



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

January 26, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager 

REF: Public Hearing

1. Public Hearing

Notice for the following item 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/964/January-26-2022-Board-of-Commissioners-M>, social media platforms, and has been disseminated through the town's electronic distribution list.

A. Amendment to the Town of Kill Devil Hills Official Zoning Map

Planning Director Meredith Guns' attached memorandum highlights the recent discussions between Staff and the engineer for Dare County Schools about the expansion of existing teacher housing for future expansion. Staff is recommending rezoning this area from RL to LI2, which allows multi-family. Staff has also included minor changes to existing zoning lines to make the areas more consistent with the uses. The Planning Board recommended forwarding this for BOC consideration with a favorable recommendation. At the January 10, 2022, meeting, the BOC scheduled this item for today's hearing.

At the conclusion of this 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 any change; therefore in the motion to approve or disapprove this amendment, the following language has been included.

“The Board of Commissioners finds that the amendment to The Town of Kill Devil Hills Official Zoning Map 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.

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

January 10, 2022

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: Amendment to the Town of Kill Devil Hills Official Zoning Map

The Town staff has been in discussion with John Delucia, engineer for Dare County Board of Education, about expansion of the existing teacher housing. This property is located in the Residential Low Zoning District. When the project was originally constructed, multi-family was a special use in the RL zone, however the regulations have changed and multi-family is no longer a use that is permitted in the zone. The Dare County Board of Education would like to rezone their property to Light Industrial Two Zone, which is the district adjacent to the property. This rezoning change would allow for the multi-family teaching housing expansion they are proposing and make the existing development conforming.

In addition to the area around teacher housing, staff would also like to clean up some zoning lines that were originally adopted in the 1980's based on the actual use of the property. Attached is the proposed Zoning Map Amendment for Board of Commissioners consideration.

As you recall, on November 8, 2021 the Board of Commissioners agreed that this would be beneficial change to the zoning map specifically for the teacher housing expansion. This would allow for multi-family development at a much greater density and more lot coverage than was previously allowed in the RL zone allowing for the Dare County Board of Education to look at a larger project now and into the future. Additionally, it will clean up some past zoning lines to make the area more consistent with the uses. After discussion, the Board of Commissioners forwarded this rezoning to the Planning Board for review and recommendation.

The Planning Board reviewed this request on December 14, 2021 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the January 26, 2022 Board of Commissioners meeting.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
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PLANNING DEPARTMENT

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To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MHG*

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PLANNING BOARD REPORT

Per NCGS 160D-604(b), Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

Per NCGS 160D-604(d), Plan Consistency – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Map Amendment to the Town of Kill Devil Hills Official Zoning Map

Approval/Denial: Planning Board finds that the Proposed Zoning Map Amendment to the Town of Kill Devil Hills Official Zoning Map is not consistent with the adopted Land Use Plan.

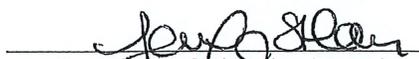
Therefore, the Planning Board finds the proposed amendment is consistent/inconsistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 4 to 0, this the Fourteenth day of December, 2021.

Attest:



Planning Board Chairman



Secretary of Planning Board

