minutes of the February 20, 2021, meeting as presented. Ron Seidman seconded that motion, and the motion carried by 7-0 vote.

Public Comment

Response to Public Comment

Old Business

1. Proposed Amendments to Town Code – Revision to Town Code for Compliance with N.C. General Statute 160D Local Planning and Development Regulations

Planning Director Meredith Guns explained the North Carolina General Assembly adopted legislation that reorganizes the statutes related to Local Planning and Development regulations. The new North Carolina General Statute Chapter 160D (N.C.G.S. 160D) consolidates current city and county enabling statutes currently located in N.C.G.S. 153 (County regulations) and N.C.G.S. 160A

(City regulations) into a single unified chapter. N.C.G.S. 160D Local Planning and Development Regulations applies to land use regulations, while other statutes for Cities and Towns are still located in N.C.G.S. 160A. NCGS 160D reorganizes Planning and Development regulations and clarifies several aspects of the previous chapters. All municipalities are required to update local development regulations no later than July 1, 2021, to meet the new terminology and procedures outlined in N.C.G.S. 160D.

Ms. Guns included in the packet:

- A summary of changes to the Kill Devil Hills Town Code to meet the requirements of N.C.G.S. 160D
- Excerpts of changes made to the following chapters of the Kill Devil Hills Town Code to include Chapter 10 General Provisions, Chapter 30 Board of Commissioners, Chapter 31 Boards and Committees, Chapter 150 Buildings, Chapter 152 Subdivisions, and Chapter 153 Zoning.

The proposed amendments are the changes that are required to be made to meet the minimum requirements of N.C.G.S. 160D. Staff has provided the entire packet of changes; however, the Planning Board is responsible for making a formal recommendation on the proposed amendments to the Land Use Section of the Town Code (Chapters 150, 152, and 153).

Ms. Guns did highlight particular changes that will affect Planning Board members. The term *Conditional Uses* will be replaced by *Special Uses*. 160D will require the approval of Special Uses to go through a quasi-judicial process and no longer through the Planning Board. Section 153.364 defines a board member having *close familial, business or other associational relationships* with applicants or land owners that come before the board as a conflict of interest.

Chairperson Buchanan asked if each member of the Planning Board had a chance to read over the materials. All members verbalized that they had read over the material. Chairperson Buchanan asked if any member of the Planning Board had any questions to ask them now. All members voiced that they did not have any questions.

Mr. Evans made a motion to take Staff recommendations and forward the proposed amendments set forth in the summary of changes to Chapter 150, Chapter 152 and Chapter 153, to meet the requirements of the North Carolina General Statute 160D – Local Planning and Development Regulations, to the Board of Commissioners with a favorable recommendation, including the consistency statement. Dillon Heikens seconded the motion, which passed with a unanimous, 7-0, vote.

New Business

1. Minor Subdivision Review – Ocean Acres Townhomes: 220 Ocean Acres Drive – Proposed 4-lot Minor Subdivision

Assistant Planning Director Cameron Ray explained a minor subdivision meeting the requirements of §152 *Subdivisions* is enclosed for the Ocean Acres Townhomes at 220 Ocean Acres in the Low Density Residential Zone. The sketch plan and preliminary plat requirements have been waived and the technical review certified by the Planning Director consistent with §152.25. A minor subdivision requires approval by the Planning Board Chairman prior to recordation. No

action needed by the Board. Chairperson will need to sign document to certify that 220 Ocean Acres is in compliance with §152 *Subdivisions*.

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

There being no further business before the Planning Board at this time, Mr. Heikens moved to adjourn the meeting. Mr. Evans seconded the motion, which passed with a unanimous, 7-0, vote. It was 5:46 p.m.

Submitted by:

Jennifer Stecher
Planning Board Clerk

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

May 18, 2021

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request — Michael Smith — Amend §153.176 Commercial Zone Permitted Uses to Add “Tattoo Studio”

Attached is a Zoning Amendment request from Michael Smith and staff review comments. The request is to allow “Tattoo Studio” to be a permitted use within the Commercial Zoning District. Currently, this use is not permitted within any of the Town of Kill Devil Hills Zoning Districts. The Town had a similar request in 1998 (23 years ago). Below is the brief history of this request in Kill Devil Hills:

- In 1998 a zoning amendment request to allow tattoo and body piercing as a conditional use in the Light Industrial One zoning district was denied by the Board of Commissioners.
- No requests to allow tattoo parlors have been submitted in Kill Devil Hills since 1998.

Staff recommends the Planning Board review the requested amendment, as follows:

COMMERCIAL ZONE (C)
§ 153.176 PERMITTED USES.
(II) Tattoo Studio.

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 — §153.176 Commercial Zone Permitted Uses to Add “Tattoo Studio”

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.176 Commercial Zone Permitted Uses to Add “Tattoo Studio” ***is/is not*** consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent/inconsistent** 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 Eighteenth day of May, 2021.

