




TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

June 23, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager 

REF: New Business

2. Oceanfront shoreline accesses (Attached NB-2)

At the April 28th Public Forum, a request was made for consideration of additional seating areas at the Town's improved beach accesses. The Planning Department has consulted with Staff at the North Carolina Division of Coastal Management (CAMA) and found that additional seating could be allowed, classified as an "open deck" with the provision that it comply with the regulations associated with the Ocean Hazard Area of Environmental Concern. CAMA further explained that the AEC requirements would necessarily eliminate such seating from being possible at all access facilities; each access would be independently evaluated for compliance and overall suitability.

Assistant Planning Director Cameron Ray's accompanying memorandum provides full detail information on this matter.

Staff proposes the Town continue to maintain our existing shoreline facilities with the intent of providing access to the oceanfront with only minimum effect to the dune system. Accessibility of these facilities is a Town priority and should be continued for compliance with ADA requirements. Staff also proposes to continue site review and recommendation for design features based on location and topographical features of specific ocean accesses, and include large seating areas as potential improvements when all rules and regulations can be met.

Board guidance will be appreciated.

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

June 23, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Oceanfront Shoreline Access

In response to the request that was made at the recent Board of Commissioners Public Forum for seating areas at existing KDH Beach Accesses, Staff has compiled the following information for review including regulations associated and Staff concerns:

The attached email is from Ron Renaldi, District Manager for the NC Division of Coastal Management. Town staff consulted with Ron to discuss with him how the CAMA regulations would apply to this type of development. As stated in the attached email, CAMA regulations allow for this development to be permitted. It would be classified as an "Open Deck" and would be required to follow the regulations associated with the Ocean Hazard AEC. These regulations for "Open Decks" in the AEC include but are not limited too; shall be landward of the first line of stable vegetation, landward of the seaward toe of the primary/frontal dune, shall not impact the integrity of the dune, shall not exceed 500 square feet. However, Mr. Renaldi states that this would not be possible at all access facilities, each access would have to be independently evaluated for compliance.

Additional to Mr. Renaldi's response for this development in regards to CAMA regulations, it is important to note that Ocean Hazard Area is considered an Area of Environmental Concern (AEC). The Ocean Hazard AEC has specific setback requirements from the hazard area for development to not affect the environmentally sensitive area. Elevated beach access walkways including open/covered decks are exempt from the setback requirement and have to meet the regulations associated with them. The intent of this exception is to provide access to the Ocean shoreline while not affecting the natural integrity of the dune system. Elevated walkways provide access, but also allow the dune to naturally migrate, vegetate, and marine life to traverse the shoreline and dunes without obstruction.

The Town of Kill Devil Hills Shoreline Access Plan was recently updated in 2019. The Shoreline Access Plan includes existing improvements, possible improvements, maintenance, funding, and management. Access Seating is not recommended in the current plan nor in any of the previously adopted plans. When regarding the Ocean Beach Shoreline; The KDH Shoreline Access Plan states the following policy: "Pedestrian walkways elevated above the dunes on pilings safeguard the dune and facilitate the beach visitors' travel between their automobiles and the beach".

Additional regulations also shall apply to this development including KDH Zoning and Flood Damage Prevention and the North Carolina Building Code. KDH Zoning and Flood Damage Prevention regulations allow for this development, however there is design criteria for the development in the High Hazard flood zone that would require the seal of an NC Design Professional. NCBC regulations allow for this development. Several key requirements of the NCBC that would come into play for this development would be; Accessibility, guard rails, structural design.

Staff has several concerns as outlined below:

- Beach accesses have been developed with the intent of accessing the public beach in a manner that is not affecting the integrity of the dune system. The intent has not been to provide seating area along the dune, nor has it been identified in Board discussion about the Shoreline Access Plan
- Current maintenance of the existing facilities is already a large task for the B&G Department and this would increase maintenance cost and time
- Damage during storms and natural erosion along the oceanfront (similar to stairs that B&G has to repair/replace frequently)
- This development type is a costly to meet all the requirements of the regulations that are in place
- Potential damage to dunes
- Hardening of the natural function of dune
- Proliferation of this type of development by private citizens on the dune system could change the appearance of the natural dune system Town wide
- Beach Nourishment area, northern Town line to Windsong Way, engineered beach does not allow for this because the dunes are engineered and cannot be altered (hardened)
- Benches at existing accesses already achieve a similar use

Staff recommends the Town continue to maintain the existing shoreline facilities (Town Beach Accesses) with the intent of providing access to the oceanfront while affecting the dune system minimally. Accessibility of these facilities is a priority of the Town and should be continued for compliance with the ADA. Town Staff has identified needs on beach accesses in the past and continue to implement when possible. Large seating areas have not been pursued as a potential improvement in the past; however, with no objection from the BOC we will keep the idea open as a potential access improvement in the future should an opportunity present itself.

