



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

January 10, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearings

1. Public Hearings

Notice for the following items has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings, posted on the Town's bulletin boards, website at <https://www.kdhnc.com/962/January-10-2022-Board-of-Commissioners-M>, and social media platforms, and has been disseminated through the town's electronic distribution list.

A. Special Use Application (Attached PH-1A1)

1. 2003 S. Croatan Hwy in the Commercial Zone – to add Outdoor Dining Activity Area

This special use application was submitted by Noosa Beach Grille for an Outdoor Dining Activity Area at 2003 N. Croatan Highway within the Commercial Zone. As a Special Use accessory to a restaurant there are 12 applicable conditions in Subsection §153.177(H), which are attached, along with the commercial site plan application, proposed site plan, and Dare County Health Department approval.

The Planning Board reviewed this request at its October 12, 2021 meeting and agreed to forward it to the BOC with a recommendation for approval, subject to one condition, which has since been satisfied. At its December 13, 2021, meeting, the BOC scheduled this quasi-judicial public hearing.

Town Attorney Casey Varnell will be present to assist the BOC in conducting the hearing.

B. Zoning Amendments Requests (Attached PH-1B1, 1B2, 1B3, and 1B4)

At its December 13, 2021, meeting, the BOC scheduled the following zoning amendments for this public hearing. At the conclusion of these public hearings, a motion will be in order to approve, disapprove, or table each amendment for further consideration.

Additionally, a finding must be established by the Board with respect to each change; therefore in the motion to approve or disapprove each amendment, language has been included for the each item below:

1. §153.210(C) Light Industrial Two Zone – to increase Floor Area Ratio (FAR) for multi-family development

If approved, this requested amendment to regulations within the Light Industrial Two Zone will allow multi-family development projects to utilize FAR for density requirements in a manner similar to existing requirements in the Ocean Impact Residential Zone and Commercial Zone. A graduated FAR is proposed: from a base of 0.50 to 0.55 if the developer increases the site yard setbacks; and, in addition to the increased setbacks, if the developer increases the side yard buffer by two feet, the maximum FAR factor would be 0.60.

On November 16, 2021, the Planning Board voted to recommend approval of this ordinance, which accomplishes the abbreviated explanation above. The full language appears in the Assistant Planning Director’s December 13, 2021 memorandum.

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, §153.210(C) Light Industrial Two Zone – to increase Floor Area Ratio (FAR) for multi-family development is (consistent) (inconsistent) with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”

A motion is in order.

2. §153.310(A) and §153.311(A) Cottage Courts & Cluster Homes – to remove requirement to abut NC12 in the Commercial and Ocean Impact Residential Zones

This requested amendment to sections §153.310(A) and §153.311(A), would remove the requirement for Cottage Courts & Cluster Home developments to abut NC 12 in the Commercial and Ocean Impact Residential Zones.

At is November 16, 2021, meeting, the Planning Board voted to recommend approval by the BOC of the language contained in the Assistant Planning Director’s December 13, 2021 memorandum.

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, §153.310(A) and §153.311(A) Cottage Courts & Cluster Homes – to remove requirement to abut NC12 in the Commercial and Ocean Impact Residential Zones is (consistent) (inconsistent) with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”

A motion is in order.

3. §153.100(D) Ocean Impact Residential Zone and §153.180(C) Commercial Zone - to add density requirements for Cottage Courts & Cluster Homes

Proposed by Staff to establish density requirements for Cluster Homes & Cottages, which were inadvertently overlooked in 2018 when these uses were originally approved, this amendment would add these two uses to the density requirements within the zoning districts in which they are allowed: the Ocean Impact Residential and Commercial Zones. The full ordinance language appears in the Assistant Planning Director's December 13, 2021 memorandum.

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, §153.100(D) Ocean Impact Residential Zone and §153.180(C) Commercial Zone - to add density requirements for Cottage Courts & Cluster Homes is (consistent) (inconsistent) with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”

A motion is in order.

4. §153.076(A)(13) Off Street Parking and Loading - to add sidewalk requirements for Cottage Courts & Cluster Homes

If adopted, this proposed amendment will clarify that sidewalk construction/installation will be required of all Cottage Courts & Cluster Homes developments along US 158, similar to all other multi-family and commercial developments.

The Planning Board voted to recommend this amendment, which is fully detailed in the Assistant Planning Director's December 13, 2021, memorandum.

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, §153.076(A)(13) Off Street Parking and Loading - to add sidewalk requirements for Cottage Courts & Cluster Homes is (consistent) (inconsistent) with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”

A motion is in order.



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(KDH Town Seal)
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on Monday, January 10, 2022, at 6:00 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, the Kill Devil Hills Board of Commissioners will hold public hearings to receive public comment, both written and oral, on the following items:

A. Special Use Application

- 1. 2003 S. Croatan Hwy in the Commercial Zone – to add Outdoor Dining Activity Area**

B. Zoning Amendments

- 1. §153.210(C) Light Industrial Two Zone – to increase Floor Area Ratio (FAR) for multi-family development**
- 2. §153.310(A) and §153.311(A) Cottage Courts & Cluster Homes – to remove requirement to abut NC12 in the Commercial and Ocean Impact Residential Zones**
- 3. §153.100(D) Ocean Impact Residential Zone and §153.180(C) Commercial Zone - to add density requirements for Cottage Courts & Cluster Homes**
- 4. §153.076(A)(13) Off Street Parking and Loading - to add sidewalk requirements for Cottage Courts & Cluster Homes**

The public hearings will be conducted in-person and social distancing guidelines will be observed.

Information on these items may be viewed on Kill Devil Hills' website: <https://www.kdhnc.com/962/January-10-2022-Board-of-Commissioners-M> or in the Town Clerk's Office, 102 Town Hall Drive, Kill Devil Hills. Arrangements can be made for personal inspection of the item materials by contacting the Town Clerk at 252-449-5300, or by emailing odell@kdhnc.com.

Written comments, which will be included with the record of the public hearing, may be submitted to the Town Clerk, P.O. Box 1719, Kill Devil Hills, NC 27948, or by e-mail to: info@kdhnc.com. Comments must include your name and address, and should be limited to three minutes when read aloud (five minutes when speaking for a group).



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At these public hearings, the Board of Commissioners may take action on the item, with such action to include approval, disapproval, or tabling the items for further consideration.

Posted this 20th day of December 2021.

James Michael O'Dell
Deputy Town Clerk

Coastland Times – Please publish as a legal ad in the following editions:

12/22/2021
12/29/2021