Attest:

Planning Board Chairman

Secretary of Planning Board



Kill Devil Hills Code Amendment Application

Name of Applicant: Michael J. Smith

Address of Applicant: 19557 Carleno dr, East Lake, N.C. 27953

Telephone Number: 252-202-5685

Agent for Applicant (if applicable): _____

Agent Address: _____

Telephone Number: _____

I hereby request an amendment to the following specific section of the Town Code: Title XV section 153.176

Permitted Uses Within the Commercial Zone

Proposed language for code amendment: I would like the town to add section (II) Tattoo Studio.

Justification for Amendment: I have an interest in opening a Tattoo Studio in the Commercial District of Kill Devil Hills N.C. I have viewed and discussed the use of a leased property which is located in the Commercial District that would fit my needs wonderfully that the Real Estate company in charge of would be ready to enter into a rental agreement with me pending the outcome of this zoning application.

Signature of Applicant/Agent: 

Date Received: <u>4/14/21</u>	Staff Only:
Received by: <u>Ryan Lay</u>	

Ray, Cameron

From: Harris, Dana
Sent: Monday, April 19, 2021 1:42 PM
To: Ray, Cameron
Subject: RE: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses

Cameron

We do not have a comment about the request for a change to the Zoning Amendment for the "Tattoo Studio".

Dana

From: Ray, Cameron
Sent: Monday, April 19, 2021 1:10 PM
To: Elliott, Donna <DONNA@kdhnc.com>; Albright, Steve <Steve@kdhnc.com>; Dail, Derek <derek@kdhnc.com>; Harris, Dana <dharris@kdhnc.com>; Tilley, Troy <troy@kdhnc.com>; Lang, Ryan <rlang@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>
Subject: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses
Importance: High

Good Afternoon All,

Attached is a Zoning Amendment Request from Michael Smith to add "Tattoo Studio" to Commercial Zone Permitted Uses. This request would allow a building or structure to be used as "Tattoo Studio" in the Commercial Zone.

COMMERCIAL ZONE (C)
§ 153.176 PERMITTED USES.
(II) Tattoo Studio.

Please provide your comments by **END OF DAY, Thursday, April 29, 2021**. Your comments are important and will be provided to the Planning Board and Board of Commissioners when considering the proposed request.

Sincerely,

Cameron Ray, CFM
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com

Ray, Cameron

From: Dail, Derek
Sent: Tuesday, May 4, 2021 4:59 PM
To: Ray, Cameron; Albright, Steve
Cc: Guns, Meredith
Subject: RE: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses

Public Services has not comment

From: Ray, Cameron
Sent: Tuesday, May 4, 2021 10:13 AM
To: Albright, Steve <Steve@kdhnc.com>; Dail, Derek <derek@kdhnc.com>; Tilley, Troy <troy@kdhnc.com>
Cc: Guns, Meredith <MEREDITH@kdhnc.com>
Subject: RE: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses

Good Morning,

Please see email below regarding a Zoning Amendment Request where comments were requested by end of day, Thursday, April 29, 2021. The ZA request is attached.

Please provide your comments ASAP. If you do not have any comments, please respond indicating so.

Sincerely,

Cameron Ray, CFM
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com



From: Ray, Cameron
Sent: Monday, April 19, 2021 1:10 PM
To: Elliott, Donna <DONNA@kdhnc.com>; Albright, Steve <Steve@kdhnc.com>; Dail, Derek <derek@kdhnc.com>; Harris, Dana <dharris@kdhnc.com>; Tilley, Troy <troy@kdhnc.com>; Lang, Ryan <rlang@kdhnc.com>; Guns, Meredith <MEREDITH@kdhnc.com>
Subject: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses
Importance: High

Ray, Cameron

From: Tilley, Troy
Sent: Tuesday, May 4, 2021 10:25 AM
To: Ray, Cameron
Cc: Risoldi, John; Roepcke, Frank
Subject: RE: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses

Cameron, good morning...

No comment from Fire...Please give me a call if you have any questions...

Troy N. Tilley
Fire Chief
Town of Kill Devil Hills, NC
252-480 4060 ext. 5222

From: Ray, Cameron <Cameron@kdhnc.com>
Sent: Tuesday, May 04, 2021 10:13 AM
To: Albright, Steve <Steve@kdhnc.com>; Dail, Derek <derek@kdhnc.com>; Tilley, Troy <troy@kdhnc.com>
Cc: Guns, Meredith <MEREDITH@kdhnc.com>
Subject: RE: Zoning Amendment Request - Add "Tattoo Studio" to Commercial Zone Permitted Uses

Good Morning,

Please see email below regarding a Zoning Amendment Request where comments were requested by end of day, Thursday, April 29, 2021. The ZA request is attached.

Please provide your comments ASAP. If you do not have any comments, please respond indicating so.

Sincerely,

Cameron Ray, CFM
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