Guns, Meredith

From: Renaldi, Ronald <ronald.renaldi@ncdenr.gov>
Sent: Wednesday, May 5, 2021 9:37 AM
To: Guns, Meredith
Subject: RE: [External] Citizen Request - Access seating

Good morning Meredith,

Looking at the 2020 aerials for the Clark Street access, it appears that the proposed location is landward of the 60' setback, so short of being on site and reviewing an actual proposed plan, I don't see why it wouldn't be permissible. I can see there are dune decks more seaward to the north.

If this would be wanted at additional access sites, then each one would have to be individually reviewed.

When you initially asked, I thought the seating was going to be seaward of the FLSNV at the dune toe.

Ron Renaldi
District Manager, Northeastern District
NC Division of Coastal Management
NC Department of Environmental Quality

Ronald.Renaldi@ncdenr.gov
(252)264-3901

401 S. Griffin St., Ste 300
Elizabeth City, NC 27909

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From: Guns, Meredith <MEREDITH@kdhnc.com>
Sent: Thursday, April 29, 2021 11:50 AM
To: Renaldi, Ronald <ronald.renaldi@ncdenr.gov>
Subject: RE: [External] Citizen Request - Access seating

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The picture is Clark Street but wants them at as many access as possible.

From: Renaldi, Ronald [<mailto:ronald.renaldi@ncdenr.gov>]
Sent: Thursday, April 29, 2021 11:48 AM
To: Guns, Meredith <MEREDITH@kdhnc.com>
Subject: RE: [External] Citizen Request - Access seating

Is this for a particular location?

Ron Renaldi

District Manager, Northeastern District
NC Division of Coastal Management
NC Department of Environmental Quality

Ronald.Renaldi@ncdenr.gov
(252)264-3901

401 S. Griffin St., Ste 300
Elizabeth City, NC 27909

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From: Guns, Meredith <MEREDITH@kdhnc.com>
Sent: Thursday, April 29, 2021 11:41 AM
To: Renaldi, Ronald <ronald.renaldi@ncdenr.gov>
Subject: [External] Citizen Request - Access seating

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Attached is a request made to your Board of Commissioners by a citizen to add amphitheater seating on the east side of the dune system. I wanted to get your thoughts if this would be permissible under CAMA regulations so I can report back to my elected officials.

Thank you

Meredith Guns
Town of Kill Devil Hills
Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5318

Dock Street soundside access; beach access signage; sidewalks; public parking; refuse collection; and tree preservation.

David Rollins, 1504 Small Court, Kill Devil Hills – Mr. Rollins shared that he regularly visits the Clark Street Beach access for lunch, and presented a visual for the development of a section of amphitheater seating, where multiple patrons could enjoy the access without walking onto the beach.

Amy Scarborough, 1805 Sea Swept Road, Kill Devil Hills – Ms. Scarborough inquired whether there were any regulations to promote tree preservation during lot development.

In response, the BOC shared information and updates on the following items:

Recreational Facilities and Beach Accesses

Hayman Park, which will remain a neighborhood park, will receive new playground equipment in the first phase, with an eventual pavilion and other amenities. Meekins Field construction is ongoing, and will include a multi-use field, a playground, restrooms, shaded picnic areas, and a splash pad.

Mayor Sproul said there had been follow up regarding the Third Street access, noting that the fencing was allowable. Moor Shores estuarine access is currently being developed with a Division of Coastal Management grant and will include five parking spaces and a short pier for non-motorized launch. Planning Director Meredith Guns noted the project was out for bid and that Staff hoped to have the access completed by mid-summer. She noted that Dock Street was a public access operated by the State of North Carolina. Ms. Guns stated there seemed to be some conflict between motorized and non-motorized launching at the Dock Street access. At this time, there are no plans to expand parking at the Town's improved beach accesses; however, there could be some development at unimproved accesses.

The BOC thanked Mr. Rollins for his submission, and directed Staff to review the possibilities of developing amphitheater-style seating. Ms. Guns stated that Coastal Area Management Agency (CAMA) regulations provided heavy oversight for the accesses, their structure, and amenities, but welcomed the concept for CAMA review. She also shared that Staff is developing updated recommendations for the Town's Shoreline Access Plan for the BOC's review.

Signage

On display at the meeting was updated signage for beach accesses and wayfinding signage for recreational facilities. Staff shared that the signage for the beach accesses consolidated information from multiple existing signs, which will be removed. The BOC noted that these signs, along with lighted crosswalks and other upgrades, were part of the Town's commitment to increase consistency in messaging while decreasing redundant signage and communicating with different populations. The BOC directed Staff to include a Quick Response